Book Reviews


The Dictionary of Irish Law provides a basic and comprehensive introduction to the Irish legal system. Its emphasis is distinctly provincial with a primary focus on the substantive areas of domestic legal regulation.

The book is organized on a strictly definitional basis, working its way alphabetically from legal terms in common use derived from local practice to those borrowed and imported from other jurisdictions. The strength of the book is that it provides a concise source from which the perimeters of Irish law can be constructed. Its understandable limitations are the brevity of its discussion and a lack of critical appraisal of issues relevant to those structures.

The focus on international and European law is limited. The legal relationships of the Irish state with the European community, the United Nations and various international human rights instruments are all functionally described in the text. This approach serves a useful purpose for the reader unfamiliar with basic structural information pertaining to international organizations and treaties. However, this limits the value of the work for the internationalist seeking knowledge on distinctive statutory and judicial responses to international obligations within the Irish jurisdiction. The descriptive approach avoids mention of the constitutional and political difficulties created by Ireland’s membership in the European Community and its ratification but non-incorporation of the European Convention on Human Rights into domestic law. The lack of such discussion limits interest for the reader seeking to ascertain the response of the Irish legal system to supra-national legal dialogue. Nonetheless, the dictionary provides a comprehensive starting point from which to assess the domestic legal system.

Combined with other specialist sources, it may be used to contextualise the interplay of the international legal order with the local.

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The concept of ius cogens refers to superior international legal norms of a constitutional (and some may argue for a supra-constitutional) order. As such it may be expected to serve as a stabilizing element within the international legal system. Yet, the list of international legal norms which enjoy the status of ius cogens is hotly debated and far from being settled. The area of human rights is one of the battle-grounds on which proponents of a broad scope of ius cogens and their opponents clash.

Jalil Kasto’s book purports to examine whether international humanitarian legal norms can be regarded as enjoying the status of ius cogens.

Unfortunately, the book does not contribute to our understanding of ius cogens, in general, and its interaction with humanitarian law, in particular. The arguments put forward in the book are not backed by serious theoretical discussion. Furthermore, most of the author’s conclusions are mere restatements of his assumptions. Indeed, the author fails to further the reader’s thinking even in the direction which he claims to be the main issue of the book, i.e., ‘to answer finally, if humanitarian law could be considered as norms of ius cogens’. His analysis of this question leads to no real conclusions.

The research for the book also seems to be substantially lacking. A look at the bibliography and the footnotes reveals the absence of many basic sources regarding both ius cogens and humanitarian law.