



1-1-1972

# Book Received

Santa Clara Law Review

Follow this and additional works at: <http://digitalcommons.law.scu.edu/lawreview>



Part of the [Law Commons](#)

### Recommended Citation

Santa Clara Law Review, Other, *Book Received*, 12 SANTA CLARA LAWYER 448 (1972).

Available at: <http://digitalcommons.law.scu.edu/lawreview/vol12/iss2/11>

This Other is brought to you for free and open access by the Journals at Santa Clara Law Digital Commons. It has been accepted for inclusion in Santa Clara Law Review by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact [sculawlibrarian@gmail.com](mailto:sculawlibrarian@gmail.com).

## BOOKS RECEIVED

### *Hardcover*

THE INTERNATIONAL LAW OF CIVIL WAR. ED. BY RICHARD A. FALK. BALTIMORE: THE JOHNS HOPKINS PRESS. 1971. Pp. xix + 452. \$15.00.

Princeton's Richard A. Falk has edited yet another exceedingly fine addition to the growing library of international law books. This volume focuses on the emerging problem of armed civil conflicts and their proper position along the rather undefined spectrum of international law. It accomplishes this goal with the use of six case studies—the American Civil War, the Spanish Civil War, the Algerian Revolution, the post-independence war in the Congo, the international war in Yemen, and the bloody war still in progress in Vietnam. Emphasis is placed not only on the causes and conduct of the hostilities, but also on external participation in the easing of domestic tensions.

JUDICIAL REVIEW IN THE CONTEMPORARY WORLD. BY MAURO CAPPELLETTI. INDIANAPOLIS: THE BOBBS-MERRILL COMPANY, INC. 1971. Pp. xv + 117.

Though few in pages, this slender volume captures the concept of modern constitutionalism as it converges from positivism and natural law. This is the story of judicial review, past to present, all around the world. The author is a professor of law at Stanford University as well as Director of the Institute of Comparative Law, University of Florence (Italy). His book is thoughtful and penetrating.

INTERNATIONAL CLAIMS: POSTWAR FRENCH PRACTICE. By BURNS H. WESTON. SYRACUSE, NEW YORK: SYRACUSE UNIVERSITY PRESS. 1971. Pp. xv + 237. \$10.75.

Burns H. Weston is a professor of law at the University of Iowa and is a member of the Executive Council of the American Society of International Law. His work herein is a significant contribution toward an eventual synthesizing of the decisions of national claims commissions. The book is a study of the practices and operations of eight post-World War II French Claims Commissions. It provides key insight into the "how's and why's" of securing compensation for damaged or destroyed property in foreign countries.

WORD POLITICS: VERBAL STRATEGY AMONG THE SUPERPOWERS. BY THOMAS M. FRANCK AND EDWARD WEISBAND. NEW YORK: OXFORD UNIVERSITY PRESS. 1971. Pp. xii + 176. \$5.95.

The aftermath of the Soviet invasion of Czechoslovakia left the Washington officialdom in a state of both shock and outrage. Those in government circles labeled as "clandestine" this latest act of Soviet aggression and promptly denounced the Brezhnev Doctrine of Limited Sovereignty. Many of these same officials, the authors suggest, have for too long failed to "listen to ourselves as if we were the enemy speaking." Indeed, *Word Politics* exposes the verbal similarities in Soviet and American foreign relations. This book makes amply clear the rhetorical strategy used by the superpowers while infringing on the sovereignty of neighboring countries in Eastern Europe and Latin America in the creation of separate systems of hemispheric satellites.

U.N. PROTECTION OF CIVIL AND POLITICAL RIGHTS. BY JOHN CAREY. SYRACUSE, NEW YORK: SYRACUSE UNIVERSITY PRESS. 1970. Pp. xii + 205. \$7.50.

The adoption of the United Nations Charter in 1945 was a giant step beyond anything the world had known in the protection of human rights on an international level. Over the past 27 years, the major movements to decrease the inhuman practices of massacre, torture, arbitrary arrest, discrimination, and summary execution have

concentrated on the clarification and codification of substantive law. This book travels a different path. Disenchanted with the comparatively little progress achieved in the procedural aspects of international law, Professor Carey offers constructive criticism of the existing machinery used to enforce human rights. His book makes numerous references to original U.N. documents supplemented with the author's invaluable experience within the U.N. chambers themselves.

