

BOOKS RECEIVED

The Art of Character Licensing

By Richard Wincor, New Jersey: Glasser LegalWorks, 1996, pp. xi, 311 [ISBN 888075-57-0].

Exploring the legal definition of a character and examining the competent elements that can elevate characters to property status, this book sets out the legal principles of character licensing and how they apply to character protection, spotting the most troublesome issues and suggesting how they can be resolved. The book discusses how copyright, trademark, and unfair competition are helpful in resolving some risks, but cannot secure full protection. The author recommends and provides a complete purchase agreement for character rights.

Corporate Rescue Procedures in France

By Anker Sorensen and Paul J. Omar, London: Kluwer Law International Ltd., 1996, \$140 [ISBN 9041109412].

As suggested by the title, this book presents advice to decision makers working in connection with businesses interested in market conditions in France. The book provides a detailed analysis of issues in French insolvency law and practice, covering such areas as corporate voluntary agreements, debtor and creditor rights, rescue of insolvent companies, director liability, and the new European Insolvency Conventions. The book also includes comprehensive tables of statutory materials and case law, as well as appendices with details on legislation, timetables, and procedural formalities.

Democracy, Law and National Security in Israel

By Manahem Hofnung, Hampshire, England: Dartmouth Publishing Company Limited, 1996, pp. 336, \$69.95 [ISBN 1-85521-842-9].

Focusing on the conflict between the two important components of a democratic state: on one hand, to protect the basic principles of the rule of law

and human rights and on the other hand, the requirement of every democratic state—to preserve security, sometimes requiring the suspension of human rights. This book suggests that it is easier for a democracy to cope with an external threat that presents circumscribed lines of conflict because it allows the country to consolidate consensus and social cohesion for repelling the danger for the preservation of national independence.

Foreign Affairs and the United States Constitution

By Louis Henkin, Oxford: Oxford University Press, 1996, \$110 (hc) [ISBN 0-19-826099-7], \$29.95 (pb) [ISBN 0-19-826098-9].

This second edition of Professor Henkin's classic book continues where the first edition ended twenty years ago, exploring the United States constitutional system as it governs U.S. foreign relations. The book discusses how today the U.S. acts in the world scheme and the respective authority of the U.S. Congress and the U.S. president in making foreign policy and conducting foreign relations and analyzes the conflict and cooperation between them. The book also addresses how United States treaties stand in U.S. law and policy, the role of courts in foreign affairs, U.S. policy on the United Nations, and other international organizations and tribunals.

Fragmentation and the International Relations of Micro-States: Self-Determination and Statehood

By Jorri C. Duursma, Cambridge and New York: Cambridge University Press, 1996, pp. xxv, 461, \$89.95 (hb) [ISBN 0521-563-067].

Today, most armed conflicts are related to either internal or external self-determination, linked to claims for secession. The author analyzes the true origins, meaning, and faults of self-determination and asks fundamental questions, such as what constitutes a people with a right to self-determination, how small a people has this right, who is allowed to secede, and what is a state according to international law? If one wants to clarify the above questions and search for the smallest unit, the minimum criteria, one has to look at the margins of the international community of States: Micro-States. In particular, the author examines the present European Micro-States—Liechtenstein, San Marino, Monaco, Andorra, and the Vatican City—which have emerged from longstanding traditional units, outside the colonial context, and which are now faced with European integration. Three areas of international law, the right of self-

determination, statehood, and the laws governing international relations, are of the utmost importance for the creation, maintenance, and survival of Micro-States. Since looking into the problems of Micro-States can clarify certain rules of international law, it is worthwhile to examine the legal aspects involved in the existence of Micro-States, including how they survive politically and juridically in the international community of States, what problems may face future very small states, and whether micro-statehood is better than autonomy. In all, the book provides a thorough international legal account of the European Micro-States, develops a novel approach to the problems of fragmentation, and seeks to answer the questions of how do Micro-States function in the international community and what can international law learn from their existence.

Governing the Antarctic: The Effectiveness and Legitimacy of the Antarctic Treaty System

Edited by Olav Schram Stokke and Davor Vidas, New York: Cambridge University Press, 1996, pp. xxii, 464, \$85 [ISBN 0-521-57237-1].

