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EXCERPT FROM:

**30TH ANNIVERSARY ISSUE: SYRACUSE JOURNAL OF INTERNATIONAL LAW
& COMMERCE 1973-2003:**

**THIRTY YEARS OF INTERNATIONAL LAW SCHOLARSHIP:
ESSAY: FROM SOVIETS TO SADDAM: INTRODUCTION TO THE
THIRTIETH ANNIVERSARY SYMPOSIUM**

By Donna E. Arzt*, Anna G. Kaminska**

BIO:

* Bond, Schoeneck & King Distinguished Professor of Law and Co-Director, Center for Global Law and Practice (formerly known as the International Legal Studies Program), Syracuse University College of Law. For the record, Professor Arzt reports that she was President of her high school's World Affairs Council in 1972, the year of the Journal's founding.

** Syracuse University College of Law class of 2003 and Graduate Research Assistant to Professor Arzt. Both authors wish to thank A. Michael Pierson, class of 2003 and also GRA to Professor Arzt, for his help and humor. Ms. Kaminska and Mr. Pierson are both Third Year Associate Editors of the present volume of the Journal.

[*181]

I. Introduction

It could not have been a more different world. Yet has it really changed all that much?
Consider these scenarios:

> In 1972-1973, while the first volume of the *Syracuse Journal of International Law and Commerce* was in production, the United States was attempting to disengage from an unpopular war waged "for hearts and minds" in order to hold in abeyance the implacable creep of Communism.ⁿ¹ Today in 2003, the U.S. employs a "shock and awe" campaign to hunt down weapons of mass destruction and proposes "regime-change," ostensibly to break the ties between one state and a transnational movement of violent fundamentalists. ⁿ² Resisting what was then an illusive "domino theory" in Southeast Asia, the White House now **[*182]** anticipates that deposing one desert dictator will lead inexorably to the demise of others, employing a near eastern domino theory of its own.ⁿ³ If the Vietnam War marked the end of French colonialism in Asia, does the Iraq War mark the beginning of U.S. colonialism in the Middle East?

> In the 1970s, foreign investment ran the risk of expropriation by newly independent states, while today, multinational corporations willingly pay some of those same states "user fees" in order to grease squeaky bureaucratic wheels.ⁿ⁴ However, unlike the era of revolutionary socialism in the Third World, the global economy is now dominated by multinational corporations (MNCs), some of which are larger than all but the six wealthiest countries. ⁿ⁵ Multinationals are not merely "national firms with international operations." ⁿ⁶ They play a "much more central role in the operation of the world economy than in the past and they figure prominently in organizing extensive and intensive transnational networks of coordinated production and distribution that are historically unique." ⁿ⁷

> In the earlier era, U.N. Security Council vetoes served to freeze virtually all attempts at collective problem-solving, earning the Cold War its name. With Nazi intelligence officer Kurt Waldheim at its helm, the United Nations sunk perhaps to its moral nadir in the 1970s.ⁿ⁸ Now, despite the most popular U.N. Secretary-General since Dag [*183] Hammarskjold, the sole superpower chooses multilateralism when available and circumvents it when it is not. Yet in 1988, halfway through the three decade period and even before the Cold War's end, United Nations Peacekeeping Forces won the Nobel Peace Prize, prompting a U.S. State Department assistant secretary to say that the award "symbolizes our renewed hope that through the United Nations, peaceful solutions to disputes can be achieved."ⁿ⁹

World conflict is still primarily a contest of East versus West, with the North-South divide callously treated as a mere distraction. In the early 1970s, the fault lines of international relations were located on geo-political and economic grounds; whereas, today the earth shakes along the fissure lines of religion and culture. In 1972, two large, nuclear weapon-bearing, atheistic states challenged the West but also served a deterrent function, keeping transcontinental violence in check. Today, a plethora of non-state actors, from narco-terrorists to sweatshop-operating corporations, capable of holding diplomats hostage or disenfranchising labor unions, constitute the engines of a rampant but headless phenomenon called "globalization."ⁿ¹⁰ Concomitantly, we have switched our fixation from monolithic, statist enemies - "the Ruskies," "Red China" - to an obsession with a handful of individual demons such as Saddam and Osama, perhaps because singular adversaries seem less irrepressible. It is a more prosperous world but not a safer, more equitable or more comprehensible one.

These developments, in some respects, are reflected in this journal's own history. It is surely more than mere coincidence that the very first article published in the inaugural issue of the Syracuse Journal of International Law and Commerce in 1972 was a sociological analysis of the "parental" role of law in the Soviet Union, while two pieces in the present symposium concern threats to national and global security posed by terrorism; drug, human and arms trafficking; and other forms of [*184] transnational crime.ⁿ¹¹ A third symposium contribution deals with additional types of non-state actors: hunters of endangered species and manufacturing plants that release key ozone depleting substances. ⁿ¹²

At the exact half-way point in the Journal's history, the fifteenth anniversary volume contained the Syracuse University College of Law Kharas Lecture of noted Sovietologist John Hazard, who described the Gorbachev era as "the best of times and the worst of times."ⁿ¹³ By Christmas Day three years later, the Soviet Union would be dissolved and Mikhail Gorbachev would have resigned, though the former President would reappear in the Journal at least three times in the following year's volume. ⁿ¹⁴ Saddam Hussein has made an appearance in five Journal articles since 1992, including in the title of a 1998 piece discussing jurisdictional principles that the U.S. could employ to intervene against a hostes humani generis such as him. ⁿ¹⁵ Forceful abduction was considered an option, but not

deadly force.

