

---

# Editorial

## Editorial: Gender in Academic Publishing; The Legality of the Israeli Annexation – Redux; In This Issue

### Gender in Academic Publishing

*Some of the COVID-19 lockdown-catalysed new academic practices are worth preserving in days of increased physical freedom: we have learnt that conferences can include people with access to an internet connection from all over the world, without being heavy on the climate; materials that were made open access to help students who had suddenly been banned from their libraries have also become available to millions who previously had never had access to those libraries; and, on a lighter note, it is easier to call upon one's students by name when they participate on an online platform.*

*However, the lockdown has also had its costs on scholarly work and these costs have not been evenly distributed. While more time is necessary to assess the impact of the lockdown on academic work, indicative may be the different messages contained in emails received during the early weeks. Some read along the lines of 'Now we all have a bit more time on our hands, why don't we start ... [followed by a creative initiative]'. Others were automatic replies conveying, roughly, the following: 'Please note that not only has the university building closed, so has the nursery/school/home-care service; I am currently providing full-time schooling/full-board services/care to my XXX and will have time for examining, online lecture-course planning, financial-crisis committee meetings and your email (as well as phone calls with loved ones who have suddenly been bubbled off, laundry, cleaning and home-schooling preps) only between 8.00 pm and 6.00 am, assuming it is then quiet at the front, my laptop has survived home schooling and I have not yet fallen asleep over my papers.' Absent in this list of activities was research: whilst it may be possible to finalize a bibliography or a few footnotes in between all those other tasks, reading, writing and development of ideas often require more concentration.*

*These different messages and underlying experiences do not, fortunately, entirely correspond with gender. Some women have been part of the more-creative-than-ever league, whilst some men have also seen their working day shrink due to caring responsibilities. Moreover, across the genders, people have experienced the lockdown differently: for some, lockdown brought a scholarship-conducive peace and routine ('it felt like a sabbatical'); others felt their minds wander off to the problems of this world, away from their own scholarly projects. And yet, if early studies in other disciplines are also indicative of what might be the case in our field of international law, possibly with some delays,<sup>1</sup> we must be concerned that the*

<sup>1</sup> See for instance <https://www.nature.com/articles/d41586-020-01294-9> and <https://www.theguardian.com/education/2020/may/12/womens-research-plummets-during-lockdown-but-articles-from-men-increase>.

lockdown will translate into an increased disparity between men and women in the number of submissions to EJIL. We will monitor this.

But before we turn to the impact of COVID-19, let us remind ourselves of the structural issues concerning gender and academic publication. We are delighted that Gráinne de Búrca, Michaela Hailbronner and Marcela Prieto Rudolph have given us permission to republish in EJIL their important Editorial on this topic, first published in the *International Journal of Constitutional Law (I•CON)*. At the end of their Editorial we provide comparable EJIL statistics in a postscript. Rest assured that when it comes to commitment and action points, where the authors refer to I•CON, you may read EJIL too.

SMHN and JHHW

In this Editorial we raise a question which has been asked by many others before in different contexts:<sup>2</sup> Where are the women in academia, and how do those who are there fare?

In asking these questions, and not others, we are very much aware that there is also a great deal to be said about diversity and equity in academia along many other dimensions, including ethnic origin, LGBTQ+ status, disability, social class and more. With some regret, but also aware of our limitations, on this occasion we address only the issue of women.

Women, as we know, routinely experience violence, discrimination and hostility, which manifest in many ways, structural as well as individual; from the extreme cases of domestic violence, rape and sexual harassment<sup>3</sup> to the subtler but no less pervasive forms of day-to-day discrimination and belittlement. Academia, although relatively privileged in comparison to other social spheres, is not as different as might be expected in this regard compared to other walks of life. Women within faculties, graduate departments and colleges face sexual harassment, abuse, and even rape,<sup>4</sup> as well as less visible but pervasive forms of gender discrimination, bias and misogyny.

Women are significantly underrepresented in academic positions,<sup>5</sup> and very starkly so at the higher levels of the academic ladder, despite the *equal numbers* of men and

<sup>2</sup> See Bell and O'Rourke, 'Does Feminism Need a Theory of Transitional Justice? An Introductory Essay', 1 *International Journal of Transitional Justice* (2007) 23; Charlesworth, 'Feminist Methods in International Law', 93 *American Journal of International Law (AJIL)* (1999) 379.

<sup>3</sup> See Archer, 'Sex Differences in Physically Aggressive Acts between Heterosexual Partners: A Meta-Analytic Review', 126(5) *Psychol. Bull.* (2000) 651.

<sup>4</sup> Rosenfeld, 'Uncomfortable Conversations: Confronting the Reality of Target Rape on Campus', 128(8) *Harvard Law Review* (2015) 359, available at <https://harvardlawreview.org/2015/06/uncomfortable-conversations-confronting-the-reality-of-target-rape-on-campus/>; Nelson, Rutherford, Hinde and Clancy, 'Signaling Safety: Characterizing Fieldwork Experiences and Their Implications for Career Trajectories', 119(4) *American Anthropologist* (2017) 715; D. Cantor *et al.*, *Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct* (2015) 31; D. Batty, S. Weale and C. Bannock, 'Sexual Harassment "at Epidemic Levels" in UK Universities', *The Guardian*, 5 Mar. 2017; S. Weale and D. Batty, 'Sexual Harassment of Students by University Staff Hidden by Non-Disclosure Agreements', *The Guardian*, 26 Aug. 2016.

<sup>5</sup> <https://www.catalyst.org/research/women-in-academia/>; see also A. Ghosh and S. Tandon, 'A Lot Still Needs to Be Done to Address the Gender Gap in Academia', available at <https://thewire.in/education/women-in-academia-gender-pay-gap>.

women as high-performing students and at the doctoral level.<sup>6</sup> On top of this, there are many other ways in which the ‘gender gap’ manifests itself. These range from implicit bias in hiring and promotion<sup>7</sup> to the gender pay gap<sup>8</sup> to gendered expectations and judgments in mentorship<sup>9</sup> and teaching evaluations<sup>10</sup> to the fact that women bear a disproportionate burden of the administrative work within universities,<sup>11</sup> as well as of the domestic work at home.<sup>12</sup> As a result, there remain very significant differences in the general experience of men and women working within academia.<sup>13</sup> These differences grow even more stark for women of colour and trans-women.<sup>14</sup>

The numbers are depressing. According to a recent study in the United States over a 20-year period (1993–2013), although the number of women appointed grew at double the rate for men, there are still roughly two tenured men for every tenured woman, and the more prestigious the institution, the higher the ratio.<sup>15</sup> In elite US law schools, the average percentage of tenured women is 28 per cent.<sup>16</sup> This is despite the fact that in many countries of the Global North women comprise more than half of

<sup>6</sup> T. Vettese, ‘Sexism in the Academy: Women’s Narrowing Path to Tenure’ (2019), available at <https://nplusonemag.com/issue-34/essays/sexism-in-the-academy/>.

