

A Very Short History of International Law Journals (1869–2018)

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Abstract

The first part of this article presents an overview of the rise of the first international and comparative law journals in the late 19th century followed by an account of the three factors lying behind the relative fall of the comparative element in the title of some of the international law journals published in French, Russian, Spanish, German, Japanese, Italian and English from 1869 to the end of World War I. The second part surveys the consolidation of international law periodicals in the interwar period under the impact of the establishment of the League of Nations in both Latin America and Europe, including Nordic and Eastern Europe. The third part examines the expansion and main characteristics of international law journals during the Cold War and their geographical extension towards Asia, Oceania and, occasionally, the Middle East and Africa. The fourth part focuses on the main features of the global post-1989 period in the field of periodicals of international law, examining the impact on them of the expansion and sectoral specialization of international law, regionalization, globalization, interdisciplinarity and the transformative influence of new technologies respectively. The conclusion reflects on the first 150 years of international law journals and points to future developments.

*‘Después de tantas horas de caminar sin encontrar ni una sombra de árbol,
ni una semilla de árbol, ni una raíz de nada, se oye el ladrar de los perros.’*

– Juan Rulfo, *El llano en llamas* (1953)

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1 Introduction

Comparative international legal studies are on the rise. In recent years, several authors have been persuaded of the scholarly possibilities of the hitherto historically neglected term of ‘comparative international law’.¹ According to Anthea Roberts, the source of ‘the emerging phenomenon of comparative international law’ is that ‘academics, practitioners and international and national courts are increasingly seeking to identify and interpret international law by engaging in comparative analyses of various domestic court decisions’.² This approach to comparative international law is one that the interwar generation of British international lawyers would readily have subscribed to. Their project, led by Arnold McNair and Hersch Lauterpacht’s edition of the *Digest of Public International Law Cases*,³ spearheaded what Anthony Carty called the ‘practitioners’ approach to international law’⁴ in interwar England.⁵ However, in fleshing out a term about which only ‘scattered, terse even cryptic’⁶ references could be found in international⁷ and comparative legal scholarship until recently,⁸ other scholarly contributions have departed from this narrow focus on international and domestic comparative judicial practice.⁹

At a time when scholars of ‘comparative international law’ (CIL) are beginning to establish ‘a theoretical and methodological foundation’ for a ‘developing field’,¹⁰ CIL offers a platform for fruitful synergies in international law research in combination with the history of international law. During the last decade, in the wake of what has come to be known as the ‘turn to history’ in international law, this field of study has been greatly enhanced. The history of international law journals is an area that, almost 150 years since *La Revue de droit international et de la législation comparée* was established in 1869, remains in its infancy.¹¹ The first short global history of international law journals holds the promise of being a vector for the development of the

¹ Roberts *et al.*, ‘Comparative International Law: Framing the Field’, 109 *American Journal of International Law (AJIL)* (2015) 467.

² Roberts, ‘Comparative International Law? The Role of National Courts in Creating and Enforcing International Law’, 60 *International and Comparative Law Quarterly (ICLQ)* (2011) 57, at 60.

³ H. Lauterpacht, *Annual Digest of Public International Law Cases: 1919–1922* (1932), at 1.

⁴ Carty, ‘Why Theory? The Implications for International Law Teaching’, in P. Allott *et al.* (eds), *Theory and International Law: An Introduction* (1991) 75, at 77.

⁵ See, e.g., Lauterpacht, ‘The so-Called Anglo-American and Continental Schools of Thought in International Law’, 12 *British Yearbook of International Law* (1931) 32.

⁶ P. Alston and R. Goodman, *International Human Rights* (2013), at 140, by reference to ‘human rights’ in the UN Charter.

⁷ Koskenniemi, ‘The Case for Comparative International Law’, 20 *Finnish Yearbook of International Law (FYBIL)* (2011) 1, at 3.

⁸ E.g., M. Reimann and R. Zimmermann (eds), *The Oxford Handbook of Comparative Law* (2006), does not include any reference to it in its 1,400 pages.

⁹ See, e.g., Mattei and Mamlyuk, ‘Comparative International Law’, 36 *Brooklyn Journal of International Law* (2011) 385.

¹⁰ Roberts *et al.*, *supra* note 1, at 467.

¹¹ There is a very sparse literature about the history of specific journals of international law or about the history of international law journals in certain countries during specific periods. William Butler’s remark that the ‘phenomenon as a whole’ has not received consideration as ‘a transnational one’ remains accurate. Butler, ‘The Development of International Legal Periodicals in Russia’, 9 *Review of Socialist Law* (1983) 567.

comparative study of international law, of which, as Martti Koskenniemi has noted, there is still ‘disappointingly little’.¹²

A global study of the doctrinal periodical literature in international law would allow one, first, to map the patterns of global geographical diffusion of international law journals and the engagement of different regions with this field of study through an analysis of their autochthonous contribution. Second, it would provide a transnational thread for a historical examination of the scientific evolution and main features of the discipline, reflected in the scope of international law journals in different regions and through different historical periods, up until the present time. Third, a global history of international law journals would contribute to a retracing of the historical precedents of CIL, while simultaneously nurturing a historical perspective of what Koskenniemi refers to as a ‘serious comparative study of international law’. This is a project that ‘would contribute to thinking of the world no longer in terms of what Hegel used to call abstract universals, but seeing all players as both universal and particular at the same time, speaking a shared language, but doing that from their own, localizable standpoint’.¹³ Last but not least, a documented history of international law periodicals would contribute to the preservation of a global historical patrimony of the discipline that remains bibliographically dispersed and difficult to find.

The first part examines the emergence and expansion of the first journals of international law written in French, Russian, Spanish, German, Italian, Japanese and English and published from 1869 to the beginning of World War I. An overview of the rise of the first ‘international and comparative law’ journals in the late 19th century is followed by an account of three factors underpinning the relative decline of the comparative dimension in the title of the international law journals in Western Europe and in the Americas during this period. These factors include, first, the professionalization of comparative law as a distinct branch of legal studies; second, the consolidation of international law as a separate domain of specialization and, third, the emerging instrumentalist nationalization of the study of international law and of the national practice thereof in the early 20th century.

The second part of the article surveys how international law periodicals took root in the interwar period influenced by the establishment of the League of Nations. The increasing interest in the subject in different countries was, indeed, mirrored in the establishment of new international law journals in Latin America and Europe, including, for the first time, in the Nordic countries and Eastern Europe. The third part examines the expansion and main characteristics of international law journals during the Cold War period in the light of four main features. The first of these is the consolidation of ‘national’ journals among Western European countries, followed by their subsequent geographical expansion towards Asia, Oceania and, to a lesser extent, the Middle East and Africa. The second feature is the renaissance of the ‘comparative’ dearth in international law journals in Britain, expanding into the USA and Commonwealth countries. The third is the advent of the first wave of university

¹² Koskenniemi, *supra* note 7, at 3.

¹³ *Ibid.*, at 4.

journals of international law in the USA, and the fourth is the embryonic emergence of the first journals devoted to specialized sectors of international law.

The fourth part of the article focuses on the main features of the global post-1989 period in the field of periodicals of international law. First of all, it examines the continuation, albeit with new added features, of some pre-1989 earlier tendencies, including reference to the now global expansion of ‘national’ journals as well as the expansion of university journals in international law into Europe. Second, it examines the new characteristics of the post-1989 breed of periodicals in the field brought about by the influence of new phenomena. These include the expansion and sectoral specialization of international law, regionalization, globalization, interdisciplinarity and the transformative impact of new technologies on academic international law publishing respectively. The conclusion brings together some of the patterns emerging from this survey of roughly 150 years of the history of international law journals and examines its potential as a blueprint for new research on the history and contemporary trends in international law and its scholarship.

2 At the Birth of Two Disciplines: International Law Journals from 1869 to World War I

In 1869, the very first professional journal of general international law, *La Revue de droit international et de la législation comparée* (RDILC) was founded in Ghent, Belgium. Its title reflected the international and comparative duality of purpose of the, by then, professionally emerging disciplines of international law and comparative law.¹⁴ The hybrid scope of the first journal of international law was an offspring of what Koskenniemi called ‘*l’esprit d’internationalité*’.¹⁵ This inspired European liberals to begin ‘to advocate a new international law that would be responsive to the internal transformations in European societies: democracy, liberalism, and economic and political modernity’.¹⁶ The launching of the RDILC was accompanied by the establishment of the Société de législation comparée (SLC) in the same year in Paris and, four years later, also in Ghent, of the first professional international law society, the Institut de Droit International (IDI).¹⁷ Also in 1873, the Association for the Codification and Reform of the Law of Nations (later renamed the International Law Association) was founded in Brussels, having as objectives ‘the study, clarification and development of international law, both public and private, and the furtherance of international understanding and respect for international law’.¹⁸

¹⁴ Rolin-Jaequemyns, ‘De l’étude de la Législation Comparée et du Droit International’, 1 *Revue de droit international et de la législation comparée* (1869) 1.

¹⁵ M. Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law (1870–1960)* (2001), at 13.

¹⁶ Koskenniemi, ‘International Legislation Today: Limits and Possibilities’, 23 *Wisconsin International Law Journal* (2005) 61, at 66.

¹⁷ Rivier, ‘Notice historique sur l’Institut de droit international, sa fondation et sa première session, Gand 1873, Genève 1874’, 1 *Annuaire de l’Institut de droit International (AIDI)* (1877).

¹⁸ See International Law Association, available at www.ila-hq.org/index.php/about-us/aboutus2. For the coverage of one of its earlier meetings, see Baldwin ‘The Berne Conference of the Association for the Reform and Codification of the Law of Nations’, 15 *American Law Review* (1881) 209.

In 1874, Edouard Clunet, an associate member of the IDI transposed the international–comparative dual model to the domain of private international law by founding the second international law journal, *Le Journal du droit international privé et de la jurisprudence comparée*. Other European countries soon followed suit, adopting the double international–comparative label in the titles of their first international law academic journals. In Spain, in 1883, barely four years after a royal decree had extended the teaching of international law to seven universities other than Madrid, the *Revista de derecho internacional, legislación y jurisprudencia comparadas* was established.¹⁹ The editorial board of the first short-lived Spanish journal of international law was also inspired, as remarked by its editors, by:

the convenience and need, which are evident for anyone who has focused his attention on the great development known in these latest times by the relations among peoples, which is increasing in the same proportion that the interest and the importance of international law and of everything that helps the knowledge of the progress and legal movement which are taking place in every state.²⁰

In 1898, Italian scholars of international law joined the new trend with the first Italian journal of international law, the *Rivista di diritto internazionale e di legislazione comparata*.²¹

Hopes underpinning the comparative–international duality of scholarly purpose channelled by these periodicals and institutional developments were still very much alive at the turn of the century. This is shown by the first World Congress on Comparative Law, which took place in Paris in 1900,²² during which ‘particular emphasis was laid on its role in the preparation of a common law for the civilized world, the contents of which would be laid down by international legislation’.²³ The alliance that the founders of the IDI ‘sought between international law and liberal domestic reform’²⁴ was also emulated by the Belgian Society of Comparative Law that established its own journal of international and comparative law in 1908.²⁵ However, the dual emphasis on the ‘international’ and ‘comparative’ elements in the title of the first international law journals dwindled during the subsequent decades.²⁶

Several factors lie behind this gradual – although, as time would tell, merely temporary – falling away of reformist liberal comparative law-based internationalism in

¹⁹ In Spanish, de la Rasilla, ‘La historia del derecho internacional en el corto siglo XIX español’, 21 *Rechtsgeschichte: Legal History Rg* (2013) 48. In English, de la Rasilla, ‘The Study of the History of International Law in the Spanish Short Nineteenth Century’, 13 *Chicago-Kent Journal of International and Comparative Law* (2013) 122.

²⁰ 1 *Revista de derecho internacional, legislación y jurisprudencia comparadas* (1887), at 1.

²¹ 1 *Rivista di diritto internazionale e di legislazione comparata* (1898). See Ingravallo, ‘The Formation of International Law Journals in Italy: Their Role in the Discipline’, in G. Bartolini (ed.), *History of International Law in Italy* (forthcoming).

²² Blanc-Jouvan, ‘Centennial World Congress on Comparative Law: Opening Remarks’, 75 *Tulane Law Review* (2001) 862.

²³ David, ‘Comparative Law’, in *Encyclopaedia Britannica* (2011) 1, at 1.

