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Comparative International Law and the Rise of Regional Journals

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Recent scholarship on comparative international law highlights distinctive national and regional approaches to the discipline, raising the question of how these perspectives communicate and interact. An important recent development has been the emergence of several prominent regional international law journals. This Article investigates the orientations and roles of the five most salient journals, drawing on new quantitative data on the authors and topics published in the period 2005-2020 and on qualitative assessment of the journals' editorial statements and content. Based on this analysis, the Article concludes that the five journals fulfill significantly different roles in the international law scholarly ecosystem. The core Western journals, *American Journal of International Law* and *European Journal of International Law*, primarily play a “broadcast” role, diffusing views from their regions to the rest of the world. By contrast, *African Journal of International and Comparative Law* appears to fulfill primarily a “localized” role, cultivating a forum for regional authors to write on issues of regional interest. *Chinese Journal of International Law* and—to a lesser extent—*Asian Journal of International Law* appear to embrace a “dialogic” role, publishing a more balanced mix of local and outside authors on both general and regional topics. These patterns reveal both longstanding core-periphery dynamics and conscious efforts to overcome them.

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INTRODUCTION

International law inherently makes claims to unity, uniformity, and universality. It purports to embody a system of norms that apply equally to all states and carry the same meaning across the world. In recent years, however, scholars have drawn attention to the diversity that lies behind this façade. Although the idea that different countries and regions of the world follow distinctive approaches to international law is not new, comparative international law explicitly centers diversity. It calls for “identifying, analyzing, and explaining similarities and differences in how actors in different legal systems understand, interpret, apply, and approach international law.”¹

In a leading study along these lines, Anthea Roberts has called into question the idea that international lawyers form a united, “invisible college” that transcends state and regional boundaries.² Instead, she argues, “international lawyers may be better understood as constituting a ‘divisible college’ whose members hail from different states and regions and often form separate, though sometimes overlapping, communities with their own understandings and approaches, as well as their own distinct influences and spheres of influence.”³ While Roberts’s study focuses on members of the United Nations Security Council, distinctive approaches have been ascribed to multiple regions, including Europe, Asia, Africa, and Latin America, as well as individual countries such as the United States, Russia, and China.

An important, and still underexplored, question that flows from the comparative international project is how these national and regional perspectives interact with each other. Are different communities of international lawyers isolated? If not, through what channels do they engage in dialogue, debate, and perhaps confrontation? To what extent do scholars, organizations, and publications make conscious efforts to foster their own regional perspectives, diffuse them beyond their regions, and engage outsiders with topics of regional interest?

In this respect, an important recent development has been the emergence of several prominent regional international law journals. These journals share several characteristics: they are peer-reviewed, with editorial boards composed of distinguished academics, government officials and practitioners; they are published in English, rather than in a local or regional language; and they are published through prestigious academic presses, thus allowing wide distribution, notably through electronic databases available worldwide through institutional

1. Anthea Roberts, Paul B. Stephan, Pierre-Hugues Verdier & Mila Versteeg, *Conceptualizing Comparative International Law*, in *COMPARATIVE INTERNATIONAL LAW* 3, 6 (Anthea Roberts, Paul B. Stephan, Pierre-Hugues Verdier & Mila Versteeg eds., 2018).

2. See Oscar Schachter, *The Invisible College of International Lawyers*, 72 *NW. U. L. REV.* 217 (1977).

3. ANTHEA ROBERTS, *IS INTERNATIONAL LAW INTERNATIONAL?* 2 (2017).

subscriptions. There has been little research on this development, in line with de la Rasilla's observation that "[t]here 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."⁴

This Article investigates regional international law journals from a comparative international law perspective. It identifies three potential roles or orientations that a regional journal might pursue. First, it might aim to broaden the reach and influence of its regional perspective on international law, by disseminating the views of local authors to a worldwide audience—an “outbound” or “broadcast” role. Second, a regional journal might strive to expose its regional audience to outside perspectives, and to bring outside authors into conversation or debate with regional authors, especially on topics of regional interest. This is an “inbound” or “dialogic” role. Finally, a regional journal might have a more limited “inward” or “localized” role, in which it devotes its efforts to providing a forum for regional authors to publish on issues of regional interest. To be sure, these roles are not mutually exclusive, and regional journals may pursue each one of them to some extent. Nevertheless, they can reveal significant differences in each journal's overall approach.

To conduct this investigation, this Article draws on new quantitative data on the authors and topics published in five prominent journals in the period 2005-2020: the *American Journal of International Law* (*AJIL*), the *European Journal of International Law* (*EJIL*), the *African Journal of International and Comparative Law* (*AfrJICL*), the *Chinese Journal of International Law* (*CJIL*), and the *Asian Journal of International Law* (*AsianJIL*). It also draws on data provided by the editors and publishers of some of these journals on the geographical distribution of their submissions, subscriptions, and downloads.⁵ It also draws on qualitative data, such as editorial comments and other statements by the journals' editors on their approaches and policies, as well as on relevant examples of their activities.

Based on this data, this Article concludes that the five journals fulfill significantly different roles in the international law scholarly ecosystem. The core Western journals, *AJIL* and *EJIL*, publish primarily local authors and articles on general topics, which are then diffused to their broad worldwide readership. Their role is thus primarily an “outbound” or “broadcast” one, diffusing views from their regions to the rest of the world, in line with longstanding core-periphery dynamics in international law scholarship. At the

4. Ignacio de la Rasilla, *A Very Short History of International Law Journals (1869-2018)*, 29 *EUR. J. INT'L L.* 137, 138 n.11 (2018); see also David Hughes & Yahli Shereshevsky, *State-Academic Lawmaking*, 64 *HARV. INT'L L.J.* 253, 308 (2023) (“While existing legal literature ponders the positionality of the international law scholar, this rarely considers the role of the journals that provide the venue from which lawmaking initiatives are advanced.”).

5. This contribution can be situated in the same broad project as Roberts's. However, its coverage differs from Roberts' previous research, which focuses on textbook and on the careers of individual academics, rather than on journals. Roberts's research is also centered on P5 members, rather than on regions. It thus does not explore the role of less powerful states whose visions of international law may coalesce in regional rather than national approaches.

same time, these journals strive to host authors from outside their regions and to generate some interregional dialogue on issues of global interest. *AfrJICL*, in stark contrast, appears to fulfill primarily an “inward” or “localized” role, publishing mostly African authors and overwhelmingly African topics. This approach appears motivated by a need to remediate the lack of publication opportunities for these authors and topics in preexisting venues. Finally, *CJIL* and—to a lesser extent—*AsianJIL* appear to embrace a dialogic role, publishing a more balanced mix of regional and outside authors on both general and regional topics.

This Article proceeds as follows. Part I situates the rise of regional journals in the broader history of international law journals, and qualitatively examines their aims through the lens of their editors’ statements and policies. Part II describes the process by which quantitative data on authors and topics were collected and coded, as well as the data on submissions, subscriptions, and downloads provided by editors and publishers. Part III presents this Article’s core analysis, investigating how the data fit each of the possible role or orientation in the case of each journal.

I. THE RISE OF REGIONAL INTERNATIONAL LAW JOURNALS

According to de la Rasilla’s periodization, the emergence of most regional international law journals falls within the fourth, post-1989 period in the historical development of international law journals.⁶

The first period, from 1869 to World War I, saw the emergence of the first international and comparative law journals in Western Europe. Their founding coincided with the establishment of several professional associations, including the Institut de Droit International.⁷ Although early journals and organizations often combined international and comparative law, this dual orientation declined over time as the latter coalesced as a distinct discipline and international law became increasingly professionalized.⁸ New journals also appeared in Russia, Japan, the United States, and Latin America, including *AJIL* (1907).⁹ According to de la Rasilla, some of these early journals explicitly embodied a “nationalist spirit,” covering topics of particular interest to their states and supporting their diplomatic objectives. These early journals also often devoted considerable attention to national state practice.¹⁰

During the second, interwar period, the League of Nations generated new enthusiasm for international law and coincided with the appearance of new journals, notably in Europe and Latin America.¹¹ The Cold War period that

6. The following paragraphs rely extensively on Ignacio de la Rasilla’s pioneering work on the global history of international law journals, on which there are very few systematic studies. See de la Rasilla, *supra* note 4, at 137.

7. *Id.* at 140-42.

8. *Id.* at 141-44.

9. *Id.* at 145-46, 148.

10. *Id.* at 144-48.

