

## EDITORIAL

### WHITENESS IN THE IVORY TOWER

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It is fitting that perhaps the most common metaphor used to refer to academic institutions evokes an image of whiteness. The European University Institute (EUI) – our host institution, whose new logo features an actual white tower – is an almost caricatured illustration of this: a scattering of Tuscan villas surrounding the historic belfry of the Badia Fiesolana and populated, in the main, by white staff and students. As the authors of a recent internal discussion paper put it:

the EUI community today is overwhelmingly white in all units and at all levels of hierarchy. The few people of colour working at the EUI are predominantly in the outsourced maintenance companies. The vast majority of researchers, professors, institutional leaders, administrative and supporting staff are white. The whiteness at the EUI sharply contrasts the general population of the EU, which is much more diverse.<sup>1</sup>

This state of affairs is by no means exceptional. Recent figures indicate, for example, that while people of African-Caribbean heritage account for (at least) three per cent of the United Kingdom's population, not even one per cent of professors at British universities are black.<sup>2</sup> As Iyiola Solanke points

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<sup>1</sup> Arpitha Kodiveri, Emdjed Kurdnidjad, Elizabeth Banks, Gemma Fenton, Martijn Hesselink and Ruth Nirere-Gbikpi, 'Whiteness at the EUI – A Discussion Paper' (2020). Unpublished – quoted with permission.

<sup>2</sup> Sean Coughlan, 'Only 1% of UK University Professors are Black' *BBC* (19 January 2021) <<https://www.bbc.com/news/education-55723120>> accessed 13 April 2021. The headline for this article is misleading: according to the figures quoted, just 155 out of 23,000 (0.67 per cent) professors at UK universities are Black.

out, there are 'even fewer' black professors elsewhere in Europe.<sup>3</sup> For the most part, as these examples suggest, Europe's ivory towers are overwhelmingly white spaces.<sup>4</sup>

The problem of racial inequality in academic institutions extends well beyond the underrepresentation of racialised groups in faculty positions. Those who make it into such positions receive lower scores in student evaluations than their white male colleagues.<sup>5</sup> Scholars of colour are disproportionately undercited, both in law and in other fields of research.<sup>6</sup> Faculty of colour are also frequently saddled with the 'invisible labour' of carrying their university's 'diversity mission', acting, in Patricia Matthew's words, as 'the racial conscience of their institutions while not ruffling too many of the wrong feathers' – something that is rarely recognised or rewarded in academic hiring or promotion procedures.<sup>7</sup> A similar 'invisible' burden falls on those students of colour mobilising to 'decolonise' their law school curricula, which remain notoriously male, pale, and stale.<sup>8</sup> In short, patterns

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<sup>3</sup> Iyiola Solanke, 'Where Are the Black Female Professors in Europe?' (*Gunda Werner Institute*, 27 May 2019) <<https://www.gwi-boell.de/en/2019/05/27/where-are-black-female-professors-europe>> accessed 28 April 2021.

<sup>4</sup> This observation is echoed in the Twitter hashtag #BlackInTheIvory. See <<https://blackintheivory.net/>> accessed 4 May 2021.

<sup>5</sup> For recent evidence, see Kerry Chávez and Kristina Mitchell, 'Exploring Bias in Student Evaluations: Gender, Race, and Ethnicity' (2020) 53(2) *PS: Political Science & Politics* 270.

<sup>6</sup> Victor Ray, 'The Racial Politics of Citation' (*Inside Higher Ed*, 27 April 2018) <<https://www.insidehighered.com/advice/2018/04/27/racial-exclusions-scholarly-citations-opinion>> accessed 4 May 2021. See also Kecia Ali, 'The Politics of Citation' (*Gender Avenger*, 31 May 2019) <<https://www.genderavenger.com/blog/politics-of-citation>> accessed 4 May 2021.

