
Editorial

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EJIL: News!

Joseph Weiler Steps Down as Editor in Chief of the European Journal of International Law

After 17 years, Joseph Weiler will step down as EJIL Editor in Chief after the publication of this issue (35(4)). As he wrote to the Board:

My decision to retire is not prompted by fatigue or loss of interest in the function of Co-Editor in Chief. Quite the contrary. It is hard work but I continue to enjoy it and want to believe that I am still effective in the role. But it has always been my belief that one should leave before those with whom you work are sick and tired of you (I hope this is the case) and before oneself is sick and tired of the role, so that one can look back with fondness and even miss one's role.

Three special productions mark this momentous occasion in the life of the journal: an EJIL: Live!; a written record of a longer, more personal interview; and a special 'The Last Page'.

Joseph Weiler created EJIL: Live!, the video series of the journal. In these videos, he interviewed authors of EJIL articles and other international lawyers about their work and careers. On the occasion of his stepping down, he takes the seat of the interviewee, and is interviewed about his role as EJIL Editor in Chief. Visit ejil.org to watch the 30-minute interview.

A written record of a longer, more personal interview is published in this issue. As Editor in Chief, Joseph Weiler published several editorials entitled 'On My Way Out', in which he shared his views on good academic practices. The piece '[On My Way Out ... For Real!](#) A Conversation with Joseph H.H. Weiler on the Occasion of His Stepping Down as EJIL Editor in Chief' is based on a discussion of several hours, covering his

life as a son, student, scholar, teacher, practitioner, institution builder, father and grandfather.

And finally, this issue of *EJIL* includes a ‘poem’ on The Last Page that captures some of Joseph Weiler’s most notable aphorisms as expressed during hundreds of editorial meetings. The rubric ‘The Last Page’ was one of Joseph’s many innovations in the life of the journal. Reflective of his passion for literature and poetry, the rubric reminds international law scholars that there is more to life than international law. Most poems on The Last Page have been written by professional poets and occasionally by international lawyer poets. For the ‘poem’ in this issue, however, many who have worked with Joseph Weiler on *EJIL* contributed Weilerian aphorisms that they remembered from editorial meetings. On that basis, Anny Bremner and Sarah Nouwen composed ‘[Thus Spoke JHH Weiler](#)’.

Changes in EJIL: Talk! Editors

EJIL: Talk! founder Dapo Akande steps down as blog editor after 16 years. The blog started in December 2008 with Dapo as ‘guest editor’. In fact, he was and has remained one of the blog’s central engines. He wrote dozens of blogposts over the years (including the famous ‘international law trivia’) and edited hundreds of submissions. He also attracted many exceptional international law talents as contributors and later co-editors of the blog, including current blog editors Marko Milanovic, Diane Desierto and Devika Hovell. Thank you, Dapo!

We are delighted that Nehal Bhuta has recently rejoined this team of *EJIL: Talk!* editors. Nehal was involved in *EJIL: Talk!*’s early years and has come back with new ideas and fresh energy.

Changes in the Book Review Editors

Anne Lagerwall and Doreen Lustig take over from Christian Tams and Gail Lythgoe as book review editors from 1 January 2025. We are grateful for all the energy that Christian and Gail have invested in the book review section and look forward to seeing Anne and Doreen’s plans develop!

New: EJIL: The Podcast! Editors

EJIL: The Podcast!, started by Dapo Akande, Marko Milanovic and Philippa Webb, has become an important *EJIL* platform. It therefore deserves its own editors. Like journal editors, the podcast editors work on producing rich and diverse content, with multiple voices. Megan Donaldson and Guy Fiti Sinclair have agreed to be the inaugural *EJIL: The Podcast!* editors.

Onwards!

EJIL is grateful to Joseph Weiler, Dapo Akande, Christian Tams and Gail Lythgoe for the enormous amounts of work they have put into making *EJIL* what it is today, and we look forward to seeing how Nehal Bhuta, Anne Lagerwall, Doreen Lustig, Megan Donaldson and Guy Fiti Sinclair will take *EJIL* in new directions.

Sarah M.H. Nouwen

In This Issue

EJIL's last issue of 2024 is full of change. Joseph H.H. Weiler, outgoing Co-Editor in Chief after 17 years at the helm of EJIL, is interviewed by fellow Editor in Chief Sarah Nouwen. In an EJIL: Live! interview, available on the EJIL website, they discuss Joseph Weiler's time at the journal. In this issue, we publish 'On My Way Out ... For Real!', the written version of a long conversation that explores many other aspects of his professional and personal life.

In the Articles section, *Radha Ivory* proposes a novel conceptualization of reform in international law. Ivory studies how international bodies beyond the state rally to change law for the better. The OECD recommendations on anti-corruption lay the groundwork for testing the concept of international law reform.

The next article asks what kinds of changes can best mitigate massive ecological footprints. *Andreas Buser* suggests that the exercise of extraterritorial jurisdiction on a planetary level is not only legitimate but a necessary means to address crises of a planetary scale. Buser confronts common critiques against the exercise of planetary jurisdiction and proposes improvements to EU legislation on climate change and biodiversity.

Closing the Articles section, *Jedidiah Kroncke* and *Haimo Li* revisit a 19th-century incident between the United Kingdom and the United States involving the *Topaz*, an American ship captured by the British off the coast of Macao. Revisiting the *Topaz* affair, Kroncke and Li argue, is a good opportunity to contemplate imperial legality in Sino-Western relations and how the different countries involved used prize law and the law of nations to their benefit. *Plus ça change?*

Light and shade in our Roaming Charges photograph beautifully evoke a sense of the darkening world we currently inhabit.

Finally, The Last Page offers a tribute, by way of his oft-spoken aphorisms or words of wisdom, to our outgoing Editor in Chief, Joseph H.H. Weiler.

ALB

In This Issue – Reviews

This issue of EJIL features a special review symposium on International Law and Technology, one review essay, two regular reviews and the third batch of contributions to our (ongoing) Hague Academy Centenary Symposium.