Thirty years is surely long enough to call a publication an "institution," long enough, indeed, to be older than the average age of its student editors.ⁿ¹⁶ The purpose of this symposium issue is not so much a **[*185]** celebration of longevity as the commemoration of a path that has run parallel to the very subject of its attention: international law itself. Before introducing the articles prepared for this special symposium, this foreword will attempt to pay tribute to the institution, by reconstructing the Journal's own birth and signifying some of its output over these three decades of publication.

II. Origins and Objectives

Law schools in the United States currently publish over 330 specialized law journals edited by students, the most common of which, numbered at over 70, are about international and/or comparative law.ⁿ¹⁷ That translates into about 45 percent of all accredited law schools publishing a student-edited international law journal. ⁿ¹⁸ In 1972, when the Journal began, the count numbered fewer than fifteen, most of which also commenced during the same baby-booming era, when the number of law schools and law students concomitantly increased. ⁿ¹⁹ The founders **[*186]** of these new international journals discovered - if not presciently discerned - the growing importance of transnational institutions and influences in legal scholarship and practice, and the increasing intersection of international and national law.

As the introduction to the Syracuse Journal's first issue provided: "In the present state of world affairs, the increase in international trade, travel and investment generates a need for lawyers conversant with the many legal aspects of international transactions involving individuals, corporations and governments."ⁿ²⁰ After all, 1972 was the year during which Nixon visited China; Britain took over direct rule of Northern Ireland; North Vietnam was bombed on Christmas Day; and the world watched on television as eleven Israeli athletes were murdered by terrorists at the Munich Olympics. ⁿ²¹

The Syracuse Journal of International Law and Commerce owes its birth, childhood and adolescence to the late Professor L.F.E. Goldie, who began teaching at the College of Law in 1969, at the height of the Vietnam War, and died in January 1991, eighteen months after retiring and in the very week that the Persian Gulf War began.ⁿ²² According to **[*187]** the student editors from the first two years' volumes, "Goldie," as he was affectionately known, began the Journal for at least three reasons: on a professional level, in order to bring renown to the law school and Syracuse University; on an academic and personal level, to bolster the College of Law community's belief in the International Legal Studies Program, which he directed and helped create; and on a pedagogical level, to serve as an organ of expression for students with an interest in international law.ⁿ²³ Vincent Gambale, the first Articles Editor, recalls: "Goldie was ahead of his time because global legal issues didn't take center stage until later." Goldie, whose face Gambale remembers as becoming bright red whenever he spoke on a topic important to him, "had the foresight to place legal issues into an international framework. He was an innovator." ⁿ²⁴

Professor Goldie recruited the first few editorial boards through announcements in his classes. Whoever expressed interest was enlisted and given a title; grading-on and the write-on competition came later.ⁿ²⁵ Though the early boards often met at Fred and Sheila Goldie's home to conduct Journal business, a third floor coat-check room served as operational headquarters at school. In the first year of publication, ten third year students, irrespective of title, performed all the editing tasks - though form and accuracy verification of footnotes might not yet have been included among them. ⁿ²⁶ Nine second-year associate

staffers were added for volume two and wrote their own student notes, which first began to be published in 1974. n27 Over the years the Journal's output has varied from one to four issues a year, most commonly two, though until recently the subscription rate remained fairly flat at a bargain \$ 10.00 a [*188] volume in the U.S., an increase of only \$ 5.00 since 1972.n28

Goldie, who was an internationally recognized specialist in law of the sea (particularly deep seabed mining) and international environmental law, was able to solicit articles from scholars he knew personally to provide material for the early volumes. The first year's issues, in fact, contained the proceedings of the 8th, 9th and 10th Regional Meetings of the American Society of International Law, all held in Syracuse in April of 1971, 1972 and 1973. For volume 3, Goldie organized a Festschrift for Julius Stone, upon his retirement from the Challis Chair in Jurisprudence and International Law at Sydney University.n29 In later years, he would solicit additional symposia within his specialty, such as 1984's Conference on Historic Bays of the Mediterranean.

