NEW VISTAS AND NEW APPROACHES IN INTERNATIONAL LEGAL STUDIES

June 23, 1955, Morning session

NEW VISTAS IN INTERNATIONAL LAW

PROF. PHILIP C. JESSUP (Columbia University, formerly Ambassador-at-Large): I suppose in using the adjective "new" in the title of my talk, I need some point of comparison in time, and quite arbitrarily and subjectively I am taking as my point of comparison a period extending back thirty years. I would like to spend just a few moments in trying to reconstruct what seemed then to be the new vistas in international law and the general approaches to the study of that field, in order that we may have a point of comparison from which to approach the vistas of 1955.

It is interesting that thirty years ago what seemed new in the United States, and particularly in the law schools of the United States, was the positivistic approach to international law, as something of a reaction against the European tradition of emphasis on the theory and philosophy of law. Great teachers and scholars in international law like John Bassett Moore and Charles Cheney Hyde were placing their emphasis upon the need to determine what was the practice of states, what do states do, or more properly in their thinking, what have states done? When you found out what states had done, you then knew what the custom was. When you knew what the custom was, that was the law, and you knew that that was the law, that was the rule, and your task was fulfilled.

The majority of the law teachers at that time were not concerned with problems which perhaps bother us more today. One had the concept of the role of the courts as being one in which the court or the judge merely extracted the appropriate rule from a body of law which was there ready in his hand. He pulled out the rule and applied it to the case, and that was that. If one talked about judicial legislation, that was an opprobrium and a reproach, the concept of the function of the courts was entirely different from what it is today.

One was very little concerned, in studying international law, with the "why" of the rule. One was very little concerned in asking the question, "With what result is this rule applied or followed in the practice of states?"

As Professor Manley Hudson began publishing his volumes

under the label "International Legislation," a great controversy arose over that term. Since there was no international legislature, how, people asked, could you use the term "international legislation?" Men used to have to fight bitter battles to explain to their colleagues in international law what was meant by the term international legislation, which I think is now so commonly taken for granted, so fully understood, that one does not need to pause to analyze the applicability of the term. Perhaps the hard sledding which the term international legislation had may be ascribed to the fact that legislation was not yet generally accepted in the law schools as an appropriate part of the field of study. One was concerned much more with the decisions of courts, much less with a study of legislation.

But international law itself was constantly on the defensive, as perhaps it may still be, although I think much less so. It was constantly fighting for its life among lawyers, to be properly considered a branch of law. Perhaps it was more generally accepted in the field of political science.

As one looks back, one finds in this period, beginning in the twenties—the middle twenties and late twenties—an excellent example of the best kind of work which was done within the then current frame work, namely, the product of the Harvard Research in International Law, in which many here participated, and which, as you will recall, was initiated in aid of the work of the codification of international law under the auspices of the League of Nations. It was largely modeled on the work of the American Law Institute, designed as a restatement of the rules, and, in those numerous statements and discussions of the Harvard Research, there was constant argument as to whether it was appropriate, in dealing with international law, to make any suggestion about the development or improvement of the law, or whether the task was not merely to find and state the rule, because that was what somebody said obsessed the minds of many who dealt with the subject at that time.

But it is interesting that if you get into the last phases of the Harvard Research in International Law, the two ideas begin to clash. I can recall very distinctly the discussions when it was proposed that the subject of neutrality be taken up. Many of our colleagues by 1937 were outraged at the suggestion that one should deal with this "old-fashioned" concept of neutrality. We now had the League of Nations, there was no more war, neutrality could not be a legal status, so the Harvard Research compromised and drew up simultaneously a draft on neutrality and a draft on the law applicable in case of aggression.

Fortunately, however, in that period as now, international lawyers were not obsessed with a passion for uniformity, and new lines were constantly developed.

I would cite what I consider the pioneering work of the late Professor Joseph P. Chamberlain in international organization, which I think rather early in that field began to point to the need for analyzing the actual problems facing the international community and to the institutional means which were devised to aid in the solution of those problems. This was long before anyone thought of producing the kind of casebook which Professor Sohn has given us, and long before the general establishment in our universities, particularly in our law schools, of courses on international organization.

Then I think typical of another pioneering effort and new approach is the book by Frederick S. Dunn on the protection of nationals, which reflected his training under Walter Wheeler Cook and others, and their use of mathematical and scientific methods of approach in dealing with legal problems and producing new ideas, certainly highly new ideas at the time when Dunn's book was published.

