Maryland Journal of International Law

Volume 13 | Issue 1 Article 8

Books Received

BOOKS RECEIVED

INTERNATIONAL LAW. By Rebecca M. M. Wallace. London: Sweet & Maxwell, 1986, 258 pp.

Rebecca M. M. Wallace is a lecturer in law at the University of Strathclyde in Glasgow, Scotland. As the author states in her preface, the objective of her book is to fill the present gap in the international law textbook market by providing a "hornbook" on international law "dovetailed to meet the needs of . . . students [taking] a one year undergraduate course" in the subject. In general explanative terms Wallace provides an overview of the many intricacies of international law, discussing legal history, supplying comparative examples, and giving case descriptions in order to demonstrate the interplay between law and statecraft in the international arena.

After a brief introduction to the subject, Wallace examines the various sources of international law and describes the development of this law. She next describes the varying degrees of persuasiveness of the sources of law in the international field. Wallace follows with an examination of the way in which international law interfaces with domestic legal structures of existing nation states, and uses the treatment of international law by the courts of the United States and the United Kingdom as case studies.

A description of the "international personality" of states and international organization follows, in which Wallace discusses how such entities are politically defined. The author then explains the effects of recognition or non-recognition of such entities by other players in the international system. A brief discussion of physical aspects of nation states follows, with a consideration of how geographic territories come to belong to (or are shared by) specific states.

Wallace then provides a concise yet thorough exposition of the law of the sea, emphasizing general principles and effects of various United Nations provisions on that law, and devotes great attention to how the 1982 Convention on the Law of the Sea has changed this body of law. Wallace also examines such topics as the measurement of territorial seas, freedom of navigation, nuclear testing, pollution and exclusive economic zones. Her treatment of the law of the sea ends with a brief look at present laws governing the continental shelves and problems relating to the exploitation of resources found in the deep sea bed.

Wallace continues her overview by examining the various aspects of state responsibility in the international system, and discusses

problems such as the nationalization of foreign-owned interests. She then considers the protection of human rights by international law with specific emphasis on the recognition of such rights by the European Convention for the Protection of Human Rights and Fundamental Rights. Wallace concludes with an in-depth examination of how international treaties are made and enforced, how force itself is used in the international arena, and how international law is enforced by organizations such as the International Court of Justice.

Since Wallace's book is meant to be read as a companion text to a more comprehensive book on international law, when read alone her exposition of international law may seem over generalized. When read with some prior understanding of the subject matter, however, her book proves to be a useful synthesis of the many aspects of international law and provides a helpful background for further reading in the area.

THE INTERNATIONAL OIL INDUSTRY. Edited by Judith Rees and Peter Odell. New York, NY: St. Martin's Press., Inc., 1987, 167 pp.

For those who have found previous studies of the international oil industry frustrating and void of any practical explanations or propositions, *The International Oil Industry* provides a refreshing and satisfying change. Editors Judith Rees and Peter Odell have compiled this book from the contributions of internationally known academic scholars, as well as from public sector and private industry experts, and used these contributions to provide an interdisciplinary perspective that many have found lacking in other studies.

The importance of using an interdisciplinary approach to the study of the international oil industry is a recurring theme throughout this book. The international oil industry acts as a major influence on energy scarcity, Third World debt and the economic stability of all industrialized and newly industrializing nations. Similarly, any serious study of the industry must reflect the importance of economics, law, political science, geography, international relations and an inside view of the industry previously available only to the oil industry practitioner. As explained within this book, only through the free flow of ideas and expertise among these various disciplines can a meaningful approach be made to understanding the international oil industry.

The book's first nine chapters illustrate this interdisciplinary approach by addressing the concerns of the impact and structure of the industry in relation to: the international community, the international economy, international financial markets, European oil issues and the special concerns of the Third World. Each author explores the importance of his or her individual discipline and the limitations that arise if the international oil industry is addressed through a monodisciplinary perspective. The final chapter draws together the threads of the multidisciplinary perspective with individual essays from experts in the fields of economics, government, law, geography and international relations.

One important objective that this book strenuously, and successfully, tries to accomplish is to impress upon scholars the limitations of their own academic subjects and the need to look beyond their specializations to synthesize their expertise with that of specialists in other areas within the field of international oil. This book successfully shows the importance of each of the many disciplines that must be utilized within this subject and seeks to promote an appreciation of these divergent strands. Furthermore, this book seeks a consensus for an interchange of ideas and expertise to facilitate, whether in the public or

private arena, an understanding of, and a balanced approach to the international oil industry.

To students, this book presents an opportunity to gain an understanding of a complicated topic. Although this book may primarily be aimed at influencing scholars in various fields, the material is presented in such a way that, regardless of experience or background, anyone with an interest in the international oil industry will find *The International Oil Industry* to be a thoughtful, interesting and useful tool with which to further enhance that interest.

LAW AND SOCIAL CHANGE IN POSTWAR JAPAN. By Frank K. Upham. Cambridge, Ma. Harvard University Press, 1987, 269 pp.

Conventional assumptions would have us characterize the postwar Japanese society as well-disciplined and conflict-free. Frank K. Upham questions this assumption in *Law and Social Change in Postwar Japan.* Upham criticizes the common cultural explanations of Japanese legal phenomena and offers, as an alternative, institutional and political explanations. Upham presents four case studies which effectively illustrate how law affects the course of social conflict and change in Japan.

The four case studies involve: 1) the evolution of the anti-pollution movement and the government's response to it; 2) the struggle of the Burkamin, an outcast group, to eliminate social discrimination; 3) the elimination of sex discrimination in the workplace; and 4) the formulation and implementation of industrial policy by the Ministry of International Trade and Industry. The case studies have broad social implications, representing areas of conflict and change that exist in all industrial democracies, and thus, provide a basis for comparison for these other democracies.

In Chapter One, Upham presents three models of law to serve as reference points to the reader. The first two models are hypothetical Western models used to describe the role law might play in bringing about social change. The first model emphasizes the role of rules enacted in a "procedurally correct manner" and applied uniformly to all cases. Under this model, the law supersedes all other state-sponsored forms of conflict resolution. Individuals willingly submit to this system because they believe in uniform application of the rules. The second model emphasizes the role of judges as political actors. Under this model, broad based social controversies are resolved through litigation wherein the judge's vision of public policy dictates the outcome. The last model, the Japanese model, describes how a dedicated bureaucracy attempts, indirectly, to maintain control over the process of social conflict and change. Under this model, the elite manipulate the legal framework within which social change and conflict occur. Upham terms the model "bureaucratic informalism" whereby the government mediates disputes and creates institutional barriers to litigation.