<sup>7</sup> J. Gvozdanović and K. Maes, ‘Implicit Bias in Academia: A Challenge to the Meritocratic Principle and to Women’s Careers—And What to Do about It’, *LERU Advice Paper* No. 23 (2018), available at <https://www.leru.org/files/Publications/Implicit-bias-in-academia-Full-Paper.pdf>.

<sup>8</sup> For the situation in the USA and the UK, respectively, see J. Hatch, ‘Gender Pay Gap Persists across Faculty Ranks’ (22 March 2017), available at <https://www.chronicle.com/article/Gender-Pay-Gap-Persists-Across/239553> (using data from the latest US Education Department data); and R. Hall, ‘Gender Pay Gap in Academia Will Take 40 Years to Close’, available at <https://www.theguardian.com/higher-education-network/2017/may/26/gender-pay-gap-in-academia-will-take-40-years-to-close> (using research gathered by the university and College Union).

<sup>9</sup> El-Alayli, Hansen-Brown and Ceynar, ‘Dancing Backward in High Heels: Female Professors Experience More Work Demands and Special Favor Requests, Particularly from Academically Entitled Students’, 79 *Sex Roles* (2018) 136.

<sup>10</sup> David A. M. *et al.*, ‘Mitigating Gender Bias in Student Evaluations of Teaching’, 14 *PLoS One* (2019), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0216241>.

<sup>11</sup> Guarino and Borden, ‘Faculty Service Loads and Gender: Are Women Taking Care of the Academic Family’, 58 *Res. in Higher Educ.* (2017) 672. See also [https://www.insidehighered.com/news/2018/01/10/study-finds-female-professors-experience-more-work-demands-and-special-favor?fbclid=IwAR0mTYH\\_08eOi5blSqO7joj1lvDX9bbv8xQQjSzhUEPVBirs9n6PFfyCLg](https://www.insidehighered.com/news/2018/01/10/study-finds-female-professors-experience-more-work-demands-and-special-favor?fbclid=IwAR0mTYH_08eOi5blSqO7joj1lvDX9bbv8xQQjSzhUEPVBirs9n6PFfyCLg).

<sup>12</sup> <https://www.nytimes.com/2019/05/04/opinion/sunday/men-parenting.html>.

<sup>13</sup> Y. Nesterova and L. Jackson, *Gender Inequality in Universities* (2018), available at <https://impakter.com/gender-inequality-universities/>.

<sup>14</sup> This is the well-known phenomenon of intersectionality. See Crenshaw, ‘Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color’, 43 *Stanford Law Review* (1991) 1241.

<sup>15</sup> <https://nplusonemag.com/issue-34/essays/sexism-in-the-academy/#fn38-11214>, quoting Finkelstein, Conley and Schuster, ‘Taking the Measure of Faculty Diversity’, 1 *Advancing Higher Education* (2016) 4; D. Gilkerson, A. Sharma and G. Zhang, ‘Where Are Harvard’s Female Professors’, available at <https://harvardpolitics.com/harvard/gender-parity/>.

<sup>16</sup> Kotkin, ‘Of Authorship and Audacity: An Empirical Study of Gender Disparity and Privilege in the Top Ten Law Reviews’, 31(4) *Women’s Rts. L. Rptr.* (2009) 384; E. Mertz *et al.*, *After Tenure: Post-Tenure Law Professors in the United States*, The American Bar Foundation, available at [http://www.americanbarfoundation.org/uploads/cms/documents/after\\_tenure\\_report\\_final\\_abf\\_4.1.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/after_tenure_report_final_abf_4.1.pdf).

the undergraduate student body and nearly half of those with doctoral degrees.<sup>17</sup> The proportion of black women among the tenured full-time faculty in the USA actually declined from 6.3 per cent to 5.8 per cent between 1993 and 2013.<sup>18</sup> While one or two jurisdictions may stand out as exceptions,<sup>19</sup> and it has been suggested in particular that the UK has in recent years been improving,<sup>20</sup> the USA is far from an outlier with regard to the dismal numbers. In Germany, for example, women make up only 15.88 per cent of tenured faculty.<sup>21</sup> In South Africa, 27.5 per cent of professors at universities in 2018 were female.<sup>22</sup>

Studies suggest that a significant proportion of women experience some form of sexual harassment within academic settings.<sup>23</sup> In some disciplines, mothers with young children have been found to be between 33 and 35 per cent less likely to get tenure-track jobs than fathers of young children or childless single women.<sup>24</sup> Children, on the other hand, appear to have little effect on the academic careers of men.<sup>25</sup> This partly reflects the fact that women continue to shoulder the primary burden of childcare, even in countries with relatively generous provisions for paid parental leave,

<sup>17</sup> <https://nplusonemag.com/issue-34/essays/sexism-in-the-academy/#rf9-11214>, quoting S. C. L. Kamerlin, *Where Are the Female Science Professors? A Personal Perspective* (F1000Research 5 at 1224) (2016). For another example of this upside-down pyramid, in this case for medical students, see T. J. Ley & B. H. Hamilton, *The Gender Gap in NIH Grant Applications*, 322(5907) *Sci.* (2008) 1472. A similar distribution is found by Renwick Monroe *et al.*, 'Gender Equality in the Ivory Tower, and How Best to Achieve It', 47(2) *PS: Pol. Sci. & Pol.* (2014) 419. For an overview of the German numbers of women with doctoral degrees in law and economics, see information provided online by Gesis, Leibniz Institut für Sozialwissenschaften, Kompetenzzentrum Frauen in Wissenschaft und Forschung, available at <https://www.gesis.org/cews/unser-angebot/informationsangebote/statistiken/thematische-suche/detailanzeige/article/frauenanteile-an-den-promotionen-und-habilitationen-nach-faechergruppen-2016/>.

<sup>18</sup> Finkelstein, Conley and Schuster, 'Taking the Measure of Faculty Diversity', 1 *Advancing Higher Educ.* (2016) 4, at 13.

