THE IMPORTANCE OF INTERNATIONAL AND COMPARATIVE LAW: EXPLORING COMPLEX ISSUES IN A GLOBAL COMMUNITY

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Amanda Knox sits in an Italian prison convicted of the sexual assault and murder of her British roommate, Meredith Kercher, in Perugia, Italy. While the criminal charges may be familiar to audiences in the United States, the criminal justice processes that resulted in Knox's conviction are probably a mystery to the vast majority of American observers. Perhaps as expected, this lack of familiarity with the Italian system led many Americans to disparage the Italian process as unfair and biased against foreign defendants. Consequently, while Ms. Knox's guilt or innocence was the focus of the criminal trial in Italy, the Italian criminal justice system was indicted and put on trial in the United States. When considered in a global legal context, however, different processes do not necessarily connote inferior or unjust systems. Indeed, a rush to judgment about the fairness of the Italian process as compared to the United States' system overshadows and perhaps inhibits a deeper understanding of the unique components that shape the Italian criminal justice system. When examining legal systems in other countries, an appreciation of how those processes function is crucial to determining whether specific procedures and guidelines have been administered in a just fashion. This type of contextual assessment shifts the focus from a paradigm that asks whether Italian processes are equal to those in the United States to an in-depth functional analysis that seeks to determine whether Italy has followed its own processes to reach a just result.

The ultimate question of Ms. Knox's guilt or innocence will be decided by the Italian criminal justice system. Whether the Italian criminal justice system has dispensed justice in this particular case will likely be debated for years to come in the international court of public opinion aided by the insights and critical analyses of scholars around the world. Enhancing the depth and breadth of knowledge about global legal standards is a key function of comparative legal analysis, particularly in the criminal justice context. The comparative process introduces us to that which is dissimilar, calls upon us to explore those differences, and then compels us to examine the impact of those distinctions. In some cases, comparative analysis forms the basis to advocate for legal reform in one system or another. But, more often, a deeper understanding of individual systems is an end in itself. In sum, the comparative process enhances our understanding of disparate systems while simultaneously raising awareness of our own systemic successes and failures. Comparative legal journals provide a forum to share this knowledge across a broad spectrum.

As I write this, chaos reigns across the Middle East as anti-government protestors rally throughout the region for a "Day of Rage." In Egypt, a flashpoint for the waves of unrest, the government has responded, in part, by deploying elite counterterrorism forces and disrupting Internet service throughout the country. These mass uprisings highlight traditional international law issues such as democracy, human rights and national and individual self-determination. However, the overlay of social media as a vehicle for fomenting and organizing the current state

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1 Ms. Knox's case is currently on appeal. In December 2010, a judge granted Ms. Knox's petition for an independent review of the DNA evidence in the case. The Italian appellate process allows a review of the case on the merits much like a retrial in the United States.
of unrest raises compelling contemporary international legal questions. For example, does a
government that disconnects its citizens from a medium that can increase worldwide awareness
of a country's domestic issues and galvanize support from around the world violate basic human
and civil rights? Is there a fundamental right to Internet connectivity especially when it might be
used to promote governmental reform? Can social media serve as an accurate litmus test for the
extent and depth of the dissatisfaction of a people? Finally, how can (should?) the international
community respond to such direct appeals? Without question, international law scholars will be
dissecting and analyzing these and many other related issues for years to come. International law
journals will undoubtedly provide an outlet for exploring these and many other pertinent
questions surrounding Egypt's transformation.

These two brief examples illustrate the profound potential and the corresponding benefit of
expanding avenues for scholarly analysis and critique of comparative and international law. It is
against this backdrop that Creighton University School of Law launches the Creighton
International and Comparative Law Journal (CICLJ). This journal hopes to provide a forum for
scholars to discuss the most relevant and timely international and comparative issues of the day.
This journal is unique in the history of Creighton Law School because it is our second student-
run journal, it was entirely inspired and initiated by a talented group of students, and it is an
online journal. For Creighton Law School, the CICLJ will enhance our reputation in the global
legal community and bring well-deserved recognition to our outstanding concentration program
in International and Comparative Law. For our students, the CICLJ will provide yet another
opportunity to hone critical writing, editing and analytical skills. For the scholarly community,
because the journal will be published in an online format, the CICLJ will serve as a means to
distribute scholarship to a vast audience in a timely fashion on a medium that is fast becoming
the preferred method of publication.

The students who invested the time and energy to bring this journal project to fruition
deserve special recognition. They are (in alphabetical order): Jeffery Anderson, Michael Forker,
Mark Hoff, Danielle Kerckhoff, Amanda McMichael, Brandon Mehl and Katherine Stevens. On
behalf of the faculty at Creighton Law School, I commend you for your hard work in producing
this first volume. We are pleased to add the CICLJ to the proud history of Creighton Law
School. We look forward to this first edition of the CICLJ and anticipate many more volumes
that explore the complexities of international and comparative law in our global community.