The review symposium on International Law and Technology is introduced by our Guest Review Editor, Dimitri Van Den Meerssche, and we thank him for all his work curating and organizing this special collection. In essay format, *Abhimanyu George Jain*, *Marie Petersmann*, *Christine Schwöbel-Patel*, *André Dao* and *Angelina Fisher* each review a recently published book on 'law and tech'. We decided on this format, given that quite a few books have recently been published in this growing field that are worthy of review.

We continue with a review essay covering no fewer than eight recent works on aspects of due diligence in international law. The topic is undoubtedly experiencing a renaissance, but has it become 'all things to all people'? *Vladyslav Lanovoy* is aware of

the risk and, identifying key propositions emerging from recent scholarship, suggests how due diligence could be kept ‘circumscribed’ and thus ‘useful’.

In the first of our two regular reviews, *Silvia Steininger* engages with *The 3 Regional Human Rights Courts in Context* by Laurence Burgorgue-Larsen: a book that (in rival metaphors) ‘weaves together three distinct regional practices and scholarly debates into a new tapestry’ and manages to ‘open a door to a new generation of comparative human rights scholarship’.

Next in line is *Renske Vos* who reviews *Expert Ignorance: The Law and Politics of Rule of Law Reform*, commending Deval Desai’s critical engagement and ‘sense of creativity’ in his approach to legal research. The book is written by a former ‘rule of law expert’ who reflexively engages with professional ‘ignorance’ as a performance of expertise.

Finally, in this issue we continue our symposium reflecting on a century of scholarship at the Hague Academy of International Law. Our third batch of essays reflects on the Academy outside of Europe. First, *Phattharaphong Saengkrai* highlights a scholar from outside Europe, Japanese professor Onuma Yasuaki, who developed a ‘transcivilizational perspective’ in his 2007 course. Then come a series of reviews that focus on Latin America. *Mario J.A. Oyarzábal* offers an overview of the contribution of Latin Americans to the Hague Academy and, reversing the gaze, also the influence of the Academy in Latin America. *Rodolfo Ribeiro C. Marques* specifically traces the development of Latin American international legal thought in lectures delivered by Latin Americans at the Hague Academy. In the final essay, *Justina Uriburu* zooms in on the teachings, politics and international legal thought of Jiménez de Aréchaga, one of the ‘gentlemen-politicians of the law’. The symposium will conclude in the next issue.

GCL and CJT

EJIL Role of Honour

EJIL relies on the good will of colleagues in the international law community who generously devote their time and energy to act as peer reviewers for the large number of submissions we receive. Without their efforts our Journal would not be able to maintain the excellent standards to which we strive. We thank the following colleagues for their contribution to EJIL’s peer review process in 2024:

Christine Abely, Amina Adanan, Christiane Ahlborn, Paula Almeida, Tilmann Altwicker, José Alvarez, Helena Alviar, Paolo Amorosa, Bridget Anderson, Constantine Antonopoulos, Julian Arato, Maria Aristodemou, Helmut Aust, Oumar Ba, Jose Duke Bagulaya, Olivier Barsalou, Ed Bates, Filip Batselé, Arnulf Becker Lorca, Michael Becker, Lauren Benton, Nehal Bhuta, Gleb Bogush, Jonathan Bonnitcha, Eric Brabandere, Natacha Bracq, Eva Brems, Isabella Brunner, Evelien Campfens, Orfeas Chasapis Tassinis, Alejandro Chehtman, Yuliya Chernykh, Vincent Chetail, Jacob Cogan, Harlan Cohen, Jorge Contesse, Rebecca Cook, Olivier Corten, Fabio Costa Morosini, Gráinne de Búrca, Margaret deGuzman, Julia Dehm, Alex Dela Cruz, Deval Desai, Diane Desierto, Megan Donaldson, Phillip Drew,

Mark A. Drumbl, M.J. Durkee, Hanna Eklund, Julia Emtseva, Martin Fink, Guy Fiti Sinclair, Idriss Fofana, Ximena Fuentes Torrijo, Mónica García-Salmones Rovira, Abhimanyu George Jain, Chiara Giorgetti, Pilar González Bernaldo de Quirós, Guy Goodwin-Gill, Thomas Grant, James Green, Kathryn Greenman, Douglas Guilfoyle, Alonso Gurmendi, Miia Halme-Tuomisaari, Rebecca Hamlin, James Harrison, Adil Hasan Khan, Mamadou Hébié, Wolff Heintschel von Heinegg, Laurence Helfer, Gleider Hernández, Moshe Hirsch, Yenkong Hodu, Duncan Hollis, Devika Hovell, Stephen Humphreys, Yurika Ishii, Miles Jackson, Daniel Joyce, Emily Kidd White, Jan Klabbers, Dimitry Kochenov, Ursula Kriebaum, Nico Krisch, Charlotte Ku, Jaka Kukavica, Dilek Kurban, Andrew Lang, Adele Langlois, Luiza Leão Soares Pereira, Ivan Lee, Dustin Lewis, Ray Lin, Kerttuli Lingenfelter, Tom Long, Marco Longobardo, Rachel E. López, Kerry Lynn Macintosh, Nahuel Maisley, Lauri Mälksoo, Daniele Mandrioli, Itamar Mann, Negar Mansouri, Giovanni Mantilla, Giuseppe Martinico, Frédéric Mégret, Karin Mickelson, Marko Milanovic, Ryan Mitchell, Vasuki Nesiah, Janne Nijman, André Nollkaemper, Luigi Nuzzo, Aoife O'Donoghue, Valerie Oosterveld, Federico Ortino, Dianne Otto, Umut Özsü, Federica Paddeu, Nicola Palmer, Luca Pasquet, Joost Pauwelyn, Raul Pedrozo, Facundo Pérez Aznar, Annick Pijnenburg, Jason Pobjoy, Lauge Poulsen, Arnold Pronto, Sergio Puig, Bob Reinalda, Ruth Rubio-Marín, Tom Ruys, Cedric M.J. Rynjaert, Charles Sabel, Priyasha Saksena, Juliana Santos de Carvalho, Mavluda Sattorova, Stephan W. Schill, David Schneiderman, Moritz Schramm, Yuval Shany, Xinxiang Shi, Hendrik Simon, Gerry Simpson, Sandesh Sivakumaran, Quinn Slobodian, Tommaso Soave, Alfred Soons, Mirko Sossai, Yusra Suedi, Oisin Suttle, Yane Svetiev, Sarah Swan, Christopher Szabla, Jamie Trinidad, Aikaterini Tsampi, Justina Uriburu, Priya Urs, René Urueña, Anne van Aaken, Larissa Van den Herik, Dimitri Van Den Meerssche, Ingo Venzke, Geraldo Vidigal, Santiago Villalpando, Jorge Viñuales, Jochen von Bernstorff, Tania Voon, Wouter Werner, Jan Wouters, Jason Yackee, Zhiguang Yin, Kangle Zhang, Gentian Zyberi.

