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MARIE-LOUISE H. BERNAL*

BOOK REVIEWS

Foreign Law: Current Sources of Codes and Basic Legislation in Jurisdictions of the World. By Thomas H. REYNOLDS and Arturo A. FLORES. Littleton, CO: Fred B. Rothman & Co., 1989-. 3 volumes, looseleaf, var. pag. Price per set: US $450.00; price per individual volumes: US $175.00.

Every so often a bibliographic work is born which merits special attention. This is a review about one of such works.

In 1953, when the world seemed so much smaller than today and legal literature was definitely more manageable, the International Committee of Comparative Law (or, more precisely, its Commission for Legal Documentation) came out with a paperbound volume, modest in appearance, which bore the strange and obscure title of *A Register of Legal Documentation in the World.* Despite this title, the publication became an instant best-seller, so much so that a second and much enlarged edition, prepared by the International Association of Legal Sciences under the supervision of Dr. Kurt Lipstein, was published in 1957. The secret of the book's success rested in its content. For the first time was the information about the main sources of law of all countries of the world, as well as other items of interest to legal researchers, placed together in an attractively organized manner within the covers of one small book. This was a book with no frills and it was devoid of pretentious scholarship, but it had a wealth of information. The material was arranged alphabetically by country, and each country section contained several conveniently scannable lists. There was one list for the texts of a country's constitutions, another list for codes, then one for subordinate or delegated legislation, and yet another one for law reports. Other lists included the names of the main law schools and centers of legal research, the major law libraries, the larger professional law associations, the major legal periodicals, and the most useful law bibliographies. It was the intrinsic simplicity of the book that made it instantly popular as a bibliographic reference tool. And yet to those familiar with the production of similar publications the compilation of *A Register of Legal Documentation in the World* signified much hard labor combined with infinite patience, perseverance, and ingenuity. It was fortunate that as one of its main originators the project had the indomitable Professor René David, then the Secretary-General of the International Committee

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of Comparative Law. His broad circle of acquaintances among the legal scholars of the world ensured cooperation and prompt responses. It was equally fortunate that the project was conducted in the 1950's when financial support for scholarly and especially bibliographic pursuits was relatively easy to secure. As it happens, the *Register* was sponsored and financed by UNESCO.

Unfortunately, despite its initial success, the *Register* came to an end with the publication of the second edition in 1957. No further editions were published thereafter, and no updates were ever issued. The International Committee of Comparative Law ceased to have interest in the project for reasons unknown to this reviewer, and other organizations were not willing or able to take it on. There was some hopes that the systematic gathering of information about the published sources of law could be revived when the idea of publishing the *International Encyclopedia of Comparative Law* originated in the early 1960's, but the editors of this otherwise excellent encyclopedic publication deemphasized the importance of bibliographic information. In the meantime, with the many changes taking place in the world, even the second edition of the *Register* gradually became outdated.

In 1970's and early 1980's many discussions took place about ways and means of updating the *Register* or starting up a similar project from scratch. Even this reviewer took part in some of these exciting brainstorming sessions. However, nothing was ever done. The innumerable talks failed to produce any concrete results. The updating of the *Register* was considered by most experts to be too formidable and complex as to guarantee success. The number of jurisdictions had almost doubled since the 1950's, and information about the sources of law in many of them seemed to be beyond accessibility. Conversely, in countries with advanced technologies, automation brought about an incredible growth in the number of legal information sources, both as traditional books and in the form of micromaterials as well as electronically retrievable databases. All of these developments seemed to place unsurmountable obstacles in the path of any bibliographic project of global dimensions. Furthermore, there was no funding anymore. The UNESCO, when approached in the 1970's, refused to support the preparation of another edition of the *Register,* and later it began to have financial problem of its own. Other funding organizations were similarly unreceptive.

In the meantime, whilst others talked, two talented and intrepid law librarians took matters in their own hands. Proceeding systematically, they began gathering information about the main sources of law for all countries of the world other than the United States (which, in any event, is already adequately covered in a wide choice of legal research manuals and bibliographies). The result of their effort is the superb work reviewed herein.

Of course, both of these law librarians are eminently qualified to conduct a project of such demanding nature. Thomas H. Reynolds, the Associate Librarian of the University of California Law School Library at Berkeley, is the editor of the *Index to Foreign Legal Periodicals* and the author of many articles on comparative and international legal research. His collaborator Arturo A. Flores, Director of the Law Library at Golden Gate University in San Francisco, has excellent foreign law research experience through his former association with Berkeley. Both are thorough and careful bibliographers with a deep appreciation of comparative legal theories and first-class knowledge of the world's many legal cultures and systems.

Upon completion the Reynolds and Flores work, comprehensive in content and global in its geographic dimensions, will consist of three looseleaf volumes. Volume 1, published this year, covers the Americas (other than the United States, as has already been mentioned). Volume 2, to be published in the latter part of 1990, will deal with the countries and regional organizations of Western and Eastern Europe. Volume 3, Africa, Asia, and Australia, is expected to appear in the summer of 1991. The authors intend to keep all three volumes updated annually.

The arrangement within each volume is intended to be alphabetical by name of the country or regional organization. For example, the first volume, in addition to individual country sections, includes special sections for the Andean Group, the Caribbean, Central America, and Latin America. Volume 2 will have special sections for the European Communities and, it is to be expected, for the European Council as well as Eastern European regional organizations. Each section begins with a concisely and excellently written introduction which describes the particular country's legal system and sources. The introduction also mentions the major English-language books on the laws of that country. This is followed by bibliographically annotated lists of a country's constitutions, major codes, main compilations of laws, law report series, and official gazettes. The heart of each country's section is a list of main law arranged by subject. This list has the practical value of enabling a user to ascertain simply by means of checking under a subject entry what laws are operative in a particular subject area. Wherever they are available, additional references are made to English-language translations of the laws mentioned in the subject list of the particular country. The information in every section also includes references to international conventions and treaties which are then more fully described in an appendix at the end of the volume.

Volume 1 begins with a general introduction which not only explains the objectives of the work, but also describes succinctly the state of the law in the Americas and offers hints for researching through official sources as well as through publications in the English language where the particular country is not anglophonic. It is expected that other

volumes of this work will contain similar introductions for their respective areas of the world. A major part of the introductory section consists of a bibliography of "Material Indexed". This, in effect, is a list of all kinds of publications, English or foreign and official or private, where English translations of foreign laws or information in English about such laws is likely to appear. The list contains full bibliographic information about the publications mentioned herein. This enables the same publications to be referred to by short or abbreviated titles in the country sections accompanied by a special symbol which alerts the user to the availability of complete bibliographic information in the "Materials Indexed" list.

To make the work fully self-contained and complete, there is an appendix which contains information about vendors of Latin American law publications. There is no such list for vendors of Canadian legal materials. Perhaps the authors thought that such information for Canada is unnecessary.

It should be made clear that the present work, excellent in its own right, is quite different from the *Register of Legal Documentation in the World.* In some respects it is much more detailed, and yet it is not as broad in scope. For example, it does not contain information about legal periodicals, reference works, and bibliographies; nor does it list law schools, legal research centers, and law libraries. In fact, the Reynolds and Flores work does not refer to books or journal articles unless they contain legislative texts or other authoritative sources of law. Yet what this book does so well, which is the listing of current code and law provisions under different major subject headings, the *Register* never attempted to do at all. In other words, the *Register* was mainly a bibliographic compilation whereas the Reynolds and Flores work is predominantly a selective and specialized reference directory to codes, statutes and other sources of legislation in the major legal subject areas of the different countries of the world. Furthermore, it also offers information about the official publications of constitutions, codes, laws, and law reports as well as about their English translations in official or commercial publications. It is in this respect that the Reynolds and Flores work acquires the distinction of being unique. In terms of its geographic coverage and, even more so, in terms of its information arrangement it is one of its kind. In some respects, it is more reminiscent of Continental reference tools than American bibliographies. In any event, it is a work practitioners and academicians alike will find instructive and helpful.

The Reynolds and Flores work is a project of ambitious dimensions. Even if the authors were eventually to accomplish a part of it only, they would perform a signal service to all who are involved in international legal practice. Judging by the sections so far completed, the authors have performed a truly thorough and professional job. The

information is current and complete. More important, it also is accurate and reliable. The editing is impeccable. The content is uniformly consistent in quality, and the arrangement thereof is clear and easy to use. Anyone engaged in international legal work, even on an intermittent basis, should seriously consider acquiring this work. In the long run, it is bound to become a worthwhile investment.

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MIGA and Foreign Investment: Origins, Operations, Policies, and Basic Documents of the Multilateral Investment Guarantee Agency. By Ibrahim F.I. SHIHATA. Dordrecht etc., Martinus Nijhoff, 1988. Pp. xvi, 540. Dfl. 295.00; US$152.00; UK£89.00 (hardbound).

MIGA and Foreign Investment traces the development and outlines the provisions of the convention establishing the Multilateral Investment Guarantee Agency (MIGA). The author, Ibrahim Shihata, is Vice President and General Counsel of the World Bank and was intimately involved in the creation of MIGA, which was promoted by the World Bank. As Mr. Shihata notes in the introductory chapter, foreign investment can be critical in the development of third world economies. Unlike loans, there is no requirement of periodic interest payments or eventual repayment. Yet, partly because returns on investments are perceived to be less certain, particularly in developing countries, there may be more hesitation to invest on the part of potential investors unless they receive certain assurances concerning the status of their investments. MIGA was created to provide such assurances.

The book traces in detail the evolution of MIGA, from early proposals in the 1960's to the negotiation of the actual text in the 1980's. Because the author played a key role in the negotiations that finally led to MIGA's creation, he is in a unique position to describe those negotiations and to trace the evolution of the key compromises that are embodied in the text of the convention. As such, the book serves as a sort of quasi-official history of the MIGA negotiations.