²⁴ Koskenniemi, *supra* note 7, at 1.

²⁵ 1 *Revue de droit international et droit comparé* (1908).

²⁶ The first Spanish journal of international law proved to be short-lived (from 1887 to 1888). In France, E. Clunet’s 1874 journal became the *Journal du droit international* in 1915.

the titles of some of the first scientific international law periodicals. These include, first, the consolidation of comparative law as a distinct branch of legal studies; second, the growing professional and scientific independence of the discipline of international law and, third, the emerging instrumentalist nationalization of the study of international law and of national practice thereof in the early 20th century.

A The Rise of Comparative Law, Professionalization and Nationalization

The initial cause of the increase in the methodological comparative law-based internationalism of the first international law journals finds its *raison d'être* in the gradual consolidation of comparative law as a distinct branch of legal studies. Since Montesquieu, who is often considered the 'first major comparativist in modern times',²⁷ comparative law has had a long-standing part to play in learned writings.²⁸ These were mainly concerned with practical legislative reform and/or the management of legal diversity within imperial complexes.²⁹ In Germany, the first journal of comparative law had been launched as early as 1829,³⁰ and, in France, the academic study of comparative law had been 'often paired with, and integrated into, a specific subject' since the mid-1840s.³¹ However, the foundational period of comparative law as a field of academic study is generally retraced back to the period between the establishment of the SLC in Paris in 1869 and the first World Congress of Comparative Law in 1900.³² This symbolized the 'emergence of the discipline as a new branch of legal science in its own right',³³ and it is still considered 'the cradle of modern comparative law',³⁴ which marked the dawning of 'the *belle époque* of comparative law' across the Western world.³⁵

In France, during this period, the SCL began publishing its *Annuaire de la législation étrangère* in 1872, and, in Germany, the *Zeitschrift für vergleichende Rechtswissenschaft* was founded in Heidelberg in 1878. Britain, where Henry Maine had been appointed the Corpus Christi Professor of Historical and Comparative Jurisprudence in Oxford in 1869, continued the trend with the establishment of the Society of Comparative Legislation in London in 1894 and the launch of its own *Journal of Comparative Legislation*³⁶ to 'promote knowledge of the course of legislation in different countries,

²⁷ Fauvarque-Cosson, 'Development of Comparative Law in France', in Reimann and Zimmermann, *supra* note 8, 35, at 39.

²⁸ Donahue, 'Comparative International Law before the Code Napoleon', in Reimann and Zimmermann, *supra* note 8, 3.

²⁹ Cairns, 'Development of Comparative Law in Britain', in Reimann and Zimmermann, *supra* note 8, 123, at 134.

³⁰ Schwenger, 'Development of Comparative Law in Germany, Switzerland and Austria', in Reimann and Zimmermann, *supra* note 8, 69, at 72.

³¹ Fauvarque-Cosson, *supra* note 27, at 42.

³² *Ibid.*, at 41.

³³ *Ibid.*

³⁴ Schwenger, *supra* note 30, at 75.

³⁵ Fauvarque-Cosson, *supra* note 27, at 42.

³⁶ Jolowicz, 'Comparative Law in Twentieth-century England', in J. Beatson and R. Zimmerman (eds), *Jurists Uprooted, German-speaking Emigrés Lawyers in the Twentieth-century Britain* (2004), 345, at 348–350.

more particularly in the several parts of H.M. Dominions and in the United States'.³⁷ In 1918, the British Society of Comparative Legislation (BSCL) added the coda '*and International Law*' to the title of its journal, 'given the present importance of the subject of international law'.³⁸ However, the executive committee of the BSCL stressed that this addition, which reflected the increasing influence of international law in Britain during World War I and its immediate aftermath, 'should not affect in any way the primary objects of the society, which are to publish an annual review of legislation and to record the development and working of the laws passed in the different parts of the Empire'.³⁹

A second factor contributing to the gradual falling away of the comparative dimension in the early 20th century's new generation of international law journals was the growing professionalization of the discipline of international law itself. This was demonstrated by the release of several periodical scientific publications specifically devoted to international law in Europe. In 1869, in the same year that the *RDILC* was being founded in Ghent, the *Revue internationale de la Croix-Rouge* was established in Geneva by the International Committee of the Red Cross founded by H. Dunant in 1863.⁴⁰ In 1877, the *Annuaire de l'Institut du droit international (AIDI)* began to be published by a 'certain number of men' who 'individually enjoy already, thanks to their works and their writings, some authority in the domain of international law', but who, with their association, wanted to add 'a new force' to what they considered to be the 'principal factors of international law' – that is, those of 'diplomacy and individual science'.⁴¹ Three years later in 1880, the first Russian international law society,⁴² supported at the highest levels of the imperial government and with Fyodor Martens as its secretary, was founded, bringing in its wake the publication of a short-lived 'Bulletin' of the Society in St. Petersburg.⁴³ Also short-lived was the next international law journal published in Imperial Russia, the *Zhurnal mezhdunarodnogo i gosudarstvennogo prava*, which was founded and published by E.K. Simson, a 'privat-docent' with a 'nationalist' conception of international law, and appeared in two volumes in 1897.⁴⁴ The first international law journal founded in Germany was established in Leipzig in 1891, covering both public and private international law as *Zeitschrift für internationale Privatrecht – und öffentliches Recht*.⁴⁵ France soon followed suit with its own *Revue générale de droit international public (RGDIP)* in 1894. Under the editorship of Antoine Pillet and Paul

³⁷ 1 *Journal of Comparative Legislation* (1896–1897) 1, cited in Marsch, 'British Institute of International and Comparative Law: A Brief History, 1895–1958' (1998), available at www.biicl.org/documents/12_a_brief_history_of_biicl.pdf?showdocument=1.

³⁸ Cairns, *supra* note 29, at 134.

³⁹ *Ibid.*

⁴⁰ 1 *Revue internationale de la Croix-Rouge* (1869).

⁴¹ Rolin-Jaequemyns, 'Avant-Propos', 1 *AIDI* (1877) i, at vi.

⁴² Butler and Ivanenko, 'On the Russian Society of International Law (1880)', 2 *Jus Gentium: International Legal History (JG:ILH)* (2017); see also Butler, 'On the Fiftieth Anniversary of Grabar's History of International Law in Russia', 10 *Journal of the History of International Law (JHIL)* (2008) 317.

⁴³ Butler, *supra* note 42.

⁴⁴ Butler, *supra* note 11, at 369–371.

⁴⁵ S.C. Neff, *Justice among Nations: A History of International Law* (2014), at 302.

Fauchille, the *RGDIP* devoted itself to the service of the science of the *droit des gens* at a time when the ‘science of international law’ was, according to its editors, looking for its place ‘at the junctures of the disciplines to which it touched upon philosophy via natural law, to positive law via treaties to international morality and politics’.⁴⁶

The trend of publications devoted solely to international law continued after the turn of the 20th century. Dionisio Anzilotti rekindled the fuse of scientific periodicals of international law in Italy with his *Rivista di diritto internazionale* in 1906. In Germany, the *Zeitschrift für Völkerrecht und Bundesstaatsrecht* was launched in 1907, abandoning the reference to German federal law in its title from 1913 onwards. Also in 1913, a voluminous first issue of more than 1,500 pages of the *Jahrbuch de Völkerrechts* was published in Germany under the editorship of Theodor Niemeyer and Karl Strupp.⁴⁷ In 1914, coinciding with the establishment by Niemeyer of the oldest academic institution in Germany dedicated especially to international law in Kiel, the *Zeitschrift für internationales Privat – und öffentliches Recht*, the journal established in Leipzig in the late 19th century, became *Niemeyers Zeitschrift für internationales Recht*. The Netherlands, where the Netherlands Association of International Law was established in 1910, also joined the trend from 1913 onwards with its own *Grotius: internationaal jaarboek*.⁴⁸ The first Dutch periodical was welcomed across the Atlantic as an indication of ‘an increased interest on the part of the Dutch in international law, and a realization that their country as the seat of the Hague court may perhaps be assigned a role whose moral influence in the council of states might be far greater than either its size or strength would warrant’.⁴⁹ Also in France, where journals on private international law had followed their own course with the foundation of *Revue de droit international privé et droit penal international* in 1905, Clunet’s 1874 journal became the *Journal du droit international* in 1915. In Britain, however, the establishment of periodicals of international law had to wait due to the outbreak of World War I. In 1915, the Grotius Society was established in London ‘to afford an opportunity to those interested in International Law of discussing from a cosmopolitan point of view the acts of the belligerent and neutral States in the present war and the problems to which it almost daily is giving birth’.⁵⁰ The Grotius Society began publishing an annual volume of the lectures given at its meetings in London, and at the conferences organized by the Society, under the title of *Problems of War* in 1915. This title changed to *Transactions of the Grotius Society* from its fourth volume in 1918 (see Figure 1).⁵¹

The third factor behind the falling away of the comparative law dimension in international law periodicals during this foundational period of academic publishing was the emerging instrumentalist nationalization of the study of international law.

⁴⁶ Pillet, ‘Le droit international public, ses éléments constitutifs, son domaine, son objet’, 1 *Revue générale de droit international public* (1894) 1, at 2.

⁴⁷ Wilson ‘Review of Jahrbuch des Völkerrechts by Th. Niemeyer, K. Strupp’, 8 *American Political Science Review (APSR)* (1914) 319.

⁴⁸ Eyffinger; ‘“A Caravan Passes by ...” The Centenary of the Netherlands Society or International Law’, 57 *Netherlands International Law Review* (2010) 143.

⁴⁹ ‘Review’, 8 *AJIL* (1914) 414, at 414.

⁵⁰ Goudy ‘Introduction’, 1 *Proceedings of the Grotius Society* (1915), at 1.

⁵¹ 4 *Transactions of the Grotius Society* (1918).

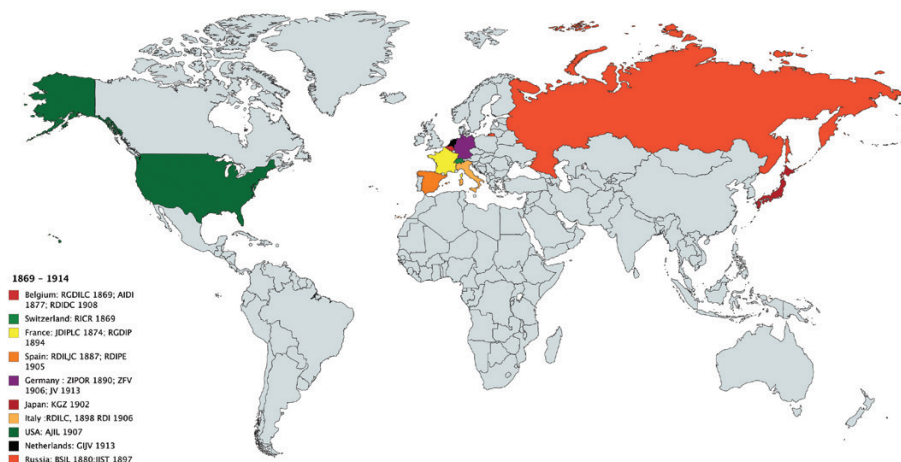


Figure 1: International Law Journals, 1869–1914

Although, at the dawn of the 20th century, the nationalist spirit was greatly extended among international legal elites in many parts of Europe, it turned out to be particularly influential in the inception of new international law journals in three countries.⁵² These were Japan, a peripheral state aspiring by then to climb the ladder of the ‘standard of civilization’; Spain, a territorially diminished and humiliated former great empire in the semi-periphery of Western Europe and the USA, the rising new empire in the early days of the past century.

The first international law journal published outside the European continent was established in Japan under the auspices of the Japanese Society of International Law as *Kokusaihō Gaikō Zasshi* in 1902. According to Yasuaki Onuma, by establishing a Japanese ‘national’ society of international law in 1897, which was possible ‘only with the strong support and encouragement of the government’,⁵³ Japanese elites crowned a process of importation of knowledge and ideas from the West that had flourished ‘from the last days of the Edo (Tokugawa) period’.⁵⁴ Among these imports was the ‘notion of modern international law’ with the first courses beginning to be taught in the *Kaiseijo* by Shu Nishi in 1866.⁵⁵ In ‘appropriating’ international law, as other peripheral states confronting the threat posed by Western imperial policies were also doing at the time,⁵⁶ Japan sought to get rid of the demands imposed by the unequal treaties that it had successively concluded with the Western powers since 1858.⁵⁷ This aim, which at the time was ‘Japan’s first and foremost diplomatic objective in the

⁵² For France, see Jouanet, ‘Regards sur un siècle de doctrine française du droit international’, 46 *Annuaire français de droit international (AFDI)* (2000)1, at 4.

