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## Book Notes

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## Book Notes

### Keywords

Extradition, States, International Criminal Law

## BOOK NOTES

BOOTH, V.E.H., & SELLS, P., **BRITISH EXTRADITION LAW AND PROCEDURE VOL. 1**; Sijthoff & Noordhoff, International Publishers, Alphen aan den Rijn, The Netherlands (1980); available in the U.S. from Sijthoff & Noordhoff, Germantown, Md. 20767; \$35.00 (cloth); ISBN 90-286-0079-5, LC 79-90516; lix, 351 p.; footnotes, appendices, tables, index.

This book is intended to fill the gap in available literature on the subject of British extradition between the United Kingdom and foreign states, the Commonwealth and dependent countries, and the Republic of Ireland. It seeks to provide useful material for the practitioner, as well as to make some suggestions for future development in this field.

To cover the subject fully, the author covers three aspects: the history of the law, its current state, and its future. These broad categories are developed in four parts, with the aid of an introduction. The history of extradition is related only in brief historical outline, with such information as is necessary for a proper understanding of the subject. The book provides a clarification of procedural and practice rules, including all that a practitioner requires regarding substantive law. Some suggestions are made to modify existing British Extradition Law. The book also addresses the legal provisions for extradition existing in Commonwealth countries and in the Republic of Ireland.

Part I, "Extradition Between Foreign States and the United Kingdom," provides for definitions and for the initial stages of the extradition. It proceeds through the committal proceedings, through the rules of *habeas corpus* and appeal, and through the surrender. Part I ends with lawful extradition to the United Kingdom from foreign states. Part II, "Extradition Between Commonwealth and Dependent Countries and the United Kingdom," and Part III, "Extradition Between the Republic of Ireland and the United Kingdom," address special considerations which the U.K. gives to these countries historically unique to it. The section furnishes procedures for extradition to the U.K. from those countries. Part IV, "The Future of Extradition Law in the United Kingdom," suggests reforms in the law. It addresses the need for consolidation in committed proceedings, provides for exclusions from surrender, questions the sufficiency of *habeas corpus*, ties together miscellaneous problems, and merges the Extradition Acts and the Fugitive Offenders Act.

Most of the detailed works on British Extradition Law were written in the late 19th and early 20th Centuries, an occurrence requiring a much needed update. This volume brings together all the relevant data needed by a practitioner in the field. A second volume contains a list, country by country, of current extradition arrangements and suggestions for reform.

V.E. Hartley Booth and Peter Sells are both Barristers of the Inner Temple.

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GLENNON, M.J., and FRANCK, T.M., *UNITED STATES FOREIGN RELATIONS LAW: DOCUMENTS AND SOURCES, VOL. 1, EXECUTIVE AGREEMENTS*; Oceana Publications, Inc., N.Y. (1980); \$40.00 (cloth); ISBN 0-379-20355-3; ix, 474 p..

The materials contained in this volume deal with the foreign relations power of the U.S. government. For the most part they consist of documents presenting the views of the executive and legislative branches concerning the scope of their authority. This volume (and its two companion volumes) explore the threshold question in foreign relations of what constitutes an international agreement. Confusion exists due to the complete silence of both statutory and case law on the topic. The only relevant statute—the “Case Act,” which requires the transmittal of international agreements to the Congress—sets forth no definition of what it is that must be transmitted. With the exception of an I.C.J. Judgment in 1974 (the Nuclear Test Cases, *Australia v. France and New Zealand v. France*, [1974] I.C.J. 253, 457), no court has yet addressed the question.

Volume 1 explores United States foreign policy as guided by the criteria prescribed by the executive branch. In this framework, two documents have special significance: the “Rush Letter,” a communication of the Acting Secretary of State to other Department heads setting forth criteria for compliance with the Case Act and “Circular 175” procedure, and a communication of the Department of State Legal Adviser which describes criteria employed by the State Department for deciding what constitutes an international agreement.

In the absence of more authoritative criteria, United States practice has been guided for the most part by criteria prescribed by the executive branch. The information included in this book includes the legal and historical rationales underlying Congressional concern with the idea that the President should be accountable to Congress with respect to executive agreements; the search for standards and for some functional accommodation between the branches; and recent Congressional proposals to control the use of executive agreements.

Professor Franck is the Research Director of UNITAR and is Director of the Center for International Studies, New York University School of Law. Professor Glennon teaches at Wayne State University Law School.

