

ESSAY

A Short History of the Early History of  
American Student-Edited International Law  
Journals

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### I. THE SHERRY PARTY YEARS

While to some the “invisible college of international lawyers” may invoke images of open spaces between buildings and airy quads, to others the picture will be something much more clubbish and cloistered. And at least at their start, American student-edited international law journals decidedly resembled the latter. The *Harvard International Law Journal* began as the *Bulletin of the Harvard International Law Club*. Its first issue in 1959 detailed the club’s lectures and events, including a sherry party<sup>1</sup> and membership growth from thirteen to thirty-three.<sup>2</sup> “The principal function of the Club [was] the sponsorship of talks both by men actively engaged in the field of international law and by graduate students of the Harvard Law School.”<sup>3</sup> (Its first two editors were future Boston College Law Professor Charles Baron<sup>4</sup> and Wilmot Reed Hastings,<sup>5</sup> a future Nixon administration lawyer whose son would co-found Netflix.)<sup>6</sup> The first *Bulletin* also included some notes from recent Club alumni, detailing new jobs and babies.<sup>7</sup> Young alumni writing in included future Panamanian diplomat<sup>8</sup> Carlos Alfredo Lopez-Guevara,<sup>9</sup> future Minister of Foreign Affairs of Poland<sup>10</sup> Krzysztof Skubiszewski,<sup>11</sup> future member of the United Nations International Law Commission and Iran-United States Claims Tribunal<sup>12</sup> George H. Aldrich,<sup>13</sup>

1. *Current Club Affairs: Growth in Membership and Activities*, 1 HARV. INT’L L. CLUB BULL. 1, 3 (1959).

2. *Id.* at 1.

3. *Id.*

4. See *Faculty Directory: Biography of Charles H. Baron*, B.C. L. SCH., <https://www.bc.edu/bc-web/schools/law/academics-faculty/faculty-directory/charles-baron.html> (last visited Apr. 1, 2022).

5. *Table of Contents*, 1 HARV. INT’L L. CLUB BULL., at v (1959).

6. Wilmot Reed Hastings as told to Amy Zipkin, *Out of Africa, Onto the Web*, N.Y. TIMES (Dec. 17, 2006), <https://www.nytimes.com/2006/12/17/jobs/17boss.html>.

7. *Comments*, 1 HARV. INT’L L. CLUB BULL. 12, 12–16 (1959).

8. See *Carlos Alfredo Lopez-Guevara*, PRABOOK, [https://prabook.com/web/carlos\\_alfredo\\_lopez-guevara/260741](https://prabook.com/web/carlos_alfredo_lopez-guevara/260741) (last visited Apr. 1, 2022); see also Pamela Peden Bond, *The Perils of Panama—Are United States Employees of the Panama Canal Commission Exempt from United States Income Taxation?*, 19 VAND. J. TRANSNAT’L L. 181, 196 (1986).

9. *Comments*, *supra* note 7, at 12.

10. Jaroslaw Adamowski, *Krzysztof Skubiszewski Obituary*, THE GUARDIAN (Feb. 9, 2010), <https://www.theguardian.com/world/2010/feb/09/krzysztof-skubiszewski-obituary> (noting that Skubiszewski was also president of the Iran-U.S. Claims Tribunal).

11. *Comments*, *supra* note 7, at 15.

12. Nancy Amoury Combs, *Profile: Judge George H. Aldrich*, 7 INT’L L.F. DU DROIT INT’L 47, 47 (2005).

13. *Comments*, *supra* note 7, at 14.

and future Deputy Premier of Quebec<sup>14</sup> Jacques-Yvan Morin.<sup>15</sup> The second issue included a comprehensive Club alumni directory.<sup>16</sup>

Over the next few years, the *Bulletin* would slowly transform, first into the *Harvard International Law Club Journal* in 1962<sup>17</sup> and then into the *Harvard International Law Journal* in 1967,<sup>18</sup> and begin taking on the trappings of an academic journal, but its stated purpose would remain publishing student work. “[M]any student papers of distinction never find a public forum,” the editors explained, “but remain buried in university libraries.”<sup>19</sup> Early issues would include articles by international law luminaries Georges Abi-Saab,<sup>20</sup> Ibrahim Shihata,<sup>21</sup> and Anthony D’Amato<sup>22</sup>—all either Harvard Law students or recent alumni, and years away from their eventual fame. Many of the articles specify that they started as seminar papers.<sup>23</sup> It was not until

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14. Michael D. Behiels, *Jacques-Yvan Morin*, CAN. ENCYCLOPEDIA (Feb. 13, 2008), <https://www.thecanadianencyclopedia.ca/en/article/jacques-yvan-morin>.

15. *Comments*, *supra* note 7, at 14.

16. *Comprehensive Alumni Directory*, 2 HARV. INT’L L. CLUB BULL. 19, 19 (1959/1960).

17. *Contents*, 4 HARV. INT’L L. CLUB J., at iii (1962).

18. *Contents*, 8 HARV. INT’L L. J., at iii (1967).

19. *Editorial Comment: A Renascent Bulletin*, 3 HARV. INT’L L. CLUB BULL. 75, 75 (1961/1962).

20. George M. Abi-Saab, *Harvard and International Law: A Foreign View*, 2 HARV. INT’L L. CLUB BULL. 57, 57 (1959/1960); George M. Abi-Saab, *Nationality and Diplomatic Protection in Mandated and Trust Territories*, 3 HARV. INT’L L. CLUB BULL. 44, 44 (1961/1962). Abi-Saab’s career in international law is impossible to summarize succinctly, other than to say that his name is the answer to myriad international law trivia questions. Among other things, Abi-Saab was a member of the Appellate Body of the World Trade Organization, a judge at the International Criminal Tribunals for Yugoslavia and Rwanda, and an ad hoc judge on the International Court of Justice. U.N. Audiovisual Libr. of Int’l L., *Biography of Mr. Georges Abi-Saab*, [https://legal.un.org/avl/pdf/ls/Abi-Saab\\_bio.pdf](https://legal.un.org/avl/pdf/ls/Abi-Saab_bio.pdf) (last visited Apr. 1, 2022).