SMHN and JHHW

EJIL Peer Review Prize

The 2024 EJIL Peer Review Prize is awarded to Dr Idriss Fofana. Dr Fofana provides both the editors and the author with a well-structured analysis of the strengths, weaknesses and potential of the reviewed article. He uses his keen eye to gauge how the article might be strengthened to offer the author clear and helpful suggestions. For instance, when recommending relevant literature, Dr Fofana does not merely provide references but explains how and why each piece of scholarship might be relevant to the author's argument, thus providing a roadmap for deeper engagement with the field. Dr Fofana is the sixth EJIL Peer Review Prize winner since the Prize was instituted in 2019. He joins previous winners Tilmann Altwicker, Megan Donaldson, Leena Grover, Jochen von Bernstorff and Anne Lagerwall, all of whom have become members of EJIL's Advisory Board upon winning the prize.

SMHN and JHHW

Are We Missing *Your* Peer Review?

Peer review is a scarce resource. It is even more reason for EJIL and those whose articles are peer reviewed to be tremendously grateful for the generally excellent peer review reports that we receive from our peer reviewers. The editorial team selects peer reviewers on the basis of their knowledge of the relevant field, which sometimes involves doing some research into a specific subfield of international law. Members of the scientific advisory board and editorial board are frequently asked to serve as one of the three or four peer reviewers. We constantly try to expand our pool of peer reviewers, recognizing that as the field evolves, so does the group of ‘peers’ who can be consulted. Would you like to be considered as peer reviewer but are not yet on our radar? Please drop an email to our managing editor, Anny Bremner (anny.bremner@eui.eu), also listing your areas of expertise.

Sarah M.H. Nouwen

On My Way Out – Advice to Early Career Scholars VIII: Best Practice for Workshopping Projected Edited Collections (Books, Symposia) in 10 Not So Easy Steps

On my way out? It appears, you might be thinking, to be a very long and winding way. Still, for what it is worth, here is another of my ‘dos and don’ts’ advice on topics addressed to early career scholars on their way in, and in this case, most decidedly, the advice may profit advanced scholars and even those like me who are on their way out.

Eons ago I inveighed against edited books, or rather, unedited books (see [vol. 27:3](#)). When invited to contribute to such volumes, my advice was: proceed with caution, avoid if at all possible.

Here are a few snippets, which can be entitled ‘Worst Practice’:

The routine is well-known and well-practiced. You receive an invitation to present a paper at some conference. You accept. You may adapt something you have already written or something that you are working on which is in some way connected. It is often not exactly what the conveners had asked for or had in mind, but perhaps close enough so as not to have to reject the invitation. The conveners are often accomplices in this little approximation. They are committed to the conference; it is often part of some grant they have received. Sounds familiar?

...

You attend the conference. The papers presented are of very variable quality and relevance. There is the usual conference overload so that the habitual 10-15 minute ‘commentator’ input may be interesting but of limited value to your paper....

At the end of the conference the conveners remind participants of the publication plans. More often than not they already have an agreement, even a contract, with the publishers. Typically one is given a deadline for the final version of the paper. How much work is done on the draft presented at the conference? It varies, of course, but in general not much. Crossing T’s and dotting

I's. Adding a footnote here and there. One is already busy preparing the next paper for the next conference.

...

Now we arrive at the crux of the problem. How often does one receive detailed editorial comments from the 'Editors' on one's final submission? The sad answer is – rarely. And even when one does they are all too often of a tentative and even perfunctory nature. How often have you, as editor – hand on your heart – sent out such? The fiction is that the conference, with the commentators and discussion, would have served that editorial function. It is a fiction.

The result is one more edited book or symposium destined for oblivion.

However, good edited collections (a rarity) can be hugely useful. I will henceforth refer to books but this advice is applicable, too, to journal symposia.

- They can illuminate a theme with different and distinct voices that cannot be achieved by a single-authored monograph.
- A good and coherent edited book can become a standard reference resource of the field or theme examined.
- A well-edited book can also be useful to the contributors. In preparing the book the various contributors can benefit from careful and pointed comments by people working and thinking on the same overall theme who have read the draft carefully – collective peer review if you wish. Typically, individual contributions to edited books are not peer reviewed.

The resulting book can thus be, in its overall conception as well as in the different contributions, well-written, meaningful and can constitute an original, ideally indispensable, contribution to the discipline.

So now let's turn, step by step, to what I consider the 'Best Practice'.

Please take this with a grain or even two grains of salt. This is not *The Decalogue* (even *The Decalogue* had two versions, one in *Exodus*, the other in *Deuteronomy*...). Modify it in ways that are more in line with your sensibilities and circumstances. But I do think that each of these 'Ten Commandments' is worth considering.

Step One

This is probably the single most important step. When the idea comes to your mind to prepare an edited book, you simply *must* give yourself an account, with a lot of internal integrity, of why you want to proceed with this project, and in what way the projected book will constitute a meaningful contribution to the existing literature. What is lacking in extant scholarship on the topic that this book will fill, that will justify the effort? How will it contribute to an advance of the discipline? What will be new about it?