<sup>7</sup> Patricia Matthew, 'What Is Faculty Diversity Worth to a University?' *The Atlantic* (23 November 2016) <<https://www.theatlantic.com/education/archive/2016/11/what-is-faculty-diversity-worth-to-a-university/508334/>> accessed 29 April 2021. See also Social Sciences Feminist Network Research Interest Group, 'The Burden of Invisible Work in Academia' (2017) 39 *Humboldt Journal of Social Relations* 228.

<sup>8</sup> Jing Min Tan, 'The Many Layers of Invisible Labour Decolonising the Academy' (*TWAILR: Reflections*, 2 March 2021) <<https://twailr.com/the-many-layers-of-invisible-labour-decolonising-the-academy/>> accessed 4 May 2021.

of racialised inequality and exclusion pervade more or less every conceivable aspect of academic life.

Viet Thanh Nguyen recently described mainstream American literature as 'poetry and fiction written by white, well-educated people and regulated by a reviewing, publishing and gate-keeping apparatus that is mostly white and privileged'.<sup>9</sup> Substitute 'pithy prose' for 'poetry' (and fiction?) and the same might more or less be said of academic legal publishing in Europe. Figures shared on Twitter by Talita Dias show that none of the 141 international law books published in the Cambridge Studies in International and Comparative Law series were written by African scholars.<sup>10</sup> Similarly, no African, Caribbean or Latin American authors are represented in the *Oxford Monographs in International Humanitarian and Criminal Law* series, while just one of the *Oxford Monographs in International Law* was written by a woman from the Global South.<sup>11</sup> The drastic inequality of representation in the outputs of these elite, 'global' publishing houses (with offices, *inter alia*, in Mexico, India, and South Africa) is a striking illustration of the Eurocentric, racialised exclusion that persists in academic publishing.

In 2020, the global rise of the Black Lives Matter movement following the tragic murder of George Floyd by police in the United States prompted some response – albeit limited and long overdue – from a number of high-profile academic publishing outlets. Harvard University Press, for example, issued a statement declaring that it will increase 'efforts to seek out Black scholars to give voice to their work' and 'enact change [...] to amplify the Black voices that must be heard'.<sup>12</sup> The editors of *EJIL:Talk!* – the blog of the European

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<sup>9</sup> Viet Thanh Nguyen, 'The Post-Trump Future of Literature' *New York Times* (22 December 2020) <<https://www.nytimes.com/2020/12/22/opinion/fiction-poetry-trump.html>> accessed 13 April 2021.

<sup>10</sup> Talita Dias (Twitter, 18 March 2021) <<https://twitter.com/tdesouzadias/status/1372511034167164932>> accessed 28 April 2021.

<sup>11</sup> Talita Dias (Twitter, 17 March 2021) <<https://twitter.com/tdesouzadias/status/1372193944495357958>> accessed 28 April 2021; Talita Dias (Twitter, 17 March 2021) <<https://twitter.com/tdesouzadias/status/1372189404798783499>> accessed 28 April 2021.

<sup>12</sup> 'Black Lives Matter' (Harvard University Press Blog, 15 June 2020) <[https://harvardpress.typepad.com/hup\\_publicity/2020/06/black-lives-matter.html](https://harvardpress.typepad.com/hup_publicity/2020/06/black-lives-matter.html)> accessed 13 April 2021.

Journal of International Law – convened an online symposium on the topic of Black Lives Matter and international law.<sup>13</sup> A 2020 issue of the International Journal of Constitutional Law featured a guest editorial on systemic racism and the law.<sup>14</sup> And more recently, UCLA Law Review has devoted a special issue to the topic of 'transnational legal discourse on race and empire'.<sup>15</sup>

In our own small way, the European Journal of Legal Studies (EJLS) has begun to grapple with the problem of racialised exclusion in academic publishing. Particularly given our stated aim to act as a platform for 'emerging legal scholars', it seems vital that we do not simply reproduce the existing racial (and other) inequalities that currently pervade the academic world. Our obviously limited power to bring about meaningful change is no excuse for failing to actively acknowledge and engage with this issue: in Reni Eddo-Lodge's words, white privilege (enjoyed by the vast majority of our board members) is 'dull, grinding complacency'.<sup>16</sup> I do not pretend to have all (or even any) of the answers but wish nonetheless to share some of the ideas we have discussed so far in the hope of prompting further reflection among our readers.

