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Pour la première fois, à notre connaissance, un ouvrage de droit international privé est publié dans la République de l’Allemagne Populaire, sous forme d’une collection indépendante groupant plusieurs études. L’ouvrage est préfacé par le Dr. Horst Wiemann et est composé de huit études, particulièrement intéressantes, qui ont été réunies et systématiquement classifiées par le Dr. Wiemann qui assume l’édit

 Ces études sont les suivantes: 1) Quelques questions de droit international privé, par le professeur Lunz 2) Le problème de qualification, par le professeur Bystricky. 3) Le respect du droit étranger, par le professeur Popescu. 4) Quelques questions de droit international relatives aux nationalisations socialistes, par le professeur Bystricky. 5) Le statut personnel des personnes morales dans les pays capitalistes, par le Dr. Wiemann. 6) Sur le point de rattachement du statut des obligations (obligationsstatut) dans le droit international privé, par le professeur Rescel. 7) Le règlement des paiements internationaux par clearing dans le commerce international entre États ayant des structures économiques différentes, par le professeur Wassinew. 8) Quelques questions sur le mariage et le divorce selon le droit international privé bulgare, par le professeur Kutikoff.

Toutes ces études se basent sur le principe dominant dans les pays socialistes, de la coexistence pacifique entre les deux mondes, c’est-à-dire entre les États de civilisation occidentale et ceux d’idéologie communiste. Ainsi, dans le droit international privé des pays socialistes, les problèmes résultant des conflits de lois entre ces pays apparaissent moins compliqués en raison surtout de l’admission de leur part des règles unifiées basées sur la structure de l’économie socialiste, tandis que les questions soulevées sur les conflits de lois entre les pays du bloc oriental et ceux du bloc occidental conduisent à des situations plus difficiles.

Néanmoins, sur la base de l’enseignement de l’idéologie communiste, la théorie et la pratique du droit international privé, dans les pays orientaux, admettent, en comptant sur une collaboration économique pacifique entre tous les pays du Monde, indépendamment de toute idéologie, que les difficultés peuvent aisément être surmontées si les principes généraux dominants du droit international privé sont observés de façon inflexible. En particulier, comme on l’a justement remarqué, le respect du principe de la nationalité dans la reciprocité la plus complète possible, pour les ressortissants des pays des deux mondes, conduit en effet à l’atténuation des problèmes du droit international privé; ces problèmes aboutissent ainsi à une solution satisfaisante, fait qui atteste, entre autres, la possibilité de la coexistence pacifique de deux mondes idéologiquement opposés.

Emile Bendermacher-Geboussis
Collaborateur de l’Institut


The books under review are the first publications of the Economic Development Institute, established in 1955 by the International Bank for Reconstruction and Development. The Institute’s main objective is the improvement of the quality of government personnel dealing with economic problems in the underdeveloped countries. A number of senior officials from such countries follow each year a series
of lectures and seminars, under the direction of eminent specialists. The publications at hand are the outcome of such lectures and seminars.

The first one is a general description and discussion of "development banks", a type of financial institution which is playing an increasingly important role in the economic development of backward countries. After an introductory discussion of the role of such banks, the author, who is a senior economist of the IBRD staff, describes briefly the process of investment, as observed in underdeveloped countries, stressing the general inadequacy of existing financial institutions and the prevailing emphasis on short-term operations. The experience of the now advanced countries is then discussed. The Nineteenth-Century situation in England, where the banks' role consisted chiefly in the provision of long-term capital, is contrasted with the conditions prevailing at that time in continental Europe, where banks often provided managerial skills as well as capital. In concluding this chapter, the author examines the condition of the capital market in advanced countries, stressing the role of self-financing and the consequent difficulties of smaller enterprises.

The central part of Mr. Diamond's book is devoted to the problems of formation and operation of development banks. After discussing the need for the creation of new institutions, instead of relying on existing ones, the author studies the scope and nature of these banks' activities, their financing and profitability, and their relationship with the Government and with the enterprises they finance. Development banks may specialize in certain fields of the economy, or in enterprises and operations of a certain size or type. They may provide capital in the form of loans or in that of equity and they may maintain their investments over a long period, or sell them off as soon as practicable. Most importantly, banks of this type provide as a rule technical and managerial assistance as well as capital. In discussing such possibilities, the author very ably points out the advantages and problems of each alternative, on the basis of actual experience; he emphasizes the role of concrete local conditions in determining the relevant choices. He points out that the manner in which development banks are financed determines in large part their activities and the terms on which their services are provided. One of the principal problems in this respect is the extent of government participation in their financing and operation. Mr. Diamond's approach is an empirical one, relying on the development of satisfactory relations between the bank and the government. At the close of the book, an appendix provides some highly interesting case studies on the operation of development banks in Turkey, India and Mexico.