Chapter Two describes the pollution tragedy that developed in a small city on one of Japan's four main islands. In this case study, Upham discusses how victims of toxic substance poisoning became dissatisfied with the results of informal dispute resolution and filed suits against polluting companies. Such litigation, along with other tactics, called for a governmental response. The legislature answered by passing a series of statutes that constituted "a pollution control regime as

strict as any in the world." Governmental intervention served to manage social conflict and prevent it from recurring.

Chapter Three focuses on the Burkamin, a permanent and distinct outcast group that descended from the Tokugawa period outcasts. The Burkamin faced discrimination through enactment of legislative decrees and judicial decisions which prohibited them from participating in majority life. In this case study, Upham illustrates how the use of instrumental violence achieved affirmative action programs for the outcast group. The primary tactic of this group involved "denunciation" whereby leaders of the group attempted to convince a local bureaucrat to adopt its interpretation of a discriminatory policy or event with an underlying threat of physical force. Denunciation was tolerated by the police and courts and proved effective in attaining some degree of liberation for the Burkamin as a group. Eventually, the Burkamin came to rely on this tactic and governmental responsibility as the ultimate key to liberation. Upham concludes, however, that denunciation may foster the dependence that it was designed to avoid since the Burkamin have allowed the government to set the agenda for liberation.

Chapter Four illustrates how use of the courts and legal doctrine convinced the government to bring about social change. In this chapter, Upham describes how working women used the courts to air their grievances and achieve the Equal Employment Opportunity Act. This Act involved a legislative response to employment discrimination litigation. The primary importance of these cases is to illustrate how legal pressure, as opposed to political pressure, against opponents in government and industry brought about social change for women in the workplace.

Chapter Five presents the final case study and explores a different legal framework from those of previous chapters. In the first three case studies, open conflict existed between groups with opposing interests. In the formulation and implementation of industrial policy by the Ministry of International Trade and Industry ("MITI"), open conflict rarely exists. The legal framework of MITI excludes independent outsiders. Upham describes the legal framework as consensual in character and virtually incapable of being legally attacked. Under this legal framework, compliance with the policy decisions of the MITI and the industry becomes the rule rather than the exception.

Upham concludes in Chapter Six with a discussion of the ideology and operation of law in Japanese society and the American images of Japanese law. This book encourages readers to question the traditional assumptions that Japan is a disciplined and conflict-free society. By using political and institutional explanations, Upham unveils a Japanese legal system where elites informally use legal rules and institutions to

manage and direct conflict and social change. In addition, Upham's use of case studies greatly enhances one's understanding of how law works in Japan and his book will appeal to a wide-range of readers.

THE CLOISTERED VIRTUE: FREEDOM OF SPEECH AND THE ADMINISTRATION OF JUSTICE IN THE WESTERN WORLD. By Barend Van Niekerk, New York, NY: Greenwood Press, 1987, 399pp.

At the funeral for Barend Van Niekerk, the late South African novelist Alan Paton delivered the eulogy for his countryman. "There are many injustices in [South Africa]," Paton said, "but we can thank God that we have so many people who condemn them, and who use their lives to try and remove them from the life of our society. That is why we are here today to give thanks for the life of Barend Van Niekerk."

Paton's words are re-printed as a preface to *The Cloistered Virtue: Freedom of Speech and the Administration of Justice in the Western World*, the book Van Niekerk, an attorney and professor of law, finished just prior to his death by heart attack in 1981. The book is evidence, however, that Van Niekerk's concern with injustice was not limited to South Africa.

As its title reveals, Van Niekerk's book focuses on freedom of speech as related to the administration of justice in Western society. The author's premise is that throughout modern history, criticism or dissent directed at the administration of justice has been barely tolerated, much less encouraged, in the nations of the Western world. This atmosphere of repression has in turn led to an ingrained reluctance on the part of citizens to speak their views on the actions of courts and, even further, to a general indifference toward the administration of justice. It is this "climate of unconcern" that Van Niekerk views as a "notoriously fertile soil for the growth of suppression of liberties."

The author posits that to forestall any such suppression of liberties there must be present in a free society a vital and well-developed right of "legal free speech" which permits open criticism of the administration of justice without the threat of censure. As bases for such a right, the author advances six premises, including the importance of legal free speech in allowing lawyers and journalists to fulfill their roles as guardians of individual liberties, and the necessity of free speech as a "device of democratic participation" in the administration of justice.

In support of his theory that legal free speech is suppressed in Western nations, Van Niekerk devotes the majority of the book to an examination of methods used by courts in those nations to restrain criticism of judicial action. He studies the range of restrictions placed on media coverage of trials. Finally, he evaluates the effect such sanctions have in stifling criticism and dissent.

Van Niekerk's book, judged solely as an academic endeavor, is undeniably interesting. Yet the focus is not purely academic, and Van

Niekerk's motivation in writing *The Cloistered Virtue* makes the book even more intriguing.

Three times in his legal career, Van Niekerk was placed on trial for his vocal disapproval of the administration of justice in South Africa. A white Afrikanner, Van Niekerk was a member of South Africa's ruling class. His status did not insulate him, however, from prosecution for his criticism of the blatantly discriminatory policies of South African courts.

With experience as a victim, as well as an observer, of the suppression of legal free speech, Van Niekerk could not be expected to view the subject of his book in an entirely objective manner. He admits this, however, and offers no apologies. Rather than attempt to write an objective legal text, Van Niekerk states that he chose to simply inspire thought, especially in lawyers, "who for better or for worse — and so often for the worse! — remain the primary expounders of the ideas and ideals of justice."

As an inspiration for thought, the book is an undoubted success. Whether one agrees or disagrees that legal free speech is essentially suppressed in Western society, the book serves as an awakening tap on the shoulder that the mere existence of a system of justice is not sufficient. The administration of justice requires constant scrutiny and adjustment. Not allowing a means of peaceful criticism makes this task impossible. For lawyers and law students inculcated from the first day of legal study with what the legal system is, and not its shortcomings, these may be novel thoughts. And, if Van Niekerk succeeds in provoking such thoughts, then the gratitude expressed by Paton to Van Niekerk on behalf of South Africans, must in some measure be echoed by citizens of other nations.