One obvious, if somewhat trite, concern is the 'blindness' of the review process. Like some other journals, while our peer-review procedure is double-blind, our initial 'desk review' stage is not. This means that authors' identities are known to those who decide whether to send out submissions for peer review. These decisions may therefore be adversely affected by negative biases based on (say) the author of a given piece having a 'non-European' name or an institutional affiliation in the Global South. This is not to suggest a lack of confidence in our desk reviewers, but merely that, in the absence of

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<sup>13</sup> See Gail Lythgoe and Mary Guest, 'Black Lives Matter and International Law' (EJIL:Talk!, 19 June 2020) <<https://www.ejiltalk.org/black-lives-matter-and-international-law/>> accessed 13 April 2021.

<sup>14</sup> Iyiola Solanke, 'Editorial: Systemic Racism and Creative Emotion' (2020) 18 International Journal of Constitutional Law 673.

<sup>15</sup> See the editors' introduction: E. Tendayi Achiume and Asli Bâli, 'Race and Empire: Legal Theory Within, Through, and Across National Borders' (2021) 67 UCLA Law Review 1386.

<sup>16</sup> Reni Eddo-Lodge, *Why I'm No Longer Talking to White People About Race* (Bloomsbury 2017) 87.

a fully blind procedure, the possible influence of (un)conscious biases cannot be ruled out. In an effort to address this issue, we are currently looking into technical solutions that would allow us to introduce a fully 'blind-from-the-point-of-entry' system, whereby desk reviewers would know nothing about an author's identity until they have made a decision about the merits of a particular submission. Watch this space...

Another, more significant, consideration pertains to language. Academics, perhaps especially early career researchers, are under considerable pressure to publish in English, given its increasing dominance in global communication. It is probably fair to say that it is now very difficult, if not impossible, to establish an 'international reputation' without at least some English-language publications. This state of affairs obviously privileges native Anglophones and, to a lesser extent, those with easy access to relevant opportunities for language learning.<sup>17</sup> By the same token, the global hegemony of English clearly disadvantages non-native speakers, who are forced to write in what might be their second, third, or even fourth or fifth language.<sup>18</sup> This disadvantage is perhaps most acute for non-Anglophone scholars from the Global South, where access to English-language materials and instruction may be much more limited than in the 'elite' institutions of the Global North (with the caveat that English-language education remains standard in certain parts of the Global South as a legacy of British colonialism).<sup>19</sup> Linguistic disparities thus (partially) track the racialised inequalities of the North-South divide.

At EJLS, we are keen that language should not be a barrier to publication. Under our review procedure, language issues alone cannot be grounds for

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<sup>17</sup> On the broader dynamics of this issue, see Philippe van Parijs, *Linguistic Justice for Europe and for the World* (Oxford University Press 2011).

<sup>18</sup> See Mary Jane Curry and Theresa Lillis, 'The Dangers of English as Lingua Franca of Journals' (Inside Higher Ed, 13 March 2018) <<https://www.insidehighered.com/views/2018/03/13/domination-english-language-journal-publishing-hurting-scholarship-many-countries>> accessed 6 May 2021.

<sup>19</sup> See Julia Emtseva, 'Practicing Reflexivity in International Law: Running a Never-Ending Race to Catch Up with the Western International Lawyers' (2021) Max Planck Institute for Comparative Public Law & International Law (MPIL) Research Paper No. 2021-11 <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3837283](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3837283)> accessed 6 May 2021.

rejection; our reviewers must instead provide sufficient substantive justification. If a submission is accepted for publication, our (Anglophone) executive editors work with authors to refine the grammar, style, and structure of their texts, typically going through several rounds of proofreading and copyediting. This service goes some way to redressing the imbalance between native and non-native speakers of English.