⁵³ Onuma, ‘Japanese International Law in the Prewar Period: Perspectives on the Teaching and Research of International Law in Prewar Japan’, 29 *Japanese Annual of International Law (JAIL)* (1986) 23, at 35.

⁵⁴ *Ibid.*, at 28.

⁵⁵ Ito, ‘One Hundred Years of International Law Studies in Japan’, 13 *JAIL* (1969) 19.

⁵⁶ A. Becker, *Mestizo International Law: A Global Intellectual History, 1842–1933* (2015).

⁵⁷ Onuma, *supra* note 53, at 29.

late nineteenth century',⁵⁸ was interlinked with Japan's aspiration to climb the ladder of the 'standard of civilization' and, thus, be included among the 'civilized nations'. This status carried the entitlement to 'equal sovereign rights' in the doctrinally influential three-tiered categorization of 'peoples' into the categories of 'civilized, semi-civilized and savages'⁵⁹ espoused by James Lorimer in 1883.⁶⁰

Soon thereafter, in Spain, the *Revista de Derecho Internacional y Política Exterior* was founded by the Marquis de Olivart in Madrid in 1905. The journal was presented by its owner and director as the 'first and only journal' published in Spain that 'is exclusively devoted to the study of international law in its two variants, public and private, and, as for what in both is relevant to, the study of comparative legislation and to the examination, divulgation and critique of the main questions of foreign policy'.⁶¹ Indeed, the journal was explicitly put at the service of 'those who know [international law] to be able to teach it, and those who ignore it, to be able to learn it and to use it in support of national interests'.⁶² This emphasis on the role of international law as part of the enterprise of national 'regeneration' in the outer realm was consonant with the recent loss of the last remnants of the Spanish overseas colonial empire at the hands of the USA's expansionist policies in the Spanish-American War of 1898.

In 1907, the launch of the *American Journal of International Law (AJIL)* was also directly linked to the effects of the 1898 Spanish–American war, the judicial and political aftermaths of which resulted in a definitive leap forward towards a new American overseas empire and inaugurated a new era of US military interventionism. The *AJIL*, the scientific vehicle of the American Society of International Law (ASIL), which was founded a year earlier, was the first international law journal, according to Koskenniemi, that broke 'the pattern (if it was such)' of previous journals of 'not pointing to any national and regional allegiance' in its title.⁶³ The 'high-minded' dimension of what Francis Boyle referred to as the 'legalistic moralistic'⁶⁴ generation of international lawyers who had founded the ASIL was, nonetheless, combined since its origins with an underlying sovereigntist and instrumentalist approach to international law and with a strong 'Americanness' in the programme of works of the organization.⁶⁵ As noted by Frederic Kirgis, those features had developed, since its inception, through a 'particular interest in what came to be called the Foreign Relations Law of the U.S. and, in international law issues of particular interest for the U.S.'⁶⁶

⁵⁸ *Ibid.*

⁵⁹ G.W. Gong, *The Standard of 'Civilisation' in International Society* (1984).

⁶⁰ On J. Lorimer, see recently 'Symposium on the European Tradition in International Law: James Lorimer', 26 *European Journal of International Law* (2016) 409.

⁶¹ 1 *Revista de Derecho Internacional y Política Exterior* (1905), back cover.

⁶² *Ibid.*, at 1.

⁶³ Koskenniemi, *supra* note 7, at 1.

⁶⁴ F.A. Boyle, *Foundations of World Order: The Legalist Approach to International Relations (1898–1922)* (1999), at 17.

⁶⁵ See Root, 'The Need of Popular Understanding of International Law', 1 *AJIL* (1907) 1.

⁶⁶ Kirgis, 'The American Society of International Law's First Century, 1906–2006', 100 *AJIL* (2006) 17.

This attention to national state practice had a certain pedigree in the USA by this time. It had been initiated by John Lambert Cadwalader who produced a one-volume *Digest of Published Opinions of the Attorneys-General, and of the Leading Decisions of the Federal Courts, with reference to International Law, Treaties and Kindred Subjects* in 1877. This was followed by the three volumes of the *Digest of International Law of the United States* that Francis Wharton began publishing in 1886.⁶⁷ This practice did not confine itself to the USA. It also extended to Europe. In London, from 1899 to 1904, William Darby, secretary of the Peace Society, prompted by an 1895 resolution adopted by the International Law Association in anticipation of the project for the establishment of a permanent court of arbitration, published four editions of his *International Arbitration*. The purpose of Darby's book was to present materials on 'the literary, political, and diplomatic work done in connection with international arbitration during the past 300 years'.⁶⁸ In 1902, in Berne, Henri La Fontaine published *Pasicrisie internationale: Histoire documentaire des arbitrages internationaux* covering materials from 1794 to 1900.⁶⁹ In 1905, in France, Albert de Geouffre de la Pradelle and Nicolas Politis began 'publishing a collection of arbitral opinions – the first series of international law case reports.'⁷⁰

Meanwhile, in the USA, the task initiated by Cadwalader was continued by John Bassett Moore, who published his *Digest of International Law* in eight volumes the same year the ASIL was founded.⁷¹ This trend reached its peak in 1922, when Charles Cheney Hyde, building on Moore's *Digest*, published his *International Law Chiefly as Interpreted and Applied by the United States*.⁷² Published in two voluminous volumes that emphasized the experience and practice of international law from a North American perspective, Hyde wanted this book to 'express an attempt primarily to portray what the United States, through the agencies of its executive, legislative and judicial departments, has deemed to be the law of nations'.⁷³ Although these series of works were deprived of any comparative ambition, they can be considered the antecedents of a judicial conception of 'comparative international law'. As advanced in the introduction, this aim was much later referred by Roberts to be one 'seeking to identify and interpret international law by engaging in comparative analyses of various domestic court decisions'.⁷⁴

The rise of a foreign policy generation of 'lawyers *qua* lawyers', who reached the apex of their influence in shaping US foreign policy during the so-called 'progressive era' (1890s–1920s),⁷⁵ also influenced institutional developments in Latin America.

⁶⁷ F. Wharton, *A Digest of the International Law of the United States Taken from Documents Issued by Presidents and Secretaries of State*, 3 vols (1886).

⁶⁸ W.E. Darby, *International Arbitration, International Tribunals: A Collection of the Various Schemes Which Have Been Propounded; and of Instances in the Nineteenth Century* (1899).

⁶⁹ H. la Fontaine, *Pasicrisie internationale: Histoire documentaire des arbitrages internationaux, 1794–1900* (1902).

⁷⁰ A. de la Pradelle and N. Politis, *Recueil des arbitrages internationaux* (1905).

⁷¹ J. Bassett Moore, *A Digest of International Law*, 8 vols (1906).

⁷² C. Cheney Hyde, *International Law Chiefly as Interpreted and Applied by the United States*, 2 vols (1922).

⁷³ *Ibid.*, at vii.

⁷⁴ Roberts, *supra* note 2, at 57.

⁷⁵ B. Allen Coates, *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century* (2016).

Among the extensive developments that James Brown Scott, who was credited by his ASIL's colleagues as 'our mentor, our engineer, our constant supporter from the beginning',⁷⁶ fostered during this period was the publication of a Spanish translation of the *AJIL* during a 10-year period from 1912 to 1922. Another of the initiatives that Brown Scott, by then director of the International Law Division of the Carnegie Endowment for International Peace, also fostered in 1912 was the co-foundation with Alejandro Alvarez of the American Institute of International Law.⁷⁷ Each of the affiliated associations of the new institute became conceived as 'a centre for the study and investigation of questions of international law and the principles of justice by which they should be settled, each disseminating just principles of international law and creating within each country a public opinion on their behalf'.⁷⁸ One of those 'national' associations published the first periodical of international law published in Latin America, the *Anuario de la Sociedad Cubana de Derecho internacional* in 1917.⁷⁹

3 Geographical Expansion in the Americas and Consolidation in Europe during the Interwar Years

The year of the founding of the League of Nations has been depicted as a symbolic turning point in the standard periodization of the history of international law,⁸⁰ which is on a par with the 'etiological myth' – that is, a 'myth for the origin of things' – of the Treaty of Westphalia for the law of nations.⁸¹ The routine characterization of the interwar years as the 'foundational period of contemporary international law'⁸² owes much to the pivotal role of the League as a transmission belt from a pre-institutional, to a proto-institutionalized, world order.⁸³ The quickening of interest in international law in different countries that came in the wake of this first 'move to institutions' was mirrored in the geographical expansion of 'national' journals of international law to the Americas and in the foundation of scientific periodicals in the field in Europe, including through their geographical expansion for the first time to the Nordic countries and, leaving aside some short-lived precedents in Russia, to the Eastern European countries.⁸⁴

⁷⁶ W.I. Hull, quoted by Dingman Nurnberger, 'James Brown Scott: Peace through Justice' (1975) (PhD dissertation on file at Georgetown University), at 63.

⁷⁷ See Obregon, 'Between Civilisation and Barbarism: Creole Interventions in International Law', 27 *Third World Quarterly* (2006) 825. The record of the establishment of the Institute and of its activities may be found in numerous articles in the *AJIL*, vols 6–22, and particularly in the Special Supplements for 1926 and 1928.

⁷⁸ Brown Scott, 'The American Institute of International Law', 78 *Advocate of Peace* (1916) 8.

⁷⁹ 1 *Anuario de la Sociedad Cubana de Derecho internacional* (1917).

⁸⁰ Diggelman, 'The Periodization of the History of International Law', in B. Fassbender and A. Peters (eds), *The Oxford Handbook of the History of International Law* (2012) 997.

⁸¹ S. Beaulac, *The Power of Language in the Making of International Law: The Word Sovereignty in Bodin and Vattel and the Myth of Westphalia* (2004).

⁸² Paulus, 'The International Legal System as a Constitution', in J.L. Dunoff and J.P. Trachtman (eds), *Ruling the World? Constitutionalism, International Law, and Global Governance* (2009) 109, at 112.

⁸³ Kennedy, 'The Move to Institutions', 8 *Cardozo Law Review* (1987) 841.

⁸⁴ *Ibid.*

Despite the long-standing relationship of the Latin American region with international law, or forms thereof,⁸⁵ the first periodical of international law was, as earlier noted, not published therein until the last stages of World War I. The term ‘international law’, which was coined by Jeremy Bentham in the late 18th century,⁸⁶ first became widely used on the occasion of the independence of the Latin American republics,⁸⁷ and numerous doctrinal works were penned by Latin American authors on international law as an ‘instrument in the process of nation building’ during the 19th century.⁸⁸ However, as noted by Arnulf Becker Lorca, it was not until the 1880s that international law began to ‘play an important role in laying down one of the languages through which Latin Americans have discussed and contested their identity, politics, and place in the international world’.⁸⁹ This coincided with the birth of the international codification movement, which became institutionalized in the first international associations, and with the first ‘global’ international conferences at The Hague in 1899 and 1907.⁹⁰ Coinciding with a period when US imperialism in Latin America had become more accentuated, the Latin American states began to participate more actively in the international juridical sphere, reclaiming recognition of equality with European nations, pronouncing doctrines of non-intervention, such as the Drago Doctrine,⁹¹ and postulating the recognition of a *corpus* of international law with Latin American particularities⁹² amid projects for the regional codification of international law.⁹³ These issues gathered momentum in the wake of the establishment of the League of Nations. This further stimulated internationalist debates on the cohabitation of universalism and regional particularism at a time when the Latin American countries were no longer disparagingly perceived as ‘stand[ing] on the margin of international life’.⁹⁴

In 1917, after the *Anuario* of the Cuban Society was established, both the *Revista Mexicana de Derecho Internacional* (1919) and the *Revista Argentina de Derecho Internacional* (1920) were founded within their respective national societies associated with the *Annuaire de l’Institut de droit International (AIDI)*. The establishment of these associations had already been fostered by efforts of hemispheric diffusion of the USA’s constitutional model of the secretary of the Carnegie Endowment for International Peace and the first editor-in-chief of the *AJIL*, James Brown Scott.⁹⁵

⁸⁵ R. Kolb, *Esquisse d’un droit international public des anciennes cultures extra-européennes* (2010).