21. Ibrahim Shihata, *Islamic Law and the World Community*, 4 HARV. INT’L L. CLUB J. 101, 101 (1962); Ibrahim Shihata, *Book Note*, 4 HARV. INT’L L. CLUB J. 229, 229 (1962). Shihata would most famously go on to be Senior Vice President and General Counsel of the World Bank from 1983 to 2000. *Remembering the Contributions of WBG General Counsel Ibrahim Shihata*, THE WORLD BANK, <https://www.worldbank.org/en/archive/history/exhibits/Remembering-WBG-General-Counsel-Ibrahim-Shihata> (last visited Apr. 1, 2022).

22. Anthony A. D’Amato, *Treaties as a Source of General Rules of International Law*, 3 HARV. INT’L L. CLUB BULL. 1, 1 (1961/1962). D’Amato went on to become the Judd and Mary Morris Leighton Professor of Law at Northwestern University School of Law. Hilary Hurd Anyaso, *Northwestern Law Professor Anthony D’Amato Dies at Age 81*, NW. NOW (Apr. 6, 2018), <https://news.northwestern.edu/stories/2018/april/northwestern-law-professor-anthony-damato-dies-at-age-81/>.

23. *See, e.g.*, Doris Carroll, *Sovereign Immunity of Foreign State Enterprises in Anglo-American Courts*, 3 HARV. INT’L L. CLUB BULL. 1, 1 (1961/1962) (“An honor paper originally submitted for the Problems in World Order Seminar at Harvard Law School.”); Stuart William Robinson, Jr., *Municipal Court Review of Decisions of International Tribunals*, 3 HARV. INT’L L. CLUB BULL. 44, 44 (1961/1962) (“Originally submitted as an international law seminar paper at the Harvard Law School.”); *see also* Eleanor H. Finch, Note, *Student International Law Journals*, 60 AM. J. INT’L L. 87, 89 (1966) (“The *Journal* publishes primarily honor papers presented in connection with third-year and graduate seminars at the Harvard Law School and material prepared by the *Journal* staff.”).

1980 that external law professors became the standard listed authors in the Table of Contents.<sup>24</sup>

Meanwhile, in Charlottesville, Virginia, the John Bassett Moore Society of International Law, another student club, was cooking up something similar. They believed the first issue of their journal in 1960 would “represent a true start toward the nation’s first student law review type of international law journal.”<sup>25</sup> Given the murky beginnings of the *Harvard International Law Journal* and an apparent one-year lapse in publication, what became the *Virginia Journal of International Law* still claims to be oldest continuously-published student-edited international-law journal.<sup>26</sup> Its model was a bit different than the Harvard one, featuring articles by professors and senior practitioners early on.<sup>27</sup> Most, though, seem to have been invited and had a direct Virginia affiliation or connection.<sup>28</sup>

A year after the John Bassett Moore Society’s initial announcement, a group of students at Columbia Law School in New York, advised by Professor Wolfgang Friedmann, started a club bulletin in 1961, publishing addresses given to Columbia students.<sup>29</sup> By 1963, it had adopted the journal format under a group of three editors,<sup>30</sup> including future University of Georgia Law Professor Gabriel M. Wilner.<sup>31</sup>

At the time, Harvard, Virginia, and Columbia appear to have had the only student international law clubs recognized by the American Society of

24. *Title Index—Volume 21*, 21 HARV. INT’L L.J., at i (1980) (listing Roger S. Clark, then law professor at Rutgers University Law School; William W. Park, then Associate Professor of Law at Boston University; and Dennis W. Arrow, then Professor of Law at Oklahoma City Law School).

25. *An Introduction*, 1 J. JOHN BASSETT MOORE SOC’Y INT’L L., at xii (1960).

26. *Academic Journals*, UNIV. VA. SCH. L., <https://www.law.virginia.edu/students/academic-journals> (last visited Apr. 1, 2022).

27. *See, e.g., Editorial Notes*, 2 J. JOHN BASSETT MOORE SOC’Y INT’L L., at iii (1961–1962); *see also* Finch, *supra* note 23, at 89 (“The *Journal* carries articles by experts in various fields of international law, comments and notes, a special section on the European Common Market, and notes on judicial decisions.”).

28. The *Virginia Journal of International Law* seems to have only started including information about submissions to the journal in 1973. 14 VA. J. INT’L L., at iv (1973) (“The editors invite the submission of articles dealing with legal or policy issues in the field of international affairs.”). A few other international law journals started including such information around the same time. 15 STAN. J. INT’L STUD., at i (1979) (“The *Journal* invites the submission of unsolicited manuscripts.”); 10 TEX. INT’L L.J., at iv (1975) (“All manuscripts submitted for consideration should be sent in duplicate and should not exceed 75 triple-spaced typewritten pages.”); 7 N.Y.U. J. INT’L L. & POL., at vi (1974) (“NOTICE TO CONTRIBUTORS”). Such notices, though, remained an inconsistent feature of these journals for much longer, a testament to the slow shift from the original informality of these journals and their network of authors to the highly routinized and professional form of both today.

29. Frank B. Swayze, *Preface*, 1 & 2 COLUM. J. TRANSNAT’L L., at vii (1961–1963) (“Three of the articles, the first by Professor Wolfgang G. Friedmann, and those by Sir Kenneth Bailey and J. M. Udochi, are the texts of addresses delivered before the Columbia Society of International Law.”).