The heart of the book (chapters 3, 4 and 5) explains the operations of MIGA. Essentially, MIGA will provide foreign investors in qualified host countries with guarantees against certain risks that would have the potential of destroying or reducing the value of their investments. The risks that MIGA covers are certain currency transfer risks, expropriation risks, contract breach risks and war and civil disturbance risks. In discussing the risks convered, the book refers extensively to the text of the convention, the official commentary on the convention and the draft

implementing regulations (all of which are included as appendices to the book). By doing so, the exact scope of MIGA's potential coverage is spelled out, along with the various exceptions or qualifications. The book also deals with the way in which MIGA plans to administer its guarantees and describes the additional technical, research and informational services in respect of foreign investment that MIGA hopes to provide to developing countries.

The last third of the book deals with policy and institutional issues. For example, under the convention, MIGA will guarantee investments only if the investment conditions in the host or receiving country meet certain minimum standards. In this connection, Mr. Shihata has an interesting and informed discussion of the extent to which countries must be committee to provide compensation for expropriated investments in order to meet the minimum standards for investment conditions. Finally, dispute settlement mechanisms and voting procedures in MIGA are described. With respect to the latter, MIGA's provisions are unusual for a major world financial institution in that it is envisaged that there will eventually be voting parity between developed and developing countries in the institution, and in the first few years of operation, provision is made to give the developing members of MIGA a vote in excess of their contributions. Mr. Shihata was instrumental in achieving agreement on the voting procedures and describes their operation in some detail.

MIGA and Foreign Investment is an excellent sourcebook for information on the history and prospective operation of the Multilateral Investment Guarantee Agency. The author knowledgeably discusses the key issues from the perspective of an insider. While the discussion is not particularly critical, it is very informed. Whether MIGA will have its hoped-for positive effect on investment in developing countries will only be known in the future, but Mr. Shihata gives one confidence that every effort will be made to make it succeed.

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Justice and Efficiency: General Reports and Discussions. (The Eighth World Conference on Procedural Law). Edited by W. WEDEKIND. Deventer, Antwerp, Boston: Kluwer Law and Taxation Publishers, 1989. Pp. ix, 460. US $55.00 (paperbound).

The Eighth World Conference on Procedural Law was held in Utrecht from 24-28 August 1987, attended by jurists from 50 countries. Organized by the Dutch Association for Procedural Law along with the

International Association for Procedural Law and the University of Utrecht Law Faculty, the theme of "justice and efficiency" was prompted by the rapid increase in civil litigation during the 1970s and 1980s in many nations.

Justice and Efficiency includes the general reports, summaries of discussions, and major speeches from this conference. In fact, only the first two of nine topics directly deal with the issue of "overload." The issue is thoroughly treated, nevertheless, in five general reports considering the basic causes and origins—both procedural and sociological—of the problem (Gimeno-Sendra, Julien, Borucka-Arctova) as well as the perspective of managing overload in appellate courts in both capitalist (Jolowicz) and socialist (Németh) countries.

Other general reports synthesize many national contributions on matters as disparate as improving civil litigation by looking to arbitration (Habscheid, Schlosser) or to administrative procedures (Garth, Vescovi) or by simplifying the taking of evidence (Denti, Taruffo), improving procedures for the enforcement of foreign judgments and arbitral awards (Barbosa Moreira, Kerameus), informal alternatives to ordinary litigation (Blankenburg, Taniguchi), the use of summary proceedings (Meijknecht, Verschuur), and technology and informatics in judicial administration (Koers, Pelger). Mauro Cappelletti's closing speech on the role of procedural scholarship today is a wonderful summary of problems facing contemporary proceduralists. He uses the International Association of Procedural Law's trilogy of congresses—Ghent, Würzburg, and Utrecht—to develop his theme. This begins with "justice with a human face," moves toward the "effectiveness of judicial protection and constitutional order," and arrives at "justice and efficiency."

The quality of the general reports in this volume is very high. Most are written in English and a few are in Spanish, French, or German. The book is essential reading for proceduralists striving to stay current in the larger world of their field.

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International Civil Litigation in United States Courts: Commentary and Materials. By Gary BORN with David WESTIN. Deventer, Antwerp, Boston: Kluwer Law and Taxation Publishers, 1989. Pp. xxv, 736. Dfl. 168.00; UK£54.00; US$75.00 (hardbound).

Authors Gary Born and David Westin set out to provide a comprehensive treatment of the emerging law of international civil litigation in the U.S. courts. This scholarly work does just that, in a

well-organized and well-conceived manner. Although organized like a traditional law casebook, with notes and questions at the end of each section, the work also serves as a good resource for the practitioner, with its detailed commentary and case citations.

The book is divided into chapters which parallel the various phases of a civil proceeding. Jurisdiction, service of process, and forum selection are discussed in the first three chapters. The next chapter covers the taking of evidence outside the United States. The doctrine of sovereign immunities, subject matter jurisdiction and extraterritorial application of U.S. laws, and the act of state doctrine are the subjects of following three chapters. The final two chapters discuss the enforcement of foreign judgments in the U.S. courts and international arbitration.

The appendixes contain several important documents, including the Hague Service and Evidence Conventions, the Foreign Sovereign Immunities Act, and the New York Convention.

This work fills a void that has existed for some time in the expanding area of international litigation. It is suitable for use as a casebook in an international law course, as a hornbook in a law library's reserve collection, or as a reference source in a practitioner's office. It comes at an appropriate time and should serve as a valuable resource to those in the field of international litigation and to those outside the field who seek an introduction to the subject.

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Drugs and Punishment: An Up-to-Date Interregional Survey on Drug-related Offenses. By Dušan COTIČ. Rome, United Nations Social Research Institute, 1988. Pp. 146 (paperbound).

During the last few decades, drug abuse and drug trafficking effected the responsibility and behavior of the states and the community of nations to such an extent that these crimes became a major cause for a drastic revision of the penal legislation and for introduction of a new type of legal treatment, nationally and internationally.

Foreworded by the Director of the United Nations Social Defense Research Institute (UNSDRI), Ugo Leone, the work under review, "Drugs and Punishment", is an achievement of Professor Dušan Cotič, Judge at the Federal Supreme Court of Yugoslavia, acting as Consultant to the UNSDRI.

The primary task of the study, based on the interregional survey undertaken by the mentioned Institute, is to cover the current penal regulations included in criminal and specific legislative acts on drugs,

particularly, with regard to illegal cultivation and production and illegal trade and trafficking of drugs. It also reflects the influence of the international treaties in this field, primarily the Single Convention on Narcotic Drugs of March 30, 1961, as amended by the 1972 Protocol and Convention on Psychotropic Substances of February 21, 1971. Based on information obtained from a questionnaire, to which over 30 countries replied, and on the assistance of national experts and officials of these states, the work represents a detailed analytical survey of the national legal systems and covers contemporary provisions contained in penal and related legislative acts grouped on a regional basis: Europe (including New South Wales, Australia), Asia, Africa and Latin America.

In a very detailed manner, convenient for consultation, the work provides for each country (like Japan, Korea, etc.) and each crime (like illicit trafficking, illicit production or cultivation, illicit import/export, possession, etc.), the title of the legislative act, citation, provision, penalty, and other related information. Especially valuable feature of the study is the section in which the author submits his recommendations for current trends in drug-related penal policy and practice and for use in promotion of a more harmonious approach in treatment of the issues.

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International Handbook on Contracts of Employment. Edited by John S. BRADLEY and Brian YOUNGMAN, with a foreword by John R. SALTER. Deventer: Kluwer Law & Taxation Publishers, 1988, 1 v. (looseleaf). US $132.00.

We live on an earth that is shrinking. Increased global connection and interdependence are hardly new trends for this decade or even this century, but they seem to be striking us with particular force recently, flattening us against our seats as the acceleration takes hold, speeds on.

The generation now coming of age missed the shock of seeing those first fantastic pictures of our marble planet, floating so serene and endangered in the glossy black of space. That vision is now the stuff of pre-school picture books, as well it should be. U.S. workers begin to learn the names of Mexican border towns in answer to the questions about where their jobs are being taken when the plant closes down. It turns out that our hamburgers have something intimate to do with Central American rain forests, that West Coast air passengers can opt for a Japanese lunch in ersatz lacquer picnic boxes, and a large law publisher decides to reject optical scanners as a method of inputting the daily cascade of judicial opinions into its growing database, because

having the opinions keyboarded half a world away by nimble-fingered Korean women is more cost-effective, at least for the present.

All of this can be pretty disorienting, especially perhaps for Americans, who confront not only a shrinking globe, but the undeniable erosion of our economic position relative to other nations upon it. All of us, in our different trades and different ways, reach out for tools to help us get our bearings, survive, and plan ahead.

One such tool, related specifically to law and legal systems in a global economy, is the new edition of the *International Handbook on Contracts of Employment.* The purpose of the *Handbook* is to aid "those advising or working for commercial undertakings with overseas operations," and the form is designed to be "easily understood by lawyers and non-lawyers alike."[1] It is prepared under the auspices of the International Labor Law Committee of the Section on Business Law of the International Bar Association.

As the editors explain, "since 1976 the world-wide development of labor law has been dramatic," "rapid," and characterized by "increasing complexity."[2] Accordingly, they have chosen a new format. By means of a standard framework of analysis and presentation, they hope to preserve the ease of transnational comparison fostered by their prior system (consisting of twenty-four identical questions posed and answered for each jurisdiction), while allowing for greater flexibility to accommodate the variety of national systems and the rate of change the editors have learned to anticipate.

The information contained in the *Handbook* is similar to the material readers might find in the "Doing Business in Europe" portion of the CCH *Common Market Reporter.* However, the *Handbook* is broader in geographic coverage and narrower in substantive focus than the CCH volume (the latter addressing itself not only to labor law matters, but to questions of taxation, corporate organization, political structure, the economy, environmental rules, court systems, and the like.)

The *Handbook* currently presents "National Reports" on eleven jurisdictions[3]. Each report addresses the following topics: (1) contract of employment (including form, hiring, contents, foreign employees), (2) termination of employment (including notice requirements, legal sequelae, special provisions for plant closures, and foreign employees), (3) equal pay for men and women, (4) discrimination, (5) the right to strike, (6) trade unions, (7) arbitration and conciliation, and (8) worker participation in management. Regular updates to these reports are planned. Eventually the *Handbook* is slated to have national reports on thirty countries.[4] The editors do not address the question of how

1. *International Handbook on Contracts of Employment,* General Section, 7.