⁸⁶ Janis, ‘Jeremy Bentham and the Fashioning of International Law’, 78 *AJIL* (1984) 405.

⁸⁷ Obregón, ‘Construyendo la región americana: Andrés Bello y el derecho internacional’ 24 *Revista de Derecho Público* (2010) 3.

⁸⁸ *Ibid.*

⁸⁹ Becker Lorca, ‘International Law in Latin America or Latin American International Law? Rise, Fall, and Retrieval of a Tradition of Legal Thinking and Political Imagination’, 47 *Harvard International Law Journal* (2006) 283, at 284.

⁹⁰ Neff, *supra* note 45, at 324.

⁹¹ Building on the Calvo doctrine, see C. Calvo, *International Law of Europe and America in Theory and Practice* (1868).

⁹² Alvarez, ‘Latin-America and International Law’, 3 *AJIL* (1909) 269.

⁹³ See J. Esquirol, ‘Latin America’, in Fassbender and Peters, *supra* note 80, 553.

⁹⁴ Alvin Martin, ‘Latin America and the League of Nations’, 20 *APSR* (1926) 14, at 14.

⁹⁵ See further J.P. Scarfi, *El imperio de la ley: James Brown Scott y la construcción de un orden jurídico interamericano* (2014); J.P. Scarfi, *The Hidden History of International Law in the Americas: Empire and Legal Networks* (2017).

The Spanish translation of the *AJIL*, which, as already noted, was published from 1912 to 1922, was replaced by the *Revista de Derecho Internacional*. This was published under the aegis of the *AIDI* and directed by Antonio de Bustamante in La Habana from 1922 onwards. Brown Scott hoped that this new *Revista de Derecho Internacional* could ‘find favour in the sight of Spanish-American publicists, serving as a convenient means of communication and interpreting the enlightened views of the Spanish-speaking world to the world at large’.⁹⁶ The new breed of ‘national’ post-war international law periodicals expanded in Latin America with the release of a few other ‘international’ journals issued by their respective national societies of international law. These included the *Revista Dominicana de Derecho Internacional* in 1927, the *Anuario de la Sociedad Panameña de Derecho Internacional* in 1930 and the *Revista Peruana de Derecho Internacional* in 1941.

Meanwhile, in Britain, periodicals of international law were stalled until the outbreak of World War I. According to James Crawford, the reason for the dearth of a British university international law tradition in the 19th century was that ‘its local focus was the Foreign Office and the embassies and lawyers’ chambers in London rather than the universities’.⁹⁷ However, international law began to take academic hold in the aftermath of World War I and the establishment of the League of Nations. As James Brierly has remarked, this fostered ‘a quickening of interest in the subject in this country and others’.⁹⁸ This academic interest, as we have seen, was reflected in the publishing of the *Transactions of the Grotius Society* and in the change of title of the *Journal of the Society of Comparative Legislation* to the *Journal of Comparative Legislation and International Law* in 1918. The newfound academic interest in international law in the United Kingdom was reflected in the establishment of the Royal Institute of International Affairs in London in 1919 and in the publication of its journal, coupled with the founding of the first chairs in international relations at both Aberystwyth University and the London School of Economics in the early 1920s.⁹⁹ In 1920, the *British Yearbook of International Law* was added to the pre-war batch of new international law journals that had begun to highlight an explicit national allegiance in their title. However, the new academic appeal of international law in post-war Britain should be seen in relative terms; indeed, by 1921, there were ‘only 10 public teachers of international law in the United Kingdom’.¹⁰⁰

In other parts of Europe, the pre-war academic study of international law was also being spurred on further by the establishment of the League of Nations and, soon thereafter, by the establishment of the Hague Academy of International Law in 1923. The interwar years were also a period rich in internationalist associations, lending greater impetus to the creation of new specialized publications. In 1923, in Geneva, the International Law Association founded the *Revue de droit international, des sciences*

⁹⁶ Brown Scott, ‘The Revista de Derecho Internacional’, 16 *AJIL* (1922) 437, at 438.

⁹⁷ Crawford ‘Public International Law in 20th Century England’, in Beatson and Zimmermann, *supra* note 36, 681, at 691–692.

⁹⁸ Brierly, ‘International Law in England’, 51 *Law Quarterly Review (LQR)* (1935) 24, at 34–35.

⁹⁹ 1 *Journal of the British Institute of International Affairs* (1922).

¹⁰⁰ ‘Editorial note’, 27 *LQR* (1921) 8.

diplomatiques, politiques, et sociales, which became the first journal devoted to international law in Switzerland. In Spain, the rise in prestige of the School of Salamanca and the Spanish classics of international law – one of the characteristic features of the discipline in the interwar period¹⁰¹ – was greatly fostered by the establishment of the Asociación Francisco de Vitoria in 1926 in Madrid and by its homonymous *Anuario*, which began publication in 1928. In France, during a period characterized by the scientific production of great doctrinal constructions that interrogated ‘the existence and nature of international, and correspondingly, the functions and goals that it can or ought to pursue’, the already existing specialized journals were supplemented by the *Revue internationale française du droit des gens* in 1936.¹⁰²

In the Soviet Union, following the short-lived precedents in imperial Russia in 1880 and 1897, Soviet international law scholars during the interwar years mostly relied ‘on general international affairs and law media to publish their doctrinal contributions’.¹⁰³ However, in 1927, an international law section of the Society of Persons Active in Soviet Law was established in conjunction to Moscow State University, gradually becoming the ‘center of international legal research in Moscow’.¹⁰⁴ It is within this framework, as studied by William Butler, that the short-lived journal *Mezhdunarodnoe pravo* was established in 1928 with an editorial board that included among its members Evgeny Korovin and Evgeny Pashukanis. The president of the Society and the rector of Moscow University wrote the preface of the inaugural issue, making it clear how, from the ‘standpoint of Marxist methodology’ the purpose of the new journal was to disclose to the ‘eyes of the toiling people of the entire world the predatory class nature of contemporary international legal norms reflecting the struggle of the predominant classes in a bourgeois society’.¹⁰⁵ Far more resilient than this first Soviet journal of international law was the first sub-regional journal of international law. This was published in the Nordic countries from 1930 onwards by Erik Bruel as the *Nordisk tidsskrift for international ret*, and it covered relevant developments in Iceland, Finland, Norway, Sweden and Denmark.¹⁰⁶ At the same time, academic publishing in international law extended for the first time beyond imperial Russia and the Soviet Union to Eastern Europe where the *Annuaire de l’Association Yougoslave de droit international* was released in three volumes from 1931 to 1937 (see Figure 2).¹⁰⁷

After World War I in Germany, the *Mitteilungen der Deutschen Gesellschaft für Völkerrecht*, which was named after the German Society of International Law, which had been founded in 1917, was published in Berlin from 1919 to 1927. Also in Germany, the *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* began publication in 1929.¹⁰⁸ The rise of Adolf Hitler to power brought in its wake

¹⁰¹ See I. de la Rasilla, *In the Shadow of Vitoria: A History of International Law in Spain, 1770–1953* (2017).

¹⁰² Jouannet, *supra* note 52, at 8.

¹⁰³ Butler, *supra* note 11, at 371.

¹⁰⁴ *Ibid.*

¹⁰⁵ Vyshinskii, ‘Predislovie’, 1 *Mezhdunarodnoe pravo* (1928) 1, cited in Butler, *supra* note 11, at 372.

¹⁰⁶ 1 *Nordisk tidsskrift for international ret* (1930).

¹⁰⁷ 1 *Annuaire de l’Association Yougoslave de droit international* (1931).

¹⁰⁸ 1 *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (1929).

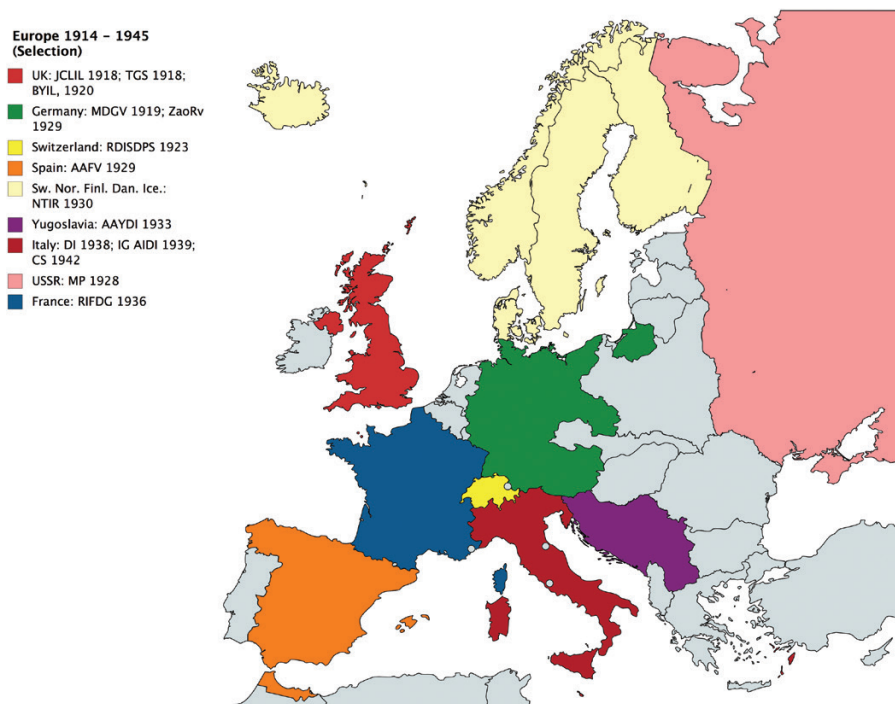


Figure 2: *New International Law Journals in Europe, 1914–1945*

the self-dissolution of the German Association in 1933 and a series of university purges.¹⁰⁹ As Michael Stolleis has noted, these had an impact ‘on the boards of legal journals, thus implying in some cases the emergence of new approaches which were more in line with the dominant political orientation’.¹¹⁰ In Italy, according to its most viral proponents, attempts to produce an Italian autochthonous fascist doctrine of international law, led by Benito Mussolini since 1922, faced the ‘old dogmatism [that] is most stubbornly persistent in the area of international law’.¹¹¹ Despite the publication under the editorial guidance of some journal or other, ‘which was very much oriented toward providing propagandistic support for the regime’,¹¹² Giulio Bartolini has concluded that the *Rivista di diritto internazionale* remained aligned to a not confrontational, yet still detached, attitude towards Fascism, ‘mainly through its substantial avoidance of any analysis involving contemporary issues’.¹¹³ More aligned

¹⁰⁹ See, e.g., Garner, ‘The Nazi Proscription of German Professors of International Law’, 33 *AJIL* (1939) 112. See also Vagts, ‘International Law in the Third Reich’, 84 *AJIL* (1990) 661.

¹¹⁰ Stolleis ‘Against Universalism: German International Law under the Swastika: Some Contributions to the History of Jurisprudence 1933–1945’, 50 *German Yearbook of International Law* (2007) 91, at 92.

¹¹¹ Costamagna, ‘Introduzione’, in F. Giustiani (ed.), *La dottrina fascista di diritto internazionale* (1939), quoted in Bartolini, ‘The Impact of Fascism on the Italian Doctrine of International Law’, 14 *JHIL* (2012) 237, at 245.

¹¹² Bartolini, *supra* note 111, at 282.