30. *Id.* (“[T]he editors were Gerald Feder, John A. Murray, and Gabriel M. Wilner, with Dale Collinson, Robert Stein, and David Suratgar serving as associate editors.”).

31. *See* Kenneth Klein, *In Memory of Gabriel M. Wilner*, 39 GA. J. INT’L & COMPAR. L. 517, 517–18 (2010).

International Law.<sup>32</sup> But those clubs, and associated journals, spread—first to Texas<sup>33</sup> in 1964, then to Stanford<sup>34</sup> and Vanderbilt<sup>35</sup> in 1967, Cornell,<sup>36</sup> NYU,<sup>37</sup> and Case Western<sup>38</sup> in 1968, Georgetown<sup>39</sup> in 1969, and the University of Georgia<sup>40</sup> in 1970 (coinciding with Former U.S. Secretary of State Dean Rusk joining the faculty).<sup>41</sup> The *George Washington International Law Journal* had a slightly different start in 1966, appearing first as *Studies in Law and Economic Development*.<sup>42</sup> Casenotes, book reviews, and reports on international decisions appeared as innovations over the period. The *Vanderbilt International*, which started as a “hybrid—lying somewhere between a scholarly journal and a popular news magazine,”<sup>43</sup> had, against the apparent wishes of its first editor,<sup>44</sup> “continue[d] a metamorphosis from International Law Society newsletter to scholarly legal journal.”<sup>45</sup> By 1972, it had been renamed the *Vanderbilt Journal of Transnational Law*.<sup>46</sup>

Befitting their initial roles as club newsletters, most of the early journals (and later ones) exhibit an eager, but somewhat bland, internationalism. The editors describe a globalizing world of opportunity, of which the editors hope to take advantage. “[I]nternational legal problems in the 1960’s [sic] no longer center about old men in the Hague but are a living, growing part of the practice of every major firm in the large cities of our country.”<sup>47</sup> “Thirty years from now when the graduate of 1960 reaches the prime years of his practice, the world will be, through communication, transport, and trade, an incalculably smaller community than it is at present.”<sup>48</sup> Editors list

32. See *An Introduction*, 1 J. JOHN BASSETT MOORE SOC’Y INT’L L. 1, 2 (1960); see also FREDERIC L. KIRGIS, THE AMERICAN SOCIETY OF INTERNATIONAL LAW’S FIRST CENTURY, 1906–2006, at 259 (2006) (describing how an extensive 1958 survey only found international law student groups at Harvard, Virginia, and Columbia). By 1961, a Yale group seems to have joined the club. *Id.* at 291.

33. *Contents*, 1 J. UNIV. TEX. INT’L L. SOC’Y, at v (1965).

34. Sanford King-Smith & John I. Laun, *Preface*, 1 INT’L SOC’Y STAN. L. SCH. PROC., at iii (1966).

35. *Headnotes*, 1 VAND. INT’L 1, 3–4 (Issue 1) (1967–1968).

36. *Contents*, 1 CORNELL INT’L L.J., at iii (1968).

37. *Editor’s Preface*, 1 N.Y.U. J. INT’L L. & POL. 4 (1968).

38. Frank I. Harding, *Preface*, 1 CASE W. RESV. J. INT’L L. 1, 2 (1968).

39. *Editor’s Page*, 1 LAW & POL’Y INT’L BUS., at v (1969).

40. Lindsey Cowen, *Foreword*, 1 GA. J. INT’L & COMPAR. L., at iii (1970).

41. *Id.*; see also Eric Pace, *Dean Rusk, Secretary of State in Vietnam War, Is Dead at 85*, N.Y. TIMES (Dec. 22, 1994), <https://www.nytimes.com/1994/12/22/obituaries/dean-rusk-secretary-of-state-in-vietnam-war-is-dead-at-85.html>.

42. *Contents*, 1 STUD. L. & ECON. DEV., at iii (1966).

43. *Headnotes*, *supra* note 35, at 3.

44. *Headnotes*, 1 VAND. INT’L 1 (Issue 2) (1967–1968) (“Next year’s staff will do as they like.”).

45. *Headnotes*, 2 VAND. INT’L, at iii (1969).

46. *Title Page*, 5 VAND. J. TRANSNAT’L L., at i (1971–1972).

47. *An Introduction*, *supra* note 32, at 2.

48. *Id.*; see also, e.g., Harding, *supra* note 38, at 2 (“This first edition of the newly established *Case Western Reserve Journal of International Law* reflects a growing student awareness of the importance of international law for all peoples today.”); *Editors’ Preface*, 1 N.Y.U. J. INT’L L. & POL. 4 (1968) (“In

important global events of the moment, but primarily to justify the need for student-scholarly attention. The notable exception here is the *Vanderbilt International*. Reflecting the radical shifts in campus politics from one end of the 1960s to the other, the first issue opens with a survey of law student views on the war in Vietnam.<sup>49</sup> Countering national polls “showing the South as a center of ‘hawkish’ sentiment,”<sup>50</sup> the poll found that “49.1% of the law students favored an immediate pull-out or de-escalation.”<sup>51</sup> In the second issue, the outgoing editor reflects darkly on anxieties about a potential end to law school draft deferments in discussing the future of the journal: “What it [the journal] will become in the future is anyone’s guess with General Hershey threatening a drastic reduction in the number of law students next year.”<sup>52</sup>

The American Society of International Law (ASIL) played an interesting role throughout this period. In 1958, the Society began exploring a relationship with student international law societies,<sup>53</sup> and its fingerprints and support are visible across these early journals’ pages. The first issue of the then-*Journal of the Texas International Law Society* (after noting Texas’s victory in an international law moot competition against Howard, Columbia, and Pittsburg)<sup>54</sup> published the proceedings of a regional meeting of the American Society of International Law.<sup>55</sup> The International Society of the Stanford Law School’s first publication featured such a meeting as well.<sup>56</sup> (Stanford’s second issue featured the proceedings of a conference on trade, development, and the United Nations Conference on Trade and Development (UNCTAD),<sup>57</sup> presented by the President of the Stanford International Law Society—future law professor David Gantz.)<sup>58</sup> Such conference proceedings remained a mainstay for many of these journals during the early period, including the second issue of the *Georgia Journal of*

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addition to serving as a professional training ground for internationally oriented law students, the Journal has a wider purpose. That is to present its readers throughout the world with analyses and discussions of the great unsolved questions in international public and private law today.”)

