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One student of English law had a good opportunity to show his knowledge. In the famous Doctor and Student dialogues between a student and a Doctor of Divinity, the issues discussed relate primarily to statutes and common-law practices which may be argued to infringe on church law or the rights of conscience. The author, Christopher Saint Germain, of the Inner Temple, was engaged in debate with a sergeant-at-law soon after the publication of the work in 1518. The particulars of this debate over the twelfth chapter of the first dialogue were set forth in Hargreave's Collection of Tracts. The work was also favorably cited in Reeve's History of English Law and in Blackstone's Commentaries. Doctor and Student was included in the 1604 edition of Glanville's Tractus de legisbus in Latin text. The Library also has the seventeenth edition in English text printed in London in 1787.

The Lawyer in the International Field

By MAX RHEINSTEIN
Max Pam Professor of Comparative Law

American interests and activities transcend the boundaries of the nation. Individuals travel into foreign countries for business or pleasure; family ties extend across national boundaries; private assets are held abroad; residents of foreign countries may be called to succeed to the wealth of an American national, and vice versa. Business relations extend all over the globe. Foreign firms buy and sell in this country; American firms export their goods to foreign markets and import from abroad raw materials and manufactured products. Credit transactions and investments are made between nations; in recent decades numerous American firms have established foreign plants, sales agencies, or other branches. Shipping and air traffic connect the nations. Protection for patents, trade marks, and copyrights must be sought and obtained the world over. In all these activities lawyers are needed as advisers, negotiators, draftsmen, arbitrators, and counsel. Legal problems also arise continually in the international activities of the government. They have been important in the traditional conduct of diplomatic and consular business and have multiplied as international governmental activities have increased in recent times. Intricate legal problems have, indeed, arisen in such activities as the formulation and implementation of the Marshall Plan, the Point Four Program, the activities of NATO and SEATO, offshore procurement, economic aid to foreign nations, the occupation of enemy territory during and after hostilities, the maintenance of military and naval bases in foreign countries, etc. Finally, a new field has arisen for the international lawyer in the activities of those international agencies which, not belonging to any single nation, are charged with tasks of a specifically international character, such as the United Nations, the International Labor Office, the United Nations Educational Scientific and Cultural Organization (UNESCO), the International Aviation Authority, the International Bank, the International Monetary Fund, the International Institute for the Unification of Private Law, the International Health Organization, and the International Food and Agricultural Organization. In addition to these international agencies of recent origin, there also exist quite a few older ones with well-established traditions in important fields, such as the World Postal Union, the International Copyright Office, the International Bureau for the Protection of Industrial Property, the International Whaling Bureau, the International Bureau of Standard Weights and Measures, and the Pan American Union. In many of these organizations lawyers are among the members of the several national delegations to the governing bodies; in most of them lawyers are on the permanent staff as international civil servants, just as they are found in the governing bodies and in the permanent staffs of such non-governmental organizations as the International Chamber of Commerce or specialized international trade associations.

Even by foreign governments American lawyers are increasingly used not only in negotiations for American credits but quite generally before American legislative bodies, whose activities have come deeply to affect the interests of foreign nations.

The sphere of activities of the international lawyer is extensive and varied. The opportunity for trial work or judicial action is, of course, more limited than in the national field. Only one American at a time can be a member of the bench of the world's most illustrious tribunal, the International Court of Justice, and very few lawyers can satisfy the dream of pleading a case before it. The Nuremberg experiment of international criminal justice will, let us hope, not be repeated. If a case is to be tried before the court of a foreign country, the American party will regularly be represented by a lawyer of that country, but an American lawyer may have to instruct him or to act as his consultant. At almost all times we can find at work some international tribunal or claims commissions. According to an estimate recently made by a committee of the American Bar Association, some fifty thousand cases have been decided by international tribunals during the last twenty-five years. Even more extensive is the work of those numerous unofficial arbitration boards in whose activities American lawyers are engaged as arbitrators or party representatives. But the great bulk of the international lawyer's work consists in giving advice, in negotiating, and, above all, in the exercise of the art of draftsmanship.
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The work of the international lawyer is fascinating. It offers great rewards, intellectually and professionally. It also requires special skills and knowledge and, above all, the ability to deal with people whose general outlook may differ considerably from the American. Proficiency in foreign tongues is a precious asset. In many cases it will also be necessary for the American international lawyer that he has familiarized himself with the so-called civil law, that is, that legal system which constitutes the base of the laws of practically all countries of the world outside the United States and the British Commonwealth. The American lawyer can easily carry on a legal discourse with a lawyer from England, the mother country of the Anglo-American common law, or with a lawyer from any other country whose law is derived from the same source, such as Canada, Australia, India, Pakistan, or Burma.

But let our American lawyer try to carry on a legal discussion or negotiations with a lawyer from Mexico, Brazil, France, Germany, Egypt, Japan, the Union of South Africa, or the Soviet Union. Even if both parties are equally fluent in the use of the English language, they will find it difficult to understand each other. The concepts and mental processes used by one are not those of the other. At best, the parties will need much more time to understand each other than two common-law lawyers. Quite likely they may not reach an understanding at all; at worst, they may believe to have understood each other only to find out later that they have used the same words in different senses or have otherwise talked at cross-purposes. The reason lies in the fact that the conceptual framework and the methods of legal thought are different in the civil law countries, whose legal system originated upon the continent of Europe and now constitutes varying combinations of rules, methods, and concepts developed in ancient Rome, with medieval customs and modern ideas of the Enlightenment, nineteenth-century rationalism, and twentieth-century technology and policy. While in the solution of practical cases common law and civil law often reach the same results, the mental ways in which these results are reached are different—so different, indeed, that it is not easy for a lawyer trained in a legal system of one family to understand one who has had his training in the other.

To make the American lawyer aware of these differences and give him an introduction into the fascinating world of the civil law, law schools are offering courses or seminars in comparative law. For those who seek a more detailed professional training in the civil law, the University of Chicago has designed its Foreign Law Program, which is open to graduates of high standing of its own as well as of other recognized American law schools.

For a long time American international legal practice was concentrated in a comparatively small number of law firms in Washington, New York, and a few other seaports. As business firms of inland regions have begun more extensively to deal directly with foreign suppliers and customers, international legal business has tended to be less centralized. With the development of the St. Lawrence River Waterway, international practice of law is expected to expand considerably in the Middle West.

**International Law Conference**

During the Spring Quarter, The Law School sponsored a Conference on International Law and the Lawyer. The conference was held in conjunction with the annual regional meeting of the American Society of International Law, which is celebrating its fiftieth anniversary this year. The speaker at the afternoon session was George W. Ball, of Cleary, Gottlieb, Friendly and Ball, Washington; commentators were David M. Goeder, of Lord, Bissell and Brook, Chicago, and Professor Ferdinand F. Stone, director of the Institute of Comparative Law, Tulane University Law School. Professor Allison Dunham, chairman of The Law School’s Conference Committee, presided. The subject of the session was “The Lawyer’s Role in International Transactions.”

The evening session of the conference was devoted to “International Law and Treaties in National Courts.” Quincy Wright, Professor of Political Science at the University of Chicago and president of the American Society of International Law, was the featured speaker. Professor Malcolm Sharp was the commentator for this session, which was presided over by Max Rheinstein, Max Pam Professor of Comparative Law.
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