CONTENTS

Remarks

A Socio-Legal Approach to International Law
Gregory C. Shaffer ................................................... 1

Rebuilding International Law after the September 11th Attack:
Contrasting Agendas of High Priests and Legal Realists
Bryant G. Garth ...................................................... 3

Feature Articles

The Battle of Mars and Venus: Why Do American and European
Attitudes toward International Law Differ?
Robert J. Delahunty .................................................. 11

Attorneys
Richard S. Pike ....................................................... 51

Gran Colombia Revisited: Spontaneous Currency Union in Central
America
David S. Bloch ....................................................... 91

The International Criminal Court: Defining Complementarity and
Divining Implications for the United States
Julie B. Martin ....................................................... 107

September 11th, a Citizen’s Responses (Continued)
George Anastaplo ................................................... 135
LOYOLA UNIVERSITY CHICAGO INTERNATIONAL LAW REVIEW
2006-2007

Executive Board

TIM COX
Editor-in-Chief

JEROME A. MAES
Executive Editor

ANNA G. WOODWORTH
Associate Executive Editor

JASON M. TAYLOR
Feature Articles Editor

JIM DEMARS
Student Articles Editor

KATHLEEN M. VANNUCCI
Symposium Editor

ADAM M. DAMEROW
Managing Editor

Senior Editors

MARIA L. BRUBAKER
CORINNE N. BRUDE
DENNIS J. COYLE

Associate Editors

CLEMON D. ASHLEY
JOSHUA J. CARNCROSS
JONATHAN CESENA
MICHAEL E. COYNE
MARGARET S. DURKIN
SARAH EASTERING
HELEN C. GIBBONS
PHILLIP JAMES GOYETTE
BEATA GUZIK
SETH HOWARD

JEAN M. LAVIOLETTE
LEE A. LAUDICINA
ANDREW LEE
JAMES J. LISAK
MATTHEW N. MACKENZIE
ADAM S. MILLER
DONALD MOON
BENJEMAN L. NICHOLS
ASHLEY L. ORLER
TANYA SAIGOL

Faculty Advisor

PROFESSOR MARGARET MOSES

Published semi-annually by Loyola University Chicago School of Law
Loyola University Chicago School of Law
Twenty-Five East Pearson Street
Chicago, IL  60611
LOYOLA UNIVERSITY CHICAGO INTERNATIONAL LAW REVIEW

Loyola University Chicago School of Law
Twenty-five East Pearson Street
Chicago, IL 60611
E-mail: International-LawReview@luc.edu
Phone: (312) 915-7490

SUBSCRIPTIONS: two issues at $10.

Please start my subscription to Loyola University Chicago International Law Review.

Name

School

Address

City    State    Postal Code

E-mail Address

If you would like to subscribe, please complete the information above, include a $10 check payable to Loyola University Chicago International Law Review, and send to:

LOYOLA UNIVERSITY CHICAGO INTERNATIONAL LAW REVIEW
Loyola University Chicago School of Law
Twenty-five East Pearson Street
Chicago, IL 60611
INTERNATIONAL FOCUS AT
LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW

Curriculum

Loyola University Chicago School of Law provides an environment where a global perspective is respected and encouraged. International and comparative law is not studied only in theoretical, abstract terms but primarily in the context of values-based professional practice. In addition to purely international classes, courses in other disciplines—health law, child and family law, advocacy, business and tax, anti-trust, intellectual property—have strong international and comparative components.

International Centers

The United Nations has designated The School of Law as the home of its Children’s International Human Rights Initiative. The Children’s International Human Rights Initiative promotes the physical, emotional, educational, spiritual, and legal rights of children around the world through a program of interdisciplinary research, teaching, outreach and service. It is part of Loyola’s Civitas ChildLaw Center, a program committed to preparing lawyers and other leaders to be effective advocates for children, their families, and their communities.

Study Abroad

Loyola’s international curriculum is expanded by its foreign programs and field study opportunities:

International Programs

– A four-week summer program at Loyola’s permanent campus in Rome focuses on international and comparative law.

– A four-week summer program on European legal institutions includes visits to the Council of Europe in Strasbourg, France, the European Court of Justice in Luxemburg, and the Commission of the European Union and the headquarters of NATO in Brussels, Belgium, followed by two weeks of international courses in Oxford, England.

