

LAW IN THE UNITED STATES OF AMERICA IN SOCIAL AND TECHNOLOGICAL REVOLUTION: Reports from the United States of America on topics of major concern as established for the IX Congress of the International Academy of Comparative Law. Edited by John N. Hazard and Wenceslas J. Wagner. Published for the American Association for the Comparative Study of Law, by Etablissements Emile Bruylant, Brussels, Belgim 1974. Pp. 697.

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The purpose of these comments is one of information rather than evaluation—to let our readers know about the Ninth International Congress of Comparative Law and the extent of American participation. This conference takes place every four years and brings together from all over the world jurists who are interested in comparative law. The sponsoring body is the International Academy of Comparative Law, composed of a fairly small group of legal scholars from several different countries. The agenda for each congress is staggering in its range of topics, and during the week of meetings there are always several different sessions going on at the same time. Every participating country is invited to submit a “national report” on each topic, and a general reporter puts together a comprehensive “general report.” At each session, the general report is first presented, then some specific comments by national reporters are followed by open discussion. Most of the reports and speeches are in English or French; there is no simultaneous translation; the patience and sincere efforts of communication and understanding and exchange make for a gratifying and constructive experience.

The Editors’ preface contains an excellent description of the background and significance of the congress and includes the following:

The dynamics of change are evident in all legal systems as legislatures and judges attempt to resolve the tensions of our time created by clashing ideologies and scientific and technical innovation. Prevailing trends in both domestic and transnational relations include, irrespective of men’s commitments to an ideology, recognition of the equality of men, their right to privacy, protection against unrestrained police and prosecutorial officers, expansion of legal services for the indigent, activation of the judge and of a Ministère Public or its equivalent to assure equality of parties before the court, a measure of

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worker participation in industrial management, justice for the foreign worker, restraints on governmental administrators, preservation of the environment against excessive exploitation to the detriment of mankind, discouragement of terrorists and high-jackers, and even protection of tourists against avaricious agents.

Scholars throughout the world recognize as never before that solutions of social problems are elusive and that a search for solution is aided by comparison between systems, not solely of rules but of cultures: legal and otherwise. Technology has made available new instruments such as the computer to accumulate information and the space satellite to speed radio and television signals throughout the world. Jet airplanes lift scholars from their limited environment to attend round tables and congresses where views may be exchanged with similarly concerned colleagues from other lands. With the explosion of means of communication the needs and interests of the human race seem to collide with the traditional territorial organizations of mankind known as the state system, for states have shown themselves too limited a stage for today's actors. Some scholars have concluded that a *jus commune* needs to be revived, difficult as that may be.

In response to this increasing sense of urgency, the International Academy of Comparative Law invited scholars from every land to a congress at which general reporters had the task of analyzing legal rules and social problems in various countries to draw conclusions as to trends in fields of law. National reporters informed them of the situation and trends in their own countries. As part of that process legal scholars in the United States of America assembled materials on the progress of events in their homeland on themes set by an international committee seeking to identify the critical issues of the mid-1970's. It is these reports which are reproduced in this volume, as they were reproduced four years ago at an earlier congress devoted to the problems of that time.

The volume of essays which prompts these observations is the just-published compilation of the 34 American national reports submitted for the Ninth Congress in Iran in September 1974. The only way to show their range and significance is to list the authors and topics.

Section I. *History, Philosophy, Methodology*: Leonard Oppenheim, To What Extent Are Judicial Decisions and Legal Writings Sources of Law? Gray Drosey, The Impact of Scientific and

Technical Progress on the Development of Law; Friedrich K. Juenger, The Role of Comparative Law in Regional Organizations; Hugh J. Ault and Mary Ann Glendon, The Importance of Comparative Law in Legal Education: United States Goals and Methods of Legal Comparison; John Henry Merryman, Comparative Law and Scientific Explanation.

Section II. *Civil Law, Conflicts of Law, Civil Procedure*: John G. Fleming, Exculpatory Clauses; Dale Beck Furnish, Instalment Sales; F. F. Stone, Damage by Mass Media; Harry D. Krause, The Legal Position of Children Born Out of Wedlock; Courtland H. Peterson, The Law Applicable to Multinational Corporations: From the Perspective of the United States; Willis L. M. Reese, Choice of Law in the United States: The Past, the Present and Some Prophecies for the Future; John N. Hazard, The Role of the Ministère Public in Civil Proceedings; Edward D. Re, The Judicial Role in the United States; Curtis J. Berger, Rural Law in the United States.

Section III. *Commercial, Labor, Patent and Air Law*: Alfred F. Conard, Changes in the Capital of Corporations; Ralph Reiser, Tourist Contracts: Emerging Trends Under United States Law; John C. Stedman, Copyright Developments in the United States; Phillip I. Blumberg, Employee Participation in Corporate Decision-Making in the United States: A Summary Review; Peter E. Herzog, The Legal Status of the Foreign Workers; Peter Hay, The Warsaw Convention in Recent United States Case Law.

Section IV: *Constitutional, Administrative and International Public Law*: Stefan A. Riesefeld, International Regional Integration; A.A. Fatouros, National Procedures for Giving Effect to International Agreements; Stephen Gorove, The Protection of Human Rights in Constitutional Law; Kenneth L. Karst, Stable Structures and Evolving Purposes: The United States Constitution in Developmental Perspectives; W. M. Reisman and Gary J. Simson, Compacts: A Study of Interstate Agreements in the Federal System of the United States; W. J. Wagner, The Right of Privacy and its Limitations in the U.S.A.; Ludwik A. Teclaff, The Role of the Executive Branch in Protection of the Environment in the United States; Clark Byse, The Availability and Scope of Judicial Review of Administrative Action by Ordinary Courts.

Section V: *Criminal Law and Procedure*: Stanley Z. Fisher, Criminal Liability for Negligent Conduct in the United States; Alan Dershowitz, Indeterminate Sentencing as a Mechanism of Preventive Confinement; Keith S. Rosenn, Right of Compensa-

tion for Detention Prior to Acquittal; Richard L. Braun, *Res Judicata in Criminal Law*; M. C. Bassiouni, *The Privilege Against Self-incrimination: A Historical Analysis and Contemporary Appraisal*.

Section VI: *Special Section: Resources*: Peter B. Maggs, *Unification of Methods of Legal Automation*.

The total agenda includes even more topics than the foregoing, and each country submits whatever number of reports it can get contributors to prepare. The practice of publishing the national reports of a particular country was started some time ago, and this is the second such volume of American reports. While the topics are quite diverse, the essays are sufficiently numerous to reflect a fairly comprehensive picture of our important legal developments. Thanks are due to the American Association for the Comparative Study of Law for undertaking the responsibility of this publication, and to the Editors John N. Hazard and Wenceslas J. Wagner for carrying out the project so successfully.