Might future legal historians mark the turn of the millennium as the time when the University of Chicago Law School made major advances in the study and teaching of international law?

If so, how much of the credit will go to a prescient and determined band of students?

Those questions are raised by the debuts in the 1999-2000 school year of two new undertakings, each characterized by the rigorous, interdisciplinary, convention-challenging approaches that are hallmark marks of the Law School's legal tradition. One is the new Chicago Journal of International Law, and the other is the new international law workshop. Further momentum is added to those developments by the expansion of the international law curriculum, the rules-altering accomplishments of the faculty's international human rights advocates, continuing growth in the impact and visibility of the LL.M. program, and the accomplishments of alumni in private and public international law practice.

"The biggest problem with the picture that emerges for international law is that it is one that should not—indeed, cannot—continue. No one needs to be told that the world has shrunk, that human rights violations in one part of the world are not only morally reprehensible but also have practical repercussions elsewhere, that environmental problems demand international solutions, that weapons of mass destruction know no boundaries, and that the world has become a single economic unit. The question instead is how to bring our laws and institutions into line with this reality. Here, in the middle ground between the philosophy and cookbooks that have largely characterized international legal scholarship, the need for creative thinking and innovative scholarship is pressing. This is the gap that the Chicago Journal and its counterparts should strive to fill, because international law is important, necessary, and it makes a difference."

Judge and Senior Lecturer in Law Diane P. Wood, "Diffusion and Focus in International Law Scholarship," in Chicago Journal of International Law
The New Journal

The new Chicago Journal of International Law—CJIJ for short—traces its distinctive qualities back to casual conversations among students in 1998. "We found ourselves agreeing that an interdisciplinary perspective was lacking from most international law journals," recounts Vidya S. Atre, '00, who would become CJIJ's first executive editor, "and we thought that such a perspective might make a valuable contribution."

As the idea of a Chicago-based journal took hold, the student leaders identified other characteristics they would like to see in such a publication, Margaret J. A. Peterlin, '00, CJIJ's first editor in chief, explains: "Because international law is not fully theorized yet, we decided that relatively short articles, intensely focused on specific topics, might be more valuable than the longer explorations found in journals devoted to more developed areas of law."

In addition to that shift in orientation, Peterlin says, "We also wanted to see whether we could offer substantive treatments of current developments, and whether we could obtain interestingly-written first-person accounts from the people who are creating and implementing international law. We were hoping for a journal with broad applicability for scholars and practitioners in the legal profession and related disciplines."

The founders' overriding concern, encompassing the foregoing ones but extending beyond them, was to dig into international law scholarship and begin refocusing it on a new, more powerful paradigm.

Hence, the core of the journal's inaugural issue was a symposium addressing the question, "What's Wrong with International Law Scholarship?" Ten contributors—including a sociologist; an international relations professor; a legal historian; the Law School's foreign and international law librarian; Lyonette Louis-Jacques, '86; and Seventh Circuit Court of Appeals Judge Diane P. Wood, a member of the faculty—submitted thoughtful, provocative answers to that question.

Professor Jack Goldsmith, who advised the CJIJ team, commends the journal's creators for taking a challenging scholarly approach.

"Americans, or at least American lawyers, tend to think that constitutions are largely pragmatic instruments, to be evaluated for what they do, not merely what they say. For us, a successful constitution accomplishes a great deal in the real world; it is far more than a set of statements of basic commitments. . . . In Eastern Europe, by contrast, one of the central points of constitution-making was emphatically expressive—to make a statement about what was being accomplished and to articulate national commitments or goals. . . . [C]onstitution-making in Eastern Europe had some of the features of design of a party platform in the United States, though of course the stakes, in the former case, were, and were broadly perceived as, much higher."

focusing much of its content on positive theoretical questions relating to the nature of international law itself, not principally on normative questions regarding the proper content of that law. "Just by asking the question, what's wrong with international law scholarship, they showed that they were willing and able to be critical, in both senses of that word—critical thinkers in assessing the current state of scholarly practice, and critics in insisting that the discipline should live up to the highest standards of legal analysis, which Wald's description of the contrasts between her experience on the federal bench—where she served for 20 years as judge on the U.S. Court of Appeals for the District of Columbia Circuit—and her new assignment as a judge on the International Criminal Tribunal for the Former Yugoslavia.