11. *Id.* at 148-53.

followed witnessed the continued proliferation of national journals in many countries, many outside Europe and the Americas. These periodicals, which included both journals and yearbooks, typically were published in the national language, featured local scholars, and focused on topics of particular interest for their state.¹² During the same period, many student-edited international law journals emerged in the United States. They quickly rose to international prominence, buoyed by the rise of the United States as the world's leading power, the prestige of its leading universities, and rise of English as the lingua franca of international law and diplomacy.¹³ Specialized journals also began to emerge, providing global forums for scholarly communities in fields such as human rights and the law of the sea.¹⁴

Finally, in the period after the 1989 fall of the Berlin Wall, the evolution of international law journals reflected several trends: increased specialization, interdisciplinarity, and technological change.¹⁵ Alongside the continued proliferation of national journals, “one of the novelties brought about by the new generation of post-1989 international journals” was the “new ‘regional’ label attached to new international law journals.”¹⁶ Indeed, three of the five regional journals examined in this Article were founded during this period: *EJIL* (1990), *AfrJICL* (1994), and *AsianJIL* (2011). This trend coincided with the founding of new regional international law societies, with which several of these journals were associated, including the African Society of International and Comparative Law (1986), the European Society of International Law (2001), and the Asian Society of International Law (2007).¹⁷ *CJIL*, associated with the Chinese Society of International Law, appeared in 2002. These developments were part of a broader “move towards the local” that also included the emergence of specialized regional journals and of subregional journals.¹⁸

This Article examines the role of five journals through the lens of comparative international law. These journals share several commonalities: they are peer-reviewed; their editorial boards comprise distinguished rosters of judges, academics, government officials, and lawyers; they are associated with leading regional international law societies; and they are published in English, rather than in a local or regional language. In addition, they are published through major academic presses (Cambridge University Press for the American and Asian journals; Oxford University Press for the European and Chinese journals; and Edinburgh University Press for the African Journal). The last two features are important, because they allow these journals to reach for a broader readership

12. *See id.* at 153-56.

13. *See id.* at 157-59. *See generally* Harlan Grant Cohen, *A Short History of the Early History of American Student-Edited International Law Journals*, 64 VA. J. INT'L L. 357 (2024).

14. de la Rasilla, *supra* note 4, at 158-59.

15. *Id.* at 140, 159-65.

16. *Id.* at 161.

17. The African Society of International and Comparative Law is no longer active. The African Society of International Law, founded in 2012, does not appear to be formally associated with *AfrJICL*. *See About Us*, AFR. SOC'Y OF INT'L L., <https://www.afsilsadi.org> [<https://perma.cc/BCS9-GDYF>].

18. de la Rasilla, *supra* note 4, at 162.

than regional or national journals published in the local language by smaller publishers.¹⁹ Notably, major academic publishers ensure wide distribution through electronic subscription services sold to university libraries and other research, government, and private sector institutions worldwide.

The use of English is also crucial. The earliest international law journals were published in French, then in a variety of national languages, and English remained relatively marginal until the post-World War II period.²⁰ However, since the 1970s, this situation has dramatically reversed, to the point that English now enjoys “almost absolute linguistic monopoly” in international law circles.²¹ Indeed, the rapid rise of English as the language of international law scholarship merely reflected its emerging status as “the lingua franca of international law, business, and education, predominating in international negotiations, contracting, institutions, dispute resolution, publishing, and education.”²² This shift threatened perspectives from non-English-speaking regions with marginalization. As Roberts notes, “[w]hether an international lawyer’s language is (or languages are) national, regional, or international, or privileged or dominant, is key to whether that lawyer can communicate across borders and, if so, with whom.”²³ One response, adopted by these journals, was to adopt English.²⁴

The rise of regional international law journals, especially outside Europe and North America, also reflects counter-hegemonic aspirations in the post-Cold War period. As Anthea Roberts documented in her book, “some national and regional actors, materials, and approaches have come to dominate much of the transnational field and international lawyers’ understanding of the ‘international.’”²⁵ Specifically, “some powerful Western states function as international law exporters because they can successfully transport some of their national approaches to the international sphere in the name of ‘international law’,” while peripheral states “function more like international law importers than exporters.”²⁶ The core American and European journals traditionally derive inherent advantages from their use of international languages, associations with prestigious universities that attract foreign students and scholars, larger subscription and readership bases, inclusion in widely accessible legal databases,

19. For this reason, the *Revista Latinoamericana de Derecho Internacional*, founded in 2014, is not included in the data presented in this Article. There is, to the author’s knowledge, no regional Latin American international law journal published in English.

20. de la Rasilla, *supra* note 4, at 166.

21. *Id.*

22. ROBERTS, *supra* note 3, at 47.

23. *Id.*

24. *AfrJICL* is bilingual, publishing articles in English and French. *EJIL* was also initially bilingual, but later ceased accepting articles in French. *See infra* note 40.

25. ROBERTS, *supra* note 3, at 8-9.

26. *Id.* at 9.

and affiliations with prestigious societies. At a deeper level, the traditional universalist approach they embody may mask the dominance of Western views.²⁷

In this light, the emergence of regional journals may be a vehicle to challenge these core-periphery dynamics. Indeed, as will be seen, several regional journals explicitly positioned themselves as platforms for distinctive regional visions of international law that they saw as underrepresented in global discourse, thus challenging the universalist approach. They tried to replicate many of the advantages enjoyed by core Western publications, including the use of English. At the same time, their rise benefited from concurrent geopolitical changes that gave non-Western states more weight in world affairs.²⁸ In addition, if emerging states wish to engage in what David Hughes and Yahli Shereshevsky have called “state-academic lawmaking” to advance their interests, regional academic international law journals may provide an essential venue.²⁹

Three of the journals examined here—European, African, and Asian—are explicitly regional. The two others, American and Chinese, are national rather than regional. However, they represent perspectives from the world’s two leading economic and military powers, and are associated with two of the world’s most prominent international law societies. In addition, *AJIL*’s international dominance in the 1980s prompted the founding, and provided a model for, the newer journals. As J.H.H. Weiler, one of *EJIL*’s founders, recalled in 2009, “at least in my mind, part of the motivation was a certain rebellion at the dominance of the *American Journal of International Law* and dissatisfaction with the national context of the many (excellent) European international legal journals.”³⁰ *CJIL*, for its part, was founded as part of the same regionalization trend as the African, European, and Asian journals. It thus seems appropriate to include *AJIL* and *CJIL* as points of comparison for the more explicitly regional journals, as well as (arguably) as representatives of regional (or quasi-regional) perspectives.³¹

27. International law’s claims to universality have been thoroughly criticized by scholars associated with Third World Approaches to International Law (TWAIL). See, e.g., ANTONY ANGHIE, *IMPERIALISM, SOVEREIGNTY, AND THE MAKING OF INTERNATIONAL LAW* (2004). Comparative International Law scholars have also noted that national and regional differences in how international law is understood, interpreted, applied, and approached cast doubt on the discipline’s claims of uniformity, universality, and community. See Roberts et al., *supra* note 1, at 3-4.

28. See ROBERTS, *supra* note 3, at 13-15 (“[T]he locus of geopolitical power is shifting from unipolarity to greater multipolarity . . . [V]arious non-Western powers will be better equipped to promote their national traditions, interests, or narratives, either singly or collectively.”); see also Paul B. Stephan, *Symmetry and Selectivity: What Happens in International Law When the World Changes*, 10 *CHI. J. INT’L L.* 91, 107 (2009) (“If the international system contains multiple great powers, each will offer up a distinct and competing version of [international law].”).

29. See Hughes & Shereshevsky, *supra* note 4, at 257 (describing “state-academic lawmaking” as “an observable, generative method by which purportedly independent academic work that was created by scholars with close ties to a state is advanced to support, and then entrench, a preferred legal position”).

30. JHHW, *Editorial*, 20 *EUR. J. INT’L L.* 1, 1 (2009).

31. See also ROBERTS, *supra* note 3, at 26-27 (“It is not easy to distinguish between international law journals that are national and those that are transnational. . . . [N]aming is not the end of the story because some ‘national’ journals of international law may be aimed at, and very successful in achieving, a transnational audience. The *American Journal of International Law*, for example, characterizes itself as

Before moving on to quantitative data, a first step in situating these journals and is qualitative. What do the circumstances of their founding reveal? What did these journals say about themselves, through the pens of their founders and editors? Do these qualitative elements provide clues to characterize their objectives and approaches?

As noted above, *EJIL* was founded in 1990, in part to counterbalance *AJIL*'s dominance and to transcend national silos in European international legal scholarship. Its mission statement, however, was broader: it aspired to express and develop a European vision of international law. As the editors put it in their first editorial, the Journal was "rooted in an inchoate notion of European identity" and a "European tradition in international legal scholarship."³² Indeed, its first issue contained the first in a long series of articles on the European intellectual tradition of international law.³³ In addition, one of the Journal's objectives would be "to explore the role in international law of European regional organizations and in particular the European Community," including by reporting on European Community (EC) state practice and on the European Court of Justice's (ECJ) decisions on international law.³⁴ The first issue thus contained a series of items relating to the EC's international practice: trade actions, ECJ decision, and European political cooperation.