49. William G. Cole, *The Law School Looks at Vietnam*, 1 VAND. INT’L 1, 5 (Issue 2) (1967–1968).

50. *Id.*

51. *Id.*

52. *Headnotes*, *supra* note 44, at 1. General Lewis Blaine Hershey was the Director of the Selective Service System and, at that point, an increasingly loud critic of draft deferments and draft protesters. See Jean R. Hailey, *Gen. Lewis Hershey, 83, Headed Selective Service*, WASH. POST (May 21, 1977), <https://www.washingtonpost.com/archive/local/1977/05/21/gen-lewis-hershey-83-headed-selective-service/8cfd6c62-79eb-4662-b377-6a3de6e23df7/>.

53. See KIRGIS, *supra* note 32, at 259, 291.

54. *The University of Texas International Law Society*, 1 TEX. INT’L L.F. 1, 1 (1965).

55. W. Page Keeton, Dean, Univ. Tex. Sch. L., Opening Remarks at the Regional Meeting of the American Society of International Law (Feb. 22, 1964), in 1 TEX. INT’L L.F. 3 (1965).

56. King-Smith & Laun, *supra* note 34.

57. 2 INT’L SOC’Y STAN. L. SCH. PROC., at iii–viii (1967).

58. David A. Gantz, *Introduction*, 2 INT’L SOC’Y STAN. L. SCH. PROC., at v (1967); see also David A. Gantz, UNIV. OF ARIZ. COLL. OF L., <https://law.arizona.edu/david-gantz> (last visited Apr. 1, 2022).

*International & Comparative Law*.<sup>59</sup> The first three volumes of the *Syracuse Journal of International Law and Commerce*, founded in 1972, featured the proceedings of the eighth, ninth and tenth Regional Meetings of the American Society of International Law (ASIL).<sup>60</sup> Those meetings had been started by Richard Lillich, who taught at Syracuse until joining the faculty at the University of Virginia in 1969 and taking over as faculty advisor for the journal there.<sup>61</sup>

ASIL also took an interest in these new journals, surveying their activities and publications in the *American Journal of International Law (AJIL)*,<sup>62</sup> the flagship scientific journal of the American international law community since 1907.<sup>63</sup> In 1977, ASIL supported the Association of Student International Law Societies (A.S.I.L.S., a forerunner of the International Law Student Association) in introducing the A.S.I.L.S. International Law Journal, a journal for student work under the leadership of then-ASIL Fellow Ken Klein, who had been an editor of the *Georgia Journal of International & Comparative Law* the previous year.<sup>64</sup> Among other projects of A.S.I.L.S. was an effort to create a citation manual for international materials then being identified in a growing number of international law journals.<sup>65</sup>

As almost a bookend to this initial period, Judge Hardy Dillard, then a judge on the International Court of Justice and former University of Virginia Law Professor,<sup>66</sup> provided a foreword to the new *Georgia Journal of International & Comparative Law* that surveyed the history of student-edited international law journals to that point.<sup>67</sup> “Lawyers of several generations ago might understandably question the need for such a proliferation of student journals,” he observed.<sup>68</sup> Judge Dillard recounted how,

[i]n their day international law, if offered at all, was regarded as a kind of cultural embellishment to the curriculum—a sort of luxury offering to be avoided rather than embraced by serious students bent on equipping themselves for a tough, professional career of

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59. Stephen M. Schwebel, *Foreword*, 2 GA. J. INT’L & COMPAR. L., at iii (1972).

60. Donna E. Arzt & Anna G. Kaminska, *From Soviets to Saddam: Introduction to the Thirtieth Anniversary Symposium*, 30 SYRACUSE J. INT’L L. & COM. 181, 188 (2003).

61. *Id.* at 185, n.19; Burns H. Weston, *Richard B. Lillich (1933-1996)*, 91 AM. J. INT’L L. 85, 86 (1997); *Authors of Articles & Comments*, 14 VA. J. INT’L L., at iii (1974).

62. *See, e.g.*, Finch, *supra* note 23, at 87.

63. *See* Ignacio de la Rasilla, *A Very Short History of International Law Journals (1869–2018)*, 29 EUR. J. INT’L L. 137, 146 (2018).

64. E-mail from Ken Klein, former Articles Ed., Ga. J. Int’l & Compar. L., to author (Apr. 1, 2022) (on file with author).

65. *See, e.g.*, Ellen Behravesch, *The Executive Secretary’s Report*, 2 ASILS INT’L L.J. 93, 97 (1978).

66. Hardy Dillard was also the initial faculty advisor of the *Journal of the John Bassett Moore Society of International Law* (forerunner of the *Virginal Journal of International Law*). *Masthead*, 1 J. JOHN BASSETT MOORE SOC’Y INT’L L., at v (1960).

