

# Noteworthy New Titles

Daniel L. Wade†

## GENERAL REFERENCE

*Enforcement of Money Judgments Abroad*. Edited by Philip R. Weems. New York: Matthew Bender, 1988. Variousy paginated. (Looseleaf).

One of the most commonly asked questions posed by practitioners to foreign and international law librarians deals with the recognition of foreign judgments. This reference tool may assist practitioners and librarians alike in addressing problems arising from issues surrounding the recognition of foreign money judgments. Each of the work's forty-four chapters focuses on the law of a particular national jurisdiction and is written by an attorney from that country.

A uniform question and answer format is used throughout the book. Each chapter is organized around three issues: Part I provides a survey of the attitudes held by the country's courts toward the enforcement of foreign money judgments; Part II discusses the procedures followed to enforce a foreign money judgment in the given country; and Part III A gives a summary of the requirements necessary to enforce a foreign money judgment, while Part III B describes the possible defenses to such an action. Appendix I of each chapter sets forth the country's pertinent legislation; Appendix II consists of a list of treaties; and Appendix III offers a bibliography of other relevant sources. If the editor can keep this looseleaf current, the practicing bar should find his work of great value.

*The Facts on File World Political Almanac*. Compiled by Chris Cook. New York: Facts on File, 1989. Pp. 453. (Hardbound).

This almanac provides an absolutely fascinating array of facts on world political developments, though perhaps too often fails to give enough information to be truly helpful. Its style is in a popular vein, and there are few footnotes or cited authorities for the information provided. Among its many chapters are a number especially pertinent to international law, including those on international organizations, heads of government, legislatures and constitutions, major

† Foreign and International Law Librarian, Yale Law School Library.

## Noteworthy New Titles

treaties by country (though not all countries are included), chronologies of international conflicts, terrorist acts, nuclear developments, a dictionary of political events, and a glossary of political terms. The work includes a detailed subject index.

*Foreign Law: Current Sources of Codes and Basic Legislation in Jurisdictions of the World, Volume I: The Western Hemisphere.* By Thomas H. Reynolds and Arturo A. Flores. AALL Publications Series: 33. Littleton, CO: Rothman, 1989-. Three Volumes Projected. (Looseleaf).

This is the first volume in what promises to be a major new reference tool in foreign law. Each jurisdictional section begins with an introduction (with a brief bibliography) providing an overview of the legal system, followed by "Major Publications," which lists the major codes, official gazette, session laws, court reports, etc. The final part of each section is a subject arrangement with some sixty subject headings that refers the reader to looseleaves, journals, government document publications, and treatises that contain the law in question (in English translation, if possible).

Any library of a law firm consistently dealing with international business transactions, or other areas of foreign law for that matter, will want this set in its collection. The authors promise to update it annually.

*How to Find the Law.* By Morris L. Cohen, Robert C. Berring, and Kent C. Olson. 9th Ed. (Hornbook Series). St. Paul, Minn. : West, 1989. Pp. xxxiv, 716.

The 9th edition of this standard reference work on legal research co-authored by the Director of the Yale Law Library, Professor Morris L. Cohen, continues the basic outline of the prior edition (1983) but contains much updated material. Its three chapters, "International Law" (significantly revised from the last edition), "English and Commonwealth Materials," and "Foreign and Comparative Law," provide a good starting place for a researcher coming to one of these areas of law for the first time, while at the same time serving well as a reference manual for the more experienced researcher.

*Repertoire de la Jurisprudence Arbitrale Internationale — Repertory of International Arbitral Jurisprudence.* Edited by Vincent Coussirat-Coustère and Pierre Michel Eisemann. Boston, Nijhoff, 1989-. Vol. 1, 1794-1918; Vol. 2, 1919-1945. (Hardbound).

This work's "main objective is to shed light on the role of arbitral awards in the formation of general international law" (Introduction). "Arbitral award" has been broadly defined to include the result of dispute resolution proceedings between states, between international organizations and states, between state companies or private persons, and certain pronouncements from conciliations or inquiries. The body of each volume consists of excerpts, reproduced in English, French, or both languages, of the arbitral awards which represented positive international law at the time they were issued.

The arrangement is based on a thematic framework of international law. There is a detailed index to facilitate subject access, as well as chronological and alphabetical indexes. International lawyers should find this work a major asset in their research as it represents the first systematic attempt to collect and organize arbitration awards.

*The Study of International Relations: The State of the Art.* Edited by Hugh C. Dyer and Leon Mangasarian. New York: St. Martin's Press, 1989. Pp. xxii, 404. (Hardbound).