Addressing Anglocentrism in academic publishing is not simply a matter of language 'correction', however. Writing from a Latin American perspective, Alonso Gurmendi and Paula Baldini Miranda da Cruz have recently highlighted how the dominant structural and stylistic conventions in the Anglophone world are perceived quite differently in other academic cultures:

under many regional cultures, an introduction of a paper is often simply composed of a clear statement of the research problem and questions. [...] revealing the conclusion in the introduction can be seen as rude, 'spoiling' the article for the reader. Similarly, some writing cultures presume that a well-written piece should not have roadmaps or signposts because they would make it redundant. Rather many times articles can start with an anecdote or a story that sets the scene for the legal arguments involved in the text. Other times, articles do not even need a separate section for conclusions, since it is presumed that the audience will read the entire piece thoroughly and arrive at their own conclusions. [...] In Spanish, it is polite to write articles in *pluralis modestiae* ('we believe') rather than singular ('I believe'), since this can be seen as dismissive of the reader and its role in the interpretation of the argument.<sup>20</sup>

As Gurmendi and Baldini Miranda da Cruz go on to point out, given the dominance of Anglophone writing conventions in 'international' publishing, 'peripheral scholars who do not adapt their communication risk having their scientific work obfuscated by their writing and argumentation styles'.<sup>21</sup> In reviewing and editing submissions, it is therefore critical that we strike an appropriate balance between editorial consistency and respect for the diversity of academic writing cultures, both within and beyond Europe. In

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<sup>20</sup> Alonso Gurmendi and Paula Baldini Miranda da Cruz, 'Writing in International Law and Cultural Barriers (Part I)' (Opinio Juris, 7 August 2020) <<https://opiniojuris.org/2020/08/07/writing-in-international-law-and-cultural-barriers-part-i/>> accessed 6 May 2021.

<sup>21</sup> Ibid.

recognition of this issue, we have recently rewritten our author guidelines to include the following statement: 'EJLS welcomes the broadest possible range of writing styles and seeks to promote scholarship from all academic cultures'. We will continue to consider how to reflect this commitment in our reviewing and editing procedures.

Efforts to address global linguistic inequalities in academic publishing can go further still. Justina Uriburu has suggested that actively embracing multilingualism in (international) legal scholarship might also help to combat the exclusionary effects of Anglocentrism.<sup>22</sup> Under its statute, EJLS is expressly committed to promoting linguistic diversity and we are, in principle, happy to receive submissions in any language, subject to the competences of our editorial board. Over the years, we have published a total of 48 articles in languages other than English, namely Dutch, German, French, Italian, Portuguese, Romanian, and Spanish.<sup>23</sup> As this list indicates, the competences of the board are strongly weighted in favour of 'European' languages. This follows from the fact that the members of our core editorial team are all researchers at the EUI, who in turn come largely from the Member States of the European Union (EU). As a consequence, for example, we were recently forced to reject a submission in Arabic simply on the grounds that we did not have enough board members competent to review it.<sup>24</sup> In future, we might look to expand our roster of ad hoc and external reviewers in order to cater for a wider, more globally representative range of languages.

'Formal' considerations of blindness and language can only take us so far. In evaluating the potentially exclusionary effects of our publishing process, it is

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<sup>22</sup> Justina Uriburu, 'Between Elitist Conversations and Local Clusters: How Should We Address English-centrism in International Law?' (Opinio Juris, 2 November 2020) <<https://opiniojuris.org/2020/11/02/between-elitist-conversations-and-local-clusters-how-should-we-address-english-centrism-in-international-law/>> accessed 6 May 2021.

<sup>23</sup> Olga Ceran and Anna Krisztian, 'From Inclusivity to Diversity: Lessons Learned from the EJLS Peer Review Process' (2019) 11(2) *European Journal of Legal Studies* 1, 6.

