

The Teacher in International Law: Teachings And Teaching

death penalty, fines, deprivation of political rights, confiscation of property, and, especially for foreigners (*strangers*), deportation), and judicial discretion in the determination of sentences.

This Code of 1980 is a result of different drafts, and contains more-or-less recognizable aspects of codes from the pre-revolutionary period, articles that are typical of communism, and articles that have been influenced by western codes. As for the last category of articles mentioned: the so-called *have foreseen* test, as required in cases of negligent commission, is known to the western codes, and is laid down in Article 12:

"Whoever have foreseen that his conduct could have possible effect of endangering society, but has failed to prevent such effect from arising due to negligence, or has foreseen the danger but lightly assumed he could avoid it, is guilty of a negligent crime . . ."

Another example can be found in the attempted crime:

"An attempted crime is where a person commences the execution of a crime but is unable to complete it for reasons independent of the will of the offender. Punishment for an attempted offender may be lighter than that for an accomplished offender or may be mitigated." (Article 20).

Unknown to western codes are articles in which analogy is accepted, articles which deal with counter-revolutionary crimes, and in which re-education, for example by public surveillance, is explicitly ordered.

The Chinese Penal Code is quite different from most western penal codes. The introduction to the text of the code in this book is intended to give a better understanding of Chinese criminal law. The 21 pages of introduction deal very concisely with such topics as the legislative history of the People's Republic of China, the general and specific provisions of the Code and the influence of western codes and communism. The writer pays attention to three very arbitrarily chosen subjects: the *nullum crimen sine lege* rule, the death penalty, and counter-revolutionary crimes.

This book makes the Chinese penal code accessible to Western readers. The translation, with the introduction, makes it possible to become acquainted with an interesting discipline of law in a people's republic, which is probably even more interesting. For those who want to make a profound analysis, it provides a good and necessary starting point.

G. Mols

M. LACHS. *The Teacher in International Law (Teachings and Teaching)*, Martinus Nijhoff, The Hague/Boston/London 1982, V + 236 pp., Dfl. 110,-/\$ 47.50, ISBN 90 247 2566 6.

This book is difficult to classify. The author discusses a variety of subjects which may at first sight confuse the reader. The work includes a balanced programme for the study of international law, the author's advice to international lawyers, his views on the function of international law as well as a short history of its doctrine, all of which is interspersed with Judge Lachs's reminiscences on some of the authors whose works he describes. The book as a whole has a highly personal character and may in a sense be called an intellectual self-portrait which depicts the author's relation with his discipline, its past, present and future. While doing full justice to the "teachings" he describes, he expresses his own opinions concisely. For example, in his description of the current debate on the European origin of the Law of Nations, he remarks on the regrettable neglect in traditional history of non-European cultures and even of the developments in Eastern Europe, but con-

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