For those who recognize an increasing significance for the role of international relations in the scholarship of international law, this collection of essays, which constitutes self-reflection on the nature of the enterprise by its practitioners, should be of interest and value. The book, based on a special issue of *Millenium: Journal of International Studies* (Vol. 16, No. 2 (Summer, 1987)), consists of twenty-seven essays arranged in three parts: theoretical issues, country studies (e.g., "The Study of International Relations in Israel"), and subject specialties (e.g., foreign policy analysis). The final chapter is particularly noteworthy in that it is written by a well-known scholar of international law, Ingrid Detter de Lupis, and discusses the relationship between international relations and international law.

## HUMAN RIGHTS

*Human Rights: A Directory of Resources.* Edited by Thomas P. Fenton and Mary J. Heffron. Maryknoll, NY: Orbis, 1989. Pp. xviii, 156. (Softbound).

This is one of twelve highly useful directories published by Third World Resources, based in Oakland, California, that update *The Third World Resource Directory* (Orbis Books, 1984) (other directories focus on: the Third World generally; Africa; Asia and the Pacific; Latin America and the Caribbean; the Middle East; Women in the Third World; Food, Hunger and Agribusiness; Human Rights; Militarism; Peace and Disarmament; Native Peoples and Natural Resources; Nuclear Arms and Energy; and Transnational Corporations and Labor). The human rights directory will serve well as an entry into further information and materials on the subject. The book is divided into five chapters: organizations, books, periodicals, pamphlets and articles, and audiovisuals. Five indexes are also included: organizations, individuals, titles, geographical areas, and subjects.

*Human Rights and Humanitarian Norms as Customary Law.* By Theodor Meron. Oxford: Clarendon Press, 1989. Pp. xi, 263. (Hardbound).

The author's purpose in writing this book is to clarify the status of international human rights and humanitarian norms in public international law and to examine the sources, evidence, and process of the creation of these rights. The author investigates two principal areas of inquiry: first, the relationship of human rights and humanitarian norms to customary law, and second, the relationship of human rights and humanitarian norms to the law of state responsibility. The work is divided into three chapters: "Humanitarian Instruments as Customary Law," "Human Rights Instruments and Customary Law," and "Responsibility of States for Violations of Human Rights and Humanitarian Norms." The work ends with a detailed subject index including case names.

## INTERNATIONAL TRADE

*Europe Without Frontiers: A Lawyer's Guide.* By Audrey Winter et al. (Corporate Practice Series). Washington, DC: Bureau of National Affairs, 1989. Pp. xxviii, 299, A-397. (Softbound).

Hardly a day passes without a new book or article arriving in the Yale Law School library on the European Communities (EC), the Single European Act, or 1992. This guide, however, may be one of the most economical, accessible and potentially useful. The book is divided into five parts: "The 1992 Single-Market Challenge," "Law-Making in the European Community," "Bringing Down Barriers to Trade: Cross Sectoral Developments," "Bringing Down Barriers to Trade: Industry-Specific Developments," and "Strategic Business Issues: Key Questions for U.S. Companies." The appendices, some four hundred pages, range from legislation and directives, directories of European Community personnel, United States Congressional Committees and United States Business Associations interested in 1992 to a section outlining the principal sources of EC law. The work concludes with a selected bibliography. The guide is highly recommended; it is easy to read, yet contains ample footnotes. It is intended for both business strategists and lawyers.

*International Business Transactions: The Parker School 1989 Guide.* By The Parker School of Foreign and Comparative Law, Columbia University. Dobbs Ferry, NY: Transnational Juris, 1989. Pp. vii, 297. (Hardbound).

This English language only, unannotated bibliography of sources dealing with the law of international business transactions originates from the syllabus of the Parker School's summer program for common and civil law lawyers. Professor Han Smit's preface suggests that it will be updated annually. In addition to the expected bibliographies of various areas of international law (e.g., those on company law, transport law, and intellectual and industrial property law), there are two excellent initial chapters on "Foreign Legal Systems" and "The Practice of Foreign Law" as well as appendices which list collections of law and reports of cases, law dictionaries and glossaries, legal periodicals, and bibliographies.

While it may be lamented that the Parker School has not shared more of its expertise as to how to conduct research in the law of international business transactions, this annual should serve a useful purpose in bringing its readers up-to-date on the latest information

## Noteworthy New Titles

available in this field. One caveat is in order: Because complete bibliographic information is not provided, users may want to turn to their librarians for assistance in obtaining needed items.

*International Trade in Endangered Species: A Guide to CITES.* By David S. Favre. Boston: Nijhoff, 1989. Pp. xx, 415. (Hardbound).

