

1986

Books Received

Law Review Staff

Follow this and additional works at: <https://scholarship.law.vanderbilt.edu/vjtl>



Part of the [Comparative and Foreign Law Commons](#), and the [International Law Commons](#)

Recommended Citation

Law Review Staff, Books Received, 19 *Vanderbilt Law Review* 677 (2021)

Available at: <https://scholarship.law.vanderbilt.edu/vjtl/vol19/iss3/8>

This Book Review is brought to you for free and open access by Scholarship@Vanderbilt Law. It has been accepted for inclusion in Vanderbilt Journal of Transnational Law by an authorized editor of Scholarship@Vanderbilt Law. For more information, please contact mark.j.williams@vanderbilt.edu.

Books Received

THE WORLD OF SCIENCE AND THE RULE OF LAW. By John Ziman, Paul Sieghart, and John Humphrey. New York: Oxford University Press, 1986. Pp. viii, 343. \$37.00.

In August 1975, thirty-five nations signed the Helsinki Accords, pledging adherence to an international code of human rights law which would allow scientists to function freely and effectively. This work examines the performance of the thirty-five nations in holding to the accords. The examination delves into areas particularly important for scientists: the rights to expression, opinion, education, association, and intellectual achievement. The book goes on to examine the reasons for these obstacles to the world of science and concludes with an exhortation for people of all nations to help any citizen whose human rights have been violated.

ESSAYS ON INTERNATIONAL LAW. By Stuart S. Malawer. Buffalo: William S. Hein & Co., 1986. Pp. ix, 201. \$35.00.

Terrorism, foreign policy, international trade, and moral damages are important issues facing the United States in the 1980s. This work contains a collection of the author's relatively short pieces on those topics. Malawer focuses on the Iranian Hostage Accords and their invalidity under international law in the portion of the book covering terrorism. He also discusses the use of military and economic force to combat terrorism as well as the need for clarification of the balance between the President's authority over foreign affairs and Congress' power to regulate international commerce. In the foreign policy section, Malawer covers topics such as imposed treaties, Reagan's first five years as President, and the United States Supreme Court's return to a methodological approach to statutory interpretation. He also presents reviews of works by other authors, among them Zbigniew Brzezinski and Senator Daniel Patrick Moynihan, on a range of foreign policy issues. The author approaches a variety of international trade issues, including import quotas, international business education, and international business law. His reviews of other works introduce the subjects of business-government relations and import remedies, among others. Finally, Malawer uses a comparative-law approach to address damages for mental anguish in

wrongful death cases, which are allowed in personal injury cases in most United States jurisdictions but not in a number of other nations.

THE IMF IN A CHANGING WORLD, 1945-85. By Margaret Garritsen deVries. Washington: International Monetary Fund, 1986. Pp. x, 226.

The International Monetary Fund (IMF) became an effective international organization for consideration and resolution of international monetary problems by adapting to changing world circumstances. In this work deVries traces the development of IMF from Bretton Woods to the present. She begins by describing the formulation and implementation of policies to maintain par values for exchange rates, abolish currency restrictions and establish currency convertability during World War II reconstruction. DeVries then explains how the IMF developed unique leverage through lending that conditioned stand-by credit agreements upon economic policies that correct balance of payment disequilibriums, reinforced by required annual substantive economic consultations. Then she discusses IMF responses to problems of international liquidity, particularly short-term capital movements, and declines in members' export earnings caused by price fluctuations for primary products. DeVries then examines the shift from regulatory to financial functions when the IMF became primarily a large scale lender in response to threats of severe exchange instability caused by massive external payment imbalances in the wake of sharp oil price increases, high inflation, world-wide recession, and a shift from a par value to a floating exchange rate system in the 1970s. Finally, she addresses the IMF's responses to the current world debt crisis.

SOVIET LAW AND SOVIET REALITY. By Olimpiad S. Ioffe. Dordrecht: Martinus Nijhoff Publishers, 1985. Pp. vi, 234.

In this work Ioffe states that Marxism contains two inconsistent components, which he calls the doctrine and the "crown." Because the Marxist goal of an ideal society cannot be achieved by faithfully adhering to Marxist doctrine, the Soviet legal system is unable to effectuate its principles. Ioffe illustrates this by systematically examining five broad ideological tenets of Marxism and tracing the processes by which Marxist practices have been distorted to the point of diametric opposition to the ideals that they purport to implement. The result is that in the Soviet Union democratic centralism is interdependent with centralized democracy, political emancipation with economic slavery, universal equality with universal hierarchy, and proclaimed legality with legalized arbitrariness. Ioffe concludes that this situation is not a result of abuses by misguided Soviet leaders but instead is the logical product of Marxism's contradictory components put into practice.

