There is a tension in extradition law between the co-operative function of securing the return of fugitive criminals from one State to another and its protective function in ensuring that only those who fall within the terms of the extradition law are removed to a foreign State to face trial or incarceration. The general trend, by treaty, by legislation and by judicial decision, seems currently to favour the co-operative end, with the fugitive left to run his arguments as to why he should not be convicted or punished in the courts of the requesting State. It is, perhaps, not a coincidence that fugitives increasingly seek protection from international human rights bodies when they feel that national courts fall in too readily with the requests from foreign States that they be returned. Most Irish extradition practice concerns requests from the UK and recently, of course, much of that practice has involved requests for fugitives accused of or convicted of paramilitary violence. Irish–UK extradition is not treaty-based and there is not, therefore, an international agreement on which courts could rely to reinforce the co-operative end of extradition, in the way that English courts have sometimes done. The result is that the protective element in Irish law is prominent, to the extent that the judgment of the Supreme Court in *Aamand*, in which the extradition of a Dane accused of extraterritorial drug-trafficking offences was refused, was expressed in terms which raise the possibility of Ireland becoming a safe haven for such people. Forde is critical of the judgment, though it is surprising that he takes so wide a view of section 15 of the Extradition Act that an obvious route is excluded of mitigating the effects of the judgment.

The book on UK law has to deal with the complexity which arises from the multiplicity of extradition arrangements, which the 1989 Act consolidated but hardly simplified, though it did make certain matters on remedies much clearer. Forde gives an account of these matters which draws attention to the salient differences between the ways in which extradition from the UK is dealt with without becoming obsessively concerned with the details of the distinctions. He properly devotes a good deal of attention to double criminality but the contrast between the old and the new law might bear even stronger emphasis. *Aamand* has shown the importance of good technique in resolving questions of double criminality for extraterritorial offences. *Reyat* might with advantage have been added to the UK authorities considered.

These books are testimony to the clarity of Forde's exposition and, in the Irish book particularly, to the fertility of his imagination in fashioning arguments on the interpretation of the law. His experience as a constitutional lawyer serves him well in the treatment of the Irish cases but, in the absence of a written constitution and given the modest domestic effect of the European Convention on Human Rights in domestic law, it is a skill which avails less in relation to the UK.

The books are generally well produced but it is a pity that so many case names are misspelled and that case names and authors' names are identically italicised, which confuses the nature of the source being cited.

COLIN WARBRICK

The Spirit of Roman Law. By ALAN WATSON. [Athens, Ga./London: University of Georgia Press. 1995. xix + 241 pp. ISBN 0–8203–1669–5. £45]

WATSON's writing and thought are clear and striking. He makes obvious things always known but never seen in focus. This book (which is also the first of a series he is editing) has as its aim to describe and, where possible, account for the features which make each legal system unique. Inevitably a reviewer has quibbles, but none fundamental.

Watson's thesis is that Roman law was distinctive, first, in its extreme concentration on private law and, second, in its development largely by jurists whose authority was not dependent on holding governmental office. The first feature he explains as due to the circumstances surrounding the publication of the legislation known as the XII Tables in the mid-fifth century BC. The plebeians wanted access to the law and its administration; the

patricians yielded on private law and civil procedure, but retained a monopoly of sacral and public law. Thus, for the citizen body as a whole, law meant private law.

Interpretation of this law was entrusted to the small college of pontiffs, who would always also have held high secular office. After 300 BC secular jurists emerged, but they came from the same Top 300 of the Senate. Their personal authority was sufficient to provide undisputed (except among themselves) interpretation of statute, and to influence the Praetor's Edict. This authority survived into the Empire; their opinions and writings continued to make law.

Jurists interpreted rather than reformed for reasons of traditional prestige. Their argumentation, originally concerned with sacral law, was based on internal legal logic rather than circumstances; for example, the SC Silanianum ordered the torture of slaves owned by a citizen murdered in his own home "since otherwise no home can be safe", but a *bona fide* possessor was denied this protection. This reliance on autonomous legal logic explains the continuity over a millennium of Roman law.

O. F. ROBINSON

Taiwan Trade and Investment Law. Edited by MITCHELL A SILK. [Hong Kong: Oxford University Press. 1994. xvi + 691 pp. ISBN 0–19–585289–3. £90]

THIS is a study covering all major aspects of trade and investment law in Taiwan. It is the product of a group of legal practitioners, academics and government officials. All contributors, whether or not American, have had some legal training in the US, which more or less reflects the strong American influence on Taiwan and its current legal system, in particular its commercial law.

The book consists of 29 articles which are further grouped into six chapters. These deal with (1) background, (2) international trade, (3) foreign investment, (4) Taiwan's investment abroad, (5) companies, banking and finance, and (6) dispute resolution. Since the book is prepared primarily for a readership consisting mainly of Western businessmen and their legal advisers, most topics are treated in a direct and concise manner, although each topic is sufficiently discussed and supported by extensive endnotes. The law is stated as at the end of 1993.

The last comprehensive English-language study of Taiwan's foreign trade and investment law was published in 1985 (H. H. P. Ma (Ed.), *Trade and Investment Law in Taiwan: The Legal and Economic Environment in the Republic of China*, Institute of American Culture, Taiwan, 1985). Since then, significant changes have taken place in Taiwan's commercial field, which include a liberalisation of foreign exchange control, a great improvement in the protection of intellectual property rights, a rapid expansion of Taiwan's investment abroad and a fast-growing securities market. All these have necessitated corresponding changes in the law. Also, Taiwan's economy has become "too large to be ignored" by the international community. Therefore, the publication of this book is particularly welcome.

YUAN CHENG

BOOKS RECEIVED

(Inclusion in this list does not preclude review)

INTERNATIONAL LAW AND RELATIONS

AUSTRALIAN NATIONAL UNIVERSITY. *The Australian Year Book of International Law 1994*. Vol.15. [Canberra: Australian National University. 1995. 761 pp. ISBN 0084–7658. No price given]