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BOOKS RECEIVED

JAPANESE CRIMINAL JUSTICE. By A. Didrick Castberg. New York, New York: Praeger Publishers, 1990. Pp. 153. \$42.95.

While Japan's language, culture, and economic status have been the subject of countless works, Japan's criminal justice system has become one of that country's forgotten facets. *Japanese Criminal Justice* is a well-written survey that fills this gap.

The author begins his work with a thorough overview of the history of Japan's criminal justice system. Because of Japan's early exposure to European legal systems and the later occupation of Japan by the United States following World War II, Europe and the United States both played a critical role in influencing criminal practice and procedure in Japan. Throughout *Japanese Criminal Justice*, Castberg takes advantage of this historical framework to point out similarities and differences between Japanese, European, and United States legal systems.

The book, however, is not limited to a historical context. Indeed, the book explains Japan's enforcement agencies, arms of prosecution and defense, and penal departments within the scheme of the criminal justice system as a whole. For example, in the chapter on criminal prosecution, Castberg describes the structure of all the relevant government agencies, the decision process of prosecutors in Japan, and the statistics that reflect the results of prosecutorial decisions.

The text is adequately, but not extensively, annotated. Castberg, however, makes effective and extensive use of statistics, including charts and graphs, to indicate trends in Japan's criminal justice system. For anyone unfamiliar with the criminal justice system of one of the world's major powers, *Japanese Criminal Justice* is a comprehensive and accessible introduction.

THE INTERNATIONALIZATION OF HUMAN RIGHTS. By David P. Forsythe. Lexington, Massachusetts; Lexington Books, 1991. Pp. 209. \$34.00.

A prolific writer on the international forces that affect human rights, Professor Forsythe has integrated and supplemented his past writings into a concise, yet thorough new work. Beginning with an overview of the philosophical bases of human rights, *The Internationalization of Human Rights* also spells out tangible cultural differences between ostensibly similar nations, thus reinforcing the idea that "human rights" may be an elusive term when viewed by states with divergent cultural

identities. The book also devotes substantial attention to the increasing role of international politics, particularly international law, in influencing human rights issues around the world.

Having outlined the challenges faced by world actors, Professor Forsythe then turns to four major players in this field: the United Nations, the Organization of American States, the United States, and the International Committee of the Red Cross. The book successfully brings out the role that each of these entities plays in addressing international human rights issues, from the long-term, far-reaching goals of the United Nations to the more immediate (and publicly satisfying) objectives of the International Committee of the Red Cross. Furthermore, by drawing upon historical successes and failures in the annals of human rights policy, the author provides concrete recommendations by which each of these groups might fulfill its unrealized potential to influence international practice and legislation in this area.

As an added bonus, the author has provided extensive annotations at the end of each chapter and a brief list of international human rights sources. In short, *The Internationalization of Human Rights* is a valuable and thoughtful addition to the growing body of international human rights knowledge and a useful tool for those beginning to study this far-reaching topic.

FEDERAL COURTS AND THE INTERNATIONAL HUMAN RIGHTS PARADIGM. By Kenneth C. Randall, Durham, North Carolina; Duke University Press. 1990. Pp. 295. \$45.00.

For a variety of reasons, many victims of international human rights violations have looked to United States courts for relief. In *Federal Courts and the International Human Rights Paradigm*, Professor Randall has provided a detailed analysis of the major decisions in this area of law. Readers should be forewarned, however, that Professor Randall's work is not a survey; to capitalize on the book's meticulous analysis, readers should be thoroughly familiar with the relevant case law or have the cases on hand for immediate reference.

Professor Randall begins by noting that the source of jurisdiction for United States courts confronted with international human rights issues was initially limited to the Constitution. Federal legislative acts, however, have expanded this jurisdiction, thereby increasing the number and type of actions that can be brought before United States tribunals and simultaneously increasing the debate over whether human rights claims should be redressed by individuals or by state actors. He then devotes the balance of his work to a sweeping study of the policy interests and procedural rules which inevitably influence the jurisdictional decisions of United States tribunals.