Here are some obvious possibilities: this is a field that could benefit from a distinct theoretical framework (e.g. TWAIL). This is a subject – such as [sports law](#) – which has been blind to gender or feminist jurisprudence, or which uses an economic analysis of law or a Marxist lens. There might have been new developments which may require rethinking of existing scholarship. You get the idea.

Here are the reasons which cannot and should not be the *principal* incentives behind the project:

- Well, it would be another ‘book’ on my CV
- Over coffee with a couple of friends, say Jacob and Rachel, someone suggests: let’s do an edited book on... wow, let’s do it
- Yes, and let’s do it by way of a ‘conference’. We can invite our friends, and/or invite a bunch of ‘important’ people (at least important in their own eyes). These so-called ‘important’ people will typically be the ones who give you most grief in the process, writing their own thing (typically recycling something already done) and paying little or no attention to your concept and editorial comments. They are the ones whose pieces you will find most difficult to refuse to publish.
- The incentive cannot simply be that this is a ‘hot’ topic. Everyone is writing about it. Let’s add our own two bits. Examples? AI (the current *menu du jour*), or populism, or democratic slide, or an evergreen (in fact ever yellow and crumbling) topic like proportionality, *et voilà*, we have a conference, we have an edited book.

Again, you get the idea.

Step Two

Put pen to paper, alone or with a couple of colleagues or with your collaborators, and write a serious concept paper, explaining briefly the state of the art, outlining its lacunae and then explaining in what way this book is meant to fill the gap, advance the field, make a contribution to the discipline.

This is important for the obvious reason that actually having to *write* a concept paper of this nature will constitute a reality check for you – that substance veritably takes precedence to ego. Additionally, it will serve as the covenant you will be offering potential contributors: accept to contribute only if you agree with this concept (of course, comments, criticism and suggestions welcome) and agree to do your research and write your contribution in a way that fits this overall scheme.

The concept paper will also serve as the very preliminary draft of the eventual Introduction to the edited book or symposium.

Step Three

Workshop the draft concept paper. Not a formal workshop, just a presentation and discussion with a few trusted colleagues whose knowledge and good judgement you trust. Let them read the draft and then confer with them. In this case Zoom serves well. Conversation and deliberation are infinitely more productive than simply getting some comments in writing. It responsabilizes your interlocutors – they cannot get away with a perfunctory ‘interesting’, ‘very good’, ‘here are a few suggestions’ – and allows a proper give and take. Once done, you can rework the concept paper in the light of the comments (or abandon the idea if you come to the conclusion that your initial idea and enthusiasm were misplaced). You appreciate the weight I give to a well thought out concept paper as the basis for the project.

Step Four

It is time to begin considering the structure of the book: what are the distinct contributions we need so that each will be, in and of itself, an important piece, but also so that together the whole will be larger than the sum of the parts? A crucial albeit not an easy task.

Now, and only now, it is time to think of prospective contributors. I say ‘only now’ because so often in planning a conference and book we start off by thinking ‘who has written interestingly about this? Let’s invite them’. The result is that we tailor the structure of the book to the proclivities of the authors rather than the other way round. This is putting the cart before the horse. Instead, only once you have decided what are the necessary components of the book to make it cohere with your concept has the time come to think about who may be the best contributor to this or that chapter.

It cannot be just the people with whose work you are familiar. Start reading. AI can be helpful at this stage, believe it or not. Do not forget gender. This is not ‘wokism’. As we have shown in both [EJIL](#) and [I•CON](#), there is a tendency to overlook women scholars for reasons that I need not re-explain here. It is not simply ‘we need gender balance’ (though this is in and of itself important). We need the best potential contributors and these are oftentimes women scholars who tend to be overlooked. The same logic should apply to other scholarly communities which may be outside your comfort zone.

In the same vein, a few ‘big’ names may be useful. Some of them may still be doing very fine scholarship. But often young and emerging scholars are doing the most original work, not yet prisoners to their well-advanced conceptual universe.

Go back to the colleagues with whom you earlier consulted and share your suggested contributors. They are familiar with the project, have encouraged you to proceed. They may have useful suggestions on contributors too.

Step Five

Now one approaches the prospective contributors. It is a delicate act. You want them to say Yes, but on your terms. For each potential contributor, in addition to the overall concept paper, there must be a more or less detailed explanation of how you see their potential contribution and its ‘fit’ within the overall project. It can be and indeed should be a suggestion, open to input from the author. He or she might have different but better ideas. The important thing is to have a conversation (Zoom again?) and reach a consensus with which both you and the prospective contributor are comfortable. It cannot simply be: ‘This is the title of the projected chapter, are you willing to write it?’ I cannot count the number of invitations of this nature I have received.

As a result of these conversations, you may be rethinking some of the elements in your concept paper. You may be switching around some of the authors. You may be discovering lacunae in your own project and looking for additional contributors. You may be dropping some topics (or authors) and looking for others. In effect, the editing of the book is already taking place before a single chapter has been written!

When this conversation is over, ask each contributor to send you a one-page abstract of his or her projected contribution. Explain that you want to circulate these abstracts to all contributors (the group now begins to take form) so that each will be aware, at least in general terms, what their co-contributors are doing and each will understand better the overall economy of the projected book. The abstract will also be a discreet check that you and each author are on the same page.

Step Six

Explain to the contributors that the next step will be a workshop – in person, if at all possible and if your budget allows, or on Zoom. You should do everything in your power to hold the workshop in person. It is infinitely more productive (and socially enjoyable) than Zoom.

It is important to emphasize that the workshop is exactly that: a *workshop*, not a conference in which one presents a paper. The distinction is crucial. Each author will have the opportunity (a polite way of saying obligation) to react and make constructive suggestions to his or her fellow contributors and will receive feedback from the whole group.

Set a deadline for the workshop. Give a realistic time frame – several months.