EXTERNAL DEBT, SAVINGS; AND GROWTH IN LATIN AMERICA. Edited by Ana Maria Martirena-Mantel; Washington, D.C.: International Monetary Fund, 1987, 207 pp.

External Debt, Savings, and Growth in Latin America, edited by Ana Maria Martirena-Mantel, is a compilation of six papers presented at the International Monetary Fund's 1986 seminar in Buenos Aires. Each paper presents a different theoretical approach to solving the Latin America debt crisis.

The first article, *World Economic Outlook and Prospects for Latin America* by Anthony Lanyi, points out the dependency among the economies of developed countries and developing countries. The lack of economic growth in the economies of the developing countries adversely affects the employment in developed countries. To combat slow growth, developing countries increase their debt, which in turn endangers the financial stability of the developed countries. Once Lanyi outlines the interdependency of the world economy, he then lays out his suggestions on what can be done about the growth crisis without making the debt crisis worse. He suggests that to increase growth, developing countries must adopt policies that promote stability, a reduction of resources used by the public sector, and which attack market rigidities. Furthermore, to decrease the debt both parties must take a liberal approach toward renegotiation of the loans and work to alleviate the situation but by no means should the Latin American countries repudiate on the debt.

Rudiger Dornbusch, in *Impact on Debtor Countries of World Economic Conditions*, distinguishes between three types of internationally traded goods: (1) traditional exports ("TE") for the world market, (2) nontraditional exports ("NTE") which are lesser quality substitutes for similar goods produced by other countries and compete in the domestic market, and (3) competitive importable goods ("CIG"). He then determines that for smaller debtor countries to compete in the world market they must have "external balance." For example, a rise in the prices of NTE increases the domestic absorption rate of CIG and creates an excess of NTE, thus "spending must rise to restore balance." Then the author shows that certain external variables (e.g., rise in oil prices, rise in interest rates, and a decline in real prices for TE) worsen the "external balance." Thus, when an external shock occurs, the debtor countries borrow money to restore the "external balance," instead of adjusting consumption. This, in turn, cuts the domestic spending power and creates further adverse shocks. Furthermore, to try to compensate, the debtor countries simultaneously increase TE which produces a glut on the world market and lowers the prices. Dornbusch also mentions the

relationship between the rate of inflation and the real exchange rate. When the exchange rate is reduced to increase competitiveness there occurs an inherent increase in payments on the debt. The solutions looked at include debt-for-equity swaps, reversal of capital flight, and possible U.S. regulations that would make it simpler for both the write down of loans and the reduction of interest rates.

Choice of Growth Strategy begins with Julio Berlinski's examination of the relationship between the share of foreign trade and the growth of a country's gross national product relative to the size of that country. Second, he touches upon the devices that Latin American countries use to regulate trade; these include: import protection (i.e. tariffs, quantitative restrictions on imports, and import surcharges), export taxation, multilateral trade agreements with neighboring countries, and multiple exchange rates. Proceeding to his main argument, the author describes the "anti-export bias" found in most Latin American countries. The bias is present in two forms; 1) the "absolute anti-export bias" which is manifested by the taxation on exports and production, and 2) the "relative anti-export bias" which is evidenced by the higher protection rates given to the sale of goods domestically over the international market. To combat this bias, Berlinski concludes that the Latin American countries must remove the "absolute anti-export bias" and promote tools to improve exports, while developing equal incentives for both domestic and international sales.

Vito Tanzi's, *Fiscal Policy, Growth, and Design of Stabilization Programs*, lays out the relationship between stabilization policies and growth policies. Growth policies must be coordinated with stabilization policies or rampant inflation and external pressures will interrupt growth. Conversely, stabilization policies must encourage growth or these policies will result in the stagnation of the country's economy. When applying stabilization policies there must not only be the traditional macroeconomic approaches expounded by the International Monetary Fund, but also new microeconomic approaches that would change the structure of the country's financial institutions. Tanzi claims that specific financial measures must be adopted that, in the medium term, affect both the aggregate demand and the aggregate supply of the country. The increase in the aggregate supply due to the structural changes would decrease the need for demand regulation. Finally, Tanzi warns that when a country applies solely macroeconomic stabilization policies they forfeit medium and long term gains and stability to meet targets imposed by short term programs.

Adjustment, Indebtedness, and Economic Growth: Recent Experience, addresses some of the conceptual and operational problems encountered in strategies used by Latin American countries to solve the

debt crisis. Guillermo Ortiz, after discussing the development of debt strategies, analyzes the adjustments made to these strategies by the Latin American countries and the International Monetary Fund in the 1980's. Ortiz, then points out that these adjustments have not worked in countries with an excessive debt as compared to countries with a moderate debt. He concludes that these adjustments have had a detrimental effect on growth, mainly because they are only geared towards short term relief and not relief of a structural, long term nature.

The final paper, *Saving in Brazil*, by Carlos A. Longo, deals with Brazil's problem in financing their debt. Longo discusses both the deterioration of the domestic and public savings in Brazil which is adversely affecting economic growth, and minor modern changes in the framework of the banking system, the tax system, and the capital markets created by the Castelo Branco government. His final analysis is that there needs to be in-depth structural changes in Brazil to maintain growth.

Following each argument are two critiques from participants of the Buenos Aires seminar. These critiques convey both the positive and negative responses towards the authors' papers that they presented at the seminar. The inescapable conclusion by all the authors is that new or adjusted economic policies are needed to deal with the Latin American debt crisis.

VENTURE CAPITAL IN BRITAIN, AMERICA AND JAPAN. By Rodney Clark. New York, NY: St. Martin's Press, 1987, 110 pp.

In *Venture Capital in Britain, America and Japan*, Rodney Clark describes venture capital activity in three countries: the United States, where it initially began, as well as Britain and Japan, where it was subsequently adopted. The three countries exhibit varying degrees of success and return from their respective venture capital systems. For instance, although in the United States venture capital is less than one percent of American equity funds, this greatly exceeds what it was just ten years ago. Likewise, Japan and Britain, in developing venture capital systems modeled on the U.S., now have dozens of venture capital firms, nonexistent a few years back.

Venture capital activity in the U.S. starts with a venture firm raising funds and using these funds to finance companies started by entrepreneurs. By buying shares of the enterprise, the venture firm becomes a joint owner with the entrepreneurs and other investors. Ideally, the enterprise will succeed and the venture capital firm will sell the shares and make a profit. One of the greatest advantages of this system is that entrepreneurs can obtain funds and put their ideas to work even if they do not have money of their own. The major disadvantage to the entrepreneur is that the new business will not be his since venture capitalists generally tend to demand a majority stake in the business. However, it appears that U.S. entrepreneurs would rather take twenty percent of a large company than 100 percent of a small company.