No one involved with the Journal's founding can now recall why the phrase "International Law and Commerce" was selected for its title, presumably by Goldie himself. Contemporary journals of the time used terms such as "Transnational Law" and "International and Comparative Law" or simply "International Law" but no others seem to have been designated "International Law and Commerce."n30 Most probably, the title was intended to encompass both the public and private sides of international law, a dichotomy that already by then was becoming increasingly artificial and punctured, as illustrated by the "individuals, corporations and governments" phraseology in the first issue's opening statement. n31 A similar sentiment a decade earlier had led the founders of Columbia University School of Law's international journal to choose "Transnational Law," a term popularized by Columbia professor (and World Court judge) Philip C. Jessup to mean: "[All] law which regulates actions or events that transcend national frontiers. Both public and [*189] private international law are included, as are other rules which do not wholly fit into such standard categories. Transnational situations ... may involve individuals, corporations, states, or other groups."n32

III. Trends and Tribulations: The Journal Over 30 Years

It is fair to state that the Syracuse Journal of International Law and Commerce would not have existed without L.F.E. Goldie. But like any proper founder, he allowed it to stand or falter on its own after launching it. How did the Journal make its mark after its earliest years, as it gradually became one of the regular student activities of the College of Law?

There are many possible ways to digest and assess a scholarly publication's standing in or contribution to its field, none of which are definitive.n33 The most obvious method is by examining its contents. Table 1, printed at the end of this Introduction, shows a series of "snapshots" of world events and developments interlinked with a selection of Journal articles and student notes at every five-year anniversary. Like a family photograph album, this representation is illuminative but perhaps too random a culling from too vast an assemblage to deduce more than some amorphous observations. One insight is that student note topics often showed prescience: in 1988, "Recent Development of Patent Law [*190] Protection for Genetic Engineering in Great Britain" presaged the 1997 cloning birth of Dolly the sheep in Scotland, while in 1999, a note about the proposed International Criminal Court anticipated many of the arguments that would later convince President George W. Bush to withdraw President Bill Clinton's signature from the treaty.n34

More revealing perhaps is Table 2, which lists every Journal symposium published before

the present volume.ⁿ³⁵ In contrast to lead articles, which depend in part on the vagaries of what arrives in the mail, symposium articles are deliberately solicited and hence may be more reflective of a publication's self-conceived mission. In fact, clear patterns do emerge: The most frequent subject of Journal symposia was energy and the environment; not surprisingly, all eight such symposia occurred during the Goldie era. The second most frequent symposium topic involved terrorism and other transnational crimes; two took place when Goldie was Director of the International Legal Studies Program, while four were held under the directorship either of Professors Hilary K. Josephs, William C. Banks or Donna E. Arzt.ⁿ³⁶ Other subjects appearing two to four times each were trade and investment, human rights, and cultural property, with a handful of miscellaneous others bringing the total to twenty-four, excluding the present symposium.ⁿ³⁷

[*191] A regular and prominent feature of the Journal since 1981 is the annual Practitioner's Survey of International Law in the Second Circuit, covering the previous year's international law-related case law in federal districts courts within the Second Circuit, the Second Circuit Court of Appeals itself, and on occasion, state supreme courts within the Second Circuit, particularly the New York Court of Appeals. Topics typically include foreign sovereign immunity, the act of state doctrine, choice of law issues, forum non conveniens, asylum, the Warsaw Convention, extradition, foreign discovery, extraterritorial application of U.S. laws, and the Alien Tort Claims Act. The Survey was written by Albany Law School professor Patricia J. Youngblood from 1981 until 1991, by College of Law alum T. Douglas Hollowell from 1992 to 1995 (along with alum Linda C. Cipriani in 1995), and since then by the student editors of the Journal. Because the Survey is used by litigators and other practitioners to keep abreast of developments, no "citation frequency study" or other quantitative assessment method can do justice to its value or utility.

By contrast, the primary content of the Journal, scholarly articles and notes, does lend itself to citation counts, although as a methodology, citation frequency can be criticized as a rather imprecise proxy for scholarly value.ⁿ³⁸ According to Westlaw, the Journal was cited 304 times between 1981 and 1995 (a fourteen-year period) and exactly 400 times between January 1996 and January 2003 (a six-year period), most commonly in other journals of international law.ⁿ³⁹ Significantly, this is **[*192]** an increasing rate, though one of indeterminate value outside of a comparative context. For what it is worth, using the same Westlaw database for the period from January 1, 1996 through January 31, 2003, two "sister" publications sponsored by other law schools in New York state, the Fordham International Law Journal and the Brooklyn Journal of International Law, were cited 224 and 199 times, respectively, compared to 400 for the Syracuse Journal.ⁿ⁴⁰

In one published study of all types of specialized journals, which employed an "author-prominence scale" (based on occupation or title) to code regular, non-symposium articles published in all issues up to five volumes between January 1990 and January 1998, the Syracuse Journal was ranked 54th out of 285 specialized journals published by U.S. law schools.ⁿ⁴¹ Unpredictably, the Journal placed just above the Harvard Human Rights Journal and slightly above the Columbia Journal of Transnational Law,ⁿ⁴² which in a different survey using an "expert opinion" method of ranking only international law journals (including peer-edited publications), had itself placed fourth, between the international journals of Harvard and Yale.ⁿ⁴³ With a minor adjustment in the "author-prominence scale," a further study of international law journals alone ranked the Syracuse Journal at nine, again above the Columbia Journal of Transnational Law as well as the Michigan Journal of International Law, and the corresponding journals of Fordham, Vanderbilt, and Stanford, among others.ⁿ⁴⁴