Now comes a somewhat counterintuitive element. *Insist* that authors should not submit a draft of their final paper but a more concise version of, say, 5,000 words, which eventually will be turned into the final draft of, say, 10,000 words.

There are several reasons, from my experience, for this procedure. First, you do want *all* participants to read *all* papers. It is more likely, and less daunting, to read, say, eight drafts of 5K words than eight drafts of 10k. Additionally, authors will not have fallen in love with these early drafts in the same way we tend to fall in love with our finished work, with the tendency to circle the wagons and deflect any criticism or suggestions that require more than a perfunctory footnote.

Step Seven

Organizing the workshop. It is simply imperative that you insist that the 5k drafts be sent in at least, say, 10 days before the workshop. You want to avoid papers arriving a day or two ahead of the workshop, which would mean they are read, if at all, on the plane or train on the way to the venue. Read them the riot act. Explain the rationale. And if you are like me, be draconian. It's like the speed limit: if you drive 70 miles an hour rather than 65, the police will not stop you (except in Maryland). If someone is late by a day or two, we just send a gentle reminder (more like an iron fist in a velvet glove). If it has not arrived a week ahead of time, I drop the person. Done that more than once or twice.

For the workshop I would suggest that the gold standard is one hour per paper. Since everyone was required to read the texts, the presenter can be limited to five minutes, if at all. If everyone is aware of that, it is another incentive to read the papers ahead of time. You may ask one of the participants to act as commentator for each paper (10 minutes which invariably means 15). Insist (there is a lot of insisting in this phase of

the project!) that they have a written version of their comments. Encourage all participants to jot down their comments too (good luck with this).

The comments are different from the kind one gets at a conference or, say, a faculty seminar. They are all meant to be in the nature of 'here is a way of making a promising and good paper even better'. It is, as mentioned, a friendly form of collective peer review. Some comments and suggestions will be, in the eyes of the author, silly or missing the point. But if an intelligent colleague makes comments, the author might well consider them when drafting the full paper so that others will not misunderstand the point in the same way.

The idea of the workshop is to collect as many constructive comments and suggestions as possible, so that, yes, it is not necessary or even desirable for the presenter to take time and 'answer' each or any of the comments at the end. Five minutes at the end of the session is fine, and a mere 'I thank you all for the very useful comments' may be all that needs to be said.

It may be useful, if at all possible, to have the sessions recorded as well as having an assistant make a summary of all comments made. At the end of the workshop, ask all commentators and participants to send their comments to you (not directly to the authors) as soon as possible – say within a week (several gentle reminders will typically be necessary). This will enable you to edit them and add your own comments and suggestions. Remember, you are the Editor of the eventual book or symposium. This is a critical stage in exercising this responsibility. So how you redact the various comments is an important way to exercise this responsibility. The memo that each author receives should look like a well-redacted peer review.

Step Eight

Give a realistic deadline for the final contributions. Not too little, not too much. Invite the authors to communicate with you if they have any problems with some of the comments and suggestions. Whilst you are waiting for these to arrive (the 65 miles an hour rule applies here too) you may be working on your own contributions and on adapting the concept paper/Introduction to the book in the light of what has transpired so far.

This, too, would be the moment to circulate the final drafts among all participants, inviting those who are willing and able to both offer comments and, more importantly, to see if the contributions of others may help enhance their own papers.

Now comes the most delicate and frustrating part of the process. It is not only waiting for some authors who do not respect the deadline. One can live with that. It is that at this point you have to act as an editor of a journal when dealing with 'revised and resubmitted articles'. This is the part that rarely, if ever, takes place with run of the mill 'edited' books. The content might be good, but the writing (the communicative dimension of the piece) might be poor. It has to go back to the author for revision. Important points raised by the 'peer review' may have not been dealt with adequately or perhaps not at all. Back to the author. It can be a frustrating and irritating task for both you and your authors. But if you want a good edited book it is simply, here again, a must.

Step Nine

You have the final text(s) in your hand. Now you can put the final touches to the concept paper, which has become the Introduction. Typically, a good introduction to an edited book will start off with the concept and help the reader understand the rationale of the book and its contribution to the field. It will also walk the reader through the various contributions and explain how they serve the overall purpose of the book. It is a kind of ‘roadmap’ for the reader. Now, with the final versions of the chapters in hand, is the time to put the finishing touches to this roadmap element.

The main substantive difference between the early draft of the introduction and the final draft is the result of having before you all contributions. It is the time to explain why and how the whole is greater than the sum of the parts; or, put differently, the contribution of the collection as a whole to the discipline.

This will also be the right moment to put the champagne in the fridge, but don't pop it yet.

You may wish to send this final version to all contributors. Ask them, in particular, to read the Introduction (since they are mentioned they will certainly do so) and to give a final look at their own piece for last-minute emendations. Some might not have yet sent in their Abstract. Make sure that they indicate how exactly their name and affiliation must be mentioned in the list of contributors which will appear in the book. Insist on brevity and consistency for all authors. In other words, now is the time for all those little but important loose ends that need final tying up and tightening.

If you have asked another of those ‘big’ names to write a Preface, this is the time to get him or her to do their duty. Worry not. They will typically read the Introduction and say a few nice, occasionally important, words.

The book is ready to go to the publishers and, depending on your agreement, may or may not be subject to publisher peer report. If you have done all of the above, you need not worry too much about this either. Pop the champagne!

Step 10

At this point the ‘commandments’ end and the following is more by way of suggestion, certainly not another ‘must’.

Even when faced with a very well-designed and executed edited book, one last issue is worthy of consideration. Precisely because it is a well-designed and well-executed edited collection and thus draws the kind of attention one hopes for, by the nature of things readers might have many questions, comments and clarifications they would like to raise with one or more of the contributors.

It is in this spirit that I would like to suggest that prospective editors of such books consider the option of commissioning a so-called Dialogical Epilogue. I have been asked to do this on half a dozen or so occasions (see e.g. [The Worlds of European Constitutionalism](#), the first time I did it, and [International Legal Theory: Foundations and Frontiers](#), the most recent iteration). To judge by the reactions of readers and reviewers, they seem to have had a positive resonance and to add an interesting dimension to such books.