SWITZERLAND'S ROLE AS AN INTERNATIONAL FINANCIAL CENTER. By Benedicte Vibe Christensen. Washington: International Monetary Fund, 1986. Pp. v, 40. \$7.50.

Over the years, Switzerland has held an important position in the field of banking and finance, but recent developments in financial institutions have caused Switzerland to make changes in its financial structures. Christensen first explains why Switzerland has been a dominant international financial power, outlining the many strengths that provide a base for their banks. He then describes the effect of any increase in foreign-bank competition. Christensen next explores specialty areas of Swiss banks, including portfolio development, off-balance-sheet fiduciary accounts, and the monopoly of bond issues in Swiss francs. Finally, he discusses the recent developments in Swiss financial institutions of the 1980s, cases of capital restrictions, and Swiss competitiveness as a financial center. The author notes that, given these developments, Swiss financial institutions have maintained stability, risen above debt problems of the early 1980's, and remained comparatively free of regulation, in contrast to those of most other countries.

LATIN AMERICAN SOCIETY AND LEGAL CULTURE: A BIBLIOGRAPHY. Compiled by Frederick E. Snyder. Westport, Connecticut: Greenwood Press, 1985. Pp. xv, 188.

The unique economic, political, and social developments of the tumultuous histories of Latin American countries have shaped distinctive legal systems and institutions in Latin American law. This work purports to provide a comprehensive bibliography of major legal themes in Latin America within the broader contexts of its economic, political, social, and historic attributes. Snyder divides his compilation of sources into three parts. Part One focuses on sources primarily in Spanish and Portuguese describing what is known of the legal life in Latin America before European exploration and during the period of Iberian colonial rule. Part Two contains references in English, Portuguese, and Spanish discussing Latin American constitutionalism, codification movements, procedural aspects, and major jurisprudential movements in relation to general intellectual developments and historic aspects of the region. Part Three concludes with readings exploring the varied approaches that have emerged in substantive law in response to the economic and political crises of Latin America in modern times.

INTERNATIONAL LAW OF TAKE-OVERS AND MERGERS: UNITED STATES, CANADA, AND SOUTH AND CENTRAL AMERICA. By H. Leigh Ffrench. Westport, Connecticut: Greenwood Press, 1986. Pp. viii, 359. \$55.00.

Corporations throughout the world are finding take-overs and mergers

increasingly attractive due to the economic advantages involved. This volume is part of a four-volume set that is designed to aid corporate officers as well as lawyers and bankers serving multinational corporations in their research, decision-making and negotiations of acquisitions and mergers in particular countries. The entire set covers nearly every country in which there exists some control of take-overs and mergers. French describes each country's regulation separately in order to dispell any reader's ignorance of a country's commercial laws, thereby, it is hoped, facilitating cooperation between companies of different countries. In this particular volume, French includes complete coverage of the intricate statutory regulations and case law of the United States and Canada, and analyzes proposals for reform in these countries that would simplify take-over and merger regulation. The book is a detailed description of regulations in each country for use as a practical, comprehensive guide, and is not an analysis of the phenomenon of take-overs and mergers, or a suggestion for any optimal type of regulation.

TO CHAIN THE DOG OF WAR: THE WAR POWER OF CONGRESS IN HISTORY AND LAW. By Francis D. Wormuth and Edwin B. Firmage. Dallas: Southern Methodist University Press, 1986. Pp. xi, 347.

The Constitution delegates to Congress the authority to declare war. The authors here argue that the framers of the Constitution deliberately separated the power to initiate war from the power to conduct war. They proceed to analyze instances from the early days of the Republic through the Reagan Administration in which the President has initiated acts of war without prior congressional consent. Although some argue that modern warfare demands quick decisions that only the President can make to maintain the element of surprise, the authors counter that the horrifying consequences of a war in this nuclear age require deliberation by Congress. Thus, the authors side with the Framers in their decision to delegate the war power to Congress and not to the President.

COMPARATIVE LAW YEARBOOK. Issued by the Center for International Legal Studies. Dordrecht: Martinus Nijhoff Publishers, 1986. Pp. vi, 247.

This work discusses a variety of recent developments in international law. The first section of the book is a symposium on women in the law, with a compilation of articles focusing on the role of women in the legal profession in various countries. Each article traces the evolution of the legal profession from a field dominated by men to the present more favorable situation for female lawyers. The authors examine reasons for the increase of women attorneys in various countries and project an outlook for the future. The second section of the work is devoted to varied international issues. In this issue consumer protection in Brazil and the

judicial process in Italy are discussed. The final and most substantial section of the book examines recent developments in private international law. Some of the topics in this survey include commercial law, intellectual property, antitrust taxation, arbitration and procedure and significant regional developments. This section reviews recent case and statutory developments from various countries and the European Economic Community.