Regardless of how the Syracuse Journal fares in external rankings and evaluations, from the

point of view of the authors of this Introduction (a faculty member and a student editor); one of the most important [*193] criteria must be educational value. Does participation on the Journal equip students with opportunities to: improve one's research, writing (including organization, presentation, and revision), citation, critical thinking, and analytical skills; develop professional skills in areas such as task-management, timeliness, collaborative work, and attitude (striving for excellence); and/or learn the importance of accuracy and precision, adherence to format rules, paying close attention to textual details, and how legal scholarship contributes to legal knowledge and innovation? Similarly, does Journal membership contribute to students' understanding of how rules and principles of international law are identified and demonstrated; how international law pervades so many aspects of world affairs and is constantly evolving into new subject areas; how international law scholarship relates to other disciplines; and how the intersection and interdependence of U.S. law and international law operate? These are questions for another forum, perhaps, but one that should not be postponed for too long.

IV. In Tribute: the Anniversary Issue

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[*200]

Table 1
SNAPSHOTS OF THE JOURNAL AND THE WORLD

[SEE TABLE 1 IN ORIGINAL] [*201]

[SEE TABLE 1 IN ORIGINAL] [*202]

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[SEE TABLE 1 IN ORIGINAL] [*204]

Table 2

SYMPOSIA PUBLISHED IN THE SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE, VOL. 1 TO 29

VOL.	ISSUE AND DATE	SYMPOSIUM TITLE
1	No. 1, Oct. 1972	The United Nations and Resources of the Deep Ocean Floor
1	No. 2, Fall 1973	International Law and North American Environmental Problems
1	No. 2, Fall 1973	Aerial Hijacking: Public Issues and Private Claims
2	No. 2, Fall 1974	Multinational Corporations and the Energy Crisis: Foreign Governmental Control of Multinational Corporations Marketing in the United States

3	No. 2, Fall 1975	International Problems of Petromoney: Aftermath of the Energy Crisis
4	No. 1, Fall 1976	Legal Aspects of the International Traffic in Stolen Art
4	No. 2, Winter 1977	Canada and the United States: A Changing Relationship in a Changing World
5	No. 2, Winter 1978	Refinancing of Third World Debt
6	No. 2, Winter 1979	Mining of the Deep Seabed: A Range of Perspectives
8	No. 2, Summer 1981	International Satellite Communications and the New Information Order
9	No. 2, Fall 1982	The Foreign Corrupt Practices Act: Domestic and International Implications
10	No. 2, Fall/Winter 1983	Jurisdictional Issues in the International Movement of Cultural Property
11	No. 2, Fall 1984	A Conference on Historic Bays of the Mediterranean
12	No. 2, Winter 1985	Global Environmental Problems: A Legal Perspective
13	No. 2, Winter 1986	Contemporary Issues in International Trade
13	No. 3, Spring 1987	Human Rights and Peace in the Middle East
14	No. 2, Winter 1987	Contemporary Issues in International Terrorism
15	No. 2, Winter 1989	Investment and Trade Law in the Far East: Chinese and Japanese Legal Perspectives
20	Annual, Spring 1994	Roman Law
22	Annual, Spring 1996	International Terrorism: Prevention and Remedies
26	Annual, Spring 1999	Human Rights Symposium--The Concept of Human Rights and Its Application to Africa
27	No. 2, Summer 2000	RICO Thirty Years Later: A Comparative Perspective
28	No. 1, Winter 2000	Prosecuting Transnational Crimes: Cross-Cultural Insights for the Former Soviet Union
29	No. 1, Fall 2001	International Terrorism, Victims' Rights and the Lockerbie Trial

FOOTNOTES:

n1. "The United States strategy [in Southeast Asia] generally proceeded from the premise that the essence of the problem in Vietnam was military, with efforts to "win the hearts and minds" of the South Vietnamese populace taking second place. To frustrate North Vietnamese and Viet Cong efforts, and in part to "contain" China, the United States eventually fielded an army of over 500,000 men and engaged in extensive air and naval warfare against North Vietnam." Federation of American Scientists, Military Analysis Network, Vietnam War, at <http://fas.org/man/dod-101/ops/vietnam.htm> (last visited Apr. 12, 2003). See also Richard A. Hunt, *Pacification: The American Struggle for Vietnam's Hearts and Minds* (1995). The concept of winning "hearts and minds" has been used in a more contemporary military context: The West "needs a strategy that targets the hearts and minds of Muslims worldwide and elevates

political considerations over strictly militarily operational ones. Bombing the rubble in Afghanistan is not a recipe for success." Kumar Ramakrishna, Stop Bombing, and Start Thinking "Hearts and Minds,' Christian Sci. Monitor, Nov. 1, 2001, at 11.

n2. "In a strategy Pentagon officials are calling 'shock and awe,' U.S. forces plan to drop 10 times the bombs in the opening days of the air campaign in Iraq than they did in the first [Persian] Gulf war... a combination aimed at overwhelming President Saddam Hussein's defenses, keeping him from mustering catastrophic retaliation and convincing his forces they can't win." Opening Days of War in Iraq to See 10 Times the Bombing of First Gulf War, Associated Press, Mar. 5, 2003. The strategy has been attributed to former Navy planner, Harlan Ullman. See Senator John S. McCain, foreword to Harlan Ullman Unfinished Business: Afghanistan, The Middle East, and Beyond - Defusing the Dangers That Threaten America's Security (2002).

