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W. Paul Gormley
State University of South Dakota Law School

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Book Reviews

*Reviewed by W. Paul Gormley**

INTERNATIONAL REGIONAL ORGANIZATIONS: CONSTITUTIONAL FOUNDATIONS, by Ruth C. Lawson. Published by Praeger & Co., New York. 387 pp. (1962).

This second half of the twentieth century is evolving as the era of the regional organization, for the trend begun at the Congress of Europe, held at The Hague in 1948, has spread to every region and continent. So extensive has been the rise of these regional organs—often operating concurrently with United Nations agencies—that even the well informed person experiences difficulty in “separating the referees from the players” when dealing with the numerous institutions designated by several capital letters.

The rise of the old Schuman Plan, the three Common Markets (European Coal and Steel Community, European Atomic Energy Community, the European Economic Community), the sixteen-member Council of Europe, and the new twenty-member Organization for Economic Cooperation and Development, which will have the United States and Canada as full members—thereby transforming a European Organization into a North Atlantic Group—are becoming well known to persons concerned with the maintenance of public order on a global scale. To illustrate, the Latin American nations have already taken steps to form both limited common markets and organs to protect human rights; the Arab states are considering the creation of a supranational court of human rights and concurrently examining areas for further economic cooperation and development; the members of the Warsaw Pact are extending their activities into the economic field; the Central African nations have already established machinery for a free trade area and common market; the Colombo Pact nations have recently organized a plan for economic cooperation; and the Asiatic regions will soon be forced to form larger multinational units. Likewise, the fierce economic competition posed by the Common Market is causing the United States to pay greater attention to the growing number of free trade areas and common markets. For example, this impact on

* Asst. Professor of Law, State University of South Dakota Law School.

the American position of insisting upon the maintenance of absolutely national sovereignty—and for that matter the traditional corpus of international law—is so significant that Loose Leaf Services must now catalogue the activities of the EEC.¹ Moreover, the legal literature is becoming so voluminous that it is only possible to speculate concerning the future output.² The effect on the United States can easily be seen from the increased diplomatic negotiations between our Government and the great supranational organizations of Europe; in fact, the author goes so far as to maintain:

[T]he United States, faced since World War II with major world-wide responsibilities and convinced of the indispensability of international organizations, belongs to regional associations whose other members are located on all continents . . . *Regionalism can without exaggeration be termed a cornerstone of American foreign policy.* [Emphasis added.]³

This reviewer can only offer a strong “second” to the above conclusion because of the fact that the United States will be drastically influenced and affected by the spreading regional movement regardless of its affiliation, membership or lack of official connection.

In order to deal effectively with these rising regional bodies it is essential that their treaties of establishment, constitutions, and supplemental protocols be readily available. With this thought in mind, Professor Ruth C. Lawson carefully selected twenty-five of the most significant treaty-constitutional texts of the leading political and economic regional groupings. Specifically, all of the items included in the book serve as the legal basis of the organization concerned.⁴ Indeed, the task of selection was, perhaps, the most pressing problem faced by the au-

¹ See the new C. C. H. Common Market Reports (1962).

² For example, there are approximately the same number of articles listed in 56 Supplement to the Index to Legal Periodicals, No. 1-3 (Oct.-Dec. 1962), as in the whole volume 12 (1958-61). It can, therefore, be predicted that legal literature will become even more extensive as the various regional organizations increase the scope of their activities.

³ P. v-vi.

⁴ “. . . these documents contain material characteristic of constitutions, defining conditions of membership, providing for permanent organs and their functions, and indicating the powers conferred on international institutions. As is true of constitutions in general, these documents provide an indispensable starting point for understanding the organizations established.” P. xii.

thor, since the obvious impossibility of producing a completely definitive work necessitated the elimination of numerous documents; consequently, a functional standard serves as the basic criteria of selection.⁵ Thus, the book is concerned with the traditional military alliance as typified by NATO, SEATO, and WEU; limited economic unions such as BENELUX, Nordic Council, and the Arab League; and free trade areas, for example, the *Treaty of the Latin American Free Trade Association* and the more advanced Rome treaties, which may constitute vertical integration (ECSC and EURATOM) or horizontal integration (EEC). Also included are political unions dedicated to the protection of human rights, such as the Council of Europe, representing the most advanced stage of integration. It can easily be foreseen that not only will additional organizations be formed but existing groups will expand their present activities. In particular, additional free trade areas and limited forms of common markets will become even more numerous, especially in those areas predominantly underdeveloped or composed primarily of new nations.