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GREENFIELD, J., *CHINA AND THE LAW OF THE SEA, AIR, AND ENVIRONMENT*; Sijthoff & Noordhoff, Alphen aan den Rijn, The Netherlands (1979); \$32.50 (hardbound); ISBN 90-286-0429-4; pp. 1-xx, 362 pp.; footnotes, bibliography, table of cases, index, tables, maps, seventeen appendices, preface, introductions to each section.

The book examines and compares the current practice in the People's Republic of China (PRC) in three topical areas of public international law: the law of the sea, the airspace, and the environment. The extent of the PRC's participation in the development of international law, generally, is also examined. Attempts are made to arrive at possible solutions to problems currently facing China in those three topic areas, all within the larger context of international law.

The text concerns itself essentially with China's relation to what the author terms "the law of peace." The book contains an introductory chapter on historical background and attempts to list completely all Chinese treaty participation in the three areas under discussion, gathering information from numerous sources.

The major primary source material for the book is derived from the United Nations Committee on Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction; the Third Conference on the Law of the Sea, New York Session 1973, Caracas and Geneva Sessions 1974-75, New York Sessions 1976-77, Geneva and New York Sessions 1978, and the U.N. Stockholm Environmental Conference 1972.

The conclusion drawn is that China's contribution to and application of international law is, to a degree, limited. The traditional absence of individuals trained in international law, and even in law generally, is one reason hypothesized for the failure of China to make any significant impact on the development of international law. The book points out, however, that China has made concrete and influential contributions in some areas, and continues with a discussion of these contributions.

Of the three sections, that section on the law of the sea is the largest, primarily because China's interest in the sea has been more involved and of longer duration than have its interests in the airspace and the environment. The reasons for the phenomenon are also explained.

The book arose out of a doctoral dissertation undertaken at Cambridge University.

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KAYE H., HERTZBERG, M. AND PLAIA P.; *INTERNATIONAL TRADE PRACTICE* (2 Vol.); Shepards/McGraw-Hill, P. O. Box 1235, Colorado Springs, Colo. 80901 (1981); \$150.00 (looseleaf); ISBN 0-07-033404-8; 1200 p., footnotes;

**International Practice Series.**

This two-volume work contains practical information for attorneys whose clients include manufacturers, importers, distributors, retailers, trade unions, licensees and licensors. It is written for attorneys who represent American companies and foreign businesses operating in the United States. The book covers practice before the International Trade Commission and other related federal agencies; the Tariff Act of 1930, the Trade Act of 1974, and the Trade Agreement Act of 1979. Procedural and substantive explanation of relief available to American industry for injury caused by import competition is discussed. The authors also include a section on the law governing duty-free importation under the Generalized System of Preferences.

Harvey Kaye is a patent attorney, and is a partner in the Washington, D.C. law firm of Spencer and Kaye. He is the author of numerous articles on international trade and patent law. Paul Plaia, formerly with the office of the General Counsel of the International Trade Commission, is a partner at Plaia, Schaumberg & Taubman in Washington, D.C. Michael Hertzberg, lecturer and author of many articles on trade regulation, was formerly a partner in Spencer & Kaye. He practices actively in the international trade field, and is now a partner in the law firm of Graham & James, Washington, D.C.

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KUMAR, K., (editor), **TRANSNATIONAL ENTERPRISES: THEIR IMPACT ON THIRD WORLD SOCIETIES AND CULTURES**; Westview Press, Inc., 5500 Central Ave., Boulder, Colo. 80301 (1980); \$26.50; ISBN 0-89158-852-3, LC 80-16759 pp. 1-XI, 337 pp.; footnotes, select bibliography, tables, overview by editor and editorial notes for each section. One of series of fifteen books: Westview Special Studies in Social, Political and Economic Development.

This book endeavors to explain the social and cultural impact of transnational enterprises on non-industrialized host nations which have not followed a socialist model of development. The analytical discussion focuses on the larger macro-level issues and only on those impacts which have been stressed in the related literature.

The central thesis advanced in the book is set forth in the preface: "TNE's not only affect the economic and political systems of a nation but by internationalizing production processes and facilitating the movement of products across national boundaries, they influence social structures and organizations, lifestyles, and the cultural identities of the people."

The book is organized into three textual sections, each containing several articles by well-known scholars. Those sections highlight, respectively, impacts on social classes and inequality of development, on knowledge systems, and on consumption patterns and values.