¹¹³ *Ibid.*, at 282. See further Salerno, ‘La Rivista e gli studi di diritto internazionale nel periodo 1906–1943’, 90 *Rivista di Diritto Internazionale* (2007) 305.

to the defence of the foreign policy goals of the Mussolini regime were, from 1938, *Diritto Internazionale*, founded by B. Pallieri as one of the vehicles of expression of the Milan-based Istituto per gli Studi di Politica Internazionale and, from 1939 to 1942, *Ius Gentium, Annuario italiano di diritto internazionale*.¹¹⁴ In 1942, Roberto Ago founded *Comunicazioni e Studi*, which, despite its origins during wartime, was hailed by Enzo Cannizzaro as one of the most remarkable Italian journals that ‘accomplished a true function of stimulus of the scientific debate’ within the Italian juridical tradition.¹¹⁵

4 The Coming of Age of International Law Journals during the Cold War, 1945–1989

By the time of the beginning of World War II, there were, or had existed, approximately 40 journals of international law, most of which had surged in Europe, some of them in the Americas and one in Japan. This number would grow exponentially during the Cold War period. The main characteristics of the history of doctrinal periodical literature in international law from 1945 to 1989 included, first, the continuous consolidation of ‘national’ journals of international law among Western European countries and their geographical extension for the first time, notwithstanding the Japanese precedent in 1902, beyond Europe and the Americas, towards Asia and Oceania and, occasionally, also towards the Middle East and Africa. Second, it also included the renaissance of the comparative caveat in international law journals. This trend began with the *International and Comparative Law Quarterly* founded in London in 1952 and continued through student-run journals in the USA and the Commonwealth countries from the early 1970s onwards. Third, there was the emergence of the first wave of student-run university journals of international law in the USA, beginning with the *Harvard International Law Club Bulletin* in 1959. And, fourth, there was the emergence of the first scientific journals on specialized sectors of international law and of the first ‘school’ journals of international law under the influence of the new ‘doctrinal’ schools or new methodological approaches to the study of the discipline.

A Expansion of the ‘National’ in International Law Journals

As World War II came to an end, a series of short-lived periodicals on international law emerged in Africa and the Middle East. The first international law journal in Africa was published by the Egyptian Society of International Law from 1945 to 1950 in Alexandria.¹¹⁶ In the Middle East, the *Jewish Yearbook of international Law*, published in Jerusalem in 1948, was the first periodical of international law to show a religious or confessional allegiance in its title.¹¹⁷ Also short-lived were the first

¹¹⁴ Bartolini, *supra* note 111.

¹¹⁵ Cannizzaro, ‘La doctrine italienne et le développement du droit international dans l’après-guerre: entre continuité et discontinuité’, 50 *AFDI* (2004) 1, at 23.

¹¹⁶ 1 *La Revue Egyptienne de droit international* (1945–1950).

¹¹⁷ 1 *Jewish Yearbook of International Law* (1948).

‘national’ periodical documented to have existed in Brazil from 1946 to 1948,¹¹⁸ and the second ‘Nordic’ journal of international law, which was edited by Alf Ross in Denmark from 1949 to 1951.¹¹⁹ Far more resilient were the first ‘national’ journals of international law published in Switzerland in 1944¹²⁰ and in Greece in 1948,¹²¹ with articles and practical information having a special bearing upon Swiss and Greek interests and developments respectively. Also resistant to the avatars of time proved to be the new Argentinian international law journal published in Rosario from 1949 onwards.¹²²

A remarkable feature of this new harvest of international law journals in the late 1940s was the swift founding of new scientific journals of international law in the defeated powers of World War II. In Germany, the *Jahrbuch für internationales und ausländisches öffentliches Recht* started publication in 1948 in the same year as the *Archiv des Völkerrechts*. A year later, in 1949, the German Society of International Law, which had been dissolved in 1933, was refounded.¹²³ The move to academic journals of international law continued in Germany throughout the early and mid-1950s with the publication of several new periodicals focused on national developments and published in the vernacular language.¹²⁴ The same post-war pattern took place in Italy where some of the international law journals that had been discontinued during the war resumed their activities. These included post-fascist versions of *Jus gentium: diritto delle relazioni internazionali*, which was published in Rome, and of *Annali di Diritto Internazionale* after 1949. These were subsequently followed by other periodicals written in Italian, including the re-emergence of *Rivista di diritto internazionale* in 1953.¹²⁵ Among the new journals that emerged after the war was *La Comunità Internazionale*, which was established in 1946 with Ago as its chief editor from 1947 onwards. Also within the former sphere of the Axis powers, in Spain, an internationally isolated country, which was trying to cope with the sanctions imposed by the UN General Assembly against the Franco regime from 1946 onwards,¹²⁶ the Spanish Falange’s intelligentsia joined the ‘national’ trend with its own *Revista Española de Derecho Internacional* in 1948.¹²⁷

Throughout the 1950s, a series of new ‘national’ journals of international law followed suit, extending the ‘national’ label in international law journals throughout

¹¹⁸ 1 *Bolletim da Sociedade Brasileira de Direito Internacional* (1946–1948).

¹¹⁹ 1 *Ius gentium: Nordisk Tidsskrift for Folkeret og international privaret* (1949–1951).

¹²⁰ 1 *Schweizerisches Jahrbuch für Internationales Recht/Annuaire Suisse de droit international* (1944).

¹²¹ 1 *Revue Hellenique de droit international* (1948).

¹²² 1 *Revista de derecho internacional y ciencias diplomáticas* (1949).

¹²³ See, e.g., Mosler, ‘Die Deutsche Gesellschaft für Völkerrecht: Ihr Beitrag zum internationalem Recht seit der Wiedergründung in Jahre 1949’, 30 *Berichte Deutsche Gesellschaft für Völkerrecht* (1990) 9.

¹²⁴ The first volume of *Jahrbuch für internationales Recht* was published in Göttingen in 1951. The first volume of *Internationales Recht und Diplomatie* was published in Hamburg in 1956.

¹²⁵ The first volume of *Annali di diritto internazionale* (1949) continued as *Diritto Internazionale* (1937). See further Cannizzaro, *supra* note 115.

¹²⁶ See GA Res. 39(I), 12 December 1946.

¹²⁷ De la Rasilla, ‘The Fascist Mimesis of Spanish International Law and Its Vitorian Aftermath, 1939–1953’, 14 *JHIL* (2012) 207. See further de la Rasilla, *supra* note 101.

Europe, Latin America and Asia. In Western Europe, the ‘national’ label extended to the Netherlands in 1953,¹²⁸ to France in 1955¹²⁹ and, in partnership with Spain, to Portugal in 1959.¹³⁰ In Eastern Europe, following in the footsteps of the Yugoslavian *Annuaire* that had existed since the 1930s, the *Jugoslovenska revija za međunarodno pravo* was published in Belgrade in 1954.¹³¹ In the Soviet Union, almost 98 years after Martens’s Russian Society of International Law was established in 1880,¹³² the formation of the Soviet Association of International Law led to the publication of the *Sovetskii Ezhegodnik Mezhdunarodnogo Prava* in 1958.¹³³ After a series of previous journals had taken root in the Caribbean and Central America in the interwar period, the *Revista de la Asociación Guatemalteca de Derecho Internacional* began publication in Guatemala in 1954. In Asia, soon after the armistice that put an end to the Korean War, the first journal of international law was established in South Korea in 1956.¹³⁴ The Asian expansion of international law periodicals was soon followed by Japan, two years after its admission to the United Nations in 1956,¹³⁵ and India joined the ‘national’ trend of international law journals with its own *Indian Journal of International Law* in 1960, a year after the foundation of the Indian Society of International Law.¹³⁶

The ‘national’ trend of international law periodicals continued extending throughout the 1960s, particularly in the form of yearbooks. In both North America – in Canada in 1963¹³⁷ – and in South America – in Uruguay in 1962¹³⁸ and Ecuador in 1965¹³⁹ – new yearbooks of international law were established. In Asia, two countries inaugurated their own international law journals – the Philippines in 1962¹⁴⁰ and Taiwan in 1964.¹⁴¹ In Western Europe, Belgium inaugurated its national yearbook in 1965,¹⁴² followed closely by Eastern Europe – Poland in 1966¹⁴³ and Romania in 1967.¹⁴⁴ The mid-1960s also saw the first extension of the trend of national yearbooks towards Oceania¹⁴⁵ and the establishment of the first international law periodical in Southern Africa.¹⁴⁶ The ‘national’ trend of periodicals of international law continued expanding throughout the 1970s and 1980s. In Western and Central Europe, new

¹²⁸ 1 *Netherlands International Law Review* (1953).

¹²⁹ 1 *AFDI* (1955).

¹³⁰ 1 *Anuario Hispano-Luso-Americano de Derecho internacional* (1959).

¹³¹ 1 *Jugoslovenska revija za međunarodno pravo* (1954).

¹³² Butler and Ivanenko, *supra* note 42.

¹³³ 1 *Soviet Yearbook of International Law* (1958).

¹³⁴ 1 *Korean Journal of International Law* (1956).

¹³⁵ 1 *Japanese Annual of International Law* (1958).

¹³⁶ 1 *Indian Journal of International Law* (1959).

¹³⁷ 1 *Canadian Yearbook of International Law* (1961).

¹³⁸ 1 *Anuario uruguayo de Derecho Internacional* (1962).

¹³⁹ 1 *Anuario ecuatoriano de Derecho internacional* (1965).

¹⁴⁰ 1 *Philippine International Law Journal* (1962).

¹⁴¹ 1 *Chung-kuo kuo chi fa hsüeh hui nien pao / Annals of the Chinese Society of International Law* (1964).

¹⁴² 1 *Revue Belge de Droit International* (1965).

¹⁴³ 1 *Polish Yearbook of International Law* (1966).

¹⁴⁴ 1 *Revue roumaine d’études internationales* (1967).

¹⁴⁵ 1 *Australian Yearbook of International Law* (1965).

¹⁴⁶ 1 *Comparative and International Law Journal of Southern Africa* (1968).

‘national’ journals of international law were added in the Netherlands in 1970,¹⁴⁷ Spain in 1974,¹⁴⁸ Italy in 1975¹⁴⁹ and Austria in 1977.¹⁵⁰ In the Americas, Uruguay followed the same track in 1972,¹⁵¹ Argentina in 1983¹⁵² and, in Africa, South Africa followed in 1975¹⁵³ and Nigeria in 1976.¹⁵⁴ Throughout the 1980s, the national labelling also included, for the first time, territories in a quest for self-determination such as Quebec¹⁵⁵ and Palestine.¹⁵⁶ During this same decade, the Asian continent also saw the emergence of ‘national’ journals of international law in Thailand¹⁵⁷ and Sri Lanka.¹⁵⁸

B The Retrieval of the Comparative Legal Dimension

Following its earlier rise and fall in the late 19th century, the comparative dimension in international law journals experienced a renaissance in the aftermath of World War II, particularly in common law countries. In the United Kingdom, the phenomenon of émigré legal scholars helped bring the comparative–international title back to the fore by the early 1950s.¹⁵⁹ The establishment of the Cambridge Studies in International and Comparative Law series in 1946¹⁶⁰ was followed by the *International and Comparative Law Quarterly (ICLQ)*, which was established under the auspices of the Society of Comparative Legislation in 1952. At the time, the *ICLQ* prided itself in being ‘the only journal which offered the reader coverage of comparative law as well as public and private international law’.¹⁶¹ This marriage of international and comparative law, which resulted from the coming together of the *Journal of Comparative Legislation* and the *International Law Quarterly*, which had been founded by the Grotius Society in 1947, would prove to have a special appeal in former British colonies and Commonwealth countries,¹⁶² especially in combination, as we are about to see, with the phenomenon of student-edited journals in international law that spread throughout the USA from the early 1960s onwards (see [Figure 3](#)).

¹⁴⁷ 1 *Netherlands Yearbook of International Law* (1970).

¹⁴⁸ 1 *Anuario español de Derecho internacional* (1974).

¹⁴⁹ 1 *Italian Yearbook of International Law* (1975).

¹⁵⁰ 1 *Österreichische Zeitschrift für öffentliches Recht und Völkerrecht* (1977).

¹⁵¹ 1 *Revista uruguayana de derecho internacional* (1972).

¹⁵² 1 *Anuario Argentino de Derecho Internacional* (1983).

¹⁵³ 1 *South African Yearbook of International Law* (1975).

¹⁵⁴ 1 *Nigerian Annual of International Law* (1976).

¹⁵⁵ 1 *Revue Québécoise de droit international* (1984).

¹⁵⁶ 1 *Palestine Yearbook of International Law* (1984).

¹⁵⁷ 1 *Thailand Yearbook of International and Comparative Law* (1986).

¹⁵⁸ 1 *Sri Lanka Journal of International Law* (1989).

¹⁵⁹ Jolowicz, *supra* note 36, at 348–350.

¹⁶⁰ The first title in the series was H.C. Gutteridge, *Comparative Law: An Introduction to the Comparative Method of Legal Study and Research* (1946).

¹⁶¹ See Redgwell, ‘60 Years of Legal Scholarship in the International and Comparative Law Quarterly’, 61 *ICLQ* (2012) 61.