<sup>19</sup> Portugal seems to be one of the rare jurisdictions in which the number of female academics is almost equal to the number of male ones: <https://www.eui.eu/ProgrammesAndFellowships/AcademicCareersObservatory/CareerComparisons/GenderComparisons>. And Jindal Global Law School in India claims pride of place in this respect also: <https://www.legallyindia.com/lawschools/jindal-worlds-first-law-school-to-have-more-women-than-men-faculty-highlights-embarrassing-global-gender-balance-in-academia-20140905-5023>.

<sup>20</sup> According to the Academic Careers Observatory at the European University Institute in Florence: 'In other cases, it is suggested that women are quickly increasing, such as in the UK where there are some estimate that by 2020, women could account for the majority of all academics in the country. This, however, is not very certain since a recent gender survey of the UK professorate from 2013 shows that while, on overall, one in five professors in the UK is female, several universities are falling well short of that low benchmark.' <https://www.eui.eu/ProgrammesAndFellowships/AcademicCareersObservatory/CareerComparisons/GenderComparisons>.

<sup>21</sup> U. Sacksofsky and C. Stix, *Daten und Fakten zur Repräsentanz von Frauen in der Rechtswissenschaft* (3rd ed.) (9 Nov. 2018), available at [https://www.jura.uni-frankfurt.de/73356125/Daten\\_und\\_Fakten\\_zur\\_Repr%C3%A4sentanz\\_von\\_Frauen\\_in\\_der\\_Rechtswissenschaft\\_Sacksofsky\\_Stix\\_2018.pdf](https://www.jura.uni-frankfurt.de/73356125/Daten_und_Fakten_zur_Repr%C3%A4sentanz_von_Frauen_in_der_Rechtswissenschaft_Sacksofsky_Stix_2018.pdf).

<sup>22</sup> E. Naidu, 'Universities Body to Probe Gender Imbalance at the Top', available at <https://www.university-worldnews.com/post.php?story=20180725103923330>.

<sup>23</sup> <https://nplusonemag.com/issue-34/essays/sexism-in-the-academy/#fn34-11214>.

<sup>24</sup> N. Wolfinger, 'For Female Scientists, There's no Good Time to Have Children', *The Atlantic*, 29 July 2013.

<sup>25</sup> *Ibid.*

such as Germany.<sup>26</sup> Further, many female academics with childcare responsibilities are much less available to travel to conferences or to participate in other networking opportunities which are important to help advance academic careers.

The numbers outlined above are striking particularly since they occur in relatively privileged circles – academia – within allegedly post-patriarchal settings and in many societies that are explicitly committed to gender equality, such as the United States, Australia and Europe. Indeed, they suggest, as Kate Manne has put it, that ‘even the most equal women’ are unequal.<sup>27</sup> And the answer to the question posed at the beginning of this editorial begins to emerge. We do in fact know where a great many of the women in academia are: they are relatively marginalized, overburdened with service, overburdened at home, underpaid, undercited and in junior or adjunct positions.

Given the degree of difficulty entailed in moving up the academic ladder, we might think it unsurprising that many women seem to end up opting for a better work–life balance, devoting more time to their family lives and eschewing the choices and routes that would make more likely their promotion to senior posts and to leadership positions. And while there is nothing to suggest that such choices may not be intrinsically worthy and the genuinely preferred option of some women, the question as to what balance they would have struck had they lived in a world of genuinely equal opportunities remains only counterfactual. *Prima facie*, there is no good reason to think that women would not enjoy the status, power, recognition and sense of professional fulfilment that comes with occupying positions of prestige in academia just as much as men do. In any event, the issue does certainly raise the question of whether in a more gender-egalitarian world, including at home and in the workplace, the preferred option of both men and women might not be a more balanced life for everyone, if it did not have to come at the expense of occupying second-class status in professional life.

Unsurprisingly, an area of concern to us in recent years at I•CON has been the number and proportion of female authors making submissions to the journal. Not only is the percentage of the overall number of papers submitted to the journal by female authors each year significantly lower than the percentage of submissions by male authors, but the percentage of submissions by women has been declining each year over the past three years. Thirty-four per cent of submissions in 2016 were from female authors, but this percentage declined in 2017 to 32 per cent and in 2018 it dropped to 30 per cent. And while the journal’s rate of acceptance of articles submitted by women during those years turns out to have been higher than the rate of acceptance of articles submitted by men, the end result is that just over one-third of the articles appearing in I•CON from 2016 to 2018 were authored by women.

To us, as members of the I•CON editorial team, this fact was both puzzling and troubling. Given that law school admission numbers in recent years across the United

<sup>26</sup> Only about one-third of all men in Germany take parental leave and of those who do, less than half take more than two months (which is a requirement for couples who take 14 months of parental leave (rather than the maximum 12) between them). See Bundesministerium für Familie, Frauen, Senioren und Jugend, *Väterreport 2018*, available at <https://www.bmfsfj.de/blob/127268/2098ed4343ad836b2f0534146ce59028/vaeterreport-2018-data.pdf>.

<sup>27</sup> K. Manne, *Down Girl: The Logic of Misogyny* (2018), at 297.

States,<sup>28</sup> Europe<sup>29</sup> and elsewhere<sup>30</sup> have tended to be gender balanced or composed of a higher percentage of women than men, and that in Europe the percentages of male and female doctoral students in law are also relatively evenly balanced,<sup>31</sup> how is it that the percentage of women submitting their work for publication to a journal such as I•CON falls significantly below these levels? The percentages of women entering higher education across many parts of the world in fact are quite impressive.<sup>32</sup> And we know that even though women are poorly represented at the higher career levels within academia, they are quite well represented at the lower levels.<sup>33</sup> Given the preponderance of female law students, the abundance of female doctoral students and the number of women occupying positions at the lower levels of the academic hierarchy in many countries, why are there not more submissions from female academics to the journal?

Indeed, it seems that the unduly low presence of women in academic publishing is not limited to the relatively low number of submissions to I•CON. Much has also been written about the gendered dimensions of academic publishing in general, particularly but not only in the field of science.<sup>34</sup> There are distinctly gendered patterns of citation, with men citing themselves and the work of other men significantly more than the work of female scholars.<sup>35</sup>

We have pondered our responsibility as journal editors in the face of this persistent and apparently ubiquitous gender bias in academia, which seems to be both reflected in and exacerbated in many ways in the context of academic publishing. The question is whether it is possible for us to address some aspects of this bias and in particular

<sup>28</sup> See <https://www.enjuris.com/students/law-school-gender-ratio-2017.html>.

<sup>29</sup> Y. Galligan *et al.*, 'Mapping the Representation of Women and Men in Legal Professions Across the EU', 73 (European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, August 2017).

