

# SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE

## ARTICLES

Thoughts on Practicing  
International Law

Richard Young

International Law-Making  
and the Judicial Process:  
The World Court and the  
French Nuclear Tests Cases

Edward McWhinney

A Synopsis of Canadian  
Immigration Law

John Hucker

FESTSCHRIFT FOR  
JULIUS STONE

COMMENTS

BOOKS RECEIVED

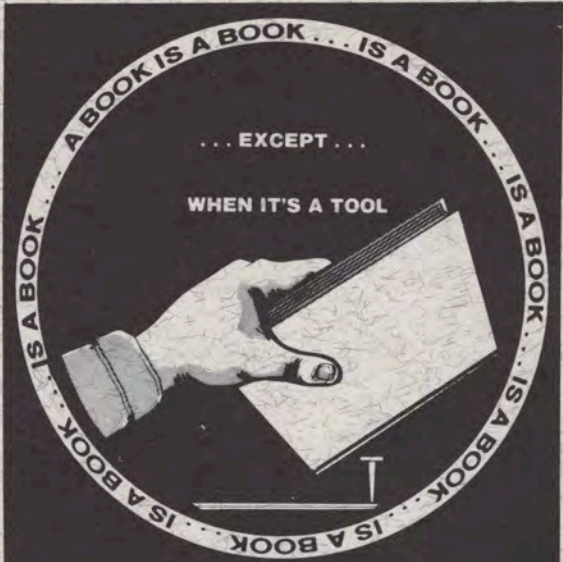


# CONTENTS

- Planning and Taxation of Trusts  
*John R. Cohan*
- Revocable Trusts  
*Robert D. Burch and Ronald E. Gother*
- Permanent Trusts  
*John R. Cohan,  
Paul T. Guinn  
and Sidney Schneek*
- Insurance Trusts  
*Walter C. Schwartz*
- Short Term Trusts  
*Harold Weinstock*
- Trusts for Minors  
*Louis M. Castruccio*
- Charitable Remainder Trusts  
*Joseph R. Lowenstein*
- The Trustee, and Administrative Provisions  
*Albert J. Fink*
- Problems Relating to Administration of Trust Assets  
*Melvine S. Spears*
- Tax and Conflict Problems of Multi-State Inter Vivos Trusts  
*Geraldine S. Hemmerling*

Edited By: John R. Cohan  
and Geraldine S. Hemmerling

1 Volume — 1975 —  
771 pages — 6 x 9 Hard Cover



## INTER VIVOS TRUSTS

PLANNING, DRAFTING, AND TAXATION  
is such a book

*A practical estate planning guide with a conservative approach to the law. Prepared by specialists with the draftsman in mind.*

Forms are included



**Shepard's Citations**

P. O. Box 1235, Colorado Springs, Colorado 80901

SHEPARD'S CITATIONS, Box 1235, Colorado Springs, Colo. 80901

Please send me INTER VIVOS TRUSTS for 15 days on approval. In 15 days I will send \$30.00 or I will return the book and owe nothing.

Check here for terms. In 15 days, send \$10.00. One-half the balance is payable in 30 days and the remainder in 60 days. No finance charge. Same return privileges.

NAME .....

FIRM .....

STREET .....

CITY ..... STATE ..... ZIP .....

Subject to acceptance in Colorado Springs, Colorado

---

# SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE

---

## CONTENTS

### ARTICLES

- |  |    |                         |
|--|----|-------------------------|
| Thoughts on Practicing<br>International Law  | 1  | <i>Richard Young</i>    |
| International Law-Making and<br>the Judicial Process:<br>The World Court and the French<br>Nuclear Tests Cases | 9  | <i>Edward McWhinney</i> |
| A Synopsis of Canadian<br>Immigration Law  | 47 | <i>John Hucker</i>      |

### FESTSCHRIFT FOR JULIUS STONE

- |   |     |                           |
|---|-----|---------------------------|
| A Tribute to Julius Stone on his<br>Retirement from the Challis Chair<br>of Jurisprudence and International<br>Law at Sydney University | 79  | <i>L.F.E. Goldie</i>      |
| Introduction  | 81  | <i>Edward McWhinney</i>   |
| The Pragmatic Realism of<br>Julius Stone  | 83  | <i>Milton R. Konvitz</i>  |
| Julius Stone and the Adventure<br>of the Idea of Justice  | 93  | <i>L.F.E. Goldie</i>      |
| Legal Sociology and Historical<br>Materialism   | 103 | <i>Johann J. Hagen</i>    |
| Revolution—A Spiritual<br>Phenomenon: A Study<br>in the History of Ideas  | 111 | <i>Henry E. Strakosch</i> |
| The State as a Secular<br>Phenomenon  | 123 | <i>Erhard Mock</i>        |

