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Book Reviews

Stephan L. Honore

Dennis W. Arrow

BOOK REVIEWS

INTERNATIONAL ASPECTS OF CRIMINAL LAW: ENFORCING UNITED STATES LAW IN THE WORLD COMMUNITY. Edited by Richard B. Lillich. Charlottesville, Virginia: Michie, 1981. Pp. ix, 245.

*Reviewed by Stephan L. Honoré**

Both colloquia and symposia traditionally provide useful fora for concentrating scholarly attention on current topics of interest to the legal community because they bring together leading thinkers of divergent opinions to exchange views in the spotlight of critical analysis. Professor Lillich's sponsorship as editor of this volume is another fine contribution to this honored tradition. The volume is a collection of articles drawn from presentations made at the Fourth Sokol Colloquium, an annual two-day event held at the University of Virginia School of Law to examine current issues of international law. The organizers of this series of colloquia provide a commendable service to the legal community by publishing the contributions of the participants.

"The world is growing smaller." This statement or some version of it is heard so often that it seems trite, but that does not diminish its truth. The global shrinking process is attributable primarily to the improvements in transportation and communications over the past few decades. This has resulted both in an increase in the movement of people and goods across international boundaries and in interdependence in the political and economic spheres.

People cross national boundaries for various reasons and criminal penalties may attach to some of their activities. Occasionally these criminal consequences are not planned by the traveler who may be a simple tourist or business person. More often than not, however, criminal conduct is part of an intricate and well-planned conspiracy designed to achieve specified economic or political goals. Examples of these include the international drug peddler,

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* Associate Professor of Law, Thurgood Marshall School of Law, Texas Southern University. B.S. 1960, Capital University; J.D. 1974, University of Toledo.

the terrorist participating in revolutionary causes, and the business representative implementing schemes to restrain trade illegally.

International Aspects of Criminal Law: Enforcing United States Law in the World Community[1] addresses a pragmatic question of how a government may apply and enforce the criminal law in the international arena. Once criminal conduct occurs and the actors have been identified, the threshold problem for the prosecution is how to obtain the accused for trial and amass the evidence necessary for conviction. This book primarily focuses on the constitutional limitations associated with the process of obtaining people and evidence from abroad.

The extradition of terrorists is examined along with the political offense exception which is raised frequently as a defense. The abduction or kidnapping of suspects to bring them to trial is scrutinized in the light of accepted constitutional standards. To analyze the problems of obtaining evidence abroad, the book focuses on the antitrust field and the considerable difficulty of acquiring documentary evidence to prove claims of illegal economic conspiracy. The book next examines the illegal international traffic in drugs and narcotics as well as the admissibility of evidence acquired from searches, seizures, and interrogations at sea or in foreign countries. After skipping over the trial process, the volume closes with an examination of the recent prisoner exchange treaties and thus looks at the other side of criminal law enforcement. Because trial practice was outside the scope of the colloquium, the book contains no professional tricks of the trade for the prosecution or defense of those accused of crimes of an international context.

The book only begins to whet the legal appetite because coverage in a two-day session of this kind is, by necessity, brief. Nevertheless, the work is well footnoted for the serious researcher who is entering this field for the first time and needs a good overview of the available literature. For all readers, including the more informed, the contributors advance interesting and sometimes sharply contrasting views on policy issues such as political asylum and immunity for terrorists, discovery in foreign jurisdictions, the constitutionality of searches and seizures by United States cus-

1. INTERNATIONAL ASPECTS OF CRIMINAL LAW: ENFORCING UNITED STATES LAW IN THE WORLD COMMUNITY (R. Lillich ed. 1981) [hereinafter cited as INTERNATIONAL ASPECTS].

toms officials on the high seas, the admissibility of coerced confessions and testimony obtained through the good offices of foreign governments, and the constitutional propriety of international prisoner exchanges. The remainder of this Review provides thumbnail sketches of the contrasting policy views of the various contributors.

The first article, *Extradition and Rendition: Problems of Choice*,[2] by Alona E. Evans, provides a brief overview of the three types of rendition:[3] formal, quasi-formal, and irregular. The formal methods involve extradition, either under principles of comity and customary international law or under procedures established by treaty. There is also a passing reference to *manu brevi* extradition which is sometimes invoked under military status of forces agreements. Quasi-formal rendition includes exclusion and expulsion of aliens. Although these methods are designed for immigration control, the author concludes that deportation is used more often than extradition to return fugitives to countries from which they have fled to avoid prosecution. The third method, "irregular recovery of fugitives," is a term used to describe techniques such as outright kidnapping or abduction, which may be done overtly or covertly, with or without the cooperation or approval of the host country where the fugitive was discovered. The article includes a discussion of the problems involved in choosing a method.