<sup>30</sup> Singapore and South Africa in particular appear to score well on student gender balance in universities more generally. <https://www.timeshighereducation.com/student/news/eight-world-leading-universities-5050-gender-balance>.

<sup>31</sup> Galligan *et al.*, *supra* note 28, at 74.

<sup>32</sup> The annual Global Gender Gap report contains an analysis and ranking of 149 countries, which amongst other things attempts to measure progress on gender parity in education: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2018.pdf](http://www3.weforum.org/docs/WEF_GGGR_2018.pdf). We have not found precise statistics on the gender balance in universities for other continents, although some attempts to measure gender balance in universities worldwide appear to show that South American institutions perform well while Asian institutions do not. See annual Leiden ranking, <https://www.leidenranking.com/>, and the discussion here: <https://www.nature.com/articles/d41586-019-01642-4>. On the other hand, it seems that the algorithm used to detect gender by surname may not be accurate for Asia.

<sup>33</sup> See <https://www.catalyst.org/research/women-in-academia/>, and text accompanying *supra* note 4.

<sup>34</sup> Lundine *et al.*, 'The Gendered System of Academic Publishing', 391 *The Lancet* (2018) 1754, and 'Gender Bias in Academia', 393 *The Lancet* (2018) 741.

<sup>35</sup> Dion, Lawrence Sumner and McLaughlin Mitchell, 'Gendered Citation Patterns across Political Science and Social Science Methodology Fields', 26 *Pol. Analysis* (2018) 312. See also King *et al.*, 'Men Set Their Own Cites High: Gender and Self-citation across Fields and over Time', 3 *Socius: Soc. Res. for a Dynamic World* (2017) 1. In one law-specific study of the impact of gender on citations over a particular time period, the authors found that female authors were more cited than male authors. However, they counted as female-authored any papers that were co-authored by a male and a female, and noted that female authors more often co-authored with male authors than vice versa: Cotropia and Petherbridge, 'Gender Disparity in Law Review Citation Rates', 59 *William and Mary Law Review* (2018) 771. For discussion of their study, see <https://prawfsblawg.blogs.com/prawfsblawg/2015/06/gender-and-legal-scholarship.html>.



the way it manifests itself through the policies and practices of the journal. We take care to invite equal numbers of female and male scholars for the articles we commission, and our peer review process is double-blind. In the book review section, we pay attention to the gender of reviewers and to the gender of authors whose books are reviewed. Yet we do not always succeed in ensuring a greater degree of gender equity. In particular, we cannot easily affect the number of submissions to the journal.

Our experiences at I•CON are mirrored by statistics on the gender publication gap in a range of academic fields. Men often publish more than women according to several studies, and at least in some fields they seem to publish in different venues.<sup>36</sup> A recent study examining the publications of psychology professors in Germany suggests that women publish less work in academic journals but publish an equal number of book chapters.<sup>37</sup> We wonder if this is true in law as well, and suspect it may be. A US study conducted 10 years ago about female authorship in top law reviews suggests that only 20 per cent of articles were authored exclusively by women.<sup>38</sup> Whether women are not submitting in numbers to the top law journals because they do not believe their work is likely to be accepted or for some other reason, or whether they are submitting and being rejected, is not clear. Greater transparency and greater availability of gender-segregated data on publishing in journals would be an important step toward understanding what is going on, in order to help begin to address the gender gap. But if we are right about the fact that many women publish more in edited books than in journals, this is likely to be a problem in itself. One of our editors-in-chief, Joseph Weiler, has rightly cautioned young scholars in a previous editorial against falling into the edited-volume trap, counselling them instead to take the time to work on big ideas rather than churning out hastily written chapters.<sup>39</sup> Not all book chapters of course are hastily written, and some if not many may be of high quality. Good edited collections can also represent the kind of collaborative thematic work which some women may choose as a vehicle for developing a collective project. Nevertheless, book chapters are generally less widely read, they are often not readily available electronically in the way that most journal articles are today and hence are less accessible to readers and they count for less in decisions about academic hiring and promotion.

Add to this that young scholars with childcare responsibility – and therefore particularly young female scholars – have a problem of space and time. Working on the big ideas requires hours and ideally days for uninterrupted reading, thinking and writing.<sup>40</sup> That time is hard to get for all young academics faced with the pressure to

<sup>36</sup> Lutter and Schröder, 'Is There a Motherhood Penalty in Academia? The Gendered Effect of Children on Academic Publications', *MPIfG Discussion Paper No. 19/2* (2019), with further references.

<sup>37</sup> Mayer and Rathmann, 'How Does Research Productivity Relate to Gender? Analyzing Gender Differences for Multiple Publication Dimensions', 117 *Scientometrics* 1663 (2018) 1663, available at <https://doi.org/10.1007/s11192-018-2933-1>.

<sup>38</sup> Kotkin, *supra* note 15, at 398.

<sup>39</sup> J. H. H. Weiler, 'Editorial—On My Way Out—Advice to Young Scholars II: Career Strategy and the Publication Trap', 26(4) *European Journal of International Law* (2015) 795.

<sup>40</sup> See also B. Schulte, 'A Woman's Greatest Enemy? A Lack of Time to Herself', *The Guardian*, 21 July 2019, available at <https://www.theguardian.com/commentisfree/2019/jul/21/woman-greatest-enemy-lack-of-time-themselves>, echoing V. Woolf, *A Room of One's Own* (1929).

prepare and teach new classes, apply for funding, organize conferences, network (and thus participate at least in some edited volumes) and publish (the more the better). But for young scholars with highly uneven childcare responsibilities as well as excessive domestic and administrative burdens, it is nearly impossible to make room for this. In such situations, nothing is easier than to defer working on the big idea and turn instead to the next conference paper or edited chapter in order to have any publications at all to show alongside fulfilling their many other obligations.

And it does not end there. Once a text is written, it needs to be submitted. And when it is finally published, it is also often not enough to let it sit on the shelves and trust it will find readers. Publications need to be shared, promoted and advertised. Yet, much in the same way as women's percentage of submissions is lower than their presence in academia, in our experience this gap is also present in regard to marketing their work. Many men have no qualms in writing to ask us to have their forthcoming books reviewed in I•CON, to ask to be nominated for a prize or to engage in other kinds of self-advocacy. We find that women do so much less often. None of this is intended to suggest that all men are inclined to promote their own work or that no female scholars do so. Nevertheless, and without essentializing these differences, there is a distinctly gendered dimension in this regard. Many commentators have written about gender differences in relation to self-promotion in the workplace,<sup>41</sup> but we feel that the point bears repeating in the context of an editorial inviting more women to submit their work for publication.

