

## Symposium: The U.S.-Japanese Trade Relationship: An Interdisciplinary Approach to the 1990's: Preface

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## Preface

The latter half of the twentieth century has witnessed the creation of an increasingly interdependent world economy. While we have had global trade at least since the time of the Phoenicians, “what is interesting and different about the world of international relations since 1945 is that a peaceful trading strategy is enjoying much greater efficacy than ever before.”<sup>1</sup> The rise of the trading state is transforming the relationships between and among old and new countries, East and West, North and South.

An interdependent global economy with multiple players encourages the creation and growth of new bodies of international law, while at the same time heightening our awareness of and sensitivity to other trading states, including their domestic law and distinctive cultures. There is every reason to establish some common legal and economic ground for the trade relationships that are now developing. The realities of the global economy are having and will continue to have transforming effects on international law as well as the domestic law of individual nation states.

International law is thus no longer just an interesting subspecialty like tax or antitrust. It is an important source of principles and problems that are likely to have great influence on the development of various bodies of domestic law. Indeed, it is impossible to understand and analyze domestic areas of the law such as antitrust, securities, banking, administrative law or environmental and energy regulation without an increasingly sophisticated sense of the international context within which these bodies of domestic law now develop.

The rise of the trading state and its economic and legal effects thus have profound implications for law schools and legal educators. How should we prepare global professionals for the complex, multi-cultural world many of them will encounter? How should we think about and analyze the new bodies of law that are now developing, both domestically and internationally?

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1. R. ROSECRANCE, *THE RISE OF THE TRADING STATE: COMMERCE AND CONQUEST IN THE MODERN WORLD* 22 (1986).

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There once was a time when law schools could be differentiated primarily by whether they were state and local or national in their orientation towards law. Local law schools focused largely (though not exclusively) on the law of their own state and region. They tended to draw a relatively local student body, most of whom intended to practice in the state or region within which the school was located. Particularly before the New Deal, state law was primarily what lawyers needed to know. There were a few federal statutes and the federal Constitution, of course, required serious study. But the focus was largely local. The common law was king.

As national governmental approaches to problems became the norm, as our domestic economy became thoroughly integrated on a national basis, as businesses themselves became national in their orientation, significant bodies of national law began to grow. The Supreme Court broadly interpreted the Commerce Clause. Statutes such as the Uniform Commercial Code and various national regulatory schemes dominated the legal landscape. Law schools had to become more national in their orientation. Many of them now turned to this new body of law, no longer limiting themselves primarily to the law of one or a few states. Nationally oriented schools tended to attract national student bodies and, in any event, their graduates pursued their legal careers all over the country.

Cornell Law School was one of the first law schools to establish an International Legal Studies Program. It has long provided students with an opportunity to take a global perspective on legal problems. This opportunity is now more important than ever before. We have entered a new era in legal education, one in which we can now talk about the global law school. Cornell is a global school in that it increasingly attracts students committed to multinational practice as well as a number of foreign students. A sizeable portion of its student body has benefitted from undergraduate study abroad and comes to the study of law with increasing cultural sensitivity and awareness. Upon graduation, Cornell students often join firms which have offices in more than one country and/or represent multinational clients. Of necessity, increasing numbers of our students are likely to have direct contact with foreign and international law.

Similarly, the law faculty is increasingly global in its orientation. Many faculty are in regular contact with their counterparts in other legal systems. Research and sabbatical leaves more frequently take faculty abroad both for comparative research and for international academic fellowships. These interests are reflected in the curriculum, as offerings in international and comparative law are growing and as an international and comparative perspective works its way into the study of various domestic law school courses as well. Most significantly, this global perspective on issues enables the Law School to build bridges to other divisions of the university.

This symposium highlights these trends and Cornell Law School's commitment to the study of important global issues. More importantly, it represents the kind of interdisciplinary approach to such issues that the global professional of the 1990s and beyond will, of necessity, have to take to understand the complex problems addressed in this Symposium. Developing a global perspective requires that we not only master the technical issues related to the international and domestic law involved, but that we strive to understand the deep cultural, political and economic forces that underlie these legal responses. The global perspective is, in the final analysis, an intensely human one, one that requires the interdisciplinary breadth and scope so evident in the excellent papers that comprise this symposium.