Overall, venture capital activity in the U.S. gave the American economy a number of new enterprises, but since 1983 the U.S. has taken a turn for the worse in this respect. About one-half of the enterprises in venture portfolios are in trouble. The most probable reason for this recent decline stems from the fact that venture investment is a cyclical activity. Unfortunately the difficulty arises in attempting to gauge when the bottom of the cycle will be reached. Despite this setback, over the long-term the U.S. venture capital system has worked reasonably well.

In recent years, many countries tried to adopt the venture capital system of the U.S. Attempts by two of these countries, Japan and Britain, resulted in substantial venture capital activity. There are interesting differences between the countries. Japan's industrial economy is similar to that of the U.S., but Japan's economic and social structures make it difficult for Japan to adopt a U.S. style venture capital system. For instance, Japanese aversion to contractual business relations, their "lifetime employment" system, high land price and stringent requirements for listing companies are but a few of the obstacles Japan has

had to confront. Despite these drawbacks, through both public and private venture capital firms, Japanese venture capital investment reached a respectable level: Yen 138 billion or $750 million. The optimistic prediction for Japan is levelled with caution - within ten to twenty years Japan's small enterprises could be playing a more dominant part in stimulating technical change and developing new markets than they do today.

Britain also faced obstacles to adopting the American venture capital system which hampered its success rate. In Britain, as contrasted with Japan, the weak economy and the narrow industrial base resulted in a slow rate of growth and lack of activity. Britain encounters social difficulties as well such as general antipathy to commerce and industry and conservative tendencies of those in commerce and industry.

A strong source of British investment is Investors in Industry, better known and referred to as "3i", established in 1945 to provide long term finance to growing firms. 3i made substantial capital gains in recent years and provided the venture capital community with leadership. Since the latter part of 1980 a great expansion in private venture capital funds has led venture capitalists to invest in a wide range of industries, at least half of which are involved in some form of manufacturing. Although this tends to be viewed as an encouraging sign for this part of the economy, there are a lot of failures as well as successes.

Venture entrepreneurship and venture capital activity have been more securely established in Britain than in Japan. However, Britain's venture capital system is vulnerable to government intervention and if the British government were to curtail venture enterprise and venture capital, the results would be disastrous.

The foregoing discussion of this book illustrates that the American venture capital system can be successfully imitated. Japan and Britain are very dissimilar countries, yet each has or will have a reasonable rate of success with venture capital activity as the U.S. has done.

NEITHER CONFIRM NOR DENY: THE NUCLEAR SHIPS DISPUTE BETWEEN NEW ZEALAND AND THE UNITED STATES. By Stuart McMillan. New York, NY: Praeger Publ., 1987, 177 pp.

In *Neither Confirm Nor Deny,* Stuart McMillan outlines the genesis and subsequent results of the rift between the United States and New Zealand over visitation by nuclear capable warships to New Zealand's ports. The author is a New Zealand citizen, and a writer on international and strategic affairs for *The Press*, a newspaper in Christchurch, New Zealand. McMillan provides insight into the attitudes prevailing within the New Zealand populace which led to the Labour Government's policy banning ships carrying nuclear weapons. The author reaches the conclusion that neither the United States government nor the New Zealand government fully understood the ramifications of their respective positions. The resulting rupture in relations between the two nations has been strategically detrimental to both, and to the South Pacific region as a whole.

The author begins by outlining the factors which shaped New Zealand's development and its strategic outlook. Although the most isolated country in the world, New Zealand has nevertheless been active in supporting the Western alliance militarily. Due in large part to its close relationship with Britain, and its vast international trade, the focus of New Zealanders until recently was primarily upon nations outside of their immediate region. Beginning in the late 1970's, the New Zealand government began to shift toward assuming more responsibility for the Southern Pacific region.

An election in 1984 resulted in the Labour Party's return to power in New Zealand. In fact, the nuclear ships dispute had a central role in the calling of the election. The author notes that three of the four major parties in the election had policies to ban nuclear powered and nuclear armed ships. The author then briefly notes the various positions of these parties on the nuclear ships issue. The author asserts that the Labour Party victory was clearly a mandate for its position banning nuclear ships, as this position was well publicized by the party.

The author notes that the Labour Party had long supported a ban upon port visits by nuclear ships, and hence was not simply capitalizing upon the prevalent public sentiment. In describing the public support behind the ban the author cites poll results indicating that the majority of New Zealanders did support the nuclear ships ban. These polls, and the rise of activism and membership in various peace groups, illustrate the depth of anti-nuclear sentiment at the time. The author sees this sentiment as partially derived from the lack of a sense of threat to the nation from aggressors, and environmental fears fanned by French nu-

clear testing in the South Pacific.

The discussion of the ANZUS treaty, which links Australia, New Zealand and the United States, and the effect of the nuclear ships dispute upon the treaty are well handled by the author. The author notes that the nuclear ships policy was anti-nuclear, not anti-U.S. In fact, New Zealand wishes to continue its traditionally close relationship with the United States, especially through ANZUS. The United States has essentially suspended the treaty, and the author asserts that the treaty gives no basis for this position.

In discussing the ANZUS treaty, the author outlines the close relationship between New Zealand and Australia, and the reasons for their differing views on the nuclear ships dispute. These differences are found in Australia's history, resources, geography and U.S. military facilities.

New Zealand did not choose the route of several other U.S. allies who have policies against allowing nuclear armed ships into their ports. The author notes that Norway, Iceland, and Japan all have such policies. These countries do not challenge the United States policy of neither confirming nor denying whether U.S. warships are carrying nuclear weapons. Instead, they are willing to accept these ships by maintaining that they trust the United States to respect their policy. The author asserts that the New Zealand public would not accept this formula, and cites as support the efforts to obtain legislation solidifying the position of those opposed to port visits by nuclear capable ships.

The denial of port access for the USS BUCHANAN brought the nuclear ships dispute to a head. The author suggests that the U.S. government seriously misread the depth of support for the Labour Party position both within and outside the party. Both the United States and New Zealand were guilty of misreading the intentions of the other, and the resulting refusal of the BUCHANAN led to the rupture in relations between the two governments.

