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Book Review. Cases and Materials on the Regulation of International Trade and Investment by C. H. Fulda and W. F. Schwartz

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Published under the auspices of the Canadian Branch of the International Law Association, the *Yearbook*, now in its seventh volume, continues to be deserving of a high place in the literature in this field.

ROBERT R. WILSON

BRIEFER NOTICES

Cases and Materials on the Regulation of International Trade and Investment. By Carl H. Fulda and Warren F. Schwartz. (University Casebook Series. Mineola, New York: Foundation Press, 1970. pp. xlv, 796. Index.) This is the fourth casebook on "international transactions" to appear since the course entered the law school curriculum over fifteen years ago. Without attempting radically to revise and restructure the field, the authors try to enhance its unity, which has remained problematic: they collect their materials around two "essential . . . objectives of international commerce": liberalization of trade and development through direct investment. They see its central policy dimension as "the tension between the principle of the free market on the one hand and government intervention on the other." Acutely aware of conflicts of interests and lack of consensus, they rightly assert that "the absence of agreement on such matters is a far more important impediment to economic progress than any shortcomings in existing legal rules" (p. xiii).

The casebook is divided in two unequal parts: the first, largest and, in this reviewer's judgment, best, deals with international trade: it starts with two excellent chapters on antitrust (impact of U. S. law abroad, E.E.C. law, the export exception), then moves to efforts toward trade liberalization and tariff reduction (GATT and the Kennedy Round) and to various "deviations" from free trade (agriculture, national security, escape clauses, dumping, trade preferences for developing countries). The second part deals first with restrictions on direct foreign investment (including again some antitrust problems), then with devices for its encouragement, especially through protection and incentives, and regulation of some of the interests involved.

One particularly attractive feature is the extended coverage of specific cases or problems: 37 pages are devoted to the *Swiss Watchmakers* case, about 55 each to the Kennedy Round and to the oil import program. These are veritable case studies, which significantly enrich the course. The book is further enriched by well-chosen excerpts from economic and legal literature, administrative and legislative reports, and other non-judicial materials. In long detailed textual notes the authors raise questions and pose problems with great sensitivity and acuity of perception.

Two fundamental questions remain. Have the authors managed to bring unity or at least coherence to the fragmented and disparate topics and materials of the field? A reading of their selections does not give that impression, but a definite answer is possible only after using the book in the classroom, as this reviewer has not yet done. Second, how appropriate is it to study problems of developed and less developed countries together, as the authors largely do? Despite technical similarities, is not the economic and political background of Canada's and Japan's policies toward foreign investment significantly different from India's or Ghana's? Would it not be better then to discuss developing countries' problems separately and more comprehensively—to study, for instance, private foreign investment and trade preferences together with foreign aid and public financing? To these questions there are no easy answers for authors or reviewers.

A. A. FATOUROS