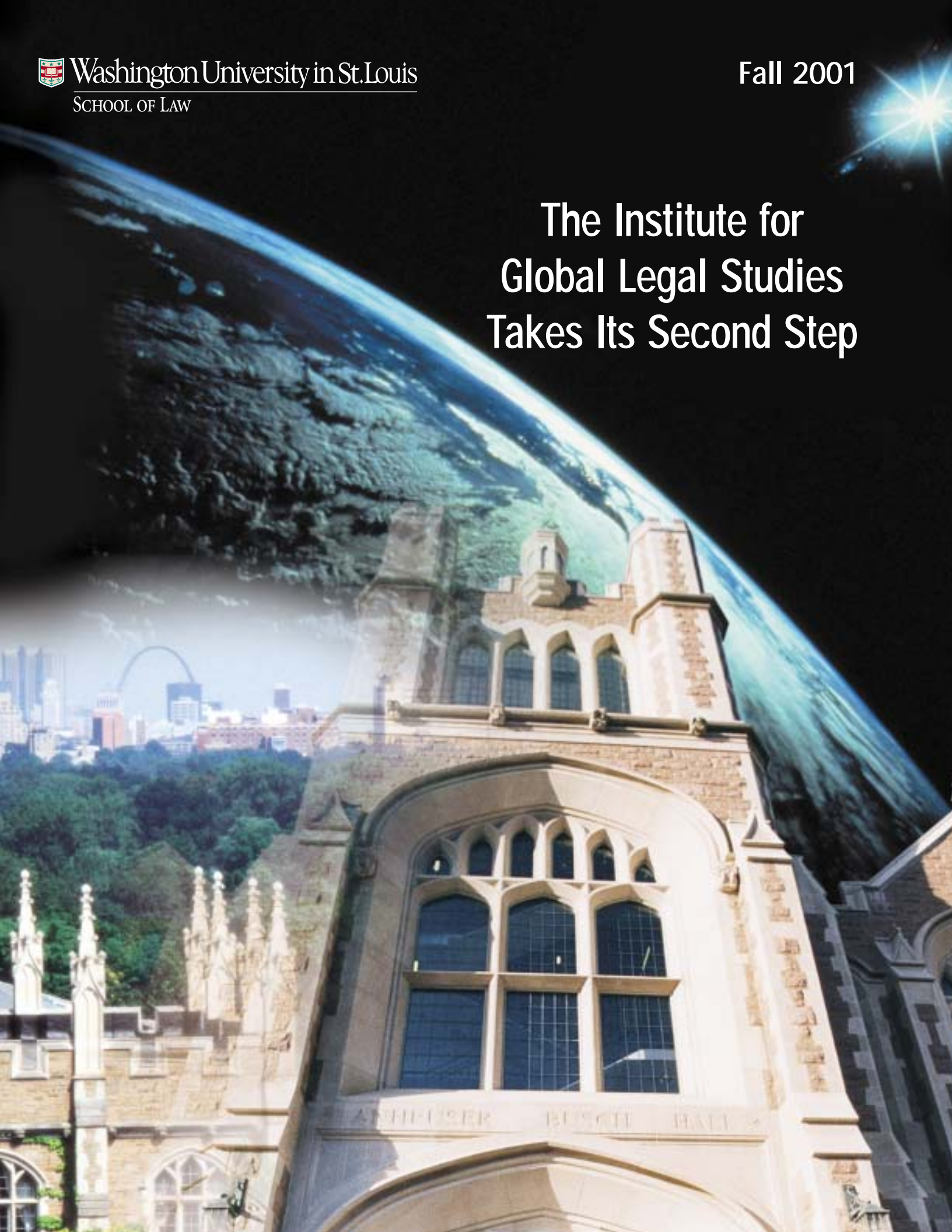


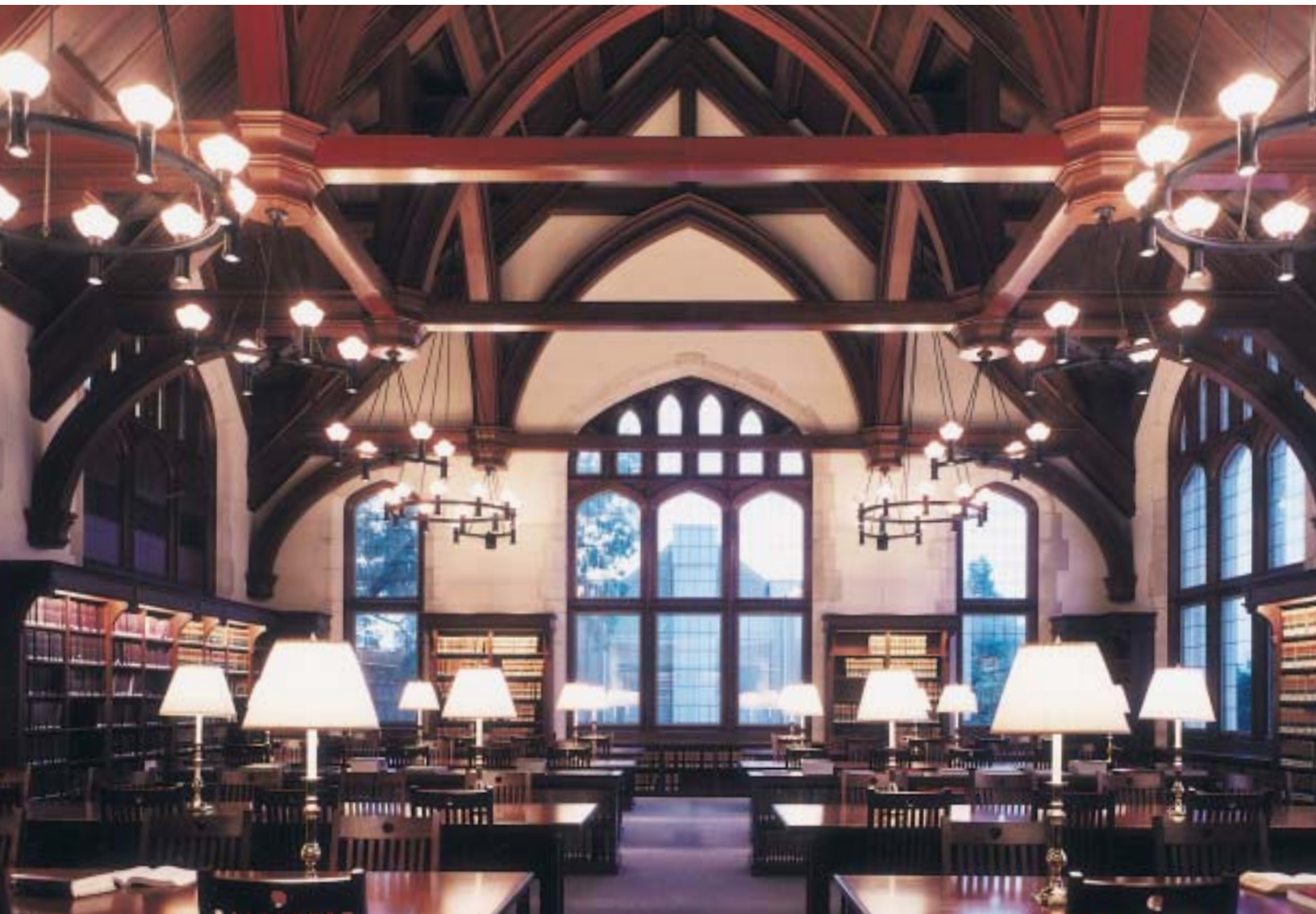
# The Institute for Global Legal Studies Takes Its Second Step



## CONTENTS

From the Dean . . . . .	1
From the Director: The Year in Review. . . . .	2
“Globalization, American Business, and the Implications for Legal Education,” by Keyvan Tabari . . . . .	4
About Washington University . . . . .	7
The United Nations and the Protection of Human Rights: Launching the Institute for Global Legal Studies . . . . .	8
The International Speaker Series. . . . .	10
Upcoming Conference on Constitutional Courts . . . . .	12
The International Curriculum . . . . .	14
Joint Degree Programs . . . . .	14
Student International Activities. . . . .	15
International Student Exchanges and Study Abroad . . . . .	16
Master of Laws for International Students. . . . .	18
Late-Breaking News . . . . .	20
The Faculty: Global Activities. . . . .	21
Introducing the International Council. . . . .	32
Your Support . . . . .	36

*The Janite Lee Reading Room at the Washington University School of Law*



## FROM THE DEAN

We have enjoyed a lively and productive year at the Washington University School of Law. Several new initiatives have begun to bear fruit. In this brief message I highlight and salute the work of our new Institute for Global Legal Studies. It has become a major force at the School of Law, at the University, and in the St. Louis, national, and international communities.

As I have said in the past, the international strengths of this law school were evident to me well before I embarked on the deanship here. The Washington University School

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**Our new Institute for Global Legal Studies has become a major force at the School of Law, at the University, and in the St. Louis, national, and international communities.**

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of Law has long had one of the nation's most impressive programs of international and comparative law. The levels of student interest and faculty preeminence have always been striking.

The Institute for Global Legal Studies has only solidified the success of our international program. Under the leadership of its director, Steve Legomsky, the Charles F. Nagel Professor of International and Comparative Law, and its new associate director, Leslie Kerr, the Institute has brought to the



*Joel Seligman, Dean and the  
Ethan A. H. Shepley University  
Professor*

law school a new level of commitment to global education and research. The November 2000 inaugural colloquium on the United Nations and human rights convened a stunning array of international authorities in St. Louis to address what must surely be regarded as one of the most urgent issues of our time.

Other Institute events of the past year have similarly served to educate, to inform, to contribute to the solutions of real problems, and to stimulate.

Most exciting of all, I know that what the Institute has accomplished in its brief lifetime is only the beginning. I am honored and delighted to be a part of its early development, and I encourage you to read the rest of this publication to learn more about activities that might interest you. Better yet, attend our events if you can. We would enjoy having you.

## INSTITUTE FOR GLOBAL LEGAL STUDIES

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Leslie Kerr, Associate Director  
Linda McClain, Office Manager

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Prof. Joseph H. Weiler

# FROM THE DIRECTOR: THE YEAR IN REVIEW

By now we have all heard repeatedly how vital it is for modern law schools—and lawyers—to think in global terms. The many reasons have become familiar. Information, goods, services, and even people cross international boundaries with such breathtaking ease that few of today's law students can isolate themselves from foreign and international issues and expect to become top-notch lawyers or policymakers. In his thoughtful article on pages 4–6, international lawyer Keyvan Tabari examines why this is especially so in the commercial context.

The Washington University School of Law is proud of its long-standing commitment to global legal education. Intellectually vibrant faculty and

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**We like to think that the Washington University School of Law can now legitimately boast of having one of the finest international law programs in the nation.**

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students work together here in search of innovative global solutions to real-life problems. Our international focus is reflected in our student recruitment, teaching strategies, curriculum, extracurricular student activities, international student exchange programs, career services, advising, faculty appointments, scholarly research and other professional projects, conferences, speaker series, public interest programs, community



*Stephen H. Legomsky, Director of the Institute for Global Legal Studies and the Charles F. Nagel Professor of International and Comparative Law*

service, and external relations. Our new Institute for Global Legal Studies has formalized and enhanced this commitment.

So we like to think that the Washington University School of Law can now legitimately boast of having one of the finest international law programs in the nation. This is a culturally significant statement. For

too many years, the premier Midwest law schools—with only a few exceptions—

lagged somewhat behind their East Coast and West Coast counterparts in the field of international legal education. Today, however, the same technologies, economic trends, and social and cultural patterns that have brought the world's nations ever closer have also diminished the regional differentials among the 50 states of the United States. Internationalism is alive and well in the American Midwest. Washington University and its

Institute for Global Legal Studies are proud to be part of the vanguard.

For the Institute, the past year has been frenetic but momentous. We completed the building and furnishing of our spacious new physical facilities. We also made two important hires. Leslie Kerr, the new associate director of the Institute, brings her well-rounded background in law, journalism, development, and community service. Linda McClain, our new office manager, comes to us with many years of experience in corporate executive assistant positions. We have also expanded our internal faculty advisory board to include 19 colleagues.

This was also the year in which we assembled our International Council. This external advisory board currently consists of 23 distinguished individuals

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## **Internationalism is alive and well in the American Midwest.**

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who have graciously volunteered to share their expertise. They come from every continent except Antarctica (so far!). They are statesmen, scholars, diplomats, judges, lawyers, and other accomplished men and women whose advice and guidance will prove indispensable. The members of the International Council are profiled on pages 32–35. As you will see, they make a stunning group.