I am not attempting any catalog of books throughout the period, but I would just mention perhaps the books by Gerhard Niemeyer and later by Percy Corbett, and now, as we will hear in more detail from the most authoritative source, the work of McDougal and Lasswell—approaches which gradually led us into some appreciation of the sociological and other aspects of study in the international legal field.

So we have come to a point where the vista opening before international lawyers is one which results from asking ourselves constantly the questions "why?" and "with what result?" and examining problems not in terms merely of the rule, and not specifically for that purpose, but in order to do what one may call some "social engineering" in the international field.

Another aspect of the new vista, which has opened up vast possibilities in the study of this subject, is that we have freed ourselves from the old pigeon-holes in which our subject matter used to be confined. Public international law thirty years ago was a rather esoteric subject, very distinct from the others in the legal curriculum. We now have escaped from a separate cataloging or pigeon-holing of public international law, private international law, and what Dean Stason has just called the cousins of international law, comparative law, foreign law, and the whole field of international organization and administration, and indeed the whole field of international relations. I

think the vista now is one which comprises all of these and other related fields, giving an opportunity for immense scope in the task of the scholar in examining international legal problems. In other words, the whole world is now our oyster. (And incidentally, as we will see later in our program, the oyster has a particular international interest at the present time, as one becomes very much concerned with studying the submarine world in which the oyster lives and does not move and has its being!)

Now this broader entrance, this almost limitless vista in terms of the fields which are comprised in the task of the international lawyer, has led to the rather common adoption of the term "international legal studies." This seems to me to be an advantage, since it does very clearly point to the broad scope of the field which we are examining.

At the same time, it seems to me that there is no reason to be ashamed of the old label of "international law," although one finds frequently that some do seek to escape from using that term because of its Utopian quality which they are not ready to adopt. For example, in Louis Halle's excellent little book, Civilization and Foreign Policy, he goes to great lengths, in giving a description of international law, to call it "legitimacy," and to explain that legitimacy plays a part in foreign policy, although he cannot quite bring himself to say that international law plays that part. This perhaps is merely a matter of terminology, but the terminology I think does reflect an attitude of mind, and the new term, international legal studies, certainly does open up this broad vista. Clearly I think that the task as envisaged by international lawyers today is not the task of merely trying to draft some model code of world law. Codification is, I think, no longer considered as a method which must be confined to a codification in the old sense of a pure restatement of existing rules. Rather it seems to me the approach of international lawyers today is to study international relations and the way in which they are or may be regulated, to the end that desired results may be obtained with a minimum of friction.

It is part of this picture that the international relations which we are concerned to examine are much broader in content and in scope than the old international relations with which one used to deal. They now not only include the relations of state to state, but the relations of state to the individual (and notably including such collections of individuals as corporations), they include the relations of states and international or-

ganizations, the relations of one international organization to another such organization, the relations of international organizations to individuals, and even in many instances the relations of individuals to other individuals, particularly again perhaps in the corporate form. Now this is a vast change and an enlargement of the field. If I may be pardoned a personal allusion, what rather seemed to my mind to be modern international law eight years ago in terms of the individual, is now very much "old hat," and that we have taken in our stride a great deal which thirty years ago certainly was by no means acceptable.

Of course, in this respect scholars are ahead of governments, and they should be, and they should remain ahead of governments in the exploration of matters of this kind.

Now there are many gaps in our knowledge and understanding of international law, for instance, the role of the international lega factor in decision-making, a subject calling for examination in some detail.

Topics to explore in this newly enlarged field now open before us are limitless. I would like to emphasize that—there are such varied matters that there is opportunity for every type of personal inclination and skill to be utilized in expanding our field of knowledge and understanding of the international process.

There is still the task of collecting information and data. There are still the old problems under the old familiar terms, such as claims and treaties, and under all the other subject matter of the traditional international law.

We have two kinds of activities in these fields, as in the enlarged activity of our national set-up of a domestic claims commission to handle vast numbers of claims involving large amounts of money, and we have again, just as a single point, the new avenues opened by the recent decision of the International Court of Justice in the Nottebohm case, which affects the whole question of diplomatic protection.

In all of the fields which we are to cover in our program of this Institute, we see an interrelation of factors and indications of various goals which are open to us at the present time.

