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Calhoun VP/Editor-in-Chief: Rob Dewey Acquisitions Editor: Vicky True

Developmental Editor: Kendra Brown Marketing Manager: Jennifer Garamy

Content Project Manager: Corey Geissler Production Technology Analyst:

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Manager: Brian Courter Sr. First Print Buyer: Kevin Kluck Production and

Composition: Pre-Press PMG Senior Art Director: Michelle Kunkler Internal

Designer: Jennifer Lambert/Jen2Design Cover Designer: Joseph Pagliaro

Graphic Design Cover Image: © Harald Sund/ Photographer's Choice ©

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Printed in the United States of America 1 2 3 4 5 6 7 12 11 10 09 08 R. S. To Avery. And to John Phillip Reid, Russell D. Niles Professor of Law Emeritus at New York University, dear friend and mentor, whose lectures on the common law and English legal history have influenced my teaching and writing to this day. F. A. To my father, Filiberto, and my mother, Maria Luisa, who sacrificed so much that I might be free to write and read as I wish; and to my wife, Susan, and our daughters, Caroline, Olivia, and Jordan, for their patience.

B. E. To my husband, John, for his support and to our daughter, Molly, for inspiring me with her dedication and hard work. ABOUT THE AUTHORS RICHARD SCHAFFER is Professor Emeritus of Business Law (retired) in the Department of Finance of the Walker College of Business at Appalachian State University. He taught for twenty-five years in the area of business law, international business transactions, and the law of international trade and investment. Professor Schaffer received his J. D. from the University of Mississippi and his LL. M. from New York University. From 1976 through 1982, he assisted United Nations agencies in New York, San Jose, and Vienna with projects related to multinational corporations, corrupt practices, and socioeconomic development, and served as rapporteur of international working groups on international economic crime. He also has served as a consultant to business schools, providing advice on the internationalization of the curriculum, and to industry trade groups.

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She taught at Yunnan University in Kunming, China in 1990 and in Strasbourg, France in 1992. She lived in Paris on sabbatical in 1993–1994 and traveled to India on her 2007 sabbatical. She is past president of the International Section of the Academy of Legal Studies in Business. Since 2006, she has been an appointee to the Massachusetts Board of Bar Overseers Hearing Committee on Attorney Discipline. iv CONTENTS IN BRIEF

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PREFACE

It has been said that America's interest in international education has peaked and ebbed with the changing tide of the American political climate, rising in times of economic expansion and ebbing during periods of political isolation or economic protectionism. Perhaps, however, the cycle has finally been broken, and industry leaders, government policymakers, and educators alike have come to understand the importance of making a permanent commitment to international education. In the last half of the twentieth century, America faced an increasingly competitive global marketplace and a mounting trade deficit. Rather than seek protection behind often-politicized trade laws, America's leaders committed themselves and the nation to

policies of free trade and open investment. Americans realized that they had no choice but to compete aggressively with international competitors, in markets both here and abroad. Witness not only America's great multinational corporations, but also the successes of the many small and medium-sized companies that today do business internationally. Among nations, the spirit of free trade has become contagious. Examples can be seen everywhere: the rush of nations to join the World Trade Organization, the growth of regional economic integration, privat