**INTERNATIONAL LAW AND THE SOCIAL SCIENCES.** BY WESLEY L. GOULD AND MICHAEL BARKUN. NEW JERSEY: PRINCETON UNIVERSITY PRESS. 1970. Pp. xx + 338. \$9.75.

Two political scientists have undertaken to shatter the illusions professionally entrenched within the fields of international law and the social sciences. In juxtaposing the two disciplines, the authors have effectively cultivated a new and refreshing approach for the benefit of students, teachers, and practitioners of international law.

**THE UNITED NATIONS: THE NEXT TWENTY-FIVE YEARS. TWENTIETH REPORT OF THE COMMISSION TO STUDY THE ORGANIZATION OF PEACE.** DOBBS FERRY, NEW YORK: OCEANA PUBLICATIONS, INC. 1970. Pp. xiii + 263. \$8.50.

Peace, freedom, and justice for all has been the ideal pursued for the past 30 years by the Commission To Study The Organization Of Peace. This piece of literature is no exception to the past fruitfulness of the Commission's work. Herein the United Nations is critically examined to provide the reader with valuable information on the institutional prospects for fulfilling a peaceful world order. The Commission's analysis encompasses the factors, methods, and programs necessary for U.N. protection of universal human rights. Just as enlightening are the several chapters emphasizing the need for restructuring the internal procedures of the U.N. body to form a more viable legal organization with which to maintain world-wide peace and unity.

**THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS.** BY ANNA P. SCHREIBER. NEW YORK: HUMANITIES PRESS, INC. 1970. Pp. 187. \$6.50.

The book is a sweeping account of the Commission's work from the time of its conception in the mid-forties to the present day. Its structure, power, and procedure are all unveiled in penetrating detail. Of particular interest are the many chapters touching on separate instances of national and international crises within the Western Hemisphere. Among them are chapters showing the Commission's efforts in Cuba, Haiti, and the Dominican Republic.

**JUDGMENT ON NUREMBERG: AMERICAN ATTITUDES TOWARD THE MAJOR GERMAN WAR—CRIME TRIALS.** BY WILLIAM J. BOSCH. CHAPEL HILL: THE UNIVERSITY OF NORTH CAROLINA PRESS. 1970. Pp. vi + 272. \$9.75.

Professor Bosch evaluates American public reaction to the Nuremberg trials and draws his conclusions largely in terms of four primary issues: "the legality of the Tribunal, the composition of the court, the justice of the verdicts; and the implications for the future." Although his study is a factual analysis from a historian's point of view, Bosch does spend time on some of the more relevant concepts of a higher meaning of law. For attorneys, two chapters of particular interest deal with the reactions of specialists to the Nuremberg venture and its prospective place within the sphere of international law.

**INTERNATIONAL LAW.** BY D. W. GREIG. LONDON: BUTTERWORTH & Co. (PUBLISHERS) LTD. 1970. Pp. xx + 728. \$20.25.

A British law professor has produced a one volume treatise on international law designed for the useage of law students and lawyers alike. Greig's avowed object is to effectively survey both "the general law of peace and the law of international institutions within the same framework." This scholarly work frequently refers to the American practice of international law and the decisions of this country's courts.

LEGAL LIMITS ON THE USE OF CHEMICAL AND BIOLOGICAL WEAPONS. BY ANN VAN WYNEN THOMAS & A. J. THOMAS, JR. DALLAS: SOUTHERN METHODIST UNIVERSITY PRESS. 1970. Pp. x + 332. \$10.00.

The authors reason that peace and unity on earth for future generations may require "an agreement to prohibit the possession, manufacture, and use of lethal or severely injurious chemical and biological weapons." Aimed at that goal, this book is a comprehensive statement of past through present international law as it relates to CB warfare. Both Professors dismally regard the existing international limitations on chemical and biological weapons as "chaotic" at best.

THE HUMAN RIGHT TO INDIVIDUAL FREEDOM: A SYMPOSIUM ON WORLD HABEAS CORPUS. ED. BY LUIS KUTNER. CORAL GABLES, FLORIDA: UNIVERSITY OF MIAMI PRESS. 1970. Pp. 249. \$12.50.