In its second issue, the journal examined the validity of perceived threats to American sovereignty posed by trends toward global governance, publishing several papers arising from an American Enterprise Institute confer-

The guest speakers and the attendees at the international law workshops represented a Chicago-style multidisciplinary profile, and they challenged conventional thinking at every turn.

"At most law schools—despite obvious trends for globalization in legal practice—international law is a form of juridical afterthought, a proverbial tail that wags the legal dog. International law is often regarded as an 'enrichment' course, a mere perspective of what domestic law is or should be. International law is thus not valued in its own right, but rather, only for what it can teach us about our own domestic law. Usually the message is that we are justified in feeling smugly superior that we profess a body of law that is, well, legal. Domestic law is, after all, immune from the vagaries of international politics and public morality. Nor is there any real schism between lex lata and lex

David J. Bodenman, "I Hate International Law Scholarship (Sort of)," in Chicago Journal of International Law
considering that there are more than 70 publications devoted to international law in the United States alone.”

Dean Fischel, who admits that at first he had to be won over to the merits of authorizing yet another publication in that crowded field, now speaks of *CJIL* with unabashed enthusiasm. “It’s the best international law journal out there, bar none,” he says.

The New Workshop
Goldsmith and Professor Alan O. Sykes created and chaired the first year of the new workshops 4:30 to 6 on Monday evenings. “Chicago has a great international relations program, brilliant minds, and we wanted to do our best to accommodate their participation,” Sykes explains.

The guest speakers and the attendees represented a Chicago-style multidisciplinary profile, and their positive theoretical analyses challenged conventional thinking at every turn. For example, Ronald A. Cass, ’73, who was vice-chairman of the U.S. International Trade Commission before becoming dean of

Boston University Law School, argued against the common assumption that free trade results in a “race to the bottom” that sacrifices general public welfare in favor of profit maximization. That metaphor, he said, “misleads in arguing that there is a simple, direct connection between trade and regulatory change, in arguing that the change leads to a single, low-regulation system globally, and in arguing that the change impairs domestic welfare.” “Regulatory change,” he proposed, “will tend to promote, not impair, welfare.”

*The new workshop anchors an overall international law curriculum that has been considerably expanded in comparison to previous years.*

Jack Goldsmith holds a diploma in private international law from the Hague Academy of International Law in addition to his J.D. from Yale. He has clerked for Judge J. Harvie Wilkinson of the U.S. Court of Appeals for the Fourth Circuit, Justice Anthony M. Kennedy of the United States Supreme Court, and Judge George A. Aldrich of the Iran-US. Claims Tribunal.
The new workshop anchors an overall international law curriculum that has been considerably expanded in comparison to previous years. A conference on international law and economics is planned for spring 2001. Among the new seminars are “Selected Topics in International Arbitration and Litigation” and “The World Trade Organization.” In addition to guiding the workshop’s second year with Sykes, Goldsmith will teach “Public International Law,” “Foreign Affairs and the Constitution,” and “Conflict of Laws,” and he will also lead the seminar “International Law & Political Science” with Duncan Snidal, a lecturer in law and a member of the university’s political science faculty. Lecturer in Law Jacqueline Bhabha, who has directed the University of Chicago’s Human Rights Program since its creation in 1997, will lead three seminars: “Rights in Europe,” “Human Rights, State Sovereignty, and Persecution: Issues in International Refugee Law,” and the Human Rights Program core course “Current Issues in Human Rights.”

**Human Rights**

The Law School has strengthened its ties to the Human Rights Program, and increased its financial support. That program carries out an impressive array of activities, including three core courses, a biweekly workshop series, major research projects, a film series, and an initiative it spearheaded earlier this year, the Scholars at Risk Network. That network, which includes many educational institutions and other agencies, will bring scholars facing human rights abuses to academic positions in North America.

The Human Rights Program draws on the unique strengths of the Law School and the university. "No other human rights program in the country is as interdisciplinary," says program director Jacqueline Bhabha.