At the same time, *EJIL* presented itself as a forum for interregional dialogue: the breakdown of "confrontational cleavages between East and West and North and South" created a "new opportunity for dialogue" for which "Europe is located almost as a natural bridge."³⁵ Thus, *EJIL* would "make a concerted effort to open its pages . . . to scholars from a diversity of countries within Europe and beyond."³⁶ It would also publish symposia "encouraging transnational dialogue both within Western Europe and between East and West and North and South."³⁷

Over time, *EJIL* shed some of its regional orientation. It now presents itself simply as "one of the world's foremost journals in its field" and a forum for the exploration of "theoretical and practical approaches" to "current controversial issues" in international law.³⁸ It initially stated that it would "accept articles written in the major European languages and will see to their translation into its House languages: English and French,"³⁹ but this policy was later abandoned and *EJIL* became an English-language journal. The Editor noted in 2012 that the use

'indispensable for *all* professionals working in international law, economics, trade, and foreign affairs,' and it is the most frequently cited international law journal in the world.')

32. The Editors, *Editorial*, 1 EUR. J. INT'L L. 1, 1 (1990).

33. See Hubert Thierry, *The European Tradition in International Law: Georges Scelle*, 1 EUR. J. INT'L L. 193 (1990).

34. The Editors, *supra* note 32, at 2.

35. *Id.* at 1.

36. *Id.* at 2.

37. *Id.*

38. *About the Journal*, EUR. J. OF INT'L L., <https://academic.oup.com/ejil/pages/About> [<https://perma.cc/3KTM-G57X>].

39. The Editors, *supra* note 32, at 2.

of French had attracted resentment from other European countries, that *EJIL* received very few French-language submissions, and that translation had proved impractical and prohibitively expensive. More importantly, he argued, “[W]e are offering our non-native English authors the chance of having their work reach a vast audience which they otherwise might not have had if writing in their own language.”⁴⁰ This had allowed *EJIL* to “emerge[] as a veritable European voice, and counter-weight (in English) to [*AJIL*].”⁴¹

AfrJICL first appeared in 1989, went into hiatus in 2000, and was relaunched in 2005 by Edinburgh University Press. Its 1989 inaugural issue contained an editorial comment that emphasized the need for a journal to assist in the development and promotion of a true regional perspective on international law. As the General Editor put it, “International Law in Africa is unco-ordinated, thus there is hardly a coherent African view on any International Law issue.”⁴² The solution would involve providing “a *forum* in which African lawyers, scholars and Africanists elsewhere may freely exchange their ideas, regarding International and Comparative Law generally and as they relate to Africa in particular.”⁴³ One particular objective was to counter “a certain patronising attitude or worse still an ethnocentric bias” in Western scholarship on law in Africa, to “encourage Africans and non-Africans alike to approach Law in Africa in a new spirit,” and to “de-colonise law in Africa.”⁴⁴

Unlike the other journals examined here, *AfrJICL* explicitly covers both international and comparative law, and welcomes articles on private as well as public international law. To this day, the Journal is bilingual, reflecting the prevalence of English and French in Africa, although English-language articles clearly predominate after the 2005 relaunch. Its editorial board is composed of experts on African law, predominantly of African origin but with several based in institutions in the United Kingdom.⁴⁵ These policies, along with the themes described in the inaugural issue, suggest a greater emphasis on African law, as well as on fostering the work of regional scholars, than on providing a forum for scholarship on general international law theory or non-regional issues.

CJIL, launched in 2002, explicitly stated its goal to bring to the world a Chinese perspective on international law. “China,” the first issue’s foreword stated, “has been a major player in international affairs and international lawmaking” and “taken many views on many issues that can be perceived as different from those of many States.”⁴⁶ It was, therefore, “only natural that the international community would need to have access to viewpoints and materials

40. Joseph Weiler, *From the Editor’s Postbox: The Language Issue—Redux*, *EJIL: TALK!* (Apr. 2, 2012), <https://www.ejiltalk.org/from-the-editors-postbox-the-language-issue-redux> [<https://perma.cc/VR72-CTRQ>].

41. *Id.*

42. *Editorial Comment*, 1 *AFR. J. INT’L & COMP. L.* xix, xix (1989).

43. *Id.*

44. *Id.* at xix–xx.

45. *Editors and Editorial Board*, *AFR. J. INT’L & COMP. L.*, <https://www.eupublishing.com/loi/ajicl?widget=journaleditorialboard> [<https://perma.cc/9DJM-VVH3>].

46. Wang Tieya & Sienho Yee, *Foreword*, 1 *CHINESE J. INT’L L.* iii, iii (2002).

from and about China.”⁴⁷ In this regard, the absence in mainland China of any international law journal in English was a handicap that *CJIL* would remedy.⁴⁸ Thus, the editors added, they “intend[ed] the *Journal* to be a general journal unlimited in scope and viewpoint, while attempting to present materials and viewpoints from and/or about China and other parts of Asia.”⁴⁹

CJIL’s institutional affiliations reinforced its role as a forum for national, and perhaps official, Chinese views on international law. Its website describes it as “an independent, peer-reviewed research journal edited primarily by scholars from the mainland of China, and published in association with the Chinese Society of International Law, Beijing; Institute of International Law, China Foreign Affairs University, Beijing.”⁵⁰ As Anthea Roberts has noted, the Society “is a national academic group that has a Secretariat located in the China University of Foreign Affairs, which is governed by the Ministry of Foreign Affairs. . . . [It] receives ‘guidance’ from the Ministry of Foreign Affairs, and its current president . . . is a top official with the National People’s Congress and was formerly a top legal official of the State Council.”⁵¹ Indeed, she added, “With this background, it would be hard to imagine the Society taking a view that was critical of or distinct from the Chinese government, particularly on a pressing issue of national importance.”⁵² Whether official views dominate *CJIL* or not, it is clear that one of its primary objectives was to disseminate a distinctive Chinese perspective on international law.

AsianJIL is the most recent of the journals examined here, having been founded in 2011. It presents itself in its inaugural issue as the “flagship publication” of the Asian Society of International Law, which “seeks to foster and encourage Asian perspectives on international law.”⁵³ While recognizing that “[t]here is . . . no monolithic Asian understanding of international law and institutions,” the Editors invited “contributions that reflect [Asian countries’] approach to contemporary international law and institutions, including articles that ponder the commonalities and differences between states from different regions of the world.”⁵⁴ They even suggested a list of topics and themes with a strong regional flavor.⁵⁵

47. *Id.*

48. *Id.* *CJIL* is an English-only journal.

49. *Id.*

50. *About the Journal*, CHINESE J. OF INT’L L., <https://academic.oup.com/chinesejil/pages/About> [<https://perma.cc/2VKZ-2B6C>].

51. ROBERTS, *supra* note 3, at 241 (footnotes omitted).

52. *Id.*

53. The Editors, *An Asian Journal of International Law*, 1 ASIAN J. INT’L L. 1, 2 (2011).

54. *Id.*

55. These suggested themes included: “the history and impact of colonial international law on the states and peoples of Asia; the contribution of Asia over the ages to the evolution and development of international law; the central issues of international law and regional co-operation that engage Asian states and peoples; the alternative visions of a future world order that can be retrieved from Asian history and civilizations; and the struggles of Asian peoples, in particular the subaltern groups, to bring about an inclusive system of international law and institutions.” *Id.*

At the same time, the Editors acknowledged, albeit indirectly, the Journal's potential role in transregional dialogue. Thus, "the *Journal* [would] seek to avoid hubris concerning Asian ways and values" and "welcome critical views about current Asian practices in comparison to international norms and expectations."⁵⁶ It "aspires to cultivate a conversation between scholars, practitioners, and policy-makers located in or interested in Asia [that] may contribute, in a small way, to the common efforts of the international community to build a secure and just future for all peoples of the world."⁵⁷

II. DATA COLLECTION

To explore quantitatively the role of regional international law journals, the author and research team collected data on articles published in each of the five journals in the period 2005-2020.

The basic identifying data for each article (year, volume, issue, title, author) was provided by the SAILS project editors (for *AJIL* and *EJIL*)⁵⁸ or collected from online databases (for the other journals). Anonymous items and shorter items such as case comments, book reviews, and internal editorials were excluded, so that the dataset consists primarily of articles, review essays, symposium pieces, substantive comments, and commentary on current developments.

The first variable of interest, the geographic focus of articles, was provided by the SAILS project editors for *AJIL* and *EJIL*. For the other journals, these data were hand-coded by law student research assistants. The categories coded are: Africa, Asia, Europe, North America, South America, and Non-Regional. The last category encompasses scholarship on issues of general international law that do not focus on a particular region, as well as multi-regional scholarship, such as comparative work that examines a treaty between countries in different regions, or the treatment of an international law issue across regions. The geographical focus of each article was determined in the first instance based on its title. Where the title left this focus unclear, coders consulted the abstract and text to determine the appropriate classification.