Should women then learn to shout louder? Again, studies show that it not that easy. Self-assertion does not translate automatically into success for women, in contrast to men, and women often seem not so much to lack confidence as to fear backlash should they behave in the ways that their male counterparts do.<sup>42</sup> Finally, there is a deeper question to be addressed as to *why* women should adopt prevailing standards of behaviour and whether the academy should be a place where all of us are expected to constantly promote ourselves.

It is also the case that there can be negative consequences for women who point out the phenomena we are discussing here such as the gender gap, gender discrimination and inequity, sexism and misogyny.<sup>43</sup> Speaking out, whether by pointing to these instances or by proposing solutions, may have consequences that are the opposite of what is aimed for, and may well harm women's academic careers.<sup>44</sup> This 'misogynistic

<sup>41</sup> For a summary of some interesting recent studies on this question, see Thompson, 'A Lack of Confidence Isn't What's Holding Back Working Women', *The Atlantic*, 20 Sept. 2018, available at <https://www.theatlantic.com/family/archive/2018/09/women-workplace-confidence-gap/570772/>.

<sup>42</sup> *Ibid.*

<sup>43</sup> On the idea of misogyny as a self-masking phenomenon and of misogynistic backlash, see Manne, *supra* note 26.

<sup>44</sup> 'At Irvine, many female scholars "feared backlash and retribution if they agitated openly for change, so they rejected overt collective activism in favor of more subtle, nonthreatening collective actions." In a survey of female scholars at US medical schools, many said they suffered within a climate of fear created by sexist heads of departments who took "punitive actions against members who disagreed with them and by advancing the careers of those who supported their point of view." Numerous studies analyzed for this review noted that their interview subjects asked for anonymity for fear of reprisal.' See <https://nplusonemag.com/issue-34/essays/sexism-in-the-academy/#fn34-11214>.



backlash'<sup>45</sup> may take different forms, one of which has been the argument (made by some women as well as by men) that women in fact have plenty of opportunities, often precisely because they are women. 'Any female', writes Heather Mac Donald, 'even remotely in the public realm who is not deeply conscious that she has been the "beneficiary" of the pressure to stock conference panels, media slots, and op-ed pages with females is fooling herself. Corporate boards and management seek women with hungry desperation'.<sup>46</sup> 'There is not a science faculty or lab in the country', she adds, 'that is not under relentless pressure from university administrators and the federal government to hire female professors and researchers, regardless of the lack of competitive candidates and the cost to meritocratic standards'.<sup>47</sup>

Are we 'fooling ourselves' then? Are universities really 'hungry' for women? And are conference panels and universities being stocked by women – and indeed by fortunate and undeserving women, as seems to be the implicit suggestion? The statistics do not bear out such claims. In the first place, it should not be surprising that women are invited to conferences and to contribute to edited volumes, given that they constitute roughly 50 per cent of the academic population, at least at the more junior levels. Yet even so, there are still plenty of instances – and readers themselves will no doubt have many examples from their own experience – where there are no women or extremely few women present as speakers.<sup>48</sup> In German legal conferences, for example, it is not rare to find that women make up less than 20 per cent of the speakers, even in 2019. And the German experience is not an outlier: an array of sources suggest that women are under-represented in conferences generally, especially as keynote speakers or in more senior panels.<sup>49</sup> And it turns out that on the rare occasion when – after decades if not centuries of all-male panels – there are some all-female panels, the backlash is swift.<sup>50</sup>

More importantly, the statistics tell us that only very rarely do women get what matters most: the tenured job. Thus the specific targeting of women for conferences, committees or edited volumes is really just the flipside of the fact that in the networks in which professors operate, and particularly at the more senior levels, women are so scarce that particular efforts are required to ensure some female representation. Finally, why should women have to contemplate whether they are being invited, as suggested by Mac Donald, *just because* they are women? How many men have ever asked themselves whether they owe their position or status or the invitation they have received to the fact that they are male? Let us remember that in the 1960s one of the

<sup>45</sup> Manne, *supra* note 26, at 281–300.

<sup>46</sup> Mac Donald, 'The UCSB Solipsists', *National Review*, 1 June 2014, quoted in Manne, *supra* note 26, at 38.

<sup>47</sup> *Ibid.*

<sup>48</sup> Casadevall and Handelsman, 'The Presence of Female Conveners Correlates with a Higher Proportion of Female Speakers at Scientific Symposia', 5(1) *mBio* e00846-13 (2014).

<sup>49</sup> J. Kosseff, 'Guys, We Need to Put a Stop to the "Manel"', available at <https://iapp.org/news/a/guys-we-all-need-to-put-a-stop-to-the-manel/>; Farr *et al.*, 'Addressing the Gender Gap in Distinguished Speakers at Professional Ecology Conferences', 65(5) *BioScience* (2017) 464; Ford *et al.*, 'Gender Inequity in Speaking Opportunities at the American Geophysical Union Fall Meeting', 9 *Nature Comm.* (2018) 1358.

<sup>50</sup> <https://www.pcma.org/backlash-all-women-speaker-lineup-science-conference/>.

brightest lawyers of her generation, Ruth Bader Ginsburg, was rejected for various law firm and judicial clerkship positions in the USA purely because she was a woman. This means that at least until the 1960s in the west, and no doubt much later than that in many places, the elite employment market was based on a system of quasi-absolute and entrenched affirmative action for men.

Yet a recurring problem today, as evidenced by Mac Donald's comments, is that on-going, important and overdue efforts to increase the number of women in academia are likely to be perceived by some – perhaps even by many – as somewhat arbitrary, not based on merit. Such efforts may be perceived as undeserved, unjust: they are a 'benefit', an advantage to women, maybe a gift for which women should be grateful.<sup>51</sup> The suspicion is that perhaps women would not otherwise be here, speaking at the conference, writing the op-ed, getting hired, getting promoted. That even though they make up more than 50 per cent of law school classes and of doctoral or postdoctoral candidates, and occupy almost that percentage of junior academic positions, any invitation to include a woman on a panel or any promotion to a senior position, or invitation to give a lecture, must in reality be being made only because she is a woman.

It is dispiriting to identify and confront a serious problem and to realize at the same time the great difficulties entailed in trying to solve it. The majority of these difficulties will need to be addressed at the institutional and structural level of faculties, universities and, ultimately, the state. But we are writing this editorial for a number of reasons, the first of which is to keep the issue alive and at the forefront of our own minds as well as those of our readers. Nothing we have written here is either novel or surprising, but injustices that are not spoken about clearly, loudly and frequently can easily be overlooked or pushed aside. They can become normal and even entrenched, so much a matter of routine that all that remains is a sense of resignation, a frustrated shrug of the shoulders. To raise the issue is already to take a step, however small, toward addressing it.<sup>52</sup> In this sense, the work of feminist scholars and activists who are too numerous to mention has been crucial in blazing a trail, framing and exposing injustice and bias, creating and heightening awareness and keeping up the pressure for change.

