

# Foreword

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The first issue of the *San Diego International Law Journal* comes at a time when international legal and technological developments are profoundly changing broad areas of the law. The changes may be very roughly compared to those brought about by the legal and technological developments that worked together so productively in the early days of the American Union.

At the outset of the nineteenth century, constitutional and technological developments came together in a way that changed all areas of the law in English-speaking North America. Former colonies of Britain gave up an unprecedented, though limited, degree of power to a higher government. They also separated the powers of the new government in ways that had theretofore been largely theoretical. These constitutional innovations reacted synergistically with the technological advancements associated with the industrial revolution. The combined force of these developments significantly affected all aspects of American life and all aspects of American law. Tort law, property law, contract law, criminal law, the law of economic regulation, and corporation law, to list just a few most obvious examples, were profoundly affected by the nature of the new constitutional system as it dealt with the social effects of revolutionary technology. Even those areas of common law that we think of as being left to the states, such as tort law, have been affected by the constitutional structure, as witnessed by the relative uniformity of American tort law from state to state. The way in which the states related to each other, and the industrial revolution, combined to “shrink” the United States.

Now at the outset of the twenty-first century, we are seeing a “shrinkage” of the entire world. Nation-states will of course not give up their accustomed powers in the same way that the former British

colonies of America did; they will instead modify their powers in even newer and similarly unprecedented ways. New ways for nations to cooperate legally may not have the inspired genius of the U.S. Constitution, but they may ultimately have a comparably profound effect on the law. This is especially true if we take into account the technological developments that we observe unfolding around us. The computer and information revolutions have been and will continue to be so rapid and so ongoing that we, who are living through them, can hardly catch our breaths. The synergy of profound technological change and changes in the international legal system will doubtless affect the law deeply in ways that few of us would dare to predict.

It is thus an exciting time of change for lawyers of all kinds, a time in which the University of San Diego School of Law has seized the day to inaugurate an outstanding journal on international and comparative law. As a former visiting professor at University of San Diego School of Law, I have enormous respect for its students and faculty. Some of the nation's finest law students are on the charter editorial board of this journal, and esteemed former colleagues have contributed to the success of its initial issue. This inaugural volume treats issues at the core of how the international legal system is changing, and responding to change. It is an auspicious start. Legal scholarship will have to examine thoughtfully the big picture of international and comparative legal developments, and it is not too early to predict that the *San Diego International Law Journal* will be a key place to look for such perspectives.