In November 2000, the Institute held its first major event: an inaugural colloquium, “The United Nations and the Protection of Human Rights.” Participants included John B. Anderson, Professor M. Cherif Bassiouni, Dr. Francis Mading Deng,

Ms. Erika Elizabeth Feller, Professor Thomas M. Franck, Justice Richard

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The more we do, the more ideas we discover for future projects.

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J. Goldstone, Ambassador Aída González Martínez, Mr. Whitney R. Harris, Mr. Richard C. Hottelet, Judge Patricia M. Wald, and Professor Ruth Wedgwood. The papers have been published as volume 5 of the Washington University *Journal of Law and Policy*. The papers and a video webcast of the conference are also available on the Institute Web site. For details, please see the separate article on the United Nations colloquium (pages 8–9).

In addition to the inaugural colloquium, we have been fortunate to attract a stream of interesting and accomplished speakers. During the Institute's two-year existence, some 28 individuals (or delegations of speakers from Turkey, India, China, and Europe) have given presentations to students, faculty, or both on subjects of international or foreign law or policy. Almost all these events are open to the public. The speaker series is described in more detail on pages 10–11. (Let us know if you would like to receive e-mail notices of upcoming events.)

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Our friends have been good to us, and we hope that our work proves worthy of their generosity.

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During this past year, planning continued for the November 1–3, 2001, conference on constitutional courts, co-organized by two of our distinguished faculty members, Stanley

L. Paulson and Lee Epstein. They have confirmed the participation of more than 30 superb scholars from various countries, including Professors Ronald Dworkin, Jürgen Habermas, Gerald Stourzh, Nobel Laureate Douglass North, Kim Scheppele, Robert Alexy, and Frank Michelman. The details appear on pages 12–13.

Several other events are also being planned. We expect soon to announce detailed plans for a one-day conference on the International Criminal Court, a debate series on international issues, and a number of individual

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Beginning with the fall semester of 2001, there will be a cradle-to-grave advising program for prospective, current, and former students of the Washington University School of Law who have interests in foreign, comparative, or international law or policy.

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presenters. We are also working on an International Salon Series, in which law school faculty and other experts will lead discussions in the homes of gracious volunteer hosts.

Apart from specific events, the Institute this past year has laid the groundwork for a number of ongoing student-oriented activities. Beginning with the fall semester of 2001, there will be a cradle-to-grave advising program for prospective, current, and former students of the Washington University School of Law who have interests in foreign, comparative, or international law or policy. This program will offer counseling on course selection, extracurricular activities, post-law school study programs, career opportunities, and job placement.

We have begun discussions with the St. Louis Chapter of the American Red Cross about a program in which the Red Cross would train Washington University law students to teach area high school students about international humanitarian law. We also advised and assisted our law students in the creation of a new, student-edited *Global Studies Law Review*, which has now begun operating. And we have greatly expanded our Web site and upgraded our communications in the hope that our work will be of benefit to increasing numbers of students and others.

The more we do, the more ideas we discover for future projects. We shall continue to grow as resources permit. Our friends have been good to us,

and we hope that our work proves worthy of their generosity. In the meantime, if you find yourself in the vicinity of Washington University, please stop by for a specific event or just to say hello. We always enjoy showing off our new digs and would also love to explore ways in which you might participate in the life of our vibrant and rapidly evolving Institute.



Leslie Kerr



Linda McClain

# GLOBALIZATION, AMERICAN BUSINESS, AND THE IMPLICATIONS FOR LEGAL EDUCATION

by Keyvan Tabari

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## INTRODUCTION

The importance of international commerce for American business cannot be exaggerated. It has generated nearly one-third of the new jobs in the recent business cycle; exports have been crucial in the growth of countless industries; and the low cost of imports has been a major factor in controlling inflation. The promotion of international commerce is also a primary security strategy in the post-Cold War era, as global interdependence in pursuit of prosperity is perceived to be the best insurance against violent conflicts.

Two recent historic developments have altered the character of international commerce, while making its expansion possible. First, the collapse of the Soviet Union and the embracing of capitalistic economics by China have removed from the path of free enterprise the restraining ideology of wealth redistribution. Second, the leaping advances in technology have integrated markets and labor forces of distant lands. Now, to an unprecedented degree, international capital flows in all directions, skilled human resources move freely to fill



Keyvan Tabari

jobs, goods may be produced anywhere, and all markets have become accessible to entrepreneurs.

These new opportunities pose serious threats to the existing economic order. Particularly, the fear that the expansion of international commerce may cause extensive job losses in

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**International commercial negotiations are inherently complicated. The process becomes even more complex when the parties manifest dissimilar expectations rooted in different cultural values.**

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the traditional sectors of American economy has given rise to a politically charged debate about its merits. To control the impact of international business, many proposals have been made to regulate it.

International commerce is, of course, already managed within the framework of a legal order. But the rules of this order are different from those of a domestic (national) legal system. Understanding these different rules is necessary for success in international business.

## INTERNATIONAL LEGAL ORDER

To begin with, the international legal system lacks courts for adjudicating

disputes. While occasionally ad hoc tribunals are established by interested governments to resolve isolated economic disputes between their nationals, the common alternative for settling international claims is arbitration pursuant to agreement of the parties. Furthermore, no international agency exists to enforce the arbitrators' awards; the prevailing party has to rely on the enforcement machinery of the country where the losing side's assets are located. Finally, often there is no international law for the arbitrators to apply. Instead, they frequently must refer to the domestic laws of the country designated by the parties.

The customs and usages that gradually emerge from commercial transactions generate the international legal norms.

However, without a system of international courts to embody these norms in their rulings, they do not receive the force and mandate of precedents.

There is another way for establishing binding legal rules: legislation by international conventions. The United

Nations and other intergovernmental organizations originate the drafts of these conventions. But these drafts are rarely enacted into multinational legislation. While some noteworthy international conventions have finally been concluded—among them the conventions on contracts for the international sale of goods; on several procedural aspects of civil litigation, such as the limitation period, service, and discovery; and on enforcement of arbitration awards—they are few in number and govern only the nationals of the states that adhere to them.

International rule-making is, therefore, left largely to private contracts be-

tween parties to international transactions. National governments, however, impose limits to their freedom of contract. For example, a nation may decree export restrictions to prevent its citizens from selling products or services to another country. Such intrusions by national governments could also be made retroactive, as in the case of currency controls that block the expatriation of the profits of foreign businesses. More drastically, a hostile new regime may choose to expropriate the assets

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**Now, to an unprecedented degree, international capital flows in all directions, skilled human resources move freely to fill jobs, goods may be produced anywhere, and all markets have become accessible to entrepreneurs.**

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of a foreign business. Expropriation has even been carried out without a fair compensation. Assessing the likelihood and the extent of these political risks is part of the due diligence required for any international venture.

Just as these risks are posed by the intrusive role of the nation-states in international trade, sometimes national governments render protection against them. Thus, government (or quasi-government) agencies, such as export-import banks and export development corporations, aim at insuring their nationals against certain risks of international commerce. Similarly, through trade agreements, governments attempt to remove the barriers to foreign markets facing their nationals. The beneficial prospects of such favorable interventions by the national governments must be taken into account in any international business plan.

## INTERNATIONAL AGREEMENTS

Because of these considerations, international commercial negotiations are inherently complicated. The process becomes even more complex when the parties manifest dissimilar expectations rooted in different cultural values. For instance, in negotiating a contract an American would ordinarily be more interested in limiting his exposure, while his foreign counterpart might focus on enlarging the scope of his authority; the American would aim at direct expression of his goals, while his counterpart might prefer circumspection; the American would seek pragmatic solutions to the problems, while his counterpart might insist on logical consistency; and the American would want clarity in the projected plans of action, while his counterpart might desire the flexibility of nuanced vagueness. These objectives, observed in dealing with different nationalities, might well be compatible, but their synthesis requires understanding and finesse.

In crafting an international agreement, even the basic task of communication

can be difficult. In order for the parties to express their intent unmistakably, a shared language is essential. English may well have become the lingua franca of global commerce, but often it is not the native tongue of one or more of the parties to the negotiations. In such circumstances, the same word could have different connotations for various parties, allowing for potentially conflicting interpretations. The awkward language sometimes found in international agreements and conventions is symptomatic of this problem and the unsatisfactory attempts to deal with it.

Nonverbal communications are equally important in international negotiations. They, too, are rooted in the diverse cultural backgrounds of the parties. What is an innocuous pause for one party in response to a proposal during the negotiations could appear portentous to another, and thus adversely affect the negotiations.

Disparate cultures also produce distinct styles of negotiations. Some emphasize bargaining for every transaction, while others aim at long-term relationships. Some require decision-making by consensus, while in other cultures one person makes the



*German Marshall Fund visitors*

significant decisions. A practice that is acceptable in some cultures might appear unethical in other cultures. All of these differences must be fully taken into account for the international negotiations to reach fruition.

The ultimate test of a successfully negotiated contract comes during its implementation. The smooth administration of international agreements depends on the parties'

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**Nonverbal communications are equally important in international negotiations.**

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continuing sensitivity to and respect for differences between them, especially in management styles. The need for local "know-how" frequently dictates entering into joint ventures with partners from the country where the agreement is to be performed. Partnership relationships are always complex, and the international association of strangers with different ways of doing things accentuates this fact by adding a complicating dimension. Furthermore, the joint ventures must comply with local laws, which present yet another aspect of the distinct legal context of international commerce.

While a businessperson engaged in international commerce should have a grasp of the principles of applicable local laws, compliance with them may require the services of local counsel. Selecting local counsel and maintaining liaison with counsel are best done with the help of the business's principal attorney.

## **INTERNATIONAL LAWYERS**

The lawyer's contribution is pivotal in all three phases of any international

agreement: formation, administration, and the resolution of disputes. American attorneys are generally equipped by aptitude, training, and experience to perform the essential legal tasks of assessing the potential risks and articulating the client's message clearly and persuasively. Their service in international commerce will be even more productive if they meet certain special qualifications.

First, they should have adequate training in public and private international law, and international relations, as well as in the relevant major legal systems of the world.

Second, they should develop the aptitude for sensitivity to cultural differences in order to accommodate them in pursuit of their client's objectives. Third, they should act more as facilitators than as advocates, since the international legal context is not adversarial. Fourth, they should assume a lower profile, because their clients' international business partners often perceive the customary active role of an American attorney as too aggressive and threatening. Fifth, they should be general counselors more than narrow specialists, as their clients' success usually rests not on prevailing in any specific issue, but on a systemic treatment of many factors. Sixth, they should learn to work with other indispensable aides and advisers to their clients, including interpreters, international relations experts, country specialists, social scientists, and local counsel. Seventh, they should gain experience in distinct areas specific to international commerce, such as export control, currency exchange regulations, international dispute resolution, international taxation, payment of international debts, and international financing.

## **CONCLUSION**

The increasing involvement of American business in international commerce is both unavoidable and desirable. A more developed international legal system would encourage commerce by enhancing the needed stability and predictability. National governments should help by agreeing to multinational conventions that are beneficial and fair to all and by foregoing restrictive unilateral regulations. The success of private international contracts hinges on understanding the differences between the parties that are often due to cultural factors. In negotiating, and in administering these contracts, as well as in resolving international commercial disputes, American business could benefit greatly from the counsel of lawyers with the proper aptitude, training, and experience in international law.

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Keyvan Tabari is an international lawyer. He has represented clients from many countries over the last 27 years. A member of the California Bar, Mr. Tabari practices in San Francisco, where he is of counsel to Chandler, Wood, Harrington & Maffly LLP. Mr. Tabari holds a PhD in international law from Columbia University, an MA in international relations from Columbia University, a JD from Washington University (where he was an editor of the *Washington University Law Quarterly*), and a BA from Duke University. He has served as a judge pro tem at the California Superior Court and as a judge of the Philip Jessup International Law Moot Court. He has lectured on law and culture, as well as on international law, at various universities. Mr. Tabari is a member of the board of directors of Roots of Peace and is on the advisory council of the Toda Institute. If you wish to contact the author directly, send an e-mail to [tabari@opticom.net](mailto:tabari@opticom.net); call 415-421-9670; fax 415-986-4874; or send a letter to One Maritime Plaza, 4th Floor, San Francisco, CA 94111.



# ABOUT WASHINGTON UNIVERSITY

The School of Law and the Institute for Global Legal Studies benefit immensely from being part of one of the world's great research universities. Founded in 1853, Washington University has a long tradition of excellence in both education and research and a commitment to making a difference in the world.

Washington University is a medium-sized university. Its approximately 12,000 students come from all 50 states in the United States and from more than 90 countries. Eighty-seven percent come from out of state.