Director Bhabha says the program draws on the unique strengths of the Law School and the University. Faculty from fields that include law, medicine, history, divinity, philosophy, and anthropology team-teach courses in such a way that the theoretical and practical aspects of the issues intersect. "No other human rights program in the country is as interdisciplinary," she says.

Bhabha’s personal focus of late has been on transnational children’s rights. She has developed a substantive legal framework as well as procedural and evidentiary standards for adju-

Alan O. Sykes, the Frank and Bernice Greenberg Professor of Law, earned a Ph.D. in economics from Yale after completing his law degree at Yale Law School. He is an editor of the Journal of International Economic Law, author of Product Standards for Internationally Integrated Goods Markets, co-author of Legal Problems of International Economic Relations, and co-editor of Economic Dimensions in International Law and Implementing the Uruguay Round.
People graduating from the University of Chicago are going to be influential. I want them to approach immigration from an informed perspective." — Susan Gzesh

Visiting Professor Catharine A. MacKinnon has once again changed the landscape of international human rights law, leading the successful struggle to have rape recognized as a practice of genocide in the Second Circuit Court of Appeals, through winning a pitched legal battle, which reached the Supreme Court, so that Bosnian Muslim and Bosnian Croat women could assert their claims for injury under the Alien Tort Claims Act and the Torture Victim's Protection Act.

This summer, as attorney for 12 Bosnian Muslim and Bosnian Croat women and their children, she won a $745 million verdict in their case from a New York jury. She filed the complaint in February 1993 against Bosnian Serb Army leader Radovan Karadzic for rapes and other atrocities committed against her clients by military forces who acted under his...
command and effectuated his policies.

Lecturer in Law Susan Gzesh is director of The Mexico-U.S. Advocates Network, a coalition of Mexican and U.S. human rights organizations concerned about bilateral and regional migration policy. The organization's goal is to forge a bi-national perspective, as experts from both countries explore the causes of immigration from Mexico to the U.S. and the changes such immigration has prompted in those societies. The interdisciplinary approach relies on the insights of sociologists, demographers, and agronomists as well as legal scholars.

Gzesh teaches “Immigration Policy & Law” at the Law School. She tells her students to subtitle it, “Constitutional Law through the Looking Glass”; she aims to give those students an understanding of how the U.S. legal system treats non-citizens by examining immigration as one specific instance. “I want students to understand not only the legal framework but the forces that shape the laws,” she says. “People graduating from the University of Chicago are going to be influential. I want them to approach immigration from an informed perspective.”

Meeting the Challenge

In her essay in the Chicago Journal of International Law, Judge Wood writes: “The challenge for international legal scholarship is not a modest one: shape theories that will work for the coming century, not two centuries ago; find a way to make them matter to ordinary lawyers and courts in cases where they should be considered; and above all, abandon parochialism in method, in thought, and in outcome.”

"The challenge for international legal scholarship is not a modest one... above all, abandon parochialism in method, in thought, and in outcome." —Judge Diane P. Wood

With the inauguration of CJIL, the initiation of the international law workshop, the expanded curricular focus on international issues, and the profound impact of the faculty on international human rights, the Law School is doing its distinctive part to meet that challenge.

You can purchase the inaugural issue of the Chicago Journal of International Law, or subscribe to the journal, by calling (773) 834-4464, faxing to (773) 834-3023, or e-mailing cjil@lsg.chicag.edu.

Diane P. Wood

Chicago Journal of International Law staff members at the journal's launch party. Left to right: (front) Executive Editor Vidya S. Atre, '00; Book Review Editor Danielle Kemp, '00; Editor In Chief Margaret J.A. Peterkin, '00; Cameron R. Krieger, '01; Managing Editor Veronica L. Spicer, '00; Susan R. Gihring, '01; Book Review Editor D. Daniel Sokol, '01; (rear) Anne Fortune Wickers, '01; Comments/Topic Access Editor Brooke S. Snyder, '00; Articles Editor Jillian B. Berman, '00; Business Editor Kim M. Allen, '00; Developments Editor Douglas J. Kramer, '00; Jonathan H. Becker, '01.
Not shown are Articles Editor Brian Lehman, '00; Developments Editor Andrew Cohen, '01; Lindsey S. Holmes, '01; Averado P. Pascarella, '01; Elizabeth Pellestock, '01; Victor Peterson, '01; Michael Scott, '01; Adam Singer, '01; and Joshua G. Urquhart, '01.
In the event that the intellectual challenges and personal satisfactions of international law have been insufficiently dramatized, consider the experiences of four alumni who have been on the front lines.

