

Michigan Journal of International Law

Volume 14 | Issue 3

1993

Books Received

Michigan Journal of International Law

Follow this and additional works at: <http://repository.law.umich.edu/mjil>

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

Recommended Citation

Michigan Journal of International Law, *Books Received*, 14 MICH. J. INT'L L. 553 (1993).

Available at: <http://repository.law.umich.edu/mjil/vol14/iss3/10>

This Feature is brought to you for free and open access by the Journals at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Journal of International Law by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

BOOKS RECEIVED

Basic Documents on the Soviet Legal System, 3d ed. (William E. Butler ed.) (New York: Oceana Publications Inc., 1992).

This collection is a continuation of Professor Butler's earlier compilations of Soviet law of 1983 and 1991 that supplements, rather than revises, the earlier volumes. It is designed to be used as a basic reference tool by those working with Soviet law in either a practical or academic context.

Professor Butler has chosen the included materials with an emphasis on enactments which will be of continuing importance in the development of the new Soviet legal system, rather than merely focusing on those which are currently law within some or all of the republics. All materials are newly translated and current as of February 1, 1992.

Basic Legal Documents of the Russian Federation (William E. Butler ed.) (New York: Oceana Publications Inc., 1992).

This collection is a supplementary continuation of Professor Butler's earlier compilations of Soviet law (including *Basic Documents on the Soviet Legal System*, 3d ed.). It is designed to be used as a basic reference tool by those working with Soviet law in either a practical or academic context. The volume contains four main topics including Commonwealth documents, the Economic Community, legislation of the Russian Federation, and bilateral inter-republic treaties. The focus of this collection is the Russian Federation.

The Russian documents bring out the often distinct characteristics of Russian law as compared to the law of the former Union of Soviet Socialist Republics. All materials are newly translated and current as of January 1, 1992. This collection is especially pertinent in light of the current conflicts regarding the scope of Executive power in the Russian Federation.

Guide to International Human Rights Practice, 2d ed. (Hurst Hannum ed.) (Philadelphia: University of Pennsylvania Press, 1992).

This revised edition of the *Guide* builds upon its predecessor. Edited by Hurst Hannum for the Procedural Aspects of International Law

Institute and the International Human Rights Law Group, the *Guide's* purpose is to describe the major international and domestic procedures for remedying human rights violations in a comprehensive, practice-oriented publication. The *Guide* offers practical advice on how to identify, select, and effectively utilize the various procedures available to practitioners for redressing violations of human rights.

The book is divided into four parts and thirteen chapters with each chapter written by a different practitioner in his area of expertise. The *Guide* begins in Part I with a section on "Preliminary Considerations" that must be addressed before filing a complaint. Subsequently, parts II, III, and IV address the following topics: "International Procedures for Making Complaints within the UN System;" "Regional Systems for the Protection of Human Rights;" and "Other Techniques and Forums for Protecting Rights," including domestic procedures. Finally, in the appendix, the *Guide* provides a "checklist to help select the most appropriate forum" in which to seek a remedy.

VEIJO HEISKANEN, *International Legal Topics* (Helsinki: Lakimiesliiton Kustannus, Finnish Lawyers' Publishing Company, 1992).

This book examines three topics: the relationship between international and municipal law, the sanction doctrine, and the law of force. The author attempts to find the methodological and historiographical bases of international law by placing previous studies in these areas into his framework of analysis.

Heiskanen sees the relation between international and municipal law as his preliminary question, and identifies this issue as one that forms the bridge between classical and modern international law. He examines several different attempts to deal with the this issue and after pointing out why each of these attempts fails, recognizes that one may nevertheless find in these different approaches the basis of a modern solution to the international/ municipal distinction.

The next section of the book examines the sanction doctrine, addressing the issue of whether sanctions are a procedural or substantive matter. The author points out that doctrine has classified sanctions as a procedural matter, thus causing an internal division of sanction doctrine into the doctrines of justifications and limitations. This section of the book concentrates on examining the doctrines of justifications and limitations.