67. Hardy C. Dillard, *Foreword*, 1 GA. J. INT’L & COMPAR. L., at v (1970).

68. *Id.*

advising and defending clients. For numerous reasons that need not detain us, it is clear that that day is long past.<sup>69</sup>

Echoing the editors of the *Harvard Bulletin*, he explained that “in recent years, [it] has been increasingly borne in on faculty members, that much student written work (especially in seminars) merits a better destiny than gathering dust in some professor’s office or hiding, with unindexed anonymity, in some library alcove.”<sup>70</sup> Presaging future frustrations, he observed that

[w]ith professional journals, continuity in editorial standards is usually provided by the tenure of the editorial boards. . . . With student publications the rapid turnover of editorial staffs presents a special difficulty. But the experience of our law reviews over the years, and more recently the experience with student journals devoted to international law, suggests that this difficulty can be surmounted sometimes through faculty association and frequently, without it.<sup>71</sup>

## II. SYMBIOTIC GROWTH

This first generation of student-edited international law journals in the United States were among the earliest secondary journals to emerge at U.S. law schools. While there were a handful of specialized journals before, it was really only in the 1950s that those journals started to proliferate.<sup>72</sup> By one count there were “nine new specialized journals in the 1950s, twenty-seven in the 1960s . . . .”<sup>73</sup> At least a dozen of those twenty-seven were international law journals.<sup>74</sup> And international law was by far the most common topic for these new journals, a trend that continues to this day.<sup>75</sup>

As already hinted, this specific international law journal trend reflects symbiotic developments between student international law societies, the expansion of the Philip C. Jessup International Law Moot Court Competition, and the American Society of International Law over that period. The Jessup competition, which originated at Harvard Law in 1960,

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69. *Id.*

70. *Id.* at vi.

71. *Id.* at vii.

72. Tracey E. George & Chris Guthrie, *An Empirical Evaluation of Specialized Law Reviews*, 26 FLA. STATE UNIV. L. REV. 813, 818 (2017).

73. *Id.*

74. This is based on a hand count by the author from HeinOnline. See *International & Non-U.S. Law Journals*, HEINONLINE, [https://heinonline.org/HOL/Index?index=alpha/A\\_fjournals&collection=fjournals](https://heinonline.org/HOL/Index?index=alpha/A_fjournals&collection=fjournals) (last visited Apr. 1, 2022).

75. George & Guthrie, *supra* note 72, at 824; see also Arzt & Kaminska, *supra* note 60, at 185.



was the brainchild of Professors Richard Baxter and Stephen Schwebel.<sup>76</sup> The original “International Law Moot” was an internal Harvard affair, pitting a U.S. team represented by Thomas J. Farer<sup>77</sup> and William Zabel<sup>78</sup> against a team of foreign LLM students represented by Ivan L. Head of Canada and Bernard Clark of New Zealand.<sup>79</sup> Ivan Head, a future law professor at the University of British Columbia and advisor to Canadian Prime Minister Pierre Trudeau,<sup>80</sup> authored an article in the second volume of the *Bulletin of the Harvard International Law Club*.<sup>81</sup> (One thing that seemed to distinguish Harvard during this period was the involvement of foreign-trained LLM students like Head and Abi-Saab.)<sup>82</sup> In 1961, the competition moved to Columbia and included teams from Harvard, Yale, and Columbia.<sup>83</sup> Notably absent was a team from the University of Virginia. In the first issue of their international law journal, the Virginia student editors expressed a hope to compete in the coming year.<sup>84</sup> In 1962, six teams represented Columbia, Duke, and Osgoode Hall.<sup>85</sup> The competition moved to the ASIL Annual Meeting.<sup>86</sup> Notably, Richard Baxter, originator of the competition and chair of the Society’s Committee on International Law Clubs, was the Annual Meeting’s co-chair that year.<sup>87</sup> In 1963, eight teams competed; the winning team from Columbia Law School included *Columbia Journal of Transnational Law* editor Gabriel Wilner.<sup>88</sup> A team from the University of Texas won the competition in 1964,<sup>89</sup> the same year the University of Texas inaugurated the *Journal of the Texas International Law*

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76. *Who We Are: History*, INT’L L. STUDENTS ASS’N, <https://www.ilsa.org/who-we-are/> (last visited Apr. 1, 2022).

77. Farer was a future law professor and President of the Inter-American Commission on Human Rights. See *Tom J. Farer*, UNIV. OF DENV. SCH. OF INT’L STUD., <https://korbel.du.edu/about/directory/tom-j-farer> (last visited Apr. 1, 2022); *Biography*, TOM FARER, <http://www.tomjfarer.com/biography> (last visited Apr. 1, 2022).

78. Zabel would become a founding partner of Schulte, Zabel, and Roth. See *William D. Zabel*, SCHULTE ROTH & ZABEL, <https://www.srz.com/lawyers/william-d-zabel.html> (last visited Apr. 1, 2022).

79. See *Who We Are: History*, *supra* note 76.

80. See *Dr. Ivan Head*, UNIV. OF B.C. (June 1, 2006), [https://web.archive.org/web/20070819004002/http://www.law.ubc.ca/news/2004/nov/10\\_01\\_2004\\_dr\\_head.html](https://web.archive.org/web/20070819004002/http://www.law.ubc.ca/news/2004/nov/10_01_2004_dr_head.html).

81. Ivan L. Head, *ADIZ, International Law, and Contiguous Airspace*, 2 HARV. INT’L L. CLUB BULL. 28 (1960).

82. See Abi-Saab, *supra* note 20 and accompanying text.

83. See *Jessup 1961*, INT’L LAW STUDENTS ASS’N, <https://www.ilsa.org/jessuphistory/jessup-1961/> (last visited Apr. 1, 2022).

84. *An Introduction*, 1 J. JOHN BASSETT MOORE SOC’Y INT’L L., at xiii (1960).

85. See *Jessup 1962*, INT’L LAW STUDENTS ASS’N, <https://www.ilsa.org/jessuphistory/jessup-1962/> (last visited Apr. 1, 2022).