A few facts and figures paint a picture of extraordinary contribution to human knowledge:

- 21 Nobel Laureates have been associated with Washington

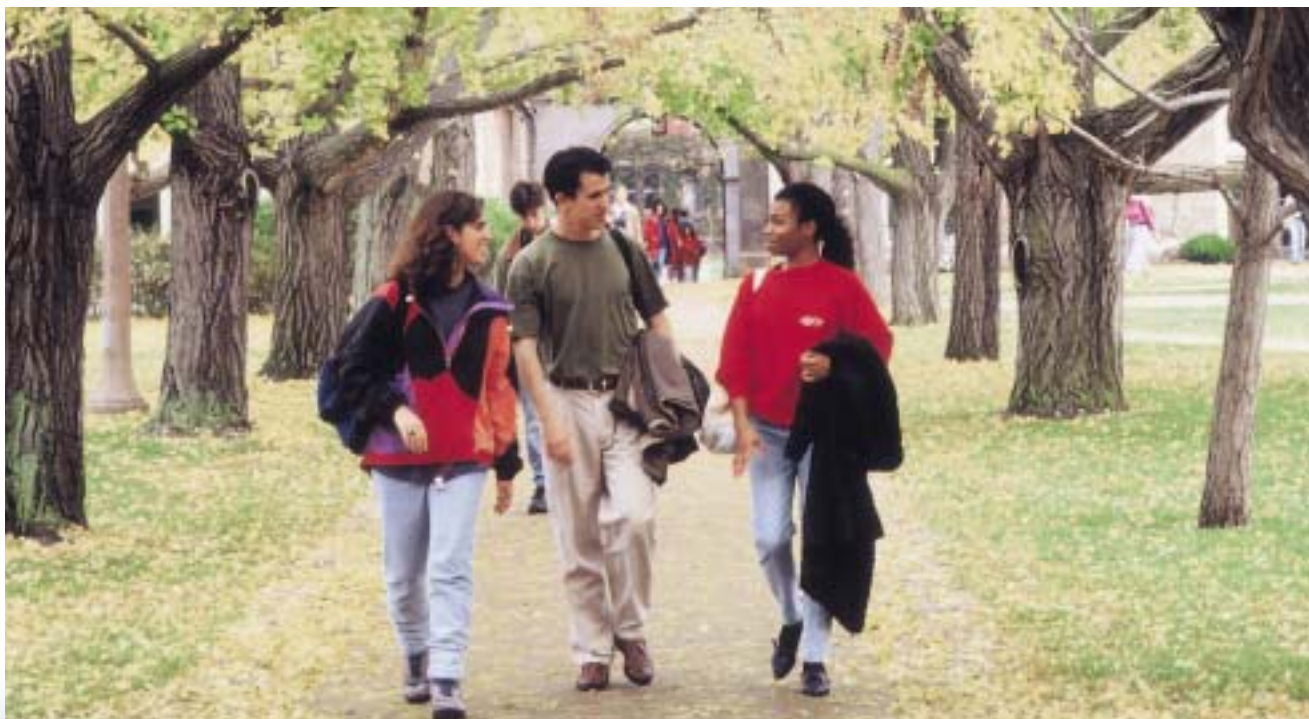
University. Of those, nine did the major portion of their pioneering research here.

- 4 Washington University faculty members have been awarded MacArthur fellowships.
- 2 faculty members received the National Book Award, and 3 received the National Book Critics Circle Award.
- 3 poets laureate and 7 Pulitzer Prize winners have been associated with Washington University.
- 11 faculty members have received the National Medal of Science.
- 27 current faculty members have been elected to the National Academy of Sciences, and 23 other current faculty have been elected to the Institute of Medicine of the National Academy of Sciences.
- 22 current faculty members have been elected to the American Academy of Arts and Sciences.

- With the 7th-largest endowment of all private universities in the United States, Washington University has been able to support an assortment of ambitious educational and research initiatives.

- Washington University's overall undergraduate programs currently rank 15th in the nation. The George Warren Brown School of Social Work in recent years has been ranked 2nd. The School of Medicine is consistently ranked in the nation's top 5, as are several of its departments.

This record of innovation and success makes the other departments of Washington University valuable partners with the School of Law and the Institute for Global Legal Studies. We collaborate on teaching, research, conferences, and other projects, to the benefit of our students and the community.



*Washington University's Hilltop Campus*

# THE UNITED NATIONS AND THE PROTECTION OF HUMAN RIGHTS

## Launching the Institute for Global Legal Studies

On November 17–18, 2000, the Institute for Global Legal Studies officially opened its doors. Our inaugural event, open to the public, was a colloquium entitled “The United Nations and the Protection of Human Rights.”

One would be hard pressed to find a more suitable inaugural topic. More than any other organization, the United Nations simultaneously embodies the dreams and the failures of the world’s collective efforts in pursuit of peace, prosperity, and justice. And perhaps more than any other subject, human rights law raises fundamental questions about the respective roles of the individual, the state, and the international community in shaping a rule-ordered world that protects and advances the dignity of the human spirit.

The opening keynote speaker was **Judge Patricia Wald**, formerly chief judge of the United States Court of Appeals for the D.C. Circuit and now a judge on the International Criminal Tribunal for the former Yugoslavia. The title of her address was “The



Patricia M. Wald and M. Cherif Bassiouni



Cutting the ribbon: The Institute for Global Legal Studies officially opens its doors.

International Criminal Tribunal for the Former Yugoslavia Comes of Age: New Law and Old Rights.”

Judge Wald’s speech was followed by those of several other luminaries:

- **Justice Richard Goldstone**, now a member of the Constitutional Court of South Africa, was the first chief prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda. He spoke on “The Role of the United Nations in the Prosecution of International War Criminals.” Justice Goldstone was introduced by Mr. Whitney Harris, a member of the prosecuting team at Nuremberg and the author of *Tyranny on Trial*, a leading account of the Nuremberg trial.

- **Dr. Francis Deng**, formerly the Sudanese ambassador to the United States, is now the United Nations Secretary General’s special representative for internally displaced persons. His topic was “The Global Challenge of Internal Displacement.”

- **Ambassador Aída González Martínez** of Mexico chairs the Committee for the Elimination of Discrimination against Women, established by the Women’s Convention. Her speech (delivered in her absence) was entitled “Human Rights of Women.”

- **Mr. John Anderson**, formerly a member of the U.S. Congress and in 1980 an independent candidate for president of the United States, is now the president and chief executive officer of the World Federalist Association. He spoke on “Global Governments and Democratization.”



Francis Mading Deng and Whitney R. Harris

■ **Mr. Richard C. Hottelet** was a CBS foreign correspondent in Edward R. Murrow's bureau and is a longtime expert on the United Nations. Mr. Hottelet's paper (delivered in his absence), entitled "Ups and Downs in U.N. History," provided historical vignettes on great moments and crises in the life of the United Nations.

DePaul. His topic was "Appraising U.N. Justice-Related Fact-Finding Missions."

■ **Thomas M. Franck** is the Murry and Ida Becker Professor of Law and director of the Center for International Studies at New York University School of Law. An eminent and prolific scholar and



A. Peter Mutharika and P.P. Craig

**More than any other organization, the United Nations simultaneously embodies the dreams and the failures of the world's collective efforts in pursuit of peace, prosperity, and justice. And perhaps more than any other subject, human rights law raises fundamental questions about the respective roles of the individual, the state, and the international community in shaping a rule-ordered world that protects and advances the dignity of the human spirit.**

■ **Ms. Erika Feller** directs the Department of International Protection of the Office of the United Nations High Commissioner for Refugees, based in Geneva. She spoke on "The Evolution of the International Refugee Protection Regime."

■ **Professor M. Cherif Bassiouni** of DePaul University College of Law was nominated in 1999 for the Nobel Peace Prize. A distinguished diplomat, Professor Bassiouni is the father of the International Criminal Court, the former head of the U.N. fact-finding mission in Sarajevo, and director of the International Human Rights Law Institute at



Erika Feller

the recently retired president of the American Society of International Law, Professor Franck gave a paper entitled "When, If Ever, May States Deploy Military Force Without Prior Security Council Authorization?"

■ **Professor Ruth Wedgwood** is a professor of law at Yale Law School, a senior fellow for international organizations and law at the Council on Foreign Relations, and director of research for the American Society of International Law. A highly distinguished scholar who has also played key roles in numerous diplomatic negotiations, Professor Wedgwood spoke on "United Nations Peacekeeping Operations and the Use of Force."

All the conference papers have been published as volume 5 of the Washington University *Journal of Law and Policy*. The hardbound volume

may be purchased for \$10. For details on how to obtain it, please contact Ms. Teri Dent, administrative coordinator of the *Journal*, at Washington University School of Law, One Brookings Drive, Campus Box 1120, St. Louis, MO 63130-4899 USA (telephone: 314-935-6498, fax: 314-935-6493, e-mail: dent@wulaw.wustl.edu).

The conference was also video webcast. You can see and hear any or all of the speakers by visiting the Institute Web site at <http://law.wustl.edu/igls/index.html>. (Click on "Grand Inaugural Colloquium" and then "View the Conference.") You can also access all of the written papers from the same Web site. (Click on "View the conference papers.")

The Institute is grateful to Steven Cash Nickerson, Class of 1985, chairman and chief executive officer of Team Mucho, Inc., and to Evelyn Thomas Nickerson. Their generous gift made the conference and book possible.



Ruth Wedgwood

# THE INTERNATIONAL SPEAKER SERIES

In its first two academic years (1999–2001) the Institute for Global Legal Studies has placed a high priority on bringing stimulating and accomplished speakers to the School of Law. In addition to those who participated in the inaugural colloquium on the United Nations and the Protection of Human Rights (see pages 8–9), the following guests all enhanced the international vibrancy of the School of Law during this time period.

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If you would like to receive e-mail notices of upcoming speakers, please e-mail your full name and contact information to Linda McClain at [Lmcclain@wulaw.wustl.edu](mailto:Lmcclain@wulaw.wustl.edu).

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## GROUP VISITS

Delegation of 12 law deans and professors from Turkey  
Delegation of 6 German Marshall Fund fellows from 6 European countries  
Delegation of 4 Legislative Affairs officials from the People's Republic of China\*  
Delegation of 3 scholars from the Indian Law Society Law College

## INDIVIDUAL SPEAKERS

Jorge Arrate, Ambassador of Chile to Argentina  
Michael Byers, Associate Professor of Law, Duke University  
Giselle Byrnes, Lecturer in History, Victoria University of Wellington, New Zealand  
Vojtech Cepl, Constitutional Court of the Czech Republic  
Roger Clark, Professor of Law, Rutgers University\*  
Caremela Conroy, United States Department of State\*  
Margaret Dagen, Civil Rights Pioneer  
Achilleas Demetriades, Human Rights Attorney from Cyprus  
David Detjen, International Lawyer with Walter, Conston, Alexander & Green, New York\*  
Richard Dicker, Associate Counsel for Human Rights Watch\*  
Thomas M. Franck, Murry and Ida Becker Professor of Law, New York University  
Ronald Glossop, Vice President, World Federalist Association  
Whitney R. Harris, Trial Counsel for the International Military Tribunal at Nuremberg (1945)  
Anthony Lewis, Syndicated Columnist, *New York Times*  
Larry Liu, Representative of the Falun Gong  
Mary Kay Magistad, China Correspondent for National Public Radio  
Susan Martin, Executive Director, Institute for the Study of International Migration, Georgetown University  
Peter Mirfield, Tutor and Fellow in Law, Jesus College, University of Oxford  
Kevin O'Malley, American Bar Association's Central and East European Law Initiative\*  
Jean Koh Peters, Clinical Professor of Law, Yale University\*  
Asha Ramgobin, President, Legal Aid Organizations of South Africa\*  
Paul Saulski, Fellow, Taiwan Ministry of Education\*  
Eric Stein, Professor Emeritus, University of Michigan  
Victoria Thomas, Barrister, United Kingdom\*

\* Speaker sponsored by a unit of the Washington University School of Law other than the Institute for Global Legal Studies



*Ambassador Jorge Arrate*



*Anthony Lewis*



*Margaret Dagen*



*Thomas M. Franck*



*Whitney Harris (right)*



*Susan Martin*



*Larry Liu*



*Achilleas Demetriades*

# UPCOMING CONFERENCE ON CONSTITUTIONAL COURTS

Few ingredients have been as crucial to the success of the world's emerging democracies—or, for that matter, the established democracies—as faith in the rule of law. In turn, few institutions have been as essential to maintaining that faith as a free and independent judiciary.