In the field of investment, for instance, we are going to consider not only that field specifically, but also restrictive business practices. Here we have institutional forms, such as the new International Finance Corporation which has just been approved by the Senate of the United States so far as American participation is concerned. Another notable example still in-

sufficiently studied, perhaps, to enable us to appreciate fully its importance, is the settlement of the Anglo-Iranian oil dispute, and the methods used there.

Much is to be done in the study of possible corporate forms for handling international trade and investment problems, and particularly challenging, I think, is the need for finding new devices to assure security for foreign investment, which will take adequately into account the interests and equities of the country in which the investment is made as well as the requirements of the investor.

Again we shall be studying the continental shelf, a subject which certainly is opening up terrifically broad new problems in which science and law need to march hand in hand if an adequate solution is to be reached.

The same is true of our topic of atomic energy, as legal problems arise there. We have the excellent article by Mr. McDougal and one of his colleagues on the hydrogen bomb tests, which open up again broadened subjects of interest for study.

The whole subject of the use of waters of rivers is an intensely practical and important problem now in the relations of many states, on which much legal engineering as well as civil engineering needs to be done.

Surely there is also much to be done now as these new vistas open, in a re-examination of old labels and old concepts, such as the concepts of equality and sovereignty, and more broadly the whole concept of power in its relation to law.

And always with us, and I hope never forgotten, is the continual problem of the regulation of international conflict and the possible means of solutions of international conflict.

In short, then, the new vistas in international law present us with a situation in which the problem and not the rule is the focus of our attention, and, in addressing ourselves to these problems, we need, if I may use terms from the industrial manufacturing field, we need a retooling of existing plants, we need raw materials, we need new structures, but above all we need new ideas and new blueprints.

PROF. MILTON KATZ (Director of International Legal Studies, Harvard Law School, former Ambassador.) A number of law schools, and the largest of the foundations, have recently committed themselves to a program called "international legal studies." The term is novel, and the content in process of evolution. It is the direction of this evolution which we are met here today to explore. It seems to me to call for the development of a range of reflection, inquiry, and teaching which includes the areas of learning customarily designated international law, international organization, comparative law, and private international law or international conflict of laws, and which extends beyond these to the municipal-law matrix of problems of international business and economic development. This range of scholarship and teaching is something more than a mere addition of the several elements. In sum, it encompasses the legal aspects of the international relations of governments, corporations, other private associations, and individuals. It should be conceived and developed as a sphere of learning and practice with a comprehensive meaning and validity that supplements and enriches—and does not displace or depreciate—the significance of its varied elements. It must also be conceived and developed as a constituent current within the main stream of legal education, and not as a divergent branch.

For want of a better term, we call this sphere of scholarship and teaching "international legal studies." If we could take our language, as the Elizabethans were said to have taken it, fresh and with the dew still on it, it might have been better to use the term "international law" in this broad sense. For the time being at least, that term has been pre-empted for a narrower meaning. Time and usage may yet bring a merger of the terms, and the emergence of a more specific designation for what is currently called international law.

This conception of international legal studies derives from premises and objectives which should be brought to light and examined. I am mindful that we are concerned with a living process, an organic part of the endlessly evolving life of the law, and that its manifold sources and tendencies cannot be identified with any neatly articulated set of assumptions or purposes. Yet it is part of the job of law schools to have a hand in nourishing and shaping the process; they cannot escape the burden of choice of direction and emphasis, and such choices turn on conscious or subconscious purposes and assumptions. We must also consider how this concept of international legal

studies, and the premises and objectives which it reflects, may be translated into programs of teaching and research.

In this, as in all phases of legal education, we must begin with a concept of the mission of a law school. That mission has a fourfold aspect. Students come to a law school expecting to be equipped for the practice of their profession, and these expectations must be met. The bar looks to the law schools for a continuing flow of effectively trained recruits, and this need must be met. Throughout the history of the republic, the legal profession has been not least among those who have shared the burden and honor of leadership in national and local affairs, to seek to cultivate in its students the capacity for leadership is an inescapable responsibility of a law school. As part of a university, a law school participates in the tradition of creative scholarship, and it must seek to contribute to the growth of the law and to understanding of the law.

