Review of the “Incident” Methodology

Almost three years ago, Professor Michael Reisman proposed the “incident” genre as a new methodology for the study of international law. His introductory essay was first published in Volume 10 of this Journal, along with a series of studies that used Reisman’s ideas to analyze the legal implications of specific geopolitical events. Since that time, the Journal has served as a forum for subsequent incident studies. In the fall of 1987, Princeton University Press will publish International Incidents: The Law That Counts in World Politics, a book consisting of the articles from Volume 10, along with a number of previously unpublished incidents. We believe that the publication of this book constitutes an important moment in the development of international legal studies.

To date, there has been little thoughtful criticism of Professor Reisman’s method. In light of this dearth, and in anticipation of the release of the book, the Yale Journal of International Law invited two distinguished international legal scholars to present their views on the importance and utility of this new methodology. Professors Derek Bowett and Richard Falk have responded with insightful and cogent analyses of the incident approach. In preparing their essays, both authors reviewed copies of the manuscript of the forthcoming book as well as various articles published in this Journal.

The Journal welcomes these two contributions as the beginning of a continued discussion on the implications and merits of the incident genre. We invite additional comments and criticisms concerning this method, as well as further incident studies themselves.

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