Addressing the international governance of the Antarctic, this collaborative venture by eight authors examines the effectiveness and legitimacy of the regime based on the Antarctic Treaty. The authors ask two questions: first, are current changes affecting the ability of this regime to cope with major problems in the region; and second, how do those changes affect its standing among parties to the Treaty and in the wider international community. The book looks at the regimes for marine living resources, mineral activities, environmental protection, and tourism, analyzing how these components interact and reinforce each other. Additionally, the analysis in the book is supported by in-depth studies of compatibility and tension between the Antarctic Treaty System and the international community at large as well as case studies of how domestic concerns and decision making in certain countries affect the international cooperation in the Antarctic.

Law as Art

By Gary Bagnall, Aldershot, England: Dartmouth Publishing Company, 1996, pp. v, 221, \$62.95 [ISBN 1-85521-758-91].

As the title suggests, this book examines law not so much as a system of rules, but rather as an art form. The author, who is a lecturer in Law

in Jurisprudence at The Queen's University of Belfast, draws a metaphor between law and an *Operatic Music Drama*. In making this metaphor, the author argues that like a distinct art form, law contains its own unique properties, which are influenced and related to other art forms such as sculpture, drama, and paintings. The book is divided into two parts. Part I develops the idea of art as law and introduces the idea of a separate art form in law. Part II begins with a critical review of the legal theory of art as law and then discusses the hypotheses behind the radical new view discussed in the book. In writing this book, Bagnall presents not only a hypothesis on law but also a philosophy of art. Bagnall credits his thoughts and analysis to various artistic philosophers and composers.

The Law of International Organisations

By N.D. White, United Kingdom: Manchester University Press, 1996, pp. xiv, 285, \$69.95 (hb) [ISBN 0-71904339-5], \$29.95 (pb) [ISBN 0-7190-4340-9].

In the fifty years since the establishment of the United Nations, a central component of modern society is the intergovernmental organisations. This book examines the functions and powers of these organisations, placing them in their specific legal and political setting, as well as the theory of the international institutional system. The development of world and regional government, the rule of law, the decline of sovereign equality, and the concepts of implied and inherent powers are addressed. The power and practice of these organisations in trade and economic matters are dealt with throughout the book. Further, how such organisations develop, supervise, and assist in enforcement of the law in areas such as collective security, human rights, and environmental matters is also covered. The book additionally attempts to clarify aspects of the legal and political attributes of institutions and the division of competence between them.

Lawyer's Law Books

By Donald Raistrick, United Kingdom: Bowke-Saur, 1997, pp. 326, \$125 [ISBN 1-85739-087-3].

A practical index to legal literature in the United Kingdom. This third edition is a comprehensive and thorough revision of the prior two editions of this book. The book provides subject listings (with a considerable increase in

the number of subject matters from the first and second editions), and a cross reference regarding same, a table listing the regnal years of the English monarchs, and an alphabetical guide to the Law Reports of the UK and Ireland and an Author and Short Title Index.

Legal Status of International Institutions, SITA, INMARSAT and EUROCONTROL Examined

By Amir Majid, London: Dartmouth Publishing Company Limited, 1996, pp. viii, 79. \$67.95 [ISBN 1-85521-761-9].

This book explores in detail the Constitution of Société Internationale de Telecommunications Aeronautiques (SITA) and uses it as the focus for development of discussion on Legal Status of International Affairs. The author explores and compares the similarities and the dissimilarities between SITA and the International Mobil Satellite Navigation (EUROCONTROL). The author proposes specification of objective criteria where an institution should enjoy an international legal status commensurate with the essentialness of its functions to the world's nations and their people.

Negotiating with the Chinese

By Goh Bee Chen, Brookfield, Vt.: Dartmouth Publishing Company, 1996, pp. vi, 196 [ISBN 1 85521 8895]

Negotiating with the Chinese addresses the issues that confront Westerners when negotiating deals with the Chinese. The book begins by giving the reader a general background on China and its current role in today's economy. The author then addresses the cultural differences between the Chinese and Westerners, noting that such cultural experience has a direct impact on negotiation styles. Most importantly, the author discusses the fact that oftentimes, due to such cultural experiences, the goals of each party may be different—Westerners want to “close the deal” whereas the Chinese place value on the relationship that develops through negotiation. Along that theme, the book addresses, individually, the following issues: (i) negotiating in the Pacific; (ii) cross-cultural perspectives on sino-western negotiation; (iii) the homocentric Chinese; (iv) the psychology of Chinese negotiation; and (v) the art of war at the round table. The book then concludes with various case studies. The lesson learned is to understand the psychology of your Chinese counterpart, be sensitive to the cultural differences, but

“be a good Western businessperson rather than a bad imitation of an Asian businessperson.”

