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Book Notes

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BOOK NOTES

EL DERECHO, DE LOS ESTADOS UNIDOS DE AMERICA, INSTITUCIONES JUDICIALES, FUENTES Y TECNICAS. By Tunc, Andre and Suzanne, translated from French by Javier Elola, published by Instituto de Derecho Comparado, Mexico, 1957, Pp. 675.

This work on the law of the United States, now available in a Spanish translation, is one of three scholarly volumes published recently in French. The one translated here, "Le Droit des Etats-Un's d'Amérique, Sources et Techniques" (1955), deals with the Constitution of the United States—its history and the present law. This Spanish edition is not merely a simple translation. The important discussion on the judiciary, from the volume on constitutional law, has been brought up-to-date.

It could be said the work became a classic almost over night. Professor Yntema, recognizing the merits of the work, pointed out that it is a "model of logical arrangement, clarity of exposition, attention to detail, comprehensive summation of large literature, and sympathetic yet critical appreciation of each topic" which gives the book "a conspicuous place in the series of notable works."¹

The work in its present arrangement contains the following parts: the federal and state judiciaries and their interrelations; sources of law and techniques of their use, particularly the theory of precedents and the general theory of statutory and common law; and a valuable description of "formal sources," i.e., what we would call an introduction into legal bibliography. Added as an appendix is a bibliography prepared under the auspices of the UNESCO which contains numerous items published in Spanish.

At a time when interest in American common law is growing and traditional aversions happily are being overcome, the volume is the most welcome contribution toward the mutual understanding between the two main systems of law in the Western Hemisphere. Professor Elola, who translated the volume, should be congratulated, as should the Institute under his direction. Translation and publication have proved to be the right action at the right time.

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1. 5 AM. J. COMP. L., 673, 676 (1956).

REFORMAS Y TENDENCIAS CONSTITUCIONALES DE LA AMERICA LATINA (1945-1956). By Jose Miranda, published by the Instituto de Derecho Comparado, Mexico, 1937, Pp. 305.

The author has divided his study into two parts. The first contains a description of constitutional changes during the period under discussion arranged in alphabetical order by countries. Among other changes, the important events in Argentina (1956), Guatemala (1956), Uruguay (1952) and Venezuela (1947 and 1953) are noted. Mexico does not appear, apparently because in the author's evaluation recent amendments to the 1917 Constitution are of minor importance and do not merit inclusion. The 1952 Cuban constitutional change is treated lightly because of its "provisional nature."

In the second part, the author attempts an integration of these developments in order to determine common trends behind them. Through such analysis the author has identified three groups of causes. First, there are tendencies common to the Western World, among others the inclusion into constitutional texts of social and economic principles, the strengthening of law enforcement, the adoption of certain rules of international law, and the economic intervention by the state. The second group includes factors common to Latin American countries which arise out of their constitutional climate, such as nationalism, struggles for democracy, broadening of the right to vote, enforcement of human rights, strengthening of local government, establishment of specialized courts and normalization of finances and public administration. In the third group the author lists factors particular to specific Latin American countries—agrarian problems, questions involving indigenous populations and tendencies toward a parliamentary system.

In spite of the fact that the study is based mainly on constitutional texts and, therefore, appears to be more legalistic than realistic, it represents a useful and informative contribution to the few works on comparative Latin American constitutional law.

S. A. BAYTCH

LEGITIMIDAD DE LA CONSTITUCION DE 5 DE FEBRERO DE 1857. By Margarita de La Villa De Llano, Mexico, D. F. 1957. Pp. 96.

This thesis, published appropriately at a time when Mexico is celebrating the centennial of its 1857 Constitution, generally discusses two main problems: First, the general notion of what a constitution is, and second, the particular aspect of the validity of a constitution resulting from a revolution. Against this theoretical part of the thesis, Margarita de la Villa de Llano analyses and evaluates the 1857 Mexican Constitution, giving an

outline of the political context in which the constitutional convention assembled and worked, with its characteristic features and the leading principles followed in its drafting. In addition, the writer gives her point of view as to the legality of the constitution so adopted.

The study is carefully written and well documented. It represents a valuable addition to the ever increasing discussion¹ of this period of Mexican constitutional struggles.

INVESTMENT IN MEXICO, CONDITIONS AND OUTLOOK FOR UNITED STATES INVESTOR. By the U. S. Department of Commerce, 1956. Pp. 179. \$1.25 prepaid.

The series prepared by the Bureau of Foreign Commerce on investment in foreign countries now offers a few volumes dealing with Latin America, namely Colombia, Cuba, Paraguay, Venezuela and Mexico.

The volume on Mexico follows the well established and useful arrangement developed throughout the series. As an introduction basic information is given on Mexico, from its geographic characteristics, resources, population and income to the government and its powers over the national economy, particularly in regard to foreign investments. Additional information of a legal nature is given on labor legislation, taxation, banking, immigration and many other topics. More detailed particulars are offered on the main branches of the Mexican economy and the opportunities for investors in agriculture, forestry, mining, coal, oil, electricity, manufacturing and transportation.

Because of reliable, well organized documentation and unbiased presentation, the publication is a valuable source of information not only for investors but for everyone who would like to learn about the Mexican economy and its various legal aspects.

S. A. BAYTCH

1. E.g., ZARCO, *HISTORIA DEL CONGRESO EXTRAORDINARIO CONSTITUYENTE (1856-1857)* (1956).