The Meaning and Role of Prescriptive and Descriptive Statements: Particularly in the Legal Universe of Discourse	129	<i>Ivanhoe Tebaldeschi</i>
Two Arguments for an Empirical Foundation of Natural-Law Norms: An Examination of Johannes Messner's and Victor Kraft's Approaches	151	<i>Alfred Verdross</i>
On the Objective Foundation of Natural-Law Norms	159	<i>Ilmar Tammelo</i>
The Counter-Formula Method and its Applications in International Judicial Reasoning	165	<i>Gabriel Moens</i>
COMMENTS		
Polemics in the International Court of Justice	183	<i>Timothy C. Mack</i>
International Protection of Computer Programs	205	<i>Dale L. Carlson</i>
Following in Another's Footsteps: The Acquisition of International Legal Standing by the Palestine Liberation Organization	221	<i>Robert A. Fisher</i>
Some Aspects of Quebec's Official Language Act	255	<i>Yvonne W. Rosmarin</i>
Bank Secrecy: The End of an Era?	271	<i>Milton Steven Blaut</i>

BOOKS RECEIVED

# SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE

## EDITORIAL BOARD OF ADVISORS

RENÉ JEAN DUPUY  
Nice, France

NORTHCUTT ELY  
Washington, D.C.

LUKE FINLAY  
New York, N.Y.

VICTOR C. FOLSOM  
Green Valley, Ariz.

MICHAEL W. GORDON  
Gainesville, Fla.

G.W. HAIGHT  
New York, N.Y.

D.H.N. JOHNSON  
London, England

JOHN G. LAYLIN  
Washington, D.C.

MYRES S. McDOUGAL  
New Haven, Conn.

EDWARD McWHINNEY  
Vancouver, Canada

CECIL J. OLMSTEAD  
New York, N.Y.

RICHARD YOUNG  
Van Hornesville, N.Y.

# SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE

---

## 1974-1975 BOARD OF EDITORS

DAVID MARX, JR.  
*Editor-in-Chief*

A. PATRICK DOYLE  
*Managing Editor*

ROBERT L.W. LIU  
CAMPBELL DEMALLIE  
DAVID C. DOUGLAS  
*Proceedings Editors*

CARL CANNUCCIARI  
*Articles Editor*

RICHARD A. PEARSON  
*Notes and Comments Editor*

GARY C. MERCKEL  
JOHN B. SEABROOK  
*Asst. Notes and Comments Editors*

ERIC M. ALDERMAN  
DALE LYNN CARLSON  
*Associate Editors*

## STAFF

GEORGE E. ALBRIGHT  
PAUL BARTLETT  
PETER A. BIEGER  
MILTON STEVEN BLAUT  
ALAN R. CRAIN  
GLORIA M. DABIRI  
ROBERT A. FISHER

DAVID P. HOWE  
TIMOTHY C. MACK  
THOMAS S. MAROUN, JR.  
YVONNE W. ROSMARIN  
LISA R. SPERBER  
SANFORD YOUNG

L.F.E. GOLDIE  
*Faculty Advisor*



Published semi-annually, in the Spring and Fall. Subscriptions are \$6.00 per year (domestic) and \$8.50 per year (foreign). New subscriptions may be ordered through the Managing Editor. The purchase of previous issues may now be arranged also through the Managing Editor. Absent notice to the contrary effect, subscriptions are automatically renewed.

Address correspondence regarding contributions to the *Journal* to Lead Articles Editor, *Syracuse Journal of International Law and Commerce*, Syracuse University College of Law, E.I. White Hall, Syracuse, New York 13210. Each manuscript should be typed and, preferably, triple-spaced. Footnotes should appear at the end of the manuscript. All manuscripts become the property of the *Syracuse Journal of International Law and Commerce*.

Editorial offices are located at the Syracuse University College of Law, Syracuse, New York. Printed by Darby Printing Company, Atlanta, Georgia.

Copyright © 1975 by the *Syracuse Journal of International Law and Commerce*. All Rights Reserved.

Cite: 3 SYR. J. INT'L L. & COM.