The next article, by Louis G. Fields, Jr., is entitled *Bringing Terrorists to Justice — The Shifting Sands of the Political Offense Exception*.[4] Traditionally, the accused who has fled to another jurisdiction could resist successfully an extradition request by showing that the alleged criminal conduct was in reality a "political offense." Under the political offense exception, the state having custody of the offender could deny the request. The author observes that recognition of the exception has frustrated in-

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2. *Id.* at 1.

3. The term "rendition" refers to the forced return of fugitives to a jurisdiction from which they have fled in an effort to escape criminal prosecution. The term also may connote those occasional cases where a particular jurisdiction seeks to obtain custody of a person, whether a citizen or alien who is accused of violating that jurisdiction's law while acting somewhere outside the jurisdiction's territory. An example of the latter class of cases would be the person engaged in a transnational conspiracy who violates the laws of a jurisdiction without ever physically having entered that jurisdiction.

4. INTERNATIONAL ASPECTS, *supra* note 1, at 15.

ternational efforts to control terrorism because, nearly always, terrorists can espouse some political cause to justify their acts. United States courts have had as much difficulty as foreign courts in resolving this dilemma; but recently new standards have emerged which may limit the doctrine's application to terrorists. The article notes that "the inherent problem is the lack of generally accepted definitions for 'terrorism' and the 'political offense.' The current cliché 'one man's terrorism is another man's heroism' simplistically suggests the reason behind the lack of consensus on a definition."[5] Nevertheless, the recent *Abu Eain* extradition case[6] provides a refined set of standards for delineating the political offense exception. The author indicates that the United States magistrate rejected the exception after applying a three-part test which examines the offender's personal beliefs and past participation with a political movement; the existence of a link or connection between the criminal act and the political objective; and the proportionality between the seriousness of the crime, its method of commission, and the political objective.[7] It is clear that this test prevents the exception from being applied to terrorists who engage in random and indiscriminate acts of violence against civilian populations.[8]

In *Constitutional Limits on International Rendition of Criminal Suspects*,[9] Paul B. Stephan III raises the disquieting proposition that constitutional standards for international rendition may depend on whether the person seized abroad is a citizen or resident of the United States or has substantial ties to the United States. The author asserts that overseas aliens have no constitutional rights that the judiciary should protect; instead, he argues that this matter should be left to the political branches of government because it presents a question of foreign policy.[10] He then

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5. *Id.* at 19-20.

6. In Re Ziyad Abu Eain, Magistrate No. 79-175, slip op. (N.D. Ill. Dec. 18, 1979) (magistrate denied writ of habeas corpus), *aff'd per curiam*, Ziyad Abu Eain v. Adams, 529 F. Supp. 685 (N.D. Ill. 1980).

7. INTERNATIONAL ASPECTS, *supra* note 1, at 27-28.

8. Although this test works for indiscriminate violence, in my opinion, it is not at all clear that it would permit extradition of persons accused of selective assassinations, violence directed at political figures, or destruction of government property because these activities would be related closely to political objectives.

9. INTERNATIONAL ASPECTS, *supra* note 1, at 34.

10. The author fails to address fully the judiciary's interest and right to pro-

discusses the constitutional protections and remedies available to the seized person who possesses either citizenship or a similar affiliation with the United States. This thought-provoking article suggests that there is a considerable lack of clarity in this area of law because the courts have skirted the real constitutional issues which concern limitations on extraterritorial official conduct. The author concludes: "Until a court actually frees a criminal solely because of perceived constitutional defects in his rendition, resolution of these issues by the Supreme Court appears unlikely."[11]

The next article, *French Judicial Perspectives on the Extradition of Transnational Terrorists and the Political Offense Exception,*[12] by Thomas Carbonneau, is a comparative analysis of the exception. The article provides a brief historical overview[13] of three tests used to determine when a court should recognize the political offense exception. The author describes these tests as follows:

> First, there is the Anglo-American test under which political crimes must be incidental to and committed in the furtherance of a two-party struggle for power. . . . Second, the Swiss courts elaborated the requirements of the predominance test which contrasts with its Anglo-American counterpart in that a crime is deemed to be political in character if its political aspects out-weigh, i.e., predominate over, its common elements.
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> Finally, the French courts in their early decisions espoused the application of an objective test which limited political offenses to those crimes which directly injure the rights of the State, that is, to what have been called purely political crimes [for example, treason or espionage].[14]

The author then analyzes several French cases of the last decade in which persons charged with terrorist acts asserted the political offense exception as a bar to extradition. He discusses some deci-

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tect the judicial forum from abuse by the executive branch. Must the court accept jurisdiction whenever the executive irregularly processes overseas aliens? The author appears to answer this question in the affirmative. The article also fails to explain how to draw the line between aliens who have sufficient ties or affiliations to invoke constitutional protection and those who do not.