¹⁶² In Britain, the British Institute of International and Comparative Law was established in 1958 as a result of the merger of the Society of Comparative Legislation and the Grotius Society, with the dual mission ‘to advance the understanding of international and comparative law; to promote the rule of law in international affairs; and to promote their application through research, publications and events’. British Institute of International and Comparative Law, available at www.biicl.org/history

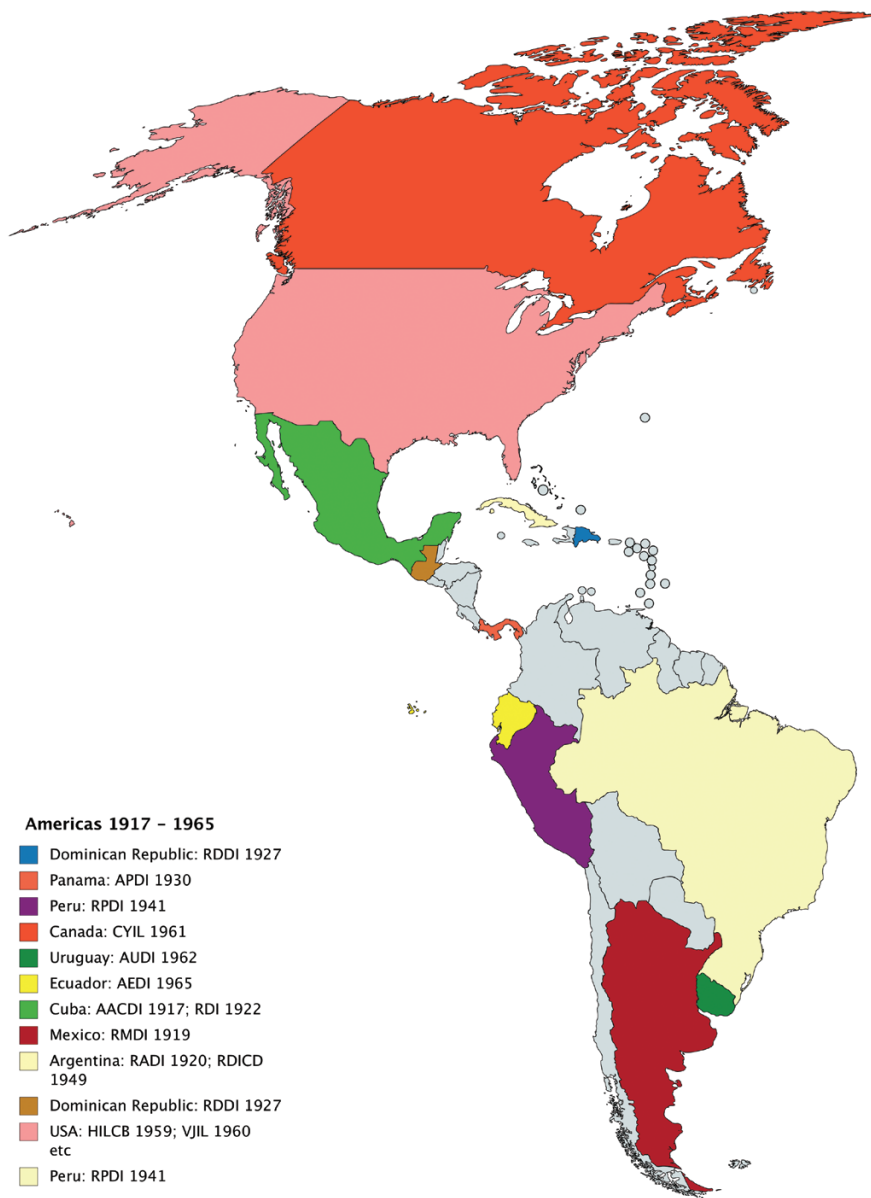


Figure 3: *International Law Journals in the Americas, 1917–1965*

C The First Wave of University International Law Journals

One of the most characteristic features of the post-1945 period in the global history of international law periodicals is the emergence of a new breed of American university international law journals. This move followed two tracks. The first was initiated by the *Harvard International Law Club Bulletin*, which began publication in 1959 and is the

oldest ‘university’ journal of international law in the USA.¹⁶³ This was soon followed by the ‘oldest continuously published’ specialized university journal of international law in the USA, the *Virginia Journal of International Law*, in 1960,¹⁶⁴ trailed by other international law journals from US elite law schools, including Columbia in 1962,¹⁶⁵ Stanford in 1966, Cornell in 1967 and both New York University and Western Case Reserve University in 1968.¹⁶⁶ During the following decades, this pattern continued in the USA with the emergence of dozens of other international law periodicals affiliated with both private and state universities.¹⁶⁷

The second track was that of international and comparative law journals. This also spread through US universities where the American Association for the Comparative Study of Law, founded in 1951, began publication of its own journal, the *American Journal of Comparative Law*, in 1952.¹⁶⁸ The trend that was revamped by the ICLQ in 1952 developed in the USA from the early 1970s up to the present day when the dozens of existing university comparative and international law journals in the USA make up a scholarly category of their own.¹⁶⁹ A further peculiarity of the harvest of ‘university’ journals during this period is the impact of ‘doctrinal’ schools on the creation of new international law periodicals in the USA. In 1961, the *Columbia Transnational Law Journal* was initiated by Wolfgang Friedman at Columbia University, and, in 1971, the *Journal of International Law and Economics* was founded at George Washington University.¹⁷⁰ At Yale Law School, the New Haven School, also variously known as policy-oriented jurisprudence, inaugurated its own *Yale Journal of World Public Order* in 1974.¹⁷¹

D The First Specialized International Law Journals

The mid-1960s also witnessed the emergence of the first specialized journals of international law, notably in the areas of international human rights law and the law of

¹⁶³ The *Harvard International Law Club Bulletin* (vols 1–3) was renamed in 1962 as the *Harvard International Law Club Journal* (vols 4–7) and, in 1967, as the *Harvard International Law Journal* (vol. 8 on).

¹⁶⁴ See Norton Moore, ‘Toward the Rule of Law among Nations: A Tribute to the Virginia Journal of International Law’, 40 *Virginia Journal of International Law* (1999–2000) 805.

¹⁶⁵ 1 *Bulletin of the Columbia Society of International Law* (1962) 2; *International Law Bulletin* (1963).

¹⁶⁶ Hildebran, ‘Foreword and Dedication: A Brief History of the Founding of the Case Western Reserve Journal of International Law’, 25 *Case Western Reserve Journal of International Law* (1993) xi.

¹⁶⁷ The Journal Rankings Project of Washington and Lee University School of Law, available at <http://lawlib.wlu.edu/LJ/index.aspx>, lists 54 journals as ‘journals of international law’ affiliated to a US university. This list does not include the ‘comparative and international law’ category of journals.

¹⁶⁸ Clark, ‘Development of Comparative Law in the United States’, in Reimann and Zimmermann, *supra* note 8, 207.

¹⁶⁹ A random list of examples in the USA would include, e.g., *Georgia Journal of International and Comparative Law* (1971); *Hastings International and Comparative Law Review* (1976) and dozens more.

¹⁷⁰ Volumes 6–15 of the *Journal of International Law and Economics* (1971–1981). Previously, volumes 1–2 of the *Studies in Law and Economic Development* (1966–1968); volumes 3–5 of the *Journal of Law and Economic Development* (1968–1971). Later, volumes 16–32 of the *George Washington Journal of International Law and Economics* (1981–2000).

¹⁷¹ See Reisman ‘The Vision and Mission of the *Yale Journal of International Law*’, 25 *Yale Journal of International Law* (2000) 263.

the sea. Published since 1968, the *Columbia Human Rights Law Review* was the first law school's journal on human rights in the USA dedicated to the analysis and discussion of human rights and civil liberties under both domestic and international law. Beyond the USA, this trend would continue internationally, including throughout Israel,¹⁷² the Nordic countries,¹⁷³ Canada,¹⁷⁴ Italy¹⁷⁵ and others in the 1970s and 1980s. Partly prompted by the holding of the third United Nations Conference on the Law of the Sea between 1973 and 1982, specialized periodicals on the law of the sea began publishing in the early 1970s. This batch of new journals included journals such as *Ocean Development and International Law* with the stated purpose to 'disseminate responsible and informed discussion of issues and policies concerning development, use and regulation of the ocean and its contents' since 1973.¹⁷⁶ Amid a remarkable move towards specialization in doctrinal periodical literature in international law, this specializing trend continued throughout the 1980s and, as will now be examined, constitutes one of the most remarkable features of the global contemporary landscape of international law periodicals.¹⁷⁷

5 Moving towards the Present: Mushrooming, Specialization, Globalism and Hybridization

By the end of the Cold War, international law periodicals operating in the world, although already quite numerous, remained very unevenly distributed in geographical terms. As we have seen, the long Cold War period brought about a global expansion of the 'national' title in international law journals both within and beyond Western countries. Moreover, the mushrooming of university student-run journals in the USA since the early 1960s made it the country where the greatest proportion of periodical publications in international law were being published by the time of the fall of the Berlin Wall in 1989. The post-1989 period has witnessed the consolidation of these earlier tendencies, although subsequent and more contemporary developments have, on occasion, added new features to them. Alongside them, a new generational breed of international law periodicals has grown significantly during the last 25 years. The most contemporary generation of international law periodicals presents a series of novel features. These new features mirror the impact of several phenomena on the field of international law. First, the geographical extension of processes of institutional regionalization; second, the expansion and diversification of the international legal order; third, the disciplinary embracement of globalization; fourth, the move towards interdisciplinarity in international legal scholarship and, finally, the sea change brought by the impact of the new technologies in academic publishing in international law.

¹⁷² 1 *Israel Yearbook on Human Rights* (1971).

¹⁷³ 1 *Mennesker og Rettigheter* (1982). Since 2010, it is known as the *Nordic Journal of Human Rights*.

¹⁷⁴ 1 *Canadian Human Rights Yearbook* (1983).

¹⁷⁵ 1 *Rivista internazionale dei diritti dell'uomo* (1988).

¹⁷⁶ Burke, 'Editorial Prologue', 1 *Law Ocean Development and International Law* (1973–1974) 1, at 1.

¹⁷⁷ *International Journal of Estuarine and Coastal Law* (1986). From volume 8, it became the *International Journal of Marine and Coastal Law* (1993).

A Consolidation of Earlier Trends with New Provisos

The deepening and widening geographical expansion of the ‘national’ label in the titles of international law journals across the world has remained a constant feature during the last 25 years. In Eastern Europe, after the dissolution of the Soviet Union, the adoption of ‘national’ titles in the international law journals published in the region has been widespread. Since 1990, new scientific periodicals, often in the form of national yearbooks and published in English, have taken hold, *inter alia*, in Finland,¹⁷⁸ the Russian Federation,¹⁷⁹ the Baltic states,¹⁸⁰ Slovakia, the Czech Republic¹⁸¹ and Armenia.¹⁸² Following a trend initiated for Western Europe by Italy in 1975,¹⁸³ Western European countries such as Spain¹⁸⁴ or the Republic of Ireland¹⁸⁵ have also begun publishing a new class of ‘national’ yearbooks in English, attracting an autochthonous production on topics related to their specific countries. A remarkable feature within Europe has also been the extension of a partial editorial blending of ‘national’ journals on international law and European law in countries such as Holland,¹⁸⁶ Switzerland,¹⁸⁷ Poland¹⁸⁸ and Hungary,¹⁸⁹ ‘*au fur et à mesure*’ the European national sovereign state has been losing its Hobbesian monopoly over the *ius in omnia et omnes*.

Other regions of the globe have also witnessed the continuous extension of the ‘national’ trend in their international law journals. In Latin America, following on from an earlier trend with its roots in the aftermath of World War I, the publication of new yearbooks and ‘national’ journals in international law has increased considerably in countries such as Brazil,¹⁹⁰ Argentina,¹⁹¹ Mexico,¹⁹² Colombia¹⁹³ and Costa Rica.¹⁹⁴ Since the fall of the Berlin Wall in 1989, the ‘national’ title has also continued to extend to Asia, where the wave of the global extension of ‘national’ journals of international law touched, for the first time, the coasts of Asian countries like the People’s Republic of China,¹⁹⁵ Singapore¹⁹⁶ and Indonesia.¹⁹⁷ To the far southeast, the ‘national’ trend of

¹⁷⁸ 1 *FYBIL* (1990). Building on a small journal called *Ius gentium* published by the Ius Gentium Association established in 1983. See also Koskenniemi, ‘Diplomats, Professors, and Then Some: Notes for a History of International Law in 20th Century Finland’, 85 *Nordic Journal of International Law* (2016) 322.