This fourfold job is surcharged with a burden of forecasting. It might be natural for law schools to determine their needs solely by reference to the problems currently faced by mature and active lawyers, whether in law practice, government, or teaching and scholarship. It might be natural, but it would be risky. It would ignore one of the salient characteristics of this century: the rate and scope of change. Deep and rapid changes have pervaded, and continue to pervade, the relationships and processes of society which are the stuff of the law. On the average, the law students of today will reach their maximum level of professional opportunity between the ages of forty and sixty—that is, some fifteen to thirty-five years from now. It is safe to assume that both the familiar substance of their daily work and their larger responsibilities for leadership will differ from those of mature lawyers today. It is far less safe to make assumptions about the nature of the difference. To some extent, however, major trends are discernible, which can and should be taken into account in the continuing evolution of teaching and research.

Perhaps this is less a matter of forecasting than it is of catching up with events, it may be even less a matter of catching up with events than of not lagging too far behind them. It is helpful to examine this problem in the perspective of the history of American legal education. Seventy-five or eighty years ago, the subjects regularly taught in leading American law schools consisted substantially of contracts, torots, property, criminal law and procedure at law and in equity. Neither constitutional law nor corporations had yet been accorded an established place, and it was only with the passing years that conflict of laws, bankruptcy

corporate reorganization, administrative law, taxation, labor law, antitrust law and trade regulation became standard offerings. It is not hard to relate this evolution in the curricula of law schools to developments in American life. The rise of large-scale corporate enterprise presaged the growing concern of law schools with corporation law, the adoption of the Sixteenth Amendment and the spectacular growth of the national budget in connection with the first World War and the depression of the thirties foreshadowed the increased attention of law schools to taxation, from the rise of the railroads and the interplay of railroad operations and those of the early oil companies through the establishment of the Interstate Commerce Commission, the adoption of the Sherman Act, the creation of the Federal Trade Commission, the enactment of the Clayton Act, and the expansion of regulation in the thirties, the line is plainly marked that leads to the place of administrative law and trade regulation as standard bread-and-butter courses today. So it is with the others.

Surely it requires no gift of clairvoyance to identify one mighty trend in contemporary American life. For half a century, the life of the United States has been increasingly commingled with that of the rest of the world. Two world wars have expanded and accelerated the trend, and the aftermath of the second world war has stepped up the rate of acceleration. The enormous growth in the scale and complexity of the work of the State Department reflects this process, but this is only a part of the story. The foreign affairs of the United States government extend far beyond the characteristic concerns of the Department of State. The Department of Defense operates in far-flung places in Europe, Asia, and Africa, the Treasury Department is involved in foreign funds control and the work of the International Monetary Fund and the International Bank, and in the administration of the tariff, the Department of Agriculture watches foreign grain markets with an anxious eye, and administers an office of foreign agricultural relations, the Labor Department has an Assistant Secretary for International Affairs, the Maritime Commission, the Civil Aeronautics Board, and the Federal Communications Commission are concerned with world-wide shipping, air transport operations, and the international allocation of radio frequencies, the Department of Commerce maintains its Bureau of Foreign and Domestic Commerce and administers export controls, the Atomic Energy Commission is involved in international conferences on the peaceful uses of atomic energy, the Marshall Plan and other programs of economic co-operation and foreign aid have been administered by separate agencies. The foreign

concerns of the United States government are far wider than the work of the Department of State, and the foreign concerns of the United States as a nation are far wider than those of the United States government. This is felt not only in the seaports and financial centers of New York, Philadelphia, Boston, New Orleans and San Francisco. Oil is world-wide in its ramifications, and for leadership is measured by the extent to which these problems can become an integral part of the bar's active professional concerns. This is not a question of practical involvement by all lawyers in all places at all times. It may be doubted whether any part of the law could meet so universal a test. It is a question of sufficient involvement for lawyers to become aware that this phase of the law is a significant and normal part of the responsibilities of their profession. I have ventured to suggest that the growth of the law and of legal education will continue to follow the growth and changes in American life and that legal problems with international aspects will tend increasingly to become part of the daily grist of the lawyer's mill. If events should verify this estimate, it is this which will require and make possible the mutual adjustment of the responsibilities of leadership and the every-day job of the profession. It will enable and require the law schools to vindicate their fourfold responsibility in relation to the legal aspects of international transactions which involve individual American citizens, American business, or the United States government.

