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Book Notes

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BOOK NOTES

MARITIME TRANSPORT: THE EVOLUTION OF INTERNATIONAL MARINE POLICY AND SHIPPING LAW. By Edgar Gold. Lexington: Lexington Books, 1981. Pp. xxi, 425.

In this work Professor Gold traces the development of the laws and the policy considerations concerning the use of the oceans from the pre-Christian era through the present day. The successes and failures of the most recent international maritime law conferences are explored. The reader is treated to a survey of world maritime history and is often warned that this history must, of necessity, be brief and subjective in order to maintain a close relationship between shipping law and the marine policy under study.

Professor Gold points out that the most destructive element in the area of maritime transport is the schism that has grown between laws governing the shipping industry and the more generalized international law of the sea. Shipping law cannot and should not exist apart from the other areas of maritime law. It would be in the best interest of all concerned if the largely self-imposed exile of the shipping industry ended and the entire area of law-making regarding the ocean and its uses be treated, like the ocean itself, as an undivided whole.

This schism, Gold finds, is the result of the development of organizations which have primarily sought to further their particular interests and have devoted neither sufficient time nor energy to meeting with other entities in fora where the imbricated uses of the ocean might be treated as a whole. To consider some uses in isolation, especially in isolation from the use that has been most influential in the development of civilization, i.e., shipping, does violence to the effective treatment of any one use. Through examination of contemporary problems such as pollution and Third World underdevelopment, it is seen that the schism has become worse, exacerbating the troubles besetting the shipping industry. In spite of this problem, the author conveys an optimistic picture of the future of the shipping industry.

The strongest impression with which the reader is left after completing this book is the remarkable intimacy that exists between the author and his subject matter. Not only does it take an extensive knowledge of one area of study to compile a work of such erudition and practical acumen, it also takes a love of that subject to treat it with the paternalistic criticism exhibited by Professor Gold. Gold's criticisms, although severe at times, are purely constructive, and his insight is singularly invaluable to the future of shipping law and marine policy in

general. Gold has married detailed knowledge with trenchant analysis, and the result is a book of impressive power, one that should become a standard in the field of maritime law.

ANGLO-POLISH LEGAL ESSAYS. Edited by W.E. Butler. Dobbs Ferry: Transnational Publishers, Inc., 1982. Pp. xiv, 253.

These thirteen essays were prepared for a 1981 colloquium held reciprocally by the legal educators of Warsaw University and University College, London. The essays explore recent developments in English and Polish legal theory, civil law, public law and international law and commerce.

The British contributions to the section on legal theory discuss the descriptive and prescriptive aspects of two theories of adjudication and the distinction between momentary and non-momentary legal systems. The Marxist perspective of Polish legal theory is demonstrated in essays on value-oriented jurisprudence and court directives as "sources of law." The next group of essays explores the Romanist traditions of both legal systems and recent developments in Polish economic law. The public law of Britain and Poland is studied in relation to the structure of constitutional change in each country and the impact of social change upon the public law, including the impact of recent trade union activity. The last section of the volume contains two Polish essays: one on the law governing international contracts; the other on COMECON, the Council of Mutual Economic Assistance.

The volume's juxtaposition of British and Polish essays demonstrates the philosophical differences between the legal systems of Great Britain and Poland and provides information for understanding those differences. In some cases, most notably the essays on the impact of labor unions, the insights of the essays suggest some parallelisms between the legal and social environments of Britain and Poland. As a result, this work makes a valuable contribution to the field of comparative law.

IRAN SINCE THE REVOLUTION. By Sepehr Zabih. Baltimore, Maryland: The Johns Hopkins University Press, 1982. Pp. 247.

Iran Since the Revolution is an in-depth analysis of Iran's recent era of turmoil which has resulted from its attempt to restructure its political system.

The first chapter is a study of how and why Khomeini came to power. The chapter focuses on the early misconceptions of the United

States about Khomeini and how these misconceptions led to the failure of the Carter Administration to predict and prevent the hostage crisis. The book, in subsequent chapters, focuses on the institutionalization of the revolutionary regime despite a lack of consensus as to the ideological and constitutional foundation of the Islamic Constitution. The hostage crisis is discussed and viewed as a temporary interruption in the process of institutionalization of the Islamic Republic. The focus of the book then shifts to the interplay between the institutions of the new regime and the resurgence of a strong opposition. The final chapters deal primarily with the recent power struggles plaguing Iran.