The articles in Part I discuss "the role of TNE's in the disintegration of social classes in Latin America", and present a class analysis of TNE growth in conjunction with a discussion of the relationship of TNE's to "managerial bourgeoisie." The third article in the section discusses the ways in which offshore sourcing of TNE's has affected the status and role of women employees in Malaysia and Singapore, and the final article deals with the issue of TNE contribution to inequalities of development.

The second section, dealing with impacts on knowledge systems, contains articles discussing transnational book publishing and its role in diffusing intellectual knowledge, the effects of transnational news service on information dissemination in Latin America, articles on the effects of TNE's on educational and cultural processes in Africa, and the role TNE's play in vocational training.

Part 3 contains writings on the role of TNE's in promoting "bottle feeding" in developing countries, the sociocultural consequences of TNE's within the framework of North-South economic relations, as well as an article on the role of TNE's in the greater context of cultural and ideological dependence.

Dr. Krishna Kumar coordinates a study and research program on transnational interactions for the East-West Center in Honolulu, where he is a staff member.

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KIRCHNER, C., ET AL., *MINING VENTURES IN DEVELOPING COUNTRIES, PART 1: INTERESTS, BARGAINING PROCESS, LEGAL CONCEPTS* (English Version by William J. Mahoney); Kluwer B.V., Deventer, The Netherlands; Alfred Metzner Verlag GmbH, Frankfurt/Main, Germany (1979); \$58.00 (cloth); ISBN 90-268-1037-7 (Kluwer B.V.), ISBN 3-7875-1151-2 (Alfred Metzner Verlag GmbH); x, 191 p..

This book is the first part of an effort to investigate the evolution of transnational mineral contracts between transnational corporations and developing countries. This English version is a revised edition of the German study, "Rohstofferschliessungsvorhaben in Entwicklungslaendern. Teil 1," published in 1977. In cooperation with the authors, William J. Mahoney has undertaken the difficult task of translating, revising and updating the German edition.

The authors have sought in this initial volume to elaborate the economic, political, social, environmental, and legal framework of transnational mineral contracts. In their analysis they rely on a model which introduces and explains the relevant participants, their interests, and behaviour.

The book is presented in six chapters. Chapter 1 serves as an introduction, providing definitions and explaining the problem formulation

and method of inquiry. Chapter 2 discusses the economic, social and political framework of raw material investment. Chapters 3 and 4 discuss the various parties and interests concerned with the investment contract. These include the Home/Host countries, the investor, credit institutions, international organizations/agreements and concern with assisting, financing and protecting foreign investments. Chapter 5 addresses the functions of the contract and the negotiation process, and discusses the object and stages of the negotiations, congruence and conflict of interests, the power relation of the investor and the host country, and strategy and tactics. Chapter 6 explores the various forms contractual arrangements can take; discussing the analytical framework of legal forms and contractual/corporate cooperation.

A second study, to be published at a future time, will address specific problems of contractual formulation in the mineral sector, and a bibliography of the relevant literature concerning the transnational law of natural resources will also be published.

Five of the authors have received their LL.M.'s from such prestigious law schools as Harvard (3), the University of Michigan (1) and Georgetown University Law Center (1). Another author is a Fellow of the Institute for Law and Economics Education at Frankfurt. Of the remaining authors, one has an M.A. from the Department of Political Science, the University of Chicago, and the other is an attorney and Fellow at the Institute for International and Foreign Trade Law.

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MEZNERICS, I., *INTERNATIONAL PAYMENTS, WITH SPECIAL REGARD TO MONETARY SYSTEMS*; Sijthoff & Noordhoff, Alphen aan den Rijn, The Netherlands (1979); available in the U.S. from Sijthoff & Noordhoff, Germantown, Md. 20767; \$25.00 (cloth); ISBN 90-286-0119-8 (Sijthoff & Noordhoff), ISBN 963-05 1698-5 (Akadémiai Kiado); 265 p.; footnotes.

International payments are closely connected with, and dependent on, the monetary systems existing in various parts of the world. As advancing technology in transportation accelerates the movement of goods, e.g., containerization, it becomes necessary to search for new devices in the technical field of international payments, by simplifying and standardizing the content and form of traditrade documents and speeding up the flow of information, without neglecting the points of security and law. This is the theme on which Professor Meznerics writes: the possibilities or prospects of a "harmonization" between the various monetary systems.