11. INTERNATIONAL ASPECTS, *supra* note 1, at 65.

12. *Id.* at 66.

13. In the footnotes, the author cites several works for more detailed historical information.

14. INTERNATIONAL ASPECTS, *supra* note 1, at 69, 72.

sions which permitted terrorists to go free, having succumbed to external political influences from the executive branch,[15] but concludes that the French Cour d'Appel seems to be "aligning itself with the dominant trend among courts of the world community in excluding terrorist crimes from the purview of the political offense exception."[16] Doctrinally, the French courts are now "deploying a set of criteria similar to that used in the Swiss predominance test by weighing the common aspects of the crime against its political features."[17]

Obtaining evidence from abroad in antitrust cases is the subject of Sigmund Timberg's article, *Obtaining Foreign Discovery and Evidence in U.S. Anti-trust Cases: The Uranium Cartel Maelstrom.*[18] The article addresses the question of extraterritorial judicial process and the risk of violating national sovereignty. Terms such as "judicial aggression" and "judicial imperialism" have been applied to efforts by United States courts to effect discovery or deliver subpoenas in foreign jurisdictions. In antitrust cases, efforts at extraterritorial judicial process are complicated further when the foreign country's economic interests conflict with those of the United States.[19]

Although in the past two decades firm rules about the application of the Bill of Rights to criminal investigations and prosecutions by both federal and state officials in the United States have developed, it is not so clear the extent to which the Bill of Rights applies to extraterritorial law enforcement. In *The Reach of the Bill of Rights Beyond the Terra Firma of the United States,*[20] Stephan Saltzburg addressess this question[21] in the context of the high seas and foreign countries. United States Customs, Coast Guard, and Drug Enforcement Agency officials occasionally stop

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15. *Id.* at 81 (noting the general consensus that the French Government was concerned about possible Arab oil threats and terrorist blackmail in the case involving Abu Daoud, allegedly one of the perpetrators of the 1972 Olympics massacre).

16. *Id.* at 85.

17. *Id.* at 89.

18. *Id.* at 90.

19. "As Lord Wilberforce bluntly pointed out: 'It is axiomatic that in antitrust matters the policy of one state may be to defend what it is the policy of another state to attack.' "*Id.* at 101.

20. *Id.* at 107.

21. *Cf. id.* at 34 (similar constitutional questions are raised by Stephan in the third article of this volume with respect to rendition of suspects).

to search ships on the high seas and interrogate passengers. As a part of an investigation of a violation of United States law, searches and interrogations sometimes are conducted overseas by foreign officials at the request of or with the knowledge or active assistance of United States law enforcement officials.[22] This richly footnoted article proposes a two-pronged analysis to test whether officials performing investigations outside United States territory have exceeded applicable constitutional limits.[23] The author draws an analogy between high seas searches and seizures and border searches under the automobile exception that permits certain warrantless searches, and under the administrative search cases. The author argues that border searches should comply with the constitutional standards applicable in the United States. When United States agents are acting within the territory of foreign nations, presumably in consort with authorities of such countries, they should comply with constitutional standards applicable in the United States. When United States officials request the assistance of foreign officials, they should make these requests clear and limit them to actions which are constitutionally permissible for United States agents. Thus, in contrast to the views of Professor Stephan, Professor Saltzburg finds constitutional requirements applicable to official conduct abroad whether the suspect is an alien or a citizen.[24]

Ved P. Nanda, in *Enforcement of U.S. Laws at Sea — Selected Jurisdictional and Evidentiary Issues*,[25] continues the examination of United States law enforcement at sea but with an emphasis on the jurisdictional questions arising under international law. In addition to addressing drug trafficking problems, he is the only contributor to focus on the intriguing question of search and seizure in the relatively new fishery conservation and

22. Law enforcement officials normally are not privileged to act directly in foreign jurisdictions because of sovereignty issues. This reviewer, however, has interviewed United States citizens held in Mexican jails who claim they were arrested in Mexico by United States undercover narcotics agents and then turned over to Mexican authorities. These claims can neither be proved nor disproved. These cases arose from violations of Mexican laws prohibiting illegal drug traffic, but the defendants also might have been subject to prosecution in the United States for conspiracy.

