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the status of persons or other family law matters). Neither Japan nor Australia is a party to any bilateral or multilateral treaty on the recognition and enforcement of foreign judgments, and so the effect to be given to such judgments is a matter to be determined in accordance with the local principles of private international law as administered in each nation.

An alternative to litigation is arbitration and the final chapter deals with the legal efficacy of an arbitration agreement and the enforcement of foreign arbitral awards. Particular attention is paid to the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, to which Australia and Japan are parties.

The book is a very useful introduction to a complex matter. It contains details of Japanese as well as Australian cases. It also provides information on further literature for readers wishing to acquire a more detailed knowledge of some aspects of the subject.

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There are certain generally accepted assumptions about the views of nations towards the peaceful settlement of disputes; for example, Western states are more willing than socialist states to agree to compulsory settlement of disputes. Such generalities tell one little, however, about the practice of a specific state and are often based on intuition rather than empirical study. *El Arbitraje Internacional* is a study of the attitude of one state, Spain, towards international arbitration, as viewed through the treaty practice and consequential arbitrations of Spain for the period 1794–1978. It is also a part of a relatively recent trend in empirical research in international law. Studies analogous to the one under review have been found by this reviewer to have only been performed, to a greater or lesser degree, for three other countries: Canada, Turkey and the Federal Republic of Germany.¹ A study such as the present one is thus valuable not only for what it says about a specific country but also for the part it will later play in broader comparative studies. This said,

the prime weakness in this otherwise admirable study is its failure to supply more hard empirical analysis of Spain's practice.

The introduction first focuses generally on arbitral settlement of international controversies: its modern origins, its present use in interstate disputes and in disputes involving international organizations, and its constituent elements (thereby distinguishing other means of peaceful settlement). The focus then shifts to a brief survey of the practice of Spain, both through its being a party to treaties that provide for arbitral settlement of disputes and its actual participation in such arbitration. The survey of Spain's participation in arbitration is interesting and particularly thorough. The introduction concludes with the methodology, objectives and plan of the study.

Parts I and II examine, respectively, the general and the specific obligations to settle disputes through arbitration. Part I examines in three chapters the participation of Spain in multilateral treaties (ch. I) and bilateral treaties (ch. II) concerned with the arbitral settlement of disputes, and general compromissory clauses concerning settlement of disputes in treaties subscribed to by Spain (ch. III). Part II addresses specific compromissory clauses in multilateral treaties (ch. IV) and bilateral treaties (ch. V) subscribed to by Spain. All five chapters are structured identically: section 1 describes how the practice of Spain in that particular area has varied over time and how it has involved various groupings of countries; section 2 examines the content and scope of the obligation (the questions susceptible to arbitration, the restrictions on the obligation and the relation of the obligation to other means of peaceful settlement); and section 3 discusses selected aspects of the arbitration envisioned, the arbitral institutions, if any, to be used and the procedure to be applied. Parts I and II provide insights into Spain's treaty practice that are otherwise unattainable. This reviewer in particular found the actual extent of Spain's treaty participation interesting. For example, Spain, as of the date of the study, was reportedly a party to 76 multilateral and 82 bilateral treaties in force that contained specific compromissory clauses; one might easily have expected such participation to be more extensive.

2 The author, in a footnote to her discussion of the Questions regarding Morocco case (France v. Spain) (Nov. 27, 1912), tells of a dead end in her research, but thereby gives an example of her practice of using primary materials as much as possible and of the tenacity of her efforts apparent throughout her work.

A. M. Stuyt [Survey of International Arbitrations 1794–1970] does not refer to there having been a judgment or execution. See op. cit., p. 517. In the Ministry of Foreign Affairs a file was known to exist concerning the arbitration: Negotiations Archive S.XIX, No. 158, but it could not be found in the archive and thus could not be consulted [p. 74, translation by reviewer].

3 E.g., N. Wühler notes that between 1949 and 1981, the Federal Republic of Germany became a party to 136 multilateral and 298 bilateral treaties containing specific compromissory clauses. In addition, it is worthwhile noting that [of the 4,854 treaties registered with the League of Nations between 1920 and 1946 and the 12,500 registered with the United Nations between 1946 and the present,
Part III sets forth the author's conclusions from parts I and II and offers, very briefly, a general evaluation of and suggestions concerning Spain's treaty policy in this area.

Inasmuch as in a work of this type reliability is an especially important factor, I note that all the citations I investigated were accurate and supportive of the text. Overall, the study is a fine work of scholarship that will benefit not only Spain but all those interested in the attitudes of states toward the settlement of disputes through arbitration.

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It is particularly noteworthy when German jurists produce a book to illustrate how law and the judicial system were mutilated during the dozen-year reign of Adolf Hitler's "Thousand-Year Reich." Martin Hirsch, the distinguished Social Democratic legislator and former judge of West Germany's Constitutional Court, Professor Diemut Majer, whose outstanding tome on the mistreatment of "ethnic foreigners" was reviewed in this Journal,¹ and Jürgen Meinck of the University of Göttingen have assembled a fair cross-section of decrees, decisions, speeches and commentaries to show how the mantle of pseudo- legality was used to cloak the malevolent political and racial designs of a ruthless dictatorship. The collection is intended to be no more than an introduction to this sordid chapter of German history. The documents offer no apology for National Socialism but reveal its true character. Even before the outbreak of World War II, law was used as an instrumentality to intimidate opponents of the Nazi regime; during the war, all restraints were removed.

The book is divided into five parts, each of which has several chapters. Part 1 shows how the constitutional democracy of the Weimar Republic was overwhelmed, clearing the path for the satanic regime that took its place. A 1933 "Enabling Law," which authorized emergency measures to combat the economic depression, became the vehicle for the new Führer's expanded legal authority. The courts, suffused with antidemocratic and anti-Semitic sentiments, tolerated or encouraged the abuse of power. Part 2 reveals how concepts of constitutional law were systematically distorted: the "Leader Principle," the nationalistic and racial doctrine that citizens

some 4,000 include a special compromissory clause providing for the pacific settlement of disputes relating to the interpretation and application of the treaty itself (Sohn, Settlement of Disputes Relating to the Interpretation and Application of Treaties, 150 Recueil des Cours 195, 259 (1976 II)).

¹ 76 AJIL 449 (1982).