The work of the State Department, the foreign concerns of other departments and agencies of our government, and the varied and multiplying international involvements of American business, agriculture, and labor, are organically interrelated. So also are their legal aspects. They reflect the same historic process. They are different aspects of the contemporary struggle to approximate a workable set of world relationships, in which the odds will not be too high against the efforts of free men to grow their bread and fulfill their deeper potentialities. For purposes of analysis, and within limits which are understood, it is necessary to separate particular segments or phases of this complex from the whole, and to examine them separately. The content and limits of these separate phases or segments will be defined partly with reference to the purposes for which the analysis is undertaken and partly in terms of the traditions and habits of scholarship. This process of classification and abstraction is of course indispensable. Yet there is danger that it may be carried beyond the limits warranted either by the objectives of analysis or by the established patterns of scholarship. There is a corollary danger

that the received patterns of scholarship may be applied without sufficient regard to their historic setting. If this should happen in the study of the legal aspects of international relations, the price, I believe, would be a loss in vitality, a loss in the sense of reality, and a loss of contact with the springs of growth. It is good that the shape of international legal studies should correspond to the shape of the events and relationships in which the law is rooted.

It would involve a singular distortion of perspective if this concept should be so applied as to inhibit teaching or research in international law or comparative law or any of the older sectors of international legal studies. I have indicated my belief that international legal studies is a whole which is greater than the mere sum of its defined parts, and that it encompasses elements which are new as well as elements well established. Yet the whole cannot be vital unless the parts are also vital, and it would be ironic if a sense of contemporary change and growth, and an anticipation of future change and growth, should be confounded with indifference to the significance of prior growth.

When we seek to translate this concept of international legal studies into programs of teaching and research, we encounter varied sources of difficulty: a preoccupied student body, a heavily burdened faculty, pressure upon the curriculum exerted by requirements for admission to the bar, and all the familiar limitations of time and money and facilities. There are also difficulties which are less familiar. Apart from the task of training American candidates for the LL.B. and for the advanced degrees, the program of international legal studies must take into account the growing importance of the training of lawyers and law students from other lands. While the role of the legal profession differs from country to country, in many foreign countries lawyers exercise responsibility of fundamental importance. An understanding on their part of the nature and methods of American law, and an opportunity for joint inquiry by American law students and law students from other countries into problems of common or overlapping interest, can contribute to the constructive development of international relationships, in business and in government. The recruitment and selection of students from other lands and the development of appropriate programs for them in our schools involve practical obstacles which must be mastered.

For lawyers, these difficulties constitute another reminder that general principles do not decide concrete cases. They are also a reminder of the gap which exists between concept and execution in all the arts and higher crafts. The greater the art, the

wider this gap tends to be, and education is one of the greatest and most intricate of all the arts. As lawyers and teachers, we brings the implications of production and marketing in Saudi Arabia and the Persian Gulf home to Texas and Oklahoma. The farm organizations of the west and south give anxious attention to possible export markets for wheat and cotton. The steel industry of Pennsylvania and Ohio seeks iron ore in Labrador or Venezuela or North Africa. A uranium boom in Colorado brings potential international complications to Colorado. The Materials Policy Commission has warned us that the metal processing industries of America must import some part of their requirements of every metal except molybdenum and magnesium, and that these deficits will grow larger. As the appetite of industrial America for metal ores continues to grow, the practical interest of American communities in the development of raw material sources throughout the world may be expected to grow with it.

As the day-to-day work of government, business, and agriculture in the United States is increasingly affected by the world-wide ramifications of America's position, there is a corresponding effect upon the problems which make up the daily grist of the lawyer's mill. In the perspective of the past half century, it is sensible to assume that these effects will multiply. When the law students of today reach their maximum level of professional opportunity, whether in law practice, government, or teaching and scholarship, these problems may be expected to constitute a significant part of their active daily concerns.

I have referred to the heavy responsibility for leadership which the legal profession in the United States continues to carry in community life and in local and national government. The tide of involvement of the United States in world affairs carries with it deep implications for this responsibility. In a sense, the job of America in the world today is historically unique. While the task of international leadership has many historical precedents, the United States is perhaps the first nation which has undertaken such a task with a broadly based public opinion that demands a sense of active and adequate participation in the process. Two world wars and their aftermath, the continuing burden of Selective Service and rearmament, the all-pervading awareness of the cold war and of the possible consequences of nuclear weapons have made the individual American acutely conscious of his personal involvement in the issues of international affairs. Under his tradition, he runs his government. In practice, this has generally meant that he demands adequate information, a sense of participation and a feeling of effective control—at least ultimate control

—over any aspect of government which deeply interests him. Under the conditions of today, he feels this way about foreign policy and national security policy. This raises complex problems of which we are not yet perhaps fully aware.