*International Payments* is presented in six chapters. Chapter 1 discusses the "Scope and Legal Aspects of International Payments." Chapter 2 explores the "Most Usual Methods of International Payments," discussing documentary credits, collections, bank guarantees, transfers abroad and payments through clearing, the role of money orders, and other in-



struments for effecting payments. Chapter 3 has an historical slant in showing the development and recognition of foreign exchange legislation. Chapter 4 presents the Uniform Payment System in Trade Between Socialist Countries (the principles of which were laid down in 1971 in the "Comprehensive Programme" of the CMEA countries). Chapter 5 discusses the "Work of UNCITRAL in the Field of International Payments" (and how it has requested the ICC to further the "uniform rules" in cooperation with countries not represented in the ICC, in particular with the socialist countries). Chapter 6 concludes with a general survey of "International Payments and Monetary Systems," recounting developments in Western International Monetary Co-operation, in Socialist Countries, and other Regional Monetary Co-operation endeavors, and offering perspectives for a Universal Monetary System.

Professor Meznerics has authored several books and studies on the banking business and has participated in the work of international organizations dealing with questions of unification of the law and practice relating to international payments.

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MIKAELSEN, L., *EUROPEAN PROTECTION OF HUMAN RIGHTS*; Sijthoff & Noordhoff, Alphen aan den Rijn, The Netherlands (1980); available in the United States from Sijthoff & Noordhoff, 20010 Century Blvd., Germantown, Md. 20767; \$42.50 (hardbound); ISBN 90-286-0409x; xiii, 271 p.; footnotes, bibliography, appendices.

This book is subtitled *The Practice and Procedure of the European Commission of Human Rights on the Admissibility of Applications from Individuals and States*.

Because almost ninety-eight percent of applications before the European Commission of Human Rights are rejected, the author's purpose is "to describe an applicant's sticky job of finding his way through to those organs established for the very purpose of protecting human rights in Europe." Mikaelson examines the context of human rights protection, the rights of individuals and states to plead in ECHR petitions, and the procedures followed. He then discusses admissibility and inadmissibility of petitions, both on procedural and substantive grounds. After his conclusions and suggestions, he has several documentary appendices concerning the ECHR. The appendices then deal with applications to the Commission, including a number of sample form letters. A selected bibliography and table of cases concludes the work.

Mikaelson, the author, is legal advisor at the Danish Ministry of Foreign Affairs in Copenhagen. He has published two books and a number of articles dealing primarily with the protection of human rights.

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NANDA, V., ed., *THE LAW OF TRANSNATIONAL BUSINESS TRANSACTIONS*; Clark Boardman Co., Ltd.; New York, N.Y. (1981); \$75.00 (cloth), \$25.00 (paperback); ISBN 0-87632-342-5; LC 81-2392; xxii, 632 p.; footnotes, appendices, tables, index.

This book presents a collection of essays by practitioners and scholars of international law on a wide variety of legal problems encountered in transnational business transactions. According to the book's introduction, the book is intended to be a reference work for U.S. lawyers experienced in domestic commercial practice who need an introduction to international transactions. It is also, however, a book that would be highly suitable for a law school course in international business transactions and is available in a paperback "student edition."

The book is divided into thirteen discrete chapters, each developing a particular topic in international commercial law. Applicable laws to international commercial transactions and practical considerations in relation to the laws are detailed alike. Step by step procedures are often included as a guide for the practitioner.

The thirteen chapters discuss the following areas: the role of U.S. lawyers in international business transactions; foreign business organization; U.S. taxation of foreign investors; selected clauses in transnational contracts; international technology transfers; foreign natural resource investment; forum selection and choice of law agreements in international contracts; antitrust aspects of international business operations; jurisdictional problems in the application of the antitrust laws; enforcement of the EC's antitrust laws; foreign trade and economic injury; and international boycotts.

Ved Nanda is Professor of Law and Director of the International Legal Studies Program, University of Denver College of Law.

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NORBURY, P., BOWNAS, G., eds., *BUSINESS IN JAPAN*; Westview Press, 5500 Central Ave., Boulder, Colo. 80301 (1981); \$25.00 (cloth); ISBN 0-86531-059-9; LC 80-51364; 210 p.; bibliography, glossary, index.

