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Foreword

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Foreword

The founding of the *Northwestern Journal of International Law and Business*,¹ which is dedicated to the analysis of private international law, is the most recent development in the Northwestern University School of Law's long tradition of international legal scholarship. Since the turn of the century, the Northwestern Law faculty, library, and curriculum have reflected a recognition of the importance of international legal problems. The appearance of this Inaugural Issue is evidence of the Law School's continuing commitment to international legal studies.

Important international legal scholars and teachers have been members of the Law School faculty since 1893. Charles Cheney Hyde, an eminent writer on international law, was a faculty member from 1898 to 1925. Hyde first brought renown to the Law School in the field of international law.²

John Henry Wigmore, best known for his brilliant *Treatise on Evidence*, was also a prolific and accomplished writer on various topics in international and comparative law. Wigmore, who was a member of the faculty from 1893 to 1943 and dean from 1901 to 1929, spoke numerous languages, traveled extensively, and was an active and articulate member of the world legal community.³ In fact, so great was Wigmore's repute as an internationalist and as an advocate of an international legal order, that in 1930 he was nominated to fill the vacancy on the World Court left by the resignation of Charles Evans Hughes,⁴ although Wigmore insisted upon withdrawing his name from consideration.⁵ Wigmore's intense interest in international and comparative law and world affairs had a profound effect on the Law School's international program and outlook.

Another important world figure who taught and lectured at the School of Law was Adlai E. Stevenson, a 1926 graduate of the School.

¹ Upon its publication, the *Northwestern Journal of International Law and Business* becomes the third legal publication at the Law School, joining the *Northwestern University Law Review* and the *Journal of Criminal Law and Criminology*. For a history of the creation of those publications, see Rahl & Schwerin, *Northwestern University School of Law — A Short History*, 55 NW. U.L. REV. 127, 151-53 (1960). See also *Student Legal Periodicals*, NW. U. SCHOOL OF LAW REPORTER, Fall 1978, at 2-10.

² Rahl & Schwerin, *supra* note 1, at 142, 211.

³ See generally W. ROALFE, JOHN HENRY WIGMORE: SCHOLAR AND REFORMER 17, 25, 37, 43, 52, 166, 196, 250-58 (1977) [hereinafter cited as W. ROALFE].

⁴ W. ROALFE, *supra* note 3, at 255-56.

⁵ *Id.* at 256.

Stevenson, the prominent political leader and diplomat who helped found the United Nations and served from 1961 to 1965 as Chief United States Representative to the United Nations, arranged and participated in a series of monthly lectures given at the Law School in 1946-1947 concerning the establishment and development of the United Nations. In 1947-1948, Stevenson directed another series of lectures on subjects in the fields of international relations and international law, and he later taught international law in 1955-1956.⁶

Brunson MacChesney, who joined the faculty in 1940 and whose recent death the Law School still mourns, was a highly influential figure in international law, conflicts of law, and admiralty for over three decades.⁷ Professor MacChesney had the great distinction of having been the only person to serve as the President of the American Society of International Law, Chairman of the Section of International Law of the American Bar Association, Chairman of the Chicago Bar Association Section of International and Foreign Law, and Chairman of the Illinois State Bar Association Section of International Law.⁸

Nathaniel L. Nathanson, in addition to his important contributions in the fields of constitutional and administrative law, has maintained a strong interest in international legal affairs during his more than forty years as a member of the faculty. During his illustrious career, Professor Nathanson has taught law in Japan and India and has spent a year's residence at the United Nations. This year, as an active emeritus professor, he taught a seminar at the Law School entitled the International Protection of Human Rights. His scholarly contributions in the international and comparative law field have been numerous and insightful.⁹

At present, we are also fortunate to have on the faculty James A. Rahl, Owen L. Coon Professor of Law and former dean. Dean Rahl is widely recognized as a leading American scholar in international and Common Market antitrust law.¹⁰ He has written extensively in those areas and continues actively to lecture and conduct research abroad on various antitrust topics.

⁶ Rahl & Schwerin, *supra* note 1, at 213; NW.U. SCHOOL OF LAW BULLETIN, 1978-79, at 35.