The presence or absence of constitutional courts, and the attributes of these courts, have been among the key variables in the design of a judicial system. Nonetheless, as constitutional courts scholars Stanley L. Paulson and Lee Epstein observe, there has been relatively little comparative scholarship on constitutional courts. This gap is especially surprising, they point out, when the increasingly marginal role of the Supreme Court of the United States in American life is contrasted with the increasingly activist roles of the European constitutional courts. Signs of change are in the wind, but serious comparative scholarship on constitutional courts is still embryonic.

Stanley L. Paulson, a distinguished authority on European legal philosophy generally and Hans Kelsen in particular, holds a joint appointment at Washington University as the William Gardiner Hammond Professor of Law and professor of philosophy in Arts & Sciences. Lee Epstein also holds a joint appointment, as a professor of law and the Edward Mallinckrodt Distinguished University Professor of



*Stanley L. Paulson, the William Gardiner Hammond Professor of Law and Professor of Philosophy in Arts & Sciences*

Political Science in Arts & Sciences. Formerly chair of the Department of Political Science, she is a highly respected social scientist with a special interest in courts generally and constitutional courts in particular.

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**The presence or absence of constitutional courts, and the attributes of these courts, have been among the key variables in the design of a judicial system.**

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Together, they are organizing the first in a series of major international conferences of the Institute for Global Legal Studies. Entitled “Constitutional Courts,” the conference will be held at the Washington University School of Law on November 1–3, 2001. They have assembled some of the world's most eminent legal scholars and social scientists to share information, exchange ideas, prepare and present papers, and ultimately produce a book

on which future researchers will be able to build.

While the patterns are not absolute, Professors Paulson and Epstein generally characterize the American system of constitutional review as more diffuse than the centralized European model, where typically only one national court is empowered to decide constitutional questions. They also depict the powers of American judges as *ex post*, concrete, and confined to real cases or controversies. Many of the European constitutional courts, in contrast, may adjudicate disputes in advance and even in the absence of real cases or controversies. The impact of these and other variables is one of the many questions to be explored during the conference.

Professors Paulson and Epstein have divided the conference into three segments. The first segment will consider the historical development and diffusion of the centralized European constitutional court model. It will begin with Austria, where the model first took root, and then examine the spread of centralized constitutional courts to Germany, to post-war western Europe, and, finally, to the post-Soviet republics. The second segment will take up questions of institutional design. Here the conference will explore such issues as the methods for selection and tenure of constitutional court justices, standing requirements for litigants, jurisdiction, the timing of judicial review, justiciability and advisory opinions, and the availability of *ex ante* review. The third and final

segment will be a juridico-philosophical discussion of the compatibility of constitutional review with democratic principles.

The conveners have assembled a stunning array of participants, including the following:

- **Robert Alexy**, University of Kiel, Germany's leading legal philosopher.
- **Ronald Dworkin**, author of *Taking Rights Seriously* (1977), *A Matter of Principle* (1985), *Law's Empire* (1986), and other major works in jurisprudence. Formerly the professor of jurisprudence at Oxford University, Professor Dworkin is the Quain Professor of Jurisprudence at the University of London, as well as professor of law and professor of philosophy at New York University.
- **Jürgen Habermas** of Germany, one of the world's leading social and political philosophers.
- **Gretchen Helmke** of the University of Rochester. She has conducted research on the "insecure tenure" of Latin American jurists.
- **Frank I. Michelman**, the Robert Walmsley University Professor at Harvard Law School.
- **Walter Murphy**, the McCormack Professor of Jurisprudence Emeritus at Princeton University. Professor Murphy is widely regarded as one of the world's leading authorities on comparative law and judicial processes.

- **Douglass C. North**, the Spencer T. Olin Professor in Arts & Sciences at Washington University in St. Louis. A Nobel laureate, he is an economist best known for his work on institutions.

- **Kim Lane Scheppele**, professor of law and sociology at the University of Pennsylvania. Professor Scheppele has co-directed the Program on Gender and Culture at Central European University Budapest. She is one of the world's leading authorities on centralized constitutional review in central and eastern Europe.

- **Michael Stolleis**, director of the Max Planck Institute for Legal History in Frankfurt. He is the leading historian of public law in Germany and the author of a monumental three-volume work on the history of German public law (*Geschichte des öffentlichen Rechts in Deutschland*).

- **Gerald Stourzh** of the University of Vienna. The doyen of Austrian legal history, he is internationally known for his work on the development of constitutional review in Europe.

The conference goal is to combine pathbreaking research with direct educational benefits for our students. Thus, in the fall of 2001, Professor Epstein will teach a semester-long seminar entitled "Constitutional Courts." It will track the subject matter of the conference and enable students to study the subject in depth, both before and after hearing and interacting with the most exciting and innovative figures in the field.

The conference papers will be published as a book co-edited by Professor Epstein and Professor Scheppele. The conference will also be video webcast, and the papers made available on the Institute's Web site.

For continuing updates, please visit our Web site at <http://law.wustl.edu/igls/index.html>, and click on "Constitutional Courts Conference."



Lee Epstein, the Edward Mallinckrodt Distinguished University Professor of Political Science in Arts & Sciences and Professor of Law

# THE INTERNATIONAL CURRICULUM

Below are the international, foreign, and comparative law courses offered by the Washington University School of Law during the current and immediately preceding academic years (2000–02). (The letter “S” in parentheses indicates that the course is a seminar.)

Chinese Law (S)  
Comparative Law: Europe, Latin America, and East Asia  
Constitutional Courts (S)  
Global Studies Law Review  
Immigrants, Citizens, and Human Rights (S)  
Immigration Law  
International and Comparative Competition Law (S)  
International and Comparative Products Liability Law  
International Criminal Law  
International Criminal Law Case Studies (S)  
International Human Rights Law  
International Intellectual Property Law (S)  
International Investment Law (S)  
International Law  
International Moot Court (Jessup Competition)  
International Organizations  
International Tax  
Japanese Law  
Socialist Law in Transition (S)  
Transnational Litigation  
United States Constitution and Foreign Affairs

## JOINT DEGREE PROGRAMS

The School of Law offers several joint degree programs, coordinated by Dean Michele Shoresman. All of them reflect the priority that the School of Law and Washington University assign

to interdisciplinary study and the plethora of resources available on campus. The typical model is a four-year course of study that culminates in a JD degree and a master's degree, with several cross-listed courses that provide credits toward the two degrees simultaneously. Students can obtain both degrees in considerably less time than it would take to pursue the two degrees sequentially.

Two of these joint programs have special relevance here because they hold particular interest for students contemplating international careers in private practice, public practice, diplomacy, or academia.

Particularly ambitious and well established is the joint JD/MA program in law and East Asian studies. This program links law students to an exceptional program in East Asian studies, in which more than 40 faculty members have expertise in Chinese,

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**All the joint degree programs reflect the priority that the School of Law and Washington University assign to interdisciplinary study and the plethora of resources available on campus.**

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Japanese, and Korean social sciences, humanities, and languages. Faculty members at the School of Law have expertise in the legal systems of China, Japan, and Korea, as well as more general expertise in international law and comparative law. With the addition of John Haley, the Wiley B. Rutledge Professor of Law and the preeminent American authority on Japanese law (see his biography in the faculty section), the program in law and East Asian studies is poised for further advances. The East Asian

Library at Washington University holds 120,000 volumes and provides extensive online services. Students enjoy a stimulating array of interesting speakers and other extracurricular activities that enrich their understanding of East Asian language, culture, and politics. For more information, visit the School of Law's Web site at <http://law.wustl.edu>, and click on “Joint Degrees” and “East Asian Studies.” Or visit the Web site of East Asian Studies at <http://www.artsci.wustl.edu/~eas/>. Or send e-mail to [eas@artsci.wustl.edu](mailto:eas@artsci.wustl.edu).

The joint JD/MA program in law and European studies is another attractive option. The program is co-directed by Leila Nadya Sadat, professor of law (see her biography in the faculty section), and by Paul Michael Lützel, the Rosa May Distinguished University Professor in the Humanities in Arts & Sciences. Professor Lützel, who is a member of the German

Academy of Sciences and Letters, specializes in the literatures and cultures of the German-speaking world.

In addition to these formally structured programs, students often

design their own joint degrees, combining a JD with a master's degree in another field of interest. Two recent students, for example, have decided to pursue joint JD/MA degrees in law and in Jewish, Islamic, and Near Eastern studies.

For more information on any of our joint JD/MA programs, e-mail Dean Shoresman at [shoresman@wulaw.wustl.edu](mailto:shoresman@wulaw.wustl.edu).



## STUDENT INTERNATIONAL ACTIVITIES

Students at the Washington University School of Law engage actively in the international life of the school and the community. Apart from enrollment in international courses and collaboration in major conferences, students serve on the faculty advisory board of the Institute and run a number of extracurricular organizations.

Washington University's **Jessup International Moot Court** team has especially thrived during the past several years. Thanks are due to a combination of talented and motivated students and the commitment of Professor Leila Nadya Sadat and the 2000–01 coaches, Gilbert Sison and Andrew Ruben. All have devoted countless hours to coaching the team to some stunning successes.

In 1999, the Washington University team won its Midwest regional competition and finished 8th among U.S. teams and 31st in the world. It also produced the second-best applicant's memorial (appellant's brief) in the world and the 4th-best respondent's memorial in the world. In 2000,

Washington University hosted the Midwest regional competition. To avoid any potential conflict of interest, the team elected to compete outside the Midwest region and travel to the Southeast Region. There it once again emerged as the regional champion. In the international round, the team finished 3rd among 132 U.S. teams and 13th among the more than 300 teams in the world, again winning several individual awards. In 2001, the Washington University team won its third consecutive regional championship and finished 7th overall out of more than 300 teams in the international round. The 2001–02 team captain is Joel Richardson.

The School of Law also has an energetic **International Law Society (ILS)**. This year's president and vice president are Amanda Collins and Maura Yusof, respectively. The students invite interesting speakers, disseminate information to the law school community about international law and international projects, and explore other internationally related projects of interest to students. An ILS officer (this year, Jay Cohen) also serves as liaison to the international LLM program. For several years a continuing committee of the ILS worked hard on a proposal to start a new student international law journal at Washington

University. Last year the proposal obtained final faculty and administration approval.

The new student journal is called the **Global Studies Law Review**. Its first editor-in-chief, Michael Corey Christman, leads a talented and enthusiastic editorial board. The faculty adviser is John O. Haley, the Wiley B. Rutledge Professor of Law. Professor Haley's prominence in Japanese law and comparative law is described in the faculty section of this publication. The new journal will recruit, select, edit, and publish articles, essays, and book reviews from internationally recognized scholars. It accepts solicited and unsolicited manuscripts from all over the world. Volume 1 of the *Global Studies Law Review* will be published in March 2002.

The **Asian American Law Students Association (AALSA)** provides a community for Asian and Asian-American students within the School of Law and a bridge to Asian attorneys. Students in the international LLM program often join AALSA, thus generating additional opportunities for Asian-American students to make personally meaningful and professionally valuable contacts with current and future Asian attorneys. AALSA also hosts Asian cultural events and provides mentoring for Asian and Asian-American students. AALSA currently has members from China, Japan, Korea, Taiwan, India, Pakistan, the Philippines, Thailand, and Vietnam (as well as from non-Asian countries). This year's president is Amy Choi.

As this publication goes to press, the Institute has been discussing with the St. Louis Chapter of the American Red Cross a project in which Red Cross experts train volunteer law students to teach international humanitarian law to area high school students.



Executive Board meeting of the International Law Society  
(Amanda Collins, president, on the right)

# INTERNATIONAL STUDENT EXCHANGES AND STUDY ABROAD

In 1998 a special law school committee chaired by Professor Clark Cunningham developed an innovative program that has greatly expanded opportunities both for Washington University law students to study abroad for a semester and for foreign law students to study at Washington University. These programs enable students to learn foreign law, gain comparative insights, and challenge fundamental premises of U.S. law.

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**These programs enable students to learn foreign law, gain comparative insights, and challenge fundamental premises of U.S. law. But they do much more. They allow students to experience a foreign culture, understand the workings of a foreign university, and forge lifelong friendships and professional ties.**

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But they do much more. They allow students to experience a foreign culture, understand the workings of a foreign university, and forge lifelong friendships and professional ties. In those cases where the student is taking courses in a language other than English, refinement of language skills is another benefit.

The most common study-abroad approach by U.S. law schools is to operate their own foreign campuses. American law students thus study only with other Americans and are usually taught by a mixture of American law professors and local practicing lawyers.



*Utrecht, the Netherlands*

Washington University, in contrast, has created exchange programs with leading foreign law schools under which our law students take regular courses in those schools, thus studying under the leading scholars of those countries side-by-side with foreign law students. Students receive full credit at their home law schools for courses taken while on exchange, pay the same tuition as if in residence under reciprocal tuition agreements, and remain eligible for scholarships and other financial aid.