n3. See Sam Tanenhaus, The World: From Vietnam to Iraq; The Rise and Fall and Rise of the Domino Theory, N.Y. Times, Mar. 23, 2003, at D4.

n4. In the second issue of volume one, the Journal published Michael W. Gordon, Predictability of Nationalization of Foreign Private Investment in Latin America, 1 Syracuse J. Int'l L. & Com. 123 (1973). Until adoption of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, many of the corporations' home countries facilitated this process by allowing these bribes to be tax deductible. See Peter Eigen, Closing the Corruption Casino: The Imperatives of a Multilateral Approach, Opening Address at Global Forum II, the Hague, Netherlands, May 28, 2001, at <http://www.transparency.org/speeches/pe<uscore>gf2<uscore>address.html> (last visited Apr. 12, 2003).

n5. Based on mid-1990's data, only 13 states have large enough national budgets to rank them among the top 25 revenue-generating, non-financial corporations. See Global Policy Forum, States and TNCs Compared, at <http://www.globalpolicy.org/socecon/tncs/tncstat.htm> (last visited Apr. 12, 2003). "Around 53,000 MNCs account for at least 20 per cent (some estimate 30 per cent) of world output and on some estimates up to 70 per cent of world trade." The Global Transformations Reader: An Introduction to the Globalization Debate 282 (David Held & Anthony McGrew eds., 2000) [hereinafter "Global Transformations"].

n6. Global Transformations, supra note 5.

n7. Id.

n8. Two-term Secretary-General Waldheim (1972-1981) had been a junior officer in a Nazi intelligent unit in Croatia which was known to have committed atrocities. See generally Eli Rosenbaum & William Hoffer, Betrayal: The Untold Story of the Kurt Waldheim Investigation and Cover-Up (1993).

n9. Fred Kaplan, UN Peace-Keepers Win Nobel Prize, Boston Globe, Sept. 30, 1988 at 1, available at <http://www.boston.com/globe/search/stories/nobel/1988/1988m.html> (last visited Apr. 12, 2003) (quoting Patricia Derian). The U.N. and/or its agencies won the Nobel Peace Prize in 1981, 1988 and 2001, as well as in 1954, 1965 and 1969. See Winners of the Nobel Peace Prize, available at <http://www.almaz.com/nobel/peace/> (last visited Apr. 14, 2003). Nobel Peace Prize winners are included in Table 1, "Snapshots of the Journal and the World," at the end of this article.

n10. A classic example of globalization is cited by Melvyn Levitsky, Transnational Criminal Networks and International Security, 30 Syracuse J. Int'l L. & Com. 227, 234 (2003) [hereinafter "Levitsky, Transnational Criminal Networks"], "A Russian national with Israeli citizenship living in Greece who

arranged illegal arms shipments to groups in Sierra Leone and laundered his money in Panama."

n11. James L. Hildebrand, *The Self-Actualizing Function of Law in the Soviet Context*, 1 *Syracuse J. Int'l L. & Com.* 1, 5-6 (1972). Keith Sealing, *Thirty Years Later: Still Playing Catch-Up With the Terrorists*, 30 *Syracuse J. Int'l L. & Com.* 101, 102-05 (2003) [hereinafter "Sealing, Thirty Years Later"]; Levitsky, *Transnational Criminal Networks*, *supra* note 10, at 228-231.

n12. David Driesen, *Thirty Years of International Environmental Law: A Retrospective and Plea for Reinvigoration*, 30 *Syracuse J. Int'l L. & Com.* 351, 354 (2003) [hereinafter, "Driesen, International Environmental Law"].

n13. John N. Hazard, *The Gorbachev Era in the USSR: The Best and Worst of Times*, 15 *Syracuse J. Int'l L. & Com.* 1 (1988).

n14. Deborah Z. Cass, *Re-Thinking Self-Determination: A Critical Analysis of Current International Law Theories*, 18 *Syracuse J. Int'l L. & Com.* 21, 36 (1992); John Quigley, *The New World Order and the Rule of Law*, 18 *Syracuse J. Int'l L. & Com.* 75, 80-81, 91 (1992); Shaw J. Dallal, *International Law and the United Nations' Role in The Gulf Crisis*, 18 *Syracuse J. Int'l L. & Com.* 111, 121 & n. 63 (1992).

n15. Edieth Y. Wu, *Saddam Hussein as Hostes Humani Generis: Should the U.S. Intervene?* 26 *Syracuse J. Int'l L. & Com.* 55 (1998). *Hostes humani generis* is usually translated as "an enemy of all mankind." The other four articles are: Shaw J. Dallal, *International Law and The United Nations' Role In The Gulf Crisis*, 18 *Syracuse J. Int'l L. & Com.* 111 (1992); Malvina Halberstam, *The Myth That Israel's Presence in Judea and Samaria is Comparable to Iraq's Presence in Kuwait*, 19 *Syracuse J. Int'l L. & Com.* 1 (1993); Brian Owsley, *Landmines and Human Rights: Holding Producers Accountable*, 21 *Syracuse J. Int'l L. & Com.* 203 (1995); Lt. Robert A. Bailey, *Why Do States Violate The Law of War?: A Comparison of Iraqi Violations in Two Gulf Wars*, 27 *Syracuse J. Int'l L. & Com.* 103 (2000).