This book is a revised edition of the book which was first published in 1974. It is a collection of twenty-five essays by high-level Japanese businessmen, concerning the main practical elements of doing business with the Japanese.

The premise of the book is that doing business in Japan depends on the depth of one's understanding of the Japanese people. It holds that any approach to the Japanese market—whether with reference to law,

finance, joint ventures, distribution, or trading in general—must be grounded in a knowledge of the broad sociocultural context of the country and an emotional as well as intellectual grasp of who the Japanese are.

The book is divided into six sections. Section one is an introduction to understanding the Japanese. Section two is a history of Japanese industries, and a view of the new industrial policies of Japan. Section three discusses approaches to the Japanese market. Section four explains finance and Japanese banking. Section five concerns strategy and management in Japan. Finally, section six gives advice on adjusting to Japanese lifestyle and business practices.

Paul Norbury was educated at the Universities of London and Manchester, and after two years in secondary teaching became a freelance writer and journalist. Later he became a Publications Editor for Esso Europe, Inc., and Managing Editor of the Publication Division for David Williams and Ketchum where he launched Tsuru, an international quarterly journal on Japan for Japan Air Lines. In 1972 he started his own publishing company. Additionally, since 1975 he has acted as a consultant to the Japanese Embassy. His books include two volumes for the University of Tübingen: *Aspects of the British Way of Life and British Institutions* and *The Japanese Businessman*.

Geoffrey Bownas learned Japanese during the war and lectured in Chinese and Japanese studies at Oxford from 1954 to 1966. He has been Professor of Japanese Studies and Director of the Centre of Japanese Studies, University of Sheffield, since 1966. His books include, *The Penguin Book of Japanese Verse*, *New Writing in Japan*, and *The Asian Phoenix*.

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REMBE, N., *AFRICA AND THE INTERNATIONAL LAW OF THE SEA*; Sijthoff & Noordhoff, Alphen aan den Rijn, The Netherlands (1980); available in the U.S. from Sijthoff & Noordhoff, 20010 Century Blvd., Germantown Md. 20767; \$42.50 (hardbound); ISBN 90-286-0639-4; xix, 251 p.; notes, appendices, abbreviations, index, table of cases. Sixth in the series "Sijthoff Publications on Ocean Development," Shigeru Oda (general editor).

Subtitled "A Study of the Contribution of the African States to the Third United Nations Conference on the Law of the Sea," this work is the sixth volume in a series of studies on the international, legal, institutional, and policy aspects of ocean development, edited by Shigeru Oda. The author of this volume, Dr. Rembe, is a Lecturer in Law at the University of Dar es Salaam, Tanzania. He has been involved with several international meetings and conferences on the law of the sea, principally with those that dealt with African impacts and implications.

Dr. Rembe emphasizes the African attitudes at UNCLOS III, which

reflect their attitudes toward traditional international law in general. Most African nations are still developing, and only recently independent, by comparison. Dr. Rembe also discusses the UNCLOS III negotiations in terms of the New International Economic Order. He also addresses the increasing African interest in maritime matters.

The first chapter of this volume examines the African view of international law and how it affected their UNCLOS III positions. The middle three chapters discuss the actual positions taken by the various African nations at the Conference. Dr. Rembe stresses the adoption of a continental negotiating position as a major reason the African contribution to the Conference was so important. The final chapter evaluates the African contribution, both with respect to contributions dealing directly with the Law of the Sea, and with respect to contributions falling outside the scope of UNCLOS III, such as disarmament and decolonization. The appendices include "Proposals on the Seabed Regime," "Regional Declarations" (primarily OAU resolutions), a list of significant African proposals on maritime matters from 1970-1975, African voting records on selected LOS resolutions, and a list of African parties to Maritime Geneva Conventions.

Dr. Rembe's work offers a unique perspective of a very significant area of international law. The importance of LOS can only increase, and the African impact on its development is likely to increase as well.

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SCHMITTHOFF, C.M., *SCHMITTHOFF'S EXPORT TRADE—THE LAW AND PRACTICE OF INTERNATIONAL TRADE* (7th ed.); Stevens & Sons Limited, 11 New Fetter Lane, London (1980); available in the U.S. from Carswell Legal Publications, 2330 Midland Ave., Agincourt, Ont., Canada M1S 1P7; \$62.25 (paper), also available in hardback; ISBN 0-420-45410-1, Paperback 0-420-45740-2; xxxvii, 480 p.; footnotes, tables of Cases, Statutes and International Conventions, indexed, appendices.