The author of the second book under review is Professor Jan Tinbergen, of the Netherlands School of Economics (Rotterdam), well-known as an economist and adviser to governments and international institutions. In the present study, he undertakes to provide an outline of the problems, requisites and possibilities of the establishment and operation of a general program of economic development. In a short introductory chapter, he states the four principal objectives of any development policy, namely, the creation of general conditions favorable to economic development, the achievement of awareness of development potentialities and advantages on the part of the public and the government, the making of "basic" public investments and the stimulation of private activity and investment. He then examines the nature and technique of general programming and some of the problems arising in a program's two main stages: the macro-economic one, projecting the evolution of general totals (e.g., national income, population increase) and the micro-economic one, refining the previous one's figures and determining the type and quantity of goods to be produced. The need for international coordination is emphasized and the chapter ends with an examination of the possible effects of each country's particular circumstances (such as its stage of development, the prevalence of bottlenecks, the general attitude of the public and the quality of the available data).

The third chapter is devoted to a more technical study of the methods to be employed in comparing and appraising investment projects. The choice between projects should depend on an estimate of their consequences and of the availability of scarce resources. In this chapter, as well as in some of the annexes, Professor Tinbergen describes the National Product Test, based on estimates of "accounting" (as distinct from market) prices, i.e., the prices expressing the "intrinsic value" of the factors of production under existing conditions and in view of the realization of the;
desired development pattern. In his last chapter, Professor Tinbergen examines the methods and possibilities for appraising and stimulating private investment. Governments are responsible not only for the provision of the basic political and legal framework within which private enterprise operates. They are also responsible for providing various "minor facilities" (such as schools, transportation and power), for making general surveys and analyses of costs and markets and for assisting in other ways private investors. The more direct methods of assistance are tariff protection, subsidies and tax arrangements, but the official "encouragement" of projects, the provision of economic and technical information and the operation of demonstration projects have also proven useful. Capital scarcity may render necessary government financing of new industries. Private foreign investment, on the other hand, depends in large part on the presence of certain conditions in the capital-importing country. Not all of these conditions depend on direct government action. In concluding this chapter, the eminent author discusses briefly but brilliantly the question of public vs. private activity with respect to economic development, insisting on the importance of some variable concrete conditions, such as cost estimates and the need for low rates in public utilities, as well as of ideological and political considerations.

Both the books under review may be considered as excellent examples of successful general studies of some of the problems of economic development. It is true that their size and their character as seminar or lecture reports and outlines makes necessary too brief or too elementary a treatment of some questions, but this cannot be considered as a defect, in view of the books' objectives. There is a marked community of approach between their authors, in their rejection of economic or ideological dogmas, the balanced view of each subject and their caution against over-generalization. They are both highly aware of the complexities of their subjects and their approach is empirical, allowing for wide variations on the basis of local conditions. Mr. Diamond points out that development banks cannot solve by themselves the problems of economic development, while, on a more general level, Professor Tinbergen stresses the role of "common sense" and a "strong intuitive feeling for human relations", as against the abstraction inherent in the scientific approach. Another common element is also of importance. Both books treat of subjects with respect to which the academic distinctions among disciplines are not only unclear and difficult but also misleading and, perhaps, dangerous. The choice between alternative development bank policies or between methods to stimulate private investment requires the combined skills of economists and jurists, administrators and social scientists. Strict boundary lines between disciplines are perhaps useful in earlier, more abstract, stages, but they are difficult to preserve when we are attempting to transform social reality in the far-reaching manner which contemporary developments require. Seen from this angle, the two books under review are models of economic studies of high scientific quality which are addressed to both economists and non-economists. The Economic Development Institute is to be commended for its publications and encouraged to pursue them in the same lines.

A. A. Fatouros


Il est pour le moins difficile de rendre compte de la variété de thèmes contenus dans l'ouvrage de M. Knapp. En effet, nous avons à faire à un manuel "monographique", c'est-à-dire un manuel dont les nombreux thèmes convergent vers un sujet central. Par sa conception et son organisation, cet ouvrage est classique, tout en accomplissant un travail de pionnier dans un domaine aussi important qu'inexploré.

Dès l'entrée en matière, l'auteur précise les concepts qu'il sera amené à utiliser dans son analyse. C'est ainsi qu'il définit la notion du sujet de droit et distingue la