International Field Study

– A ten-day, between-semester course in London on comparative advocacy, where students observe trials at Old Bailey, and afterward meet with judges and barristers to discuss the substantive and procedural aspects of the trial that are uniquely British. Students also visit the Inns of Court and the Law Society, and have the opportunity to visit the offices of barristers and solicitors.

– A comparative law seminar on Legal Systems of the Americas, which offers students the opportunity to travel to Chile over the spring break for on-site study and research. In Santiago, participants meet with faculty and students at the Law Faculty of Universidad Alberto Hurtado, as well as a variety of lawyers, judges, and business people.
– A one-week site visit experience in San Juan, Puerto Rico. While in Puerto Rico, students have the opportunity to research the island-wide health program for indigents as well as focus on Puerto Rico’s managed care and regulation.

– A comparative law seminar focused on African legal systems. The seminar uses a collaborative immersion approach to learning about a particular country and its legal system, with particular emphasis on legal issues affecting children and families. The course includes a required field study component over spring break in Tanzania, focusing on community development and volunteerism.

International Moot Court Competition

Students also hone their international skills in three moot competitions: (1) the Phillip Jessup Competition, which involves a moot court argument on a problem of public international law; (2) the Niagara Cup Competition which involves a moot court argument on a problem involving an area of dispute between the United States and Canada, with teams representing both U.S. and Canadian law schools; (3) the Willem C. Vis International Commercial Arbitration Moot, involving a problem under the United Nations Convention on Contracts for the International Sale of Goods. Two separate teams of student oralists argue against law school teams from all over the world, one team competing in Hong Kong, and the other in Vienna, Austria.

Wing-Tat Lee Lecture Series

Mr. Wing-Tat Lee, a Hong Kong businessman, established a lecture series with a grant to the School of Law. The lectures focus on an aspect of international or comparative law.

Acknowledgments

We would like to recognize friends and alumni of the law school who have contributed within the past year to our international law program, specifically to the Willem C. Vis International Commercial Arbitration Moot Program:

Mayer, Brown, Rowe & Maw
Cezar M. Froelich
Peter B. Carey
John H. Calhoun
Cara Boyle
Alexander Jeglic
Michael Barranda
Jennifer Diamond
Kate Doyle
Anthony Cartee
FROM THE EDITORS

The fourth volume of the Loyola University Chicago International Law Review coincides with a new era, so to speak, of international law at the law school. In September, Loyola installed the first Wing-Tat Lee Chair of International and Comparative Law, Professor Gregory Shaffer. This event was the culmination of the enhanced interest in and focus on international programs at the law school. A more cohesive international focus led by the new Chair in international law will create increased international opportunities for Loyola students in the future. We are proud to present this issue not only because it arrives at the outset of this new era of international law at Loyola, but also because the articles in this issue present a wide spectrum of views from the current legal and political international climate.

The issue appropriately begins with Professor Shaffer’s brief induction remarks and Dean Bryant Garth’s keynote speech from the induction ceremony on September 11, 2006. Professor Shaffer describes the importance and the goals of the new Wing-Tat Lee Chair. Dean Garth discusses international law after the September 11th attacks, distinguishing the so-called “high priests” of international law from the new legal realists, legal scholarship exposing hierarchy and power through empirical research. These remarks not only represent a new path in international law at Loyola, but to a large extent, they represent a new path for international law generally.

The issue continues with Professor Robert Delahunty’s explanation of the differing approaches to international law between the United States and Europe. Professor Delahunty expands on a theory of divergent values and presents a theory based upon national interests. Next, Richard Pike discusses attorney-client privilege in the United Kingdom from a practitioner’s perspective, highlighting the theoretical and practical differences from similar U.S. privilege. David Bloch writes on the role of dollarization and integration in creating a Central American currency union. Finally, Julie Martin discusses the concept of complementarity in relation to International Criminal Court jurisdiction and the possible applicability of that jurisdiction over the United States.

The issue concludes in much the same way it began—with a discussion of September 11th. Professor George Anastaplo continues his post-September 11th commentary with four essays, each taken from remarks he delivered on the individual anniversaries of the 2001 attacks. Professor Anastaplo’s commentary concludes with the monumental shift in political power in Washington, D.C. following the 2006 midterm elections, which may be interpreted as partly the result of international political decisions and partly the result of international law interpretations.

Volume 4, Issue 1 Loyola University Chicago International Law Review vi