The extensive annotations and thorough analysis of case law makes *Federal Courts and the International Human Rights Paradigm* a useful resource for legal scholars and students alike. Practitioners in this area may find it helpful in assessing the public policy implications of their positions and in criticizing alternative viewpoints.

ROMAN LAW AND COMPARATIVE LAW. By Alan Watson. Athens, Georgia: University of Georgia Press, 1991. Pp. 328. \$50.00

Clearly one of the leading authorities on Roman law, Professor Watson already has produced a multitude of writings on the Republican period of ancient Rome and has edited a translation of Justinian's Digest. His new work, *Roman Law and Comparative Law*, combines an expanded version of a previous work, *The Law of the Ancient Romans*, with a broad survey of the Roman underpinnings of Western law.

The first section of *Roman Law and Comparative Law* is essentially a survey of different areas of Roman law from the earliest times, through the republic and into the empire. Included are overviews of Roman laws concerning the family, contracts, property, succession, and civil wrongs (*delicts*). Then as a prelude to the second half of this work, Professor Watson tracks the reincarnation of Roman law in Europe after the fall of the empire and through the Middle Ages.

The second half of Professor Watson's work performs a comparative study of Western law and its roots in Roman law. Professor Watson approaches this topic from a rather unique perspective, first concentrating on illuminating Roman law by comparative legal techniques. Then, Professor Watson moves on to examine Justinian's *Institutes* as a vehicle for the emergence of Roman law in both common law and civil law states.

The final seven chapters examine specific instances of Roman influence on Western law (*e.g.*, the relation between Roman *delicts* and civil wrongs under the French code). As such, these chapters seem unconnected to each other (and to the rest of the work), but certainly serve to illustrate a point reinforced throughout the book: to understand Western law, we must struggle to understand its heritage. *Roman Law and Comparative Law* is an approachable and well-written vehicle for understanding the roots of Western law.

THE U.S. CONSTITUTION AND FOREIGN POLICY. By Victoria Marie Kraft. New York, New York: Greenwood Press, 1990. Pp. 185. \$45.00.

Despite the far-reaching title, *The U.S. Constitution and Foreign Policy* is a relatively short work with a particular focus: the historical, political, and legal facets of Sino-American and Taiwanese-American relations. Despite the specificity of the subject matter, however, it is accessible to both students and scholars of international relations and of

the Constitutional provisions for United States foreign policy.

The book begins with President Truman's administration and an historical overview of the Chinese revolution of 1949. After setting the stage, Professor Kraft proceeds to offer a bird's-eye view of subsequent administrations through that of President Ford and concludes with a lengthy chapter on the political dimensions of President Carter's decision to abandon existing treaties with Taiwan and establish relations with the People's Republic of China.

The U.S. Constitution and Foreign Policy then begins to take a more legal focus, centering on the historical and jurisprudential dimensions of *Goldwater v. Carter*,* Senator Barry Goldwater's famous challenge to President Carter's unilateral abrogation of the United States defense treaty with Taiwan. Here, Professor Kraft provides an in-depth, lucid, policy-oriented analysis of the separation of powers doctrine, its historical roots, its purposes, and its limitations.

In the remainder of her work, Professor Kraft returns to a more narrative, historical approach. Here, she portrays an intense struggle between Congress and the Executive branch, as both branches attempt to balance the need for normalized United States relations with the People's Republic of China and the obligations of the United States in ensuring the security of Taiwan. Professor Kraft also insightfully assesses the impact of the record of Sino-American relations on future foreign policy decision-making and discusses the role of United States courts in settling interbranch foreign policy disputes. Thus, *The U.S. Constitution and Foreign Policy* is not only instructional as an historical work, but is also an insightful guide for considering of the Constitutional dimensions of future United States foreign policy.

* 481 F. Supp. 949 (D.D.C.); *rev'd* 617 F.2d 697 (D.C. Cir.) (*en banc*) (*per curiam*); *vacated and remanded with instructions to dismiss*, 444 U.S. 996 (1979).