The problems of public opinion in relation to governmental policy are sufficiently difficult in relation to vital domestic questions. Yet, on questions of domestic policy, such as employment, taxation, social security, price policy, wage policy, farm policy, information and experience are widely distributed among our people. When confronted by the relationships and events from which the issues of foreign policy emerge, the difficulties of public opinion rise to a different order of magnitude and intensity. Information about distant places and events is not only meager and sparsely distributed, but second-hand. All too often, the basis in experience for a sound judgment or a sensible hunch on the part of the citizen simply doesn't exist. Yet he feels himself vitally concerned. The combination of acute concern with ignorance and uncertainty may create a sense of frustration which will lie below the surface of public consciousness and gravely complicate the task of free government.

To a degree, De Tocqueville foresaw this problem a century and a quarter ago and hazarded the prediction that it would be a serious source of weakness for the republic. We need not share his pessimism to recognize that no single or quick or easy solution can be found for a problem so complex and far-reaching. A prolonged and many-sided effort will be needed to establish an effective working relationship between the American people and their government in regard to foreign policy. It will involve a vast psychological process with numberless mutations throughout the life of a generation.

In view of the role of the legal profession in the life of the United States, we may justifiably assume that this effort could be facilitated by an informed and understanding bar. As international legal studies come to be incorporated in the normal context of legal education, they may serve for the bar as a professional window opening upon the problems of international relations and foreign policy. It is necessary to underscore the reference to the normal context of legal education and to the professional character of the window. However desirable it might be to attempt to give law students and lawyers a general education in problems of international relations, this cannot be achieved through adventitious discourse. To a substantial degree, the potential contribution of international legal studies to the capacity of the bar must nevertheless do what lawyers and teachers have always

done. We must make general principles effective in concrete applications. We must take the materials at hand and, within the limitations imposed upon us by circumstances, work them into approximations of what we have in mind. As time goes on, we may hope that the approximations will approach closer to the concept.

Each law school will undertake this job in its own terms and in the light of its own circumstances, as will each teacher within each law school. Where the faculty is large, there may be a diversity of course offerings. Where the faculty is small, there may be a diversity of new facets and cross references introduced into a smaller number of courses. It seems to me of the essence to seek to cultivate a general interest in international legal studies within the faculty as a whole, and a general interest within the student body as a whole. The degree of interest will naturally vary, as it does among faculty and students in regard to private law as compared with public law, property law as compared with corporation law, or contract law as compared with the law of torts. When I speak of a general interest, I am perhaps restating in other terms the conviction which I expressed at the outset, that international legal studies must be understood and carried forward as a constituent current within the main stram of legal education and not as a divergent branch.

It may be of some interest for me to mention briefly some of the elements of our current efforts at Harvard. In the academic year 1955-56, twenty-one different courses and seminars will be offered in International Legal Studies. The range of the subject matter may be indicated by a sampling of the titles: International Law, Legal Problems of Doing Business Abroad, The Civil Law System, International Investment and Economic Development, Problems in the Development of World Order, Legal Problems of International Trade, Land Use Problems in Developing Areas, Comparative Public Law—Problems of Federalism, International Conflict of Laws, Taxation of International Trade and Investment. Eleven members of the law faculty will participate. Of these, only three will limit their teaching to International Legal Studies. The other eight will also teach courses of the longer-established type. In three of the seminars, the law teachers will be joined by colleagues from other disciplines: economics, political science, and city planning. These courses and seminars are grouped by subject matter under three rubrics: International Law and International Organization, Legal Problems of International Business and Economic Development, and The Comparison of Legal Systems.

In the year which has just come to a close, approximately 19% of our third-year students and 14% of our second-year stu-

dents have taken one or more of the courses and seminars offered in this sector. In addition, some 60% of the candidates for the advanced degrees and special graduate students took some work in the area. We hope that the general student body will participate increasingly in these studies in the years ahead.

Graduate and special students from other countries enrolled at the school numbered 72 in the academic year just ended. They came from thirty different nations. In addition, some 20 students from other countries were candidates for the LL.B. In our concept of the program, the work of all graduate and special students from abroad, whatever their particular center of interest, comes within the ambit of International Legal Studies.