The author suggests that the United States feared most the possibility that New Zealand's action could lead to similar actions in other nations. He notes that Prime Minister Lange tried to assure the U.S. government that he was not exporting his views on the issue. This was a difficult position for Lange as the peace movement wanted New Zealand's policy to inspire similar action in other nations.

The result of the dispute was the effective demise of the ANZUS treaty, attempts by the United States to isolate New Zealand internationally, loss of intelligence information previously provided to New Zealand by the U.S., and loss of training for the new Zealand military by the U.S. The author asserts that New Zealand has not been diplomatically isolated by other Western nations, and that public support

for the nuclear ships policy is strong. The quarrel with the U.S. over this issue has also, he asserts, possibly raised trouble for the United States among the small island nations of the South Pacific where the U.S. may be perceived as "bullying" New Zealand.

A well written and easily read summary of the nuclear ships dispute, *Neither Confirm Nor Deny* illustrates the problems allies have when attempting to pursue independent policies relating to an issue as politically and socially sensitive as nuclear weapons.

FROM OPEN DOOR TO DUTCH DOOR. By Michael C. LeMay, New York, NY: Greenwood Press, 1987, 182 pp.

From Open Door to Dutch Door, by Michael C. Le May, traces United State Immigration Policy and the history behind it from 1820 to the present.

The book divides United States immigration history into four different phases. Each of the four periods is addressed in its own chapter. In the first phase, the "Open Door Era," immigration to the United States was nearly unrestricted. The nation was growing, and there was a great need for people to help build cities, defend against Indians, and fend off European colonization. At the same time, the ideal of a free, new, experimental government open to all was strong.

The second era, the "Door Ajar Era," discussed in Chapter Three, began in 1880, and lasted until 1920. During this era the United States began imposing restrictions on immigration. Restrictionist legislation was a reaction to the wider variety of immigrants who were coming to the United States than ever before. The first restrictionist law was the Chinese Exclusion Act of 1882. This Act was only the beginning of a long trend of imposing greater restrictions on immigration by restrictionist groups. In response to the demands of restrictionists, Congress passed legislation requiring English language proficiency as a requirement for United States citizenship. In 1917 restrictionists finally achieved this goal when Congress, overriding the President's veto, enacted a law making literacy a requirement for entrance to the United States. Additionally, the 1917 law codified a list of nationalities that were to be completely prohibited from immigrating to the United States. This law prohibited almost all immigration from Asia.

Chapter Four discusses the third phase of immigration, the "Pet Door Era." During this era, from 1920 to 1950, the National Origins Quotas began. The National Origins Quotas limited the number of immigrants from a country to two percent of the number of people from that same nation that lived in the United States as of 1890. During and after World War II, Congress made exceptions to this law by lifting the Chinese ban following the United States' alliance with China, and by allowing refugees from the war into the country.

The final era of immigration is the "Dutch Door Era," lasting from 1950 to 1980. In the beginning of this Era the Immigration and Nationality Act of 1952 was passed. This Act prioritized immigrants as to their admissibility, with preferences given for skilled labor, relatives of United States citizens and permanent resident aliens. In 1965 major reform came with the passage of the Immigration and Nationality Act

of 1965. This Act abolished the quota system and set up overall numbers of immigrants allowed from each hemisphere. The Refugee Act of 1980 fills in the gaps of the 1965 Act.

The final chapter of the book looks to the future, discussing possible directions United States immigration policy might take. *From Open Door to Dutch Door* is straightforward and easy to read. The author includes numerous graphs and charts that provide statistics at a glance. This book provides a good overall view of United States immigration policy.

ADJUSTMENT POLICIES AND DEVELOPMENT STRATEGIES IN THE ARAB WORLD. Edited by Said El-Naggar, Papers Presented at a Seminar Held in Abu Dhabi, United Arab Emirates, February 16-18, 1987: International Monetary Fund, 1987.

This publication is a compilation of several papers presented at a seminar on adjustment and development problems facing Arab nations. Recent changes in the world economy have impacted on these countries forcing them to refocus on their development strategies. The general consensus among speakers at the seminar was that adjustment is necessary to stimulate growth. The specific means and content of adjustment policies, however, continue to cause dispute.

The first two papers, by A. S. Shaalan and Parvez Hasan, focus on a market-oriented, outward-looking approach to adjustment. Both analysts suggest that policy changes are needed to eliminate macroeconomic and structural imbalances simultaneously. At the macroeconomic level, distortions in overvalued exchange rates and high interest rates must be remedied: overvaluation has led to a lack of competitiveness in international markets, combined with a decrease in exports and increase in imports while unjustifiably high interest rates have resulted in negative real interest rates. Additionally, reductions in budget deficits are also needed. At the structural level, the Arab nations need to relax their current rigid systems of administered prices because those systems fail to reflect the opportunity cost of goods and services. This leads to wide gaps between domestic and international prices. Finally, most Arab countries should prioritize the need for reform in their public sectors. Losses in these large public sectors account for a major portion of fiscal imbalances. The climate for domestic private investment and direct foreign investment also needs improvement.

The third paper, by Azizali Mohammed, encompasses the implications of developments in the world economy, and the scope of problems facing developing nations on the World Bank and the International Monetary Fund ("IMF"). One of the World Bank's major changes in the past ten years involves a shift from project financing to a policy-based lending program (otherwise known as "structural adjustment" and "sectoral lending"). Project financing tended to concentrate on stop-gap measures to counter immediate problems, rather than on long-term strategies. Structural adjustment lending purports to support policy changes and institutional reforms designed to reduce current account deficits, while maintaining growth and development levels. The World Bank's shift in lending strategy delves into areas of macroeconomic policy traditionally dealt with by the IMF.

The IMF responded to changes in growth and development among

Arab nations by extending the period of a program's implementation to at least three years, and the repayment period to ten years. The IMF also established a structural adjustment facility to aid low-income countries in entering into medium-term programs of structural adjustment.

The final three papers consist of case studies of three representative countries; Egypt, Jordan and Morocco. The papers highlight and analyze macroeconomic and structural conditions in each country and the steps taken to adjust to these changes. The final analysis indicates that adjustment to economic changes is more effective and less costly when it is timely, equitable, and growth oriented.

The seminar participants generally praised the Arab nations as a group for attempting to adjust to changing economic conditions throughout the world. However, further adjustment is necessary if economic growth is to continue.

UNITED STATES-CHINA NORMALIZATION: AN EVALUATION OF FOREIGN POLICY DECISION MAKING. By Jaw-ling Joanne Chang. Baltimore, Md. Occasional Papers/Reprints Series in Contemporary Asian Studies, No. 4-1986 (75), 225 pp.

