

4-1-1962

International Claims: Their Adjudication by National Commissions. By Richard B. Lillich.

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Recommended Citation

William L. Griffin, *International Claims: Their Adjudication by National Commissions. By Richard B. Lillich.*, 11 Buff. L. Rev. 685 (1962).
Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol11/iss3/11>

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BOOK REVIEW

INTERNATIONAL CLAIMS: THEIR ADJUDICATION BY NATIONAL COMMISSIONS.

By Richard B. Lillich. Syracuse: Syracuse University Press, 1962. Pp. 140. \$5.00.

In international legal circles one occasionally hears lamentations for the passing of the "golden age" of international claims adjudication by international claims commissions. There comes to mind, for example, the Mixed Claims Commission, United States and Germany, established pursuant to the Agreement of August 10, 1922 between the United States and Germany and the Claims Commission, United States and Mexico, under the Convention of September 8, 1923 and subsequent conventions between the United States and Mexico.

There can be no doubt that the literature of international law has been greatly enhanced not only by the richness of scholarship and variety of subject matter of the written opinions by the Commissioners of such International Commissions, but also by the numerous scholarly books and articles concerning the jurisprudence and procedure of such commissions.

There can also be no doubt that there will not again be the proliferation of international claims commissions which occurred in the era between the two World Wars. In the sixteen years since the end of World War II there has been throughout the world a dozen or more international claims settlement agreements pursuant to which a lump-sum claims fund has been established out of which individual claims have been paid pursuant to awards of a domestic or national claims commission. While this practice is not new, there is every indication that it will continue to grow in favor. Since World War II the United States has been a party to a half dozen such agreements and all indications are that future claims settlements will follow the same pattern. This trend has served to underscore all the more paucity of scholarly writing concerning the jurisprudential and procedural aspects of the adjudication of international claims by national claims commissions. It is to be hoped that the book presently under review marks the beginning of—in the author's words—"future grass-roots research in this area on an enlarged and comparative basis."

This slim volume is limited in its scope to the United States experience with the national claims commission as a procedural device for the settlement of international claims.

The principal defect of this book is its brevity—only four short chapters entitled, respectively, "History," "Organization," "Jurisprudence" and "Evaluation of National Claims Commissions."

A secondary defect of the book, at least to the mind of this reviewer, is that the subject matter is not as well organized as it might have been. Thus,

for example, in Chapter II only the first subsection deals with the organization of national claims commissions. The second subsection is titled "Operations of National Claims Commissions," but nearly half of it is devoted to the legislative history of judicial review of decisions of the current Foreign Claims Settlement Commission. And the third subsection deals with the history of review by the courts of commission decisions from the earliest times to the present. It would have been better to incorporate all this material into a separate chapter on judicial review.

The principal virtues of this book are two: first, that such a book has been written; second, the enumeration in Chapter I of the numerous instances in which the United States has resorted to national claims commissions (with copious footnotes to original sources).

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