2. *Id.*

3. The jurisdictions are: Australia, England and Wales, Northern Ireland, France, Italy, The Netherlands, Nigeria, Singapore, South Africa, Sweden, and Switzerland.

4. Future entries are planned to include: Argentina, Belgium, Brazil, Canada, China, Denmark, Egypt, Germany (Fed. Rep.), India, Ireland, Japan, Malaysia, New Zealand, Norway, Saudi Arabia, Scotland, Spain, Sri Lanka, United States of America.

the covered countries were selected, though an answer would surely make interesting reading. Nowhere is there the least suggestion, for instance, that South Africa is anything other than a perfectly appropriate and non-problematic site for "overseas operations."

Altogether, the handbook appears to be a useful tool for those it is designed to serve. A persistent problem in comparative law publication, whether scholarly work or practice aid, is the virtually unavoidable need to communicate at least in part by means of loose, out-of-context descriptions and disembodied translations, even though the subjects of interest are by necessity complex and contextual. Particularly helpful for those made queasy at the prospect of being on the receiving end of that problem are the introductory sections the *Handbook* provides to the national reports. Each gives a brief preliminary statement, followed by an annotated list of relevant sources of law and legal institutions in the national system under discussion. They provide at least some rudimentary context, and some sense of where to turn for underlying authority if one wanted to explore further.

I have said that the *Handbook* appears to be a useful tool for those it is designed to serve. But what of those it is *not* designed to serve? What of those who do not own or advise "commercial undertakings with overseas operations," but who might nonetheless have a substantial stake in the activities of those operations and the legal rules imposed upon them? I am thinking here of people whose interest in the law may indeed be great, but who exercise no effective market demand in the world of legal publications due to their relative lack of resources and organization. I am thinking of people like the workers in a Buffalo auto accessories factory who learned that half their jobs were being sent to the booming new "maquiladora" belt along the U.S.-Mexico border, or residents of the South African townships and homelands whose futures will be in part determined by the level of investment in South African enterprise undertaken by the commercial undertakings this *Handbook* is designed to guide.

As librarians and legal professionals it behooves us to think occasionally of the volumes that are missing from our shelves and the people who are missing from our reading rooms. What would an "International Handbook on Contracts of Employment" look like if written primarily for those whose lives are most directly affected by "commercial undertakings with overseas operations"? What, for instance, would the residents and employees of Bhopal want to know about national and international legal systems and the duties and liberties those systems have assigned to Union Carbide? Or what of a U.S. steel worker who has lost his job to German competition, and has been told that his own union's resistance to "corporate flexibility" and capital mobility is the root cause of the loss? What might he want to know about the laws related to plant closing and job security in West Germany?

The most pressing questions of such readers would go unanswered by this text, of course. My guess is, for instance, that a black domestic servant from one of the homelands in South Africa would find little of immediate use in a report that informs its readers that "South African citizens of all racial groups are permitted to seek employment wherever and with whomsoever they wish."[5] My guess is that members of COSATU, the Congress of South African Trade Unions, would need quite different legal advice about their rights and vulnerabilities than that offered by this eerily sanitized statement in the text: "The registration of trade unions is encouraged by affording them special advantages which are not available to unregistered trade unions."[6] Or what about members of the National Union of Miners at the Anglo-American Corporation's Western Deep Levels Mine whose sit-in was broken up by armed company guards, and who were forced down mine shafts at gun-point during the wave of miners' strikes in South Africa in 1987? I suspect they would feel the need for some further elaboration on a statement such as the following: "[T]he victimisation of a union member will constitute an unfair labour practice and a criminal offence."[7]

Nevertheless, even for the very different and unintended reader I have hypothesized, the present *Handbook* provides some relevant information. Our steelworker might be surprised to learn, for instance, that in the Netherlands any firings or layoffs, including those resulting from plant closure, and including those conducted with the proper procedural protections (mainly adequate notice and approval by the Regional Labour Office), may create liability for an employer if they are found to have been "unreasonable." One measure of unreasonableness in the Dutch system, says the *Handbook,* is that "having regard to the provisions made for the employee the consequences of the termination for him are too serious in relation to the interest of the employer."[8] An employer contemplating a plant closing or reduction in force must consult with the union, and obtain approval from the Regional Labour Office prior to closing.[9]

Similarly, our hypothetical steelworker could learn from the *Handbook* that Sweden "guarantee[s] union organizations a measure of influence on the conduct of cutbacks."[10] "Consultation should begin

5. *Handbook,* report on South Africa, 15.

6. *Id.* at 39. COSATU was formed in 1985, enrolled an average of 500 new members per day in 1987 despite reprisals and severe restrictions by the apartheid government, and then in February 1988 was one of seventeen popular opposition movements effectively banned under authority of the State of Emergency.

7. *Id.* at 41. Readers interested in learning more about South Africa have a plethora of resources. I will cite simply the annual reports from the Southern Africa Project of the Lawyers' Committee for Civil Rights Under Law as a starting place. The Lawyers' Committee is headquartered in Washington, D.C. Incidents and facts mentioned in this review were taken from the Committee's 1987 report, published in 1988.

8. *Id.,* report on the Netherlands, 25-26.

9. *Id.* at 28.

10. *Id.,* report on Sweden, 24.

at the earliest opportunity and the unions should be given the opportunity to influence the employer's decision. Thus, the employer is under an obligation to provide the unions with sufficient material for their assessment as well as see to it that the unions participate at such a stage where the employer's decision may be influenced."[11] This news from the Western industrialized democracies might well shock our hypothetical steelworker if he makes the same ideological assumptions most Americans do about what it somehow "naturally" means to "own" a productive facility. If so, it would be a healthy shock, and probably overdue.

With this first installment of its second edition of the *International Handbook* Kluwer provides a helpful service to transnational companies and their advisors. Surely such person and entities need and deserve concise and dependable reference guides for their business decisions. Conveniently, they are in a position to effectively demand and pay for them. As the world grows smaller, and as our interdependencies with the environment and with each other become daily more evident, let us hope and work for a day when a broader group of persons and nations have the guides and tools they need to defend and represent themselves in the future that is bearing down upon us all.

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Index to Legal Books. New York, London: R.R. Bowker, 1988. 6 vols. U.S. $599.00.

Of all the sources of information about the law, legal treatises are the most under-appreciated and under-utilized. Now there is a resource that could make attorneys more aware of these important secondary sources. However, it is not clear that *Index to Legal Books* will become a standard bibliographic tool that all libraries will want. Bowker's self-styled "master guide to legal literature" is a unique reference work that merges the indexes of over 800 legal treatises. The six volume set is organized by chapters devoted to a particular topic. Most of the chapters are fairly broad (Criminal Law and Procedure; Domestic Relations; Federal Practice; Torts); but a few are narrower (Juveniles; Appellate Procedure; Products Liability). Forty of the proposed 58 chapters are completed and there is to be selective updating on a quarterly basis.

The Bowker editors have not indexed the treatises themselves. Rather, they have selected titles for each chapter and rather mechanically combined the indexes that already exist for the individual treatises. The

11. *Id.* at 26.

editors were looking for recent works of more than 100 pages that discuss U.S. or international law without dealing strictly with the law of a particular jurisdiction. Casebooks, formbooks, reporters, and statute compilations are to be excluded. Finally, the editors wanted books that are "generally in the mainstream of legal research." "Mainstream" strikes me as too restrictive and too value-laden: does this mean no Nolo Press materials?

In examining the one volume available for review (Vol. 3, Criminal-Environmental) it appears that the Bowker editors have relied exclusively on material from established publishers. More than ninety percent of the indexes used come from books published by Matthew Bender, Callaghan, Clark Boardman, Foundation Press, Lawyers Co-Op, Michie, Practicing Law Institute, Shepards—McGraw Hill, Warren, Gorman, and Lamont, West, or Wiley. The number of titles included varies greatly from chapter to chapter. There are over sixty books used for Criminal Law and Procedure; but just ten dealing with Damages and Remedies. While there is a chapter devoted to International Law, all of the titles included in the other chapters are treatises on United States law. *Index to Legal Books* is of no use for researching comparative questions or for finding the law of any other country. Most of the books included are first-rate and the editors have selected most of the heavily used and frequently cited treatises, e.g. *Wharton's Criminal Law* and LaFave and Israel's *Criminal Procedure.* However, there are also a number of "Cases and Materials" entries as well as most of the Nutshell series. These are invaluable, but it is doubtful that these contain the type of material a researcher using the *Index to Books* would want. Moreover, there is already a high level of awareness for the Nutshells. If they are looking for a succinct treatment, most attorneys and students will just go to this series without consulting a reference tool.

The omissions I noticed in Volume Three were mainly titles that may be too recent: the 1987 edition of La Fave's *Searches and Seizures* and a three volume treatise from West on Environmental Law. (The first two volumes of this set were published in 1986.) These would appear important enough to warrant a fast revision of the respective chapters. It remains to be seen if Bowker will be or can be that responsive with their updates. If a student comes to my reference desk looking for "something about the Clean Air Act," I would be tempted to show her the most recent general treatise: something that cannot be found in *Index to Legal Books.*

Many of the editorial features are helpful. Each index is preceded by a separate list of subject headings and each page of the indexes instructs the user to consult the chapter's book list. The editors have also included many "see" and "see also" references. I would have preferred more of the former and less of the "see alsos". For some topics, the researcher has to check three or more headings. For example, there is a listing

for "Counsel, Right To", a listing for "Right to Counsel;" and listing for "Counsel" in which "Right to" appears as a subheading. Shouldn't all of the pertinent sections of all of the books be accessible at one heading, e.g. "Right to Counsel"? I was also bothered by the use of both "Instructions to Jury" and "Jury Instructions". While the costs of developing a comprehensive authority file for the indexes would be prohibitive, the users would have benefitted from the some selective subject analysis.

