

## EDITORIAL COMMENT

### SOME THOUGHTS ON THE JOURNAL

Election as Editor-in-Chief of the JOURNAL and the assumption of the responsibilities of that post cause reflections on the distinguished history of this publication and upon our present objectives. Now closing its 56th year, the JOURNAL has sought to carry out the aims of the American Society of International Law, to "foster the study of international law and promote the establishment of international relations upon the basis of law and justice."<sup>1</sup> In the first issue it was stated that the Society had

established as an organ of progressive and scientific thought the AMERICAN JOURNAL OF INTERNATIONAL LAW which will, it is hoped, bring home to the English reader, layman or specialist, the theory and practice of international law. The journal is the handmaid of science and its pages will be closed to the language of prejudice and bias.<sup>2</sup>

These purposes still hold today, and for the years ahead.

Indeed, when we look back over the 56 years of the JOURNAL, we find marked continuity. The general form and central theme remain much the same.<sup>3</sup> From Volume I until the present time we find articles, editorial comments, documents, book reviews, judicial decisions, and a listing of current periodical literature in our field. Some of the articles in the first volume would still be timely today, particularly the "lead-off" one by Secretary of State Elihu Root, then President of the Society, on "The Need of Popular Understanding of International Law." The first Board of Editors, headed by Dr. James Brown Scott (Solicitor of the Department of State and Professor at George Washington University), included Professor Charles N. Gregory of the State University of Iowa, Robert Lansing of Watertown, N. Y., Professor J. B. Moore of Columbia, Wm. W. Morrow of San Francisco, Professor Leo Rowe of the University of Pennsylvania, Honorable Oscar Straus of Washington, Professor George Grafton Wilson of Brown University, Professor Theodore Woolsey of Yale, and, as European Editor, Honorable David Jayne Hill (United States Minister to The Netherlands). This group, like more recent Boards of Editors, was composed of men of long experience in Government service, in law practice, and in teaching both law and political science. The writer feels privileged to have known, both in person and through their work, most of those who have served on the Board of Editors over the years, and in particular the suc-

<sup>1</sup> See Prospectus of the American Society of International Law, reproduced in 1907 Proceedings of the American Society of International Law 35, at 37; or in 1 A.J.I.L. 130, 131 (1907).

<sup>2</sup> Editorial comment, understood to be by James Brown Scott, 1 A.J.I.L. 129, 134-135 (1907).

<sup>3</sup> See, in particular, George A. Finch, "The American Society of International Law, 1906-1956," 50 A.J.I.L. 293 (1956).

cessive Editors-in-Chief, commencing with Dr. Scott and continuing through George Grafton Wilson, then George A. Finch, and most recently Herbert W. Briggs.<sup>4</sup> (Mention must also be made of the invaluable services to the JOURNAL of Pitman Potter as Managing Editor for a short time, and Eleanor H. Finch as Secretary of the Board of Editors.) Led by these persons, those responsible for the JOURNAL have established standards and patterns which we may well strive to follow in the years ahead. Guided by these ideals and standards, we hope the JOURNAL will move forward, adapting readily to the ever-changing conditions of modern international law and of the world of today and tomorrow.

In thinking about the JOURNAL we must bear in mind its diverse audience. Members of the Society, and readers in institutions subscribing to the JOURNAL, comprise widely divergent groups. Our largest single category of members might be described as lawyers interested in international law, whether as private practitioners or government officials or on corporate legal staffs. Some private businessmen who are not lawyers also follow the JOURNAL. A sizeable group of members are civilian and military personnel actively participating in the administration and conduct of foreign affairs and international relations, in capacities other than as lawyers. The Society includes many law teachers, and teachers of political science, history, international relations, and other aspects of the social sciences. Students at various academic levels read the JOURNAL. We also have many members of the Society and readers who are not vocationally connected with international law, but who are interested in, and seek to further, "the establishment of international relations upon the basis of law and justice." Our non-member subscribers include a large number of libraries and institutions, not only in the United States but throughout the world. Indeed, the number of foreign members of the Society and foreign subscribers to the JOURNAL requires us to remember that it has a dual function, both that of laying international law material before American readers, and that of placing American viewpoints on international law before the rest of the world.

