

International Trade Law by K. W. RYAN, B.A., LL.B. (Qld), PH.D. (Cantab.); Barrister-at-Law, Professor of Law, University of Queensland. (The Law Book Co. Ltd, 1975), pp. i-xii, 1-407. Cloth, recommended retail price \$24.00 (ISBN: 0 455 19406 8); Paperback, recommended retail price \$19.50 (ISBN: 0 455 19404 1).

In the preface to his book, Professor Ryan states his view that the study of the law of international trade cannot be confined to any one of its components, say, the law of international sales and payments at one extreme, or the law of some public organization, such as the GATT or the EEC, at the other. The study must examine each component and view it in the whole context. He says that his objective is an attempt

to outline in a general way the main legal issues involved in the conduct of international trade and investment. The coverage is broad, but a high degree of selectivity has been inevitable. . . . My aim throughout has been to write a general textbook such as legal students are accustomed to in other areas of their studies. (page v)

Professor Ryan is eminently qualified to undertake such a task. He is the author of books on comparative law, taxation and constitutional law. He has written on public international law, and he has been a senior official of the Australian Department of Overseas Trade. His perspective is broad, and the issues canvassed by Professor Ryan are not confined to those which would normally be the main interest of a lawyer whose principal concern was either public or private law.

In commercial law today, a lawyer is at a great disadvantage if he is totally ignorant of political (or "descriptive") economics—that is, the way in which economic transactions and situations affect society, and members of that society. In the area of international trade, this is especially true. The public international lawyer may be concerned with the legal status of an international organization, such as the GATT or the EEC. In order to understand the subject, he needs first to understand the economic rationale for the organization's existence, and its policies, such as those relating to control of foreign investment, or of restrictive trade practices. The policies are also of interest to the private lawyer, for they become institutionalized in laws governing, for example, the structure of companies, the incidence of taxation and other matters which affect directly the nature and form of transactions which he will advise his client to adopt.

Professor Ryan, as his preface indicates, is not attempting to replace any text dealing with one of the legal organizations concerned with international trade, nor any on some special aspect of private law (e.g. Gutteridge & Megrah's *Bankers' Commercial Credits*), nor even such a general work as Schmitthoff's *The Export Trade*. He has produced a general and descriptive book dealing with law, economics, policies and institutions. Parts of it, such as the section dealing with the Uniform Law on International Sale, are concise and perceptive legal analyses.

Professor Ryan's book on taxation law is called "A Manual of Income Tax Law". *International Trade Law* might have more aptly been described as a manual rather than a text; it provides for lawyers, economists and others a guide to general principles of law, the institutions which administer the laws, and the economic and other policies which give rise to those laws. There are some references to further illustrative or reference material, and though the principal cases and texts are referred to, references are not exhaustive. The law which applies in each of the areas is stated accurately, but generally the material is perhaps more selective than the author's preface would suggest. For this reason the book, despite its 400 pages, must be regarded more as a guide or manual than as a reference. It gives necessary background material, and does so in a readable way. In most cases other appropriate and more detailed material is listed, but the reader gains no more than an outline of the legal problems that occur in the area under consideration. Propositions are presented accurately and simply, but their very simplicity may lead a reader not familiar with the material into a mistaken belief that he, the reader, understands that area. The reviewer's greatest familiarity is with the area of the private law of international sale, payment and carriage where the material left an impression of selectivity amounting at times to superficiality; after reading the chapter on the trading relations of the centrally planned economies, a virtually unknown area to the reviewer, the impression was of understanding the basic operation of foreign trade in the socialist countries.

Professor Ryan's laudable objective is to place the *whole* of the law of international trade in context, or rather, in a series of contexts. However, he has not produced a text sufficiently detailed to bring the reader to a level of comprehension of the subject-matter which might be asked of a student in a university course. The material touched in a course would require many more pages than this book has.

One strength of this book appears to be the way in which Professor Ryan has summarized the many international agreements and conventions which affect the legal relations of those who form trade policy and those who engage in trade. The Hague Rules, part of which are contained in the Schedule to the Sea-Carriage of Goods Act 1924 (Cth), are contained in a Convention which is the subject itself of many treatises. In two or three pages the general effect of the rules is stated succinctly, if generally, so that a reader who hears that a carrier is not liable for loss of or damage to goods caused by "default or negligence in the navigation or management of the ship" would realize that it may be necessary for him to conduct further research into what constitutes "default" and what constitutes "negligence in the navigation or management of the ship".

Some sections deal with the laws of various other systems—particularly French and German law and the law of the EEC. The analysis and interpretation in these instances is excellent.

More than half the book comprises descriptions of the various economic blocs which engage in trade with Australia, and of Australia itself. In each case there is a summary of the constitutional structure, legislation and policies which may affect international trade. There is an introductory chapter on the GATT, and a chapter each on the law relating to export transactions and the structure of international business.

Professor Ryan's *Manual of Income Tax Law* is a significant contribution to the understanding of Australian tax law, and many students still recall its value as a key to the study of taxation law. *International Trade Law*, if viewed in the same way, as an introduction, or prologue, to further study in one of the many fields which it covers, will be equally valuable. Professor Ryan shows the benefit of experience and understanding which leave the reader with a clear idea of the patterns into which the law falls. The book is a valuable tool for those who wish to see the context in which the legal and the economic and commercial aspects of international trade interact. Though the book is Australian, and dwells on Australian laws, it is a unique effort to place the private and the public law of international trade in context and it is valuable for this reason. As an introduction it is excellent; as a text, it fails to achieve the author's stated purpose. The fault is not in the writing of the book, but in the necessity for relatively limited treatment.

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