

foreigners. These are supplemented with the few foreign trade laws published by the Mongolian People's Republic. Butler has prepared this volume with his customary concern for legislative history and citation of Soviet sources.

Leo Hecht of George Mason University, a specialist in Russian language and literature, is a newcomer to legal translation. He states that his purpose is to "illustrate the State's incursions into the private life of citizens." He does so by selecting for translation the USSR and RSFSR Constitutions, and the federal statutes that guide the republics in drafting their codes relating to labor, public education, public health, religious associations, and marriage and the family. His cultural interests probably explain his inclusion of the law on safeguarding historical and cultural monuments. Seemingly as a dividend, he adds the "statutes" of the Communist Party which, of course, are not state enactments. A brief essay designed to inform readers on how laws are enacted, administered and taught to law students opens the volume.

Many of the documents in both volumes have already been published in English translation in Soviet publications, but their collection in these volumes presents them in convenient form to foreign readers.

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*The Practice of Japan in International Law, 1961-1970.* Edited by Shigeru Oda and Hisashi Owada, with the assistance of Kazuya Hirobe. Tokyo: University of Tokyo Press, 1982. Pp. xxxii, 471. Index. \$55. Distributed by Columbia University Press.

A nation's influence upon the content of international law is largely a function of the complete and rapid dissemination of its state papers and the sophistication of the international legal practitioners in its foreign office. The positions a state takes on international legal matters, and the manner in which it describes and justifies its positions, constitute the most readily accessible evidence of its state practice as a component of customary law. Therefore, one would imagine that all states would place a high premium upon the dissemination of their official practice in the international community.

Yet governments are generally too shortsighted to disseminate this information. This shortsightedness is perhaps the most cost-ineffective policy any government can have. Even governments such as the United States and Great Britain, which are leaders in the dissemination of their state practice (and consequently have had a disproportionately large impact upon the formation of customary rules of international law), have in recent years slowed down in the preparation and publication of their papers.

The Japanese Government has harmed itself by failing to publish its diplomatic documents in an accessible language. The editors of the volume under review have taken it upon themselves to select and edit various state papers of Japan so as to present them to a wider audience. Because of the huge task, they decided to edit only those papers from 1961 onwards. For the years 1961-1970, they published their work annually in the *Japanese Annual of International Law*. The

present volume collates those annual compilations and presents them in a most readable and accessible form.

There are many interesting documents in this book. For instance, one might want to look up the official Japanese reaction to the decision of the Tokyo District Court in the *Shimoda* case,<sup>1</sup> dealing with the legality of the nuclear bombing of Hiroshima and Nagasaki. We find that various officials of the Japanese Government, when questioned in the House of Representatives, disagreed with the finding of the court that the nuclear bombing was illegal under international law. The Minister for Foreign Affairs, for example, while regretting the atomic bombing, said that it was not in violation of international law because no positive rule of international law seems to have existed on the point (p. 403). The Director-General of the Treaties Bureau, Ministry of Foreign Affairs, is quoted extensively on this point. Among his arguments are the following:

The majority view among international lawyers in Japan is that the atomic bombardment of Hiroshima and Nagasaki should be condemned as a violation of international law. Nevertheless, none of the lawyers would confirm the existence of a rule of positive law which is directly applicable. . . . Inasmuch as bombardment from the air is the dominant feature in air warfare, the rules, as adopted at the time of the Hague Rules on Land Warfare, have been considered neither capable of regulating air warfare in a satisfactory manner, nor even appropriate as rules for regulating air warfare [pp. 403-04].

Japan today is certainly not among the poor countries of the world. It is a proud nation, anxious to trade with other nations and to be respected in the international community. How is it possible, therefore, that its government does not expend an almost infinitesimal portion of its public funds to disseminate its state papers in their entirety? Why must international scholars be remitted to a slim volume such as the one under review, containing just a portion—even though the portions are intriguing!—of the attitudes of the Japanese Government on international law matters? It strikes this reviewer as patently absurd that Japan does not expend the trifling amount of money necessary to publish and disseminate its state papers.

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*International Labour Law Reports, Volume III.* Edited by Zvi H. Bar-Niv. Alphen aan den Rijn: Sijthoff & Noordhoff, 1980. Pp. xix, 399. Dfl.200; \$87.50.

This is the third volume of a compendium of labor cases from tribunals within 14 selected nations<sup>1</sup> as well as the Court of Justice of the European Communities and the European Court of Human Rights. The editorial board of this publication, chaired by Justice Zvi H. Bar-Niv, president of the National Labour

<sup>1</sup> *Shimoda* case, 8 JAPANESE ANN. INT'L L. 212 (1964); Falk, *The Shimoda Case: A Legal Appraisal of the Atomic Attacks upon Hiroshima and Nagasaki*, 59 AJIL 759 (1965).

<sup>1</sup> Austria, Belgium, Canada, the Federal Republic of Germany, Finland, France, Great Britain, Israel, Italy, Japan, the Netherlands, Spain, Sweden and the United States.