What do the members of the JOURNAL's diverse audience have in common? At least an interest in current or controversial or fundamental problems of international law, professionally presented. Our primary concern is with international law, as that term is broadly conceived. The JOURNAL is the only one published in the United States which concentrates on international law. It does, and should, publish occasional articles and notes concerning comparative law, private international law or conflict of laws, the legal problems of international organizations, and the legal aspects of international transactions, both private and intergovernmental. We would indeed welcome more treatment of these topics, which may sometimes seem to be at the periphery of public international law. However, our primary emphasis should remain in the field of international law, defined as the law

<sup>4</sup> One should also mention Prof. Leo Gross, the present Book Review Editor of the JOURNAL, who during the absence of Prof. Briggs in 1960-1961 shared with the undersigned the duties of Co-Editors of the JOURNAL.

created (by custom or treaty) through the action of more than a single state, and governing primarily the relations of independent states with other independent states, with aliens, and with international organizations. This would be true, if for no other reason than that adequate specialized journals, as well as the many law reviews in the United States, devote their attention to such fields as comparative law, conflict of laws, international organization and administration, international politics and foreign affairs, and the conduct of foreign business operations; ours remains the only one in this country with chief emphasis on international law. Nevertheless, the JOURNAL's scope is, and should be, broad enough to cover any material on the legal side of international affairs which, by a pragmatic test rather than an analytic one, appears to be of interest and value to our readers.

During the past year a committee of the Editors has been studying ways and means of improving the JOURNAL, and keeping it responsive to changing needs. In connection with the expanded program of activities of the American Society of International Law, the Consultative Committee received many suggestions, and put forward the following ideas concerning possible improvements in the JOURNAL:

(a) The inclusion of selected articles dealing with the various legal aspects (and not just the purely public international law aspects) of actions or events that transcend national frontiers, particularly those of current interest. The intention would be that, while maintaining public international law as the area of primary concern, the JOURNAL would also include articles which consider private international law and other related legal aspects of transnational problems and events.

(b) Expansion of the section of the JOURNAL devoted to digests of international law cases, perhaps supplementing it with comments on cases of particular significance and digests of other current international law materials such as diplomatic correspondence.

(c) Publication of selected articles on international law appearing in foreign law journals, or digests of such articles.

Many other suggestions have also been under consideration, and further expressions of views would be welcome. One may indeed comment that some of the suggestions of the Consultative Committee, such as broadening the scope of subject-matter interest and expansion of the coverage of judicial decisions, would indicate no marked departure from what the JOURNAL has done in the past, when suitable material has been available and space in its pages has permitted. Comment on cases has taken the form of editorials, notes, or occasional leading articles; while both the "Contemporary Practice" section and the Documents section have taken some steps toward the suggested supplementation of judicial decisions by other current international law materials. No decision has been reached as to the practicality or desirability of publishing articles, translations of articles, or digests of articles, which have appeared in foreign journals. Financial limitations, including the steadily increasing costs of printing, make it impracticable to take some of the suggested steps, unless additional means of financing the JOURNAL are found or we acquire a considerable increase in the Society's membership.

At the present stage, the Board of Editors, and in particular the undersigned, wish to know the readers' individual views on many of these points. For example, what kinds of articles do they want? What types of documents do they wish to see reprinted or digested, or at least listed, in the JOURNAL? Should it suffice that such documents are made available in a separate publication by the Society? What types of judicial decisions do they wish? (In particular, do they want a fuller coverage of decisions of American courts which may be readily available in large law libraries, or do they want more attention devoted to decisions which are hard to obtain even in large libraries? Do our readers wish merely listings of cases with citations, so that they may look up the original reports; or do they find it useful to have a digest, or occasionally the full text, of the opinion itself?) What sorts of books do they wish to have reviewed? Do they wish these book reviews to be chiefly descriptive, or critical? Do they want in the JOURNAL more, or less, coverage of international organization problems, history, legal problems of foreign trade and investment, legal theory, public or private law of foreign countries, etc.? Do the readers want translations of articles and documents from foreign periodicals, and if so, from what languages? In short, what suggestions have *you* for constant improvement of the JOURNAL in these rapidly changing times? Please write us *your* ideas.

Finally, we need far more than has been coming to the JOURNAL in the way of articles and briefer comments on international law questions from which to choose those which will be published. Readers are urged to submit manuscripts, in double-spaced typed form (including double-spaced footnotes) and conforming as closely as possible to the style followed in the JOURNAL, to the Secretary of the Board of Editors for consideration by the JOURNAL.

Only with the continuing co-operation of the Board of Editors, and the active help and participation of many of our readers, can the quality of the JOURNAL be maintained and improved.

WM. W. BISHOP, JR.