n16. As noted by Michael Reisman, the U.S. is "unique in the world of legal scholarship in one remarkable way: Decisions about the publication of research, rather than being directed by the most senior and experienced scholars of the field, are made by the most junior and least experienced." W. Michael Reisman, *The Vision and Mission of the Yale Journal of International Law*, 25 *Yale J. Int'l L.* 263, 265 (2000) [hereinafter "Reisman, Vision and Mission"]. This feature is probably unique to other fields of professional scholarship as well as to law.

n17. See *Special Focus Student-Edited Law Journals*, at <http://www.andersonpublishing.com/lawschool/directory/dlfiles/SPECIAL.doc> (last visited Apr. 12, 2003). At least seventeen more U.S. journals of international law are peer-edited rather than student edited. See Gregory Scott Crespi, *Ranking International and Comparative Law Journals: A Survey of Expert Opinion*, 31 *Int'l Law.* 869, 883 (1997) [hereinafter "Crespi, Ranking International "]. Of the approximately 90 international journals published in the U.S. (student-edited as well as peer-edited), at least fifteen are further specialized in topics such as international business or economics, environmental law, human rights, criminal law, tax and labor, while at least eight focus on one continent (Asia, Latin America or Eastern Europe) or one country (China, Canada or Mexico). See *id.* at 877; Tracey E. George & Chris Guthrie, *An Empirical Evaluation of Specialized Law Reviews*, 26 *Fla. St. U. L. Rev.* 813, 824 n. 57 (1999) [hereinafter "George & Guthrie, Empirical Evaluation"]. Peer-edited international law journals include the prestigious *American Journal of International Law* and the *American Journal of Comparative Law*.

n18. George & Guthrie, *Empirical Evaluation*, *supra* note 17, at 823 (Table 2). The Association of American Law Schools has a current membership (number of accredited schools in the U.S.) of 165. See

AALS Member Schools, at <http://www.aals.org/members.html> (last visited Apr.12, 2003). George and Guthrie note that specialize law reviews, in general, "have exploded onto the scene due in large part to law school expansion, law faculty needs, and law student demands." George & Guthrie, *Empirical Evaluation*, supra note 18, at 818. Nine new specialized journals were started in the 1950s, 27 in the 1960s, 60 in the 1970s, 91 in the 1980s, and 137 in the 1990s through 1998. *Id.*

n19. Seventeen is the number reportedly in existence in 1975, when the Yale Journal of International Law (first known as the Yale Journal of World Public Order) was founded. Reisman, *Vision and Mission*, supra note 16 at 265. International law journals that were established before the Syracuse Journal of International Law and Commerce include those at Harvard Law School (1959), University of Virginia (1960), Columbia University (1961), University of Texas (1964), Stanford University (1965), Vanderbilt University (1967), Cornell University (1967), Case Western Reserve University (1968), New York University (1968), George Washington University (1968), California Western School of Law (1969), University of Miami (1970), University of Georgia (1970), and University of Denver (1971). Between the inauguration of the Syracuse and Yale publications, two more were founded: Brooklyn Journal of International Law and North Carolina Journal of International Law and Commercial Regulation, both in 1974. Although the Harvard International Law Journal may be the oldest, it is not the oldest continuous such journal, having gone into hiatus in its early years, thus making Virginia's publication the "oldest continuously-published student-edited journal of international law in the world." John Norton Moore, *Toward the Rule of Law Among Nations: A Tribute to the Virginia Journal of International Law*, 40 Va. J. Int'l L. 805, 806, n. 2 (2000). A significant link between Syracuse and Virginia was Professor Richard Lillich, who left the former for the latter school in 1969. A baby boomer born in 1949, for instance, might have finished college and gone directly to law school in 1972.

n20. The Syracuse University International Legal Studies Program, 1 Syracuse J. Int'l L. & Com. 1 (1972).

n21. 20th Century Year by Year: 1972, INFOPLEASE.COM, at <http://infoplease.com/year/1972.html> (last visited Mar. 22, 2003). Domestically, 1972 was the year of Watergate, the campaign-trail shooting of George Wallace, and *Furman v. Georgia*, 408 U.S. 238 (1972), in which the Supreme Court declared capital punishment unconstitutional. First class postage was \$.08. It was the year that the CAT-scan, the compact disk, and email were invented; a new drug, Prozac, was introduced, as was a game called Pong that you played on your TV; and Ms. Magazine debuted. More amusing, though no less illuminating, are the pop culture monuments of 1972: Carole King won song, record and album of the year at the Grammys; MASH premiered on television. Top films were *The Godfather*, *Cabaret*, *Deliverance*, and *The French Connection*, which won Best Oscar. See <http://infoplease.com/year/1972.html#ent> (last visited Mar. 22, 2003).