Two additional variables of interest relating to authors were coded. The first is the country in which each author received their first law degree. Ideally, we would have coded each author's nationality, but that information is generally unavailable. "Although it is not easy to code for nationality, there is typically a relatively high correlation between an international lawyer's nationality and the state in which that lawyer obtained his or her first law degree, at least at this point in time."⁵⁹ The first law degree country thus functions as a proxy for nationality. If that country could be identified by information provided in the journal, such

56. *Id.*

57. *Id.*

58. See Bianca Anderson & Kathleen Claussen, *International Law Publishing Trends: What Journals Print*, 55 *GEO. J. INT'L L.* 11 (2024).

59. ROBERTS, *supra* note 3, at 212.

as in the starred footnote or author bio, that information was used for coding. Otherwise, the coder conducted an Internet search to find an institutional page, bio, or curriculum vitae that contained the relevant information.

The second author variable coded is each author's primary institutional affiliation at the time the article was published. As international law scholars frequently work in countries other than their country of nationality, this information was coded separately. Coding was based on information provided in the article's starred footnote or elsewhere in the relevant issue, such as in a list of contributors. Where multiple affiliations were provided, the first one was used.

Finally, the author requested data from each of the journals regarding their submissions and readership. As this information is typically considered proprietary, the author faced limits on the data that could be requested and obtained. Specifically, the data requested consisted of the proportion of each journal's subscriptions, downloads, and submissions from each region of the world. Four of the five journals provided at least some of the information requested. As each publisher provided data based on its own format and classifications, it is not entirely consistent across journals, as will be further described below. Nevertheless, it constitutes the best data available on the geographical reach of each of these journals, and is therefore used in this Article, subject to this caveat.

III. THE ROLE OF REGIONAL JOURNALS IN COMPARATIVE INTERNATIONAL LAW

This Part examines three possible roles for regional international law journals from the perspective of comparative international law: an "outbound" or "broadcast" role, an "inbound" or "dialogic" role, and an "inward-looking" or "localized" role. As will be seen, these orientations are not mutually exclusive, and each regional journal likely is pursuing each to some degree. The objective of this Part is to explore, using quantitative and qualitative data on each journal's articles, authors, and readership, the extent to which each journal prioritizes, and succeeds in achieving, these goals.

A. Outbound or Broadcast Role

The first possibility is what may be called an "outbound" or "broadcast" role, in which a journal that embodies a regional perspective on international law attempts to broaden the reach of that perspective beyond its own region.

For journals located in Europe and North America, this is a well-established function that reflects the traditional dominance of these regions in international law discourse. Indeed, the core Western journals—*AJIL* and *EJIL* first among them—have long set the tone for scholarship worldwide. Such core-periphery relationships have deep historical roots, as "[l]egal ideas . . . flowed along colonial and language lines, first through direct transplantation and later

through education.”⁶⁰ As a result, international law textbooks across the world today tend to focus on cases and materials from Western, and especially English-speaking, states over the practice of others.⁶¹ The relationship is non-reciprocal: for example, while non-Western textbooks look to the West, Western textbooks incorporate few materials from non-Western states.⁶² Analysis of recent practice of these core journals can illuminate the extent to which they perpetuate, or challenge, these longstanding patterns.

In the case of journals located outside Europe and North America, by contrast, the outbound approach implies a direct challenge to core-periphery dynamics. Under this approach, a regional journal would strive to carve out a space in global international law discourse for a traditionally underrepresented regional perspective. As noted above, the adoption of English by new regional journals appears to aim squarely at that objective. It is, nevertheless, an ambitious one. In practical terms, a journal that pursues this goal would need to publish regional authors, not only on topics of regional interest, but also on general topics with the potential to influence international law thinking worldwide. In addition, it would need to seek broad readership beyond its own region. The participation of leading publishers and growing electronic access to journals may facilitate this effort.

The outbound role may also require the journals to challenge engrained habits and institutional inertia within its own region. National legal academies have markedly different patterns of publication, which reflect prevailing national disciplinary norms and incentives.⁶³ For example, U.K. international law scholars predominantly publish in specialized, peer-reviewed journals, while U.S. scholars mostly publish in domestic, student-edited journals. In both cases, the use of English and the international prominence of the local journals ensure broad diffusion of their ideas, giving them outsized prominence in global debates. By contrast, French, Russian, and to a lesser extent, Chinese and German scholars overwhelmingly publish in domestic journals in their local languages. As a result, their scholarship reaches a smaller audience.⁶⁴ Both of these patterns reinforce core-periphery dynamics. Although existing comparative law scholarship does not systematically document the publication patterns of developing world scholars, domestically focused norms and incentives likely prevail in many countries. If so, editors of regional journals face the challenge of convincing authors to defy these norms and incentives by writing in English in relatively new journals, a choice that may pose career risks.

What does the data about authors and topics reveal about the extent to which journals aim, and succeed, at broadcasting their regional perspective?

60. *Id.* at 62.

61. *Id.* at 165-77; see also Holger Spamann, *Contemporary Legal Transplants: Legal Families and the Diffusion of (Corporate) Law*, 2009 BYU L. REV. 1813.

62. ROBERTS, *supra* note 3, at 165-77.

63. *Id.* at 89-110.

64. *Id.*; Nico Krisch, *The Many Fields of (German) International Law*, in *COMPARATIVE INTERNATIONAL LAW*, *supra* note 1, at 91.

First, the core Western journals—*AJIL* and *EJIL*—predominantly publish authors from their respective regions, by a substantial margin. 72% of *AJIL*'s authors were based in North America during the relevant period (2005-2020), while 62% of *EJIL*'s authors were based in Europe (Figure 1). When measured by the country of each author's first law degree, the numbers remain similar: 64% and 57%, respectively (Figure 2). Interestingly, the difference between the two measures is greater for *AJIL*, perhaps reflecting the substantial number of non-U.S.-trained scholars in U.S. international law academia.

FIGURE 1. AUTHOR REGION (BY INSTITUTIONAL AFFILIATION)

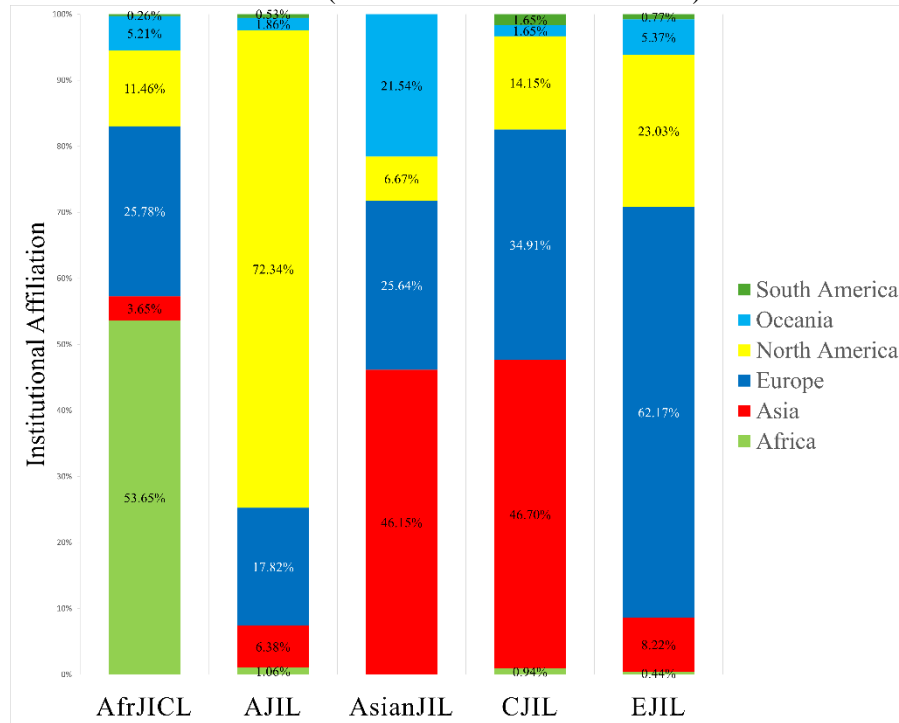
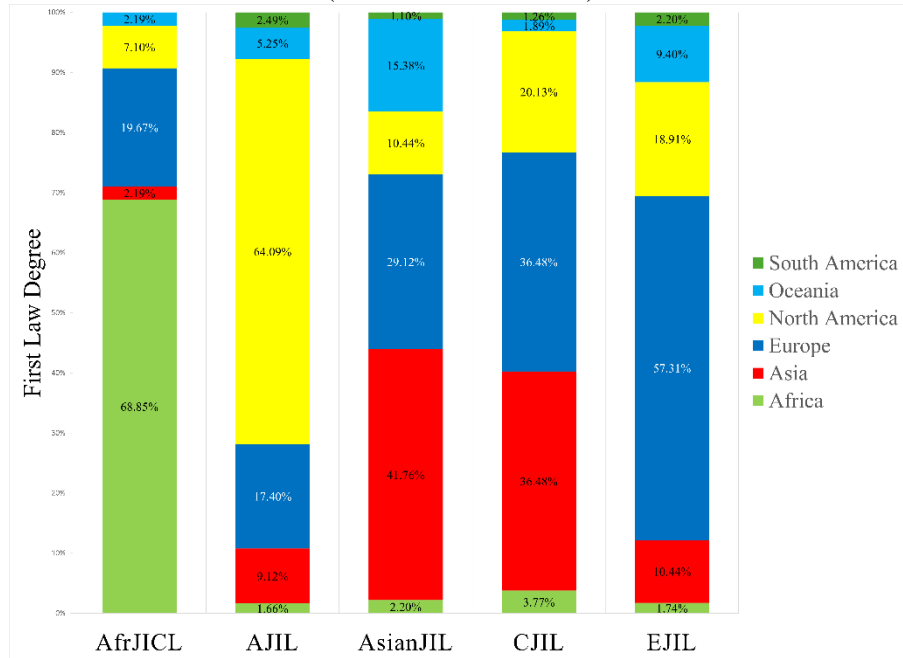
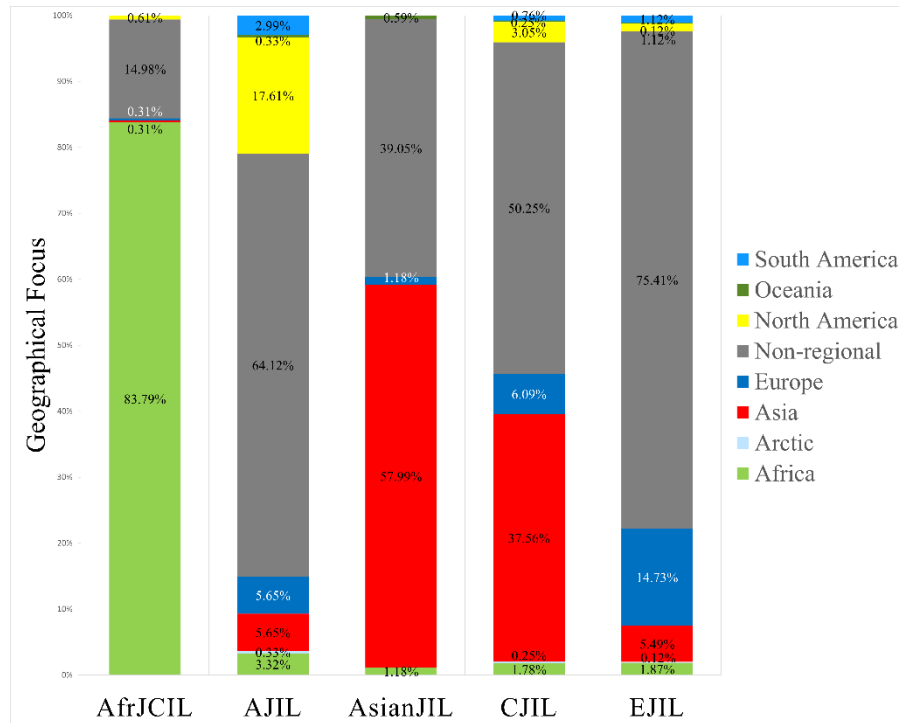