Zabih has provided the reader with a postscript which updates the recent war with Iraq and the intensifying struggle for a successor to Khomeini. In addition, Zabih has provided a selected bibliography, written in Farsi and English, listing primary Iranian sources including books, articles, pamphlets and underground publications from Iran and abroad.

THE PRACTICE OF JAPAN IN INTERNATIONAL LAW 1961-1970. Edited by Shigeru Oda and Hisashi Owada. Tokyo: University of Tokyo Press, 1982. Pp. v, 471.

The study of international law and the articulated policy viewpoints and goals of sovereign states with regard to the pertinent issues facing the modern world community has often been hampered by the lack of cohesive compilations of the source materials of a particular nation. *The Practice of Japan in International Law 1961-1970* is intended to fill this gap by providing source materials which clarify Japan's use of international law in determining its diplomatic policies during this ten year period.

The editors have organized statements made by Japanese delegates to the United Nations and ministers of Foreign Affairs, official statements and proclamations of the Japanese government and proceedings of the Diet, the parliamentary branch of the Japanese government, into categories of recognized international issues. This affords the student of international law an opportunity to view the formulation of Japan's foreign policy within the context of an increasingly complex world society. Special attention is given to topics of the text which highlight Japan's most important economic and military interest: the seas. Another section of special interest to the international scholar is the documented reaction of Japan to the nuclear arms proliferation between the superpowers and the international cry for disarmament.

This book gives the reader a solid reference guide to source mater-

ials of the Japanese government. It eliminates the language barrier for English speaking scholars and, although it makes little editorial comment, the text does provide specific reference to many international problems that faced the Japanese government during the explosive 1960's. This book is, it is hoped, the first of many volumes dealing with the interpretation and use of international law in Japan.

TRANSNATIONAL TERRORISM: CONVENTIONS AND COMMENTARY. Edited by Richard B. Lillich. Charlottesville: The Michie Company, 1982. Pp. iii, 281.

Professor Lillich has compiled, in one volume, a collection of international treaties and conventions dealing with transnational terrorism. The first section of the collection provides an overview of the international legal climate governing transnational terrorism, including the major conventions in the area. Prefaced by a brief editor's note, the texts of the treaties are then set out followed by a list of the ratifying states as of March 1, 1982 and by each state's respective reservations towards the particular convention. United States action towards the specific conventions is then noted along with citations to relevant United States cases.

Part two of the book contains summaries of the multilateral agreements pertaining to extradition. This section contains the same types of material that followed the conventions compiled in section one. It additionally sets forth the range of extraditable offenses and provides discussions on the nature of political offenses.

A common form of transnational terrorism is skyjacking. Equally common are attempts by terrorists to request asylum in the state to which the aircraft is flown. Part three of the volume contains summaries of the conventions dealing with this special type of asylum. Also included are appendices containing past and proposed conventions dealing with transnational terrorism and a list of signatories to the various conventions by country.

THE TEACHER IN INTERNATIONAL LAW. By Manfred Lachs. The Hague: Martinus Nijhoff Publishers, 1982. Pp. 236.

In this thought-provoking volume, a most distinguished international jurist and teacher of international law provides a panorama of international law "teachings" and fashions a challenging prospectus for the international law teacher. This distinguished jurist and teacher is Manfred Lachs, a Judge and former President of the International Court of Justice, several times chairman of the Legal Committee of the

United Nations General Assembly and recipient of the Wateler Peace Prize in 1976.

While acknowledging that contemporary international law teaching is inherited, transformed and adapted from the past, Lachs approvingly cites C.W. Jenk's observation that international law in the twentieth-century has experienced a profound transformation "from a family of nations based primarily on Western Christendom into a universal community." This transformation engenders Lachs' reflections on the domains of activity to which the public international lawyer must pay heed and on the new opportunities which have developed for the teaching of international law. Reviewing the achievements of international law teachers in the past, Lachs focuses upon the fundamental role of teaching in performing "scoutwork and pioneering" for the development of international law. This book cautions that, in meeting the challenges and opportunities of the universal community, what is needed is not an entirely new structure of law, but rather a building upon, a transmuting and an enriching of the progressive and fertile achievements of these past teachers.

While the enormous scope of this book allows Lachs to only touch upon the thoughts derived from a long and reflective career in international law, *The Teacher in International Law* provides a rare overview of the teacher's role and pervasive impact in the life of the universal community.

