BOOK REVIEWS

THE COURT OF JUSTICE OF THE EUROPEAN COAL AND STEEL COMMUNITY. By D. G. Valentine. Martinius Nijhoff, The Hague, 1955. Pp. 278. P7.85.

As its title indicates, the book under review deals with the Court of Justice of the European Coal and Steel Community. Before this tribunal, states as well as individuals and private associations have *locus standi*, unlike before the International Court of Justice where only states and entities with international personality can be parties.

Hence, in the face of the persistent agitation for the international enforcement of man's fundamental human rights, the book under review comes out at a most opportune time. This is so, for the individual's and private association's standing before the Court of Justice of the European Coal and Steel Community is a further indication of the desirable trend towards the universal enforcement of man's fundamental human rights.

The author of the book under review commences with the history of the creation of the Court of Justice of the European Coal and Steel Community. He traces the establishment of said tribunal to the time when M. Robert Schuman, the then Foreign Minister of France, proposed the formation of a community within Europe to control the production of coal and steel. Then he proceeds to analyze painstakingly the important provisions of the Coal and Steel Community Treaty, the treaty instituting the Court of Justice of the European Coal and Steel Community, the Protocol on the Statute of said court, and its Rules of Procedure. In the critical analysis of the controversial provisions of said treaty, protocol and rules, he cites the interpretations of the six member states, Belgium, France, Germany, Italy, Luxembourg and The Netherlands as well as the opinions of some authorities in international law such as Dr. Munch, Dr. Steindorff and others.

The author also touches upon the proposed extensions of the jurisdiction of the Court of Justice of the European Coal and Steel Community under the European Defense Community Treaty and under the European (Political) Community Treaty. In addition to the foregoing, he gives a brief summary of the cases so far submitted to the said tribunal.

Of the six chapters of the book under review, the most important and valuable are those dealing with the competence, procedure and organization of the Court of Justice of the European Coal and Steel Community. As already indicated at the outset, the right of individuals and private associations to appeal to the said court is novel. It is this feature of the Court of Justice of the European Coal and Steel Community which prompted Dr. Gerhard Bebr to call it a political and legal innovation. With regards to the procedure of the Court of Justice of the European Coal and Steel Community, the principle that parties before it can neither object to the nationality of a judge, nor to the absence of a judge of their own nationality from the said court, or from its chamber that is trying the case for the purpose of changing the composition of either said tribunal or its chamber is new and commendable. This is diametrically opposed to the procedure of the International Court of Justice concerning the appointment of *ad hoc* judges. And with respect to the organization of the Court of Justice of the European Coal and Steel Community, the positions of the Juge Rapporteur and of the Rapporteurs Adjoints are peculiar to said court. They

do not exist in the International Court of Justice. Neither did they exist in the defunct Permanent Court of International Justice. The principal duty of the former is to prepare the preliminary report on the question of whether a case requires instruction and the latter is to assist the President of the Court of Justice of the European Coal and Steel Community.

As a whole, the book under review is a claer and comprehensive exposition of the history and functioning of the Court of Justice of the European Coal and Steel Community. This assertion is not a mere platitude. For this book is the aftermath of a post-graduate research work undertaken by the author who is a lawyer from the University of London at the University of Utrecht where he took his doctorate in jurisprudence. Moreover, aside from the fact that the book under review was prepared and written under the guidance of Dr. J. H. W. Verzijl, a professor of international law at the University of Utrecht, the author even visited Villa Vauban on two occasions to observe at first hand the operation of the Court of Justice of the European Coal and Steel Community.

All things being considered, students and professors of international law will find the book under review not only interesting but enlightening.

Felix C. Chavez

EFFECTIVE LEGAL WRITING, By Frank E. Cooper. The Bobbs-Merrill Company, Inc., Indianapolis, 1953. Pp. x; 318. ₱10.00.

Here is a book every lawyer must possess. A product of years of experience and research, this book is intended to be used as a text in "Legal Draftsmanship." Its main purpose, however, is to improve the rhetorical style of lawyers and legal writers. The title itself implies that the present state of legal writing is far from satisfactory.

The author divided the book into two parts. The first consists of the discussion on how to effectively write the different types of legal documents. The second is composed of examples of documents derived from actually litigated cases.

It was emphasized that, to be a successful lawyer, one must be an effective legal writer. Rhetorical techniques are as important to him as they are to any other legal writer. The tools he uses in the exercise of his profession are words and, therefore, to be successful one must have mastery in the use of his tools.

Mr. Cooper pointed out that, in order to make a rhetorically effective presentation, a writer must be brief, unambiguous, and persuasive. He must avoid using "weakeners" such as "I am sure that," "As a matter of fact," or "weasel words" such as "If practicable," "Unless," or "and/or." He must not be "legalese" for laymen will not understand him and even fellow members of the bar will have a hard time trying.

How to write an opinion for a client in a proper manner was explained by the author. He stressed that a lawyer must not write an opinion to persuade the client but must lay down the bare knuckle of the law. The writer must dispel from his mind whatever presumption he may have that he is writing an essay or a law journal article. Again, the use of simple non-legalistic