<sup>24</sup> This is not to suggest, of course, that there are no Arabic-speaking EU citizens. However, for reasons partially alluded to above, they do not tend to end up at the EUI.

also crucial to address matters of substance. As Antony Anghie, writing in the inaugural issue of the *Third World Approaches to International Law (TWAAIL) Review*, recently put it:

A journal represents a tradition, whether that tradition is understood in terms of an approach, or subject matter, or national tradition. Journals may present themselves as eclectic, catholic, universal, open to all forms of inquiry and intent only on publishing 'good scholarship'. Experience suggests however that it is through the lens of a particular tradition that any work submitted to a journal is inevitably assessed and deemed worthy to be included, engaged with.<sup>25</sup>

While EJLS is not wedded to any particular *national* tradition, the membership and expertise of our editorial board creates a likely bias in favour of broadly 'European' approaches. This is further compounded by the fact that Eurocentrism dominates the fields of research in which we publish. Comparative law, as Sherally Munshi writes, 'remains resolutely Eurocentric', with 'painfully little discussion about legal cultures outside of Europe'.<sup>26</sup> Discussing racism in international legal scholarship, Mohsen al Attar has recently pointed out how European perspectives and experiences likewise continue to dominate the (mainstream) study of international law.<sup>27</sup> As Martijn Hesselink argues, Eurocentrism is also deeply problematic for European law and legal theory, in that it universalises and reifies a particular (white, 'Western') worldview to the exclusion of others, such as those of racialised European citizens.<sup>28</sup>

A related substantive concern is the relative lack of critical engagement with the relationship between law and race – and the attendant intersections, *inter alia*, with empire and imperialism – in 'mainstream' publishing outlets. James

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<sup>25</sup> Antony Anghie, 'Welcoming the *TWAAIL Review*' (2020) 1 *Third World Approaches to International Law Review* 1, 2.

<sup>26</sup> Sherally Munshi, 'Comparative Law and Decolonizing Critique' (2017) 65 *American Journal of Comparative Law* 207, 225.

<sup>27</sup> Mohsen al Attar, 'Subverting Racism in/through International Law Scholarship' (Opinio Juris, 3 March 2021) <<http://opiniojuris.org/2021/03/03/subverting-racism-in-international-law-scholarship/>> accessed 11 May 2021. See also Anthea Roberts, *Is International Law International?* (Oxford University Press 2017).

<sup>28</sup> Martijn Hesselink, 'Towards a Critical Theory of Justice in European Private Law' (2021) <<https://ssrn.com/abstract=3752748>> accessed 13 May 2021.

Thuo Gathii has shown, for instance, that just 24 out of 7,475 items published in the American Journal of International Law (AJIL) and none of those published in AJIL Unbound 'substantially engaged with race in the body of their text'.<sup>29</sup> This marginal(ised) position belies the fact that critical race theory (CRT) and related approaches can transform our understanding of foundational questions in the study of law. To take just two examples, E. Tendayi Achiume and Devon Carbado have recently highlighted how CRT and TWAIL reveal the white supremacist underpinnings of such core concepts as 'citizenship' and 'sovereignty' in constitutional and international law.<sup>30</sup> Similarly, likewise drawing on insights from CRT, Nadine El-Enany has shown that the foundation of the European project involved 'the fortification of a space of white European supremacy', wherein Algerian workers – for example – were excluded from the principle of free movement despite holding French citizenship.<sup>31</sup>

To be genuinely anti-racist, academic publishing must surely take seriously the need to 'decentre' Europe and to promote 'peripheral', critical voices. Platforms like the TWAIL Review and the recently launched African Journal of International Economic Law clearly have a central role to play in this respect.<sup>32</sup> Nonetheless, it strikes me as perhaps equally important that supposedly 'generalist' journals in Europe and elsewhere take active steps to create space for otherwise marginalised regional perspectives and/or critical approaches to the study of law. Otherwise, in treating these as solely 'specialist' matters outside the 'mainstream', there is a risk of maintaining in legal scholarship a hierarchical division akin to the one observed by Charles Mills in American political philosophy, which he has characterised as "'Jim

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<sup>29</sup> James Thuo Gathii, 'Studying Race in International Law Scholarship Using a Social Science Approach' (2021) 22(1) Chicago Journal of International Law <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3793974](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3793974)> accessed 31 May 2021.