The second reason we write about it is that there are things each of us can do, even if small, and opportunities that we have to act when we encounter the barriers confronting women in academia. We are calling on each of you as individuals, on all of us as collective actors, as academic colleagues and editors, to do everything within our power to address the various dimensions of the issues that are within reach, intractable and deep-rooted though they may seem to be. We call on women to submit their papers to I•CON. We invite them to inform us when they have published or edited new books that might be of interest to the I•CON readership so that they might be reviewed, and we invite men and women to write reviews of books by female colleagues

<sup>51</sup> Again, this can be understood as part of the 'misogynistic backlash' described by Manne, *supra* note 26.

<sup>52</sup> Régner *et al.*, 'Committees with Implicit Biases Promote Fewer Women When They Do Not Believe Gender Bias Exists', *Nature Human Behaviour* 1 (2019), available at <https://www.nature.com/articles/s41562-019-0686-3>.

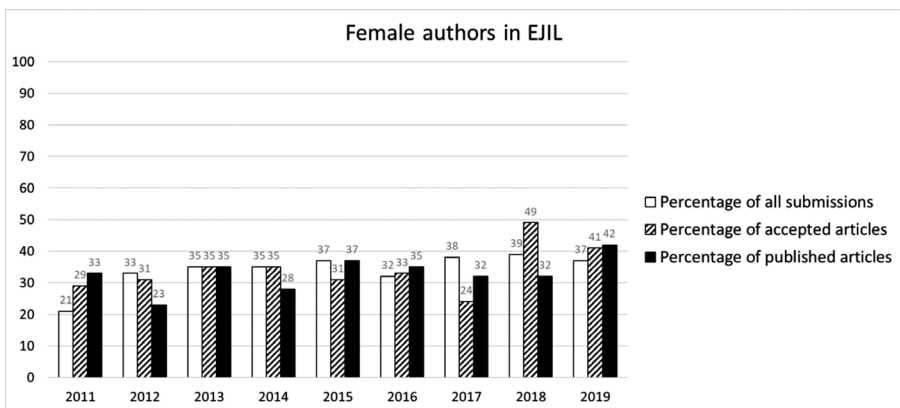
and to cite them. We call on both women and men to ensure that women sit on panels at our annual conference and to consider mentoring and advising female colleagues, in particular junior colleagues. We call on all of our male readers to reject and to refuse to participate in ‘manels’ (panels which are composed only of male members), and on our female readers to question or challenge the composition of such panels when they see them.

In an attempt to make such efforts easier for all of us, I•CON-S is currently working to provide access to a database of all of its members, which should make it less difficult to find other researchers, including female colleagues and early career researchers, working in the same field. We aim in future years to work to provide childcare at the I•CON-S annual conference. Indeed, I•CON-S since its foundation has incorporated the principle of gender parity into its governance bodies and structures, and we call on other academic societies, organizations and journals to do similarly. The Society has also tried to create pathways and opportunities to help advance gender equity within academia by organizing a women’s networking reception each year at its annual conference, although there has sometimes been resistance even to this small step.

We ask all of you to be committed and determined to look hard for female talent when you sit on hiring committees and to structure your academic workplaces, to the extent possible, to be family friendly and not to expose primary caregivers – who are mostly female – to difficult demands (e.g. late classes, meetings, colloquia and those on weekends). Finally, we call on all readers to help in whatever ways you can to advance gender equity within academia, and to let us know of any other proposals or new ways of addressing the problem. I•CON is here, ready to listen to your suggestions and committed to furthering change!

*GdeB, MH and MPR*

### **Postscript: EJIL Statistics**



**Figure 1.** *Female authors in EJIL*

*Note: In most years, the percentage of female accepted articles differs from the percentage of female published articles. This is because there is a time lag between acceptance and publication. Published articles usually reflect manuscripts accepted during the previous year.*

## The Legality of the Israeli Annexation – Redux

Once the American Administration recanted its long-standing position as regards Israeli settlements, one could expect, as day follows night, that a shift on annexation would also follow, much to the delight of the Israeli government. It played well to the internal political agenda of both governments. In the case of settlements, the US State Department at least issued a halfhearted legal justification (<https://www.timesofisrael.com/full-text-of-pompeos-statement-on-settlements/>). In the case of the annexation, not even this (<https://www.timesofisrael.com/amid-condemnation-pompeo-says-west-bank-annexation-up-to-israel/>). Needless to say, the fact that it may be seen as part of the American so-called ‘Deal of the Century’ (The Trump Peace Plan) does not in and of itself constitute a justification under international law.

Most observers, within and without Israel, consider both annexation of, and most settlements in, the West Bank as blatant violations of international law, and rightly so. The establishment of settlements violates the prohibition on the transfer of the civilian population of the occupying power into the occupied territory, embedded in Article 49 of the fourth Geneva Convention, whereas annexation violates the UN Charter prohibition on the use of force. Additionally – and of special significance should the matter of Israeli occupation end up before the International Criminal Court – both annexation and most settlements contravene the duty of Israel to maintain the status quo in the occupied territory, embedded in customary humanitarian law; undermine the right of the Palestinian people to self-determination; and pose a threat to a range of basic human rights of the Palestinian population, including the right to private property and the right to freedom of movement. For although formally, annexation and settlement are two different acts – the former entailing the application of Israeli law, administration and jurisdiction in the occupied territory and the latter involving the transfer of Israeli citizens into the territory without changing its legal status as occupied – from a realist perspective settlements may be seen as a form of ‘creeping’ or *de facto* annexation, which is intended to ultimately lead to *de jure* annexation.

As noted, the Israeli and US governments do not consider it necessary to refute these arguments or to otherwise justify the annexation plan in legal terms, though it has become noticeable that there are some second thoughts in the American camp (and perhaps also in the Israeli camp) and they may be struggling to push the tooth-paste back into the tube. This should come as no surprise when so much governance is by Twitter. But, as expected, the blogosphere and social media are exploding with a variety of legal justifications, which we would like to address briefly. For the most part, these arguments resurrect the legal analysis developed mostly 50 years or so ago in the period after the Six Day War and are associated principally with the names of some distinguished international lawyers such as Julius Stone, Dean Eugene Rostow, World Court Judge Stephen Schwebel and, most notably, Professor Yehuda Blum, former Israeli Ambassador to the UN. More recently, these arguments were reiterated in the report on settlements submitted to the Israeli government by the Levi Committee.

