

EDITORIAL

The Activities of the Leiden Journal of International Law: Past, Present, and Future

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I. MORE THAN A JOURNAL

The Leiden Journal of International Law (LJIL) is many things. In the present editorial we highlight three of its activities – both old and new. First, we look back briefly at the symposium on ‘The Changing Role of Scholarship in International Law’ that we held in March 2015. Second, we present the winner of the second LJIL Prize and draw attention to her contribution. Third, we announce the first LJIL lecture and introduce the inaugural laureate. We do this in a way that continues to reflect on the roles of the journal. We do not aspire to define its identity simply because we value its diversity too much. But we wish to contribute to the ongoing debates on how a journal of international law might position itself in light of many new outlets for scholarship, in the context of porous or battled disciplinary frontiers, and in response to expectations that scholarship ought to meet. These are recurrent issues in the journal and its editorials.¹ In particular, Carsten Stahn has drawn attention to the theme that shaped the symposium, the changing role of scholarship. He has since stepped down as an Editor-in-Chief and Ingo Venzke has assumed this position, continuing to work alongside Eric De Brabandere. Once again we thank Carsten for his immensely valuable contributions to the journal – past, present, and future.

2. THE JOURNAL’S SYMPOSIA

The LJIL symposium on ‘The Changing Role of Scholarship in International Law’ placed center-stage those debates that are at the heart of any journal: What is international legal scholarship about? What are its aspirations, its methods and its modes of influence? In his keynote, Martti Koskeniemi leaned on Max Horkeimer

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1 See, E. De Brabandere and C. Stahn, ‘The Future of International Legal Scholarship: Some Thoughts on “Practice”, “Growth”, and “Dissemination”’, (2014) 27 LJIL 1; L. van den Herik, ‘LJIL in the Age of Cyberspace’, (2012) 25 LJIL 1; J. d’Aspremont and L. van den Herik, ‘The Public Good of Academic Publishing in International Law’, (2013) 26 LJIL 1; T. Aalberts, ‘The Politics of International Law and the Perils and Promises of Interdisciplinarity’, (2013) 26 LJIL 503.

to distinguish traditional from critical theory.² The former aims at knowledge, aspires to manage the world and seeks to realize preferences. The latter seeks to reveal systems of knowledge, aims at emancipation and tries to change preferences. In international law, the former would typically ask what something means, whereas the latter would ask how something has acquired an accepted meaning. A first panel enquired, *inter alia*, into how we can do international legal scholarship in a way that is engaged and yet not naïve, that recognizes international law's sociological conditions without giving up the autonomy of its discipline. Second, what is the impact of scholarship in the practice of international law, for instance in front of different international courts and tribunals? Third, what are the boundaries of international law – between law and science, between law and diplomacy, between law and its medial representation in documentaries, or, finally, geographically between East and West? A forthcoming special issue (29-4) will draw a selection of the symposium's contributions together.

By virtue of the symposium, the journal has not only put center-stage issues that have been strong on the minds of its editors. They are questions that underpin – implicitly or explicitly – the postures of any scholar and the choices of any piece of scholarship. The day's event drew the presence and attention of colleagues and there is every reason to look forward to the forthcoming special issue. We will continue, in a biannual rhythm, to organize LJIL symposia, the next one to come in the Spring of 2017. We thereby endeavor to actively contribute to debates in international law, drawing attention to aspects of our discipline that might require further thought and exchange. We thankfully acknowledge the kind support that we have received for these lines of activity from Cambridge University Press.

3. THE WINNER OF THE 2015 EDITION OF THE LJIL PRIZE

For the 2015 Edition of the LJIL Prize all articles published over the past three years (2013–2015; Volumes 26–28) were in competition. The procedure to select the winning article and author followed the proven tracks of the first, 2012 Edition of the LJIL Prize. The editors of each section were asked to select two articles published in that period in order to constitute a 'long list'. Subsequently, an internal committee composed of five Board Members – namely, Yannick Radi, Sergey Vasiliev, Cecily Rose, Jason Morgan-Foster and Florence Zaoui – were asked to establish a short list of three articles, in alphabetical order these were: "As You Set out for Ithaka": Practical, Epistemological, Ethical, and Existential Questions about Socio-Legal Empirical Research in Conflict', by Sarah Nouwen;³ 'Domestic Courts as Agents of Development

2 M. Horkheimer, 'Traditional and Critical Theory' (J. O'Connell transl.), in *Critical Theory: Selected Essays* (1975), 188.

3 S.M.H. Nouwen, "As You Set out for Ithaka": Practical, Epistemological, Ethical, and Existential Questions about Socio-Legal Empirical Research in Conflict', (2014) 27 LJIL 227.

of the International Law of Jurisdiction', by Roger O'Keefe;⁴ and 'Inescapable Dyads: Why the International Criminal Court Cannot Win', by Darryl Robinson.⁵

The third stage of the selection was completely externalized. The Board established an *ad hoc* Jury, composed of Professors H el ene Ruiz-Fabri (Max Planck Institute Luxemburg for International, European and Regulatory Procedural Law), Cedric Ryngaert (University of Utrecht) and Jure Vidmar (University of Maastricht). The Jury was asked to award the Prize to the article which in their view constituted 'an outstanding and original contribution to international legal scholarship'. We are pleased to announce that the Jury, acknowledging that the choice was not an easy one, unanimously decided to award the second LJIL Prize to Sarah Nouwen for her article "As You Set out for Ithaka": Practical, Epistemological, Ethical, and Existential Questions about Socio-Legal Empirical Research in Conflict'.