But who are these users? Experienced researchers and librarians will already be familiar with the majority of the titles indexed here. At the same time, *Index to Legal Books,* while fairly easy to use, will appear too complex for some users. They will think they need a librarian's help to come away with the titles of the helpful books. Perhaps the greatest need for *Index to Legal Books* is in firms where associates are frequently exploring new areas of the law. Many of the larger academic libraries will want the set (some have already purchased it) and it is a hard title to resist. If the goal is to have a complete reference collection, then *Index to Legal Books* must be considered.

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The Warsaw Convention Annotated; A Legal Handbook. Lawrence B. GOLDHIRSCH. Dordrecht/Boston/London: M. Nijhoff, 1988. Pp. xvi, 411. Dfl. 250.00; US $135.00; UK£82.00 (hardbound).

As planned by the author, this book is not a treatise or a comprehensive study of air carrier liability but a compilation of cases arranged in the order of the articles of the Warsaw Convention to facilitate rapid research by non-lawyers as well as lawyers and judges.

It purports to provide an up-to-date research tool for the ascertainment of valid case law shared and to be shared among states parties in order to obtain the goal of uniform interpretation and application of the rules of the Convention. The annotations given for each article are the main features of the book and mainly determine its success or failure.

Immediately following the text of each article of the Convention, the annotations may be divided into two categories: explicatory and interpretive. The former consists of either the author's personal remarks or those derived from well-known treatises on air law. The latter are short notes of judicial decisions. The annotations are presented without any distinct order under specific headings of the legal issues which have arisen from judicial interpretations and applications of the uniform rules of the Convention.

It is these case notes that, due to their crucial importance to the formation of a uniform law of international carriage by air, warrant close scrutiny and comments.

Three pertinent questions readily come to mind: What are the chosen source materials for the case notes? Is the coverage selective or comprehensive as to both sources and cases used? Finally, are the annotations conducive to the development of uniform interpretation and application of the Warsaw rules?

The cases given in the body of annotations appear to be international in scope covering all the major countries engaging in international air transport. While the author relies predominantly on source materials such as law reports and law reviews from the United States, France, West Germany and Great Britain, judicial decisions interpreting and applying the Warsaw Convention in countries such as Argentina and Japan are also included.

The author is silent on the question of coverage. Based on the "List of Citations and Abbreviations" of titles of reports and reviews, etc. used for the annotations, selective coverage is to be presumed. This observation is manifestly true even without a quantitative survey of all relevant source materials. Minor criticism aside—e.g. *Annuaire de Jurisprudence de [should be "du"] Quebec* is a digest rather than the title of a series of law reports and the current title of the most important general law reports of Quebec cases is the *Recueil de Jurisprudence du Quebec—Annuaire de jurisprudence du Quebec,* the digest, is wrongly listed along with *Dominion Law Reports,* 3rd ed. (exclusion of previous editions is also questionable). It must also be noted that a number of titles providing source materials for air law cases on the Warsaw Convention are omitted. These include, for example, *Il Diritto Aereo, IATA Carrier Liability Reports* and the *Card Index of International Air Law Cases* (chiefly on the Warsaw Convention) by Guldimann Werner.

One may even ask why the major treatises which have been published in the broad area of private international air law and include many extensive analytical and critical studies of the relevant cases on the Warsaw Convention are not included to ensure a more comprehensive coverage. Georgette Miller's *Liability in International Air Transport: the Warsaw System in Municipal Courts,* Deventer-Kluwer, 1977 is a good example of such treatises. So is Rene H. Mankiewicz's *The Liability Regime of the International Air Carrier: a Commentary on the Present Warsaw System,* Kluwer, 1981. On the other hand, if such treatises had been consulted by the author, this fact should be duly acknowledged.

Perhaps of crucial importance to the assumed objective of the work is the question of whether or not the notes, explicatory as well as those based on cases, contribute to the development of uniform judicial interpretation and application of the Warsaw Convention.

Ideally, a strong scholarly input should include a comprehensive and balanced presentation of all relevant cases interpreting and applying the Convention as well as an effort to link and trace cases across jurisdictions through indepth and critical study of the historical developments of the uniform application of the Convention as manifested by transnational judicial notification and invocation of foreign decisions.

At the minimum level, a selective sampling of relevant cases of major aviation countries would also discharge the task of a scholarly participant in this specific process of law-making. This would entail leaving to others taking on the function of a more challenging nature, the responsibility of analytical study and critical reasoning.

The author positions himself fairly well in between these alternatives by being selectively extensive in terms of coverage and analysis.

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The New GATT Round of Multilateral Trade Negotiations: Legal and Economic Problems. Edited by Ernst-Ulrich PETERSMANN and Meinhard HILF. Deventer, The Netherlands: Kluwer Law and Taxation Publishers, 1988. Pp. x, 597. (Studies in Transnational Economic Law, Volume 5) US$144.00; UK£81.00; Dfl. 250.00 (cloth).

As the General Agreement on Tariffs and Trade (GATT) proceeds through its most critical renegotiation process in what is known as the Uruguay Round, any book on either the GATT itself or any of its aspects is bound to attract attention. This is especially true today as major shifts with as yet unpredictable consequences take place in the world economy, and the established 40-year old patterns of international trade are literally coming unstuck. There is much confusion and uncertainty as exchange rates continue to fluctuate, inflation ravages many countries, and foreign debts distort economic relationships throughout the world. As the world searches for solutions, the opinions and predictions of experts become important. Hence also the importance of a scholarly book on any topic dealing with international trade and finance.

The book under review, the fifth in the excellent series of *Studies in Transnational Economic Law,* represents an authoritative gathering of the views on the subjects of GATT and the Uruguay Round expressed by a truly impressive group of specialists. The book consists of a collection of papers first presented at a conference in Bielefeld, West Germany, in June 1987. Superbly organized and edited, with an excellent index, it examines the GATT and the world of a fairly liberalized international trade system it has created (of course, as long as the United States remains the major import market) by focusing on three issues.

The first of these issues is the structure or "constitution" of the modern GATT. The GATT has evolved into an incredibly complex and confusing arrangement. In addition to the GATT itself, it consists now of many so-called "side agreements" or "codes", like the agreement on technical barriers to trade, for example, as well as of many equally special or ancillary agreements regulating the sale of specific commodities, e.g., multifibers. Determining the legal authority of the respective categories of agreements and organizing them into a functional system is a difficult task. The treatment of such agreements by the governments and courts of the GATT member countries is just as confusing. In fact, the whole dispute settlement mechanism of the GATT is in need of a thorough analysis and overhaul, and this is what some of the papers in the first of this book attempt to do.

The second part of the book is perhaps the most valuable. Under the title "Strengthening Existing GATT Rules and Disciplines" it looks at those areas of GATT which have caused most grief, i.e., subsidies in industry and agriculture, other indirect barriers to free trade, and once more in greater detail, the performance of the existing methods of dispute settlement.

The papers in the third part come closest to achieving a thorough expert assessment of the new GATT items now being discussed in Geneva and elsewhere at the so-called Uruguay Round. Several papers in this part of the book look at the effect of monetary activities on international trade. Another group of papers examine the impact of antitrust legislation, and yet another group deals with the inclusion of services within the ambit of the GATT regime. Unfortunately (but understandably because it was too early to discuss) there is only a two-page mention of intellectual property as an item fit for regulation by the GATT. An appendix contains the full texts of the Ministerial Declaration on the Uruguay Round and other important documents.

This review is too brief to do adequate justice to a book of such superb technical detail and scholarly erudition. The best it can do is to recommend this excellent work without reservation to all persons who in some way or another are concerned with the legal aspects of international trade.

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Litigating in Spain; Considerations for Foreign Practitioners, Including International Judicial Assistance, Enforcement of Foreign Judgments, Bankruptcy, Arbitration and Other Civil Proceedings. By Bernardo M. CREMADES and Eduardo G. CABIEDES. Madrid:

La Ley Spain; Deventer etc.: Kluwer Law and Taxation Publishers, 1989. Pp. xxix, 549. Dfl. 163.00; UK£52.75; US$87.50 (hardbound).

Litigating in Spain was written by the late Eduardo G. Cabiedes, professor of civil procedure in the University of Pamplona and by Bernardo M. Cremades a lawyer in the firm of J. & B. Cremades of Madrid. They wrote in Spanish and had the text translated and prepared for publication by Ms. Trudi Kiebala, and Messrs. Ronald E. Myrick and Calvin Hamilton who produced a text so excellent that it appears to have been written in English in the first place.

The work has a preface and 13 chapters covering the Spanish legal system, the Spanish civil procedure, international judicial assistance, bankruptcy and insolvency proceedings and arbitration proceedings.

The Spanish legal system is described in great detail, covering the state structure, the relationship of the judiciary to other governmental functions, the sources of law, including statutes, decree-laws, treaties, custom, case law, the sources of procedural law, and the general principles of civil procedure. A thorough survey of the Spanish court system is given by structure, type of court and jurisdiction with a separate treatment of judges, the attorney general's office and government attorneys as well as a detailed discussion of the lawyers, notaries, stockbrokers, commercial brokers, maritime brokers, registrars of real property, and mercantile registrars and their official functions.

The treatment of civil procedure opens with jurisdiction, competence and venue and proceeds to the initiation of a civil action, service of process, appearance and default, parties and their capacity to sue and be sued, joinder of parties, claims and actions. Procedure in the first instance then follows dealing with the complaint, the answer and pleadings, obtaining evidence and pre-trial practice, the trial and proof including foreign law, the judgment and its effects as well as costs. Summary proceedings used especially in commercial cases are then discussed. Post-trial procedures are explained in detail covering the execution of judgments, attachment, collection proceedings, recognition and execution of foreign judgments, and the recognition of foreign arbitration awards. Appeal is next dealt with including the motion to set aside, the petition for reconsideration, the petition in error and the appellate procedure. It is followed by the petition for cassation, the entire cassation procedure and the petition for revision and the revision procedure. Appeals from arbitration awards are discussed separately.