Planning Efficient Arbitration Proceeding: The Law Applicable in International Arbitration

Edited by Albert Jan van den Berg, The Hague, The Netherlands: Kluwer Law International Ltd., 1996, \$154 [ISBN 9041102248]

In this seventh volume of proceedings of the International Council for Commercial Arbitration, two working groups addressed certain challenges prevalent in the international arbitration community. Working Group I focused on *Planning Efficient Arbitration Proceedings*, which looked at the arbitrators' ability to plan proceedings, using formal and informal techniques. This group addressed the UNCITRAL Draft Guidelines, which give practitioners a written detail of the items to be covered during planned proceedings. This study additionally discussed ways of improving presentation of evidence during arbitrations. Working Group II dealt with *The Law Applicable in International Arbitration*, focusing on complications facing arbitral tribunals when substantive and procedural law are different. Review of the law governing the capacity of the parties, the law applicable to the arbitration agreement, and the appropriate conflict of law rules in determining the substantive law was also conducted by this group.

The Polar Regions and the Development of International Law

By Donald R. Rothwell, New York: Cambridge University Press, 1996, pp. xxxi, 498, \$95 [ISBN 0 521 56182 5].

This book deals with the polar regions of Antarctica and the Arctic, and the international law that governs those regions. The book discusses the management of the regions by individual legal regimes. Further, it reviews the development of international law in these regions by assessing specific international laws designed to deal with the uniqueness of the regions. In assessing international law, the book deals with international environmental law, international laws of the sea, and resource management law. The book further considers the international relations regime theory in relation to the development of the polar legal regimes. Finally, the book discusses the impact of further polar international relations on legal developments.

The Privatization Challenge

By Pierre Guislain, Washington: The International Bank for Reconstruction and Development/The World Bank, 1997, pp. 399 [ISBN 0-8213-3736-X].

Approaching privatization from a multidisciplinary and multisectoral point of view, this book places an emphasis on the legal and policy dimensions of the privatization process. To illustrate specific problems, issues, and solutions involved in the privatization process, the author draws on the experience of countries on every continent, aiming to reveal the dynamic character of the privatization process that is still relatively new. The book focuses on the complexity of the problems encountered in the privatization process and examines the efficacy of solutions that have been attempted.

The Constitution., has certain explicit passages dealing with the foreign affairs power. Specifically, the President is given authority to make treaties, to which the Senate is given the authority to advise and consent (Article II, Section 2). The President is made Commander-in-Chief of the Army and Navy (Article II, Section 2); but the Congress is given the authority to raise and support armies, and to provide and maintain a. But if the United States wishes to renounce such a commitment, the procedure should involve the President and the Senate concurring as it did when the United States took up an obligation. This issue has not yet gone to the Supreme Court. Read the full-text online edition of *Foreign Affairs and the United States Constitution* (1996). Perhaps the constitutional law of American foreign affairs began to suffer scholarly neglect when, for reasons I suggest later, constitutional lawyers increasingly concerned themselves only with what the Supreme Court was doing, while the Court's contributions in foreign affairs became less frequent. 41:0000] AMERICAN HEGEMONY 7 foreign affairs Constitution driven by Americas acquisition of an empire and rise to great power status. Part III comprehensively maps the functional justifications to corresponding realist tenets, and explains how these realist assumptions create more problems than they solve. First, this classic realist model does not accurately depict the actual functioning of the branches in foreign affairs. For example, although foreign relations is said to require that the United States speak with one voice, Congress and the President often conflict on foreign policy. Second,

It is all about understanding the United States and its place in world affairs. The book travels through the mysteries of the U.S. constitutional system as it governs U.S. foreign relations. It explains how the U.S. government acts on the world scene — the respective authority of the president and Congress in making foreign policy and conducting foreign relations, conflict and co-operation between them in determining the use of military force, and U.S. policy on arms control, on the sale of arms, on trade, on financial assistance, and on human rights.

Louis Henkin, University Professor Emeritus, Columbia University. Foreign Affairs and the United States Constitution. Second Edition. Louis Henkin. Clarendon Press. Reviews and Awards.Â ..."I would unhesitatingly recommend this book to any serious inquirer into the constitutional law of foreign relations...This is a great work of constitutional law. Henkin's book is consistently well-reasoned and persuasive...The whole work bears the mark of a perfectionist. A great deal of effort indeed must have been put into creating the structure of this book...Henkin's lean prose makes him a fine communicator...The considerable impacy of this book is not limited to the academy, Its influence extends farther afield...I agree wholeheartedly with all who have praised this boo