<sup>30</sup> E. Tendayi Achiume and Devon Carbado, 'Critical Race Theory Meets Third World Approaches to International Law' (2021) 67 UCLA Law Review 1462.

<sup>31</sup> Nadine El-Enany, *(B)ordering Britain: Law, Race and Empire* (Manchester University Press 2020) 184.

<sup>32</sup> See James Thuo Gathii and Olabisi D. Akinkugbe, 'Introduction to the Inaugural Issue of the African Journal of International Economic Law' (2020) 1 African Journal of International Economic Law vi.

Crow social justice theory," in which issues of race are separate and unequal'.<sup>33</sup> Efforts to address racialised exclusion in academic legal publishing will remain no more than partial if this continues to be ignored.

Our own efforts to address these substantive issues are under way. The newly revised EJLS author guidelines declare that 'we particularly welcome contextual, interdisciplinary, *and critical* approaches to legal scholarship'. Our inaugural book symposium also represents a step in this direction (see further below). And again, we will continue to explore how to embed this commitment into our review process. This is not to suggest that we have (or should) become the European Journal of Critical Legal Studies; rather, to be a truly *generalist* journal, we should be as much a platform for (currently) peripheral, critical voices as for more conventional, 'mainstream' approaches. The 'European' in our name should, in my view, be no more than a geographic descriptor and a nod to our institutional affiliation. In Anghie's words, 'a journal, and everything that accompanies it, is a community, and every writer needs a community and the solidarity it provides'.<sup>34</sup> I hope that, in years to come, the EJLS community will continue to become more inclusive and representative of wider (academic) society, both within Europe and beyond.

## IN THIS ISSUE

As it happens, as much by accident as by design, this issue contains more than the usual share of critique. We begin with **George Hill's** New Voices article on international law and cartography. Hill points to the two disciplines' shared colonial origins to unsettle widespread assumptions about the supposed neutrality of maps and, drawing on a case study of the West Bank, suggests that 'counter-cartographies' have the potential to give legal voice to more participatory mapping practices. In another topical New Voices piece, **Mirko Forti** explores the tensions between the use of artificial intelligence

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<sup>33</sup> Daniel Steinmetz-Jenkins, 'Charles Mills Thinks Liberalism Still Has a Chance' *The Nation* (28 January 2021) <<https://www.thenation.com/article/culture/charles-mills-thinks-theres-still-time-to-rescue-liberalism/>> accessed 28 April 2021. Mills attributes this to the legacy of John Rawls, arguing that 'his obtuseness to [white supremacy] [...] effectively greenlighted its evasion in the vast literature his work would generate, both sympathetic and critical'.

<sup>34</sup> Anghie (n 25) 3.

(AI) to improve public health and the protection of privacy rights and personal data under the EU's General Data Protection Regulation (GDPR), arguing that the two can be reconciled provided further steps are taken to keep pace with rapid technological advances. **Orlando Scarcello** rounds off the New Voices section with a discussion of proportionality in the decisions of the Court of Justice of the EU in *Weiss* and of the German Constitutional Court in *PSPP*. Pointing to key differences in the respective approaches of the two courts, Scarcello casts doubt on the possibility of establishing a general standard for the assessment of proportionality in public law adjudication.

