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Introduction to the Brooklyn Journal of International Law

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INTRODUCTION

In the highest tradition of law reviews, the *Brooklyn Journal of International Law* is a student creation. The original inspiration came from students. The student staff formulated the overall concept and assumed full responsibility for every step of the process which has culminated in the publication of this, the first issue of what is planned as a continuing publication of increasing breadth and significance.

Brooklyn Law School joins the almost score of schools now publishing international law reviews. This publication is merely one evidence of the growing interest at Brooklyn Law School in the international field, an interest which has resulted in the addition of new elective courses; in broad student participation in the Jessup International Moot Court Competition; and in the current rapid expansion under the direction of the new law librarian, Professor Dusan Djonovich, of the Library's resources. An increasing number of students recognize that the problems which affect the very continued existence of our way of life, and even our physical survival, know no frontier and can be solved only by cooperation among nation states. These students have become conscious of the need in even general professional practice for knowledge of the techniques and principles of those aspects of foreign and transnational law relevant to business activity which increasingly transcends the boundaries of the nation state. To the many students envisaging the possibility of one of many types of public service or of government employment, international law study provides highly useful preparation. Others find in it the stimulation and insights which come from viewing law in a different context and from new perspectives.

The contents of the *Brooklyn Journal of International Law* reflect the new directions and concerns of international law. Several contributions signify recognition that the problems of "this endangered planet" can not be solved exclusively within the nation state and that cooperation among these states requires at least a minimal acceptance of the concept of the rule of law in a world order. Ambassador Kearney deals with the cooperative regulation of international waterways and finds in such cooperation the only way to solve such problems as pollution. Ms. Boxer examines a not unrelated theme in her study of the use of national legal systems to effectuate changes in the environment. The editors saw in the publication of the Brooklyn Law School team's

memorial and counter-memorial in the Jessup Moot Court Competition an opportunity to call attention to the significant problems arising from pollution going beyond national frontiers, particularly as complicated by the special perspectives of developing and industrialized nation states. These memorials were adjudged the best in the Eastern Region of the Jessup Competition. Mindful of the injunction in the Statute of the International Court of Justice [Art. 38(1)] that the Court apply "the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law," the editors saw a need in the field of international law, going even beyond that in municipal law, to draw greater attention to recent significant articles in international law. They have, therefore, included a section in which selected articles are abstracted.

A student case comment evaluates *Sherk v. Alberto-Culver Company*, in which the Supreme Court emphasizes as "an almost indispensable precondition to achievement of the orderliness and predictability essential to any international business transaction" a contractual provision specifying in advance the forum in which disputes shall be litigated and the law to be applied. Another comment examines from the perspective of international law the application by the Second Circuit in *United States v. Toscanino*, of due process considerations to the treatment abroad of one being held for extradition to the United States.

We of the faculty of Brooklyn Law School express our pride in the manner in which our students, in launching this publication, have demonstrated their consciousness of the broadening horizons of the law and their dedication to the furtherance of the rule of law in the world order. We look forward to a growing role of the *Brooklyn Journal of International Law* in making a broader group of lawyers increasingly aware of the role the law must play in the solution of the awesome problems which the world community faces today. We are confident that the editors and their successors will achieve ever-increasing success in the development of a publication with the highest scholarly and professional standards in an area of the law of importance second to none.

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