

makers, for whom this book is intended to serve as a resource, will know how to find in them a broader understanding of the existing provisions.

*Swiss Institute of
Comparative Law*

Jarmila Looks

Wälde, Thomas W. (ed.). *The Energy Charter Treaty: An East–West Gateway for Investment and Trade*. London, The Hague, Boston: Kluwer Law International Ltd., 1996. Pp. xxvii, 678. Index. \$265.

The Energy Charter Treaty ('ECT'), signed on 17 December 1994, was negotiated in the early 1990s during the course of, and in response to, the redrawing of the political map of Eastern Europe and the former Soviet Union. The ECT originated as a mechanism for accelerating economic recovery and free market reforms in Eastern Europe and the former Soviet Union, while at the same time opening up investment opportunities for Western energy corporations and advancing the energy security requirements of Western Europe. It is a multilateral treaty, limited in scope to the energy sector (defined as coal, electrical energy, natural gas, petroleum and petroleum products, nuclear energy materials, fuel wood and charcoal). The ECT establishes obligations, in some cases binding and in other cases best efforts, relating to investment protection, trade, transit, competition and environment. At the time of publication of this book, the ECT had been signed by 49 countries, primarily in Europe and the former Soviet Union, plus the European Community, and awaits ratification by a total of 30 signatories before coming into full force and effect. The United States has not signed the ECT, and this fact is highlighted in the book as a major weakness of the ECT, particularly because most transnational energy corporations are headquartered in the United States.

The book is divided into 27 chapters, each written by a different author. Most of the authors are international law practitioners or academics from Europe and the United

States, although there are also chapters by several energy economists and one transnational energy corporation executive. The volume contains a foreword by Ruud Lubbers who, as Prime Minister of the Netherlands, first proposed to the European Council the initiative which ultimately led to the ECT. The editor, Thomas Wälde, provides a short preface to the book, as well as the most comprehensive examination of the ECT from an investor's perspective to be found in the book. The full text of the ECT and accompanying decisions and protocol are reproduced as appendices.

As Thomas Wälde indicates in his chapter on international investment under the ECT, the ECT is '... a complex instrument hermetically protected from easy access and understanding, and basically inaccessible to non-specialists'. The book's principal strength lies in its provision of expert analysis, often from different perspectives, of the historical context of the ECT, of the differing positions of key participants involved in negotiating the ECT, and of the most important provisions of the ECT. For the most part, the book is quite legalistic, more oriented to legal academics and international law policy analysts than to legal advisers or to executives of transnational energy corporations. In addition, there is a considerable amount of replication among the various chapters which detracts from the overall utility of the book. Its detailed index, however, will help the reader in mining the many interesting perspectives and insights contained in the book.

Harvard Law School

James Bell

Tuttle, William M., Jr. *'Daddy's Gone to War': The Second World War in the Lives of America's Children*. Oxford, New York: Oxford University Press, 1995.

During the 1996 American presidential campaign, much was made of the fact that Senator Robert Dole, the Republican candidate for President, was almost certainly the last veteran of the Second World War who would stand for the presidency. Although

Dole's candidacy symbolized the closing of a 50-year era in politics dominated by men who had served in the War, it does not mark the end of the Second World War as a significant personal event in the lives of political and foreign policy elites. In an interesting and thoroughly entertaining piece of interdisciplinary research, William Tuttle demonstrates that Americans who were born or came of age during the Second World War were as profoundly affected by the experience as those in military service. Now aged 55–65 and entering the last years of their working lives, these 'homefront children' will remain a dominant force in American political and foreign policy decision-making for the next decade. In *Daddy's Gone to War*, Professor Tuttle gives this uniquely situated demographic cadre a thorough psychological and historical scrubbing.

In the introduction to *Daddy's Gone to War*, Professor Tuttle (a 'homefront child' himself whose father served for three years as a combat thoracic surgeon in North Africa and Europe) describes how this project developed over 25 years. Although a history professor, he dedicated three separate years of concentrated study at Kansas, Stanford and Berkeley to developmental psychology. However, the author admits that after these three years of intensive study and several more years of research, his resulting 600-page history of America's homefront children was 'one-dimensional and boring'. To salvage the work, Professor Tuttle wrote to the editors of 100 newspapers, requesting assistance in soliciting reminiscences from readers who were homefront children. When joined with the author's thorough skills as a historian and his later-acquired knowledge of child psychology, the 2,500 responses he received have yielded an insightful and useful cross-disciplinary study. It is the personal stories of these now-ageing homefront children — albeit unscientifically collected (and the author admits as much) — that broadens the appeal of this work from the narrow world of social historians to a much wider audience of informed readers.