n22. See L.F.E. Goldie Dies; Ex-Law Professor, 72, N. Y. Times, Jan. 17, 1991, at B10. In fact, Fred Goldie was still teaching as an Emeritus Professor that year.

n23. These recollections are based on telephone interviews conducted by co-author Anna G. Kaminska between October 31, 2002 and November 25, 2002 with the following College of Law alumni, identified by the position they held on the Journal: From volume 1, number 1: Arnold Ira Kalman (Editor-in-Chief), William Schreiber (Proceedings Editor), and Vincent Gambale (Articles Editor); William Scheffler (Managing Editor of volume 1, number 2); and David Marx, Jr. (Editor-in-Chief, volume 2, number 2) [hereinafter "Kaminska Interviews"].

n24. *Id.*

n25. *Id.* For instance, William Schreiber remembers first hearing about the Journal in Goldie's

International War Crimes course. Syracuse University College Of Law, Annual Report To The Vice Chancellor 8 (1971-1972). According to official law school records, the first issue was prepared by the school's International Law Society.

n26. Kaminska interviews, supra note 23 (none of those interviewed recalled that function and no corresponding title appears in the first issue's list of editors. Besides those identified in note 23, supra, the other editors of the inaugural issue were Wayne Roth, James Lantier, Robert Fitch, Douglas Widman, Erling Hansen, and JoAnn Dolan).

n27. Kaminska interviews, supra note 23. See also 2-3 Syracuse J. Int'l L. & Com (1972-1973).

n28. The Journal only published four issues for one volume, 14. Three issues were published for volumes 11 to 13 and 15, while only one was produced for volumes 17 through 26 and 28. All other volumes contained two issues. Subscriptions outside the U.S. were \$ 7.50 in 1972 and only \$ 13.00 thereafter until the present year's increase in rates.

n29. See 3 Syracuse J. Int'l L. & Com. 1 (1975). Goldie held law degrees from the University of Western Australia and Sydney University. New York Times, Jan. 17, 1991, supra note 22. Julius Stone himself had contributed Force and the Charter in the Seventies for 2 Syracuse J. Int'l L. & Com. 1. The Winter 1985 issue included a memorial note by L.F.E. Goldie: "Julius Stone, an official observer for the International Commission of Jurists at the trial of Adolf Eichmann and author of 34 books, died on Tuesday, September 3, 1985 after suffering from an illness." In Memoriam for Julius Stone, 12 Syracuse J. Int'l L. & Com. 2 (1985).

n30. For instance, the Columbia Journal of Transnational Law, the Vanderbilt Journal of Transnational Law, and the Suffolk Transnational Law Review. Georgia's and Hastings' journals use "International and Comparative Law." The closest title to Syracuse's is the North Carolina Journal of International Law and Commercial Regulation.

n31. Supra note 30 and accompanying text.

n32. Philip C. Jessup, Transnational Law 2 (1956). Jessup did not coin the term but popularized it in his Storrs Lectures at Yale. He believed the proper unit of analysis should be "transnational law" because "the term 'international' is misleading since it suggests that one is concerned only with the relations of one nation (or state) to other nations (or states)." Id. at 1. This quotation appears in every issue of the Columbia Journal of Transnational Law and on the journal's website, <http://www.columbia.edu/cu/jtl/>. The first issue of the Yale Journal of World Order (now called the Yale Journal of International Law) proclaimed along somewhat similar lines: "As we become increasingly aware of the intense frequency of global interactions and communications which are part of our life, we realize that they make a sieve of the arbitrary demarcation between national and international law and make such a juxtaposition no longer viable...We commit ourselves to publishing articles which contribute to the understanding of this highly interrelated global process." Quoted in Reisman, Vision and Mission, supra note 16, at 265-266.

n33. Symposium, Chicago-Kent Law Review Faculty Scholarship Survey, 70 Chi.-Kent L. Rev. 1445 (1995) (exemplifying the methodological dialogue among "journal rankers" and their critics). E.g., Richard A. Mann, The Use of Legal Periodicals by Courts and Journals, 26 Jurimetrics J. 400 (1986); Robert M. Jarvis & Phyllis G. Coleman, Ranking Law Reviews: An Empirical Analysis Based on Author Prominence, 39 Ariz. L. Rev. 15 (1997); Gregory S. Crespi, Ranking Specialized Law Reviews: A Methodological Critique, 26 Fla. St. U. L. Rev. 837 (1999); Russell Korobkin, Ranking Journals: Some Thoughts on Theory and Methodology, 26 Fla. St. U. L. Rev. 851 (1999) (providing the most detailed analysis of the articles cited); Tracey E. George & Chris Guthrie, An Empirical Evaluation of Specialized

Law Reviews, 26 Fla. St. U. L. Rev. 813 (1999).