The arguments are not specious but were considered esoteric when originally presented, and have been rendered increasingly irrelevant by ensuing developments. The

first argument is that Israel is entitled to sovereign rights in Judea and Samaria (that is, the West Bank), because this area forms part of the historical homeland of the Jewish people, and because no other state or sovereign power had valid title when it was occupied by Israel during its lawful self-defence war in 1967 (The Doctrine of the Missing Reversioner). Although Israel has so far refrained from formally annexing the West Bank (with the exception of East Jerusalem), it has, so the argument goes, never lost its right to do so.

A second argument made sometimes is that even if Israel's status is that of a belligerent occupier it is allowed to establish settlements in the Occupied Territories. According to this view, the fourth Geneva Convention does not apply to the Israeli occupation of the West Bank because Israel did not occupy the West Bank from another Member State. Further, even if the Convention does apply, Article 49 prohibits only forced transfers of population into occupied territories, not voluntary transfers. Now, if the settlements are deemed legal, so too should the annexation of settlements to Israel, for what else can you do with the hundreds of thousands of settlers who live there?

However, most international lawyers reject these arguments. Strong refutations were first published shortly after the Six Day War, notably by Israeli scholars such as Yoram Dinstein, a former Dean of the Law Faculty and President of Tel Aviv University and considered by many to this day as the 'Doyen' of Israeli public international lawyers. Today, there is a broad consensus among mainstream international lawyers, in Israel and abroad, both friendly and hostile to Israel, that although Israel legitimately occupied the Territories in a war of self-defence and as such the occupation is not per se illegal, Israel's status rests as a belligerent occupier pending an agreed peace settlement. Such status bestows neither sovereignty over, nor permanent title to, the Territories. It entails that Israel is not allowed to establish settlements in the Occupied Territories, let alone annex them. This is also the position of the World Court and that of most states in the world, friend and foe.

For a long time, this has also been the formal position of Israeli governments of both right and left as well as of the Supreme Court of Israel. In countless cases the Court has operated under the premise that the West Bank is held by Israel under belligerent occupation, and in some cases it has stated explicitly that since the occupation of the territory is temporary the settlements are also temporary. In addition, in the intervening years a similarly broad legal consensus has developed among international lawyers and states, including Israel, which recognizes the Palestinians as a people with the attendant right to self-determination to be vindicated in the Territories. This legal status, too, militates against any kind of annexation – *de facto* or *de jure*.

Resolution 242 of the Security Council adopted in the aftermath of the Six Day War is accepted by most states, including Israel, as the political and legal 'cornerstone' for efforts to resolve the conflict. It balances Israel's right 'to live in peace within secure and recognized boundaries free from threats or acts of force' (which opens the possibility of security-driven boundary adjustments in any peace treaty) with 'the inadmissibility of the acquisition of territory by war' and the principle of '[w]ithdrawal of Israeli armed forces from territories occupied in the recent conflict'. There have

been attempts to construe the formulation ‘from territories’ rather than ‘from *the Territories*’ as indicating an Israeli right to either hold on to the bulk of, and/or act as sovereign in, the Territories. The late Nathan Feinberg, the founding Dean of the Law Faculty of the Hebrew University in Jerusalem, and acknowledged widely during his lifetime as the greatest authority on the legal aspects of the Arab–Israeli conflict, characterized that argument as being ‘... without a firm legal foundation ... unconvincing, not helpful to peace and one that does not add honor to Israel’. And so it remains.

The continued settlement project and the open talk of annexation of parts of the West Bank have some consequences unintended by the Israeli government. It becomes more and more difficult to accept the claim that, since occupied legally, the remaining, non-annexed parts of the West Bank may be held by Israel pending a peace agreement. That proposition embodies an implicit assumption of good faith, otherwise it would just turn into an empty means for an unending occupation. It is not too difficult to find numerous instances where the good faith of both parties can be called into question. But annexation discourse, so egregiously in violation of international law generally and of Resolution 242 more specifically, points the finger at the Israeli government and it is not surprising that an increasing number of states, not all belonging to the usual anti-Israeli crowd, are threatening full recognition of Palestinian statehood, effectively calling into question the *per se* legality of the occupation and not just the violations of the law of belligerent occupation by the occupying power. Indeed, already for some time, one might have had the impression that the formal status of the Territories as being subject to the law of belligerent occupation was but convenient lip service not matched by action. This last move has served to push many over the fence with what might be an interesting state practice regarding the good faith requirement mentioned above. Be that as it may, in a further application of the law of unintended consequences, the widespread condemnation by the international community of the Annexation plan will have served to entrench even further the inviolability of the principle of non-acquisition of territory by force, even force used in self-defence, a principle called into question by the Trump Peace Plan.

There has been much comment on the recent decision of the Israeli Supreme Court to strike down the ‘Law for the Regulation of Settlements in Judea and Samaria’, which attempted to retroactively ‘regularize’ the confiscation of private Palestinian lands by settlers (see, for example, <https://www.adalah.org/en/content/view/10035>; <https://www.inss.org.il/wp-content/uploads/2020/06/no.-1335.pdf>). This Law represented an egregious attempt in broad daylight directly to apply a law enacted by the Israeli Knesset to the Occupied Territories, challenging the well-entrenched view that the legislative power in these Territories rests with the Israeli military administration. The Court has thwarted this attempt by asserting that the Law violates the Israeli Basic Law on Human Dignity and Liberty and should therefore be deemed unconstitutional.

From a result point of view, this decision was of course welcomed by liberal public opinion within and outside Israel. But the reasoning and legal foundations of the decision, as has been pointed out by some, is more complex and problematic. The Court’s choice to evade the preliminary question of whether a Knesset law can apply in the Territories, and to examine instead whether the Law’s infringement of Palestinians’



property rights is compatible with Israeli constitutional norms, can be seen in some paradoxical way as ‘annexationist reasoning’ that involves the *de facto* application of Israeli constitutional law to Palestinians in the Territories. It would have been better, in our opinion, had the Supreme Court relied exclusively on the norms of public international law – the law of belligerent occupation in particular – and struck down the offending law on that basis, thus reaffirming the occupied status of the Palestinian Territories as well as the commitment of Israel to administer them in accordance with the international legal norms applicable to such territories.