This is how the author of such may introduce the Epilogue:

It is the nature of all law books, and edited books in particular where authors are constrained by the space available to them, that oftentimes readers, if they could, would love to put a question, seek a clarification or even contest one or more propositions in what they read.

My role in engaging with the authors through this Epilogue is to be a 'Consul of the Readers' and to put such questions to some of the contributions to this volume. Specifically, the various contributors to the volume typically would not have had the benefit of seeing the whole when writing their specific contributions – and maybe only few readers will take the time to read the edited book cover to cover. My questions to the various authors are, thus, informed not only by the specific contributions but by the perspective of seeing the individual trees and the forest as a whole.

Each of the questions posed to the authors in such a dialogue is not the kind of quick question one may hear in a typical faculty seminar. Each question might be quite long, say two to three pages, and engage deeply with the work, both by challenging and clarifying. Naturally, the authors are then given space to react to the questions and critique.

For the most part, not only readers but also the editors of the book and the contributing authors have been very positive about the experience and pleased by the possibility of engaging with critique, amplifying and clarifying, aware that such queries might indeed be in the mind of those who read their contribution. At its best, it may be thought that a Dialogical Epilogue enhances the overall value of an edited volume.

If the idea is appealing it must be borne in mind that it comes with a cost. It delays by several months the date by which the manuscript may be submitted to the publishers and it adds, not insignificantly, to the length of the book. So, *caveat emptor*.

JHHW

My Patria Is The Book: 10 Good Reads 2024

Here, again, is my pick of 'Good Reads' from the books I read in 2024. I want to remind you, as I do every year, that these are not 'book reviews', which also explains the relative paucity of law books or books about the law. Many excellent ones have come my way this year, as in previous years, but an excellent law book is not always, in fact rarely is, a 'good read' in the sense intended here: curl up on the sofa and enjoy a very good read, maybe even as a respite from an excellent law book. I should also point out that some of these 'good reads' are not necessarily literary masterpieces – and yet, still, they are very good reads.

You may note the new title to the series. Given my peripatetic life and persona, I am regularly asked: Where are you truly from? Where is your Home? Hogar? Heimat? Bayit? Casa? Maison? Dom? My my, the enduring power of territoriality as a signifier. Maybe a better question would be: Where do you feel mostly 'at home'? Here my answer is easy: my Patria is The Book, the quintessential Wandering (and Wondering) Jew – at home everywhere and nowhere.

My own reading habits are eclectic – so I hope there is something for everyone – as a Christmas gift or even a gift to oneself.

Ian McEwan, *The Comfort of Strangers* (Simon & Schuster, 1981)

Anthony Horowitz, *The Word Is Murder* (Century, 2017)

In both of these books a murder takes place, though you could hardly imagine two books more different in approach and style than these. Yet, each is masterly in its respective genre and both are a guarantee of an exceedingly good and ‘satisfying’ read. I put ‘satisfying’ in scare quotes because *The Comfort of Strangers* will leave you pensive, even troubled. Its ending might be described as a ‘dark catharsis’. It is a catharsis in that all threads are brought together and, from a literary perspective, done in a masterly manner. But it is not a catharsis in the sense of the satisfaction that is oftentimes associated with the concept.

I write about them together since by happenstance I read them one after the other and I recommend that you do the same; it is almost discombobulating to realize how differently we might react to, and think of, a murder. I hesitated whether to mention murder in the McEwan book for fear of a spoiler. But should you read it, you will realize that I have spoiled nothing.

I have been a devoted McEwan reader since his first novel, *The Cement Garden*, published in 1978 when he was in his early 30s and I was 27. I have not stopped reading him since. I thought that I had read his entire oeuvre but discovered this year that I had missed this, his second novel, published three years after the first. McEwan needs no introduction – if you have not read him yet, surely you have seen one of the movies based on his books, such as *Atonement*. He has justly won all manner of prizes and I would not be surprised if he is awarded a Nobel at some point. He certainly deserves it. *The Comfort of Strangers* is as good a harbinger as any of his subsequent writings, the work of a mature author; you would never guess that it was written by a man in his twenties. Set in Venice, it has all the features one expects – a profound and nuanced study of human relations (woman and man), indeed of the human condition itself, a typical McEwanesque darkness and a slow build-up of menace. It is one of those books that you do not put down – entranced as you are by the combination of character development, a slow but captivating plot and an almost poetic writing style. Maybe I should add that it is not long, all of 127 pages. Yet it is not a novella – it is decidedly a short novel with brief but well-developed characters, which underlies his mastery.

Horowitz is a totally different story – an intended *double entendre*. One way to describe this part of his work, and I am not the first to do so, is as a latter-day Agatha Christie. Do not let this put you off! If you are at all attracted to the Whodunit genre, you will not find better. The setting is classic – the body on the floor (so to speak) very early on, and then the slow detection. Daniel Hawthorne is the Miss Marple of the narrative, but I can say without hesitation that the study of his character – alongside the unfolding Whodunit – is more fascinating and richer than Christie’s Marple. The social context is contemporary and not the stuffy Upstairs Downstairs Victorianism that has lost much of its appeal. I wrote above ‘... this part of his work’.

There are plenty of films and TV series based on Horowitz's work, or part of his work, but special mention should be given to his Young Adult detective stories – a favourite with my grandchildren. If you are searching for a Christmas present for youngsters and are determined to avoid anything that has a whiff of electronics or digital in it, this might be a good choice. For their parents you will not go wrong with *The Word Is Murder*.

Daryl J. Levinson, *Law for the Leviathan* (Oxford University Press, 2024)

This is a serious law book or, rather, a book about the law. It is a very good read since Levinson writes beautifully – you will never struggle with this not-too-long text.