We then turn to our inaugural book symposium, for which we invited four rising stars in the critical study of international law to reflect on Ntina Tzouvala's *Capitalism as Civilisation: A History of International Law* (Cambridge University Press 2020). **Kanad Bagchi** praises Tzouvala's Marxist-deconstructionist approach to the 'standard of civilisation', exploring its implications for other critical approaches to legal scholarship and for the strategic potential of international law as a tool of emancipation. **Julie Wetterslev** highlights the book's inattention to the role of Christianity in early capitalist expansion before discussing how Tzouvala's insights are reflected in the titling of lands as indigenous communal property in Nicaragua. **Daniel R. Quiroga-Villamarín** welcomes *Capitalism as Civilisation's* landmark *theoretical* contribution to Marxist international legal scholarship, but argues for a more radical departure from conventional sources in the *history* of international law. Finally, **Rohini Sen** explores the scope and limits of textual 'reading(s)' as method, pointing to 'non-textual academic modes of intervention' as a productive means of engaging with/against mainstream international lawyers. In her response, **Ntina Tzouvala** opts to 'create a new text out of the silences, omissions and slippages of the book', focusing on the role of source(s) and subject(ivity) in the critical study of international law. The conversation will continue at a 'live' roundtable discussion to be held online in the coming months. Further details to follow soon.

The first of our general articles revisits Hans Kelsen's 'pure theory' of law. Drawing on Derridean deconstruction, **Kristina Čufar** reveals Kelsen's

widely overlooked 'critical edge', locating this in his scepticism about the presumed link between morality and legality.

Next, in a self-consciously provocative piece on 'bullshit', **Matthews Evans** offers a sceptical take on current trends in critical legal theory, focusing in particular on the (mis)use of Foucault and human rights critique. Evans cautions against 'uncritical critique', urging critical theorists to remain sufficiently grounded to mobilise the radical change they wish to see.

**Tetyana (Tanya) Krupiy** then explores whether law and economics approaches offer an adequate theoretical account of the operation of international humanitarian law (IHL). The answer, the author contends, is no: these approaches reduce IHL to 'humanitarian economics', failing to capture its constructivist and ethical characteristics.

**Justin Lindeboom** gives us a Hartian account of the autonomy of EU law, finding the famous rule of recognition in 'internal recognitional statements' issued by the European Court of Justice. In the final part of the article, Lindeboom addresses potential objections from the perspective of national courts regarding the doctrines of direct effect and supremacy of EU law.

Moving from theory to doctrine, **Gabriella Perotto** assesses current EU law measures to combat harmful tax competition. Finding traditional approaches wanting, Perotto emphasises the potential importance of a Common Consolidated Corporate Tax Base as a means of limiting the incentives for aggressive tax planning and profit-shifting strategies.

Remaining in the world of EU law, **Marco Bodellini** discusses the role of deposit guarantee schemes in the management of banking crises. Bodellini suggests that the use of such schemes should be expanded and addresses a series of potential legal obstacles arising, *inter alia*, from the application of EU state aid rules.

Finally, in addition to our *Capitalism as Civilisation* symposium, this issue contains two regular book reviews. **Maria Patrin** discusses Anu Bradford's *The Brussels Effect*, explaining how the book 'challenges the conventional narrative of Europe's declining power' and pinpoints the global impact of EU regulation. Bringing the issue to a close, **Grigoris Bacharis** provides an overview of the Elgar *Research Handbook on Remedies in Private Law*, which he

characterises as 'a comprehensive reference work' with the potential to 'open up new debates and rejuvenate old ones'.

#### CHANGING OF THE GUARD

Since the publication of our last issue, we have said goodbye to a number of long-standing members of our executive team: Anna Krisztián as editor-in-chief, Olga Ceran and Léon Dijkman as managing editors, Lene Korseberg as executive editor, and Yusef Al Tamimi as head of section for legal theory. On behalf of the entire board, I thank them all for their years of service for the Journal. In their place, I am very pleased to now be working with Marc Steiert and Helga Molbæk-Steensig as managing editors, Max Münchmeyer and Ian Murray as executive editors, and Adrian Rubio as head of section for legal theory. Jaka Kukavica, Kerttuli Lingenfelter, and Nastazja Potocka-Sionek have helped to steady the ship, remaining in their positions as heads of section for European law, international law, and comparative law, respectively.

I am extremely grateful to all our authors and to the entire EJLS team for working so diligently to bring this issue to life, despite the ongoing stresses and strains of the coronavirus pandemic. Let us hope that the end will soon be in sight.

Take care – and enjoy the issue!