86. See KIRGIS, *supra* note 32, at 292.

87. *Id.*

88. See *Jessup 1963*, INT’L LAW STUDENTS ASS’N, <https://www.ilsa.org/jessuphistory/jessup-1963/> (last visited Apr. 1, 2022).

89. See *Jessup 1964*, INT’L LAW STUDENTS ASS’N, <https://www.ilsa.org/jessuphistory/jessup-1964/> (last visited Apr. 1, 2022).

*Society*.<sup>90</sup> Four of the team members<sup>91</sup> were officers of the University of Texas International Law Society listed on the masthead of the journal.<sup>92</sup> Thomas Cady, fall semester President<sup>93</sup> and winning Jessup team member, took over as administrator of the competition the following year.<sup>94</sup> That year, with sixteen total teams in competition, a team from the University of Virginia lost in the final round to a team from Columbia.<sup>95</sup> Vanderbilt won in 1967,<sup>96</sup> the same year the *Vanderbilt International* published its first issue, which included a long story on the Jessup experience of team member Elizabeth Culbreth.<sup>97</sup> Harold Maier was notably faculty advisor to both.<sup>98</sup>

As the Jessup competition expanded, so too did student international law societies. In 1962, students from the few then-extant groups started the Association of Student International Law Societies (A.S.I.L.S.), forerunner of the International Law Student Association (ILSA).<sup>99</sup> With the support of the American Society of International Law,<sup>100</sup> A.S.I.L.S. managed the growing Jessup competition. In 1970, A.S.I.L.S. began organizing workshops for student-edited international law journals.<sup>101</sup> By the time A.S.I.L.S. was publishing the second volume of its own journal in 1978, there were 102 member international law societies.<sup>102</sup> Fifty-nine foreign law schools joined 102 U.S. law schools participating in the Jessup competition;<sup>103</sup> between twenty and twenty-five U.S. law schools now housed international law journals.<sup>104</sup> And since 1973, A.S.I.L.S. recognized

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90. *The University of Texas International Law Society*, *supra* note 54, at 1–2.

91. David J. Beck, Jerry B. Long, Thomas Cady, and Bruce Smith each competed. *Jessup 1964*, *supra* note 89.

92. *Officers*, 1 TEX. INT'L L.F., at vi (1965).

93. *Id.*

94. See *Jessup 1965*, INT'L LAW STUDENTS ASS'N, <https://www.ilsa.org/jessuphistory/jessup-1965/> (last visited Apr. 1, 2022).

95. *Id.*

96. See *Jessup 1967*, INT'L LAW STUDENTS ASS'N, <https://www.ilsa.org/jessuphistory/jessup-1967/> (last visited Apr. 1, 2022).

97. Elizabeth Culbreth, *Lunar Reflections—On the Jessup Cup*, 1 VAND. INT'L 13, 13 (Issue 2) (1967–1968).

98. *Id.*

99. *Who We Are: History*, *supra* note 76; see also KIRGIS, *supra* note 32, at 302, 449.

100. The relationship between the societies was not always smooth. See Behraves, *supra* note 65, at 93. A.S.I.L.S. and ASIL became increasingly intertwined through co-administration of the Jessup competition. In 1969, after receiving a joint grant to run Jessup, the two organizations established “a position for a graduating law student who would serve both as Executive Secretary of A.S.I.L.S. and the Society’s resident Fellow,” a position first held by James A.R. Nafzinger. See KIRGIS, *supra* note 32, at 337. Eventually, ASIL would take over much of A.S.I.L.S.’s finances. *Id.* at 397. And yet the formal relationship of the two organizations and their respective authority remained undefined, unclear, and a point of contention. *Id.* at 398.

101. See KIRGIS, *supra* note 32, at 336.

102. See Behraves, *supra* note 65, at 93.

103. See *id.* at 94.

104. See *International & Non-U.S. Law Journals*, *supra* note 74.

the best student writing in one of those journals with the Francis Deák Memorial Award.<sup>105</sup>

A.S.I.L.S., though, was not operating on its own. Law professors, individually and through the American Society of International Law, had played a key role in supporting both student international law societies and student-edited journals from the outset, and their networks seem to have played a key role in transmitting both concepts from school to school. Many of the early journals record the essential support and inspiration of key members of their faculty. Wolfgang Friedmann at Columbia,<sup>106</sup> Ernest Goldstein at Texas,<sup>107</sup> Thomas Ehrlich at Stanford,<sup>108</sup> Harold G. Maier at Vanderbilt,<sup>109</sup> and L.F.E. Goldie at Syracuse<sup>110</sup> are among those singled out.<sup>111</sup> Those faculty members undoubtedly shared these developments across the country in various ways (Ehrlich graduated from Harvard the year the first *Bulletin* appeared; Goldie is listed among Harvard Club alumni in the second *Bulletin*),<sup>112</sup> but from 1966–1972,<sup>113</sup> one could learn about new international law journals directly from the *American Journal of International Law*. It was not only the student-edited journals that acted as society bulletins, recording school events and accomplishments. In an era before social media, *AJIL* too played a key role in keeping its membership up-to-date. *AJIL* issues regularly featured reports on international meetings, both of the society and other organizations, schedules of annual meetings, and

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105. See Judith R. Hall, *Association of Student International Law Societies: The Executive Secretary's Report*, 68 AM. SOC'Y INT'L L. PROC. 351, 354 (1974). A.S.I.L.S. previously granted awards for the best student paper. The first award was won in 1963 by then-Harvard student and future World Bank General Counsel Ibrahim Shihata, whose work was also published in the nascent Harvard international law journal. See KIRGIS, *supra* note 32, at 304–05; see also Shihata, *supra* note 21 and corresponding text.

