

lung "Verfassungspolitik für die Freiheit und Einheit Deutschlands" (1990). Die Autoren des Einigungsvertrages, ebenso aber auch dessen Interpreten, hätten ihn lesen sollen. Die Empfehlung zur Lektüre des gesamten Buches richtet sich an einen noch viel größeren Leserkreis, nämlich an alle Juristen und an alle politisch und historisch Interessierten. Daß sie den Sammelband auch als ergiebiges Nachschlagewerk behandeln können, ist bereits eingangs erwähnt worden.

Otto Kimminich

Andrew Carty / H.W. Singer (eds.)

Conflict and Change in the 1990s. Ethics, Laws and Institutions

Macmillan Press, London, 1993, 237 pp., £ 45.00

"Our age is the first generation since the dawn of history in which mankind dared to believe it practical to make the benefits of civilization available to the whole human race."

Arnold Toynbee

This book is the result of a united effort by economists, lawyers, political philosophers and social theorists from the U.K., the U.S., the Netherlands and Canada who participated in the 1990 Development Studies Association Conference in Glasgow. Their idea was "to encourage an interdisciplinary and theoretical approach to the issues of the coming decade" (p. 1) - as "it might now be appropriate to take stock of how development studies as such could contribute to the Third World of the 1990s, rather than focus upon the concrete issues which are the constant concern of the Third World" (p. 1).

Apart from the introduction the book contains 13 chapters. Their topics range widely from the theories of Adam Smith to economic equality in Zimbabwe, from Canadian foreign aid to Perestroika, from agricultural markets to north-south co-operation. Sometimes they are personal descriptions, sometimes purely expository essays filled with statistics. Each chapter is independent from all the others, which, at first sight, might seem to make this collection put together at random. But, quite to the contrary, each represents thoughts on one specific aspect of the one complex problem of today's relationship of the First and Third Worlds.

As the topics are so manifold, it is impossible to comment on all of them. Perhaps two of the most meaningful (chapters 5 and 6) deal with foreign aid and the place of law in development. "Foreign aid, apart from its intrinsic ethical interest, provides a useful area of ideas in which to test ethical considerations in international relations" (p. 64). "If the Third World state has a focus it is development, and the substance of the means to achieve it is found in the right of a people to development" (p. 82), which means a right of states to

enjoy the benefits of the international duty of states to co-operate with one another to bring about development, yet not an obligation under international law.

"It is one matter to have a full grasp of the latest 'developments' in a field, which can, in any case, usually only come from the kind of first-hand experience in consultancy which most leaders, in the area have, and then to suggest practical 'improvements' which might ameliorate the situation of developing countries, either as subjectively conceived by themselves or in terms of [...] short-, medium- or long term advantage. It is another matter to ask what could conceivably be asked of development studies in the decade ahead, in terms of how one might understand and control issues which arise" (p. 1/2).

As a complete work this collection is a good and valuable start towards the better recognition and solution of the broad variety of problems of Third World countries. Whoever "toughs it out" - it is not easily comprehensible - will surely gain a new and deeper understanding of many issues.

Dagmar Reimann

Harald Baum / Tatjana Stiege (Hrsg.)

Japan - Kultur und Recht. Eine Einführung

Symposium der elša - Bayreuth, 11.-13. Februar 1993

Veröffentlichungen der Deutsch-Japanischen Juristenvereinigung, Bd. 2, Hamburg 1993, 194 S., DM 50,--

Das vorliegende Buch ist eine Sammlung der Vorträge des Seminars "Japan - Kultur und Recht" (Bayreuth 1993), das im Rahmen der Schriftenreihe der DJJV veröffentlicht wurde, die es sich zu einer ihrer Aufgaben gemacht hat, durch Publikationen zum Austausch und zur besseren Kenntnis der japanischen Rechtskultur beizutragen. Es handelt sich nicht um eine durchgehende, vollständige Einführung in das japanische Recht¹. Dennoch vermitteln die Autoren einen guten Überblick über seine Geschichte und Gegenwart und laden zum 'Weiterdenken' ein.

Die Referate (Teil A des Buches) sind in zwei Abschnitte eingeteilt: Im ersten berichten Peter Pörtner und Manfred Pohl über Kulturelles und Politisches, im zweiten geht es zunächst um die historische Entwicklung des Rechts, um Änderungen nach dem 2. Welt-

¹ Dazu sei verwiesen auf:

a) *Noda, Yosiyuki*, Introduction au droit japonais, Paris 1966

b) *Murakami, Junichi*, Einführung in die Grundlagen des japanischen Rechts, Darmstadt 1974

c) *Eubel, Paul* u.a. (Hrsg.), Das japanische Rechtssystem, Frankfurt 1979

d) *Rahn, Guntram*, Rechtsdenken und Rechtsauffassung in Japan, München 1990.