

## Book Review

Reviewed by G. W. HAIGHT of New York.

**The Treaty Trap: A History of the Performance of Political Treaties by the United States and European Nations.** By Laurence W. Beilenson, assisted by Bernard M. Dain. Public Affairs Press, Washington, D.C. 1969. Pp. 344. \$7.

As indicated by its title, the theme of this book is that treaties are treacherous instruments and nations rely on them at their peril. Some types of treaties, however, described by the author as those dealing with disarmament, extradition and a "host of others," are excluded. The book focuses mainly on the performance of pledges to aid in war and to make and keep peace. A primary concern is the prospect of a disarmament treaty with the Soviet Union which would require the American people to "choose between two tools to prevent war—armed might in being and a disarmament treaty to keep the peace."

In the development of his theme, the author ranges from the treatment of the Hivites in the 34th chapter of Genesis in the Old Testament, and the Peloponnesian War as described by Thucydides, to the contemporary problems of Southeast Asia and the nuclear disarmament talks with the USSR. Most of the detailed survey relates to the three hundred odd years following the Treaty of Westphalia in 1648.

The political treaties of this period deal with pledges not to subvert, with alliances, subsidies, economic sanctions, war settlements and guarantees, and with keeping the peace and disarmament. While admitting that many international arrangements in these categories serve a useful purpose, the author points to an overwhelming record of non-observance and repudiation. As a result, he warns that this type of treaty is a trap in which those who rely on it for security will suffer from their failure to learn the lessons of history.

The extensive analysis of political treaties made in Western Europe and North America during the last three centuries constitutes a backdrop for an

exposition of views on current proposals to eliminate nuclear weapons. Recognizing the likelihood of attempts to violate whatever treaty may be concluded, the author warns against reliance on inspection devices. If the United States should destroy its nuclear arsenal pursuant to such a treaty, it would be following the course of the Hivites in the Old Testament. "One successful breach of such a treaty would be fatal to this country." Despite the arguments in favor of nuclear disarmament, history "predisposes to a distrust of words." The only humor, the author says, in reading the pompous language of treaties is in noting the ironic repetition of "verbose secular moralizing." The "more unctuous the language, the surer the breach."

Whatever may appear to be the feasibility or desirability of reaching an accord on limiting the maintenance and use of nuclear weapons, the review in this book of past treaty violations is not without interest and significance. The collection of more than one thousand references to treaties and accessions to treaties should be useful to practitioners and scholars in this field. As Professor Kintner says in the Foreword, the author "has made a unique contribution toward a clearer understanding of the efficacy of treaties as an instrument of state policy" and "has produced the only collection of citations to the text of every important European and American political treaty from 1661 to 1965." The lengthy bibliography should also be of great assistance.

The problems of war and peace are again of immediate concern to the people of the United States and elsewhere. With this country trapped for six years in a costly conflict in Asia and with another threatening in the Middle East, the question of what role peace and guarantee treaties can play is again in the forefront. May the parties to such commitments justifiably rely on them for the maintenance of peace? Or, should they, as the author of this book cautions, reflect on the lessons of history and consider alternatives?

Treaties have never solved the problems of relations among states and peoples, but they will persist, as do national constitutions, so long as mankind aspires to a legal order in preference to anarchy. The question is not so much whether treaties should be avoided as how to avoid reliance on them and how to maintain the necessary vigilance to ensure their observance and to protect the community in the event of breach.

It is indeed essential to understand the lessons of history and to benefit from past mistakes. *The Treaty Trap* is a good guide to the past and issues a salutary warning for the future.

## **ALI-ABA JOINT COMMITTEE ANNOUNCES EIGHT COURSES OF STUDY FOR FALL SEMESTER**

New York City, Washington, D.C., San Francisco, Los Angeles, Philadelphia, and Vancouver, B.C., will Host Legal Symposia

The ALI-ABA Joint Committee on Continuing Legal Education today announced the fall-semester schedule of its Courses of Study for lawyers.

Eight intensive programs lasting three days each will be presented in six cities spanning the continent. Course topics will treat up-to-the-minute developments in atomic energy law, federal tax procedure, real estate, drug crime, leasing, deferred compensation, and environmental law.

The Course of Study on *Defense of Drug Cases* will be given twice—October 15 through 17 in Los Angeles, and November 12 through 14 in New York City; all other programs will be presented just once.