We have developed exchanges mainly with those foreign law schools that offer courses in English and that, in most cases, do not have exchange agreements with other U.S. law schools. Before approval by the School of Law, Professor Cunningham personally visited each of the English-language foreign law schools to learn more about the instruction and to clarify the arrangements.

As of August 2001, Washington University School of Law has exchange agreements in place with each of the seven foreign law schools listed below. Unless otherwise indicated, all courses at the foreign law school are in English. Students must still submit individual applications, which are reviewed by the Committee on Foreign Study. The committee makes recommendations to the full faculty. If approved by the faculty, student applications are then submitted to the American Bar Association for final approval.

- **Utrecht University, Utrecht, the Netherlands.** Utrecht University has a history reaching back to the 7th century. Six Nobel prize winners have been associated with Utrecht, which has the largest teaching staff of all the Dutch universities. Because Utrecht is an international university serving the entire European community, a large number of law courses are offered in English. The Netherlands Institute of Human Rights is based at Utrecht. During the 2000–01

school year, four Washington University law students studied at Utrecht and two Utrecht students studied here.

- **Inns of Court School of Law, London, United Kingdom.** This law school was founded by the four Inns of Court, where English law originated in the Middle Ages. It is the leading institution authorized by the English Bar to prepare law graduates of English universities to become barristers. The school has designed a course specifically for our students, "Introduction to the English Legal Profession," that includes visits to the Royal Courts of Justice and to chambers in the Inns of Court where barristers practice law. After completion of this course, students enroll in advanced practice courses that apply specific subjects, like international trade and competition law of the European Community, to simulated cases. The first two Washington University students studied at the Inns of Court in spring 2001.
- **The Gerd Bucerius Law School, Hamburg, Germany.** This is a new,

private law school dedicated to innovative teaching techniques, including small-group instruction. There are seminars and lectures in English, as well as German language courses for those with adequate proficiency. The exchange program is expected to begin in 2002.

- **Monash University Faculty of Law, Melbourne, Australia.** Monash, the largest university in Australia, has more than 2,000 law students. This exchange is built around the strong clinical programs of both Monash and Washington Universities. Students from each law school enroll in clinical courses in the other school, the first such program to be developed by an American law school. During spring 2001, one Monash student studied at Washington University and two Washington University students went to Monash.
- **National Law School of India, Bangalore, India.** The most prestigious law school in India, the National Law School admits only 60 students per year. Its innovative five-year curriculum combines social science and law courses with

three terms of clinical education before graduation. In 1999, their students won both of the major international law school competitions: the Jessup International Moot Court and the International Client Counseling Competition. One student from the National Law School studied at Washington University in spring 2001.

- **National University of Singapore.** The leading law school in Southeast Asia, the Faculty of Law at the National University of Singapore hosts the internationally famous Asia-Pacific Centre for Environmental Law and the Centre for Commercial Law Studies. In the 1999-2000 academic year, 136 of its 750 law students came from 17 foreign countries, drawing from Europe, North America, Africa, Asia, and Australia. This law school prides itself on having the best record in the world in the Jessup International Moot Court Competition. Student exchanges began in fall 2001, with one student going each way.
- **Kobe University Graduate School of Law, Japan.** This is our oldest exchange program, closely linked to the joint degree program in East Asian studies. For this program, Japanese language proficiency is required.

Professor Cunningham chairs the law school's Committee on Foreign Study. The student exchange program is administered by Assistant Dean Michele Shoresman. For more information, visit the School of Law's Web site at <http://law.wustl.edu>, and click on "Faculty and Curriculum" and then "Student Exchange Programs."

Photo by Professor Clark Cunningham



Students, professor, client, and baby in a legal clinic at the National Law School of India

# MASTER OF LAWS FOR INTERNATIONAL STUDENTS

The Washington University School of Law has a thriving Master of Laws (LLM) program for international students. Admission requirements include a basic law degree from a foreign university, a strong academic record, and a thorough grasp of English. Michele Shoresman, the assistant dean for graduate and joint degree programs (see her faculty activities summary on page 31), directs the program. Dean Shoresman's exceptional blend of energy, kindness, and extraordinary personal attention is well known to our international students and has helped make their experience meaningful and fulfilling.

Our international LLM students hail from all over the world. In the past two years, they have come from Argentina, Brazil, Colombia, Egypt,

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**Dean Shoresman's exceptional blend of energy, kindness, and extraordinary personal attention is well known to our international students and has helped make their experience meaningful and fulfilling.**

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Eritrea, France, Germany, India, Israel, Italy, Japan, Korea, Mexico, Moldova, Pakistan, the People's Republic of China, Taiwan, Thailand, Ukraine, and Venezuela. They are recent graduates, government officials, private



*Dean Michele Shoresman with international LLM students*

practitioners, academics, and others who come to Washington University for a variety of reasons—to immerse themselves in international law, to acquaint themselves with the U.S. legal system, to refine their English language skills, or to experience American culture.

Two competing models of graduate legal instruction for international students are prevalent in the United States. One model relies on special courses open only to foreign graduate students. Under the other model, foreign graduate students enroll in existing JD courses. At the Washington University School of Law, our goal is to have the best of both worlds. The majority of the instruction that international LLM students receive occurs through enrollment in regularly scheduled JD courses. In this way, these international students are fully integrated into the life of the law school, meet and get to know their American counterparts (who are

typically their peers, since both groups consist mainly of young postgraduates), and have the entire JD curriculum at their disposal. At the same time, all the international LLM students take a year-long course, "Introduction to U.S. Law and Methods," designed solely for them. In that way, the students receive the basic instruction and practice that will enable them to handle the JD courses. Moreover, by being together in this intensive course for a year, they build lasting friendships and solidarity.

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**Special care is taken to include the international students' spouses and significant others in a range of activities and to help provide social and cultural opportunities for them as well.**

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Ms. Leigh Hunt Greenhaw teaches "Introduction to U.S. Law and

Methods.” She brings not only her considerable legal talents, but also her rich experiences of prior residences in several diverse countries and cultures. The course provides an overview of the basic principles and vocabulary of major areas of U.S. law and the legal system, specific instruction and

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**Our international LLM students hail from all over the world. In the past two years, they have come from Argentina, Brazil, Colombia, Egypt, Eritrea, France, Germany, India, Israel, Italy, Japan, Korea, Mexico, Moldova, Pakistan, the People’s Republic of China, Taiwan, Thailand, Ukraine, and Venezuela.**

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writing practice in U.S. legal methods, exposure to preferred formats and styles for written communication in the United States, and instruction and practice in U.S. legal research. Traditional classroom instruction is supplemented by writing exercises, small-group tutorials, and individual consultation.

Two alumni—Michael Downey and K. Lee Marshall—assist Ms. Greenhaw in teaching the course. Their strong

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**International students are fully integrated into the life of the law school, meet and get to know their American counterparts, and have the entire JD curriculum at their disposal.**

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academic records and practical experience have enriched the instruction immeasurably.

The students choose their other courses from the JD curriculum. Some students prefer to focus on U.S. law, either generally or by concentrating on a specialty area like intellectual property, commercial law, or criminal law. Others prefer a heavy dose of international law. Still others choose a combination.

Whatever their curricular interests, the international LLM students receive a great deal of counsel. They meet frequently with Dean Shoresman and Ms. Greenhaw. Each semester they also meet with other faculty members for person-

alized curricular advice tailored to their particular interests, experiences, and talents. Each international student is also assigned a personal mentor, a JD student who has volunteered for that position. Throughout the year, there is also a steady stream of special seminars and field trips, social activities, and other events designed to integrate the students into the life of the law school, the University, and the local community—both academically and socially. Special care is taken to include the international students’ spouses and significant others in a range of activities and to help provide social and cultural opportunities for them as well.

One productive recent addition to the international LLM program is the Judicial Observation Program. Each year, international LLM students who choose to do so are paired with federal or state judges in St. Louis for six weeks during the summer. They observe the courts in action, prepare

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**As the international LLM program has grown, it has become a kind of extended family for our international students, both while they are here and after they graduate.**

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memoranda, and in the process gain an extra level of practical understanding.

As the international LLM program has grown, it has become a kind of extended family for our international students, both while they are here and after they graduate. Perhaps as important, it has brought immeasurable benefits to our American students and faculty, whose lives have been enriched and invigorated by their new overseas colleagues and friends.

For more information on Washington University’s LLM program for international students, please visit the School of Law’s Web site at <http://law.wustl.edu>, and click on “Joint Degrees and LLM Programs.”

## LATE-BREAKING NEWS

Additional Institute projects were too embryonic to permit full coverage in this publication, but a few are worth noting. As they come closer to fruition, details will appear on the Institute's Web site, at <http://law.wustl.edu/igls/index.html>.

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### The Institute will soon start a debate series.

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- The Institute will soon start a debate series to be held at the School of Law and open to the public. The series will focus on international issues that are both controversial and important. In each debate, two knowledgeable, articulate advocates will argue the opposing sides. Some debaters will be Washington University law faculty members; some will be drawn from other quarters.
- Plans are being laid for a two-part event on the subject of United States ratification of the proposed International Criminal Court. The ICC, which is the subject of an international convention adopted in Rome in 1998, is rapidly nearing the requisite number of ratifications. President Clinton signed the treaty for the United States on December 31, 2000, but Senate ratification is not imminent. Vigorous public discussion has focused on such subjects as the importance of bringing war criminals to trial

before an impartial tribunal, ways to best ensure fair and effective procedures in politically charged settings, the potential exposure of American troops and top government officials to criminal prosecution, and the role of the United States in shaping the rules and operations of the new court. The faculty organizer for this event is Professor Leila Nadya Sadat, a prominent authority on international criminal law and the ICC in particular. (See her faculty activities summary on page 30.)

At press time, the tentative plan is to hold a two-person debate in October 2001 and to follow it with a full-fledged conference at a later date. Both the debate and the conference will be held at the Washington University School of Law. The Institute will co-sponsor

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### Plans are being laid for a two-part event on the subject of United States ratification of the proposed International Criminal Court.

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the events with the United Nations Association of the USA.

- Through the generous volunteer efforts of Charlene Bry, publisher of the *Ladue News*, and of several other friends of Washington University, the Institute for Global Legal Studies will soon begin a "salon series." Working together, we shall arrange for Washington

University faculty and other experts to lead discussions in the homes of gracious volunteer hosts. The idea is to stimulate discussion and provide a meaningful service to

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### We shall arrange for Washington University faculty and other experts to lead discussions in the homes of gracious volunteer hosts.

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a broader public, while encouraging more widespread community involvement in the work of the Institute.

- We are currently discussing, with the St. Louis Chapter of the American Red Cross, plans for a humanitarian law project. The goal is for Red Cross experts to train volunteer students from our law school in the tenets of international humanitarian law, so that these students can then teach the subject in area high schools. This is a project in which everyone wins: The Red Cross furthers its educational mission on issues of humanitarian law, the law students receive additional training and the opportunity to experience teaching, the high school students profit from the stimulation and the knowledge, and the public profits as future adults become sensitized to issues of fundamental human rights and the rule of law.

## THE FACULTY: GLOBAL ACTIVITIES

Faculty members of the Washington University School of Law have been engaged in a variety of local, national, and international projects related to teaching, research, and policy formation. Detailed faculty biographies and publication lists (not just the international activities) appear on the Washington University School of Law's Web site. (Visit <http://law.wustl.edu>, and click on "Faculty" and its various subheadings).

Here are some of the foreign, comparative, and international activities of the faculty and administration of the Washington University School of Law:



**Jane Harris Aiken**  
*Professor of Law*

Professor Aiken received a Fulbright grant for fall 2001 to go to Tribhuvan University in Kathmandu, Nepal. She will teach a course, Women and the Law, and develop a clinical program that will work in collaboration with the Civil Justice Clinic at Washington University School of Law. The focus will be on providing legal assistance

and policy initiatives for women and children in Nepal. Eleven Nepali students and the dean of the Tribhuvan Law School will visit the law school and the University's George Warren Brown School of Social Work early this fall. They will participate in the clinical course and accompanying seminar, in which they will work with Washington University law students to research the legal treatment of women and children in the United States. Four Washington University law students spent the past summer in Nepal working on these issues. Four students will spend the next summer in Kathmandu.



