

1978

Books Received

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BOOKS RECEIVED

COMMERCIAL OPERATIONS IN EUROPE. Edited by R. M. Goode and K. R. Simmons. Published for the Faculty of Laws; Queen Mary College, University of London. Boston: A. W. Sijthoff, 1978. Pp. 448.

This book is a collection of papers prepared for an international conference on commercial operations in Europe which was held in London in spring of 1977. The papers are grouped under three main topics. The first topic contains six studies by authors of differing viewpoints on the progress made by the European Economic Communities in the harmonization of commercial law and the implementation of the economic freedoms guaranteed by the Treaty of Rome. In his paper entitled "The Recognition of Companies in the EEC," Professor A. J. Boyle gives a critical analysis of the 1968 convention on the Mutual Recognition of Companies and Bodies Corporate, which was intended to be the first of three conventions designed to shape the future of corporation law in the EEC. Other papers survey the difficulties of mutual recognition of conditions for establishing businesses and entering professions, the problems of the enforcement of foreign judgments, and the conflict of laws in regard to contracts of sale within the EEC. The second topic concerns the legal, taxation, and accounting problems confronting a British company that wishes to set up business in France or the Federal Republic of Germany. The seven studies organized under this topic are meant to provide an excellent short summary for the British company lawyer or businessman, but they will be useful to anyone with an academic or business interest in European commercial law. The third topic is devoted to joint ventures and international sales. Professor Clive Schmitthof examines the various legal forms which joint ventures can take in the EEC. R. W. Bentham holds up the Ninian North Sea oilfield arrangement as an example of an advantageous, flexible joint venture. The other three writers investigate present arrangements for payment security and commercial insurance in EEC trading operations. *Commercial Operations in Europe* provides a well organized guide to some of the more difficult aspects of doing business within the EEC and to some of the continuing problems of European integration. The book contains a table of treaties, national legislation, and United Kingdom cases that is conveniently indexed to the applicable pages.

COMPARATIVE CONSTITUTIONAL LAW. By Mauro Cappelletti and William Cohen. Indianapolis, Indiana: Bobbs - Merrill, 1979. Pp. 628.

This textbook, intended for use in comparative law and comparative constitutional law courses, is coauthored by scholars from the United States and Italy. The authors use a traditional format of case excerpts, notes, and questions. The first part of the book is concerned with a comparative structural analysis of the constitutional adjudication process in Europe and the United States. In the second part, the authors encourage a comparative examination of judicial review by examining the application of similar constitutional norms by courts in Europe and the United States. The topics of review are universally controversial: the right to notice and fair hearing, the right to counsel, illegally obtained evidence, judicial independence and discretion, and abortion.

COMPARATIVE LAW: WESTERN EUROPEAN AND LATIN AMERICAN LEGAL SYSTEMS. By John H. Merryman and David S. Clark. Indianapolis, Indiana: Bobbs - Merrill, 1978. Pp. 1278.

This book differs significantly from other textbooks intended for use in introductory courses in comparative law or civil law because its scope extends beyond the usual concentration on French and German law. The authors give considerable attention to the laws of Italy, Spain, and Latin American nations. They state that contemporary civil law is more than a European affair and believe that the United States student should be aware of Latin American contributions to the development of the civil law. The authors have also departed from the format of similar textbooks by deemphasizing the content of rules of law and placing more emphasis on the intellectual history, structure, professional actors, and processes of civil law systems. The book is lengthy but in this respect it is similar to its counterparts in a field which requires extensive explanation and background material.

THE DISCIPLINE OF LAW. By Lord Denning. London: Butterworths, 1979. Pp. 330.

Lord Denning's theme is, "that the principles of law laid down by the judges in the nineteenth century — however suited to the social conditions of that time — are not suited to the social necessities and social opinions of the twentieth century. They should be shaped and moulded to meet the needs and opinions of today." This book is addressed to lawyers, but it is easily comprehensible to anyone with an interest in recent developments in English

jurisprudence. In an autobiographical style, Lord Denning shares with his readers not only the thought processes that have led to his most important decisions, but also his concern for justice.

INTERNATIONAL LAW AND THE MOVEMENT OF PERSONS BETWEEN STATES. By Guy S. Goodwin - Gill. Oxford: Clarendon Press, 1978. Pp. 324.

The problems of aliens are of increasing concern to both the international lawyer and the general practitioner. In the United States, recent attention has been focused on the status of illegal aliens. In Western Europe, the presence of many guest workers has caused considerable legal and political debate. Traditionally, an aliens right to enter or remain on the sovereign territory of a foreign nation has been regarded as a subject of municipal law. Sovereign states have enjoyed broad competence and discretion to determine the rights of aliens within their borders. The aim of the author, Legal Advisor in the Office of the United National High Commissioner for Refugees, is to demonstrate that this competence is clearly limited and confined by established and emerging rules and standards of international law. The author finds these rules and standards by an extensive examination of the laws and treaties governing alien entry and expulsion in the United States and several European nations.

INTERNATIONAL TERRORISM IN THE CONTEMPORARY WORLD. Edited by Marius H. Livingston, with Lee Bruce Dress and Marie G. Wanek. Westport, Conn.: Greenwood Press, 1978. Pp. 552.

This collection of papers from a symposium held at Glassboro State College in 1976 provides a variety of attitudes on the subject of terrorism ranging from paranoia to complacent optimism. The authors represent several different nations, professions, and fields of study. One section of the book examines the legal problems of international terrorism, while other sections examine terrorism as a historical, political, military and psychological phenomenon. The book includes an extensive selected bibliography.

NORTHEAST OCEAN PASSAGE. By William E. Butler. Alphen aan den Rijn, the Netherlands: Sijthoff and Noordhoff, 1978. Pp. 199.

Professor Butler's study is the first of a series on international straits of the world organized and edited at the Center for the Study of Marine Policy. The book examines the Northeast Arctic Passage as a case study in international law applicable to straits

and the Soviet view of the law of nations. The authors approach is comprehensive, drawing on historical, geographic and political sources as well as on international law.

TIME CHAPTERS. By Michael Wilford, Terrence Coghlin, and Nicholas J. Healy, Jr. London: Lloyds of London Press Ltd., 1978. Pp. 319.

The author's aim is to provide a survey of case law on time charters that will serve as a convenient reference book for both admiralty lawyers and shippers. Since most time charter disputes are settled in either London or New York, the authors have made an effort to cover both the English and United States law in each of the book's subtopics.

C.C.S.