23. INTERNATIONAL ASPECTS, *supra* note 1, at 114-15.

24. Professor Saltzburg provides the substance of the conflicting views. *Id.* at 114-15 nn.29-30.

25. *Id.* at 155.

management zone which extends 200 miles seaward from the United States coastline. He distinguishes the treatment of United States flag vessels from foreign vessels and discusses the protection of ships located within territorial waters and on the high seas. The issue of hot pursuit in contiguous waters is addressed also. These issues arise under both international law and United States domestic law. He discusses them while examining the statutory authority granted by Congress to the Coast Guard to engage in searches and seizures.

The final two articles analyze the new wave of prisoner exchange treaties. Robert E. Dalton, in *United States Treaties on Execution of Penal Sentences*,[26] gives a brief overview of the negotiation of these treaties and the passage of implementing legislation in Congress. The United States has entered into treaties with Mexico, Canada, Bolivia, Peru, Panama, and Turkey. He then reviews the case law and concludes that the constitutionality of the treaties has been upheld. Under these treaties, the prisoner waives any rights to attack collaterally or directly the foreign conviction in the United States. Consequently, the prisoner can be transferred from the foreign jail to a United States prison for the remainder of his sentence. Alien prisoners in the United States may also be transferred to their home countries under these treaties. The author indicates that there has been considerable commentary by scholars,[27] some of which sharply criticizes the exchange as unconstitutional.

One of the more vocal critics is Jordan J. Paust, who as the final contributor to the Colloquium in *The Unconstitutional Detention of Prisoners by the United States Under the Exchange of Prisoner Treaties*[28] expressed his concern that "there has been inadequate attention paid to a critical aspect of the transfer process, the subversion of the United States constitutional guarantees, and our system of constitutionally derived federal power."[29] He poses the central question of whether a federal power can be created solely by an agreement with a foreign state.[30] This pro-

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26. *Id.* at 179.

27. Professor Saltzburg makes a passing reference to the prisoner exchange issue. *Id.* at 148 n.151. Even though the subject was outside the scope of his article, he provides a plethora of citations to treaties, case law, and scholarly commentary.

28. *Id.* at 204.

29. *Id.*

30. One is reminded of a similar question which arose in another context

vocative article is essential reading, if only to point out the potential constitutional folly of an idea which is almost universally accepted as sound. Professor Paust's criticism centers on the problems raised when prisoners were accorded treatment abroad which falls far short of protections afforded by the United States Bill of Rights. He argues that "the tree remains poisonous even though it was foreign-grown . . . "[31] and therefore United States courts should not permit the government to carry out "poisoned" penal sentences.[32] It is useful to compare this article with the view of other contributors to the volume, such as Dalton, Saltzburg, and Stephan. From Paust's comments, it is clear that the Fourth Sokol Colloquium did not close with a whimper.[33]

Any attempt by a reviewer to summarize whole articles in a paragraph necessarily incurs the risk of doing violence to the intellectual integrity and context of the author's views, and may misrepresent the basic thrust of the author's intent.[34] Thus, readers whose interest has been piqued are urged to read the volume for themselves. The writing is generally lucid and interesting. Moreover, the main text is not cluttered or over-burdened with

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decided by the landmark case of Missouri v. Holland, 252 U.S. 416 (1920) (treaty with Great Britain permitting the federal government to regulate hunting of migratory game birds, which previously had been regarded as a police power reserved exclusively to the jurisdiction of the several states).

31. INTERNATIONAL ASPECTS, *supra* note 1, at 221-22.

32. Professor Paust argues that the United States government becomes tainted when it agrees to execute an unjust sentence imposed by a foreign government that resulted from gross violations of human rights committed in the investigation, seizure, interrogation, or prosecution of a United States citizen. This assumes the worst case. Perhaps there is a way around the constitutional infirmities that Professor Paust has noted. The United States could refuse to transfer any prisoner upon a United States magistrate's finding that the conviction was based on a violation of either internationally recognized human rights standards or, for the purists, United States constitutional standards. This would avoid charges of United States complicity in atrocities committed by foreign governments, although it would deny relief to those United States citizens who, arguably, are in the greatest need of humanitarian assistance from their government. The United States has other means to protect its citizens under international law, but this is not the place to discuss such alternatives nor to speculate about their relative efficacy.