This volume provides a thorough guide to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which first came into force in 1975. The work is organized according to the format of the treaty with each chapter focusing on a specific article. Within each chapter coherence is maintained by first providing the text of the article, then a quick introduction, a note on the historical development of the treaty language, and finally a series of notes on the issues arising out of the article. There are a series of appendices at the end of the volume providing, among other things, sample forms and texts of selected resolutions, interpreting or expanding the provisions of the treaty, that emerged from the six formal international meetings held subsequent to the Convention's coming into force. Both an index of the resolutions and a subject index are found at the end of the book.

*The Law of International Trade Finance.* Edited by Norbert Horn. (Studies in Transnational Economic Law: No. 6). Boston: Kluwer Law and Taxation, 1989. Pp. xxxviii, 708. (Hardbound).

Most of the contributions in this collection of papers, devoted to trade finance and the financing, payment techniques, and procedures for the transfer of goods and services, arise out of a research program sponsored by the Fritz-Thyssen-Stiftung, Cologne and the resultant international conference held in Bielefeld, West Germany in September, 1987. The volume is divided into six principal parts: export contracts, exchange controls, methods and instruments of payment, credit financing of international trade, security contracts and credits, and materials (a documentary compendium of uniform rules, codes, and conventions). Fortunately, almost all of the twenty-three papers are of a general nature (e.g., "Risk Management in International Trade Financing and Payment," "A Primer on Electronic Fund(s) Transfers," and "Export Factoring and Forfaiting"), allowing the work to serve as a useful introduction to this important area of international trade law. For his readers' convenience the editor has included a list of abbreviations, a table of

cases, and a brief select bibliography of treatises pertinent to the collected papers. The volume ends with a detailed subject index.

## PUBLIC INTERNATIONAL LAW

*An Introduction to Contemporary International Law: A Policy-Oriented Perspective.* By Lung-chu Chen. New Haven: Yale University Press, 1989. Pp. xii, 500. (Hardbound and Softbound).

This popular introduction expressly identifies itself with the New Haven School, the policy-oriented approach developed at Yale by Myres S. McDougal and Harold D. Lasswell. The book is arranged in terms of the decision process, focusing on: participants, perspectives (minimum world order and optimum world order), arenas of decision, bases of power, strategies, outcomes and effects. It ends with a brief bibliography arranged according to the book's chapters, a chronological list of treaties and a detailed subject index.

The author hopes that laymen as well as scholars will read his work. He has sought to accomplish this by making the book highly accessible; as a text it is distinguished by its paucity of footnotes. Chen provides a revealing contemporary insight into the New Haven School.

*Developments in the Law of Treaties 1945-1986.* By Shabtai Rosenne. New York: Cambridge University Press, 1989. Pp. xxxv, 535. (Hardbound).

This collection of lectures grew out of Professor Rosenne's 1985-86 year as the Arthur Goodhart Professor in Legal Science and visiting Fellow at Magdalene College of Cambridge University. It represents the latest addition to his already extensive writings on the law of treaties and the codification of that law, resulting from his work on the International Law Commission of the United Nations. The collection includes: "Unaddressed Issues in the Codified Law of Treaties," "The Role of the Written Arrangement in International Relations and International Law," "Good Faith in the Codified Law of Treaties," "Is the Constituent Instrument of an International Organization an International Treaty?" "The Settlement of Treaty Disputes Under the Vienna Conventions," and "The United Nations and the Law of Treaties."

Among the aids that Professor Rosenne provides for his readers are a very useful note on documentation, a list of abbreviations, tables of cited cases and articles of the Vienna Conventions, an index

## Noteworthy New Titles

of General Assembly Resolutions, name and subject indexes, and appendices containing the Vienna Convention on the Law of Treaties and the United Nations General Assembly Review of the Multilateral Treaty-Making Process.

Professor Rosenne's thoughtful analysis clearly constitutes a major contribution to the scholarly literature on the law of treaties.

*Hope and Folly: The United States and UNESCO 1945-1985.* By William Preston, Jr., Edward S. Herman, and Herbert I. Schiller. (Media and Society). Minneapolis: University of Minnesota Press, 1989. Pp. xxv, 367. (Hardbound).

The collection of essays, produced by the Institute for Media Analysis, Inc., New York, is a critical assessment of the role of the media in the United States campaign against, and ultimate withdrawal from, UNESCO. The three essays, written by academics, are entitled: "The History of U.S.-UNESCO Relations," "U.S. Mass Media Coverage of the U.S. Withdrawal From UNESCO," and "Is There a United States Information Policy?" In addition to the appendix's UNESCO constitution and several analytic writings, there is an interesting bibliography and a detailed subject index. This work does an admirable job of exposing the problematic question, too little recognized, of whether the free press is really free.

