

FOREWORD

50th Anniversary Commemorative Letter

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We are all internationalists now. Fifty years ago, when the *Virginia Journal of International Law* began publication, international law was a narrowly-defined field concerned with the legal obligations of nation-states vis-à-vis one another. International law scholars had relatively little to say to their domestic law counterparts and vice versa. Scholars of comparative law, although engaged in an analytically different exercise, shared much of the culture of international lawyers and published in the same journals, including *VJIL*.

Today the barriers between international and domestic law are diminishing. In part, this is a simple result of the dramatic growth in cross-border movements of people and capital. But it is also, interestingly, a consequence of intellectual and cultural conflict between international and domestic law. Reflecting its origins, international law has a decidedly European sensibility. That sensibility is frequently out of step with American domestic law on matters relating to war, criminal punishment, the environment, and so on. It therefore matters whether international law limits or informs domestic law on those issues. In recent years, U.S. courts have partly opened the door to such influence. Barring a reversal of that trend or a substantial cultural shift on one side of the Atlantic or the other, the underlying policy conflicts will guarantee increasing debate between international and domestic law scholars. The era when each could ignore the other's substantive commitments is over.

A third reason for the convergence is methodological. International and comparative scholars were relative latecomers to the interdiscipli-

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nary movement in legal scholarship. More recently, international law scholars have come to rely on insights from international relations theory, which is in turn informed by game theory and institutional economics. The methodological distance between international law and domestic law scholarship, which widened with the creation of “law and” movements in the middle of the last century, has narrowed again.

If international law scholars found political science and economics, we might say that economics found comparative law. In the past decade there has been an explosion of empirical work in macroeconomics that looks for the determinants of cross-country differences in the organization and operation of the economy. A striking conclusion of that literature is that the design of a country’s legal system is strongly related to the organization of its financial, product, and labor markets. This has sparked an outpouring of interest among economists in the differences among legal systems. Comparative law scholars have not been entirely welcoming of this interest, but here too it seems clear that the barriers separating comparative law and previously domestically-focused law and economics are breaking down.

We can see the results in the pages of recent issues of *VJIL*, which discuss financial and environmental regulation, intellectual property, antitrust, and taxation, each only dimly on the minds of internationalists fifty years ago. This widening of the interests and concerns of international and comparative law is healthy and bodes well for the intellectual promise of *VJIL*’s next fifty years.

VJIL has been a major forum for the development of scholarly ideas about international and comparative law over the past fifty years, and I congratulate the *Journal* and its editors, past and present, for their contribution to the advancement of those fields. I have no doubt that the future will be equally bright.