33. The author bravely challenges some real "heavies" such as Professor Vagts, INTERNATIONAL ASPECTS, *supra* note 1, at 212; Bassiouni, *id.* at 217-18; and by implication, Wechsler, *see id.* at 185-86 (as reported by Dalton).

34. That, however, is a risk a reviewer must bear. Apologies are offered in advance whenever an author has been offended.

excessive scholarly detail or side excursions, although detail is available in the footnotes. This probably is because the articles were prepared originally for oral presentation at the Sokol Colloquium.

SHIPBROKING AND CHARTERING PRACTICE. By Lars Gorton, Rolf Ihre, and Arne Sandevärn. London: Lloyd's of London Press, 1980. Pp. xiii, 204 (authorized adapted translation of the Swedish edition of *Befraktning*).

TIME CHARTERS. By Michael Wilford, Terence Coghlin, and Nicholas Healy, Jr. London: Lloyd's of London Press, 1978. Pp. lvii, 319, £28.

*Reviewed by Dennis W. Arrow**

The law of charters occupies a significant portion of the admiralty lawyer's attention because a high percentage of the world's ocean trade moves on chartered vessels.[1] Knowledge of the practical and procedural aspects of the shipbroker's[2] business as well as an understanding of the economic context and controlling principles of law are essential to a successful admiralty practice. These two recent works, by authors with both practical and legal experience, make a major contribution to each of the requisite areas of expertise.

Shipbroking and Chartering Practice[3] is aptly named because it focuses on the customs and practices of the shipbroking trade. Although primarily intended as a basic textbook for nonlegal personnel in the ocean shipping industry (including brokers, agents, exporters, and shipowners), it is likely to be useful to the beginning admiralty practitioner as well.

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* Professor of Law, Oklahoma City University. B.A. 1970, George Washington University; J.D. 1974, California Western School of Law; LL.M. 1975, Harvard Law School.

1. Approximately 70% of world oceanic trade is by means of chartered vessels. The remaining 30% is carried aboard "liners" operating through contracted liner agents, who rigidly fix schedules and tariffs in advance. The charter market (also known as the "open market") is classified as either "spot market" (where tonnage is fixed voyage-by-voyage) or "time-charter market" (where a charter, or "fixture," is set for a certain period of time). The time-charter market accounts for most open-market cargo. R. IHRE, L. GORTON, & A. SANDEVÄRN, SHIPBROKING AND CHARTERING PRACTICE 12 (1980) [hereinafter cited as SHIPBROKING].

2. The term is used here in its generic sense and includes not only those agents engaged in chartering, but also liner agents, port agents, loading agents, and sale and purchase agents as well.

3. *Id.*

Approximately half of the book is devoted to an exploration of the practical and economic background of international shipping. The opening chapters succinctly treat the problems of supply and demand, specialized cargos, intra-industry communication, and marketing. The dry cargo,[4] tanker, and reefer markets are separately described and analyzed. The preliminary mechanics of "placing an order" and "advertising a position" are described in clear and comprehensible terms. The types and functions of brokers and agents are explained. The authors include a valuable list of the ethical duties of the broker.[5] Though the authors note that strict business ethics are generally representative of the industry,[6] selected traps for the unwary are presented and explored.[7] The "context" segment of the work concludes with a thorough explanation of the mechanics of freight calculation.[8]

The authors introduce legal considerations by initially distinguishing the types of chartering[9] and by providing a cost-allocation chart for each.[10] Next, the effects of selecting certain standardized transport clauses (F.O.B., C. & F., C.I.F., *ex quay*) are explored. The text contains a chart defining the risk allocation, insurance, and transportation consequences of transport clause selection.[11] Once the parties have come to terms,[12] they ordinarily

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4. The authors break down this market into its specialized components which contribute to an understanding of the practice and the specialized terminology of ocean shipping. The bulk, tweendecker, container, ro/ro, liner, feeder, tanker, and passenger markets are considered separately. *See* SHIPBROKING, *supra* note 1, at 2-11.

5. These duties include keeping the principal informed of market developments, preserving confidentiality, investigating the counter-party to some extent, negotiating actively, carefully drafting the original charter-party (contract), and following up performance by the counter-party generally. *Id.* at 21-23.

6. *Id.* at Introduction.

7. *Id.* at 20-24.