The law of unintended consequences may operate in yet another way. In recent times, Israel’s very legitimacy has come under increasing attack reminiscent of the early years of the state. Legally speaking, to destabilize the internationally accepted status of Israel’s recognized pre-1967 boundaries, inextricably linked to the international consensus on the status of the Territories, could in the long term amount to a deep self-inflicted wound opening up and calling into question far more than the question of the Territories.

JHHW and MS

## In This Issue

The article section of this issue opens with a contribution by *Maria Laura Marceddu* and *Pietro Ortolani*, who pose the question: What is wrong with investment arbitration? That there is something wrong with investment arbitration is now well rehearsed; less well understood is what explains the public aversion. Marceddu and Ortolani offer an empirically grounded answer. Also utilizing experimental methods, *Daniel Statman*, *Raanan Sulitzeanu-Kenan*, *Micha Mandel*, *Michael Skerker* and *Steven De Wijze* shift the focus to international humanitarian law and scrutinize the reliance on the proportionality principle *in bello*. While they find that military and academic experts have a sensibility towards this principle and a thorough, abstract understanding of it, this by no means ensures a reliable protection qua this fundamental principle due to insufficient inter-expert judgment convergence. *Jasenka Ferizović* closes this section with her analysis of the ‘dark side’ of women in warfare. While women’s role as victims or their positive impact as peace activists or healthcare providers have received much attention, Ferizović sheds light on female perpetrators of war crimes.

The next section features a Symposium on theorizing international organizations law convened by Jan Klabbers and Guy Fiti Sinclair. Following the convenors’ Introduction on conceptualizing international organizations law, *Jochen von Bernstorff* begins this in-depth engagement with the intellectual history of international organizations law by depicting the legal concept of international organizations offered by the Vienna School, most notably Hans Kelsen and Josef L. Kunz. *Guy Fiti Sinclair* examines C. Wilfred Jenks’ foundational work on international organizations and brings to light his thoughts on possible future developments of international organizations, several of which have not yet materialized. *Evelyne Lagrange* focuses on the fundamental contributions to functionalism made by Paul Reuter, whose significance

has been overshadowed by the prominence of the two ‘founding fathers’ of functionalism, Jean Monnet and Robert Schuman. *Jan Klabbers* engages with the work of one of the leading post-war functionalists, H. G. Schermers, analysing the (irreconcilable) dilemma he faced when international organizations became responsible for human rights violations. *Ian Johnstone* portrays the legacy of Louis Sohn, picturing him as a ‘pragmatic idealist’. *Umut Özsü* closes the symposium by revisiting Georges Abi-Saab’s work on Dag Hammarskjöld and the Congo Crisis, showing his understanding of the ways in which international law can be developed in and through international organizations. As the convenors of the symposium note in their Introduction, the scholars studied in this symposium are diverse in their approaches, but less so in their own backgrounds, let alone gender. But neither for the convenors nor for EJIL is this the end of the story. Inspired by Felice Morgenstern’s admonition that it is inertia rather than active resistance that stands in the way of change, the convenors have taken up the challenge to continue the exploration of important figures in international organizations law, including scholars who have not received the attention they deserve. Watch this space for announcements on this new initiative.

In stark and sober black and white tones, our Roaming Charges image in this issue reflects a sense of isolation and separateness experienced the world over during the COVID-19 pandemic.

In the next section, we publish a Focus on human rights and science. We feature two articles that explore contemporary implications of the human right to science embedded in the International Covenant on Economic, Social and Cultural Rights. The first article, by *Anna-Maria Hubert*, asserts that in view of the nexus between environmental protection and scientific knowledge, the human right to science can play an important role in enhancing the effectiveness as well as the democratic legitimacy of international environmental law. In her Reply, *Jacqueline Peel* questions the ability of such a human rights-based approach to bridge the gap between science and democracy in contested international environmental legal decision-making processes. The article by *Rumiana Yotova* and *Bartha M. Knoppers* discusses the role of the human right to science in the regulation and sharing of big genomic data. This article, too, acknowledges the limitations of a rights-based approach, *inter alia* in view of the progressive, discretionary nature of the right to science.

In our EJIL: Debate! section, *Andreas von Staden* and *Andreas Ullmann* reply to the article by Vera Shikhelman, ‘Implementing Decisions of Human Rights Institutions’, published in our vol. 30:3 issue, and *Jochen von Bernstorff* engages with the article by Eyal Benvenisti and Doreen Lustig, ‘Monopolizing War’, published in our 31:1 issue, asking whether International Humanitarian Law is a sham. Benvenisti and Lustig reply with a Rejoinder.

Next, we continue our series ‘Changing the Guards’ with a contribution by *Daniel Sarmiento*, who reflects on the EU Presidency of Jean-Claude Juncker and provides a study in character.

We have a special review section in this issue: complementing the Symposium on Theorizing International Organizations Law, a focus section features two review essays and three book reviews covering recent scholarship on international institutional

law. We begin with a review essay by *Jan Klabbers*, who discusses the most recent member of the ‘Oppenheim family’ (the volume on UN law prepared under the direction of Dame Rosalyn Higgins) and reflects on scholarship in ‘the days of wines and roses’. *Christiane Ahlborn*’s essay offers an in-depth engagement with Nikolaos Voulgaris’ work on the allocation of responsibility between international organizations and states and zooms in on the concept of ‘indirect responsibility’.

The three book reviews comment on, respectively, a crucial conceptual tool of international institutional law, the legal regime governing one of its significant sub-areas and a new textbook in French. In order of appearance: *Samantha Besson* is impressed with Fernando Bordin’s *Analogy between States and International Organizations* and identifies three themes for further discussion. *Lorenzo Gasbarri* finds much to agree with in Gerhard Ulrich’s *Law of the International Civil Service*, but struggles with the author’s ‘legal-dogmatic approach’. Finally, *Frédéric Dopagne* enjoys the engaging, ‘militant’ style of Eric David’s *Droit des organisations internationales*. Taken together, the five reviews offer a panorama of contemporary international institutional law and can serve those wishing to be pointed to key issues and challenges.

Our choice of poetry for The Last Page is eclectic. But we are particularly pleased when we are offered poetry written by international lawyers. Those of you who enjoy taking a break from law and appreciate The Last Page will recall the poems we have published by Gregory Shaffer and Richard Falk, to give but two examples. Judge Epiácio Pessoa from Brazil served on the Permanent Court of International Justice from 1924 to 1930. Two of our readers from Brazil brought to our attention poems that Judge Pessoa wrote during that period, many of which take a light-hearted, almost exasperated view of the life of a sitting judge at The Hague. It is our pleasure to offer a selection of his poems on The Last Page in this issue for your enjoyment and a quick giggle.

*SMHN and JHHW*