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## Antitrust in a World of Interrelated Economies

Kristin K. Rasciner

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## Antitrust in a World of Interrelated Economies

also increase.

*Ruben M. Hernandez*

COBBAN, HELENA, *THE SUPERPOWERS AND THE SYRIAN-ISRAELI CONFLICT*; Praeger Publishers, New York, NY (1991); \$19.95; ISBN 0-275-93944-8; 208pp. (hardcover).

Cobban succeeds in offering a detached, unemotional analysis of the highly complex and controversial issue of the Syrian-Israeli dispute. Her analysis begins with the central premise that the dispute is a function of local rivalry, rather than the result of inter-power conflict. Encompassing the evolution of the military balance between Israel and Syria from 1978 through 1990, the book focuses on the effects of the close strategic ties that developed between the two and their superpower partners.

This work was intended as a historical case study of developments among Israel, Syria, the Soviet Union and the United States during this limited period. The goal of this approach was to illustrate valuable lessons for application in the 1990s. After the Gulf War, the work has particular historic relevance.

The book begins with an up-to-the-minute preface analyzing the effects of the Persian Gulf War on the balance of the Syrian-Israeli relationship. Miraculously, the Gulf War aligned Syria and Israel on the "same side" of the conflict, and dramatically altered relations between the two. Cobban analyzes the impact the Gulf war had on Syria and Israel, as well as the impact on the relationship between their superpower allies. Ongoing strife in Lebanon is also addressed, since it proved to be a crucial factor in the Syrian-Israeli relationship, and in that of the powers maneuvering for influence in the Middle East.

Cobban continues her analysis by examining the region's relative immunity to various diplomatic efforts, efforts successful in other areas of the world during the 1980s. Special note is made of the fact that the arsenals of Syria and Israel, now the preeminent powers in the Middle East, remain a serious global threat.

A formula for well-considered diplomacy in the 1990s that could lead to a lasting peace concludes the book. Cobban suggests that policymakers considering the challenge of Arab-Israel peacemaking in this decade can gain useful lessons from the Syrian-Israeli conflict of the 1980s. The most important lesson, says Cobban, is that the volatile conflict between Israel and her neighbors must be moved into real negotiations that address the concerns of all those involved.

MENDES, MARIO MARQUES, *ANTITRUST IN A WORLD OF INTERRELATED ECONOMIES*; Editions de l'Université de Bruxelles, Belgique (1991); ISBN 2-8004-1019-1; 267pp. Foreword by John H. Jackson, bibliography.

Originally written in 1983-84 as a requirement for an LLM degree from the University of Michigan, this work was expanded and extensively

updated for publication by *Editions de l'Université de Bruxelles*. Mendes' purpose is to provide a comparative analysis of the interplay of U.S. and EEC antitrust laws and trade policy. He has done so amply. A year after publication, it remains a timely and significant work for scholars, lawyers, and government officials.

The increasing interdependence of the world economy provides the base upon which Mendes builds. Because of this interdependence, Mendes argues, the tension created by extraterritorial application of domestic antitrust laws and their conflict with international trade policy is exacerbated. Antitrust laws, in spite of their differences, have in common the regulation of private restraints of trade. The government acts to keep the market free of private intervention. Conversely, trade policy, as exemplified, e.g. by anti-dumping restrictions, is inherently protectionist and involves government intervention to promote the domestic economy.

There has been a degree of international harmonization of trade policy, exemplified by regimes such as that established by the General Agreement on Tariffs and Trade (GATT). There is, however, little accord among national antitrust laws. This discord is illustrated by Mendes through a comparison of U.S. and EEC antitrust laws. Although outwardly similar, the two sets of laws have vastly different goals, as Mendes thoroughly documents. Antitrust law in the U.S. is relatively rigid and its goal is solely to keep the market free of private efforts to restrict competition. Competition laws in the EEC, on the other hand, are designed to promote only that degree of competition consistent with achieving other non-economic social goals.

The contrast of U.S. and EEC antitrust law provides Mendes with a comparative framework within which to analyze the misunderstanding and tension which results from conflict between different national and regional systems. Even more problematic, as Mendes views it, is the relationship between antitrust laws and trade policy, such as GATT. Although he speaks of trade policy generally, Mendes' analysis focuses on restrictive business practices such as those expressed in GATT. The practices targeted in GATT as anti-competitive represent the greatest degree of international consensus in this area. Mendes is particularly concerned with the Contracting parties' methods for circumventing their obligations as GATT signatories.

Mendes' lean text is divided into three parts. Part I, *International Trade and International Antitrust: An Overview*, provides an analysis of international regulation of trade and restrictive business practices. This is followed in Part II, *The U.S. and EEC Antitrust Systems*, by a detailed comparison of the two systems. Finally, in Part III, *Antitrust Policy—Trade Policy: The Crosscurrents*, Mendes brings all the previous threads together to study the interplay of antitrust and trade policy. Each section begins with an introduction, in which Mendes lets the reader know where he's going. The material is divided, and each section clearly identified, in a logical progression to the conclusion.

Although the prose style is somewhat convoluted and often redundant, the book is extensively documented. Mendes assumes his reader is fairly well-versed in international trade and antitrust law. The text is spare of background information and elaboration upon the main concepts. Each chapter has endnotes which provide the meat, expanding upon and elucidating the concepts more briefly addressed in the text. Most of the references are English language sources. Mendes also provides access to a broad range of French language sources, thus providing readers fluent in both languages the broadest possible range of information.

In his Foreword, noted GATT scholar John H. Jackson expresses a view shared by many, that "the lack of a set of international competition rules is the largest gap in the world trading system today, and one which will have to be addressed before too long, even though it is not being addressed in the current Uruguay round negotiation." Mendes has provided a compelling illustration of the need for harmonious rules in this area, as our world continues to increase its economic interdependence. He concludes by showing that constant contact has produced some "cross-fertilization" in the divergent U.S. and EEC systems. Mendes cautions that each system is likely to remain fundamentally distinct, but emphasizes the need for nations to consider the impact of their laws in the context of the world economy and not just their own. He thus provides a valuable first step in the process of harmonization.

*Kristin K. Rasciner*

TUCKER, ROBERT W. AND DAVID C. HENDRICKSON, *THE IMPERIAL TEMPTATION: THE NEW WORLD ORDER AND AMERICA'S RESPONSE*; Council on Foreign Relations Press (1992); \$22.50; ISBN 0-87609-118-4; 240pp. (hardcover) Index.

The "imperial temptation" of which the authors speak is "the brief, massive use of military power in which the emphasis is placed on punishment and not rehabilitation." Tucker and Hendrickson, who have written two other books together as well as publishing extensively on their own, take as their thesis the bankruptcy of American ideals at the end of the Cold War. They focus on the Persian Gulf War as it exemplifies the U.S. vision of the "new world order." In the wake of the Cold War, military force occupies a disproportionate role in U.S. foreign policy. Tucker and Hendrickson maintain that the readiness with which the U.S. used military force against Iraq, despite alternatives, illustrates this disproportionality.

The book is divided into three sections, beginning with an introduction setting out the thesis. Endnotes are placed at the end of the book rather than the end of each chapter. The first part, *America's Road to the New World Order*, begins with a look at the development of the current focus on foreign policy in the Bush administration. First: the exit of Reagan, "the archetype of those who believe in the implacable hostility of the