The establishment of Communist rule over China in 1949 raised the question of whether the United States should normalize relations with the People's Republic of China. The normalization question, an issue of profound national importance, sparked an intense debate within the American power structure. *United States-China Normalization: An Evaluation of Foreign Policy Decision Making* by Jaw-ling Joanne Chang is a study of this important debate. As the author states in the preface, this book is a systematic analysis of the normalization process itself, in terms of relevant decision-making models constructed by international relations theorists.

The book contains two parts. Part I reviews the history of United States-Chinese Communist relations. This review includes both a discussion of United States-Chinese Communist Party relations before 1949 and United States-People's Republic of China relations post-1949. Such a review is necessary to outline the proper historical context in which to analyze and understand the normalization process. Part I concludes with a brief description of the legal and political implications of normalization of relations with and recognition of the People's Republic of China.

Part II examines the efficacy of using different decision-making models as a tool for understanding the normalization process. These models are the Rational Actor Model, the Bureaucratic Politics Model and the Idiosyncratic, Cognitive, and Cybernetic models. Part II of the book ends with specific conclusions as to the usefulness of each model.

The author concludes that the rational actor model enables one to see normalization decision making as a process of maximizing U.S. strategic, economic, and moral goals. She states that the bureaucratic politics model enhances the understanding of the political context of normalization decision making. Third, Ms. Chang implies that the domestic politics model helps one understand the normalization process in the context of domestic realities. Finally, the author concludes that the idiosyncratic, cognitive, and cybernetic models, which she treats together, are not as helpful in analyzing the normalization process. She concludes that it is practically impossible to assess the impact of the decision makers' personal idiosyncratic, cognitive, and cybernetic traits on the normalization decision.

Overall, this book is an excellent analysis of the foreign policy decision-making process of the United States. The major shortcoming of

the book is that it gives only cursory treatment to the decision-making process in China during the normalization process. Although such a study of the Chinese government would be extremely difficult, such a study is necessary in order to truly understand the entire context of the normalization decision. Nevertheless, the book is a useful tool to political scientists, historians, and international legal scholars. It is a valuable guide to anyone seeking to understand and influence foreign policy decisions.

LAW OF IMMIGRATION AND ENTRY TO THE UNITED STATES OF AMERICA. By Irving J. Sloan. London: Oceana Publications, Inc., 1987, 145 pp.

Law of Immigration and Entry to the United States of America provides an overview of U.S. immigration law in light of the 1986 Immigration Act. The book is written in nontechnical language and is easily understandable. While the book may be useful to the layperson and the lawyer unfamiliar with the field, it lacks the depth of analysis which would render it useful to the experienced immigration lawyer.

The book is divided into eight chapters and includes an appendix with a directory of Immigration and Naturalization Service ("INS") offices. A brief introduction gives an historical perspective of immigration legislation. It outlines early legislation that encouraged immigration and compares it to the recent legislation which limits and discourages immigration. The first chapter outlines the 1986 Immigration Act passed by Congress in October, 1986. The Act contains sweeping changes in the way the United States treats aliens, and imposes sanctions on employers who hire illegal aliens. The law creates an Office of Social Counsel in the Justice Department to investigate and prosecute charges of discrimination stemming from unlawful, immigration-related employment practices. The Act authorizes the INS to receive additional funding to carry out added duties imposed by the Act.

Chapter Two defines "admissible aliens" under the 1986 Act and Chapter Five defines "excludable aliens." Persons seeking entry to the United States, other than U.S. citizens or nationals, are considered aliens and classified as either immigrants or nonimmigrants. Immigrants are aliens entering the United States for permanent or indefinite residence, and non-immigrants are aliens entering for temporary periods. Chapter Two outlines admissible immigrants and nonimmigrants, while Chapter Five defines aliens who will be denied entry to the United States. The latter list includes those persons having physical or mental defects, persons likely to become public charges, persons who have committed crimes, immoral persons, illiterates and persons who are security risks or subversives.

Chapters Three and Four include documentary and other entry requirements for both immigrants and nonimmigrants. A nonimmigrant is required to have a valid passport and a valid nonimmigrant visa in order to gain entry to the United States. The many exceptions to this rule are outlined in Chapter Three. As explained in Chapter Four, an immigrant must have a valid passport and a visa that is valid for the maximum permissible period. Aliens must apply for immigration visas with the consular having jurisdiction over the prospective immigrant's

place of residence. They must fill out Form FS-510. Every question on the form must be answered and there is a fee. The details required by the Form are discussed, as are exceptions to the specified procedure.

United States citizenship acquired through naturalization under the 1986 Immigration Act is described in Chapter Six. Chapter Seven outlines the remedies available for persons who claim but are denied rights as nationals of the United States. The book ends with a discussion of illegal immigration and refugees in Chapter Eight.

While the book is very informative, it has serious limitations. The author does not provide the text of the 1986 Immigration Act but only paraphrases it. The book lacks substantial analysis of the Act; it simply provides the reader with an overview of the Act's major provisions.

LAW AND THE STATE IN TRADITIONAL EAST ASIA: SIX STUDIES ON THE SOURCES OF EAST ASIAN LAW. Edited by Brian E. McKnight. University of Hawaii, University of Hawaii Press, 1987, 182 pp.

This book is comprised of six papers by scholars who gathered at the center for East Asian Legal Studies of the Harvard Law School for a conference on "Law and the State in Traditional East Asia" in 1978. The provocative essays touch on a wide variety of possible sources of law and deal with not only Chinese legal traditions, but those of other major East Asian states, such as Japan, Vietnam, and Korea.

The papers cover a diversity of topics. The first paper, by Edward Farmer, studies the codification of legal and social norms under the Hung-wu Emperor in early Ming China (1368-1644), focusing on the prescriptive character of the codes in the context of a newly established state. Farmer states that the codification of laws by the Ming founder, Chu Yuan-chang, provides readers with evidence of the type of social order which the ruler wished to create. The codes embodied the ideals or norms suggested by the ruler for the governance of society. The paper explores some social norms manifested in three early Ming texts: the Huang Ming tsu-hsun (Imperial Ming ancestral instruction), the Ta Ming ling (Great Ming Commandment), and the Chiao min pang-wen (Placard of people's instructions). Implicit in these codes is the idea that members of society fall naturally into clearly defined categories. For each category it is easy to specify what constitutes proper behavior; therefore, if one's social status is known, his or her moral and legal obligations are also known.