This new edition of an international work [previous editions have been translated into Russian (3d ed., 1955), Japanese (4th ed., 1962) and French (5th ed., 1969)] on the law of international trade continues to serve its dual function: to give a concise account of the law and practice of international trade and to explain how modern export trade is transacted. The need for a new edition, and not just simply a revision, is to give proper treatment to the legal problems of containerisation, long term contracts, new I.C.C. terms (*e.g.*, "f.o.b. Airport,"), and to account for recent Acts and Conventions (*e.g.*, the UNCITRAL Arbitration Rules of 1976), which chart the future course of international trade.

*Schmitthoff's Export Trade* is conveniently divided into five parts. Part I concerns itself with the International Sale of Goods and discusses special and standardized trade terms, the formation and frustration of

international contracts, and foreign and uniform laws on International Sales. Part II offers insight on representatives abroad; and discusses various distribution arrangements, restrictive trade practices, and competition law. Part III explores "matters incidental to exporting": financing, insurance, the carriage of exports, protection of intellectual property, and arbitration and litigation. Part IV introduces a new topic: long term contracts—contracts which have as their object the construction of works and installations abroad. Part V concludes the text part of this work by discussing the government regulation of exports: customs law.

Major Acts discussed in the text include the Unfair Contract Terms Act of 1977 (with its definition of international supply contracts), the State Immunity Act of 1978, the Arbitration Act of 1979, the Carriage by Air and Road Act of 1979, the Customs and Excise Acts of 1979, and the Carriage of Goods by Sea of 1971, to which are appended the Hague-Visby Rules relating to bills of lading. Also discussed are the Hamburg Rules on Bills of Lading.

Like the preceding editions, Schmitthoff's *Export Trade* is kept up to date by notes in the section on Export Trade in the *Journal of Business Law*, published by Stevens & Sons Limited of London.

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SHAPIRO, M., *COURTS: A COMPARATIVE AND POLITICAL ANALYSIS*; The University of Chicago Press, 5801 S. Ellis Ave., Chicago, Ill. 60637 (1981); \$20.00 (cloth); ISBN 0-226-75042-6, LC 80-18263; ix, 245 p.; footnotes, index.

In this book, Shapiro challenges the traditional model of legal scholars and political scientists that an independent judge applying preexisting legal norms in an adversary proceeding imposes a winner-take-all judgment in which one party is assigned the legal right and the other party the wrong. Shapiro proposes a new model for the study of the courts, one that emphasizes the different modes of decision making and the multiple political roles that characterized the functioning of real courts in various political systems.

The book is divided into five chapters. The first chapter examines the prototype of courts and briefly surveys social control and lawmaking by the courts. The proposition is submitted that appeal, which is usually viewed as a process for the vindication of individual legal rights, is more properly seen as a device by which central political regimes consolidate their control over the countryside.

Chapter 2 places the author's challenge to the judicial independence theme of the conventional prototype of courts in the context of English judicial experience. The author does so because he states that the conventional wisdom proclaims that it is in England that judicial independence has most clearly developed and flourished.

Chapter 3 places the conventional prototype's insistence that judges decide by application of preexisting legal rules in the context that appears to be the most favorable to the author's questioning of it—the civil law system in which judges are supposed to be strictly bound by codes.

Chapter 4 examines the assertion of the author in Chapter 1 that mediation and litigation invariably intermingle rather than maintain themselves as distinct alternatives. Chapter 4 deals with the traditional Chinese legal system, which is often presented as having chosen the mediation and rejected the litigation alternative.

Finally, Chapter 5 is a study of one major legal system that is reputed not to have appeal at all: traditional Islam. This is included in relation to the author's argument in the first chapter that appeal is all but universal because it serves the purposes of hierarchical regimes. Martin Shapiro is Professor of Law at the University of California, Berkeley, where he teaches in the Jurisprudence and Social Policy Program. Formerly a Professor of Government at Harvard University, he is President of the Western Political Science Association.

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TOWNSEND, J. B., *EXTRATERRITORIAL ANTITRUST: THE SHERMAN ANTITRUST ACT AND U.S. BUSINESS ABROAD*. Westview Press, 5500 Central Avenue, Boulder, Colo. 80301 (1980); \$27.50 (cloth); ISBN 0-89158-483-8, LC 79-18802, xiii, 253 p.; footnotes, appendices, tables, bibliography, table of cases, index.