An entire chapter (Chapter 11) is dedicated to hints for foreign lawyers considering litigation in Spanish courts drawing their attention to matters of special concern. It also makes foreign lawyers aware of pitfalls in suing a Spanish defendant in a foreign court.

International judicial assistance discusses the service of foreign process and other judicial notifications and how to obtain evidence in Spain for foreign proceedings.

Bankruptcy and insolvency proceedings deal with moratorium proceedings, bankruptcy proceedings, arrangements with creditors, and insolvency proceedings.

Arbitration proceedings deal with domestic arbitration, enforcement of foreign arbitration awards, appeals of arbitration awards and international arbitration in Spain.

The work has three appendices. The first lists all pertinent international treaties to which Spain is a party concerning civil procedure, recognition and enforcement of foreign judgments, arbitration, judicial assistance, legalization of documents, and ex parte jurisdiction. The second provides a model power of attorney, and the third contains a glossary of Spanish legal terms and their English translation. The book also has a table of contents and an index.

Litigating in Spain is an extremely useful book not only to lawyers considering court proceedings in Spain but to any person desirous of familiarizing himself with the Spanish legal system. While it centers on the law of civil procedure and gives practical advice to practitioners handling a civil case in Spain, it provides an enormous amount of information on the entire Spanish legal structure, the state and government functions.

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Knowledge Based Systems in Law; In Search of Methodologies and Tools. by A.W. KOERS, D. KRACHT, M. SMITH, J.M. SMITS, and M.C.M. WEUSTEN. Deventer & Boston: Kluwer Law and Taxation Publishers, 1989. Pp. x, 191.

This book is a report on ongoing research on "knowledge based systems in law" being conducted at the Faculty of Law of the University of Utrecht. The permanent staff of the project includes five full time research and teaching positions. This must be one of the most ambitious academic research projects on computer applications in the law anywhere in the world. Private companies in the United States support far larger staffs for the LEXIS and WESTLAW database systems and for income tax return preparation systems. But these private companies do not publish accounts of the inner workings of their operational and experimental systems.

The work describes the theoretical background for and the practical details of the construction of several prototype "Advisory Systems on Legal Questions." While the authors modestly refrain from calling these prototypes "*expert* systems," the techniques and end products are similar

to those described in the proliferating literature on legal expert systems. This Dutch project, however, is blessed with an unusually large and capable staff, which has resulted in a project of greater theoretical sophistication than the vast majority of its competitors. Furthermore, because the researchers present the project in a 200-page book rather than a 10 page conference report, the reader is able to obtain an unusually clear picture of their system.

The book begins with a substantial chapter on jurisprudential issue of legal knowledge and then goes on to discuss details of system implementation. The authors tend to be rather strongly in the positivist camp. (It is hard to imagine someone from the "critical legal studies" camp being enthusiastic about converting statutes and case holdings into computerized rules.) They are optimistic about the possibility of isolating a field of law to create an operational system that "knows" little or nothing of general legal principles. They contrast their approach with that of systems that attempt to emulate legal reasoning. Their systems give the "right" answer, not the best argument for whichever side a lawyer happens to represent. Most of the book deals with the project team's approach to creation of a computerized, rule-based system. The reader interested in technical details will find them in abundance, though a reader untutored in computer science is likely to have hard going with the more technical materials. The project team has followed sound software engineering principles and has made good use of tested off-the-shelf software.

This book belongs in the library of every academic institution where anyone is thinking of computerizing legal rules. It can be valuable reading for the government administrator or practicing lawyers, for it serves as a warning that the current state of the art of "Advisory Systems on Legal Questions" is not far enough advanced to produce practical results even if a project has sound financing and an outstanding staff.

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Hague Yearbook of International Law/Annuaire de la Haye de droit international. Volume 1. The Hague: Martinus Nijhoff Publishers, 1988. Pp. xxiv, 471. Dfl.250.00; US$139.00; UK£80.00 (hardbound).

Hague Yearbook of International Law, produced by the Association of Attenders and Alumni of the Hague Academy of International Law in cooperation with T.M.C. Asser Institute, is a continuation of the *Yearbook of the AAA/Annuaire de l'AAA.*

The yearbook will, under its new format, emphasize the developments taking place within the international legal institutions of The Hague, i.e. the International Court of Justice, the Permanent Court of Arbitration, the Iran-United States Claims Tribunal and the Hague Conference on Private International Law. It will contain reports of their work, summaries of decisions and awards as well as scholarly articles on public and private international law. Occasional volumes will, as in the past, publish the papers presented at congresses of the AAA on specific themes.

The editors stress that the yearbook is intended to be a truly *international* yearbook. In principle it will not contain articles dealing with the judicial or state practices of particular countries. It is, furthermore, the wish of the editors that the yearbook be a vehicle for publications of articles by "qualified authors from socialist or developing countries in order to give room to new or divergent ideas from the 'East' and the 'South'."

By bringing together writings on the different international legal institutions located in the Hague, the yearbook may prove to be a convenient source for otherwise scattered information. In the present volume we find background information on the Iran-United States Claims Tribunal with texts of procedural documents and awards deemed to have particular relevance to international law. The brief report on the Hague Conference on Private International Law refers back to an article in the yearbook which outlines the present work of the Conference in greater detail. The extensive reports on the work of the International Court of Justice can also be found in the Court's own yearbook.

The work of the Permanent Court of Arbitration rarely receives much attention in the international legal literature. Its legal basis rests in 1899 Convention for the Pacific Settlement of International Dispute "with the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy." (Art. 20) The offices and organization of the International Bureau of the Court have been at the disposal of parties in various international settlements, e.g. in 1981 when the Iran-United States Claims Tribunal was established. Lists of all inquiries, conciliation commissions and arbitral affairs before the Permanent Court are given in the present yearbook.

International law collections should be well served by this newly aligned annual publication seeking, in the words of its editors, to "contribute to the further expansion of the 'Law of The Hague'."

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Uruguay Round: A Handbook on the Multilateral Trade Negotiations. Edited by J. Michael FINGER and Andrzej OLECHOWSKI. Washington, D.C.: The World Bank, 1987. Pp. 269.

The so-called Uruguay Round, which began in earnest with the Punta del Este Ministerial Declaration of September 29, 1986, represents the latest phase in the reevaluation of the General Agreement on Tariffs and Trade (GATT) as well as the creation of an efficient and equitable world trade system. The negotiations are taking place at a time of serious economic shifts and stresses. The future of international trade will depend largely on the outcome of the Uruguay Round negotiations which are expected to continue for several years, especially as they include items heretofore not forming a part of the GATT body of law.

Understanding the issues discussed in the Uruguay Round is very important to anyone working in the area of international trade, and a concise guide thereon can be of great help. In the opinion of this reviewer there is no better guide than this one, prepared by the staff of the World Bank with the assistance of outside experts. In separate chapters, submitted by different contributors, it explains in some detail the subjects under discussion at the Uruguay Round, the differing policies involved in the negotiations, and the approaches taken by the negotiating parties. Several annexes contain useful supporting information. For example, the first annex is a glossary of GATT and related terms.

The value of this publication as a reference work is very high. It is recommended to everyone dealing with GATT and its current changes and developments.

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Principles of a New Economic Order: A Study of International Law in the Making. By Jerzy MAKARCZYK. Dordrecht; Boston: M. Nijhoff, 1988. Pp. 367. Dfl. 195.00; US$ 105.00; UK£57.00 (cloth).

This book is divided into two major parts. In Part 1, the author examines the development of the New International Economic Order. In his view, a discussion of the New Order properly begins with the U.N. Charter. He then proceeds through the development of the Non-Aligned Movement, UNCTAD I, II, and III, the 6th Special Session of the UN General Assembly, and the adoption of the Charter of Economic Rights and Duties of States by the U.N. in 1974. Part 1 concludes with examinations of the UNITAR Study ("The Progressive Development of the Principles and Norms of International Law Relating to the New International Economic Order") and the International Law Association

Declaration (Declaration on The Progressive Development of the Principles of Public International Law Relating to the New International Economic Order), which followed the adoption of the Charter of Economic Rights and Duties. Although the developing states thought the adoption of the Charter of Economic Rights and Duties heralded the beginning of a new era, it is the author's belief that the Charter is actually no more than a summary of the wishes and demands of the developing countries.

The discussion of the development of the New Order in Part 1 provides the background for consideration in Part 2 of the evolution of one of the more contentious aspects of the New Order: the principle of permanent sovereignty of the state over its wealth, natural resources, and economic activities. This principle was incorporated in Chapter II, Article 2 of the Charter of Economic Rights and Duties of States, although its lineage can be traced back to concession agreements that came into existence at the beginning of the Middle Ages. The author gives a brief history of the principle, summarizes resolutions passed by the U.N. General Assembly, actions of UNITAR and the ILA, and treaty practices—especially treaties signed after adoption of the Charter. He then analyzes international judicial and arbitration decisions concerning state sovereignty over economic activities. The chapter on judicial decisions covers the Hague Courts and is subdivided into sections on the Permanent Court of International Justice and the International Court of Justice. Likewise, the chapter on arbitration is subdivided into decisions between the World Wars and contemporary arbitration decisions.

This final portion of the book in which the author illustrates the workings of the principal of sovereignty over economic activities is the most interesting. Several of the judicial decisions and contemporary arbitration decisions discussed relate to questions of nationalization or expropriation of the assets of private companies by sovereign states. Three arbitration decisions relating to the nationalization of the Libyan oil industry—*British Petroleum, Texaco Overseas,* and *Libyan American*—are particularly interesting because the acts of a single state provoked all three proceedings. The decisions in each case was different, although Libya was at least consistent in that it declined to participate in all three proceedings.

In *British Petroleum,* a Danish arbitrator agreed with BP that the nationalization of its concession was illegal, but decided not to restore BP to its rights under the concession *(restitutio in integrum)* so BP was only entitled to receive compensation from Libya. In the second case, *Texaco Overseas,* the French arbitrator not only agreed that the nationalization was illegal but also ordered that Texaco be restored to its rights under the concession within five months of the decision. Finally, in *Libyan American,* a Lebanese arbitrator determined that the nationalization of Liamco's concession was legal but awarded

compensation to Liamco for the taking. It is worth reading this portion of the book to see how three arbitrators reviewing essentially similar facts applied different legal theories and arrived at three different positions.

