



2013

Book Review of the Max Planck Encyclopedia of Public International Law (Rüdiger Wolfrum, Ed., Oxford University Press, 2012)

Sean D. Murphy

George Washington University Law School, smurphy@law.gwu.edu

Follow this and additional works at: http://scholarship.law.gwu.edu/faculty_publications

 Part of the [Law Commons](#)

Recommended Citation

Sean D. Murphy, Book Review of the Max Planck Encyclopedia of Public International Law (Rüdiger Wolfrum, Ed., Oxford University Press, 2012) in 107 *American Journal of International Law* 510 (2013).

This Book Review is brought to you for free and open access by the Faculty Scholarship at Scholarly Commons. It has been accepted for inclusion in GW Law Faculty Publications & Other Works by an authorized administrator of Scholarly Commons. For more information, please contact spagel@law.gwu.edu.

Book Review of
The Max Planck Encyclopedia of Public International Law
(Rüdiger Wolfrum, ed. 2012)

in 107 *American Journal of International Law* 510 (2013)

Sean D. Murphy
George Washington University Law School

In the period leading up to World War II, the great German professor of public and private international law, Karl Strupp, of the University of Frankfurt, produced several significant works designed to promote the use and understanding of international law. From 1924 to 1929, he published a three-volume compendium on international law written in German, the title of which translated as *Dictionary of International Law and Diplomacy*.¹ In 1937, he wrote a monograph entitled *Legal Machinery for Peaceful Change*, which contained the draft of an international peace convention that Strupp hoped would help prevent the outbreak of war in Europe. The latter did not work out so well, but the former took on a life of its own, mutating over time into *The Max Planck Encyclopedia of Public International Law*.

Strupp's compendium was updated in 1960–1962 by Hans Jürgen Schlochauer, who kept it in four volumes and in the German language.² Importantly, Schlochauer relied on the assistance of an institute founded in 1949 as the successor to the Kaiser Wilhelm Institute for

¹ KARL STRUPP, WÖRTERBUCH DES VÖLKERRECHTS UND DER DIPLOMATIE [DICTIONARY OF INTERNATIONAL LAW AND DIPLOMACY] (3 vols.) (1924–1929).

² KARL STRUPP, WÖRTERBUCH DES VÖLKERRECHTS UND DER DIPLOMATIE [DICTIONARY OF INTERNATIONAL LAW AND DIPLOMACY] (4 vols.) (Hans Jürgen Schlochauer ed., 1960–1962).

Foreign and International Public Law—the Max Planck Institute for Comparative Public Law and International Law, located in Heidelberg.

By the 1980s, it was time again to update the work, and the task fell to Rudolf Bernhardt, simultaneously serving as the director of the Institute, a chaired professor at the University of Heidelberg, and a judge of the European Court of Human Rights. Bernhardt essentially overhauled the work, acting as the general director of a project that commissioned scores of authors (mostly from German-speaking countries) to write on a broader range of topics, and this time in English so as to reach a more global audience. The new work, entitled *Encyclopedia of Public International Law*—which informally became known as the “Max Planck Encyclopedia”—came out in installments from 1981 to 1990 and consisted of twelve volumes, nearly doubling the number of pages of the *Wörterbuch*.³

In 2004, the Max Planck Institute launched yet another generation of the work, this time called the *Max Planck Encyclopedia of Public International Law* (MPEPIL), under the direction of Rüdiger Wolfrum. Like Bernhardt, Wolfrum wears three hats: director of the Institute, chaired professor of international law at the University of Heidelberg, and, since 1996, a judge on the International Tribunal for the Law of the Sea. As befits a new century, the MPEPIL was first unveiled in an online version in 2008,⁴ followed in 2012 by a print version in ten volumes plus an index volume.

Even a cursory comparison with the earlier Bernhardt version reveals that, despite the legacy, this compendium is a whole new ball game. In terms of content, only 12 of the Bernhardt

³ ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW (12 vols.) (Rudolf Bernhardt ed., 1981–90).

⁴ The online version may be accessed by individuals or institutions for a fee at

articles were taken verbatim into the new version, while some 350 articles were dropped, the rest were rewritten, and more than 700 new articles were added,⁵ including in areas of considerable growth, such as international criminal law, international dispute settlement, trade law and environmental law. All told, this edition contains more than 1,600 articles, beginning with the *AAPL v. Sri Lanka* case and ending with “Zones of Peace.” Each article contains cross-references to related articles and concludes with a bibliography of the most significant primary materials and secondary sources on the topic.

In terms of authorship, the contributors have expanded well beyond Germanic scholars to encompass more than eight-hundred scholars and practitioners from some eighty-three nations, with each entry peer reviewed by members of an advisory board.⁶ As for the delivery of the content, the printed version is impressive in its mass and weight, but it is the online version that will dominate in the years to come, not just because of its accessibility from anywhere the Internet goes, but because the product allows the reader easily to design basic or advanced searches to locate articles on topics of interest, which may then be reviewed electronically or downloaded and printed in PDF format. Moreover, while the print edition is static until a new edition appears, the electronic version is to be expanded and updated regularly, and subscribers can receive e-mail alerts about the publication of new articles. The March 2012 update added more than 200 new articles. Finally, the electronic version of the *Encyclopedia* is linked with other online materials of Oxford University Press, giving the user additional sources to peruse

<http://www.mpepil.com>.

⁵ I THE MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW vii (Rüdiger Wolfrum ed., 2012).

⁶ *Id.*

with ease.

For example, if a researcher were interested in the use of drone aircraft to engage in targeted killings, she could log onto the online *Max Planck Encyclopedia* and type in the term *drone* in the search box. The search results would lead her to five *Max Planck Encyclopedia* entries: “Iraq, No-Fly Zones” (by Michael Wood); “Civilian Participation in Armed Conflict” (Nils Melzer); “Extraterritoriality” (Menno T. Kamminga); “Civilian Objects” (Dominik Steiger); and “Targeted Killing” (Georg Nolte). Clicking on this last entry would then lead her to Nolte’s essay, in which he succinctly and thoughtfully addresses various aspects of targeted killing: definition; use of term and legal context; basic rules; the relevance of the presence of an “armed conflict”; human rights law—the right to life; international humanitarian law; combatants; civilians; and evaluation. Within those subsections are numerous terms that provide links to other entries in the *Max Planck Encyclopedia*. Thus, when Nolte discusses the right to life under the International Covenant on Civil and Political Rights (ICCPR), an embedded link allows the researcher to immediately jump to the *Encyclopedia’s* entry for the ICCPR. Where Nolte refers to cases, such as the International Court of Justice’s (ICJ’s) *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*, the researcher has options to jump to the relevant *Encyclopedia* entry or to the decision itself as contained in the Oxford Reports on International Law or on the ICJ’s website. Further, the researcher is provided a list of alternative citations for the case (such as to *International Legal Materials*). Nolte’s essay concludes with a bibliography of thirty-one articles, chapters, and books on the subject published in the past twenty years.

All told, there is little question that the *Max Planck Encyclopedia* lives up to its claim as

the definitive reference work for international law, especially for a new generation of international law scholars who are more comfortable clicking rather than thumbing their way to answers.

SEAN D. MURPHY

George Washington University Law School