FIGURE 2. AUTHOR REGION (BY FIRST LAW DEGREE)



The prominence of regional scholars in *AJIL* and *EJIL* is consistent with a broadcast or outward role, but also with an inward-looking orientation. When one turns to the geographical focus of articles, however, the journals' outward orientation becomes more apparent. 64% of the articles published in *AJIL* are non-regional, while a staggering 75% of *EJIL*'s articles lack a specific regional focus. In each case, the next largest group of articles focuses on issues relating to the journal's own region, but far behind non-regional articles (North American topics account for 18% of *AJIL*'s articles, European for 15% of *EJIL*'s) (Figure 3).

FIGURE 3. GEOGRAPHICAL FOCUS OF ARTICLES



Thus, a clear pattern emerges: both journals overwhelmingly publish articles on general international law topics, written primarily by authors from their own regions.⁶⁵ These include some of the most influential and highly cited international law articles published during the period under study, many of them on central conceptual and practical topics. Examples include Daniel Bethlehem's proposed principles on the use of force against non-state actors, a symposium on Nico Krisch and Benedict Kingsbury's Global Administrative Law project, and Martti Koskenniemi's highly cited essay on the politics of international law.⁶⁶ This pattern is consistent with a broadcast function, by which these journals shape the global conversation on topics of worldwide interest, in a context where their regional authors and perspectives have a (numerically) predominant voice.

This outward orientation is confirmed by data on the core journals' readership. These numbers must be read with caution, as they were generated

65. Submissions patterns are consistent with this orientation. According to 2022 data provided by the editors and publishers, submissions from North America accounted for approximately 40% of those received by *AJIL*, and 58% of those received by *EJIL*. Thus, both prefer local authors to some degree, more pronouncedly for *AJIL* than for *EJIL*.

66. Daniel Bethlehem, *Self-Defense Against an Imminent or Actual Armed Attack by Nonstate Actors*, 106 AM. J. INT'L L. 770 (2012); Nico Krisch & Benedict Kingsbury, *Introduction: Global Governance and Global Administrative Law in the International Legal Order*, 17 EUR. J. INT'L L. 1 (2006); Martti Koskenniemi, *The Politics of International Law—20 Years Later*, 20 EUR. J. INT'L L. 7 (2009).

separately by each journals' editors and publishers using different methodologies. In *AJIL*'s case, subscriptions in North America (both print and online, traditional and through consortia) account for only 6% of the total, with large bases in other regions: Europe (18%), Asia (17%), South America (10%), and Africa and Middle East (48%).⁶⁷ Among the top 20 countries from which users downloaded *AJIL* articles from Cambridge Core, the publisher's online repository, the United States accounted for 31% of the downloads, European countries for 42%, and Asian countries for 16%, with many thousands of downloads in China, India, and Indonesia. In the case of *EJIL*, Europe accounted for 80% of traditional subscriptions, but collection subscriptions broadened its reach considerably, with only 34% in Europe, 19% in North America, 26% in Asia, 12% in Central and South America, and 7% in Africa. Although these numbers provide no more than a general sense of each journal's readership, they confirm the core journal's substantial interregional reach, consistent with their broadcast orientation.

The three other journals, all based in non-Western regions, demonstrate a greater diversity of approaches. *AfrJICL* publishes mostly authors based in African institutions (54%) and whose first law degrees were obtained in Africa (69%) (Figures 1 and 2). Unusually, the latter number is higher, likely reflecting the relatively large proportion of African scholars working outside the continent, primarily in Europe and North America. Based on the topic of articles, *AfrJICL* has by far the strongest regional focus of all the journals, with 84% of its articles on African topics and only 15% on non-regional topics (Figure 3).

AfrJICL's comparative orientation helps explain these numbers. A qualitative examination confirms that it not only hosts numerous intra-regional comparative law articles, but also many single-country studies.⁶⁸ It also frequently hosts articles on African regional institutions and integration, issues of great importance to the continent, but which tend to attract relatively little outside attention.⁶⁹ Overall, these numbers and qualitative analysis make it difficult to attribute a primary broadcast function to *AfrJICL*.⁷⁰ That said, this

67. Note that these numbers do not appear to include access through third-party repositories such as HeinOnline and JSTOR.

68. By way of illustration, the first two volumes examined for this study include the following articles: Charles Manga Fombad, *Botswana and the Dynamics of Legal Modernisation Within a Dual English Common Law/Roman-Dutch Law Legal Heritage*, 13 AFR. J. INT'L & COMP. L. 7 (2005); Andrew Chukwuemerie, *Salient Issues in the Law and Practice of Arbitration in Nigeria*, 14 AFR. J. INT'L & COMP. L. 1 (2006); and Yonatan Tesfaye Fessha, *Judicial Review and Democracy: A Normative Discourse on the (Novel) Ethiopian Approach to Constitutional Review*, 14 AFR. J. INT'L & COMP. L. 53 (2006).

69. See, e.g., Richard Frimpong Oppong, *The African Union, the African Economic Community and Africa's Regional Economic Communities: Untangling a Complex Web*, 18 AFR. J. INT'L & COMP. L. 92 (2010); Mihreteab Tsighe Taye, *The Role of the East African Court of Justice in the Advancement of Human Rights: Reflections on the Creation and Practice of the Court*, 27 AFR. J. INT'L & COMP. L. 359 (2019); Johannes Hendrik Fahner, *The Judicial Power of Africa's Supranational Courts: Introduction*, 28 AFR. J. INT'L & COMP. L. 1 (2020).

70. Another relevant data point is that, according to publisher data, institutional subscriptions to *AfrJICL* are heavily concentrated in the United Kingdom (51%), with most of the rest in other European countries and only two African countries on the list: South Africa (6%) and Mauritius (1%). This may

function is not altogether absent. The Journal frequently publishes articles on the contributions of African institutions or developments to general international law, as well as regional perspectives on multilateral institutions and regimes.⁷¹ This category of articles fulfills a broadcast function, with the apparent aim of injecting an African perspective in global debates.