In addition to unveiling the Course schedule, the ALI-ABA Joint Committee has introduced a new subscription policy for Courses of Study—the Semester Plan. Under the Plan, an individual or any member of a firm, legal department, etc., may attend any five Courses of Study during the fall semester for \$625, a considerable saving against the single-Course fee of \$225. A valuable feature of the Semester Plan is the subscriber's option to take the cassette tape recordings of a Course of Study in lieu of attending it in person.

Subscribers to the Semester Plan and persons registered for individual Courses will receive extensive study materials prepared specially for each program; in neither case do attendance fees cover hotel accommodations which must be made by the registrant.

The first ALI-ABA Course of Study this fall, *Atomic Energy Licensing and Regulation*, will have a distinguished sixteen-member faculty drawn from government, industry, private practice, and the law schools. This Course will convene at The Shoreham Hotel in Washington, D.C., September 10 through 12. Other Courses announced are:

*Federal Tax Procedure—From Audit Through Litigation* at the New York Hilton in New York City, September 24 through 26.

*The Analysis and Documentation of Modern Real Estate Transac-*

*tions—Current Problems and New Perspectives* at the Bayshore Inn in Vancouver, B.C., October 15 through 17.

*Defense of Drug Cases* at the Century Plaza Hotel in Los Angeles, October 15 through 17, and at the New York Hilton in New York City, November 12 through 14.

*Commercial and Residential Leasing Practices in the 70's* at the Marriott Motor Hotel in Philadelphia, October 22 through 24.

*Pension, Profit Sharing, and Other Deferred Compensation Plans* at the Fairmont Hotel in San Francisco, December 2 (evening) through 5.

*Environmental Law* at the Smithsonian Institution in Washington, D. C. January 28 through 30.

For further information on ALI-ABA Courses of Study, please contact Paul A. Wolkin, Director, or Donald Maclay, Assistant Director, Joint Committee on Continuing Legal Education, 4025 Chestnut Street, Philadelphia, Pa., 19104; telephone: 215-287-3000.

*Israel Conference*—The joint conference of the American Bar Association and the Israel Bar, originally scheduled for the Easter weekend of 1970, has now been rescheduled for February 8–10, 1971 in Tel Aviv, Israel. The conference, being organized by the Section of International and Comparative Law, on the *Legal Aspects of Doing Business in the United States and in Israel*, will be co-sponsored by the Government of Israel's Investment Authority with an impressive list of speakers both from the Israeli side and the U.S. side.

Special arrangements have been made with Foreign Tours, Inc., 500 Fifth Avenue, New York, New York 10036, for a combined sightseeing tour and attendance at the conference, leaving the United States February 4th and returning from Israel on February 15th. Further details can be obtained directly from Foreign Tours, Inc.

## THE INTERNATIONAL LAWYER'S CALENDAR

All ABA activities shown in boldface

1970

*For information write to:*

(Date not yet selected)	Meeting, Committee of Experts on Inco-Terms, UN Commission on International Trade Law, New York or Geneva	United Nations, New York
(Date not yet selected)	Meeting, Committee of Experts on Shipping Legislation, UN Commission on International Trade Law, New York or Geneva	United Nations, New York
(Date not yet selected)	Meeting, Working Group on Arbitration, UN Commission on International Trade Law, New York or Geneva	United Nations, New York
(Date not yet selected)	Annual Meeting, International Committee of Comparative Law, Moscow	c/o International Association of Legal Science, High Cliff, Eden Park Lancaster, England
(Date not yet selected)	International Academy of Comparative Law, Athens, Greece	Prof. W. J. Wagner, Indiana Univ. Law School Bloomington, Ind. 47401
(Date not yet selected)	Law Association for Asia and the Western Pacific (Lawasia), Conference, Tokyo, Japan	J. H. Wooten, Q.C. Secretary-General Temple Court, 75-85 Elizabeth St., Sydney, N.S.W., Australia
Sept. 2-5	Intergovernmental conference for setting up a European System for granting patents; Working groups, Luxembourg.	
Sept. 6-13	8th International Congress of Comparative Law, Pescara, Italy	Pro. J. N. Hazard c/o Columbia University Law School, New York, N.Y. 10027 (By invitation only)
Sept. 7-11	International Fiscal Ass'n, Annual Congress, Brussels, Belgium	Harold S. Sommers, Esq. Sec'y., 280 Park Ave., New York, N.Y. 10017
Sept. 9-11	Intergovernmental conference for setting up a European System for granting patents; Working groups, Luxembourg	