The Jury stated their reasoning for the award of the Prize as follows:

Sarah Nouwen offers a very refreshing approach in an article which is pleasant to read and tells us a story. Her article, and her research more generally, is truly interdisciplinary, and empirically grounded. This is still rare in legal circles. Her article makes for a very good read and demonstrates the challenges with which Western scholars struggle when doing empirical research in conflict areas in former Western colonies. Thus showing both the importance of multidisciplinary work and how demanding and challenging it is, this paper deserves a broad readership.

The motivation of the Jury reveals an interesting attention paid to questions of methodology. The Jury justified the award of the Prize, not only for the methodology Sarah Nouwen has adopted in her article, but also for the methodological questions addressed and discussed in the article itself. The motivation of the Jury has also triggered our attention since questions of methodology, indeed, have always been a key issue for the LJIL. Last year we launched a special series on precisely this topic 'International Law and its Methodology'.⁶

Our warm and sincere congratulations to Sarah Nouwen for winning the 2nd LJIL Prize. Sarah Nouwen's article is freely available on Cambridge Journals Online until June 30, 2016.⁷ We also wholeheartedly thank H el ene Ruiz-Fabri, Cedric Ryngaert and Jure Vidmar for having kindly agreed to sit as Member in the Jury, and for having exercised their tasks with expected dedication, professionalism and rapidity.

4. THE INAUGURAL LJIL LECTURE (2016)

By virtue of both the symposia and the prizes, we wish to direct attention. When it comes to the symposia, we do so in a decidedly programmatic fashion. With regard to the Prize, we also take choices, but submit the final decision to the judgment of our valued peers. Through a third kind of event – new, for us – we also wish to direct

4 R. O'Keefe, 'Domestic Courts as Agents of Development of the International Law of Jurisdiction', (2013) 26 LJIL 541.

5 D. Robinson, 'Inescapable Dyads: Why the International Criminal Court Cannot Win', (2015) 28 LJIL 323.

6 See I. Venzke, 'International Law and its Methodology: Introducing a New Leiden Journal of International Law Series', (2015) 28 LJIL 185, and the five articles published in that series in the same issue.

7 [journals.cambridge.org/action/displayAbstract?fromPage=online&aid=9158038](https://doi.org/10.1017/S0922156516000029).

attention, but less so on an issue that we have already identified, and more so to a voice we would like to hear yet more prominently or yet louder. We have decided to invite a first laureate to deliver an LJIL lecture in October 2016. We are very happy that Sundhya Pahuja of the University of Melbourne has accepted our invitation. We invited the laureate not for any specific theme or a specific piece of past scholarship, but for what we see as her talent and capacity.

A decision on which voice ought to be heard yet more prominently or yet louder is of course a question of location – in terms of both substance and geography. In substance, it is safe to expect that Prof. Pahuja will strengthen the side of critical (in the sense of Horkheimer, above) scholarship. It may well be in line with the Journal's tradition of challenging the center.⁸ We do not dare to speculate further as to the lecture's substance and, all the more, look forward to it. It will notably be held in The Hague, the city that has embraced its image as 'the legal capital of the world'.⁹

5. OUTLOOK—TOWARDS A FULL FIRSTVIEW PUBLICATION

LJIL, upon suggestion by Cambridge University Press, will in the months to come adopt a full 'FirstView' publishing model. This implies that, while separate Volumes and Issues continue to appear on paper, and on the website, the articles which compose an issue will be published online on a rolling basis. The idea behind FirstView is to shorten the timespan between the acceptance of the article for publication by the Editors and the publication of the entire issue online. Now, of course, these couple of months between the acceptance for publication and the effective online and paper publication of the article has never been very long at LJIL. It should not be, and has rarely been, an obstacle for authors to publish in the LJIL. That is not the main reason for adopting full FirstView. Neither is it competition with other online publications. Rather, the main reasons in favour of FirstView are that articles on contemporary developments can more efficiently and quickly reach their audience and contribute in the public debate on these issues, notably through further discussion of contemporary developments in cooperation with blogs such as *Opinio Juris*¹⁰ and *Völkerrechtsblog*.¹¹ In any case, for those who prefer the 'old school' publication model, little will change in the paper publication and presentation online.

8 In that line, for instance, the Periphery Series in LJIL; see (2006) 19 LJIL 815; (2008) 21 LJIL 289; (2010) 23 LJIL 1; (2011) 24 LJIL 797.

9 www.denhaag.nl/en/residents/to/The-Hague-International-City-of-Peace-and-Justice.htm

10 www.opiniojuris.org

11 www.voelkerrechtsblog.com