The author of the second paper, Ta Van Tai, discusses the role and power of Vietnamese custom as a source of law under the Nguyen dynasty. Even though the formal legal code, Le Code, imitated the Chinese model, Vietnamese custom embodied in Le Code still could not, in practice, be altered. The author focuses on one way Vietnamese law differed from the Chinese model it imitated: its treatment of the civil rights of women. Vietnamese women had more private rights such as protections from abuses by men and from criminal sanctions than did their Chinese counterparts. They were also in a better position when it came to enforcing their rights pursuant to divorce.

In the third paper, Carl Steenstrup describes the legal system of Japan at the end of the Kamakura period. He raises issues regarding the relationships between legal systems and the social and political arenas in which they exist. He argues that strong, centralized governments tend to deemphasize the difference between law and administration while in weaker, less centralized systems (of which Kamakura Japan is

an example) the authorities emphasize civil law and procedures rather than criminal law.

Brian McKnight, in the fourth paper, describes the transformation of the Sung legal system from one of statutory law to one in which case law precedent plays an important role. He discusses how the process of codification could itself serve as a source of legal change: since the laws were periodically edited and reissued, this preservation of the law was actually a type of creation.

The author of the fifth paper, Osamu Oba, discusses the borrowing of Japanese law during the Edo period (1603-1868) from other traditions, most prominently the Chinese, as occurred partly through the importation of Chinese books into Japan. The research of two brothers, Ogyu Hokkei and Ogyu Sorai, in a series of studies of Chinese legal materials, provided the direct models for Japanese legal reforms. Even further, these studies influenced the general legal attitudes of Japanese leadership of the time.

In the final paper, William Shaw writes about the reception of Neo-Confucian ideas and Ming law in early Yi dynasty Korea. His work is a case study of the effects of local customs and values on the borrowing of foreign laws and values. He states that in fifteenth century Korea Neo-Confucian ideals came to dominate the intellectual pursuits of Korean scholars while at the same time the state was trying to enforce laws borrowed from the Chinese Ming code. Both systems were rejected by the Korean elite. Shaw posits that the acceptance of new developments was slow due to the refusal of the Korean elite to accept Neo-Confucian values; they were stuck in old hierarchical patterns and Buddhist values, failing to internalize the new values.

Each paper is written thoughtfully and intelligently with the perfect balance of explanation of terms and ideas unfamiliar to the East Asian studies layperson, yet with no corresponding condescension in the discussion. While the papers are best suited to those interested in East Asian studies, they will be enjoyed by any reader fascinated by the creation of the legal systems of other nations and how those systems compare with that of the United States.

FOREIGN PLAINTIFFS IN PRODUCTS LIABILITY ACTIONS: THE DEFENSE OF FORUM NON CONVENIENS. By Warren Freedman. Westport Ct.: Greenwood Press Inc., 1988, 162 pp.

Warren Freedman, corporate counsel to Bristol Meyers Company for twenty years, examines the doctrine of forum non conveniens and its use by corporate defendants in products liability cases brought by foreign plaintiffs. Freedman traces the doctrine's common law beginnings up to its recent use in the Bhopal, India catastrophe. The author not only examines the doctrine itself, but the complexities that accompany this type of complex litigation.

The book begins by examining the early uses of forum non conveniens by Scottish courts to "prevent a plaintiff from forcing a defendant to litigate in a forum which technically has jurisdiction over the party and over the subject matter, but in which the defense of the suit would be unfairly impractical or expensive." This purpose, together with modern American courts' concern with congested court calendars, spending of the taxpayers' money in suits with limited connection to the forum, and the complexity of applying foreign law in United States' tribunals creates an atmosphere ripe for the implementation of the doctrine of forum non conveniens.

In the second chapter, the author explores the modern art of international forum shopping, whereby a plaintiff will search for a forum with the most favorable laws and judicial system. For example, the plaintiff may look for a court that applies the doctrine of strict liability or has no monetary limit on damage awards. With the advances in global communications and the increasing affordability of worldwide travel multinational corporations have contacts worldwide which may subject them to the jurisdiction of a variety of international forums. Consequently, a plaintiff will choose the jurisdiction which offers the party the best opportunity for a large recovery. This search often leads to the courts of the U.S. with their liberal rules of discovery, experienced business lawyers and judges, contingency fee lawyers, and reputation for large jury awards. It is the doctrine of forum non conveniens that is repeatedly the obstacle to the forum shopping plaintiff.

After highlighting the application of forum non conveniens as a barrier to forum shopping plaintiffs, Freedman, in Chapter Three, turns to three other factors that combine with forum non conveniens as prerequisites for jurisdiction in American Courts: personal jurisdiction, subject matter jurisdiction and venue. It is forum non conveniens, however, which grants the court discretion to refuse those cases that have met the jurisdictional requirements but that, because of the inconvenience of the forum, would be a burden upon the courts, the defend-

ants, and the public.

In Chapters Four and Five, Freedman illustrates the use of the doctrine in cases which were successful in using forum non conveniens to keep out of American courts (Chapter Four) and cases where the courts refused to apply it (Chapter Five). Freedman, in Chapter Six then analyzes the factors which favor and those which do not favor the implementation of the doctrine.

Freedman in his next three chapters, focuses on the difficult issues that arise from the complex litigation created by products liability suits between foreign parties. These chapters confront the entanglement of laws created when parties from different countries bring suit in a forum which may be foreign to both parties and to the place of injury. Chapter Seven explores choice of law clauses in contracts, conflict of law situations, and the effect these conditions have on judges when deciding whether to dismiss a case under the doctrine of forum non conveniens.

Chapter Eight addresses the obstacle of governmental immunity in tort actions and Chapter Nine discusses the conflict between America's commitment to extend the opportunity to redress violations of American and international law in American courts, without regard for citizenship, and the public policy interests of limiting excessive burdens on Americans courts, protecting Americans citizens from excessive liability, and furthering global political interests.

Finally, Freedman recounts the tragedy of the Union Carbide accident in Bhopal and how the U.S. courts dismissed the largest tort action in U.S. judicial history under the doctrine of forum non conveniens.

The book is completed with the inclusion of forms for motions for transfer of action to alternate forums, a bibliography, and table of cases. Overall, a highly readable examination of the defense of forum non conveniens.