Two programs of training currently under way involve lawyers of more advanced position and maturity. In one, we are participants joinly with the law schools of Michigan and Stanford, together with six Japanese law schools and the Judicial Research and Training Institute of Japan. In this project, six Japanese professors of law, two Japanese judges and a Japanese prosecuting attorney have pursued a variety of legal studies during the academic year just ended at Harvard. Most of the group will spend a second year of study at the law schools of Stanford and Michigan. In a later phase, the project will be broadened by visits of American law teachers to Japan and the exchange of Japanese and American law students. The project grows out of problems of legal adjustment created in Japan by the occupation, during which there were grafted upon the Japanese legal system a judicial structure, a pattern of organization of the bar, constitutional concepts and a considerable body of law derived from the common law and American legal experience. In the other program, fiscal officials from a number of countries, notably in the Middle East and Latin America, who have come to this country under the auspices of the United Nations, are engaged in special training at the Harvard Law School in problems of taxation and fiscal administration. These programs, together with certain others still in an exploratory planning stage, may point the way to important possibilities for advanced training.

In the evolution of our research, we have sought to cultivate projects which, while independently conceived and valid each in itself, may nevertheless tend to group themselves under broad and significant themes.

A variety of projects now under way bear upon the relationship of tax policy and administration to international investment, economic growth in underdeveloped areas and international trade. Taxation, just published, which we hope may plow new ground.

Within the calendar year, we anticipate publication of the initial monographs in the World Tax Series, which is designed to serve as a working tool for scholarship and a general guide to investors and their counsel. The outlines of a group of projects concerning the effects of regulation upon international trade and economic development are beginnning to emerge. One relates to the effect of the anti-trust laws upon American business abroad, another to the regulation of the electric power industry in underdeveloped areas, others, in a phase of preliminary inquiry, to state trading and to the legal and economic aspects of urbanization in predominantly agricultural societies.

Two of our faculty, together with a German judge on leave from his court for a year at Harvard, are exploring problems of comparative procedure. Their work to date has centered upon the problems of methodology which lie at the threshold of such an inquiry. Another project which is well under way affords an opportunity to examine the interaction of varied legal systems in an intensely practical context. This is the Harvard Law School—Israel Cooperative Research project, which has sought to take into account not only the main sources of present Israeli law—English Hebrew, Moslem and Ottoman—but also relevant civil-law experience and new departures in American, British, and Commonwealth practice.

At the invitation of the Codification Division of the United Nations Secretariat, we are undertaking the preparation of a draft code on the international law of the Responsibility of States It is a happy occasion which thus enables us to labor again in the vineyard planted by Manley O. Hudson and his colleagues in the Harvard Research. The work will be carried on as an autonomous responsibility of the participating scholars, with the advice of an Advisory Committee drawn from other universities and the practicing profession, and with appropriate assistance from the Codification Division The product will be submitted to the International law Commission.

A study of the legal status of international waterways, with special reference to international canals, has been carried forward during the current academic year, and is expected to be brought to completion by next autumn or nearly winter.

In these varied inquiries, the interplay of law and other aspects of a living society has underscored the need and opportunity for collaboration among lawyers and their colleagues in other disciplines. These projects have also pointed to the importance of widening and deepening the channels of interchange and collaboration among lawyers in this and other lands.

In company with our colleagues in the law teaching and practicing profession, we will persevere in the endeavor to help nourish this phase of the growth of the law, and to shape it into concrete applications with the materials vouchsafed to us. Just over 120 years ago, one of our predecessors in law teaching, then the Dane Professor of Law at Harvard, Mr. Justice Joseph Story, undertook to "submit to the indulgent consideration of the profession and the public," his labor on a subject which he deemed to be "of great importance and interest." He called it conflict of laws or private international law, and expressed the conviction that "from the increasing intercourse between foreign States as well as between the different States of the American Union, it is daily brought home more and more to the ordinary business and pursuits of human life." He went on to say: "The difficulty of treating such a subject in a manner suited to its importance and interest can scarcely be exaggerated. The materials are loose and scattered, and are to be gathered from many sources, not only uninviting but absolutely repulsive to the mere student of the common law." He persisted in his efforts, and his ultimate success may be measured by the astonishment which the average lawyer of today would feel at the suggestion that the conflice of laws was anything other than a standard bread-and-butter part of a normal law curriculum. As he stuck to his job, so may we to ours.