⁷ See Rahl, *Brunson MacChesney: Recollections and Appreciation*, 72 NW. U.L. REV. 171 (1977).

⁸ Sarabia, *In Memoriam: Brunson MacChesney, 1909-1978*, 12 INT'L LAW. iii-iv (Summer 1978).

⁹ See generally Rahl, *Nathaniel L. Nathanson: Appreciation and Impressions*, 72 NW. U.L. REV. 1 (1977); McGowan, *A Tribute to Professor Nathaniel L. Nathanson*, 72 NW. U.L. REV. 4 (1977).

¹⁰ See Reese, *Dean James A. Rahl: An Appreciation*, 71 NW. U.L. REV. 701 (1976).

For decades, numerous deans and professors have nurtured the international and comparative law collection in the Elbert H. Gary and Owen L. Coon Law Libraries. Today the collection contains over 120,000 volumes, more than one-third of the total library holdings, and is regarded as one of the finest and most complete international law libraries in the United States.¹¹ The size, breadth, and sophistication of the international collection has greatly aided us in our preparation of the Inaugural Issue.

This journal has a substantive focus—private international law—that is different from that of many other publications in the international field. Our task is the analysis of transnational and international legal problems as they affect private entities. Of course, the distinction between private and public international legal problems is difficult to draw. Today, the interdependence of government and business is greater than at any time in history. Each must coordinate its policies with the other because their decisions affect one another. So vital is the economic, trade, and business component in present day international affairs that many foreign states, in the West as well as within the socialist bloc, are engaged actively in traditionally private and commercial matters such as the production and marketing of products. Today's international world order is largely based upon economics, trade, and business. It is hoped that the pages of the *Journal* will promote an understanding of the future course of international legal developments as they relate to private entities.

The seventeen entries in this Inaugural Issue, authored by a distinguished and varied group of legal scholars, private practitioners, business persons, and government officials, cover a wide range of topics. The six "perspectives" that open the issue — authored by Lord Hacking, Baron Rothschild, Senator Church, Ambassador Strauss, Professor Vagts, and our own Professor D'Amato — address different aspects of government involvement in the private international affairs of the day. Their thoughts about the legitimate role of government in such areas as the extraterritorial application of the law, promotion of human rights, trade regulation, and taxation are provocative, timely, and informative.

The seven articles which follow should also be of interest to the international legal and business community. Of particular timeliness is our symposium, *Two Chinas: Legal Questions Arising from Recognition of the People's Republic*. We are indeed fortunate to have contributions by China scholars as prominent and knowledgeable as Professors Cohen and Li and Attorney Stanley Lubman. The remaining articles — au-

¹¹ Rahl & Schwerin, *supra* note 1, at 195-204. See also W. ROALFE, *supra* note 3, at 57-58.

thored by Representative McCloskey and Attorney Ronald Losch, Law Commissioner North, and Attorneys John Ongman and Thomas Johnson — deal with a wide subject range, including the United Nations Law of the Seas Conference, the recognition of foreign judgments, dumping, and international antitrust. Each provides insights which will be useful to persons interested in the expanding field of private international law.

Finally, we are publishing four student case notes and comments. In a sense, our student work is our most creative, having been developed from an embryonic stage, and best reflects the capabilities of our staff.

Preparation of the Inaugural Issue of the *Journal* has been a tremendous undertaking. Commenting years later on the efforts by himself and a small group in founding the *Harvard Law Review* in 1886, Dean Wigmore noted that the venture seemed “daring, even rash.”¹² The founding of our journal has at times seemed a daring proposition and its realization a remote possibility. Still, we have persevered, and the effort has been rewarding and educational.

The completion of our Inaugural Issue was aided by two people in particular. Many thanks to our dean, David S. Ruder, who was instrumental in our creation and who stood by us throughout the year, and to our faculty advisor, Professor Kenneth W. Abbott, whose intellectual guidance and emotional support have helped us to complete our task.

James Hugo Friend
Editor-in-Chief

¹² W. ROALFE, *supra* note 3, at 11.