THE IMPLICATIONS OF FUND-SUPPORTED ADJUSTMENT PROGRAMS FOR FUND-SUPPORTED ADJUSTMENT PROGRAMS FOR POVERTY: EXPERIENCES IN SELECTED COUNTRIES. By Peter S. Heller, A. Lans Rovenberg, Thanos Catsambas, Ke-Young Chu, and Parthasarathi Shome. Occasional Paper 58, International Monetary Fund, Washington D.C., May, 1985, 42 pp.

The International Monetary Fund ("IMF") supports a variety of "adjustment programs" that have the goal of helping to alleviate widespread poverty through changes in the economic structure of developing countries. This study is a follow-up of an earlier study published in "Fund Supported Programs, Fiscal Policy, and Income Distribution," which examined the impact of IMF-supported programs in a more general way. The current study analyzes the effect of IMF-supported adjustment programs on poverty in seven countries: Chile, the Dominican Republic, Ghana, Kenya, the Philippines, Sri Lanka, and Thailand.

The authors chose for study the programs in these countries so as to provide geographical balance. In the discussion of their methodology, the authors state that they have taken a "before-after" approach. They attempt to evaluate how the implemented policies affected the various impoverished economies, but they emphasize that they can only analyze the short term effect of the programs. They also acknowledge that numerous other variables over which they have no control affect the outcome. They do attempt to speculate, when appropriate, on the long term effect of their intervention.

In their introduction, the authors state some of the goals of adjustment programs supported by the IMF, and also their goals in undertaking the study. They strive to understand how the implemented policies affected the impoverished groups. Through this study, they hope to learn from their experience and improve the effectiveness of future programs. As the authors state in the beginning of the book, "how to improve the efficiency of design of Fund-supported adjustment programs and to minimize the economic and human cost of adjustment are important issues that have always confronted the Fund."

The study begins by briefly describing some similarities among the sample countries and programs. For example, most of the targeted poor are economically vulnerable, non-landowning, rural workers engaged in the production of only a few primary commodities. Also, all of the sample economies had severe domestic and external imbalances reflected in large deficits, high unemployment, domestic inflation, and slow economic growth. The authors note that the programs were instituted in a "crisis environment . . . that without a program the economic imbalances confronting the countries would not have been sustainable."

The study then proceeds to describe and analyze the actual fiscal policies that were implemented in the sample countries. Some common policies of the programs were to encourage domestic saving, discourage capital flight, remove credit rationing policies that tend to favor the well-off, increase the supply of funds available for loan, expand supply, and limit monetary growth to reduce inflation. Also discussed are price policies, labor market policies, exchange rate policies, and the use of tax administration.

Following this fairly analytical overview of the different programs, the authors present their "Lessons of the Review." They conclude that, in the short run, the results of the adjustment programs were mixed; there were both desirable and undesirable effects on the targeted poverty groups. Some of the targeted poverty groups had made gains; others were worse off. Some of the adjustment policies had adverse short term and, as suggested by the authors, perhaps even negative long term effects on some poverty groups. The authors honestly appraise the programs' successes and failures and attempt to draw lessons from the experience with an eye toward improvement. They state as goals not just the ultimate success of the programs in providing a more stable economy for these groups, but finding ways to cushion the groups against the shocks of the adjustment period itself. Although this study offers only a brief glance at these commendable programs, it emphasizes the complexity and speculative nature of economic restructuring for long term benefit.

MONOPOLY COMPETITION & THE LAW: THE REGULATION OF BUSINESS ACTIVITY IN BRITAIN, EUROPE AND AMERICA. By Tim Frazer, New York, NY: St. Martin's Press, 1988, 265 pp.

Tim Frazer, a Lecturer in Law at the University of Newcastle upon Tyne, displays his expertise in competition law in his book, *Monopoly Competition & the Law.* The text is a thorough and detailed study of the attitudes toward, and regulation of, various anticompetitive business activities in the United States, the European Economic Community and the United Kingdom. Mr. Frazer meticulously compares and contrasts the legal approaches utilized by the three systems, and points out what he feels to be the weaknesses in each.

In the first chapter a general framework is constructed within which the discussion of the methods and approaches adopted by the three legal systems is examined. Mr. Frazer begins with the premise that in real markets there is no such thing as perfect competition where every firm is too small to influence price by changing its output. Thus, antitrust policy seeks to promote "workable" or "effective" competition. First, the objectives of the three respective antitrust policies are explored. Next, Mr. Frazer establishes a two stage process for categorizing antitrust systems. In the first stage, practices or structures may be prohibited for one of three reasons: the practice or structure represents an abuse, there are no countervailing advantages associated with the practice or structure, or the practice or structure is presumed to be against public policy. In the second stage, the regulated practice or structure is then defined either according to its formal characteristics or by its effect on the market.

The methods and approaches instituted by the three legal systems for dealing with specific anticompetitive structures and behaviors are examined in the remaining chapters of the book. Chapter Two contains a discussion of the monopoly policies of the three countries. The discussion centers around the opposing approaches taken by the three systems; the U.K. and E.E.C. view monopoly power positively as something that can lead to efficiency, while the U.S., with its fear of concentrations of power, views it as "inherently evil."

In Chapter Three, the related topic of merger policy is addressed. Mr. Frazer explains that, of the three distinct types of merger — horizontal, vertical and conglomerate — U.S. and U.K. law are largely aimed at the first. The E.E.C. lacks an effective merger policy.

The restraint of trade doctrines of each system are examined in Chapter Four. These doctrines traditionally center around agreements by employers and employees, or purchasers and sellers of businesses not to compete. Generally these agreements must be reasonable in light of

the interests of the parties to the agreement and the interest of the general public.

Chapter Five discusses collective agreements, such as trade associations, combinations, and cartels, which have as their purpose the restriction of competition and the control of prices. The U.S. approach to these practices is simply to measure the competitive impact of the agreement, while the U.K. and E.E.C. systems employ a public interest test in evaluating such agreements.

The control of monopolies and restrictive trading agreements cannot accomplish regulation of all anticompetitive practices. Thus, in Chapter Six it is determined what, if any, additional legislation has been passed by the three systems to fill the gaps left by these policies.

The final chapter presents a discussion of the problems of controlling anticompetitive behavior in international markets, focusing in particular on whether the activities of firms located outside of a national territory should be regulated when their activity produces effects inside the national territory.

Mr. Frazer's study is comprehensive and provides insightful information concerning the approaches of the three legal systems. However, some prior knowledge of economics will increase the benefit to be gained by reading this book.