¹⁷⁹ 1 *Rossiiskii ezhegodnik mezhdunarodnogo prava* (1992).

¹⁸⁰ 1 *Baltic Yearbook of International Law* (2001).

¹⁸¹ 1 *Czech Yearbook of International Law* (2010).

¹⁸² 1 *Armenian Yearbook of International and Comparative Law* (2013).

¹⁸³ 1 *Italian Yearbook of International Law* (1975).

¹⁸⁴ 1 *Spanish Yearbook of International Law* (1991).

¹⁸⁵ 1 *Irish Yearbook of International Law* (2006).

¹⁸⁶ 1 *Merkourios: Utrecht Journal of International and European Law* (1981).

¹⁸⁷ 1 *Swiss Review of International and European Law* (1991).

¹⁸⁸ 1 *Polish Review of International and European Law* (2012).

¹⁸⁹ 1 *Pecs Journal of International and European Law* (2014).

¹⁹⁰ 1 *Brazilian Journal of International Law* (2004); 1 *Anuário Brasileiro de Direito Internacional* (2006).

¹⁹¹ 1 *Anuario Argentino de Derecho internacional* (1997).

¹⁹² 1 *Anuario Mejicano de Derecho internacional* (2001).

¹⁹³ 1 *International Law: Revista colombiana de Derecho internacional* (2002).

¹⁹⁴ 1 *Revista Costarricense de Derecho Internacional* (2014).

¹⁹⁵ 1 *Chinese Journal of International Law* (2002); see also 1 *Chinese Review of International Law* (2014).

¹⁹⁶ 1 *Singapore Journal of International and Comparative Law* (1997).

¹⁹⁷ 1 *Indonesian Journal of International Law* (2003); 1 *Indonesian Journal of International and Comparative Law* (2014).

international periodicals has also further extended to Australia¹⁹⁸ and, for the first time, to the confines of New Zealand.¹⁹⁹ However, with the exceptions already noted of a series of short-lived precedents in Egypt in the late 1940s, South Africa in the 1960s, and, again, South Africa and Nigeria in the mid-1970s, the ‘national’ caveat in international law journals has barely taken root in Africa, notwithstanding a recent example provided by Ethiopia.²⁰⁰ The African continent, and parts thereof, remain mostly covered by a new ‘regional’ label attached to new international law journals, in what is, as we shall see, one of the novelties brought about by the new generation of post-1989 international journals. Nor has the ‘national’ trend of international law journals appeared to have developed substantially in the Middle East or in the broader ‘Islamic world’ as of yet.

Since 1989, the proliferation of journals of international law that mention the name of the university in their title has, on the other hand, persisted. This trend, initiated in the early 1960s in the USA, has continued developing in North America, encompassing, in doing so, the name of particular states in the wake of its homonymous universities such as Texas, Virginia, Wisconsin, Arizona, Michigan and others. Since the early 1990s, the USA has also seen, pursuant to a pattern initiated in the early 1970s, the continuous expansion of the double-track of international and comparative law journals.²⁰¹ Furthermore, a new ‘crop’ of US student-run university journals has reflected the growing specialization of the field of international law.²⁰² Finally, since the late 1980s and 1990s, international law periodicals have also witnessed a gradual extension of the ‘university name’ to journals published in Europe. This is illustrated by journals of international law by the likes of Leiden,²⁰³ the Max Planck Institute,²⁰⁴ Göttingen,²⁰⁵ Cambridge²⁰⁶ or Miskolc.²⁰⁷ To them, one should add another batch of international law journals that also bear the name of universities from Australia²⁰⁸ or, emergently, from the People’s Republic of China.²⁰⁹

B New Features: Regionalization, Specialization, Globalism, Interdisciplinaryization and New Technologies

Although impacted by earlier trends, the most contemporary generation of titles presents a series of novel features. These mirror, first, the growth and deepening of institutional regionalization processes across the globe; second, the expansion and diversification of the international legal field and the emergence of new specialized sub-disciplines; third, the move towards interdisciplinarity in international legal

¹⁹⁸ 1 *Australian International Law Journal* (1995).

¹⁹⁹ 1 *New Zealand Yearbook of International Law* (2002).

²⁰⁰ 1 *Ethiopian Yearbook of International Law* (2016).

²⁰¹ 1 *Tulane Journal of International and Comparative Law* (1993) and multiple others.

²⁰² 1 *Harvard Journal of Human Rights* (1988) and multiple others.

²⁰³ 1 *Leiden Journal of International Law* (1988).

²⁰⁴ 1 *Max Planck Institute Yearbook of United Nations Law* (1997).

²⁰⁵ 1 *Göttingen Journal of International Law* (2007).

²⁰⁶ 1 *Cambridge Journal of Comparative and International Law* (2011). It became the *Cambridge International Law Journal* in 2016.

²⁰⁷ 1 *Miskolc Journal of International Law* (2004).

²⁰⁸ 1 *Melbourne Journal of International Law* (2000).

²⁰⁹ 1 *Wuhan University International Law Review* (2003).

scholarship; fourth, the impact of the phenomenon of globalization and, fifth, the impact of the so-called third Industrial Revolution, comprising the new technologies in academic publishing in the field of international law. Their new features – often found combined – will be briefly surveyed in turn.

The deepening of regional integration processes over the globe is one of the characteristic features of the last 25 years that has impacted more acutely on international law journals during the same period. The *European Journal of International Law* in 1990 set the pace for a tendency that has spread over Africa,²¹⁰ Asia²¹¹ and other regional areas such as Latin America²¹² during the last quarter of a century. With the Nordic countries setting a precedent from 1930 onwards, there has also been a move towards sub-regionalization in the title and coverage of international law journals. This has included the Baltic states,²¹³ East Asia,²¹⁴ and Asia-Pacific.²¹⁵ Moreover, regionalization has begun more recently to blend with another of the most characteristic and transversal features in academic publishing in international law in the last 25 years. New academic initiatives bearing the titles of European,²¹⁶ African, Asian²¹⁷ and Latin American²¹⁸ journals in specialized sectors of the discipline such as international environmental law, international commercial law, international criminal law, international human rights and international humanitarian law have also emerged in recent years. These new journals have been associated, on occasion, with the establishment of regional societies of international law that have also mushroomed during the last three *lustra* or so.²¹⁹ Alongside their embrace of regionalization, international law journals have to some degree also mirrored a new move towards the local. Following an older category of journals, which bear by association the label of sub-national entities and territories with a claim to self-determination that emerged in the 1980s, a series of journals has developed that have adopted, following a pattern initiated by the *Heidelberg Journal of International Law*,²²⁰ the names of cities with a long-standing international law tradition such as The Hague²²¹ or, like the latest addition, London.²²²

²¹⁰ 1 *African Yearbook of International Law/Annuaire Africain de Droit International* (1993); 1 *African Journal of International and Comparative Law/Revue Africaine de Droit International et Comparé* (1994).

²¹¹ 1 *Asian Yearbook of International Law* (1991); 1 *Asian Journal of International Law* (2011).

²¹² 1 *Revista Latinoamericana de Derecho Internacional* (2014).

²¹³ 1 *Baltic Yearbook of International Law* (2001).

²¹⁴ 1 *Journal of East Asia and International Law* (2008).

²¹⁵ 1 *Asia-Pacific Journal on Human Rights and the Law* (2000).

²¹⁶ See, e.g., 1 *Eastern and Central European Journal on Environmental Law* (1995).

²¹⁷ See, e.g., 1 *Indian Society of International Law's Yearbook of International Humanitarian and Refugee* (2001); 1 *Asia-Pacific Yearbook of International Humanitarian Law* (2005); 1 *Asian Yearbook of Human Rights and Humanitarian Law* (2017).

²¹⁸ See, e.g., 1 *Revista Latinoamericana de Derecho Comercial Internacional* (2013); 1 *Anuario Iberoamericano de Derecho Internacional Penal* (2013).

²¹⁹ Such as the European Society of International Law (established 2001), the Asian Society of International Law (established 2007) or the Latin American Society of International Law (established 2007).

²²⁰ *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* adopted the complementary English title of *Heidelberg Journal of International Law*.

²²¹ 1 *Hague Yearbook of International Law* (1988).

²²² 1 *London Review of International Law* (2014).

Second, although generalist journals still remain as a whole the norm in international law publishing (although, on occasion, they are provided with corresponding specialized sub-sections), the move towards specialized academic publishing has mirrored the expansion and diversification experienced by the field of international law in the last two-and-a-half decades. Although with precedents in the areas of human rights and the law of the sea, the magnitude and character of this move towards specialization has been unparalleled during the post-Cold War era. A remarkable expansion of this specializing trend has taken place, through different languages, in the field of international human rights law journals²²³ and the law of the sea.²²⁴ Specialization has also extended to particular sub-fields in the broad area of international law of human dignity, including international humanitarian law,²²⁵ international refugee law²²⁶ and international minorities law.²²⁷ Moreover, the proliferation of specialized international law regimes accompanied by international courts and tribunals with special jurisdiction has also fostered a trend towards academic specialization for international law journals in the areas of international criminal law,²²⁸ economic international law²²⁹ and international trade law.²³⁰ The remarkable trend towards specialization in international academic law publishing also comprises the areas of international environmental law²³¹ and special sectors within it such as climate change,²³² international water law,²³³ international wildlife law²³⁴ as well as trans-sub-disciplinary areas such the one that has emerged from the academic study of the relationship between the environment and human rights.²³⁵ Another area that has also reflected the trend towards specialization that has accompanied the proliferation of international courts and tribunals and arbitral and other international adjudicative mechanisms is the field of international dispute settlement.²³⁶

Specialization, moreover, has extended to traditional international public law areas such as the regulation of the use of force in international law,²³⁷ while constitutional analogies within the core of this discipline have contributed to define the intellectual scope of new journals at the interstices of international law and constitutional law.²³⁸

²²³ Across several languages, see, e.g., 1 *Revue trimestrielle des droits de l'homme* (1990); 1 *Human Rights Quarterly* (1995); *Diritti umani e diritto internazionale* (2007).

²²⁴ 1 *Journal of International Maritime Law* (1994); 1 *Annuaire du Droit de la Mer* (1996).

²²⁵ 1 *Yearbook of International Humanitarian Law* (1998).

²²⁶ 1 *International Journal of Refugee Law* (1989).

²²⁷ 1 *International Journal of Minority and Group Rights* (1993).

²²⁸ See, e.g., 1 *International Criminal Law Review* (2001); 1 *Journal of International Criminal Justice* (2003).

²²⁹ See, e.g., 1 *Journal of International Economic Law* (1998).

²³⁰ See, e.g., 1 *Journal of World Investment and Trade* (2000).

²³¹ See, e.g., 1 *Yearbook of International Environmental Law* (1990).

²³² See, e.g., 1 *Climate Law* (2010).

²³³ See, e.g., 1 *International Water Law* (2016).

²³⁴ 1 *Journal of International Wildlife Law and Policy* (1998).

²³⁵ See, e.g., 1 *Journal of Human Rights and the Environment* (2009).

²³⁶ See, e.g., 1 *Law and Practice of International Courts and Tribunals* (2002); 1 *Journal of International Dispute Settlement* (2010).

²³⁷ 1 *Journal of the Use of Force and International Law* (2014).

²³⁸ 1 *International Journal of Constitutional Law* (2003); 1 *Vienna Journal on International Constitutional Law* (2007).

The development of fields as diverse as that of ‘state practice’ in the field of international law²³⁹ and those of international legal theory and the philosophy of international law²⁴⁰ has also expanded. The impetus given to the work of a new breed of historians of international law by the establishment of the first journals in the most transversal and generalist of all specialized areas of international law – the hitherto neglected field of the history of international law²⁴¹ – must be also emphasized. More widely, the increase of specialization and the growing importance of non-state actors have brought about in their wake specialized journals in fields such as the law of international organizations,²⁴² including the law of the United Nations,²⁴³ and of non-state actors.²⁴⁴ Geographically speaking, the contemporary tendency towards specialization has been particularly prevalent in Western Europe and the USA. However, as we have already seen, the move towards academic specialized publishing in international law has also already begun to impact on the growth of sub-disciplinary regional journals across the globe.