The greatest legal advancement occurs when the organization becomes supranational to a significant degree in that it possesses: (1) a personality separate and distinct from that of the member states, (2) the power to operate directly against the member states and their nationals, and (3) at least a limited degree of "sovereignty" in their own right. As such, the most striking instances of such supranational authority are to be found in the Council of Europe and the three European Communities.

In order to obtain the most useful selection of basic documents, four main criteria—aside from the functional test—have been employed. First the organization must be contemporary and, generally, established after World War II; second said group must still be in existence at the present time; third only agreements that have actually resulted in the establishment of permanent multinational institutions are included in the author's collection; and fourth these multinational bodies must have been

⁵ "Collectively, the activities of regional organizations embrace the traditional concerns of modern governments. With few exceptions, however, specific regional organizations characteristically emphasize one function—political, military, economic, social, or cultural—although others may receive peripheral attention. In this respect, also, regional arrangements show flexibility as the interests of members fluctuate. It is perhaps not surprising that economic and social activities predominate. Touching national sovereignty less intimately than political and military matters, such activities have for more than a generation been considered appropriate for joint state action." P. vii.

created by sovereign states and not by private individuals or political movements.⁶

The significant contribution made by the author is that a collection of primary treaties of establishment and multinational constitutions have been brought together in a single source where they are readily available to the scholar, practitioner, and informed citizen. In addition, very excellent editorial notes precede each item in order to provide the essential historical background and an indication of the unique problems faced by the member states. Further insight is given concerning the policy-making process within the institution itself. While these introductory notes serve as a basis for future study, it can only be regretted that the author was unable to develop these portions more completely.

The book is divided into six main regional groupings, namely: Atlantic-Western Europe, Middle East, South Pacific, Eastern Europe, Africa, and the Western Hemisphere. Under each of these classifications several primary documents are reproduced along with an excellent selective bibliography. Nevertheless, in order to produce a book of reasonable size it was necessary to present only portions of the Common Market treaties. May it, therefore, be suggested that a wiser course might have been the complete elimination of such treaties as those of NATO, the Council of Europe, the ECSC, and the EEC, since they are now very commonplace and readily available in a number of other publications.

At this point we may ask: what will be the future relationship between these regional institutions and the United Nations? The author recognizes—and correctly so—“that regionalism has evolved less as a rival than as a partner to the world organization.”⁷ Consequently, under the *United Nations Charter*—specifically Articles 33, 52 and 53—these regional bodies will not only prove to be complementary forces, but they will stimulate the entire movement for the “world rule of law” as can be seen by the recent activity to create additional international human rights machinery under the United Nations.⁸

⁶ P. x-xi.

⁷ P. vii.

⁸ See the Colombian proposal for the creation of a United Nations Court of Human Rights; Future Work in the Field of the Codification and Progressive Development of International Law, U. N. Gen. Assemb., A/4796,

(Continued on next page)

In the opinion of this reviewer, Professor Ruth Lawson has provided, in one relatively small and inexpensive volume, a concise statement of fundamental documents otherwise not readily available to the busy scholar, practitioner, or informed citizen. Furthermore, her original thoughts and implementing material make this work much more than a mere collection of documents; but, rather, a significant primary source on world regionalism.

(Continued from preceding page)

10 July 1961, 16th Sess. See also A/C. 6/L. 493, 6 Dec. 1961; see in particular U. N. Gen. Assemb. 16th Sess., 6th Comm., Agenda Item 70, A/C. 6/L. 491, 15 Nov. 1961.

Kutner, *World Habeas Corpus For International Man: A Code For International Due Process of Law* (1962).

A. B. A. Committee on Peace and Law Through the United Nations, "Study Far-Reaching Changes in International Court of Justice," 7 *Amer. Bar News* 2 (1962).

Brennan, *International Due Process and the Law*, *New York Law Journal*, Aug. 21, 1962, at 4; reprinted in 48 *Va. L. Rev.* 1258 (1962).

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*Reviewed by George Liviola, Jr.**

LAW AND PSYCHIATRY, COLD WAR OR ENTENTE CORDIALE? by Sheldon Glueck. Published by the John Hopkins Press, 174 pp., (1962).

This volume is a frontal assault upon one of the most controversial of all medico-legal issues—the accused's defense of his crime by reason of insanity. The book includes a history of the development and evolution of the present rules governing this issue, a penetrating analysis of their weaknesses and strengths, and a courageous proposal for a new rule based on the author's scholarly experience.

Mr. Glueck examines the vital issues upon which psychiatrists and lawyers have frequently locked horns. The first is the fundamental controversy of freedom of the will versus the power of deterministic forces. Combined with this is the query as to the degree of responsibility each man shall be accountable for. Another issue pits social sciences against law, with the law deny-

* B.S., Kent State University; Third-year student at Cleveland-Marshall Law School.