8. *Id.* at 53-69.

9. The authors distinguished the "charter in full" (*i.e.*, charterer has control over the whole vessel) from the "space charter" (*i.e.*, charterer merely reserves a certain space). From a functional standpoint, the critical distinctions among a "voyage charter," "time charter," and "bareboat charter" (*i.e.*, charterer assumes virtually the entire responsibility for vessel operation and noncapital funding) are noted. SHIPBROKING, *supra* note 1, at 36-46.

10. *See id.* at 50.

11. The chart is based on the *Incoterms,* which achieve some standardization concerning the meaning of these terms. The authors also provide a description of some of the revised *Incoterms,* including the important new "free carrier" (named point) clause, which is based on the old F.O.B. clause, but which passes

will select from the various standard charter forms available.[13] The authors describe and present a brief history of these forms and discuss some of the common considerations and legal principles affecting the parties' form and clause selection. A description of the bill of lading in its various forms as well as a brief compilation of applicable national[14] and international[15] maritime law are provided. The last two chapters of the book deal with the discrete problems posed by voyage and time charters.

Time Charters[16] begins where *Shipbroking and Chartering Practice* leaves off. While the latter contains no reference to case law, it is the exclusive focus of *Time Charters*. The authors have planned their exhaustive study of time charters around the most commonly used charter, the New York Produce Exchange form.[17] The major standard clauses of that form provide the framework for the book's chapter headings under which text and extensive case summaries explain the major problem areas. For users of the Baltic and International Maritime Conference on Uniform Time-Charters (Baltime) form,[18] the authors have prepared a separate section exclusively applicable to that form and have cross-referenced to areas of general concern in the main section of the book. Because of the absence of case law concerning the clauses of modern tanker forms, little attention is devoted to this specialized area apart from reproduction of the widely used STB Tanker Time Charter Party form.[19]

Because most time charter disputes are settled in either London or New York, the authors attempt to cover both British and United States law on the subject. In Great Britain, case law constitutes the legal authority on the subject. In contrast, few

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the transportation risk from seller to buyer at the place of delivery to the carrier rather than at the vessel's rail. *See id.* at 33-34.

12. The negotiation stage and the main negotiating terms are separately treated in the text. *See id.* at 73-77.

13. *See id.* at 80-82.

14. Included are the United States Harter Act of 1893 and Carriage of Goods by Sea Act (COGSA) of 1936, the English Carriage of Goods by Sea Acts of 1924 and 1971, and brief references to French and German law. *See id.* at 90.

15. The 1924 Hague Rules, the 1968 Hague-Visby Rules, and the 1978 Hamburg Rules are briefly described. *See id.* at 90.

16. M. WILFORD, T. COGHLIN, & N. HEALY, TIME CHARTERS (1978).

17. *Id.* at xix.

18. *Id.* at xxiv.

19. *Id.* at xxviii.

United States charter disputes reach the courts because the bulk are resolved through arbitration. Though the decisions of arbitrators do not have binding force in any judicial proceeding, they are usually the final disposition of the particular dispute and are widely circulated in the shipping industry. These decisions are published and indexed under the aegis of the Society of Maritime Arbitrators as well as in *American Maritime Cases*. In practice, all parties proceed as if arbitrators' awards have precedential value, at least in relation to other arbitration proceedings. Thus, United States time charter law is largely arbitration law.

The authors comprehensively treat both British and United States law. Within each topic heading (standard form clause), British law is used as a foundation for discussion, and a separate "American Law" section is inserted to deal with areas of conflicting law and problems unique to the United States system.[20] The case summaries are focused, succinct, and effectively integrated with the textual material of the authors. The Harter Act,[21] the United States Carriage of Goods by Sea Act (1936),[22] and the United Kingdom Arbitration Act (1950)[23] are reproduced in appendices.

Time Charters provides an excellent synthesis of a complex area of case law heretofore only incompletely compiled. Although it does not purport to be exhaustive (no single volume work could be), its treatment of the legal ramifications of standard-form clauses is sufficiently complete to be valuable to the experienced practitioner in admiralty and to serve as a beginning reference point for an arbitration panel. The work certainly merits its growing reputation among practitioners in this specialized area of law.

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20. *Id., passim.*
21. Harter Act, 46 U.S.C. §§ 190-196 (1976).
22. Carriage of Goods by Sea Act, 46 U.S.C. §§ 1300-1312 (1976).
23. Arbitration Act, 1950, 14 Geo. 6, ch. 27.