106. Swayze, *supra* note 29.

107. *The University of Texas International Law Society*, *supra* note 54, at 1 (“On sunny Texas afternoons they sometimes gathered on the lawn of Professor Goldstein’s home in Austin to discuss current events in foreign affairs.”); E. Ernest Goldstein, *Thank You Fidel! Or How the International Law Society and the Texas International Law Journal Were Born*, 50 TEX. INT’L L.J. 547 (2016).

108. E-mail from David A. Gantz to author (Feb. 26, 2023, 10:44 PM EST) (on file with author). According to Gantz, then-Stanford Dean Bayless Manning was also particularly supportive. *Id.* Manning would leave Stanford in 1971 to become president of the Council on Foreign Relations. Judith Romero, *Former Dean Bayless Manning*, STAN. L. SCH. (Oct. 28, 2011), <https://law.stanford.edu/stanford-lawyer/articles/dean-bayless-manning/>.

109. *Headnotes*, *supra* note 35, at 3; see also Harold G. Maier, *Foreword: Some Implications of the Term “Transnational,”* 25 VAND. J. TRANSNAT’L L. 147 (1992).

110. See Arzt & Kaminska, *supra* note 60, at 186–88.

111. An exception that proves the rule, the editors declared that the new “*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 . . . .” Raymond E. Lisle, *Introduction*, 1 BROOK. J. INT’L L., at v (1975).

112. *Comprehensive Alumni Directory*, *supra* note 16, at 21.

113. The first such notice seems to have been Eleanor H. Finch, *Notes and Comments*, 60 AM. J. INT’L L. 87, 87–90 (1966). The last was Eleanor H. Finch, *Denver Journal of International Law and Policy*, 66 AM. J. INT’L L. 130 (1972).

notices of new institutes and journals.<sup>114</sup> Behind all of these notices was Eleanor Finch, editorial assistant and secretary to the Board of Editors from 1929 until 1972.<sup>115</sup> From the student-edited journals' standpoints, *AJIL* was a key advertising space, which allowed them to get the word out that they were operating and seeking submissions.

As the second decade of student-edited international law journals unfolded, some cracks in these relationships started to form. The close relationship between A.S.I.L.S. and ASIL became a point of contention and difficult topic of conversation at ASIL meetings.<sup>116</sup> A.S.I.L.S. leaders bristled at ASIL's influence over its decisions; ASIL suggested it might start charging A.S.I.L.S. for use of ASIL's office space and resources.<sup>117</sup> And, perhaps evincing the end of the sherry party years, Yale's international law journal emerged as a guerrilla effort, pursued against the wishes of the law school administration.<sup>118</sup> In 1974, the group of students who approached the Yale Law School administration seeking to start an international law journal were roundly rebuffed.<sup>119</sup> Unconvinced that the student effort would be lasting and successful, and stinging from campus fights over civil rights and the war in Vietnam, the Yale administration was not in a supportive mood.<sup>120</sup> Drawing from that revolutionary energy and eager to prove their mettle, the editors went on to found *Yale Studies in World Public Order* on their own, raising funds to publish the journal themselves.<sup>121</sup> It is perhaps no surprise that their mission statement took something of a revolutionary tone—rejecting a state-centric model of international law that “make[s] a sieve of the arbitrary demarcation between national and international law,”<sup>122</sup> and embracing “a rising common demand by people around the globe for wider participation in the producing and sharing of all

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114. See, e.g., Eleanor H. Finch, *Hague Academy of International Law*, 66 AM. J. INT'L L. 128 (1972); Eleanor H. Finch, *Annual Meeting of the Society, 1972*, 66 AM. J. INT'L L. 131 (1972); Eleanor H. Finch, *The Second International Conference of Businessmen and Lawyers on Certain Legal Questions Relating to Yugoslav Foreign Trade*, 59 AM. J. INT'L L. 597 (1965); Eleanor H. Finch, *59th Annual Meeting of the American Society of International Law*, 59 AM. J. INT'L L. 599 (1965).

115. David J. Bederman, *Appraising a Century of Scholarship in the American Journal of International Law*, 100 AM. J. INT'L L. 20, 56 (2006); R.R. Baxter, *The Retirement of Miss Eleanor H. Finch as Assistant Editor of the Journal*, 66 AM. J. INT'L L. 815, 815–16 (1972).

116. See, e.g., Behraves, *supra* note 65, at 354–55; see KIRGIS, *supra* note 32, at 398.

117. See KIRGIS, *supra* note 32, at 398–99. These same fights would reach a breaking point in 2000, when the Society finally kicked ILSA (A.S.I.L.S.'s successor organization) out of offices entirely. *Id.* at 487.

118. W. Michael Reisman, *The Vision and Mission of the Yale Journal of International Law*, 25 YALE J. INT'L L. 263, 263–64 (2000).

119. *Id.*

120. *Id.* at 264. See also Mark V. Tushnet, *Critical Legal Studies: A Political History*, 100 YALE L.J. 1515, 1530–34 (1991) (detailing turmoil at Yale in the 1970s).

121. Reisman, *supra* note 118, at 264.

122. *Id.* at 266 (quoting *The Reasons for Yale Studies in World Public Order*, 1 YALE STUD. WORLD PUB. ORD., at i–ii (1974)).

major values: power, wealth, skill, enlightenment, respect, affection, well-being, and rectitude.”<sup>123</sup> The sherry bottle had been lit on fire.

### III. CHECKING THE BOX

Between 1974 and 1983, when *Yale Studies in World Public Order* finally received the administration’s blessing and was rechristened the *Yale Journal of International Law*, around twenty more student-edited international law journals joined their ranks, including journals at Brooklyn (1974), North Carolina (1974), Maryland (1975), Boston College (1977), Fordham (1977), U.C. Hastings (1977), Suffolk (1977), Houston (1978), Loyola Los Angeles (1978), Michigan (1979), Northwestern (1979), New York Law School (1979), Boston University (1982), Dickinson (1982), Wisconsin (1982), U.C. Berkeley (1983), and Notre Dame (1983), among others.<sup>124</sup> The pace would continue through much of the 1990s and 2000s.

