

TRANSNATIONAL LEGAL PROBLEMS: MATERIALS AND TEXT

**By Henry J. Steiner and Detlev F. Vagts. 1976. Mineola,
New York: Foundation Press. li and 1429 pp.
Documentary Supplement. vi and 198 pp.**

L.C. GREEN*

Ever since Philip Jessup introduced the term 'Transnational Law' as the title of his Storrs Lectures in 1956 it has become increasingly popular, particularly in the United States, and is being employed to cover ever-widening areas, many of which have not been traditionally considered as falling within the ambit of international law, at least in its public sphere. Professors Stein and Vagts have used the term to cover materials which are taken from international law and institutions, the conflict of laws, comparative law, constitutional law, jurisprudence, economic regulation and international business transactions. Of necessity, much of the material comes from the municipal sphere, and the authors have found that "the many aspects of national legal systems which the book considers deal with principles and with procedures for decision-making that have been specifically developed to regulate problems having some foreign element. Together with international law and institutions, such fields of national law form a complex of policies, rules and processes which help to order some of the relationships among nations or among their business entities and citizens" (p. xvi).

While, as is perhaps to be expected, the majority of the judicial decisions represent United States jurisprudence, this is not exclusively the case. Apart from the references to the judgments of foreign courts which appear in a variety of the editorial notes, there are also included summaries of judgments by courts in France, Poland, Sweden, the Federal German Republic, Italy and the United Kingdom. In addition, many of the editorial notes refer to the position under foreign, that is, non-United States, systems of law, and the draft questions included for consideration are often based on foreign decisions or systems. It is a little unfortunate, however, that in a work devoted to *Transnational Legal Problems* there is not more reference to foreign literature. The decisions of international tribunals are well represented and the last 280 pages constitute a most useful contribution to the consideration of trade and investment in the world community, embracing GATT, the IMF

* L.C. Green. Professor, Department of Political Science, the University of Alberta

and multinational enterprises (pp. 1141-1241), and the developing processes of international organizations, exclusively concerned with problems of the European Economic Community.

Apart from these two issues, the volume treats of transnational legal problems within the national legal system, as well as the relationship of international law to national legal systems, the interpenetration of national and international law and the problem of an international minimum standard. Of equal interest, and serving to some extent as an introduction to the sections on the world economic development law, are the chapters devoted to the role of national judiciaries in building a transnational legal system — this section would have been even more valuable if some of the foreign, perhaps Canadian or English decisions, applying the principles embodied in the Tate Letter had been included — and the transnational reach of national legal systems.

The mere recounting of the sectional titles suffices to show the scope of the work, which clearly is primarily of economic interest, and those working in the field whether students or instructors will find the volume a veritable goldmine. Equally useful is the *Documentary Supplement* which, in addition to selected national laws of the United States and the constitutions of some of the better known international organizations, includes extracts from the nationality laws of Costa Rica, Denmark and Poland, the Investment Incentive Code Act of Liberia and Sri Lanka's Statement of Policy on Private Foreign Investment, which may of course be abandoned by the newly elected government. Finally, there are included a variety of documents from the field of arbitration, the conflict of nationality laws, investment disputes, the recognition of foreign judgments, and the like.

Professors Steiner and Vagts have provided a most valuable and useful source book, and it is hoped that they will continually issue such supplements as may be necessary to keep it up to date.