By contrast, *CJIL* has the greatest share of outside authors among the five journals. By institutional affiliation, Asia accounts for 47% of authors; but by first law degree, Asian authors only account for 36%, the same percentage as Europe. There is also significant input from North America (14% by institution, 20% by first law degree). To some extent, this may reflect the incentives of Chinese international law scholars to pursue studies in Europe and the United States, even at the first law degree stage, and to publish in English-speaking journals.⁷² But a look at *CJIL*'s content shows a visible and successful effort to attract prominent authors from outside China, starting with the inaugural volume, which included contributions by Georges Abi-Saab, Ian Brownlie, Christine Gray, Sompong Sucharitkul, and Edward McWhinney. This effort continues, with many articles by foreign authors on a variety of topics over the years. *CJIL* is also the only one of the three non-Western journals for which home region topics do not occupy the largest share (38% Asian topics, 50% non-regional) (Figure 3).

At the same time, *CJIL* also hosts numerous articles by Chinese authors, on both regional and general topics. A qualitative examination reveals interesting patterns. Many of these contributions address general international law topics, thus carving out a place for Chinese views alongside those of leading Western scholars in shaping these areas.⁷³ *CJIL* also sometimes publishes pieces by prominent Chinese officials and judges that explain, promote, or defend China's positions and its distinctive vision of international law.⁷⁴ Articles by Chinese

reflect the publisher's smaller institutional subscriber base relative to larger publishers such as Cambridge University Press and Oxford University Press. It must also be noted that *AfrJICL* is distributed through HeinOnline and other third-party repositories, which likely means that access is more widely available outside Europe than these subscription numbers suggest.

71. See, e.g., Gbenga Oduntan, *How International Courts Underdeveloped International Law: Political, Economic and Structural Failings of International Adjudication in Relation to Developing States*, 13 AFR. J. INT'L & COMP. L. 262 (2005); Kofi Oteng Kufuor, *Africa and Anti-Dumping Issues in the Doha Round*, 17 AFR. J. INT'L & COMP. L. 166 (2009); Ovo Imoedemhe, *Unpacking the Tension Between the African Union and the International Criminal Court: The Way Forward*, 23 AFR. J. INT'L & COMP. L. 74 (2015).

72. ROBERTS, *supra* note 3, at 97 (noting that "the fact that Chinese international lawyers frequently study in English-speaking states and are given incentives to publish in English-speaking journals correlates with a higher percentage of foreign and transnational journal placements in comparison with their Russian peers").

73. See, e.g., Lijun Yang, *On the Principle of Complementarity in the Rome Statute of the International Criminal Court*, 4 CHINESE J. INT'L L. 121 (2005); Bing Bing Jia, *The Relations Between Treaties and Custom*, 9 CHINESE J. INT'L L. 81 (2010); Sienho Yee, *Universal Jurisdiction: Concept, Logic, and Reality*, 10 CHINESE J. INT'L L. 503 (2011).

74. See, e.g., Hanqin Xue, *China's Open Policy and International Law*, 4 CHINESE J. INT'L L. 133 (2005) (speech by International Court of Justice judge); Jia Guide, *New China and International Law: Practice and Contribution in 70 Years*, 18 CHINESE J. INT'L L. 727 (2019) (editorial comment by Director-

authors on regional issues often deal with controversial topics where international law intersects with Chinese foreign policy, such as ethnic minority rights, the South and East China Seas, and the Belt and Road Initiative.⁷⁵ Many such contributions come in the form of comments addressing current events, rather than full-length scholarly articles. Although *CJIL* did not provide data on its subscribers and downloads, Oxford University Press's extensive distribution network ensures broad worldwide availability. Together, these data suggest that *CJIL* aims at a substantial outbound role, serving as a vehicle to broadcast Chinese perspectives into global international law discourse.

AsianJIL's overall author profile is similar to *CJIL*'s, with Asian authors accounting for 46% by institutional affiliation and 42% by country of first law degree (Figures 1 and 2). Like *CJIL*, *AsianJIL*'s editors clearly devote substantial efforts to attracting authors from outside their home region. The inaugural issues included contributions from Asian luminaries from across the region (e.g., B.S. Chimni, Hanqin Xue, Tommy Koh, Yasuaki Onuma, and Hisashi Owada), but also from well-known authors from Europe, North America, and Australia (e.g., Edith Brown Weiss, Hilary Charlesworth, Martti Koskenniemi, Niels Petersen, and Hélène Ruiz Fabri). It afterwards continued to frequently publish articles by non-Asian authors. The editors clearly intended to insert the Journal prominently into the global conversation on international law, an approach consistent with a significant inbound or dialogic role, as will be discussed below.

Nonetheless, *AsianJIL*'s regional orientation is more pronounced than *CJIL*'s. Its proportion of home region authors is somewhat higher and, apart from *AfrJICL*, it has the strongest regional focus in its selection of article topics, with Asia accounting for 58%. It also carves out substantial space for non-regional topics (39%). To some extent, that orientation serves a broadcast or outbound function. Like *CJIL*, *AsianJIL* provides a platform for contributions by regional authors to debates on general international law topics.⁷⁶ It also occasionally publishes articles that articulate a regional perspective on international law and

General of the Ministry of Foreign Affairs' Department of Treaty and Law); Wang Yi, *China: A Staunch Defender and Builder of the International Rule of Law*, 13 CHINESE J. INT'L L. 635 (2014) (editorial comment by Minister of Foreign Affairs).

75. See, e.g., Xiaohui Wu, *From Assimilation to Autonomy: Realizing Ethnic Minority Rights in China's National Autonomous Regions*, 13 CHINESE J. INT'L L. 55 (2014); Su Jinyuan, *The East China Sea Air Defense Identification Zone and International Law*, 14 CHINESE J. INT'L L. 271 (2015); Zeng Lingliang, *Conceptual Analysis of China's Belt and Road Initiative: A Road Towards a Regional Community of Common Destiny*, 15 CHINESE J. INT'L L. 517 (2016). Notably, *CJIL* published the Chinese Society of International Law's highly critical response to the South China Sea arbitration awards. See Chinese Society of International Law, *The South China Sea Arbitration Awards: A Critical Study*, 17 CHINESE J. INT'L L. 207 (2018). Unusually, *CJIL*'s editor-in-chief later responded to critics of the study's academic value and the *Journal*'s decision to publish it, asserting the *CJIL*'s independence and defending its academic standards. Sienho Yee, *Attention to the Chinese Society's Critical Study and Our Standing Invitation to Respond*, 17 CHINESE J. INT'L L. 757 (2018). On this episode, see generally Hughes & Shereshevsky, *supra* note 4, at 283-92.

76. See, e.g., Michael Hwang & Jennifer Fong Lee Cheng, *Definition of "Investment"—A Voice from the Eye of the Storm*, 1 ASIAN J. INT'L L. 99 (2011); Sun Thathong, *Lost in Fragmentation: The Traditional Knowledge Debate Revisited*, 4 ASIAN J. INT'L L. 359 (2014); Ahmad Ali Ghouri, *Determining Hierarchy Between Conflicting Treaties: Are There Vertical Rules in the Horizontal System?*, 2 ASIAN J. INT'L L. 235 (2012).

institutions.⁷⁷ Thanks to its distribution by a large international publisher, *AsianJIL* reaches a broad readership in Asia and beyond.⁷⁸ Downloads are more concentrated in Asia (40%) but still show some interregional reach, with 34% in Europe and 17% in North America, and very small numbers in Africa and South America.

While these data suggest that *AsianJIL* serves a broadcast function to some degree, especially as a platform for Asian perspectives to reach the Western core, qualitative examination of the Journal's content reveals that this function is less intensive and deliberate than *CJIL*'s. For example, contributions by Asian authors frequently address specialized topics of primarily regional or local interest, a selection that appears at odds with a broadcast function.⁷⁹ *AsianJIL* also hosts few, if any, "official" contributions that articulate or defend regional positions on specific legal issues. Given the region's diversity, this is unsurprising, and contrasts strikingly with *CJIL*'s approach. Overall, while *AsianJIL* unquestionably reaches beyond its home region, its content appears to be driven more by individual research agendas than by a systematic effort to broadcast a specific vision.

B. Inbound or Dialogic Role

The second potential role for regional international law journals is an "inbound" or "dialogic" one, in which the journal endeavors to expose its readership to multiple perspectives on international law, including those from outside its region. A journal pursuing this approach may also make concerted efforts to bring its region into dialogue with outside perspectives.

