

United States protest (page 111). However, the less rigid attitude taken by the International Law Commission might also be mentioned. The Indonesian and Philippine archipelago claims are not referred to even in a footnote. In the reviewer's opinion a succinct statement of these claims and the reasons for their rejection would increase the usefulness of the book.

For a future edition, a few minor mistakes call for correction: in the list of countries which are parties to the Antarctic Treaty, France is left out (page 119, note 4). In dealing with the *Santa Maria*, it is said that it involved a political action solely directed 'against Captain Galvao's Government' (page 404). Among countries which are recognized as permanently neutralized, Finland normally would not qualify (page 588). References to quotations from or references to German materials require checking (for example, pages 190, 222, 760, 761).

These few points of criticism are tendered in appreciation of the general reliability of this new edition of *The International Law of the Sea*.

J. LEYSER*

Criminal Law: Problems for decision in the promulgation, invocation and administration of a law of crimes, by PROFESSORS RICHARD C. DONNELLY, Yale University, JOSEPH GOLDSTEIN, Yale University, and RICHARD D. SCHWARTZ, Northwestern University (The Free Press of Glencoe Inc., New York, 1962), pp. i-xxvi, 1-1169. Australian price not stated.

This is a book of cases and materials designed to make law students aware of the problems that arise at the various stages of what may loosely be called 'the criminal process'. Most teachers of criminal law traditionally concentrate on analysis of the various crimes and the defences thereto, with the object of training the future lawyer to be able to produce the 'right answer' to a 'case'. Not so the authors of this book. They believe that the lawyer should appreciate the factors involved in deciding to label a specific type of activity as a crime, in deciding whether or not to prosecute a specific alleged wrongdoer, in deciding guilt or innocence in a specific case, and in deciding what to do with the convicted offender. For the task of making him aware of these factors, they say, 'we have found appellate court decisions alone inadequate and, therefore, have drawn upon legislative committee hearings and reports, trial transcripts, probation and pre-sentence reports, prison classification records, parole and pardon files and reports. These documents—source products and products of decisionmakers—are supplemented by materials from the behavioral sciences and other disciplines concerned with human behavior'.

The authors have undoubtedly succeeded in carrying out their purpose, and the result is this beautifully-produced, massive volume, for the appearance of which the publishers deserve congratulation. Whether one would wish to put it into the hands of young law students is a matter on which I have some doubts. I believe in the case method of teaching *law* to law students. But I question whether handing law students a great deal of material from other disciplines is desirable, unless one accompanies it with criticism and comment.

This is not, however, a matter which concerns Australian readers. They can make a different use of the book. It undoubtedly presents many facets of 'the criminal process' which are all-too-often overlooked by

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legislators, senior police officials, prosecutors, judges, and others concerned with the practical task of dealing with criminal behaviour. To all such persons I warmly commend the book. It does not seek to provide answers; but it is a valuable source of materials which cannot fail to direct their attention to many problems of which they may not hitherto have been consciously aware.

PETER BRETT*

BOOKS NOTED

Government Guarantees to Foreign Investors, by A. A. FATOUROS (Columbia University Press, New York, 1962), pp. i-xxvi, 1-411. Australian price £6 12s.

This book which grew out of the author's doctoral thesis at Columbia University's Law School is the first comprehensive study of this important field of international economic law. Its sudden growth was due to the great effort by Western nations to assist the world's underdeveloped countries towards independence. The question it raises is whether and how to protect the individual or corporate investor against the political risks of such an investment. In the U.S.A. the problem was faced first. There the Marshall Plan and the 'Point Four' programme were the beginning of a great scheme of international economic assistance. As the author shows, the assistance to really underdeveloped countries began to increase rapidly only after 1957. Since then, it has become dominant in the field of foreign aid.

In practice guarantees by the capital-exporting state are of the greatest importance, not only in the U.S.A., but also in Japan, Germany and other highly industrialized countries. As the author shows, the search for an international investment code has so far been in vain. Guarantees by the capital-importing state may be by bilateral or multilateral treaty, by constitutional provision, or by separate agreement with the individual investor. The author investigates the legal significance of these various forms of guarantee. By limiting his study to government guarantees, the author restricts his coverage of export guarantees quite considerably. There are many countries which offer export insurance on a private, or semi-governmental basis. The Australian system operated by the Exports Payments Insurance Corporation which would fall into the latter category is thus outside the range of the book.

Within the limited area covered, the author deals with the place of foreign investment in the assisted country's economy, the form and content of state guarantees, and the legal effect of such guarantees. He shows the gradual washing away of what were once generally recognized rules of customary international law regarding the protection of foreign investments. Whether the use of the term 'transnational law'—as first framed by Judge Jessup—as the proper law applying to contractual relations between a state and foreign individuals assists in spelling out such law remains doubtful. The reviewer agrees with the suggestion (page 295) that 'extensive comparative research and study are needed in order to clarify the still vague content of most general principles': those general principles which are to apply to such transnational relations.

In a second edition the insertion of the words 'Absence of' before 'Denial of Justice' (on page 280) would correct one of the few printing mistakes. Generally both the printing and the general presentation of

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