By then, however, what had once seemed novel or perhaps revolutionary had become the norm. The shift was reflected in the decision to change the name of the Yale journal. By that point, student editors felt pressure to market the journal as a typical, albeit elite, international law journal, to avoid driving authors to their competitors.<sup>125</sup> The journal had already conformed to the general look and feel of American student-edited international law journals; at that point, the iconoclastic original title could only serve to confuse.<sup>126</sup> Journals would still innovate—the newly rechristened *Yale Journal of International Law* included a section on “incidents” in international law, an approach inspired by the journal’s advisor Michael Reisman<sup>127</sup>—but these innovations were set against a backdrop of common expectations about typical international law journals.

This rapid growth was not limited to international law journals. Beyond international law, the number of specialized journals was exploding at U.S. law schools. A 1999 retrospective counted “ninety-one in the 1980s, and a stunning 137 thus far in the 1990s.”<sup>128</sup> Growing faculties and rising tenure standards were pumping demand for publication slots.<sup>129</sup> Students nationwide were demanding increased access to the credentials and career

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123. *Id.*

124. Based on a hand count by the author from HeinOnline. See *International & Non-U.S. Law Journals*, *supra* note 74.

125. Telephone interview with Mark Agrast, first Editor-in-Chief, Yale J. Int’l L., and Exec. Dir., ASIL (Nov. 15, 2023).

126. *Id.*; see also Mark David Agrast, *Preface: Entering Our Second Decade*, 10 YALE J. INT’L L., at vii (1985) (“Inevitably, while retaining at its core the distinctive character bequeathed it by its founders, the *Journal* became in every sense a journal of international law.”).

127. Agrast, *supra* note 126.

128. George & Guthrie, *supra* note 72, at 818.

129. *Id.* at 819.

opportunities journal editorship could offer.<sup>130</sup> Recognizing and feeding the trend, Bepress introduced ExpressO in the early 2000s, an online system that allowed authors to submit articles to any (or maybe all) of the hundreds of journals that they could now select by simply checking a box.<sup>131</sup> Scholastica followed with a similar service, pushing Bepress out of the market in 2021.<sup>132</sup> The student-edited specialty journal had become a standardized commodity.<sup>133</sup>

Meanwhile, both professional demands and the sheer number of journals created pressure to rank journals. Gregory Scott Crespi asked international experts to rank international law journals in surveys.<sup>134</sup> The results, ranking the top twenty-five from a list of seventy-one student-edited and seventeen peer-reviewed “International and Comparative Law” journals, were published in 1997.<sup>135</sup> Other attempts at ranking specialty journals followed. But as with Bepress and Scholastica, it was the Washington & Lee Law Library’s introduction of a free online tool in the early 2000s that could rank journals by various metrics<sup>136</sup> that had the most radical effect, broadcasting new journal hierarchies that had once been maintained by networks of sherry-sipping alumni of the invisible college. Accessible to all, the new rankings eliminated much of the mystery that once hung over these clubs. And few, if any, of these international law journals retained any relationship with their respective schools’ international law societies. Editors mostly now joined international law journals through

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130. *Id.* at 820–21; Paul Willison, *Rethinking the Writing Competition: Developing Diversity Policies on Law Journals After FASORP I and II*, 71 CASE W. RESV. L. REV. 351, 370–71 (2020).

131. *See Frequently Asked Questions About ExpressO*, BEPRESS, <https://law.bepress.com/expresso/faq.html> (last visited Apr. 1, 2022).

132. *See* Barry Friedman, *Fixing Law Reviews*, 67 DUKE L.J. 1297, 1301–02 (2018) (“Electronic submission services like Scholastica and ExpressO have caused submissions to skyrocket. Where once editors labored to evaluate hundreds of submissions, now they fend off well over a thousand, sometimes double that.”); *id.* at 1325 (“Back in the day, multiple submissions of an article were at least a bit of a hassle . . . . No more. Now, with services like ExpressO and Scholastica, a few clicks of the mouse and you can flood the market with your pearls of wisdom.”); *see also* Josh Blackman, *ExpressO Submission Service Will Shut Down on June 30*, REASON MAG.: VOLOKH CONSPIRACY (Jan. 8, 2021), <https://reason.com/volokh/2021/01/08/expresso-submission-service-will-shut-down-on-june-30/>.

133. This was a stark contrast from what had come before. As noted *supra* note 28, journals were slow and inconsistent in offering information to prospective authors. Even by the early 2000s, an author would have to search each journal’s website to glean information about that journal’s preferred format and method of submission. *See* this author’s personal experience. You know you’ve found a partner-for-life when they’re willing to spend a weekend day stuffing, addressing, sealing, and weighing envelopes (because a triple-spaced paper weighs more than a double- or single-spaced one) to mail to various law journals.

134. Gregory Scott Crespi, *Ranking International and Comparative Law Journals: A Survey of Expert Opinion*, 31 INT’L LAW. 869, 871 (1997).

135. *Id.* at 872–73.

136. *See* Albert H. Yoon, *Editorial Bias in Legal Academia*, 5 J. LEGAL ANALYSIS 309, 314 (2013) (“Rankings of law journals is a relatively recent phenomenon. Since 2004, Washington and Lee (*W&L*) University School of Law, perhaps the most notable reference in this area, has published rankings of law journals of both law reviews and specialized and peer-review law journals.”).

standard processes set up for all journals at a law school. Student-edited international law journals were now part of a much broader publishing and editing ecosystem.

To be continued . . .

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