This symposium is an eloquent plea for the establishment of a world court of habeas corpus to protect all human beings from the anguish of arbitrary arrest and detention. Professor Kutner has triumphantly lured contributions from a distinguished list of legal authorities and molded their pieces into this single, compact, and hard-hitting unit. His authors include William O. Douglas, William J. Brennan, Prince Sihanouk, Cherif Bassiouni, Quincy Wright, Myres S. McDougal, Roscoe Pound, Harold D. Lasswell, and the editor himself. The foreword is by Arthur J. Goldberg.

INTERNATIONAL BUSINESS NEGOTIATIONS: A STUDY IN INDIA. BY ASHOK KAPOOR. NEW YORK: NEW YORK UNIVERSITY PRESS. 1970. Pp. xxiii + 361. \$12.50.

The case history of the negotiation process between foreign companies and the Indian government touches all aspects of international business matters—economics, politics, and behavior. It is a useful study because it provides specific evidence to assist the reader in developing a sharper recognition and awareness of factors that may have heretofore been taken for granted.

THE APPLICATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS. BY J. E. S. FAWCETT. LONDON: OXFORD UNIVERSITY PRESS. 1969. Pp. xii + 368. \$13.25.

Since the time of its founding in 1954, over 3000 applications have been brought under the European Convention on Human Rights. This book is a survey of how the Convention has been applied in practice. It examines the Convention "article by article and clause by clause," while describing and analyzing the interpretations afforded them by the Convention bodies and by national courts in the countries where the Convention has become domestic law.

INTERNATIONAL PROTECTION OF HUMAN RIGHTS. ED. BY JOHN CAREY. DOBBS FERRY, NEW YORK: OCEANA PUBLICATIONS, INC. 1968. Pp. x + 116. \$6.00.

This slim volume contains the background paper and proceedings of the Twelfth Hammarskjöld Forum held at New York City in 1967. The overall theme of the forum was an evaluation of the techniques used by international organizations to protect individuals from the oppression of their own governments.

HUMAN RIGHTS IN NATIONAL & INTERNATIONAL LAW. ED. BY A. H. ROBERTSON. DOBBS FERRY, NEW YORK: OCEANA PUBLICATIONS, INC. 1968. Pp. xvi + 396. \$12.00.

The Second International Colloquy on the European Convention on Human Rights was held at Vienna in 1965. This volume is an account of the proceedings. It contains the full text of reports, written communications, conclusions, and a summary of the oral discussions. Topics on the agenda included: the obligations by a state

party to a treaty with respect to its municipal law; possible conflicts between the Conventions and other international obligations; the Convention *ordre public*; comparison of national jurisprudence with that of the Commission and Court of Human Rights; the United Nations and other international organizations designed to protect human rights.

*Softcover*

**THE LAW OF ARMED CONFLICTS.** BY DENISE BINDSCHEDLER-ROBERT.  
NEW YORK: CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE. 1971.  
Pp. vi + 119. \$1.50.

This book is primarily a research tool for international jurists seeking to enunciate clearer, more realistic sanctions on warfare. Specifically, it is a report of the Conference on Contemporary Problems of the Law of Armed Conflicts held at Geneva in 1969. The volume is divided into two subsections. The first is a paper prepared especially for the Conference by Denise Bindschedler-Robert. The latter portion is a summary of the record of the Conference written by Lucious Caffisch. The Conference's major achievement would appear to be its denunciation of the *tu quoque* principle.

**THE LAWS OF WAR 25 YEARS AFTER NUREMBERG.** BY TOM J. FARER.  
NEW YORK: CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE. 1971.  
Pp. 54. \$.80.

The outbreak of civil wars throughout the world over the difficult years since the second World War has confused the status and application of international law. Professor Farer, of Rutgers, analyzes the legal consequences of guerrilla warfare with an eye to pulling it within the scope of the 1949 Geneva Conventions. Can guerrilla warfare be regulated by law? The questions posed are critically important to thousands of civilians in many strife-torn countries.

**AIR HIJACKING: AN INTERNATIONAL PERSPECTIVE.** BY NARINDER AGGARWALA, MICHAEL J. FENELLO, GERALD F. FITZGERALD. NEW YORK: CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE. 1971. Pp. 82. \$.80.

*International Conciliation* is a pamphlet published five times yearly, each issue devoted to a pressing problem of international importance. This tract is concerned with airplane hijacking. The approach is taken from several perspectives. The authors—a journalist, a pilot, and an international law specialist—write about the various aspects of hijacking from the vantage points of politics and technology as well as the three conventions aimed at curbing this international menace.