In the contemporary ‘knowledge society’, the scientific and intellectual desire felt by specialists in every field to address each other in terms that honour the depth and breadth of their expert knowledge and aim at contributing to the continuous progress of their respective areas of specialization and the embedded sub-disciplines within them is broadly cherished.²⁴⁵ However, the modern reverence towards specialized scholarship does not easily lend itself towards producing the sort of academic knowledge that is easily understood or accessible beyond the strict boundaries of the specialized area within which it has emerged. Often the possibility of scholarly dialogue and synergic communication between experts from specialized fields and those who do not possess the same pigeonholed specialization is severely impaired. This acknowledgement has fostered the phenomenon of interdisciplinarity understood as an effort of ‘knowledge production that cross(es) or bridge(s) disciplinary boundaries’.²⁴⁶ As noted by Robert Frodeman ‘at its best, interdisciplinarity represents an innovation in knowledge production – making knowledge more relevant, balancing incommensurable claims and perspectives, and raising questions concerning the nature and viability of expertise’.²⁴⁷ Consequently, new journals have begun to emerge in interdisciplinary sectors such as transitional justice,²⁴⁸ the global responsibility to protect,²⁴⁹ peacekeeping²⁵⁰ and others. The impact of new interdisciplinary methodological ‘doctrinal schools’

²³⁹ 1 *Journal of Islamic State Practices in International Law* (2005); 1 *Journal of States Practice in International Law* (2015).

²⁴⁰ 1 *International Legal Theory* (1995); 1 *Journal of Philosophy of International Law* (2006).

²⁴¹ 1 *JHIL* (1999); 1 *JG:ILH* (2015).

²⁴² 1 *International Organizations Law Review* (2009).

²⁴³ 1 *Max Planck Yearbook of United Nations’ Law* (1997).

²⁴⁴ 1 *Non-State Actors and International Law* (2001).

²⁴⁵ See UN Education, Scientific and Cultural Organization, *World Report: Towards Knowledge Societies* (2005).

²⁴⁶ *Ibid.*

²⁴⁷ R. Frodeman, ‘Introduction’, in R. Frodeman, *The Oxford Handbook of Interdisciplinarity* (2010), at xxix.

²⁴⁸ 1 *International Journal of Transitional Justice* (2007).

²⁴⁹ 1 *Global Responsibility to Protect* (2009).

²⁵⁰ 1 *International Peacekeeping* (1994).

that emerged in the 1990s, on the other hand, can also be observed in the new hybrid journals that exist today at the interstices of international law and political science/international relations.²⁵¹

Also contributing to the breaking up of former boundaries of the discipline, globalization is the fourth defining feature of the last 25 years and is reflected in the title and scope of a new breed of journals. Responding to the emergence of a variety of ‘globals’ in the discipline, such as global governance, global administrative law or global law, a post-1989 ‘harvest’ of academic journals has surged. Aimed at nurturing the perspective of the ‘global’ jurist,²⁵² these new journals bear in their titles the new identifiers of global governance²⁵³ and global constitutionalism²⁵⁴ or, more traditionally, of the ‘international community’, while others, in their turn, have revitalized the area of transnational legal studies.²⁵⁵

Finally, no survey of the transformation affecting international law journals in the last quarter of a century can afford to ignore the effects of the revolution brought about by new technologies, and, in particular, the World Wide Web, on academic publishing in international law matters. It is beyond the scope of this bird’s-eye view of the history of international law journals to analyse the profound transformation of, and impact on, the research habits among scholars of international law brought about by the introduction of the Internet, or the effects on academic publishing in international law of the policies regarding open access to international law research materials, through massive research repositories such as the Social Science Research Network. It is also beyond the scope of this work to examine how the digital revolution has led to a proliferation of international law blogs²⁵⁶ and the impact of blind peer review policies or how online academic publishing in international law has engendered an industry of new metrics, impact factors and journal rankings and what their long-term effects on academic careers will be. It shall suffice to note that while the digital age has made online publishing for all types of international law journals the rule, there has been, in parallel, a remarkable proliferation of ‘online-only’ journals of international law.²⁵⁷ Also remarkable in this context is the gradual emergence of new ‘online-only’ parallel versions of some of the most well-established journals on international law issues, such as the *AJIL*, the *Harvard Journal of International Law* or the *Yale Journal of International Law*. These developments in the so-called ‘age of cyber-space’ have prompted international law journal editors such as Larissa van den Herik and Jean d’Aspremont to consider that ‘it is a foregone conclusion that the era of paper journals is coming to an end’.²⁵⁸

²⁵¹ 1 *Journal of International Law and International Relations* (2004).

²⁵² 1 *Global Jurist* (2001).

²⁵³ *Global Governance: A Review of Multilateralism and International Organizations* (1995). See also 1 *Chinese Journal of Global Governance* (2015).

²⁵⁴ 1 *International Community Law Review* (2006).

²⁵⁵ 1 *Transnational Legal Theory* (2010).

²⁵⁶ Van den Herik, ‘LJIL in the Age of Cyberspace’, 25 *LJIL* (2012) 1.

²⁵⁷ See, e.g., 1 *Revista Electrónica de Estudios internacionales* (2001); 1 *German Law Journal: Developments in German, European and International Jurisprudence* (2000).

²⁵⁸ D’Aspremont and Van Den Herik, ‘The Public Good of Academic Publishing in International Law’, 26 *LJIL* (2013) 1.

5 Conclusion: The Road Ahead?

The study of the history of international law as seen through the development of international law journals is, as noted in the introduction, in its infancy. Far more investigation would be required to begin to distil precise patterns of causality, while allowing for national features, geographical variation and the impact of transnational factors, to assess the historical development of the prolific progeny of *La Revue de droit international et de la législation comparée* since 1869. This future investigation would contribute to a better international comparative sense of historical correlation between the establishment of international law journals and, *inter alia*, sovereign independence; the economic and cultural development of different countries and regions; imperialist trends; the processes of regional integration; international associational movements and universities or the role of particularly influential figures and doctrinal schools in shaping the transnational historical scientific progress of the field from different nationally and geographically situated standpoints and historical contexts over time. The global history of international law journals is made by the history of each and every one of these topics.

However, as academic publishing in international law periodicals approaches the commemoration of its 150th anniversary, two contemporary features may be worthy of attention in conclusion. The first is the contemporary, yet, historically speaking, relatively recent, dominance of the English language as the contemporary hegemonic vehicle of scientific communication for the ‘teachings of publicists’ in international law journals.²⁵⁹ The second deals with what may, perhaps, lie ahead in the movement towards specialization in the field of international law, which has, epistemologically speaking, defined the last quarter of a century in international legal scholarship. At the beginning of this very short journey over almost 150 years of periodical academic publishing in international law, we saw that the first journals of international law were published in French (1869), Russian (1880), Spanish (1887), German (1890), Italian (1898) and Japanese (1902) respectively. The English language was, indeed, a relative latecomer to the field of international law journals. It was not until 38 years after the establishment of *RDILC* that the first periodical of international law appeared in English in 1907. The relative marginality of English in terms of the number of journals did not change during the interwar period. Even after World War II, periodicals published in languages other than English remained cumulatively dominant on a global scale. It was not until the mid-1970s, in fact, that international law journals started to become an English language-dominated area, spurred by the development of student-run university journals in the USA.

Today, the almost absolute linguistic monopoly of English has almost totally overshadowed the use of French in international law circles. Although due to the cultural lasting radiation of ‘*l’ancienne langue de la diplomatie*’ and the bilingual character of the case law of the International Court of Justice, French maintains its academic

²⁵⁹ Sivukamaram ‘The Influence of Teachings of Publicists on the Development of International Law’, 66 *ICLQ* (2017) 1.

status among cultivated international legal elites, its use in periodical publications in international law has been in steady decline for a very long time. Only Spanish has substantially increased its presence in academic publishing in the field, judging by the current number of academic international law journals with a long tradition, as we have seen, in Spanish-speaking countries and the growing radiation of the Spanish language over the Americas. In fact, based on current trends and indicators, it may be reasonable to conclude that the Spanish language is set to emerge as the second *lingua franca* for the publication of international legal scholarship in international law journals in the 21st century.

Besides the ever-increasing monopoly of English in international legal periodicals, another of the most remarkable features – perhaps, in fact, the most remarkable one beyond the sea change brought about by the new digital age – is the impact of the expansion and diversification of international law on the new move towards specialization in international law journals.²⁶⁰ This move is perfectly aligned with what Michael Gibbons has called ‘Mode 1’ of knowledge production. This ‘Mode 1’ presupposes:

a model of intellectual history whereby increasingly specialized disciplines are seen as the natural outgrowth of the knowledge production process, which is envisaged as a kind of organism that develops functionally differentiated parts (*aka* disciplines and sub-disciplines) over time as its investigations become more deeply embedded in their fields of inquiry.²⁶¹

However, along with the specialization of the social sciences that results from ‘Mode 1 of knowledge production’, there is always a parallel phenomenon of ‘hybridization’ in the social sciences; otherwise, the processes by which ‘scholars combine two or more specialisms in a way that harnesses the power of each’.²⁶² Judged by the indicators that doctrinal academic publishing in international law provides us with in the present stage of historical development of the discipline, international legal studies remain invested in a disciplinary process of global geographical expansion and specialization that has not yet substantially crossed the threshold of ‘Mode 2 of knowledge production’. This is conventionally understood as an attempt to ‘bridge the epistemic gaps’ that have emerged between the disciplines as a result of the increasing specialization.²⁶³

Mode 2 of knowledge production ‘leads to the kind of inter-disciplinarity ... that is often called “trans-disciplinary” and includes topics that are, at least initially, defined in categories of broader social relevance than normally found in academia’.²⁶⁴ It also

²⁶⁰ M. Koskenniemi, *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law*, 58th Session of the International Law, Report of the Study Group on the Fragmentation of International Law, UN Doc. A/CN.4/L.682 (2006).

²⁶¹ See Fuller, ‘Deviant Interdisciplinarity’, in Prodehan, *supra* note 247, 51, at 51, referring to M. Gibbons *et al.*, *The New Production of Knowledge* (2004).

²⁶² Dogan and Pahre, ‘Fragmentation and Recombination of the Social Sciences’, 24 *Studies in Comparative International Development* (1986) 56, at 57.

²⁶³ Fuller, *supra* note 261.

²⁶⁴ *Ibid.*, at 52.

often channels an ‘effort to make knowledge products more pertinent to non-academic actors’.²⁶⁵ Among the drivers that may influence a gradual development in the direction of ‘Mode 2 of knowledge production’ in the future is the fact that interdisciplinarity is particularly useful in developing enlightening ‘pedagogies in higher education’, which promote ‘integrative learning’.²⁶⁶ According to the Association of American Colleges and Universities, integrative learning ‘comes in many varieties: connection skills and knowledge from multiple sources and experiences; applying theory to practice in various settings; utilizing diverse and even contradictory points of view; and, understanding issues or positions contextually’.²⁶⁷ This development has been spurred on by the possibilities brought about by new technologies and advances in cognitive science and neuroscience. Both have spawned research into learning styles and have led to the proliferation of a multiplicity and diversification of approaches to learning-centred teaching that ‘invite multidisciplinary perspectives and opportunities for interdisciplinary integration’.²⁶⁸

Whatever may lie ahead in the development of periodical academic publishing in international law for the 21st century, be it a rise of the use of the Spanish language and/or a new generation of transdisciplinary journals made possible by new technological and digital innovations informed by studies in cognitive science and neuroscience, almost 150 years of international law periodicals have fundamentally contributed to ‘the public good of the production of knowledge about international law’.²⁶⁹ This global scientific patrimony of the discipline, which mirrors the course followed by the evolution of international over the last 150 years, should be cherished and preserved so that it can become, in time, the object of more detailed studies.

²⁶⁵ Frodeman, *supra* note 247, at xxix.

²⁶⁶ De Zure, ‘Interdisciplinary Pedagogies in Higher Education’, in Frodeman, *supra* note 247, 373.

²⁶⁷ Association of American Colleges and Universities and the Carnegie Foundation for the Advancement of Teaching: A Statement on Integrative Learning (2004); see further Integrative Learning Summer/Fall 2005 issue of Peer Review, available at www.aacu.org/peerreview/2005/summer-fall. De Zure, *supra* note 266, at 375.

²⁶⁸ De Zure, *supra* note 266.

²⁶⁹ D’Aspremont and Van den Herik, *supra* note 258.