n34. Frank Y. Tang, Recent Development of Patent Law Protection for Genetic Engineering in Great Britain: Genentech Inc.'s patent for TPA, 15 Syracuse J. Int'l L. & Com. 125<uscore> (1988); see Tim Beardsley, A Clone in Sheep's Clothing SCIENTIFIC AMERICAN, Mar. 3, 1997, available at <http://www.sciam.com/article.cfm?articleID=0009B07D-BD40-1C59-B882809EC588ED9F> (last visited Apr. 15, 2003). Matthew D. Peter, The Proposed International Criminal Court: A Commentary on the Legal and Political Debates Regarding Jurisdiction That Threaten the Establishment of an Effective Court, 24 Syracuse J. Int'l L. & Com. 177 (1997). (This particular student note author bet Professor Arzt a dinner that the ICC would not come into existence any sooner than 2005. Mr. Peter, please pay up). See U.S. Dept. of State, Fact Sheet: The International Criminal Court, Office of War Crime Issues, May 6, 2002, available at <http://www.state.gov/s/wci/rls/fs/2002/9978.htm> (last visited Mar. 22, 2003).

n35. Twenty-four different symposia were held during the Journal's first twenty-nine years. In some years, no symposium was held; occasionally during others, more than one.

n36. After a brief hiatus upon Goldie's retirement, the directorship of the International Legal Studies Program (renamed the Center for Global Law and Practice in 1997) rotated among College of Law faculty members Joseph, Banks, and Arzt. Currently, the latter two share the directorship. These three, along with Professor Peter Herzog (now Emeritus) and Professor Louise Lantzy, have also served intermittently as advisors to the Journal after Goldie's retirement. Among other functions, the Center for Global Law and Practice issues a certificate to students who have completed a specified number of international law courses; grants an annual award to one or more graduating certificate earners; sponsors a number of inter-collegiate moot court teams (including the Jessup and Inter-American Human Rights teams); holds conferences; and sponsors joint faculty-student pro bono projects such as the Lockerbie Trial <diff> Families Project and the current Sierra Leone Project.

n37. The 1977 symposium entitled "Canada and the United States: A Changing Relationship in a Changing World," covered environmental and trade topics, so it is counted in both categories.

n38. "While a citation to an article can signify that the article was particularly insightful or original, it might just as easily signify... [that the article] happens to be on the current author's desk...[or] makes a unique but completely implausible argument that the current author does not take seriously...[or that the author] is someone with whom the current author hopes to impress or curry favor...[or] is a friend or political ally of the current author..." Korobkin, Ranking Journals, supra note 33, at 865-866 (citations omitted). See Scott Finet, The Most Frequently Cited Law Reviews and Legal Periodicals, 9 Legal Reference Servs. Q. 227, 227 (1989) ("Citation counting is not an infallible measure of the quality of formal written communication, however, it serves as an objective measure of the relative impact of publications through qualitative means.").

n39. No citations were found before 1981, but Westlaw's law review files are less comprehensive before that date and there were fewer other journals of international law in which cross-references might be located. Of course, this excludes citations in books as well as journals not included in the database. The Journal appears to have been cited twice by courts. Paul W. Jameson, The Administration of the U.S. Countervailing Duty Laws with Regard to Domestic Subsidies: Where It's Been, Where It Is, Where It May Go, 12 Syracuse J. Int'l L. & Com. 59 (1985), was cited in *British Steel Corp. v. U.S.*, 632 F. Supp. 59, 70 (C.I.T., 1986); James V. Feinerman, The Evolving Chinese Enterprise, 15 Syracuse J. Int'l L. & Com. 203 (1988), was cited in *Matter of Arbitration Between Trans Chemical Ltd. and China Nat'l Machinery Import and Export Corp.*, 978 F. Supp. 266, 284 (S.D. Tex., 1997).

n40. This is a striking result, as Fordham's journal is published six times a year and Brooklyn's is

published three times a year, while the Syracuse Journal published only one or two issues a year in this time period.

n41. George & Guthrie, *An Empirical Evaluation*, supra note 17, at 833 (Table 4). These authors note that "The sudden, rapid, and widespread increase in the number of specialized law reviews has attracted relatively little scholarly attention even though it is the most significant development in legal academic publishing in the second half of the twentieth century... . Specialized law reviews have exploded onto the scene due in large part to law school expansion, law faculty needs, and law student demands." *Id.* at 814, 818.

n42. *Id.* at 833. The top-ranked international journal in their "author-prominence" table of the top 100 specialized law reviews (all topical specialties), *The Virginia Journal of International Law*, was only 24[su'th']. *Id.* at 832. But of the top 100, in which 40 subject areas are represented, 24 specialize in international law. *Id.* at 836. For criticism of the George & Guthrie study (which employs the Jarvis & Coleman "author-prominence" scale), see Korobkin, *Ranking Journals*, supra note 33, at 860-864.

n43. Crespi, *Ranking International*, supra note 17, at 873.

n44. In a follow-up article, George & Guthrie compared their adjusted findings to Crespi's by excluding a few law reviews that the latter did not include in his survey. George & Guthrie, *In Defense*, supra note 33, at 884, n. 45 and 46. See also *id.* at 884, Table 1.

FOOTNOTES TO REST OF ARTICLE DELETED

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