The author believes that the opposing interests of various parties regarding the principle of the permanent sovereignty of the state over wealth, natural resources and economic activities can only be brought together through norms of international law acceptable to all parties. These norms have yet to be formulated, but he suggests that organs of dispute settlement ought to provide major assistance in resolving the conflicting interests. In his opinion, the Hague Courts have remained mostly on the sidelines so the debate occurring in arbitration proceedings offers the best opportunity to develop principles of economic sovereignty that will be accepted by the international community.

The stated purpose of the author was to examine the formulation and evolution of the principles of the New Economic Order rather than to examine the legal character of those principles. He has accomplished that purpose. In doing so, he has also produced a book that should be of interest to anyone interested in the participation of developing countries in the formulation of principles of international law.

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Legal and Contractual Limitations to Working-Time in the European Community Member States. Edited by R. BLANPAIN and E. KÖHLER. Deventer, The Netherlands: Kluwer Law and Taxation Publishers, 1988. Pp. xviii, 448 (hardbound).

Following the establishment of the European Economic Community (EEC), the problems related to the living and working conditions within the Community and the efforts for their improvement became more numerous and complex. With this in mind, the Council of Ministers of the Community created the European Foundation for the Improvement of Living and Working Conditions as an autonomous institution by a special Regulation which entered into force on May 26, 1987. As specified in the Regulation, the primary task of the Foundation is to solve these problems on scientifically-based information and study and to submit recommendations for the improvement of these conditions for the citizens of the member-states of the EEC.

The Foundation's Charter covers five areas of concern, namely: a) men at work; b) the organization of the work, in particular job design; c) problems peculiar to certain categories of workers; d) long-term aspects

of improvement of the environment; and e) the distribution of human activities in space and in time.

The book under review, "Legal and Contractual Limitations to Working-Time in the European Community Members States," reflects the program sponsored by the European Foundation, "New Forms of Work and Activity." Its subject matter, the legal and contractual rules relating to "working-time," is clearly related to two basic areas of interest of the Foundation: "men at work," and "the distribution of human activities in space and in time."

The symposium under review is structured in two parts. The first presents the general report interpreting the rules and regulations applicable in the member-states of the Community on a comparative basis. It also discusses in great detail the ILO Instruments as well as the European Social Charter and the EEC Instruments related to the subject. The second part covers the individual reports from the various countries, in alphabetical order by country. Each individual report follows the similar scheme, namely: sources, definitions, content of limitations, recent measures introducing flexibility in working-time, evaluation, and selected bibliography.

The symposium is edited by R. Blanpain, Professor of labor law at the Catholic University of Leuven (Belgium) and by E. Köhler, the Research Manager of the European Foundation for the Improvement of Living and Working Conditions (Dublin, Ireland). The individual reports dealing with the legal and contractual aspects of the topic, as reflected in Belgium, Denmark, France, Germany, Greece, Ireland, Italy, The Netherlands, Portugal, Spain, and United Kingdom, are contributions by professors and scholars of these countries.

The subject index, which follows the individual reports, is an extremely useful guide for a cross-national comparative access to the data contained in the book.

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Information and Referral in Reference Services. Marcia Stucklen MIDDLETON and Bill KATZ, Editors. Binghampton, New York: Haworth Press, Inc., 1988. Pp. 259. US$44.95 (hardbound).

Library information and referral services, an idea whose time has come, again! Originating in the field of social services, the idea of *library* information and referral did not blossom until the late 1960's. Although some significant library experiments in the 1970's, such as the U.S. Office of Education, Office of Libraries and Learning Resources' *Neighborhood*

Information Centers Project (NIC) was very successful, traditional librarianship did not incorporate the idea into the mainstream of the profession. In the late 1970's the Information and Referral *NIC* projects became decentralized, each evolving in a unique direction. Dr. Thomas Childers, an authority in the field, defined I & R Services as it is provided by libraries as "facilitating the link between clients and resources they need outside the library. Four primary activities associated with I & R Services are: simple information-giving; complex information-giving; constructing a public resource file; and referral. Referral is the activity the farthest removed from traditional library services and perhaps the least congenial, the least accessible" (p.230+). The reluctance of most libraries to network with non-library agencies (the foundation of referrals), has created the uneven history of the Information and Referral movement in libraries.

The title under review *Information and Referral in Reference Services* (1988) is a bright light, able to give an old idea new life. The editors, Bill Katz, the leading specialist in reference work and Marcia Middleton, a Reference/Computer Librarian with a background in social services, have compiled essays discussing a wide variety of situations and models which fall under the umbrella of information and referral. The sixteen essays are grouped under six broad headings: Public Libraries—Management; Staff training and Evaluation; Library System I & R Services; Academic Libraries—The Role of I & R; The Social Services Perspective—Networking; Research and Resources; History and Recent Development. The first four sections flow nicely from one to the next, describing exciting, successful and strikingly different information and referral projects. Surprisingly the last two sections threw this reader off balance. It is puzzling to find the History and Recent Developments essay at the end, when it would have served as an enlightening essay to read first—setting the stage and placing in historical perspective the I & R models to follow. A second essay, placed at the end of the book where it logically should fall, broke new ground but perhaps used too hard a spade. The essay is entitled *Interpersonal Information Processing* and proposes that a "relevant, situation-producing theory can be employed to guide the deployment of practitioner applications in client-centered facilitations and information services. The result is directed at proactive systems work that focuses on such interactive and intelligent front-end, self-instructional packages as natural language interfaces" (p. 211). Clearly, Information and Referral services touch the library user more personally than traditional library services, and therefore, librarians would do well to enhance their interpersonal skills with sociological and psychological techniques and understanding. But this essay was more intimidating than challenging, and its important message, which mirrors the basis of I & R—networking with and learning from other professions—is lost in technical terms of art. This scholarly approach to the topic

is in stark contrast to the grass-roots, in-house library approach of the rest of the book.

An indication of the cycle Information and Referral has followed in libraries can be found in the professional literature. The valuable bibliographies at the end of each section of *Information and Referral in Reference Services* cite to pre-1983 sources, and all consistently cite to the *Final Report to the National Commission of Libraries and Information Science from the Community Information and Referral Task Force, 1983,* the last major publication on the topic until now.

Of significance in this title is the incorporation of automated systems from artificial intelligence and online databases, to joblines and local area networks. New technology may be the key to the 1990's expansion of Information and Referral Services in libraries, making it possible to cost-effectively network throughout the community and the country. Middleton and Katz's new volume will assist library managers with administrative issues including budget and staff commitment by institutionalizing I & R Services rather than treating them as stepchildren of the library's traditional services. Academic libraries which historically viewed I & R as a public library activity are provided the opportunity to creatively participate in community Information and Referral through online networks, map collections and referral to other specialized information centers. Very small rural libraries are discussed with tips and examples on how to identify community needs and local resources and then, how to match them up with the help and advice of larger regional libraries.

Information and Referral in Reference Services is recommended to all types and sizes of libraries and would be a valuable textbook for library school coursework.

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Yearbook Maritime Law. Vol. II: 1985-86, and Vol. III: 1986-87. Edited by Ignacio ARROYO. Deventer, Netherlands: Kluwer Law and Taxation Publishers, 1988. Vol II: pp. ix, 445 and III: pp. xi, 416. US$76.00 per volume (est.).

Ignacio Arroyo, Professor of Law at the University of Barcelona, has compiled and edited a useful series of essays on global developments in maritime law. Research notes on comparative law, summaries of international maritime organization activity, notices on case law, an overview of recent events, documentation and a bibliography supplement the analytical chapters. The theme of these materials is the need for

codification, for widely varying national standards now impede the expansion of maritime commerce. Each of the principal contributors has written an authoritative commentary on such subjects as insurance and liability, usually with emphasis on a particular legal system. For example, in Vol. II the editor has set the stage by addressing the general question of the relationship between international and municipal law by calling for the adaptation of domestic rules to international practice. Specifically, he has examined the problem of liability under Spanish law for a collision at sea. The article is a continuation of a long tradition, for one of the earliest efforts to codify maritime law was the "Consulate of the Sea" (1494), which was also published in Barcelona.

William Tetley of McGill University has contributed to both volumes. In Vol. II he has analyzed the increasing use of arbitration clauses in ocean bills of lading. The discussion encompasses a series of guidelines for the drafting of arbitration clauses, such as the recommendation that the concept of arbitration be incorporated in a shipping agreement through repeated references rather than in a single detailed clause. Arbitration is not, however, an alternative to judicial proceedings, which may nevertheless take place.

The complex question of registration and ownership is the focus of Tameyuki Hosoi's examination of liens and the rights of creditors to arrest a vessel. A merchantman may be sold at auction in Japan only to be arrested in, for example, Hong Kong at the behest of lienholders there. The possibility that the vessel may be registered in a third country, e.g., Panama, further clouds the legal issue as to whose commercial code applies.

The wide range of requirements for the registration of ships is the subject chosen by Tormod Rafgard, a shipping company executive. His commentary on the United Nations Convention on the Conditions for Registration of Ships (1986) details the complexity of the problem, especially with regard to joint ventures. Of the forty ratifications required to put the treaty into effect, only five (including Bolivia) have been forthcoming as of 1987. The goal of codification in this matter remains a chimera. Related commentaries on recent developments include the Spanish approach to civil actions arising from accidents or mishaps at sea. In such an instance an arbitral award is often sought, and Fransisco Ramas of the University of Barcelona has written a chapter on the effect of this type of award on a criminal proceeding. Unanswered is the question of the standing of the award outside of Spain. In connection with the payment of compensation, Dolly Richter-Hannes, a professor of comparative law in the German Democratic Republic, has studied the difficulties associated with the conversion of different currencies to satisfy the judgments of courts in civil cases. She rightly concludes that universal standards do not in practice exist.

