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FOREWORD

The topic for this symposium was suggested by Dr. Kurt Nadelmann, the stalwart champion of United States participation in unification-of-law activities. Tenacity and life-long dedication were indeed needed to attain the objective sought, for the traditional posture of the United States has for a long time been one of chilling indifference towards all efforts at international cooperation in private and commercial law matters. The reasons behind this attitude are familiar enough. First, voluntary unification of law without political merger necessarily requires legislation; and a significant and frequently dominant segment of the American legal profession had an instinctive preference for judge-made law. Secondly, even where there was agreement that reforms through legislation were unavoidable, the "common law" was thought to be so different from the "civil law" that cooperation appeared futile—if not worse. Thirdly, American experience seemed to suggest powerfully that even a politically unified economic system is not adversely affected by a multiplicity of different territorial legal systems. Fourth, Congress was thought to have little if any legislative power in the private law area; and there was understandable reluctance to use the treaty power as a bootstrap. Finally, as could be expected in this general situation, there was no central agency for the systematic and continuous study and observation of the international unification-of-law movement.

The phenomenal success of the Uniform Commercial Code in the last decade, a radically revised conception of constitutional restrictions upon congressional legislative powers and of the role of legislation generally, and a basic re-orientation of United States foreign policy from benign aloofness to committed leadership of a large sector of the modern world, have combined to prepare the groundwork for an almost complete reversal of United States policy on participation in the international unification-of-law movement—a reversal that has occurred practically last year and is only now becoming fully apparent.¹ The present symposium is intended to supply the necessary background for the development of a new orientation on the international unification of law that is now needed. In this connection, it also draws upon American and Canadian experience in internal unification of law, and the inter-

¹ See Nadelmann, *The Representation of the United States at Conferences for the Unification of Private Law*, *infra*, pp. 291-325.

national unification of maritime and air law—two areas where there has already been a great deal of activity and success. At the same time, this symposium also pursues the more mundane and practical objective of discussing the two draft uniform laws on the international sale of goods that were produced by the first diplomatic conference on the international unification of law attended by an official United States delegation.² Even if the United States should fail to ratify the pertinent conventions, it already seems clear that these uniform laws, if adopted by other major trading nations, will have a substantial impact on American international trade.

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The time has come for a personal remark. This issue is the present Editor's valedictory. He takes this opportunity to thank his subscribers for their loyalty and encouragement, and the Editorial Advisory Board, his fellow editors, and the editorial staff for their dedicated performance and cooperation. Above all, his gratitude goes to Mrs. Mary L. Lewis, whose editorial assistance has been truly invaluable.

HANS W. BAADE.

² The texts of these two draft uniform laws are reprinted, together with the respective conventions, *infra*, pp. 424-50 and 451-59.