Beginning with the fear and confusion engendered in children by the profound emo-

tional impact of Pearl Harbour, the author paints with a broad brush for the succeeding 14 chapters, ranging over subjects as diverse as departing fathers, changing households, nutrition and health, war worker mothers, Saturday matinee newsreels, comic books and homecoming reunions. Interesting as these topics are, particularly for those of us who are the children of homefront children, the book's broader appeal stems from Professor Tuttle's facility in weaving his descriptive narrative of child psychological development into the vast social and political changes overtaking a major industrial nation at war. The author neatly ties the micro-effects of war and mobilization on a child's individual development — and the personal reminiscences poignantly underscore this — to such profound changes in American society as the dilution of ethnic self-identification, the acceptance of state-sponsored child care, the conversion of America from a rural to an urban nation, or the undermining of traditional gender roles. Although sometimes breathtaking in his sweep, the author carries us with him as he draws his convincing and compelling connections. Because of the author's ambitious vision, there is much here for anyone interested in present-day American politics, foreign policy, culture or society.

The work is not without minor faults. Not surprisingly, Professor Tuttle is most sure of himself when writing social history, and this shows through in his narrative. He occasionally adopts a rather remedial tone when discussing developmental psychology, as if needing to reassure himself and his readers that he really does understand the subject. This is more distracting than helpful. Additionally, the narrative is sometimes jerky, revealing what are apparently the points of the editor's excisions. Since the author managed twice the number of pages before adding the distillation of 2,500 personal memoirs, one suspects that *Daddy's Gone to War's* resulting 260 pages of text were the result of some brutal red-pencilling. Unfortunately, in some subject areas like gender or race, we are left a little unsatisfied with our certain knowledge that Professor Tuttle has much more of

interest to say on these matters. Coupled with some remarkably unappealing and unrevealing cover notes, one is left expecting better from Oxford University Press.

Although not a 'must-read' for anyone other than twentieth-century American social historians and childhood psychologists, Professor Tuttle has offered up a truly useful work that can provide an invaluable context for anyone interested in American foreign policy-making and politics in the 1980s, 1990s, and beyond. Additionally, we are given a brief but well-crafted overview of some pioneering work by a skilled historian. Particularly in the areas of ethnic identification and political socialization, one hopes that the author will produce other similar books.

Harvard Law School Jeffrey K. Walker

Hobe, Stephan (ed.). *Die Präambel der UN-Charta im Lichte der aktuellen Völkerrechtsentwicklung*. Berlin: Duncker & Humblot, 1997. Pp. 161.

This collection of essays constitutes the outcome of a symposium on the occasion of the 60th birthday of Professor Jost Delbrück of the University of Kiel. In the foreword, Dr Stephan Hobe (Kiel) introduces one of the main topics of the following essays. In his view, the Preamble constitutes a normative binding programme ('*normativ voll verbindliches Programm*'). Some contributors, including Professor Karl-Ulrich Meyn (Jena) and Dr Hobe himself, place their emphasis on the legally binding nature of the Preamble. In the opinion of others, such as Professors Hans-Joachim Schütz (Rostock) and Eibe Riedel (Mannheim), the Preamble rather contains aspirational ethical standards and basic values in need of concretization by legal rules.

The political scientist Professor Klaus Dicke (Jena) interprets the affirmation of faith in fundamental human rights as an express rejection of a positivist understanding of law towards an almost liturgical reaffirmation of common values and principles. He draws two concrete inferences from this interpretation: a plea for universal common interests against

national interests, and a statement in favour of the universality of human rights, which should in his opinion not be diluted in endless dialogue.

All the authors of this volume — with the notable exception of Professor Dicke — seem to feel at ease with an explicit Judeo-Christian understanding of the values underlying the Charter. Even if this may well be historically accurate, one would have liked to find a bit more on the problem of universality in light of the current discussion on fundamentalism and the threat of a 'clash of civilizations', especially in the contribution by the theologian Professor Lutz Rendtorff (Munich) on the ethical foundations of the Preamble. In line with this uncritical 'Western' standpoint is the optimism with which most authors see current developments, especially concerning the new role of the Security Council (Professors Dicke, Meyn and Riedel, Dr Hobe). Several contributors argue in favour of a broad, 'positive' reading of the notion of peace in the Preamble and in Chapter VII of the Charter.

Taking up a term coined by, among others, Professor Delbrück, several contributors aim at the establishment of a 'world internal law' dealing with human, not only state concerns. With its emphasis on human values, the Charter Preamble certainly constitutes the appropriate legal basis for such an endeavour — which, of course, takes us back to the discussion on its legal significance. Dr Ursula Heinz (Kiel) and Dr Hobe even go so far as to plead for an international corollary of the German constitutional 'social state principle'. Dr Heinz emphasizes the continuity of the UN world conferences and the implementation of the new Law of the Sea with the ambitions for a new international economic order of the 1970s, notwithstanding the change of economic philosophy which has taken place since. Applying Rawls' 'difference principle' to the international sphere, Dr Hobe argues that the Charter Preamble indirectly contains a similar approach to international distributive justice.

In his remarkable closing article, Professor Schütz uses the relationship between change and persistence, according to Luhmann's