Vol. III is introduced by Ignacio Arroyo with an informative essay on maritime fraud as defined in terms of damage resulting from deceitful acts perpetrated in the course of international maritime commerce. Included is the concept of "border fraud" covering not only smuggling but also the violation of labor laws. Unfortunately the growing threat of piracy receives too little attention, and the definition of contraband remains incomplete. The editor enters a plea for more stringent controls by public authorities as well as by the insurers themselves.

Again, William Tetley is a major contributor, and his study of various approaches used in apportioning damages resulting from a collision is both analytical and prescriptive. Contributory negligence may bar both parties from damages, assuming each was at fault. Application of the divided damages rule means that each would share in the compensatory payments and often in accordance with the principle of proportionate damages, which mandates awards according to the degree of fault. The author points out that most governments seek to apportion the liability for a collision, with the notable exception of the United States. He ends with an appeal to Congress for the necessary legislation.

State responsibility is the theme of an essay by Z. Brodecki of the University of Gdansk on liability for damages caused by pollutants released at sea. Noting that damage to the environment may originate either from vessels or from industrial facilities on land, the author calls for the establishment of an internationally administered compensation fund and concludes with an appeal for a multilateral treaty on transboundary pollution.

Of practical interest to shipowners is the history of their Protection and Immunity Association in the United Kingdom, as surveyed by Steven J. Hazelwood, a British solicitor. Early in the eighteenth century, British shipowners had formed associations now known as P. and I. Clubs, whose purpose is to provide their members with the kind of associational support needed in an often hazardous business. The concluding essays in the third volume again focus on the requirement to strengthen international legal norms. Tameyuki Hosoi has analyzed the role of Japanese courts in making arbitral awards and in doing so has implicitly raised the question of national laws and international legal practice. The essay by Ricardo Vigil of UNCTAD on the absence of general principles of maritime insurance reminds us of the fragmentation of maritime law into national codes. Economic interdependency makes the formulation of universal standards of maritime law essential. With this unifying theme as a background, both the practitioner and the academic will benefit from this series.

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Annotated Take-overs Code. By Darryl D. McDONOUGH. 2d ed. Sydney, Australia: The Law Book Company Ltd, 1989. Pp. xxxv, 278. A$45.00 (softcover).

Australia's legal framework governing corporate acquisitions is hardly less complicated than its counterpart in the securities law of the United States. It is known colloquially as the Take-overs Code, and more formally as the *Companies (Acquisition of Shares) Code.* To preserve uniformity in the law the code is by agreement among the Australian states in force in all of them. This annotated version of the code makes a welcome addition to a collection of Australian law, or to a collection of what could be called comparative corporations (or securities) law.

The 64 sections of the code and its schedules are set out. Most, but not all, sections are annotated. The first annotation is a general outline or summary of the section. Next are annotations on particular provisions of each section, often with citations to judicial decisions on point. Sometimes there is a specific annotation called "Cases" that collects more judicial decisions.

Additional features include the relevant parts of the Companies Code, the regulations enacted under the Take-overs Code, and a conversion table for comparing the Take-overs Code to the Corporations Bill recently introduced into the federal Parliament. There is a table of cases, an index, and a list of references to the publications of the National Companies and Securities Commission. The layout, typeface and printing are clear and readable. Anyone working with the law of corporate acquisitions in Australia will be pleased to have this book.

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International Law and Development. By Paul DE WAART, Paul PETERS, and Erik DENTERS. Dordrecht, Boston: M. Nijhoff, 1988. Pp. xxx, 457. Dfl. 195.00; US$106.00; UK£58.00 (cloth).

This work is organized in seven parts and contains an introduction. The chapters are based on the papers submitted to the Seminar on International Law and Development held by the International Law Association at the Free University of Amsterdam, 9-11 April 1987.

The papers have been grouped in accordance with research proposals. Thus, Part One covers some general aspects of international law and cooperation in the field of social research. Part Two deals with the economic sovereignty of States including the principle of Permanent Sovereignty Over Natural Resources. In Part Three, the questions relating to foreign investment and the measures for promoting and protecting

such investments are surveyed. Part Four deals with international trade and relevant international agreements such as GATT, and includes proposals for a certain minimum standard of international socio-economic order. Part Five contains a study on the role of IMF in today's international community and a general survey of tax treaties and their effect on developing countries. Part Six deals with international human rights issues. And finally Part Seven, entitled Right to Development, contains a study which seeks equality and parity between developed and developing States in their international relations. The recent (1986) UN Declaration on the Right to Development is also surveyed under this topic.

The purpose of this work appears to be an attempt to provide a universal survey on the problems relating to a multifaceted world-wide development. The concept "development" in this context means the totality of efforts which are used to bring about a better socio-economic living condition to mankind. To achieve such a goal, there must be a true socio-politico-economic cooperation among nations. To take the first step toward such a cooperation, each country must begin at a national level to ensure that the individual members of society reach the necessary stage of socio-cultural development and their fundamental human rights are respected and safeguarded. The second step requires adherence to the principle of universal solidarity, i.e., recognition of the interdependence and unity of mankind.

A comprehensive bibliography has been supplied and there are ample footnotes at the end of each chapter. The book also contains a long list of abbreviations, a considerable number of which appears to be either redundant or confusing. For instance, (ACP States) for Africa, Caribbean and Pacific States, (CHM) for common heritage of mankind, (FCN Treaties) for Friendship, Commerce and Navigation Treaties, (MICs) for Middle Income Countries, and (SDRs) for Special Drawing Rights.

On the whole, this is a reference work, rich in materials which compose the volume. The book is thus recommended for use in law libraries. It is also recommended to legal scholars and international entities.

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Bibliographie juristischer Festschriften und Festschriftenbeiträge: Deutschland, Schweiz, Österreich/Bibliography of Legal Festschriften—Titles and Contents: Germany, Switzerland, Austria. Band 6: 1985-1987, mit/including Festschriften-register 1864-1987. Bearbeitet von/Compiled by Helmut DAU. [Berlin]: Berlin Verlag Arno Spitz [1989], Pp. 629. DM 160.00.

The publisher and compiler of this well-established, most valuable bibliography have made a welcome decision to shorten the reporting period for the constantly increasing number of *Festschriften* and have come out with vol. 6 of the series, covering 1985-1987, in which 136 individual collections of essays from Germany, Switzerland and Austria have been indexed.

The compiler Dr. Helmut Dau follows his well-known pattern established in the earlier volumes and presents in the first part of the volume over four thousand individual essay entries arranged by major subject areas, while the second part contains author, subject and other indices, a listing of *Festschriften* for 1964-1987 with references to earlier volumes of Dau's series for complete information, as well as to valuable data on published biographical information of the honorees. The volume ends with a brief supplement giving bibliographical information on some twenty-five *Festschriften* published in 1988.

As in the case of earlier volumes Dr. Dau has maintained in volume 6 the high standards of expertise and clearness of presentation we have come to expect from this excellent reference work. Warmly recommended.

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Prospects for International Lending and Reschedulings. By Joseph J. NORTON. New York: Matthew Bender & Company, 1988. Misc. pag. US$97.75 (hardbound).

Prospects for International Lending and Reschedulings is a collection of papers and works by forty leading experts in the international banking and finance area, published jointly by Matthew Bender & Company and the Institute on International Finance at Southern Methodist University in Dallas, Texas. It is a volume in a larger series on International Finance, which started with Volume 1—World Trade and Trade Finance, (1985) and Volume 2—European Economic Community: Trade and Investment (1986), and which will continue with two more volumes: The Impact of the Tax Reform Act of 1986 on International Tax Planning and International Securitization of Assets.

The stated aim of the book is to serve as a reference work on the major aspects and current issues of international leanding and the rescheduling of such loans. It is addressed to persons engaged in private business or finance, and to their professional advisers. As expressed in the preface, the book is divided into five parts which deal with different perspectives of the subject matter. The first part provides a very general range of views about the structural changes which have occurred and

are occurring in international financial markets; the second part analyzes the increased linkages between the role of the international authorities and the private sector in the area of international finance; part three examines some of the problems arising out of debt rescheduling; part four briefly examines particular aspects of private international lending and financing transactions; and part five focuses on regional aspects of international lending and loan rescheduling with particular reference to the United States, the European Community, and four Asian countries.

The book, as a whole, provides a very general overview of the international financial market, its actual problems and trends, the roles of certain institutions such as private banks, the World Bank, the International Monetary Fund, and the International Finance Corporation. It also focuses, although without much detail, on the problems encumbered by developing countries, especially those in Latin America, with respect to the servicing and reduction of their international debts. Possible solutions such as debt rescheduling, swaps and/or debt/equity transactions are examined both from legal and financial points of view. It is regrettable that this is not done in greater depth.

As most papers in this book give a broad overview of the subject, they should be useful to beginners who are about to enter the arena of international finance. It is of much less interest to specialists. There are only two or three papers with a sufficient in-depth treatment of their respective areas. In all fairness, however, it should be mentioned that this does not seem to be the objective of the book. It is not aimed at persons with advanced or expert knowledge. Its apparent purpose is to serve as a basic text for novices. In this respect the book does well, except for one unfortunate omission. It does not have comprehensive bibliographies for most of the topics it discusses though these could be very helpful to anyone wishing to study the subject in greater depth.

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Legal Responses to International Terrorism: U.S. Procedural Aspects. Edited by M. Cherif BASSIOUNI. Dordrecht, Boston, London: Martinus Nijhoff, 1988. Pp. iii, 454. Dfl. 325.00; US$120.00; UK£69.00 (hardbound).

International criminal law expert, M. Cherif Bassiouni, has argued that the lack of an international consensus on a working definition of terrorism impedes any worldwide solution to the problem. In this, his latest work, he and sixteen other authors discuss and evaluate one country's efforts to define the acts, implement policy, and enact legislation

to counteract the international terrorist threat.

In his introductory essay, Bassiouni advocates refining the existing definition of terrorism to differentiate individual terrorism from state-sponsored terrorism. In the past, argues Bassiouni, individual acts of terrorism have been the focus of both media attention and state responses, while state-sponsored terrorism has been downplayed. He contends that preexisting international norms can be revised to sufficiently deal with all forms of terrorism, so long as worldwide attitudes change to focus on international cooperation and consensus.

