

tungsgerichtlichen Klagen, die Prozeßvoraussetzungen, die Verfahrensgrundsätze sowie die erstinstanzlichen und die Rechtsmittelverfahren geschildert. Teil V (S. 139–151) gibt eine Zusammenfassung der öffentlich-rechtlichen Haftungsansprüche – Staatshaftung gemäß Art. 34 GG, Entschädigung bei enteignungsgleichem Eingriff und bei Aufopferung. Daran schließt sich ein kurzer Ausblick auf den Folgenbeseitigungsanspruch an.

Die Anhänge (S. 154–194) bieten eine Liste der zitierten Gesetze und Entscheidungen, jeweils mit Fundstellen im Text; in englischer Übersetzung Auszüge aus dem Grundgesetz, dem Verwaltungsverfahrensgesetz, der Verwaltungsgerichtsordnung; die Übersetzung des Urteils eines Verwaltungsgerichts in einer Bausache; eine bibliographische Notiz und ein Sachregister.

Diese Inhaltsübersicht zeigt, daß der Verfasser Themen der Gerichtsverfassung und des Verwaltungsprozeßrechts, die in einem für deutsche Leser geschriebenen »Verwaltungsrecht« meist fehlen würden, in seine für englischsprachige Betrachter gedachte einführende Darstellung einbezogen hat, was ein Hinweis darauf sein dürfte, daß es sich bei diesen Gegenständen um für derartige Adressaten besonders interessante Materien handelt, die aufschlußreiche Einblicke in die Andersartigkeit des deutschen Rechtssystems gewähren.

Es ist sehr zu begrüßen, daß mit Singh's Werk eine übersichtlich verfaßte Darstellung des deutschen Verwaltungsrechts für den englischsprachigen Leser vorliegt.

*Walter Wiese*

*R. St. J. Macdonald/D. M. Johnston*

**The Structure and Process of International Law:  
Essays in Legal Philosophy, Doctrine and Theory**  
Martinus Nijhoff Publishers, The Hague, 1983

Two professors at the Dalhousie University School of Law, R. St. J. Macdonald and D. M. Johnston, have undertaken an important task. They have tried to present the contemporary system of international law, from doctrinal roots and interactions between international law and other disciplines to the review of fundamental institutions of international law. They have invited as collaborators a lot of eminent international lawyers of our time; each of them has had an important personal influence upon the development of the theory of particular domains of international law, as well as upon the elaboration of practical solutions in international agreements and other documents, thanks to activity in the UN International Law Commission or at the World Court.

It must be emphasized that the result of this enterprise is surprising, probably also for the editors and authors themselves. The book is extremely important and it ought to be the subject of studies of a very international lawyer (as a kind of introduction into the system of international law and short compendium of principal institutions).

The editors have divided the contents of the book into four parts entitled: The Schools of

Jurisprudence. The Social Sciences, Fundamental Concepts and Some Modern Controversies. The titles of the parts I and II are clear while the other require some elucidation. The chapter on Fundamental Concepts deals with the traditionally most important problems of sources and subjects of international law, as well as with the questions of universalism and regionalism in international law (by S. Gonzalez Galvez), the notion of common heritage (or, properly speaking, the conflict of collective and particular interests in international law, by A. Pardo and D. Q. Christol) and finally with the problems of fundamental notions of international law (by G. Schwarzenberger). I must indicate two works dealing with fundamental concepts which are extremely interesting. The paper by Bin Cheng, according to its title, ought to be concentrated on the future of the concept of custom in international law; in fact it contains the author's interpretation of the whole system of international law, accentuating the important rôle of court practice as typical of the common law system. The second work »Consent: Strains in the Treaty System«, by B. Simma, indicates some important paradoxes in the system of international agreements concluding during the last years.

It is not quite clear according to what criteria the editors have classified individual chapters. In my opinion, the work by W. Riphagen concerning state responsibility, ought to be placed in part IV which contains chapters reviewing the basic institutions of international law. The works by D. Vignes (on the influence of international law) and by Wang Tieya (The Third World and International Law) correspond rather with the fundamental concepts of international law. Among other works on modern controversies in international law, I should mention the article by L. Ferrari-Bravo, considering the problem of mutual relations and interactions between internal law and international law (it is a pity, however, that the author presented this problem in a very traditional fashion, without any mention of the »transnational law« concept, which constitutes the real controversy and destroys the traditional dichotomous division into municipal law and international law; and another work, by R. Macdonald (The UN Charter: Constitution or Contract), presenting the attitude of socialist authors towards the interpretation of the Charter, its revision, the binding force of the resolutions of the UN agencies etc.

The works published in the first parts of the book are generally connected with the preceding contributions by their authors, especially those under the title Schools of Jurisprudence: the development of natural law concept from antiquity to modern times and its contribution to international law, by A. Verdross and H. K. Köck; the mostly methodological and rather difficult paper on the positivist approach to international law by M. Bos; the class struggle ideology and its impact upon the socialist theory of international law, by V. Kartashkin and die Policy-Oriented School of international law, by M. S. McDougal and W. M. Reisman. Otherwise the earlier chapters in the book concern the relation of international law to political science, sociology and history.

It is impossible to mention all articles here; this is not meant to suggest, however, that they are less important. Each of them and all together make the book a true reflection of the full panorama of the complicated structure and process of international law.

*Władisław Czaplinski*