It starts, as expected, by putting the state at the centre in the Hobbesian tradition and then looks at the various legal/political attempts to tame this Leviathan. Not exactly an original theme, you may be thinking. In some respects, it is Levinson v. Hobbes – though some have questioned whether he truly manages to extricate himself from the alleged Hobbesian stranglehold on the way we think of the state. But here comes the twist, he examines side by side and interconnectedly constitutional law and international law. This I have not seen done better. The constitutionalists will surely learn from the international dimension, and vice versa. But even readers like myself, who like to think of themselves as both constitutionalists and internationalists, will repeatedly gain little and big insights – both in agreement and disagreement. There will be plenty that you might not agree with (usually of the 'what about this, and you didn't consider that' type reaction) but even there, it will force you to think afresh about themes you considered familiar. One reason I favour this type of book – slowly becoming something of an endangered species – is the boldness of attempting a broad historico-conceptual synthetic oeuvre. This is one of the reasons it was easy to recommend it as a 'good read'. It tells a story and it tells it very well.

Annie Ernaux, *Simple Passion* (transl. Tanya Leslie, Seven Stories Press, 2003)

This is a book that only Annie Ernaux, with her remarkable life and remarkably honest and at times painful oeuvre, could 'get away' with. If it were, say, written by a man it would receive the justified contempt that the movie *What a Woman Wants* received: a better title for the film would have been 'What a Man Wants a Woman to Want'.

Since I only read *Simple Passion* this year, I looked up the reviews the book received (and continues to receive, given the renewed interest in Ernaux after winning the Nobel Prize). There is almost invariably an apologetic streak: why the book is admirable despite a certain resistance.

The reason for this is obvious and will leap at you from the very first page of this very short work. It is a compelling narrative – apparently with an autobiographical foundation – of an infatuation (for want of a better word), both emotional and sexual, of a single woman with a married man and their ensuing two-year affair. Central to the narrative is the asymmetry of the relationship. The object of the desire and passion (the man) most certainly does not share the same emotional attachment nor possibly the same depth of personality.

This is one reason why the narrative is so compelling. The narrator is a mature person, sophisticated, experienced and utterly aware of this circumstance. That is why I hesitated to use the word ‘infatuation’, which is typically associated with naïveté. The narrator is anything but naïve. This self-awareness is crucial: the way she negotiates with herself this asymmetry is both profound and moving.

The second reason why the narrative is so compelling is the incredibly rich and nuanced way in which the passion and desire are expressed – from both a psychological and, of course, literary perspective. This book is more than a ‘good read’ – it will stay with you: an unparalleled insight into the human condition.

There is a film based on the book. A decent film, but do yourself a favour and read the book before you watch it.

Peter Uwe Hohendahl, *Perilous Futures: On Carl Schmitt’s Late Writings* (Cornell University Press, 2018)

Yet another book on that repulsive lifelong Nazi and Jew-hater, Carl Schmitt, you might be wondering. Well, yes it is. This book is not only informative and insightful but is also a very good read in the manner in which it is written. Schmitt’s later writings are less known to those who are not Schmitt scholars, perhaps with the exception of *The Nomos of the Earth*. For example, the notorious post-War and posthumous *Glossarium* has, to my knowledge, only been translated into Spanish. It is hugely relevant to the debate between those who claim that it is possible to disconnect Schmitt the person from Schmitt the scholar and those who claim that his odious political and ideological commitments are inseparable from his supposedly detached jurisprudential stance. Or another example: his original *Political Theology* was mostly a treatise on politics from which it was very difficult to glean any serious theological engagement or insight. In his later *Political Theology II* (which I came to only after reading Hohendahl), the theological is very much in evidence and, to my mind, revealed in its poverty. He simply cannot get rid of the ‘Political’. That institutionalized religion has a huge political dimension is practically self-evident. But it is hopelessly reductive to make that the Alpha and Omega of theology. If you do not want to march through Schmitt’s writings, Hohendahl does a more than creditable job, since he offers both a Critical and critical perspective. Of particular interest is his engagement with the use made by scholars, Left and Right, of the later (geopolitical) Schmitt, arguing that oftentimes contemporary Schmittianism has very little to do with what Schmitt actually wrote and argued.

So, not exactly the kind of book that you might choose to curl up with on the sofa in front of a fire on a lazy Sunday afternoon, but one from which you will learn and become wiser. And, it is eminently readable.

Julian Barnes, *The Noise of Time* (Jonathan Cape, 2016)

I cannot say that I am as assiduous a reader of Barnes as I am of Ian McEwan. This is not a quality judgement, just a matter of personal taste.

You know the difference between history fictionalized (e.g. Hilary Mantel's *Wolf Hall* on the life and times of Thomas Cromwell) and fiction historicized (e.g. any number of books by Robert Harris, such as *Pompeii*, *Conclave* and many others). *The Noise of Time* is a fictionalized biography of the life and times of Dmitri Shostakovich. It is a small masterpiece written by a great master. The literary artifact is breathtaking, with the explicit voice of the author and the fictionalized voice of the protagonist, Shostakovich, enmeshed with each other to great and credible effect.

The story of Shostakovich raises, naturally enough, the issue of 'collaboration' with, and 'resistance' to, an oppressive regime. I am unaware of any work that manages so well to warn against facile judgemental opinions in such cases. Barnes writes about his subject with admirable empathy, and when empathy turns to sympathy it seems natural and justified. This alone should be an antidote to your possible gut reaction: 'I am not interested in Shostakovich, never listened to his music, why should I read this?' And the added little bonus – it will be an incentive to discover or rediscover Shostakovich's wonderful music. Very good read.

Shaked Bashan, *Ani Rotza et Zeh Romanti* (Betzael Publishing, undated)

This recommendation is, I fear, only for readers of Hebrew. Shaked Bashan has a regular 'column' in the Israeli daily *Haaretz*, the most serious of Israeli newspapers with a clear liberal orientation which, as one might expect, enrages many. In it, for several years now, she has presented brief conversations/testimonials with women of different ages, mostly in their 20s, about their romantic and sexual lives. She accompanies these with her own illustrations – where men and women are always depicted in similar style – her trademark. This book is a collection of these conversations. I assure you, though oftentimes explicit, there is absolutely nothing prurient or voyeuristic about the narratives. Each column on its own is riveting, but here is a clear case of the whole being considerably greater than the sum of the parts. The conversations are, at times, painfully honest, at times hilarious, bringing out the inner world of her interlocutors and their generation. There is absolutely no condescension, and the underlying integrity explains its power. It offers a slice of life that has the great virtue of being both eminently local and yet universal. A compelling read.