The remaining essays in the work outline and evaluate the United States' experience in dealing with international terrorism. Part I describes present U.S. legislative anti-terrorism measures. The contributors evaluate several federal anti-terrorist statutes and their relative effectiveness. Methods of expanding federal court jurisdiction to encompass international terrorist acts are also advocated. The essays in Part II identify the problems encountered when attempting to enforce U.S. anti-terrorism laws. Much of the discussion in this section focuses on the "political offense exception" to extradition. The authors present arguments for and against the abolishment of this traditional exception. U.S. anti-terrorism policy and crisis response are evaluated in Part III. Excerpts from the Vice-President's Task Force Report on Combatting Terrorism and a sample extraditon treaty are included in this section. The last section of the collection leaves the U.S. sphere and discusses measures being taken by other states to combat terrorism, specifically those of INTERPOL and the Council of Europe.

The appendixes reproduce several international conventions, including the European Convention on the Suppression of Terrorism, INTERPOL's Resolution on Terrorism, and the 1972 United States Draft Convention for the Prevention and Punishment of Certain Acts of International Terrorism.

All of the contributors agree upon the need for greater international cooperation to combat international terrorism. The essays present detailed information concerning current U.S. practices. Articles are heavily footnoted. However, the work is riddled with typographical errors which distract the reader and diminish the quality of the work.

Despite these problems, the collection contributes to the study of international terrorism and presents a detailed account of one nation's attempt to implement legal solutions. It should especially be of interest to those in the international legal community.

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Searching The Law: The States. By Francis R. DOYLE. Dobbs Ferry, N.Y.: Transnational Publishers, Inc., 1989. Pp. ix, 525. $65.00 (hardbound).

This book is written to assist researchers of particular state law. It is a selective bibliography of state practice materials in the fifty states and the District of Columbia. The arrangement of the book mirrors that of *Searching The Law* by Edward J. Bander, Frank Bae, and Francis R. Doyle (Transnational, 1987), reviewed by this reviewer in 15 *International Journal of Legal Information* 182-183 (June-August 1987).

Searching The Law: The States is arranged alphabetically by state and has approximately 5,000 citations to the legal literature of the states. Within each state, materials are arranged by subject. There are 68 possible subject headings, from Accounting to Workers' compensation. Entries within a subject are arranged alphabetically by title. Notations are given in brackets for the latest supplementation available at the time of compilation of the bibliography.

Literature on practice for the fifty states is uneven, with extensive materials in some states and negligible practice materials in others. If a researcher does not find a specific practice book for a state, he is referred to *Searching The Law* (Transnational, 1987) for a general text to assist him. The bibliography is a list of print materials only. No non-print materials are included in the compilation, although the author notes that a great deal of additional materials are available on computer databases, microforms, and audio/video tapes for the researcher.

A Professor of Law and Law Librarian at Loyola University of Chicago School of Law, Francis Doyle has provided an extremely useful list of materials for the researcher in state law. Although there are many bibliographies for materials in individual states, this bibliography puts legal materials for all states in one place and provides a convenient starting point for lawyers, especially for those new to a jurisdiction. Much of the information is not available in any other form.

Searching The Law: The States is to be supplemented on an annual basis. One hopes that it will continue to be an up-to-date guide for researchers in state legal materials.

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Andrew D. White in Deutschland. Der Vertreter der USA in Berlin, 1879-1881 und 1897-1902. Andrew D. White in Germany. The Representative of the United States in Berlin, 1879-1881, 1897-1902. By Wolfgang J. M. DRECHSLER. Stuttgart: Hans-Dieter Heinz, 1989. Pp. 421 (paperbound).

The work under review, *Andrew D. White in Deutschland,* by Wolfgang J. M. Drechsler was originally submitted as a dissertation on July 1, 1988, and then in the fall of this year was published in a slightly revised version as volume 8 of the American-German Studies (Deutsch-Amerikanische Studien) in Stuttgart.

The presentation of Andrew D. White's life and career as an American representative and ambassador in Germany (Berlin) during the years 1879-1881 and 1897-1902 is unique in its detailed description and supporting materials. The sources, included primarily in their original form, are Drechsler's successful achievement and scholarly contribution to the diplomatic and political relations between Germany and the United States during the mentioned period. In fact, this strenuous effort to obtain and collect materials and documents from a great number of government agencies, universities and libraries, as well as from numerous scholars, professionals, and librarians in the United States and Germany deserves every praise.

It must be further emphasized here that the work is not presented strictly in the form of a bibliography; it also offers lengthy discussions of the American-German diplomatic and political relations during the historical period indicated above and the role played by Andrew D. White as a diplomat and politician. It must also be stressed here that Drechsler's study offers extremely rich footnotes, references to documents, a list of newspapers issued in Germany, the United States of America, the United Kingdom, and Switzerland, and extensive bibliography including books and articles on the topic and in Index to Persons. Another important and valuable feature of the work under review is the lengthy "Summary" presented in English. Drechsler's work should be in every government foreign affairs agency and every library with rich international and diplomatic sources.

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Comparative Tax Systems: Europe, Canada, and Japan. Edited by Joseph A. PECHMAN. Arlington, VA: Tax Analysts, 1987. Pp. xiv, 447. US$14.95.

In the continuing discussion about United States tax policy one could do well to read this excellent book. Edited by Joseph A. Pechman of the Brookings Institution, who died recently, it contains contributions of editors from Sweden, the Netherlands, France, Italy, West Germany, the United Kingdom, Canada, and Japan. Each contributor describes his particular country's system in accordance with a table of organization

of major topics so that comparisons can be easily made from country to country.

It is interesting to note each country's efforts to formulate effective tax policy that provides incentive to investment. Thus, the trend in many of the industrialized democracies is to lower taxes on corporate income. There are also measures to provide relief from the double taxation of dividend income that include lower rates on such income, credits to individuals for taxes paid at the corporate level, and deductions available to corporations for dividends paid.

Personal saving is encouraged by tax deferral for contributions to pension plans, individual retirement accounts (IRA's), deduction of life insurance premiums, lower rates of tax on interest, and, as previously noted, relief from the double taxation of dividend income. Many countries rely heavily on the value-added tax (VAT), a tax on consumption and thereby another incentive to saving.

Taxes on net wealth or wealth transfers are being reduced or eliminated in favor of more effective taxes on income.

The book is an excellent work and a tribute to Pechman's long service and great contribution to discussions of tax policy.

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Judicial Review in Comparative Law. By Allan R. BREWER-CARÍAS. Cambridge: Cambridge University Press, 1989. Pp. xvii, 406. US$75.00.

Today's advanced political systems recognize that even a legitimate majority rule can be restrictive and oppressive. Legislatures and governments, even when they act properly in their representative capacities, are prone to partiality and arbitrariness. Democracies, despite their intrinsically participatory and representational character, tend to express the will of majorities which can be intolerant to minorities. Individuals, who do not submit to the prevailing ways of a society's recognized form of conduct or thought, can be crushed by the combined weight of bureaucratic power and social will. For these reasons it is generally accepted by all advanced political systems that individuals, in the exercise of their human rights, need to be protected against unreasonable governmental actions and excessive majority pressures. The devise upon which the modern society has come to rely on its efforts to control legislative or government actions and to strike a balance between the interests of a majority and the freedoms of an individual is a legal document considered to have a greater authority than all other laws and

usually referred to as the "Constitution". Compliance of laws and other government acts with the provisions of the Constitution is in most countries entrusted to general or special courts and is achieved by means of a procedure known as the "judicial review". Under this procedure the courts of a country are empowered to declare legislative and other government acts unconstitutional and refuse to enforce them. Judicial review is an important phenomenon of late twentieth century democracies. Though its development began in the United States some two hundred years ago, judicial review has come to be fully accepted as a fundamental component of a democratic form of government only in recent years.

The availability of judicial review throughout the world and the recent trend of its astonishing geographic expansion are the subject matters of the book under review. According to the author, a Venezuelan law professor, the book originated with a course of lectures on comparative judicial review he presented at the University of Cambridge when he held the prestigious Simón Bolívar Professorship there during the 1985-86 academic year. It was the author's intention to examine the origin of judicial review and then to describe its present-day operation on a country by country basis. The book accomplishes these goals admirably.

Beginning with a historical account of the rule of law and the emergence of constitutional supremacy, the author then examines the various methods devised by different countries to ensure compliance with the provisions of their constitutions. He identifies three distinct models of judicial review: (1) the American or "diffuse" model which entrust the constitutional review of laws to the ordinary courts; (2) the Austrian or "concentrated" approach, according to which the power of constitutional control is exercised by specially created tribunals; and (3) a "mixed" model which has elements of both American and Austrian approaches. Grouped under their respective models, the book describes how judicial review works in different countries, especially the United States, Japan, the countries of Western and Central Europe, and Latin America. The sections of the book on the individual countries are particularly helpful as quick reference guides on the details of their respective judicial review systems.

The Brewer-Carías book is a valuable comparative study on a subject increasingly gaining in importance throughout the world.

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Transnational Corporations: A Selective Bibliography, 1983-1987. New York: United Nations Centre on Transnational Corporations, United Nations, 1988. 2 Vols. (softbound). ST/CTC/76 (Vol. I), UN sales no. E.88.II.A.9; ST/CTC/76 (Vol. II), UN sales no. E.88.II.A.10.

This bibliography covers selected books and articles on transnational corporations published between 1983-1987. It includes not only publications of the United Nations and specialized agencies, but also lists government publications and commercial monographs and journals. Also included are citations to selected codes of conduct and reference works published before 1983 and works published or scheduled for publication in early 1988.

The main list of materials, with full bibliographic citation, is in the first volume arranged according to the Centre's classification system. Entries do not include annotations; however, conference and symposia proceedings generally include a list of the individual papers presented. The Table of Contents serves as an outline of the Centre's classification system. An author index and a title index are also in the first volume. The second volume consists entirely of a subject index, with both topical and geographic subject headings.

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