*International Law at a Time of Perplexity: Essays in Honour of Shabtai Rosenne.* Edited by Yoram Dinstein. Boston: Nijhoff, 1989. Pp. xxxiii, 1056. (Hardbound).

This important collection, composed of over fifty essays by many of the world's foremost international legal jurists, is written in celebration of the seventieth birthday of Shabtai Rosenne, first Legal Adviser of the Ministry for Foreign Affairs of Israel, former Israeli Ambassador to the United Nations, professor of international law, and prolific scholar (see the note on his latest book above). The papers cluster around five of Professor Rosenne's intellectual interests: the International Court of Justice, the law of treaties, the law of the sea, the law of Israel and Jewish law, and the law of human rights. For those interested in international legal research, one article of special note, by Carl-August Fleischhauer, is "The United Nations Treaty Series."

In addition to the collected papers, the editor has included a brief biography and Professor Rosenne's extensive bibliography. There is a helpful detailed subject index, including P.C.I.J. and I.C.J. cases,

at the end of the volume. A careful reading of this Festschrift should do much to elucidate the topic of Professor Rosenne's latest article, "International Law as it Stands at the End of the Twentieth Century" (in *International Law and Its Sources: Liber Amicorum Maarten Bos*. Edited by Wybo P. Heere. Boston: Kluwer Law and Taxation; The Hague: T.M.C. Asser Institute, 1989. Pp. 125-136).

*The International Law of Diplomacy: The Diplomatic Instrument and World Public Order*. By B.S. Murty. New Haven: New Haven Press (Nijhoff), 1989. Pp. xxiii, 682. (Hardbound).

This legal study of diplomacy, or "the process of transnational communication among the elites in the world arena," is written from a policy-oriented perspective and under the influence of the New Haven School and the field of strategic bargaining. The analytic framework is based on the decision process. The first chapter deals with the processes of diplomacy; the next, with the preferred community policies concerning the diplomatic process; and the remaining six, with the primary contextual factors: participants, objectives, arenas of interaction, formal bases of capability of the participants, the operations and tactics of the diplomatic strategy, and the outcome of diplomatic communication.

While Professor Murty's book is not easy reading, it does provide an excellent illustration of the policy-oriented analysis as applied to one important area of international law.

*Justifying International Acts*. By Lea Brilmayer. Ithaca: Cornell University Press, 1989. Pp. x, 163-164. (Hardbound).

Professor Brilmayer offers a fresh cross-disciplinary approach in her new theoretical study focusing on international ethics and domestic political justification. She rejects the traditional horizontal focus of international law upon the relations between coequal state actors. In its place, she articulates a perspective that she calls jurisdictional, or vertical, analysis which entails looking at the relationship between the individual and the relevant political institution in discussing the political legitimacy of coercive acts. Drawing heavily on the fields of political theory and international relations, she works to reinterpret international law from this vertical approach. The first part of her book sets out the parameters of her analysis, while the latter part addresses several specific issues relating to intervention and the use of force in applying the vertical approach. With its emphasis on getting to the "realities" of international con-

## Noteworthy New Titles

flicts, Professor Brilmayer's book should have considerable bearing on those engaged in incident studies (see note on Reisman and Willard, *International Incidents: The Law That Counts in World Politics* (1988) in 14 *Yale Journal of International Law* 218 (1989)).

*Right v. Might: International Law and the Use of Force.* By Louis Henkin et al. New York: Council on Foreign Relations Press, 1989. Pp. xii, 123. (Softbound).

This collection of five essays emanates from a three year Council on Foreign Relations study group on international law and the use of force. It serves as a highly readable introduction to the debate about whether the use of United States military force in Grenada, Lebanon, Nicaragua, and Libya complied with international law. The essays include David J. Scheffer, "Introduction," "The Great Debate of the 1980s"; Jean J. Kirkpatrick and Allan Gerson, "The Reagan Doctrine, Human Rights and International Law"; Louis Henkin, "The Use of Force: Law and U.S. Policy"; Stanley Hoffmann, "Ethics and Rules of the Game between the Superpowers"; and William D. Rogers, "The Principles of Force, The Force of Principles." The essays do not represent a consensus of the study group but rather provide differing viewpoints within the debate. They do highlight a number of highly controversial issues raised in the discussion of the justification of self-defense. The brief volume ends with a list of selected readings and a short subject index.