Core European and North American journals have long played this role, sometimes consciously and sometimes simply by virtue of their centrality in global scholarship. The very first international law journals, for example, devoted significant space to reporting on international law treaties, cases, and practice in multiple jurisdictions, including those outside the Western core. They developed networks of local scholars who would regularly report on such developments.⁸⁰ During the decolonization era, core U.S. and European journals

77. See, e.g., B.S. Chimni, *Asian Civilizations and International Law: Some Reflections*, 1 *ASIAN J. INT'L L.* 39 (2011); Muthucumaraswamy Sornarajah & Jiangyu Wang, *China, India, and International Law: A Justice Based Vision Between the Romantic and Realist Perceptions*, 9 *ASIAN J. INT'L L.* 217 (2019); Junwu Pan, *Chinese Philosophy and International Law*, 1 *ASIAN J. INT'L L.* 233 (2011).

78. 16% of its institutional subscribers (traditional and consortia) are in Asia, 17% in the Americas, 13% in Europe, and 50% in the Middle East and Africa. Like *AJIL*, *AsianJIL* is published by Cambridge University Press, which appears to have many institutional subscribers in that region.

79. See, e.g., Luu Huong Ly, *Regional Harmonization of Competition Law and Policy: An ASEAN Approach*, 2 *ASIAN J. INT'L L.* 291 (2012); Muhammad A. Sayeed, *Revisiting the Regime of Trademark Protection in Bangladesh: TRIPS Compatibility and Ramifications*, 7 *ASIAN J. INT'L L.* 264 (2017); Sergey Sayapin, *The Implementation of Crimes Against the Peace and Security of Mankind in the Penal Legislation of the Republic of Kazakhstan*, 10 *ASIAN J. INT'L L.* 1 (2020).

80. For example, the *Journal du droit international*, which appeared in 1874 (originally as the *Journal du droit international privé*) and changed names several times, soon began publishing reports on

published pioneering articles by African and Asian scholars that began to articulate distinctive regional perspectives on fundamental issues in international law.⁸¹ Even in these settings, Western journals may, either consciously or unconsciously, privilege their own perspectives, for example via selection of the specific scholars and views they will host. Nevertheless, these core journals have historically provided a significant forum for interregional dialogue.

To what extent do they play this role in the contemporary context? As seen above, during the period 2005-2020, *AJIL* and *EJIL* mostly published North American and European authors, respectively. Nevertheless, this dominance is not complete, and leaves significant space for non-regional scholars. Authors from outside North America account for 36% of *AJIL*'s authors (by first law degree; 28% by institutional base), while non-European authors have a 43% share in *EJIL* by first law degree (38% by institutional base). However, in both cases, authors from the *other* core region make up the lion's share of this outside representation: European authors in *AJIL* (17% by first law degree, 18% by institutional affiliation), and North American authors in *EJIL* (19% by first law degree, 23% by institutional affiliation). Australia-Oceania also has a significant share of both journals, such that the overall share of authors from Africa, Asia and South America is relatively small: 13% (by first law degree) and 8% (by institutional affiliation) for *AJIL*, and 14% (by first law degree) and 9% (by institutional affiliation) for *EJIL*.⁸² As noted above, both journals are dominated by non-regional topics, suggesting that they play little role in hosting dialogue on issues of regional interest, whether in their core region or beyond.⁸³

The impression that emerges from these numbers is that *AJIL* and *EJIL* play a relatively muted role in bringing outside perspectives to their audience or in fostering interregional dialogue, at least beyond core Western states. This is not to say that they neglect this role completely. In recent years, for example, both have hosted symposia that brought regional scholars in dialogue with outsiders on topics of interregional interest, such as the South China Sea

case law from multiple European and non-European countries, and continued to do so until the late 20th century. See, e.g., *Jurisprudence Internationale*, 3 J. DU DROIT INTERNATIONAL PRIVÉ ET DE LA JURISPRUDENCE COMPARÉE 179 (1876) (reporting cases from France, England, Egypt, the United States, Italy, Mexico, and Switzerland). Although most of these cases dealt with private international law topics, public international law issues such as treaty interpretation and application, immunities, state succession, and wartime measures became more prominent over time.

81. For overviews of this literature, see ANGHIE, *supra* note 27, at 196-244; and Richard A. Falk, *The New States and International Legal Order*, 118 RECUEIL DES COURS 1 (1966).

82. While submissions to *AJIL* and *EJIL* come primarily from the two core regions, they also receive a substantial share of submissions from Asia, which appear to result in relatively few publications. In *AJIL*, 40% of submissions in 2022 came from the United States and Canada, 25% from Europe, 27% from Asia, 2% from Africa, and less than 1% from South America. In *EJIL*, the proportions were 58% from Europe, 26% from Asia, 9% from North America, and less than 1% from South America and Africa.

83. *AJIL* articles are overwhelmingly on non-regional and North American topics (82%), but the small share of regional topics appears relatively balanced at 3-6% for each region except Australia-Oceania (0%). *EJIL* articles are dominated by non-regional and European topics (90%), with the rest skewed towards Asia (5%) and very few articles on Africa, North and South America, or Australia-Oceania.

dispute.⁸⁴ Nevertheless, it seems clear that the inbound/dialogic function is secondary at best for *AJIL* and *EJIL*.

What about the newer, non-Western journals? In their case, one might also expect the inbound function to be secondary. Because core Western journals such as *AJIL* and *EJIL* are widely distributed and read outside North America and Europe, there seems to be little need for non-Western journals to help disseminate these “outside” views in their region. When it comes to importing other non-Western perspectives (e.g., Asian perspectives in South America), it is also questionable whether English-language journals are well-suited to play an inbound function. On the other hand, regional journals might play an interregional dialogic function, for instance by including more non-Western scholars in interregional dialogue on issues of global interest, or fostering such dialogue on issues of special regional interest that might not be covered in core Western journals.

The quantitative data indicate radical differences in the importance of the inbound/dialogic function across these journals. *AfrJICL* publishes relatively few authors from outside Africa, especially if measured by country of first law degree (69% from Africa, 31% from all other regions together) (Figure 2). As noted above, African topics dominate (84%) and, with non-regional topics (15%), account for essentially all content. These numbers indicate a limited inbound or dialogic role. To the extent it exists, it manifests itself mostly in comparative articles that examine extra-regional developments that may be of interest to Africa.⁸⁵ The Journal also occasionally engages non-African scholars (primarily from Europe, 20% by first degree) with African topics.⁸⁶

By contrast, *CJIL*'s content provides substantial evidence of an inbound/dialogic role. Unlike most other journals, a majority of *CJIL*'s authors are from outside its home region: non-Asian scholars constitute 64% of *CJIL*'s authors by first law degree, 53% by institutional affiliation (Figures 1 and 2). Most non-Asian representation in *CJIL* is from Europe and North America, suggesting a will to bring Chinese perspectives in dialogue with the West. *CJIL* frequently publishes articles by foreign authors, not only on general international

84. See Laurence Boisson de Chazournes, *Introduction to Symposium on the South China Sea Arbitration*, 110 *AJIL UNBOUND* 263 (2016). As Roberts notes, Chinese scholars have been particularly active in using English-language publications to disseminate their views on that dispute. See ROBERTS, *supra* note 3, at 230-31.

85. See, e.g., Larisse Prinsen, *Meeting the Standard: An Overview of European Biobank Regulation and a Comparison to the Current South African Position*, 23 *AFR. J. INT'L & COMP. L.* 54 (2015); Gebreyesus Abegaz Yimer, *Standards for Provisional and Protective Measures in Civil Litigation: What Ethiopian Courts May Learn from US Courts*, 24 *AFR. J. INT'L & COMP. L.* 329 (2016); Roman Girma Teshome, *Provision of Remedies for Violation of Economic, Social and Cultural Rights: A Comparative Study of the United Nations, Inter-American and African Human Rights Systems*, 28 *AFR. J. INT'L & COMP. L.* 298 (2020).

86. See, e.g., Janet McKnight, *Child Soldiers in Africa: A Global Approach to Human Rights Protection, Enforcement and Post-Conflict Reintegration*, 18 *AFR. J. INT'L & COMP. L.* 113 (2010); Edel Hughes, *In (Hot) Pursuit of Justice? The Legality of Kenyan Military Operations in Somalia*, 20 *AFR. J. INT'L & COMP. L.* 471 (2012); Marina Sharpe, *Organization of African Unity and African Union Engagement with Refugee Protection: 1963-2011*, 21 *AFR. J. INT'L & COMP. L.* 50 (2013).

law topics,⁸⁷ but even on topics specific to other regions of the world,⁸⁸ reflecting its aim to provide an alternative forum for global scholarly debate. Perhaps most revealingly, *CJIL* regularly publishes special issues and agoras that bring together Chinese and foreign scholars in debate, often on current topics of interest to China. These topics have included: the Kosovo intervention and subsequent bid for independence; military activities in the Exclusive Economic Zone (EEZ); China's participation in the World Trade Organization (WTO); and jurisdiction and admissibility issues in the South China Sea arbitration.⁸⁹

Overall, the picture that emerges from the data suggests a salient inbound or dialogic role for *CJIL*, one that is at least as important as its outbound or broadcast role, and arguably greater than for any of the other journals. It publishes many non-Chinese authors, on topics of both general and Asian interests, often with a view to confronting local and outside perspectives, in a forum available to a large international audience. This role, however, is largely confined to interregional dialogue among China, Europe, and North America, along with regular Australian contributions. There is little evidence of sustained engagement with other regions, such as Africa and South America.