The focus of this book is upon the connection between international business and government relations. More specifically, the author examines the influence of the Sherman Antitrust Act on U.S. business overseas, particularly the U.S. multinational corporations (MNC's). Of particular interest is the effect extraterritorial application of U.S. antitrust law has had upon the market-entry strategy of U.S. MNC's, and whether the application of antitrust law has made U.S. MNC's more, or less, competitive.

The author used a descriptive survey methodology, eliciting responses from seventeen U.S. based MNC's, all with at least \$2 billion in sales in 1974. From the information obtained the author sought to illuminate the current state of affairs vis-à-vis U.S. MNC's and U.S. antitrust law, providing a description of the actual impact of the law on corporate policies and strategies.

The early chapters in the book set forth the necessary general information. The author discusses the history of and the ideology behind the Sherman Antitrust Act; the developing case law and the resulting interpretive rulings; the growth and expansion of the U.S. MNC; and the limited legal base of extraterritorial antitrust. Later chapters present data concerning U.S. MNC's, arraying this data against the legal alternatives

available to a U.S. MNC considering overseas market entry. The public policy issues, both as they impact upon the law and the MNC, are then discussed. Finally, the author summarizes the finding of the book and states his conclusions and projections of public policy.

The author concludes that extraterritorial application of U.S. anti-trust law does impact upon and to an extent nullify the market entry strategies of U.S. MNC's engaged in manufacturing. To this extent it would seem, he argues, that U.S. business abroad is adversely affected.

James B. Townsend is Assistant Professor of Business Administration at Kansas State University.

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WILSON, D., *INTERNATIONAL BUSINESS TRANSACTIONS IN A NUTSHELL*; West Publishing Co., P. O. Box 3526, 50 W. Kellogg Blvd., Saint Paul, Mn. 55165 (1981); \$7.95 (paperback); ISBN 0-8299-2119-2, LC 80-39793; lvii; 393 p.; index.

This book, a West "Nutshell," attempts to trace the legal aspects of an international business transaction from the first idea to the negotiated conclusion. The following topics are considered: the multinational enterprise and its legal counsel, selection of assisting counsel in other countries, international rulemaking systems and international business transactions in the EEC, EEC business competition rules and Articles 85 and 86 of the Treaty of Rome, extraterritorial laws and international business transactions, moving goods across national borders, movement of people, money, and information across national borders, traumatic investment loss, insuring against risk of loss, act of state, sovereign immunity, dispute settlement, and negotiating a written agreement.

The book operates on the premise that the particular forms and special objectives may vary, but the shared purposes of enterprises in moving goods, information, money, people and services across national boundaries have not changed significantly during the past two centuries. The author believes that enterprises seem to move about in relatively predictable ways. The book, with this theme, is necessarily general in nature, and would not be appropriate as a final authority on the topics discussed.

Donald T. Wilson is Professor of Law at the Loyola Law School in Los Angeles, California.

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YOUNG, A. K., *THE SOGO SHOSHA: JAPAN'S MULTINATIONAL TRADING COMPANIES*; Westview Press, 5500 Central Avenue, Boulder, Colo. 80301 (1979); \$20.00 (cloth); ISBN 0-89158-425-0, LC 78-18935; xxiii, 247 p.;

footnotes, bibliography, tables.

This book represents the first book-length study of Japan's sogo shosha in English. Sogo shoshas have been referred to as "probably the world's most efficient marketing channel." They are the large general trading companies that handle a large percentage of Japan's export and import business. They have played a key role in Japan's extraordinary growth since World War Two.

The book has three principal parts. Part one examines the sogo shosha's core business, describes the origins and defining characteristics of the ten largest sogo shoshas and explores the extended network of services and resources they provide for conducting business. Part two describes the growth trends and business strategies of the general trading companies from 1960-73, elaborates on their roles in the post-World War II Japanese economy, and looks in detail at their overseas natural resource development projects. Part three examines the strategic changes the sogo shoshas have made since 1973, with their new emphasis on management efficiency and global reach and portrays their present role and likely future place in world commerce.

Alexander K. Young is Professor of International Relations at the College of New Paltz, State University of New York. A graduate of the College of Law of the National Taiwan University, he received a Ph.D from Columbia University, where he is currently an associate of the University Seminar on Modern Japan.