The third chapter of the book, on the law of force, discusses the

question of whether there is really any difference between procedure and substance or between classical and modern international law. The existence of this controversy in the law of force allows the law of force to be divided into the regimes of idealism and realism. This chapter examines the substance of the idealist and realist arguments.

The author decides that the dispute between idealism and realism can be settled without settling the underlying controversy between procedure and substance or between classical and modern international law. International law is thus relatively independent of its methodological and historiographical background. The problem of this background provides a framework for the presentation of the idealist and realist theories, but in the end, this problem can be left in the background; concrete international disputes may be settled without settling broad underlying differences, for example that between realism and idealism.

Heiskanen identifies three consequences of this conclusion: one can become an international lawyer without scholarly knowledge of method and history; settlement of international disputes becomes dependent on international legal arguments actually made; but the functional dependency of international law on its concrete context is still relative and remains related to the theories of realism and idealism. The author concludes that the international lawyer must be aware of the methodological and historiographical background of international law to be an informed practitioner.

MENNO T. KAMMINGA, *Inter-State Accountability for Violations of Human Rights* (Philadelphia: University of Pennsylvania Press, 1992).

This book explores some aspects of the tension between a state's right to national sovereignty and political independence, and its duty to respect human rights. The author finds that there is a gradual shifting of the balance between the two concepts in the international world. This shift is toward increasing a state's duty to respect human rights, and decreasing the importance of the well-established and accepted right of a state to national sovereignty. The book is limited to a study of peaceful, diplomatic actions by states to protect human rights of foreign nationals.

The premise of this study is that a state bound by international obligations in the human rights field, under general international law, is entitled to require another state bound by those same obligations to perform them. The focus of the author's study is on the extent to which

a state may be held accountable under general international law by other states for the way in which it treats its own citizens. This issue is divided into three sub-issues: the state's international obligations in the human rights field; the way in which other states are affected by a breach of these obligations; and the way in which other states are entitled to respond to such a breach. The author focusses on the latter two issues, addressing the problem of improving the implementation and enforcement of existing norms, rather than that of creating new norms.

Kamminga also points out some of the problems that may accompany the shift in focus from the right of national sovereignty to the duty to respect human rights. The importance of diplomatic action is highlighted because the author sees a limit to the social changes that can be accomplished by pressure from other states; he asserts that these changes require domestic underpinnings to survive. The purpose of the book is therefore not to argue for the unlimited right of states and international organizations to impose their views on other states, but to examine the balance that should be struck between the sovereignty rights of states and the interest of the international community in protecting human rights.

Human Rights in the World Community, (Richard Pierre Claude and Burns H. Weston eds.) (Philadelphia: University of Pennsylvania Press, 2d ed., 1992).

This book, edited by Richard Pierre Claude and Burns H. Weston, assembles a collection of essays by leading scholars and activists in the field of human rights. The first chapter of the book presents an overview of international human rights while the remaining five chapters address specific international human rights issues and the action that has been taken to implement standards for human rights globally. To facilitate further research or exploration of the topics discussed, each chapter includes a bibliography and filmography and each individual essay is followed by "Questions for Reflection and Discussion."

This book is designed for human rights education in political science, social science, international relations, and international law classes, but may well be of interest to the general reader, particularly because it presents complex issues in a well-organized, lucid manner.

DR. GIDEON KLUGMAN, *Transnational Taxation of Foreign Investments in Israel* (Haifa, Israel: Yaacov Salomon, Lipschutz & Co., 1992).

Dr. Klugman's latest work presents a comprehensive and in-depth analysis of the tax consequences of foreign investments in Israel. The book is the result of the author's research into the tax systems of six major industrial countries and the interaction of those systems with that of Israel.

Dr. Klugman breaks down his work into three main sections. First, he presents a general outline of the Israeli corporate tax system along with a description of the various incentives available to foreign investors in Israel. Second, Klugman considers the interaction of the Israeli tax system with the tax systems of six foreign countries (United States, Japan, United Kingdom, Netherlands, Canada, and France).

Special reference is made to the proposed United States—Israel tax treaty. The final section draws general conclusions about the tax systems analyzed and presents brief observations regarding the tax planning and tax policy implications of the analysis.