George J. Phocas, '53, built a brilliant international career on virtually no formal law school training in international law. He did attend Professor Max Rheinstein's conflict of laws class, which he says he "remembers to this day" as a great learning experience that ignited a curiosity in him about the complexities of international practice.

When Phocas went to Sullivan & Cromwell after graduation, he wasn't aiming for an international career. But he quickly found himself working on a big international transaction, and his career soon went global. He joined Standard Oil (now Exxon), which was at that time the world's largest corporation, negotiating complex transactions in many parts of the world. "It was sometimes more like being Secretary of State than being a lawyer," he recalls. "Practically everywhere we went, the red carpet was rolled out." He also recalls that "those were very different times from today"—times in which international travel was sometimes made on ocean liners rather than airplanes, and even overseas phone calls had to be booked in advance.

Phocas kept ahead of his times. He established the London office of Casey Lane & Mittendorf in 1963, when it was one of just a handful of European offices of U.S. law firms, as its senior partner. In the early 1970s, when President Nixon's détente policies opened the way for business dealings in the Soviet Union, he was among the first to go there, as executive vice president of Occidental Petroleum. His work has demanded business savvy and negotiation skills in addition to legal expertise. "I'd enter as a legal advisor, but my main contribution was often as a negotiator who knew the law very well," he says.

Now about to retire, Phocas recalls that his practice, involving negotiating, drafting, and monitoring intricate contracts between corporations and foreign entities, often widely diverse in their culture, language, and concepts of law and business, was "a continual adventure" in advancing standards of behavior under internationally accepted legal principles.

"This is a work in continual progress," he says, "which is now understood under the general term 'globalism.'"

Phocas has helped keep the Law School ahead of the times, too, as a member of the Visiting Committee and through the George J. Phocas Fund, which he generously established in 1994 to support leading-edge faculty research in the field of private international law. Just as Phocas helped set the highest professional standards for the innovative hands-on practice of international law, the fund he created enables today's finest scholars to further the understanding of that law and communicate it to students.

Peter Karasz, '65, who became managing partner of Cleary, Gottlieb, Steen & Hamilton at the beginning of this year, had his sights set on an international practice even before he took his first steps across the Law School quadrangle. He remained at the Law School for two years after receiving his J.D. as a Ford Foundation Fellow in International Trade and Development and as an assistant to Edward Levi, who was then provost of the University. "Ed Levi was an extraordinary mentor to me," he says, describing working with Levi as being "more like a fabulous clerkship than just a great job."

Karasz joined Cleary Gottlieb in 1967 when founding partner Fowler Hamilton, a friend of Levi's, promised to send him to the firm's Paris office. That first posting was not without its tumultuous moments. He recalls that his arrival in Paris coincided with the social and political upheavals of 1968, when an estimated 10 million workers went on strike, students battled police in the streets, and the entire country sometimes seemed on the brink of anarchy.

When things settled down, his work—which he says could more accurately be called "transnational" rather than "international," because it most often involves the application of domestic laws to transactions that cross national borders—focused on worldwide capital markets, Eurobond issues, and oil and gas work in North Africa, where he represented the Algerian national oil company among other clients. He returned to Cleary Gottlieb's New York office in 1973, becoming a partner in 1975. His fluent Spanish (acquired as a youngster when he lived in Bolivia, where his father advised the Bolivian government) came in handy as Latin American economies surged in the late 1970s and the 1980s. He worked closely with Venezuela's national oil company and participated in sovereign and private debt restructurings throughout Latin America.

He also made the time during those years to serve the Law School as a member of the Visiting Committee from 1980 to 1983.

