Those interested in African politics will not fail to find in this book many new insights and the general reader will be happy to know that the authors write simply and avoid the kind of jargon which one finds in some scholary works in political science.

Kwame Opoku

FRANK G. DAWSON und IVAN L. HEAD
International Law, National Tribunals and the Rights of Aliens
Syracuse University Press, New York (1971), XVI* 334 S.

Dawson and Head have provided the layman and the lawyer with a detailed guide to some of the many problems they may be faced with when involved in litigation outside their own legal system. The outhors found that, on the whole, there is no active official discrimination against aliens and that fears about foreign legal systems "are groundless and founded more upon ignorance than on fact" (p. 311).
The authors are to be congratulated for their thorough research and for their clear style which makes it easy even for a layman to understand some of the problems of international litigation. However there is one feature of the work which must not go unchallenged. This book may be considered as an example of the western European and United States approach to international law which involves certain assumptions about western cultural and moral superiority. Often this approach manages to appear objective but sometimes it fails to hide its arrogance and its paternalistic attitude towards other nations of the world. True, the authors start off by challenging the universality of these western cultural values (pp. 4,26) but they themselves soon fall back on the prejudices of their culture. How else can one explain a statement such as this?:

> "These common elements of law and procedure are not inconsistent with nationalism, but rather exert a moderating influence upon nationalistic extremes.
>
> The use of English as the lingua franca in the courts (and in international market places), and the employment of similar legal procedures, permit not only the exchange of judges but also reassure foreign businessmen who may be reluctant to invest abroad through concern about the quality of legal systems operative in certain countries" (p. 70).

Only those who have no experience of poverty could agree with the authors that it would be of very little value to the people in the developing countries if in the next 20 or 30 years they achieved high standards of living at the cost of losing fundamental freedoms and human rights (p. 103). Such a danger, according to the authors, threatens these countries as a result of their systematic neglect of courts. Contrary to what is often asserted by the leaders of the developing countries, the authors minimize the importance of the fight against poverty and seem to be more concerned about the perfection of the judicial system. Protection against what they call "materialism gone mad" is, according to the authors available:

> "To a degree, however, protective factor exists in the incresing need for foreign technicians and private investment capital in order to attain expectations of economic viability in developing nations. Successful as public assistance schemes have been, it is recognised now that increasing responsibility must be borne by the private sectors of the developed nations through overseas investment and international trade (p. 103)."

That the authors could make such statements is a clear indication that they do not take seriously the aspirations of the millions of people in Africa, Asia and Latin America. Moreover, they seem to be unaware of the opinions of the intellectuals from these countries on problems of economic development.
Dawson and Head inform us that in many developing countries, expatriate judges are removed not because there are better qualified nationals but because of excessive nationalism (p. 104). One may ask whether in all countries the appointment of judges is made solely on the basis of legal qualifications, in a competition open to all jurists irrespective of their nationality. Would the United States accept an Asian, African or European judge however eminent and well-qualified he may be to sit on the bench of the Supreme Court and to decide matters of national importance? One only needs to think of a few more examples to realize how absurd the criticism made by the authors is.
We have mentioned these points to show that despite all pretensions to the contrary, the authors have not been able to avoid the prejudices of their culture. They seem to consider the problems of international ligitation mainly from the point of view of the rich private investor who is worried about his investments in the so-called developing countries.

Kwame Opoku

Manuel Duron Gracia
El Juicio Político
Escuela Libre de Derecho, México, D. F. 1968, 115 S.

Gegenstand dieser kleinen Schrift sind die Art. 108—114 der mexikanischen Verfassung, welche die Immunität sowie die politische Verantwortlichkeit der höchsten Amtsträger regeln. Es handelt sich um die These eines Lizenziaten, so daß es falsch wäre, daran größere Ansprüche zu stellen. Über ein Drittel der Arbeit ist dem Nachweis gewidmet, daß die Immunität (span. „fuero") kein persönliches Privileg des Amtsträgers ist und nichts mit den alten „fueros" im Sinne einer ständischen Gerichtsbarkeit zu tun hat, welche Art. 13 der mexikanischen Verfassung ausdrücklich verbietet. Das eigentliche Thema der Arbeit aber ist der „juicio político", die Anklage der höchsten Amtsträger vor dem Kongreß wegen schwerer Verstöße gegen ihre Amtspflichten. Die Wiedergabe der betreffenden Verfassungstexte seit 1812 sowie anderer einschlägiger Normen nimmt dabei in der Darstellung breiten Raum ein. Es verwundert nicht, wenn der Verfasser am Schluß zu der Feststellung gelangt, daß das schwerfällige Verfahren des „juicio político" in der Praxis keine Bedeutung erlangt hat. Aufschlußreich ist jedoch die Begründung, die er dafür gibt: Obwohl die Amtsführung der meisten hochgestellten mexikanischen Politiker hinreichend Anlaß zu einem „juicio político" gäbe, hindere das Bestehen einer Staatspartei praktisch die Einleitung eines solchen Prozesses. Bei aller Polemik wirft diese Begründung ein bezeichnendes Licht auf die mexikanische Verfassungswirklichkeit, „in der die offizielle Partei selbst ein Organ der Regierung ist".

Jürgen Samtleben