

Die Lex Fori Internationaler Handelsschiedsgerichte. By Joerg Gentinetta (Bern: Staempfli & Cie., 1973. pp. 498. Index. Sw. Fr. 98.) International commercial contracts often do not state which substantive and procedural law shall apply in future arbitrations. The *lex fori* of such trade disputes remains an unsettled issue since the concept of how the applicable law can be determined by the arbitrator has not been established. In this volume, the Swiss author examines on a broad comparative basis of European and American law, the various possibilities which have evolved in the practice of commercial arbitration and ensuing court proceedings. Questions of party autonomy, conflict of laws, public policy, and the impact of international arbitral conventions are considered in evaluating legal doctrines prevailing in various countries. Many suggestions and valuable information on source material, presented with references to not less than 800 books and articles, make this work an outstanding contribution to the literature on international trade arbitration.

MARTIN DOMKE

How to Think About Arms Control and Disarmament. By James E. Dougherty. (New York: Crane, Russak & Co., 1973. pp. vi, 198. Selected Bibliography. \$5.95.) This monograph, by a professor of political science at Saint Joseph's College under the auspices of the National Strategy Information Center, constitutes a primer on international arms limitation and control in the thermonuclear age. In remarkably lucid if sometimes ponderous style, it begins with a brief historical-philosophical introduction, thereafter identifies arms and arms build-ups more as symptoms than as fundamental causes of conflict, and then details, in essentially descriptive fashion, the various patterns of disarmament and arms control, the historical record of pre-World War II disarmament negotiations, the recent attitudes of the major and key lesser powers involved, the problem of "general and complete disarmament," and the modest post-1959 progress in arms control—*i.e.*, the Antarctica Treaty, the "Hot Line" Agreement, the Partial Test Ban Treaty, the proposed comprehensive test ban, military budget reductions, the Nonproliferation Treaty, the Seabed Treaty, the Agreement on Measures to Reduce the Risk of the Outbreak of Nuclear War, the prohibition of biological and chemical weapons, and the Strategic Arms Limitation Talks (to which, wisely, the author devotes a separate concluding chapter). Conspicuous throughout is a commendable attempt "to think . . . with as much semblance of political-scientific logic as the contemporary propaganda-ridden mind can muster . . ." (p. 10). Dr. Dougherty's tough-minded approach is hindered, however, by frequent ethnocentric conclusions and sometimes shaky behavioral analyses from an epistemological point of view. Also, it seems to explain why he neglects to detail the gruesome life/death realities at stake, an especially troublesome shortcoming for a book that is intended more for the layperson than the expert. Still, the clarity he brings to a welter of technical confusion makes this volume a welcome addition to the literature, surely useful in the classroom.

BURNS H. WESTON

What Washington Said: Administration Rhetoric and the Vietnam War: 1949-1969. By F. M. Kail. (New York: Harper & Row, 1973. pp. xv, \$3.95, Paper.) The Pentagon Papers concerned private communications about Vietnam; the book under review deals with the public rhetoric concerning America's longest war. The source for all materials is the *New*

York Times. The book is primarily a description of what civilian officials said plus generous excerpts from their speeches. It is organized around rather vague issues: the beginning of the war is one chapter; the nature of the war, another; and how America got involved, a third. A certain amount of redundancy occurs from chapter to chapter, and the unscholarly nature of the book is all too evident. Since it has no index, how does one look up, for example, the Tonkin Gulf incident? The table of contents is so general, Tonkin Gulf does not show up there; so one has to read the whole book to find it or any other subject. No feeling for the problem of variability in different editions of the *New York Times* is evident, and a certain amount of tunnel vision affects the treatment. For instance under what other newsworthy contexts were various statements issued? Governments often find it useful to give out bad news when the public is momentarily diverted by some other important news item, or to give out the good news first and slip in the bad at the end. This kind of dimensionality in news disseminations seems to escape the author of the present work.

In spite of its shortcomings, the book is well conceived; it fills a gap in the literature and provides a very useful background for the well-known arguments about the legality of the war. It illustrates the efforts of the war-managers to "carry the public along." And as Professor Lasswell indicates in a brilliant foreword, what Washington says (of course it says what we want to hear) tells us a lot about our national identity.

ANTHONY D'AMATO

Netherlands Yearbook of International Law, Volume IV, 1973. (Leiden: A. W. Sijthoff, 1973. pp. xii, 442. Index.) As in prior years, in addition to signed articles, this publication contains notes and comments, as well as documents covering Dutch state practice, treaties, court decisions, and literature during 1972. An additional heading "Municipal legislation," summarizes recent Dutch legislation to execute international obligations. The topics covered in the nondocumentary portion include international law and the maintenance of peace; *stare decisis* as an impediment to growth of international law in English courts; international protection of the cultural and national heritage; asylum for deserters; the Benelux Court; the continental shelf problem of islands; developments in disarmament law, and in the supervisory machinery of the International Labor Organization.

Of particular value is the Dutch Government's proposal to increase utilization of the International Court of Justice by "fractionating" international disputes and submitting particular questions of law or fact for judicial determination, while leaving other issues open for further negotiation between the parties, thus effecting "settlement in part" of the entire controversy (pp. 338-41). In court decisions of interest it was held that the European Convention on Human Rights was not infringed by disciplinary punishment of a soldier for publishing material undermining military discipline (pp. 401-04), or by Zeeland regulations forbidding erection by a café-restaurant of a billboard visible from the highway (pp. 404-07).

EDWARD DUMBAULD