**Stuart A. Banner**  
*Professor of Law*

Professor Banner is a legal historian whose work is wide ranging. He has written several books, including *Anglo-American Securities Regulation: Cultural and Political Roots, 1690-1860*, published by Cambridge University Press, as well as two important articles on the early property laws of New Zealand. He recently chaired a panel at the annual meeting of the American Society for Legal History in Toronto on 19th-century Australia. He is writing a book on British and post-colonial land policies concerning indigenous peoples in North America and Australasia, after

extensive research at the National Library of New Zealand and the Public Record Office in London. In the (Northern Hemisphere) summer of 2002, Professor Banner will be a Fulbright Senior Scholar, splitting his time between teaching in the law faculty of the University of Sydney and researching at the State Library of New South Wales.



**Neil Bernstein**  
*Professor of Law*

Professor Bernstein, an expert in both labor law and insurance law, recently spoke at the First International Underwriting Congress in Mexico City on "Market Conduct: A Global Perspective." He is also writing the U.S. chapter of the *International Encyclopaedia of Insurance Laws*. In August 2001, he participated in a round-table discussion at St. Antony's College of Oxford University on employment discrimination laws of the United States, the United Kingdom, and the European Union.



### **Philip Berwick**

*Associate Dean for Information Services and Lecturer in Law*

In November 1999, Dean Berwick and Wei Luo, assistant law librarian, received a research grant from the U.S.–China Legal Cooperation Fund to support their comparative study of U.S. and Chinese codification systems. In June 2000, they held a symposium and several round-table discussions in Beijing with the Legislative Affairs Office of the State Council of the People’s Republic of China, which is responsible for drafting, promulgating, recording, and compiling administrative regulations. At the symposium, Dean Berwick presented his paper on the *United States Codification System*. Since then, China has decided to continue to work with Dean Berwick and Mr. Luo to study the U.S. codification system for the purpose of creating a Chinese codification system. Further grants have now been awarded for that project. In October 2000, Dean Berwick and Mr. Luo hosted a Chinese delegation in St. Louis and Washington, D.C., and followed up with a larger symposium in Beijing in August 2001. This continuing project will make Chinese law more open and accessible, a critical element in the Chinese government’s rule of law initiative. [For further information on Mr. Luo, see page 27.]



### **Kathleen Clark**

*Professor of Law*

Professor Clark, a specialist in government ethics who studied Russian in the Soviet Union and Spanish in Guatemala, has been involved in various international law reform and anti-corruption activities. These include an Olin Foundation-funded trip to Kiev to liaise between U.S. academics and advisers to the Ukrainian Parliament, an ABA–CEELI project commenting on Uzbekistan’s proposed code of conduct for lawyers, lectures in Venezuela about integrating ethics into law school courses, and a workshop for Nigerian NGOs lobbying the legislature to adopt a code of ethics. She has spoken at international conferences in Australia, Canada, France, the Netherlands, Poland, and South Africa. She also serves on the board of the Immigration Project, a nonprofit legal services organization for indigent foreign migrant workers and others.



### **Clark D. Cunningham**

*Professor of Law*

Professor Cunningham’s wide-ranging interests include comparative constitutional law, the law of India, and international collaborations to reform legal education. He has been a Parsons Visiting Scholar at the University of Sydney (Australia); an Indo–American Fellow at the Indian Law Institute (New Delhi); and a visiting scholar at Sichuan University (China), the University of Palermo (Argentina), and the National Law School of India. He directed a U.S.–India Ford Foundation project, Enforcing Human Rights Through Law School Clinics, and served as one of two Americans on the first steering committee of the Global Alliance for Justice Education. In 1997, he organized and chaired an international conference on “Rethinking Equality in the Global Society” that brought together leading legal scholars, social scientists, and policymakers from India, South Africa, and the United States to examine affirmative action policies from a cross-national and interdisciplinary perspective.

He currently directs an international research project on lawyer–client communications with participants from England, Scotland, Australia, South Africa, the United States, and India. He is also co-authoring a book, based on the “Rethinking Equality” conference, with Dr. N.R. Madhava



Menon, one of the three members of the Law Commission of India and former dean of the National Law School of India. Professor Cunningham has made scholarly presentations at many international conferences, including the Worldwide Advocacy Conference at the Inns of Court School of Law (London), the International Seminar of Legal Clinics (Buenos Aires), the Hart Workshop on Legal Education (Institute for Advanced Legal Studies, University of London), the Inaugural Conference of the Global Alliance for Justice Education (India), and the Second and Fourth International Conferences on Clinical Legal Education and Scholarship (UCLA/University of London). At the law school he has chaired the international programs committee and currently coordinates the law school's various international student exchange programs.



**Rebecca S. Dresser**  
*Professor of Law and Professor of Ethics in Medicine*

An expert in medical ethics, Professor Dresser holds joint appointments at Washington University's School of Law and School of Medicine. She has co-chaired a symposium in Helsinki on informed consent in clinical trials. Professor Dresser has also given presentations on biomedical and psychiatric research, reproductive

technologies, animal experimentation, and health care policy in Acapulco, London, Tokyo, Amsterdam, Milan, and Munich.



**John N. Drobak**  
*Professor of Law and Professor of Economics*

Professor Drobak, an expert in law and economics, holds an appointment in the Department of Economics in Arts & Sciences and also teaches in the Olin School of Business. At the law school, he directs the Center for Interdisciplinary Studies. He has been on the faculty of the United States Business School in Prague since its inception in 1991. There he annually co-teaches an MBA course for central Europeans with Nobel Laureate Douglass North. He has advised the finance minister of the Czech Republic on the large-scale voucher privatization program and the Republic of Georgia in connection with the drafting of its post-Soviet constitution. He is also one of the founders, the secretary, and a member of the board of directors of the International Society for New Institutional Economics, whose members represent 45 countries. Professor Drobak has spoken at the society's annual conferences in Paris, at the World Bank, and at the University of Tübingen, Germany. He gave the keynote address at an event honoring the 2000 Manager of the Year for the

Czech Republic. He has also participated in a joint project of the United States and the New Independent States on democracy and the market economy for business and government leaders in the former Soviet Union. His co-edited book, *The Frontiers of the New Institutional Economics*, has been translated into Chinese.



**Dorsey D. Ellis, Jr.**  
*William R. Orthwein Distinguished Professor of Law*

Formerly dean of Washington University School of Law, Professor Ellis was recently a visiting senior research fellow at Jesus College, Oxford University, and then a visiting professor of law at Victoria University of Wellington, New Zealand, where he worked on international and comparative aspects of the law of competition and the law of product liability and gave numerous presentations. Earlier he had been a visiting member of the Senior Common Room at Mansfield College, Oxford University. He has also spoken on product liability law in Seoul, Korea. His courses include international and comparative product liability law and seminars in international and comparative competition law and international environmental law and policy. He is a member of the American Law Institute.



**Lee Epstein**

*Professor of Law and Edward Mallinckrodt Distinguished University Professor of Political Science*

Formerly chair of the Department of Political Science in Arts & Sciences at Washington University, Professor Epstein is one of the most renowned political scientists in the United States. A prolific scholar, with particular expertise in the study of courts, she is working on a study of constitutional courts in various nations, with principal emphasis on the courts of several Eastern European states. Together with Professor Stanley L. Paulson, she is co-organizing a major international conference on constitutional courts to be held at the law school in November 2001. (See the conference article on page 12.)



**Frances H. Foster**

*Professor of Law*

Professor Foster is a specialist in the laws of socialist and former socialist nations. As an undergraduate at Princeton, she majored in Slavic languages and literatures and received certificates in Latin American studies and Russian studies. She then went on to receive joint JD/MA degrees from Yale in law and international relations and a JSD from Stanford Law School, where she completed a dissertation that examined Soviet influences on Chinese law. She has been a research fellow at Harvard Law School's East Asian Legal Studies Program, a fellow at Harvard's Russian Research Center, a Mellon Postdoctoral Fellow in Russian and East European Studies at Stanford, and a consultant on international tax.

She has written widely on Chinese, Russian, and Cuban law. Topics run the gamut from democracy and freedom of the press to legal culture, restitution of expropriated property, the transfer of Hong Kong to the People's Republic of China, inheritance law, economic legislation, software protection, and codification. Professor Foster has

served on the ABA Task Force on Cuban Technical Assistance, the Advisory Committee for the Soviet Lawyer Internship Project, the board of directors of the American Society of Comparative Law, the board of advisers of the Parker School *Journal of East European Law*, the editorial board of the Post-Soviet *Media Law and Policy Newsletter*, and the Domestic and International Law Commission of the U.S.-U.S.S.R. Emerging Leaders Summit. She reads Chinese, French, Italian, Russian, Serbo-Croatian, Spanish, Latin, and ancient Greek. Professor Foster's courses include Chinese law and a course titled "Socialist Law in Transition: Russia, China, and Cuba."



**Michael M. Greenfield**

*Walter D. Coles Professor of Law*

In March 2001, Professor Greenfield delivered a lecture in Berlin on "Payment Systems for Cross-Border and Internet Transactions" to the Committee on Consumer Policy of the Organisation for Economic Co-operation and Development (OECD).



## **Leigh Greenhaw**

*Lecturer in Law*

Ms. Greenhaw teaches an introduction to U.S. law and methods course for international LLM students. She has been a visiting scholar at Macquarie University School of Law in Sydney, Australia, where she gave a faculty seminar on law and religion. She has resided in the Philippines, Nigeria, Switzerland, Spain, and Australia.



## **John O. Haley**

*Wiley B. Rutledge Professor of Law*

A distinguished legal comparativist and a leading American authority on Japanese law, Professor Haley joined the Washington University faculty in 2000. Formerly at the University of Washington in Seattle, where he was the Garvey, Schubert & Barer Professor of Law and Professor of International Studies, Professor Haley directed that

university's Asian Law Program for nearly a decade. His overseas visiting teaching and research appointments include Vytautas Magnus University in Kaunas, Lithuania; the Max Planck Institute in Hamburg, Germany; Tohoku University in Sendai, Japan (as a Fulbright lecturer and visiting professor); Tübingen University in Germany; Kobe University in Japan; the University of Freiburg in Germany (as an Alexander von Humboldt Fellow); and Monash University in Melbourne, Australia. He was also a visiting professor at the Harvard Law School.

Professor Haley has authored, edited, or co-edited nearly a dozen books, including the landmark *Authority Without Power: Law and the Japanese Paradox* (Oxford University Press, 1991). His most recent book is *Antitrust in Germany and Japan: The First Fifty Years, 1947–1998* (University of Washington Press, 2001). He has also written many articles and essays, the best known being "The Myth of the Reluctant Litigant" (1978). He is credited with transforming the field of Japanese law in the United States. His writings span an extraordinary range, addressing such diverse subjects as the Japanese criminal process; Japanese land use law; Japanese constitutional and administrative law; Japanese political economy; Japanese regulation of foreign lawyers; East Asian business transactions; international, foreign, and comparative competition law; the civil law tradition in Europe, Latin America, and East Asia; German antitrust law; and international legal education.



## **William Catron Jones**

*Charles F. Nagel Professor of Law Emeritus*

One of the West's foremost scholars in the field of Chinese law, Professor Jones has been a postdoctoral fellow in Chinese at Columbia University; a visiting professor at the University of Freiburg; a visiting professor at National Taiwan University (twice); a visiting research scholar at the University of Tokyo; a visiting research fellow at the Institute for Developing Economics in Tokyo; a Fulbright lecturer at Wuhan University in the People's Republic of China; and a member of the Committee on Legal Educational Exchange with the People's Republic of China. Among Professor Jones's major works are *Basic Principles of Civil Law in China* and *The Great Qing Code*. His many articles cover broad terrain, including the history of British and American commercial law and arbitration, philosophy of law, Japanese sales law, the Ch'ing dynasty, Chinese criminal law, thought control in pre-war Japan, political campaigns in China, Chinese constitutional law, and Chinese environmental law. He has spoken all over the world, recently delivering the Ritholz Lecture at the Harvard Law School on the subject of Chinese civil law. Although now retired from full-time teaching, Professor Jones remains an active scholar and generous colleague.



**Peter A. Joy**  
*Professor of Law*

An expert in clinical teaching, criminal law, and the legal profession, Professor Joy's interest in international law is long-standing. He attended the Hague Academy of International Law in 1983. He has also written, and engaged in pro bono advocacy, in the field of immigration law.



**Daniel L. Keating**  
*Tyrrell Williams Professor of Law and Associate Dean for Academic Affairs*

Dean Keating is a distinguished scholar in the field of commercial law. His course book on the law of sales includes materials on the Convention on Contracts for the International Sale of Goods, as does his co-authored course book on commercial transactions.