Marta Soniewicka, *After God – The Normative Power of the Will from the Nietzschean Perspective* (Dia-Logos, Peter Lang, 2017)

How can a book with the subtitle *The Normative Power of the Will from the Nietzschean Perspective* make it into the 10 good reads? It may be an excellent book (it is), but curl up on the sofa with it? Well ... there is no one reading this post who is unaware of Nietzsche. No one. And everyone can cite at least one of his famous aphorisms, most commonly ‘God is dead’ (few remember the continuation – ‘*God remains dead; and we have killed Him*’). And here, for good measure, is another discomfiting one: ‘*Whoever does not have two-thirds of his day for himself, is a slave, whatever he may be: a statesman, a businessman, an official, or a scholar.*’ This surely means that everyone reading this post is a slave – when is the last time you, scholars, had two-thirds of your day for yourself?).

Slave or Free Person, when is the last time, if ever, you have actually sat down and read Nietzsche, unless you are a professional philosopher? Perhaps a few snippets in some undergraduate philosophy survey course? Nietzsche is deceptive. At one level he appears easy to read: lapidary style, his love of memorable aphorisms – it is certainly not Hegel or Heidegger. But if you have slogged your way through his writings, can you actually sit back and give an account of Nietzschean philosophy? And even if you are one of the gifted and have managed this task, is it the early Nietzsche, mid Nietzsche, or late Nietzsche? You give up and are happy to revert to a few appealing or appalling aphorisms.

Enter Soniewicka. I include her in my Good Reads this year for two reasons. First, she takes you by the hand and slowly, clearly, with continuous references and citations to the sources, walks you through Nietzsche. There is a caveat: it is indeed not a book to curl up with, starting, say, on Sunday morning and putting it down on Sunday night. Take it like a very good grappa, sip by sip. Savour the taste, slosh it round your mind. Come back a couple of days later for another little sip until the bottle is empty. Do it this way and you will discover that it is a very good read. But the book does not just walk you through Nietzsche. Its great intellectual achievement is in how Soniewicka restructures his thought and conceptualizes it in original ways. This is so much more than a ‘guide to Nietzsche’, and so much more than the title promises. It is as much Soniewicka as it is Nietzsche. And yet she manages to do this with self-effacing humility and without the conceit of quite a few post-modernists who often wish to give the impression that they are more important than the book they are ‘deconstructing’.

The second reason – this is decidedly Nietzsche for legal scholars. Soniewicka has distilled from his thick brew essential insights (e.g. in Chapters 3 and 4, but not only there) and lessons on normativity in general, on duty, on legal obligation, on agency and agents and more. At times I even thought, not being a Nietzsche scholar myself, that the Soniewicka distillation was as good as the Nietzschean brew from which it was distilled. (I have a hunch that Soniewicka would consider this a sacrilege). And yes, it is fluent, entirely comprehensible and eminently

readable. Does all this mean you need not read Nietzsche? No, but when you do read him, it will all carry a lot more meaning beyond the inimitable Nietzschean flashes.

A good read; sip by sip, reach for the bottle.

Arthur Schnitzler, *Night Games and Other Stories and Novellas* (transl. Margret Schaefer, Ivan R. Dee, 2003)

I am a huge devotee of the novella form, less common in the Anglo-American world of letters, and possibly at its most remarkable in the Mitteleuropa of yesteryear: think Joseph Roth, Stefan Zweig, Franz Kafka, Thomas Mann and co. And yet I had never read Schnitzler before. The novella is a form unto itself – it is not a long short story nor is it a short novel. I find the form itself addictive (so addictive, I even tried my hand at one: *Der Fall Steinmann* (Piper, 2000) – though surely not in the same class). If you follow my recommendation and curl up with *Night Games* – a very good read – you will possibly share my surprise as to why Schnitzler has not become canonical in the way these other household names are. Like all of the great novella authors of his time, his novellas and stories strongly give the flavour of the period in which they were written (early 20th century) and yet, they seem both timeless and universal. What distinguishes him is his concentration on ‘beating hearts’ – romantic relationships, marriages – without a scintilla of romanticism. His construction of situations, of emotions, of ambiguities and deceptions is second to none. They make for a compelling and sobering reading. Start with the very short story *The Widower* and you will be hooked.

Dorianne Laux, *Only as the Day Is Long* (W. W. Norton & Company, 2019)

The Poetess I wish to recommend is Dorianne Laux – I read her for the first time this year. This book is a selection of her poems covering, it seems, a long period of her life. The mixture is wonderful: formal sonnets and poetic narrative. They are also very personal and inevitably, in family relations (notably with her mother), both painful and tender at the same time.

Here is a snippet from ‘Second Chances’, referring to an obviously beloved niece:

What are the chances a raindrop
From last night’s storm caught
in the upturned cup of an autumn leaf
will fall from this tree I pass under
and land on the tip of my lit cigarette,
snuffing it out?

....

Dear men,
whom I have not met,
when you meet her on the street
wearing the wounds that won't heal
and she offers you the only thing
she has left, what are the chances
you'll take pity on her fallen body?

Time and its passage is a theme she returns to again and again. Here is a snippet from 'Evening':

Moonlight pours down
without mercy, no matter
how many have perished
beneath the trees

The river rolls on.
There will always be
Silence, no matter
how long someone
has wept against
the side of a house
bare forearms pressed
to the shingles.

Even if you are not a regular poetry reader, it is hard to imagine that you will not be moved and touched by Laux's poetic power.

If you are interested in previous Good Reads recommendations, see [here](#).

JHHW