Sept. 14-17	International Assoc. of Labor Law and Social Legislation, Warsaw, Poland	Prof. Benjamin Aaron, University of California at L.A., Los Angeles, California
Sept. 16-18	Meeting of plenary committee of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPET), Geneva, Switzerland	Secretariat, 32 chemin des Colombettes, 121; Geneva, Switzerland
End of Sept. to first of Oct.	External Programme of Hague Academy of Int'l Law, Teheran, Iran	For information write to Hague Academy, Peace Palace, The Hague, Netherlands
Sept.-Oct.	Meeting, UN Advisory Committee on the UN Program of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, New York	United Nations, New York
Oct. 6-8	Intergovernmental conference for setting up a European system for granting patents; Working groups, Luxembourg	
Oct. 6-9	United International Bureaux for the Protection of Intellectual Property (BIRPI); meetings of Joint Ad Hoc Committee on the International Classification of Patents and of the Council of Europe; Madrid, Spain	Secretariat, 32 chemin des Colombettes, 121; Geneva, Switzerland
Oct. 6-10	Meeting on the organization and administration of industrial property offices (BIRPI/UNIDO), Vienna, Austria	Secretariat, 32 chemin des Colombettes, 121; Geneva, Switzerland
Oct. 19-24	International Association for the Protection of Industrial Property (IAPIP); meeting of Executive Committee, Madrid, Spain	
Oct. 21-23	U.S. Antitrust Laws and European Enterprises Seminar, Cologne, Germany	Dr. John A. Robertson, Program Director, Practicing Law Institute of New York, 1133 Avenue of the Americas, New York, N.Y. 10036 or Secretariat, Theodor-Heuss-Ring 26, Koln 1, Germany
October	5th Congress, International Society for Military Law and Law of War, Dublin, Ireland	Col. A.J. Cullen, c/o Army Headquarters, Parkgate St., Dublin 8, Ireland

Nov. 23-27	United International Bureaux for the Protection of Intellectual Property (BIRPI); meetings of Joint Ad Hoc Committees on the International Classification of Patents and of the Council of Europe; Geneva, Switzerland	Secretariat, 32 chemin des Colombettes, 121; Geneva, Switzerland
Dec. 7-8	Meeting of technical coordination Committee of ICIREPET, supra, Geneva, Switzerland	Secretariat, 32 chemin des Colombettes, 121; Geneva, Switzerland
Dec. 14-18	United International Bureaux for the Protection of Intellectual Property (BIRPI); meetings of Joint Ad Hoc Committee on the International Classification of Patents and of the Council of Europe; The Hague, Netherlands	Secretariat, 32 chemin des Colombettes, 121; Geneva, Switzerland
<i>1971</i>		
(Date not yet selected)	Inter-American Bar Ass'n. Biennial Conference (place to be selected)	John O. Dahlgren, Esq. Sec'y-General, 1730 K St., N.W., Washington, D. C. 20006
Jan. 18-22	Conference, Law Association for Asia and the Western Pacific, Manila, Philippine Islands	174 Philip St., Sydney, N.S.W. Australia
Mar.-Apr.	Meeting, UN Commission on International Trade Law, Geneva	Palais des Nations, Geneva, Switzerland
May-June	Meeting, UN International Law Commission, Geneva	Palais des Nations, Geneva, Switzerland
July	International Meeting, National Association of Women Lawyers, London	Mrs. Barbara May 1155 E. 60th St., Chicago, Ill. 60637
July 1-10	<b>Section Meeting of International and Comparative Law Section, ABA, New York</b>	<b>Hon. Malcolm H. Wilkey, Secretary, U.S. Court of Appeals Judge, U.S. Court of Appeals, Washington, D.C. 20001</b>
July 12-16	<b>Section Meetings of International and Comparative Law Section, ABA, London, England</b>	<b>Hon. Malcolm H. Wilkey, Secretary, U.S. Court of Appeals Judge, U.S. Court of Appeals, Washington, D.C. 20001</b>
Oct. 4-8	International Fiscal Ass'n., Annual Congress, Washington, D.C.	Harold S. Sommers, Esq., Sec'y., 280 Park Ave., New York, N.Y. 10017
<i>1972</i>		
Aug. 4-11	<b>Section Meetings of International and Comparative Law Section, ABA, San Francisco, California</b>	<b>Hon. Malcolm H. Wilkey, Secretary, U.S. Court of Appeals Judge, U.S. Court of Appeals, Washington, D.C. 20001</b>

1973

Aug. 3-10

**Section Meetings of International  
and Comparative Law Section,  
ABA, Washington, D.C.**

**Hon. Malcolm H. Wilkey,  
Secretary, U.S. Court of Appeals  
Judge, U.S. Court of Appeals,  
Washington, D.C. 20001**