**Stephen H. Legomsky**  
*Charles F. Nagel Professor of International and Comparative Law and Director of the Institute for Global Legal Studies*

Professor Legomsky is the inaugural director of the Institute for Global Legal Studies. He is the author of *Immigration and Refugee Law and Policy* (now in its second edition), which has been adopted as the required text for immigration courses at 128 law schools in the United States. His other books, published by the Oxford University Press, include *Immigration and the Judiciary: Law and Politics in Britain and America* and *Specialised Justice*, a study of the theory and practice of specialized courts and administrative tribunals in the United States and New Zealand. His articles have been mainly in the related fields of immigration, refugee, and citizenship law, with emphasis on migration policies of major receiving states; expulsion; asylum adjudication; the detention of aliens; the constitutional foundations of immigration restrictions; the role of the judiciary in immigration disputes; the meaning of citizenship; dual nationality; employer sanctions; and the racial and ethnic implications of immigration quotas. His international courses include

immigration law, international human rights, international criminal law, and a seminar titled "Immigrants, Citizens, and Human Rights."

Professor Legomsky earned his D.Phil. from Oxford University in comparative immigration law. Since then, he has been a Parsons Fellow at the University of Sydney, the Hugo Anton Engelhart Distinguished Visiting Professor at the St. Mary's University Institute on World Legal Problems in Innsbruck, a summer faculty member at the University of San Diego Institute of International and Comparative Law in Mexico City and later in Florence, a visiting professor at the University of Konstanz (Germany), an adjunct professor at Webster University in Geneva, and a visiting professor at Victoria University of Wellington. Professor Legomsky has chaired the immigration law section of the Association of American Law Schools and the Law Professors Committee of the American Immigration Lawyers Association. He now chairs the Refugee Committee of the American Branch of the International Law Association. He has testified before Congress and has advised President Clinton's transition team; former President Bush's commissioner of immigration; the Administrative Conference of the United States; the immigration ministers of Russia and Ukraine; and the governments of Belarus, Azerbaijan, and Tajikistan on migration, refugee, and citizenship issues. Since 1995, Professor Legomsky has given 65 invited presentations in 12 countries.

He is an elected member of the American Law Institute; the recipient of Washington University's Distinguished Faculty Award and the law school's triennial teaching award; and a member of the editorial boards of the Legal Scholarship Network's *Immigration and Refugee Law and Policy Abstracts*, the *Immigration and Nationality Law Review*, and the *Carnegie Endowment's Research Perspectives on Migration*. He is also a member of the advisory board of the Foundation for Legal Studies in Istanbul.



**Ronald M. Levin**  
*Henry Hitchcock Professor  
of Law*

Professor Levin is a widely acclaimed expert and prolific scholar in the field of administrative law. The third edition of his co-authored book, *Administrative Law and Process in a Nutshell*, has been translated into Japanese and Chinese for dissemination in Asia.



**Wei Luo**  
*Director of Technical Services  
and Assistant Librarian*

Mr. Luo has a degree in economics from Xiamen University in the People's Republic of China. He was an instructor at the School of Law of Xiamen University, teaching international trade law and international business law, and has also practiced as an attorney in China. He created and maintains the Web site of the Internet Chinese Legal Research Center and is the webmaster of the Asian-American Law Librarian Caucus homepage. Mr. Luo is the author of several books and several journal articles on Chinese law. He is the president of the Asian American Law Librarian Caucus, the chair of the Asian Law Working Group for the American Association of Law Librarians (AALL), and a member of the Foreign Legal Periodical Index Committee for the AALL. He and Philip Berwick, associate dean for information services, are working with China's government on a project that may lead to a codification of Chinese law. [See the previous entry for Philip Berwick on page 22 for details.] Mr. Luo presented his study, entitled "The Advantages of Codification and Some Suggestions to Create a Chinese Codification System," at a symposium in Beijing in 2000.



**Daniel R. Mandelker**  
*Howard A. Stamper Professor  
of Law*

A distinguished authority in the fields of land use, environmental law, and state and local government, Professor Mandelker is the author of 21 books, including a book on housing subsidies in the United States and England and another on green belts and urban growth in England. Among his seven additional monographs are one on environmental policy in England and another on urban development in Korea and the Philippines. His countless book chapters and scholarly articles include writings on environmental impact assessment in the United Kingdom and Canada, planning and housing in Slovenia, city planning in the former Soviet Union, and compensation in town and country planning in England.

At various times in his career, Professor Mandelker has been a Ford Foundation law faculty fellow at the University of London; a visiting fellow at University College London; a visiting fellow at the University of Copenhagen; a visiting scholar in the Urban Planning Department in Haifa, Israel; a visiting scholar at the Institute of State and Law in Moscow; and a faculty member at the Salzburg Seminar in American Studies. He has been retained as a consultant by Hong Kong for a study of zoning

amortization; by the Nuffield Foundation Inquiry on British Town and Country Planning; by the city of Melbourne, Australia, for development of a strategic plan; and by the United Nations Centre on Housing, Building and Planning. He delivered the fifteenth Denman Lecture at Cambridge University and has given speeches for the United States Information Agency in Israel and in the former Yugoslavia.



**Charles R. McManis**  
*Professor of Law and Director of the LLM Program in Intellectual Property and Technology Law*

Professor McManis is co-authoring a law school course book on international intellectual property and has written a number of leading articles in the same field. Among other subjects, his writings address the intellectual property aspects of international mergers; international protection for computer chips; intellectual property law in East Asia and the European Community; and the relationships among international intellectual property law and environmental

protection, biodiversity, biotechnology, and computer technology. He also directs the law school's recently established graduate program in intellectual property and technology law. To recruit overseas students for that program, Professor McManis completed a four-week lecture tour in Taiwan, Japan, Korea, the People's Republic of China, and Malaysia.

He has been a Fulbright Fellow at the International Intellectual Property Training Institute in Taejon, Korea; a consultant to the World Intellectual Property Organization at the University of Delhi; a participant in the Regional Symposium on Intellectual Property Law Teaching and Research in Beijing; an exchange professor at Yonsei University and at Sichuan University in the People's Republic of China; a visiting lecturer on several occasions at Nihon University and at the Japan Institute for International Business Law; a member of the Asia Pacific Legal Institute delegation to the 68th biennial conference of the International Law Association; a participant in that institute's workshop on Trade-Related Aspects of Intellectual Property Protection in Taipei; and a member of the Committee of Experts on International Intellectual Property Law of the American Law Institute. Professor McManis recently hosted a delegation of Japanese tax professors and practitioners at Washington University.



**A. Peter Mutharika**  
*Professor of Law*

Professor Mutharika has been an active and influential scholar in international law, with particular expertise in matters concerning Africa and the developing world. He has written or edited several books, including *The Regulation of Statelessness under International and National Law*, *The Alien under American Law* (2 volumes), and *International Law of Development* (6 volumes). His many articles cover such subjects as state succession, loss of nationality, treaty acceptance in Africa, development assistance, democratization, Malawi constitutional law, the African perspective on international law, the UN Security Council's role in peace management, the investment climate in the Common Market for Eastern and Southern Africa, and African state capability and reparations. He is working on a book on foreign investment security in Sub-Saharan Africa.

He has been a UNITAR lecturer, and later an international law fellow, at the International Law Commission in Geneva; a consultant to the UN Institute for Training and Research in New York; an academic visitor at the London School of Economics; a visiting lecturer at Haile Selassie I University in Addis Ababa, Ethiopia; a lecturer in international law at the UN Training Programme in international law and

diplomacy for foreign service officers from Africa and Asia at Makerere University in Uganda; a lecturer in law at the University of Dar Es Salaam, Tanzania; a visiting lecturer at Rutgers University School of Law; a resident magistrate for the Tanzanian Judiciary; the senior vice chairman and general counsel of the Europe Southern Africa Consultancy (Pvt.) Ltd., in Lilongwe, Malawi; an invited (by Parliament) resource person at the Malawi Constitutional Conference, at which he played a leading role in the conceptualization and structuring of Malawi's new democratic constitution; the general counsel to the Malawi Action Committee (a human rights organization advocating democratization); a member of the UN Panel of Experts considering the new international economic order; an expert and rapporteur on state succession at the UN regional conference on international law for Africa in Ghana; the editor of the *Eastern Africa Law Review*; the general counsel and international representative of the United Party (of Malawi); the president of the African Law Association in America; and the founding president of the International Third World Legal Studies Association.

Professor Mutharika has presented papers throughout the world, including England, Malawi, the United States, Ethiopia, Italy, Kenya, South Africa, Ghana, and Canada. He has served on countless advisory boards, including the international advisory board of the New Community Corporation, Newark, New Jersey; the board of directors of the UN Association of St. Louis; the board of directors of the International Third World Legal Studies Association;

the editorial advisory board of the *Fordham International Law Journal*; and the board of editors of *Third World Legal Studies*. He has also been a book reviewer for Transnational Publishers and Oceana Publications. He is an advocate of the High Court of Tanzania. The international courses that he teaches or has taught include public international law, international transactions, international investment law, international trade law, international development law, comparative constitutional law, international diplomatic law, and international organizations. He is also a human rights activist currently involved in reparations, reconciliation, and reconstruction issues. He is an avid reader of Latin and history.



**Stanley L. Paulson**  
*William Gardiner Hammond*  
*Professor of Law and Professor*  
*of Philosophy in Arts & Sciences*

A prolific and respected scholar in legal philosophy and comparative constitutional law, Professor Paulson holds joint appointments at the School of Law and in Arts & Sciences. Specializing principally in European legal philosophy, he is a leading authority on Hans Kelsen, the immensely influential Austrian legal philosopher.

Professor Paulson's books and articles have been written in English and German, with translations of his work appearing in Italian, French, Spanish, Portuguese, Serbo-Croatian, and Japanese. In these writings he has dealt with a variety of subjects, including the philosophies of Kelsen and Kant and aspects of the theories of legal norms. The volume by Gustav Radbruch, *Rechtsphilosophie*, which he co-edited, was published last year. The Oxford University Press (Clarendon) recently published the 700-page *Normativity and Norms: Critical Perspectives on Kelsenian Themes*, which he co-edited and translated with his wife, Bonnie Litschewski Paulson. He is now working on another major book on Kelsen, along with numerous articles.

A small sampling of his overseas fellowships and visits include stints at the University of Göttingen (senior Fulbright award); the Max Planck Society for Public International Law and Comparative Public Law in Heidelberg; the University of Münster (NEH grant); the University of Vienna (senior Fulbright award); the Free University of Berlin (Alexander von Humboldt Foundation research fellowship); the University of Genoa; the University of Valladolid, Spain (Fulbright); the University of Sheffield; the University of Sydney (Parsons fellowship); the Kelsen Institute in Vienna (appointed by the Austrian federal chancellor); the Hebrew University of Jerusalem (Fulbright); the University of Paris (Fulbright); the Austrian Federal Academy of Public Administration (each year for the past decade); the Institute for Advanced

Studies in Bratislava, Slovakia; and the University of Kiel, Germany. He has given literally hundreds of overseas invited presentations in North America, South America, Europe, Africa, Asia, and Australia. He is a member of the editorial boards of several journals, including *Ratio Juris* (Oxford), *Ragion Pratica* (Genoa), *Diritto e Cultura* (Naples and Rome), the *Liverpool Law Review*, and *Res Publica* (Manchester and Liverpool). He is co-organizing, with Professor Lee Epstein, the first in a series of major international conferences for the Institute for Global Legal Studies. It will be on the subject of constitutional courts and will be held November 1–3, 2001, at the School of Law.



**Theodore Ruger**  
*Associate Professor of Law*

Professor Ruger has written on the European Union's regulation of pharmaceutical products. He has also served as a consultant to the World Bank on the subject of legal and judicial reform.



**Leila Nadya Sadat**  
*Professor of Law*

Professor Sadat, who has written widely in both international and comparative law, is best known for her work in international criminal law. After law school, she received her *diplôme d'études approfondies* in private international law and international commercial law from the University of Paris I before practicing law for several years at three distinguished firms in Paris. She has taught abroad in France, Italy, Ireland, and Greece and has completed judicial clerkships in the French Cour de Cassation and the Conseil d'État (as well as for Judge Tate of the Fifth Circuit in the United States). Her book, *The International Criminal Court and the Transformation of International Law: Justice for the New Millennium*, published this summer, is supported by a grant from the United States Institute of Peace. The special editor of two other books on the International Criminal Court, she is also co-author of the only casebook on international criminal law currently published in the United States. Her many articles, written in English and French, deal with such topics as genocide, crimes against humanity, the new International Criminal Court, official language laws in the United States and France, the prosecutions of Paul

Touvier and Maurice Papon, the role of the European Court of Justice, and the euro (on which she organized a major conference). Professor Sadat is an active speaker both in the United States and abroad. She is engaged in a collaborative project, sponsored by Princeton University, to fashion international rules on the exercise of universal jurisdiction.