Today, he guides the global operations of Cleary Gottlieb, which has offices in eight countries and has more than a third of its 600 lawyers overseas. Among its larger recent client assignments, the firm handled the privatization and initial public stock offering of Deutsche Telekom last year and represented the French oil and chemical giant Elf Aquitaine against a complex hostile takeover bid.

Noting that Cleary Gottlieb's practice has nearly tripled in the past decade, Karasz acknowledges that his job is a big one. "But it's something I feel I've been preparing for all my life," he says, "and my years at the Law School were an essential part of that preparation."
After he graduated from the Law School, Gene E. Dye, '67, taught at Columbia Law School. He did so more by default than by choice, he explains: "I really didn't know what I wanted to do, so I had it in mind that I should do whatever preserved the most options, and that seemed to be teaching."

In the second year of his teaching assignment, Columbia sent him to Paris. The rest is history. "I fell in love with the idea of living in France," he says, "and I have been here for more than 30 years now—still in love."

He joined a start-up firm in 1979 and helped build it from five lawyers to more than 300. During that time he also taught at the University of Paris Law School for 10 years. His work as a managing partner at that firm was gratifying, he says, but he eventually came to feel that he was "too taken up with management and administrative matters and too removed from the everyday work of a lawyer." So last year he joined a small boutique firm with an international reputation for its expertise in complex business transactions.

Dye has handled many large cross-border transactions, including helping Renault combine its truck business with Volvo's and working with the French company Publicis during its acquisition of UK-based Saatchi & Saatchi. He is also involved with the international debate on capital punishment and various human rights issues.

He has been a tireless contributor to the Law School's achievement of excellence, serving in a number of advisory capacities. Many of the international law initiatives at the Law School today reflect his foresighted thinking and his sustained commitment to preparing the world's best law students for the world's big legal challenges. He says that is a way for him to honor the great debt of gratitude he feels: "I have always felt that I was extraordinarily privileged to go to the Law School because I came in contact there with very different ideas than I had previously encountered. A related but somewhat different feeling is that I was privileged to have known and become friends with so many able people who have accomplished truly admirable things in their lives and have fought, and continue to fight, what I consider to be the 'good fight' for thinking things through, listening to and respecting others, limiting your own ego, and taking responsibility in a large sense in society. Finally, I am eternally grateful to the Law School for permitting me to acquire the professional tools that have allowed me to make my way and my professional life in a very rewarding manner in an international environment which I have chosen and which I love."

Lucy F. Reed, '77, led dozens of negotiations concerning the agreement to build nuclear power plants in North Korea in exchange for that country's freeze of its nuclear weapons program in her role as the first general counsel of the Korean Peninsula Energy Development Organization. She has also had leadership roles in some of the most significant recent international cases, including the settlement of U.S. claims against Iran, the "Holocaust Tribunal" regarding Swiss bank accounts, and the resolution of disputes between the United States and Chile.

Reed acknowledges that when she was at the Law School, "people thought of international law as the eggheaded study of treaties." But now, she says, "you cannot escape international law. Everything has international components. Public international law is no longer an ivory tower. There's true globalization of practice, and there's the communication infrastructure to make it work."

Today, as a partner in the New York office of the international law firm Freshfields, she advises commercial clients on border demarcation and border disputes. Of her Law School education, she says, "The rigor of the teaching at Chicago has always stood me well, because so much of what I do requires a combination of mastery of details combined with thinking out of the box."

Building on the vision of its great early leader, the late Professor Max Rheinstein, the LL.M. Program has today achieved preeminent status within the worldwide legal community. More than 600 applicants—an increase of 37 percent over the previous year—vied last year for the 53 slots that were ultimately filled by students from 21 countries. At least 18 program graduates will be working with U.S. law firms during the coming year.

Hildegard Bison, LL.M. '89, says, "In my LL.M. class of about 20 people, the majority were from Europe. I learned more about Europe while in the U.S. than I could ever possibly have learned otherwise. In fact, to this day we are still in touch and consider each other to be very close and reliable friends and colleagues. I am rather proud to say that looking at a list of the LL.M. class of '89 is like looking at a list of the best law firms in Europe."