

BOOK REVIEWS

EUROPEAN COMMUNITY LAW AND INSTITUTIONS IN PERSPECTIVE: TEXT, CASES AND READINGS. By Eric Stein, Peter Hay and Michael Waelbroeck. Indianapolis—New York: The Bobbs-Merill Co., Inc., 1976. Pp. iv, 1132. \$22.50. DOCUMENTS FOR EUROPEAN COMMUNITY LAW AND INSTITUTIONS IN PERSPECTIVE. Pp. iv, 525. \$10.00.

Law school courses in the international area are still considered by most American law teachers and law students to be rather "exotic" and without much practical significance. On one hand it seems to be more and more difficult to justify this view if one considers the current impact on the United States of the international decision making process in general and international trade in particular. On the other hand it is hard to blame the student with an eye on the bar exam for his unwillingness to spend much time on the international subjects. The result is that in most law schools which offer international subjects other than the basic course on international law, too few hours are allocated to those other international subjects. In that sense it is becoming more and more difficult to treat in depth even the most important materials in the chosen subject matter, given the complexity of the problems and the fact that national and international legislators and quasi-legislators (including courts) generate more, and also more complex, treaties, regulations, and decisions. This must make it difficult, this reviewer thinks, for an author to write and edit a casebook in the international area. He may choose a survey (or "policy oriented") method and run the risk of turning away a teacher because of the need to compile extensive supplements in a particular area of the teacher's interest; or he may choose the exhaustive coverage of the subject matter and run the risk of making it inordinately difficult to make extensive deletions and still give some comprehensive overview of the subject matter.

It should be emphasized that Stein, Hay and Waelbroeck avoided the above problem by presenting a law teacher, a law student, lawyer in private practice or in governmental service, and to some extent also a political scientist, with a magnificent work on the European Economic Community and some other related problems. The treatment of the European Economic Community — be it its law and institutions or the Community as a relatively new international phenomenon (*i.e.*, significant economic and, by necessity, a political integration of supranational character) — is complete to the point that the practicing lawyer or the academic researcher will find it easy to find any additional materials on a particular detail in the supplement, standard reporting services, in the documents referred to in the footnotes, or in articles referred to in frequent and valuable bibliographical notes accompanying portions of the text. In a four hour per semester course a law teacher will find it possible to use the entire text since large portions of the institutional material can be assigned for indi-

vidual classes. At the same time the book is so well organized that the teacher contemplating a two hour per semester course can separate the institutional material from what the authors call in the preface the functional chapters¹ and select portions of the detailed coverage of the more independent subjects. However, two caveats should be added. First, the more deletions that are made, the more expertise in the subject matter and the more preparation the teacher will need prior to his course or seminar. Second, the principal subject of the casebook is the EEC.² Its use in a course on Regulation of International Trade with emphasis on United States law and GATT is possible, but in such a case the book needs to be supplemented by additional material.

European Community Law and Institutions in Perspective: Text, Cases and Readings is also a "casebook proper" and the case method enthusiast will find there a multitude of decisions of the Court of Justice of the European Communities, of the American courts and national courts of the member states of the Community as well as a wealth of material of legislative nature. Fortunately, the authors did not hesitate to include many explanatory notes where excerpts from published works would be less than understandable to a reader without prior knowledge of the subject. For example, the explanation of the Value Added Tax systems and problems it creates under GATT and for the United States is concise and does not necessitate further explanation.

As has been mentioned above, the principal topic of the book is the European Economic Community. Its origin and institutional development are treated in the context of the national law and institutions of the member states and in the context of the post-war development in the Atlantic area.³ The focus of the functional chapters is on trade and related problems (e.g., movement of people, antitrust, etc.) which are treated in the context of the EEC-USA-GATT triangle and of necessary additional institutions (e.g., UNCTAD, commodity agreements, international monetary problems, Latin American integrations). The comparative method posits policy problems which are further explored by frequent questions accompanying the text.

The first two chapters of the casebook deal with the development of the Community, its institutions, lawmaking and judicial process, including

¹ The authors give some advice in this respect. See preface at viii.

² The casebook is the successor to 1963 preliminary edition of E. STEIN & P. HAY, *CASES AND MATERIALS ON THE LAW AND INSTITUTIONS OF THE ATLANTIC AREA* (with Documentary Supplement) and 1967 edition of E. STEIN & P. HAY, *LAW AND INSTITUTIONS IN THE ATLANTIC AREA* (with Documentary Supplement). The new co-editor, Michael Waelbroeck, is Professor of Law at Université Libre de Bruxelles and a member of the Belgian Bar. As the authors point out in the preface, the current casebook is updated to the point that it is largely a new work. The new title reflects limited treatment of institutions of largely historical interest or extraneous to problems of the EEC and international trade (e.g., NATO, EFTA, etc.).

³ See note 2 *supra*.

resolution of national-Community law conflicts. Chapter three begins with the general description of the economics of international trade and of international monetary problems. It continues with GATT and trade barriers, including problems of agricultural policies (CAP, GATT and the United States policy). Chapter four is devoted to free movement of persons, problems of business organizations, European unification conventions, taxation, and movement of capital. Antitrust problems, trademarks and patents are subjects of chapter five. Chapter six deals with external relations of the Community and special trade problems — including customs valuation, dumping, subsidies, and some problems of trade with developing and Socialist countries. An adequate part of this chapter is devoted to the United States Trade Act of 1974. Chapter seven treats, among other things, some problems of contemporary concern: social policy (including equal pay for men and women), energy policy and environmental policy.

The casebook is accompanied by a very extensive and excellent documentary supplement. Contrary to the usual supplements of American casebooks, practically all documents reproduced in this supplement, including the General Agreement on Tariffs and Trade and the U.S. Trade Act of 1974, are reproduced in their entirety.

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