She chairs the International Criminal Court Committee of the American Branch of the International Law Association. In that capacity, and as an NGO delegate to the conference preparatory committee and to the 1998 United Nations diplomatic conference in Rome at which the court was established, Professor Sadat played an active role in the resulting convention. She is also a member of the U.S. Commission on International Religious Freedom; a member of the Executive Committee of the American Branch of the International Law Association; a member of the Executive Committee of the American Society of Comparative Law; secretary of the AALS section on comparative law; vice president of the American Branch of the International Association of Penal Law; and a board member of the *Revue Québécoise de Droit International*, the International Law Students Association, the American Journal of Comparative Law, and the *Société de Législation Comparée*. Admitted to the French Bar, she is a member of the board of directors of the Alliance Française of St. Louis. Professor Sadat is fluent in French and conversant in Italian, Spanish, and Arabic.



At Washington University, her courses have included international criminal law, comparative law, European Union law, international business planning and drafting, and the United States Constitution and foreign affairs. She has also led the Jessup International Moot Court team to extraordinary honors in consecutive years.



**Michele W. Shoresman**  
*Assistant Dean for Graduate  
and Joint Degree Programs*

Dean Shoresman directs most of the graduate programs at the School of Law, including the LLM for overseas students, a program that she has dramatically expanded and improved. She also directs the school's many joint degree programs, including those in East Asian and European studies. (See articles on those programs earlier in this publication.) In previous positions, she directed the Asian Studies Outreach Program of the University of Illinois at Urbana-Champaign and later served as associate director of International Studies and then director of Overseas Programs at Washington

University. In these roles she obtained several large grants for students, faculty, conferences, and other work. She teaches an undergraduate course on Chinese, Japanese, and Korean educational policies and has taught a travel-study course in the People's Republic of China. She has been a Fellow at the Japan Institute for Social and Economic Affairs, a Korea Society Fellow in Korea, and a Fulbright Fellow for international educators to Germany. She has published several papers and book chapters on East Asian education.



**Karen L. Tokarz**  
*Professor of Law and Director  
of Clinical Education*

Professor Tokarz is a leader in both national and international clinical education, as well as an expert in civil rights mediation and the law of employment discrimination. In fall 2001, she will be working in Durban, South Africa, with Professor Asha Ramgobin of the University of Natal on developing clinical legal education in South Africa. A member of the

training committee for the Global Alliance for Justice Education (GAJE) Inaugural Conference in Trivandrum, India, in winter 1999, she will play a similar role with the second GAJE conference in Durban, South Africa, in winter 2001. She moderated a panel at the 2000 ABA Annual Meeting in London on "Designing Quality Clinical Education in Overseas Law School Programs." Professor Tokarz was a convener of an international conference in St. Louis on "Teaching, Practicing, and Delivering Justice: The Role of Law School Clinical Programs" in winter 2000; a faculty member in the "Legal Clinics Initiative," sponsored by the U.S. State Department and the Organization for Security and Cooperation in Europe, at Jagellonian University in Krakow in winter 1996; and a convener of the first international Clinic Directors Conference in St. Louis in 1995. She has taught a course titled "Comparative Employment Rights: The United States, Israel, and the European Community."

# INTRODUCING THE INTERNATIONAL COUNCIL

In addition to the 19-member internal faculty advisory board, the Institute this year created an International Council composed of 23 (at press time) distinguished scholars, judges, statesmen, diplomats, journalists, international lawyers, and other exceptional individuals from around the world. This external advisory board will counsel and assist the director, the Institute staff, and the faculty advisory board as our overall planning evolves and as specific projects unfold. We are deeply honored and grateful that these individuals have agreed to associate themselves with the Institute.

Here are some short profiles of the members of our International Council:

- **The Honorable John B. Anderson**, a former member of Congress from Illinois, was the independent candidate for president of the United States in 1980. He is president and chief executive officer of the World Federalist Association. Mr. Anderson has been a visiting professor in political science at several universities.
- **The Honorable Louise Arbour** is a justice of the Supreme Court of Canada. She was formerly the chief prosecutor of the UN International Criminal Tribunal for the former Yugoslavia and Rwanda. Previously a legal academic at York University



*John B. Anderson*

and then Osgoode Hall Law School, Justice Arbour is a prolific author. She has received numerous awards in Canada, the United States, the United Kingdom, the Netherlands, and France.

- **The Honorable Jorge Arrate**, ambassador of Chile to Argentina, is the former minister of mines and economic adviser to President Allende. He is also former minister of education, minister of labor and social security, and minister secretary-general of Chile.
- **M. Cherif Bassiouni** is a professor of law and director of the International Human Rights Law Institute at DePaul University. A distinguished diplomat, Professor Bassiouni was nominated in 1999 for the Nobel Peace Prize for his more than 20-year crusade on behalf of an international criminal court. A United Nations convention to establish such a court was adopted in Rome in the summer of 1998, with Professor Bassiouni

as chair of the drafting committee. He is the author of numerous leading books in the field of international criminal law. Professor Bassiouni chaired the UN fact-finding mission in Sarajevo.

- **George A. Bermann** is the Charles Keller Beekman Professor of Law and director of the European Legal Studies Center at Columbia University. He is president of the American Society of Comparative Law. One of the world's most eminent comparativists, Professor Bermann has written numerous leading books and articles on foreign, comparative, and European Union law and policy. He has visited at several European universities and institutes.
- **The Honorable Rudolf Bernhardt**, former president of the European Court of Human Rights, has been a professor of law at the University of Frankfurt and for many years directed the Max Planck Institute for Comparative Public Law and International Law in Heidelberg. He was the editor of the *Encyclopedia of Public International Law* from 1981 to 2000.
- **Paul P. Craig** is the professor of English law at Oxford University and a fellow of St. John's College, Oxford. A prolific author, he is England's leading authority on administrative law and a distinguished authority on European Union law as well. Professor Craig has visited at several law schools in the United States, Canada, and Australia. An honorary Queen's Counsel, he was elected to the British Academy in 1998.



Francis Mading Deng

- **Francis Mading Deng** is the representative of the United Nations secretary-general for internally displaced persons. Dr. Deng has served his country, the Sudan, as minister of state for foreign affairs, ambassador to the Scandinavian countries, ambassador to Canada, ambassador to the United States, and permanent representative to the United Nations. Equally distinguished as a diplomat and a scholar, he has written numerous influential books. He has held visiting academic appointments at Yale and New York Universities and has been a senior fellow at the Brookings Institution.
- **David W. Detjen**, a partner at Walter, Conston, Alexander & Green, the New York office of Alston & Bird LLP, is a distinguished international lawyer who represents European clients in international business transactions. He has written several books, including *The Germans in Missouri, 1900–1918* and legal handbooks published in the

United States and Germany. He has served as the executive editor of the *International Law Practicum* since 1988. Mr. Detjen has also served in a number of leadership positions at the Washington University School of Law.

- **Thomas M. Franck**, the Murry and Ida Becker Professor of Law and director of the Center for International Studies at New York University, is one of the past century's legendary figures in international law. A prolific and influential scholar and the recently retired president of the American Society of International Law, Professor Franck has advised numerous governments and commissions and has represented nongovernment organizations at conferences for international agreements.
- **The Honorable Richard J. Goldstone**, justice of the Constitutional Court of South Africa, is another legendary figure in international criminal justice. In the 1990s alone, Justice Goldstone chaired the Commission of Inquiry regarding public violence and intimidation (the Goldstone Commission), served as the first functioning chief prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda, chaired the international experts task force that drafted the Declaration of Human Duties and Responsibilities for the director general of UNESCO (the Valencia Declaration), and chaired the International Independent Inquiry on Kosovo. During a portion of

this same period, he wrote *For Humanity* and began serving as a justice on South Africa's Constitutional Court and as chancellor of the University of the Witwatersrand in Johannesburg.

- **Ambassador Aída Ivone González Martínez** of Mexico was recently the chair of the United Nations Committee for the Elimination of Discrimination Against Women (CEDAW) and coordinator of International Women's Affairs in Mexico's Ministry of Foreign Affairs. Her impressive diplomatic lineage includes service as her country's assistant undersecretary for migration and human rights, inspector general of Mexican Foreign Missions, adviser to the secretary of foreign affairs, and Mexico's representative to numerous international organizations and conferences.
- **Whitney R. Harris** is best known as a former trial counsel for the International Military Tribunal at Nuremberg and for his classic book



Justice Richard J. Goldstone

on Nuremberg, *Tyranny on Trial*, now in its third edition. He has been a professor of law at Southern Methodist University, the author of numerous other books and articles, the executive director of the American Bar Association, a successful attorney, and a delegate to the 1998 Rome Convention for the International Criminal Court.

- **Richard C. Hottelet**, the renowned CBS foreign correspondent, was a young journalist when he covered Germany from 1938 until well into the war, eventually finding himself imprisoned by the Gestapo for four months. Beginning in 1944, he served in Edward R. Murrow's London bureau. Mr. Hottelet has also covered the great events of the Cold War, great crises at the United Nations, and other major



Herbert H.P. Ma

world events. For six years he moderated *America and the World* on National Public Radio. He continues to write editorials for the *Christian Science Monitor* and other newspapers.

- **Dr. Charlotte Ku**, a respected international law scholar, is executive vice president and executive director of the American Society of International Law. She has taught at the University of Virginia and at Johns Hopkins University, is a member of the Council on Foreign Relations, and formerly chaired the board of directors of the Academic Council on the United Nations System.
- **Anthony Lewis**, the renowned syndicated columnist for the *New York Times*, has twice been awarded the Pulitzer Prize for journalism. Formerly chief of the *New York Times* London bureau, he has written several books on constitutional law and the American political landscape, has been a lecturer at Harvard Law School, and has held the James Madison Visiting Professorship at Columbia University since 1983.
- **The Honorable Herbert H.P. Ma**, the Law Foundation Professor of Law at National Taiwan University, is a former grand justice of Taiwan's highest court. He has written six books, some in Chinese and some in English. His treatise, *General Principles of Private International Law*, is now in its 12th edition. He has visited at Columbia University; Harvard University; the University of Washington; and several other universities in Austria, Hong Kong, France, Canada, and the People's Republic of China.



M. Cherif Bassiouni

- **Susan F. Martin** directs the Institute for the Study of International Migration at Georgetown University. She is the former executive director of the United States Commission on Immigration Reform (better known as the Barbara Jordan Commission) and the former research director for the U.S. Select Commission on Immigration and Refugee Policy. A historian by training, she has taught at Brandeis University and the University of Pennsylvania. Dr. Martin is one of the world's leading scholars and consultants on international migration and refugee policies. She has performed many years of field work in war zones and other traumatized regions.
- **The Right Honorable Sir Geoffrey Palmer** is the former prime minister of New Zealand, after having served as attorney general, minister of justice, leader of the House of Representatives, and minister of the environment. A prolific scholar, he has held professorships at Victoria University of Wellington and the University of Iowa. Sir Geoffrey

has served as an ad hoc judge of the International Court of Justice. Today he is a distinguished international lawyer and a member of Her Majesty's Privy Council.

- **Asha Ramgobin**, a prominent South African public interest lawyer, is professor of law and director of the Law Clinic at the University of Natal–Durban. She is also president of the Legal Aid Organisations of South Africa, and co-founder and trustee of the Association of University Legal Aid Institutions of South Africa Trust.



*Paul P. Craig and Ruth Wedgwood*

- **The Honorable Patricia M. Wald**, judge of the United Nations International Criminal Tribunal for the former Yugoslavia, was previously the chief judge of the United States Court of Appeals for the D.C. Circuit. She has been a prolific and respected scholar in such diverse fields as criminal justice, juvenile law, mental disability law, poverty and public interest law, administrative law, constitutional law, judicial process, and women and the law. Judge Wald has played key roles in countless professional associations, national commissions, and legal reform efforts in the United States and overseas. She has received many professional awards.
- **Ruth Wedgwood** is professor of international law at Yale Law School, a senior fellow for international organizations and law at the Council on Foreign

Relations, director of research for the American Society of International Law, and vice president of the American Branch of the International Law Association. She is a distinguished and prolific international law scholar, investigator, and negotiator.



*Judge Patricia M. Wald*

- **Joseph H. Weiler**, until recently the Manley Hudson Professor and Jean Monnet Professor at Harvard University, is now the faculty director of the Global Law School Program at New York University. A distinguished and prolific scholar in comparative law, international law, and European law, Professor Weiler is co-director of the Academy of European Law at the European University Institute in Florence, professor at the College of Europe in Belgium, a fellow of the American Academy of Arts and Sciences, and a founding editor of the *European Journal of European Law* and the *World Trade Review*. He is a member of numerous advisory boards, councils, and scientific committees.

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