Like *CJIL*, *AsianJIL* also plays a substantial inbound/dialogic function; in its case, that function appears significantly more pronounced than the outbound/broadcast one. As noted above, its authors are about equally Asian and non-Asian (with the latter accounting for 58% by first law degree and 54% by institutional affiliation). Non-Asian representation is distributed among Europe, Australia-Oceania, and North America, with very few authors from South America or Africa (Figures 1 and 2). Interestingly, 62% of its 2022 submissions were from Asia, with Europe (21%) and North America (4%) far behind. Unlike *CJIL*, *AsianJIL*'s topics are heavily concentrated in Asia (58%), followed by non-regional topics (39%) (Figure 3). These data suggest a conscious effort to publish European and North American scholars and generate interregional dialogue, both on regional topics and on general international law topics of interest to Asia.

A qualitative examination of *AsianJIL*'s content confirms this impression. Although articles on general topics by non-Asian authors are relatively rare,

87. See, e.g., David P. Fidler, *From International Sanitary Conventions to Global Health Security: The New International Health Regulations*, 4 CHINESE J. INT'L L. 325 (2005); August Reinisch, *The Immunity of International Organizations and the Jurisdiction of Their Administrative Tribunals*, 7 CHINESE J. INT'L L. 285 (2008); Claudia Annacker, *Protection and Admission of Sovereign Investment Under Investment Treaties*, 10 CHINESE J. INT'L L. 531 (2011).

88. See, e.g., Stefan Talmon, *The European Union—Turkey Controversy Over Cyprus or a Tale of Two Treaty Declarations*, 5 CHINESE J. INT'L L. 579 (2006); Curtis A. Bradley, *The United States and Human Rights Treaties: Race Relations, the Cold War, and Constitutionalism*, 9 CHINESE J. INT'L L. 321 (2010); Peter Hilpold, *How to Construe a Myth: Neutrality Within the United Nations System Under Special Consideration of the Austrian Case*, 18 CHINESE J. INT'L L. 247 (2019).

89. These special issues and agoras were published in vol. 8, issues 1-3 (2009) (Agora: Kosovo); vol. 9, issue 1 (2010) (Agora: Military Activities in the EEZ); vol. 10, issue 2 (2011) (Agora: Ten Years of China's Participation in the WTO); and vol. 15, issue 2 (2016) (Special Issue on Jurisdiction and Admissibility in the South China Sea Arbitration).

AsianJIL routinely publishes non-Asian authors on regional topics.⁹⁰ It also has hosted symposia bringing together regional and outside authors on topics such as sovereign wealth funds, Onuma Yasuaki's historical work, the International Court of Justice's Temple of Preah Vihear case, and the South China Sea arbitration.⁹¹ Notably, while these topics clearly are of regional interest, *AsianJIL* appears to concentrate less on current flashpoints than *CJIL*, privileging broader themes. Its inbound/dialogic contribution thus focuses more on generating interregional scholarly dialogue, especially by engaging outside scholars with Asian issues and providing a venue for such work, which might be difficult to place in the authors' home regions.

C. Inward or Localized Role

A third approach might be called "inward-looking" or "localized." In contrast with the first two approaches, an inward-looking regional or localized journal would not prioritize interregional diffusion of ideas, either in an outbound or inbound direction. It would also not strive to generate interregional dialogue. Instead, its primary goal would be to cultivate a space for regional authors to write on issues of regional interest. Several reasons may lead a journal to choose that orientation: publication opportunities for regional scholars may be limited, as may be outside interest in regional topics; and a diverse region may lack prominent forums for intraregional dialogue and debate.

Among the journals studied here, *AfrJICL* is the only one that appears to prioritize a localized identity. As noted above, its inaugural editorial comment noted the lack of "a coherent African view" on many international law issues, and the need for a forum in which African scholars could exchange ideas—free from the "patronising attitude[s]" or "ethnocentric bias" that characterized work on Africa elsewhere.⁹² As seen above, the Journal privileges African authors and publishes numerous studies on African law and regional integration topics.⁹³ While these choices shift the Journal away from an explicit outbound or inbound role, they should not be confused with parochialism or lack of engagement with international law. For example, the Journal publishes many international law articles on regional challenges and themes of regional interest, such as the HIV/AIDS crisis, energy and resources law, women's rights, and corruption.⁹⁴

90. See, e.g., Erik Franckx & Marco Benatar, *Dots and Lines in the South China Sea: Insights from the Law of Map Evidence*, 2 *ASIAN J. INT'L L.* 89 (2012); Bridget Lewis & Rowena Maguire, *A Human Rights-Based Approach to Disaster Displacement in the Asia-Pacific*, 6 *ASIAN J. INT'L L.* 326 (2016); James Ransdell, *Institutional Innovation by the Asian Infrastructure Investment Bank*, 9 *ASIAN J. INT'L L.* 125 (2019).

91. These symposia were published in vol. 1, issue 2 (2011) (Sovereign Wealth Funds); vol. 5, issue 1 (2015) (The Temple of Preah Vihear); vol. 8, issue 1 (2018) (South China Sea Arbitration); and vol. 9, issue 1 (2019) (Onuma Yasuaki's "International Law in a Transcivilizational World").

92. *Editorial Comment*, *supra* note 42, at xix.

93. See *supra* notes 68-69 and accompanying text.

94. See, e.g., Ebenezer Durojaye & Annie Muchiri, *Addressing the Link Between Gender Inequality and Access to Microbicides in HIV/AIDS Response in Africa*, 16 *AFR. J. INT'L & COMP. L.* 197

While many of these articles' topics are classified as "African" under our scheme, they clearly contribute to the global conversation and contribute perspectives from Africa.

The numbers presented above show that other journals accord much less priority to a similar inward or localized role. Though *AJIL* and *EJIL* mostly publish local authors, their concentration on general topics and their broad diffusion are in line with their outward-looking role and their centrality in consolidating and diffusing their regional approaches. *CJIL* and *AsianJIL* give more weight to regional topics than the core Western journals, but they host a greater diversity of authors and topics than *AfrJICL*. *CJIL*, for instance, hosts very few contributions by Chinese authors on topics of purely local interest. This is unsurprising, given the abundance of domestic Chinese-language venues for such contributions. While *AsianJIL* hosts more articles on issues of primarily regional interest,⁹⁵ they constitute a relatively small proportion of its content.

CONCLUSION

This Article has investigated the role of regional international law journals in comparative international law from qualitative and quantitative standpoints. It identifies three possible orientations for regional journals: outbound, inbound, and inward. Based on quantitative data on authors, topics, submissions, and readership, it shows that the five leading regional journals differ significantly in their orientations. The core Western journals, *AJIL* and *EJIL*, appear most concerned with an outbound role, diffusing their own regional perspective worldwide along longstanding core-periphery lines. One of the non-Western journals, *AfrJICL*, appears primarily concerned with an inward role, creating publication opportunities and a space for exchange among regional scholars on regional topics. The two other journals, *CJIL* and *AsianJIL*, appear to balance an outbound role with an inbound or dialogic role, bringing regional and outside international law scholars in conversation on topics of both general and regional interest.

These findings complement the work of Anthea Roberts, who emphasized core-periphery dynamics by which international law ideas flow from the Western core to the rest of the world through cross-border student flows, textbooks, and professional incentives of academics. This Article confirms that core regional international law journals also tend to follow this pattern, while non-Western regional journals follow different approaches to counter it.

The analysis undertaken here is exploratory in nature, focused as it is on a small number of leading regional journals and on basic statistics relating to their content and dissemination. A full account of the "regionalization" and

(2008); Sylvester Oscar Nliam, *International Oil and Gas Environmental Legal Framework and the Precautionary Principle: The Implications for the Niger Delta*, 22 AFR. J. INT'L & COMP. L. 22 (2014); Akeem Olajide Bello, *United Nations and African Union Conventions on Corruption and Anti-Corruption Legislations in Nigeria: A Comparative Analysis*, 22 AFR. J. INT'L & COMP. L. 308 (2014).

95. See *supra* note 79 and accompanying text.

“nationalization” of international law awaits more systematic investigation. Such research could, for instance, expand its scope from these core regional journals to the multitude of national journals and yearbooks that have appeared in recent decades. The diffusion of books, case reports, and online materials, especially how materials from non-Western states are becoming more widely available, would also warrant further research.

It is important to note that the approach taken here is descriptive, rather than normative. None of what is written here is meant to suggest that any of these journals should follow a different approach, for example in its selection of authors or topics. Different orientations and strategies may suit different journals, and their appropriateness is and will remain a topic of legitimate debate. It is hoped, however, that the information collected here can facilitate informed debate.