

## FOREWORD

*Judge Hardy C. Dillard\**

The launching of the *Georgia Journal of International and Comparative Law* is to be applauded both for what it is and for what it symbolizes.

In its own right it provides still another channel for the systematic diffusion of knowledge, understanding and insight dealing with the vast field of international law—a field which, in its modern form, is by no means limited to law between national states but embraces all forms of transactions crossing national frontiers. Since those transactions cover the deployment of people, money, goods and ideas in a complex crisscross the world over, it is apparent that there is almost no limit to the number and kinds of institutional devices and substantive and procedural issues that invite and challenge intellectual analysis.<sup>1</sup>

As a symbol, the new journal signifies that an awareness of contemporary trends plus a sense of vitality and a willingness to assume responsibility are pervasively felt characteristics among law students at the University of Georgia. This seems so, even though the path had been broken in the period from 1959-1963 by student journals devoted to international law at Harvard, Virginia, Columbia and Texas and, more recently, at Stanford, George Washington, Cornell and Case Western Reserve.<sup>2</sup>

Lawyers of several generations ago might understandably question the need for such a proliferation of student journals. In their day international law, if offered at all, was regarded as a kind of cultural embellishment to the curriculum—a sort of luxury offering to be avoided rather than embraced by serious students bent on equipping themselves for a tough, professional career of advising and defending clients. For numerous reasons that need not detain us, it is clear that that day is long past. Even the American Bar Association, which can hardly be accused of being nonprofessionally oriented, has recognized through its well

---

\*Judge, International Court of Justice; formerly James Monroe Professor and Dean, University of Virginia Law School.

The term "transnational law" which Judge Jessup has done so much to make current and which is used by the Columbia Law School student publication, aptly captures this shift in emphasis.

<sup>1</sup>For a brief account of the launching of other student journals devoted to international law, see the series of Notes by Miss Eleanor Finch, the able Assistant Editor of the *American Journal of International Law*. Note, 63 AM. J. INT'L L. 304 (1969); Note, *Student International Law Journals*, 60 AM. J. INT'L L. 87 (1966); Note, 59 AM. J. INT'L L. 375 (1965). See also *Periodical Literature of International Law and Relations*, 58 AM. J. INT'L L. 560 (1964).

manned Section on International and Comparative Law, the need for a quickened awareness of the subject both as a theoretical discipline and a professional tool. Indeed it sponsors, under the current, able editorship of a renowned practicing lawyer, Eberhard Deutsch, a publication known as the *International Lawyer*, now in its fifth year.

Of course the *American Journal of International Law* and the *American Journal of Comparative Law* have long sounded the note that the subject, which was not being adequately treated in orthodox law reviews, deserved its own special channel for critical analysis and creative thought.

In light of these established professional journals the skeptical lawyer, whether of an earlier generation or not, might question the need for adding to the number. If culturally inclined he might well ask, in the rhetoric of Greek mythology, whether the law schools and their students were not merely piling Ossa on Pellion.

Subject to one qualification to be noted presently it is my submission that student journals justify themselves on three specific counts. The first is the almost inexhaustible richness of the subject matter, a point alluded to earlier. The second is the fact which, in recent years, has been increasingly borne in on faculty members, that much student written work (especially in seminars) merits a better destiny than gathering dust in some professor's office or hiding, with unindexed anonymity, in some library alcove. Talent among students is more widely distributed than can be tapped by a single orthodox type law review. The third is that the discipline of writing for publication provides at once a more demanding quality and an added incentive to genuine effort. To these two points can be added an ancillary virtue which is no less real for being intangible. I refer to the heightened feeling of identification with both the law school and the profession generated by active participation in the intellectual life of the school. It is appreciated, of course, that the new journal may well call on established scholars to add authority to its contents. Nevertheless, it is assumed that it will be primarily a student run enterprise with ample opportunity to publish student work. It thus breeds a more intimate sense of community.<sup>3</sup>

The one qualification to which reference was made earlier needs only

---

<sup>3</sup>A "sense of community" is not the automatic product of shared common interests. Passengers at an airport share a common interest in transportation, and spectators at a football game share a common interest in entertainment. They may even share common aims, *i. e.*, to get to New York or see their team win. Yet, neither qualifies as a "community." It is suggested that a sense of community is the product of people working together to achieve common aims. This, along with a heightened sense of identification with the school and the profession, is achieved by working together on a journal.

to be stated to command approval. To justify time, effort and money it must be assumed that the new journal will be committed to high standards of excellence. Criteria for inviting, selecting and rejecting manuscripts are by no means easy to identify or make explicit. Much depends on subject matter and purpose. Ideally an article should engage the mind and command the interest of the reader by virtue of the importance of its subject matter and its qualities of style. It does not merely inform, it enlightens the reader. Yet even a dull, descriptive article may justify itself as an accretion to knowledge. Nor should too rigid a criterion be used to rule out articles which are highly theoretical and even speculative in nature since "law" is a constantly ongoing process and not a static set of rules to be analyzed without reference to purpose and values.

The application of criteria cannot be the object of a mechanized check list of virtues and limitations. Quite the contrary, an intuitive feeling for what is genuine and imaginative as opposed to what is pretentious and pedestrian enters into the process of judgment. What can be done is to set minimum standards so that sloppy, inaccurate work is always consigned to the wastebasket.

With professional journals, continuity in editorial standards is usually provided by the tenure of the editorial boards. Sometimes this may be purchased at the risk of failing to recognize innovative ideas although the danger is minimized by the infusion of new blood on the staffs. With student publications the rapid turnover of editorial staffs presents a special difficulty. But the experience of our law reviews over the years, and more recently the experience with student journals devoted to international law, suggests that this difficulty can be surmounted sometimes through faculty association and frequently, without it. A sense of tradition begins to manifest itself early in the game.

It is in this spirit, I am sure, that the *Georgia Journal of International and Comparative Law* is being launched. It is an auspicious event which should be saluted as still another indication that the American law student of today is not only aware of the demands of his time, but eager to meet them and capable of doing so.