
Changing Paradigms in International Law: A Symposium Preface

In today's academia one gets nowhere – in appointments, in promotion, in publication – if one cannot lay the claim to have broken a few paradigms. When I die and walk to the seat of Judgment I imagine passing by Ezekiel's Valley of the Dry Bones, and then a substantially larger valley, that of the Broken Paradigms. What we have in mind in this symposium and, indeed, in the entire 20th volume is to examine areas of international law the importance of which no one can dispute today but which 20 years ago could never have been dreamt of as important enough for a symposium such as this. Of course, our final choices will be disputed by many. But I doubt if any one would suggest that the articles in the current symposium are not serious contenders under anyone's radar.

The advent of International Governance and Global Administrative Law have been an important phenomenon of the last decade or so. There is, first, the objective phenomenon: International law moving increasingly into the business of real governance and occupying fields which hitherto had been the preserve of national administrative agencies and law. And then, second, there is governance and GAL as analytical tools and vocabularies through which to refract and interpret international law and international relations. For some,

perhaps, governance is a panacea. For others a demoralizing technocratic development. One way or another we thought it merited a place in the symposium.

A second development has been the growing role of judicialized dispute settlement in the international arena and the growing confidence of domestic courts to interpret, apply, and even review international norms. Judicial dispute resolution always figured prominently in the classroom and the text book, but marginally in international life. That is no longer the case. The change has accelerated over the last 20 years and we treat it extensively in the symposium.

Finally and defiantly, we invited a political scientist to write a piece on Immigration in Europe – as a microcosm of a growing global phenomenon. First, we wanted to underscore our openness to a discourse which is not confined to pure law. But the piece is also meant to set up a problem which poses a challenge to lawyers, both in the real and conceptual worlds of international law.

Where is use of force? Where is globalization? Where is the internet and science – three other areas in which we have seen seismic changes in the last 20 years. In issues 2, 3 and 4 of this year we will have, as noted above, special symposia dedicated to these very topics.