

## EDITORIAL

### SOME THOUGHTS ON ACADEMIC PUBLISHING FOR EARLY CAREER RESEARCHERS

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The European Journal of Legal Studies (EJLS) is an open access journal catering to a broad audience interested in legal theory, international-, European-, or comparative law, but it is also a journal with a particular focus on emerging scholars. As the reader may already be aware, the EJLS is managed by PhD-candidates at the European University Institute, and large parts of the editorial board and many of our peer reviewers are also early career researchers in a broader sense. At the journal, we consider this to be a strength, as it has allowed us to gain insights into the particular needs of early career researchers which are often not taken into account in academic publishing in general. This in turn has allowed us to become a particularly popular outlet for up-and-coming researchers without ever having to compromise on the quality of submissions or indeed publications.

First, we focus on speed. Early career researchers needing to secure funding for postdocs, to gather publications for securing tenure, or otherwise stuck in the precarity of early academic careers, are particularly exposed when journals take many months to review and publish articles. While peer review inevitably takes time, and we at the EJLS experience the same limited availability of peer reviewers that appears to be endemic in academia as a whole,<sup>1</sup> we aim to

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<sup>1</sup> Lynn E. DeLisi, 'Editorial: Where have all the reviewers gone?: Is the peer review concept in crisis?' (2022) 310 *Psychiatry Research* 114454; Maria Petrescu and Anjala S. Krishen, 'The evolving crisis of the peer-review process' (2022) 10 *Journal of Marketing Analytics* 185.

conduct desk reviews quickly, usually within a week, and we have been lucky enough to be able to retain a dedicated pool of reviewers that share our goal of conducting peer reviews within weeks rather than months. Second, we focus on feedback. Publishing your first (or second or third) academic article can be a daunting endeavour since academic articles are a different genre than term papers or thesis chapters, and academia is ripe with horror stories about rude and cruel rejections with little explanation or feedback. At the EJLS we have therefore aimed to foster a kinder environment. Rejections remain an everyday occurrence, some seventy percent of the articles we receive are eventually rejected, but we aim to always provide feedback and guidance for authors wishing to improve their work. Third, we are true open access, meaning that not only are our articles always freely available to readers, we also do not charge publication- or open access fees which can be prohibitively expensive for emerging scholars whose affiliated institutions may not provide funds for such fees, or who might be between affiliations while transferring from PhD to post-doc, between post-docs, or from post-doc to assistant professorships.

In addition to these three points which are general for the journal as a whole, and which in practice benefit more senior authors as well, the EJLS is focused on emerging scholarship through its New Voices section. New Voices pieces are short-form articles by researchers who are either still enrolled in their PhD, JD, JSD, or similar programmes or who have completed their latest degree less than five years before submission. In this issue we have taken this a step further and are proud to present a special section curated in collaboration with the Society of Legal Scholars. In this section we have four short-form contributions by PhD-candidates who took part in the Society of Legal Scholars' International Law Section's Workshop on Responding to Complex Relationships in International Law, held on 13 May 2022.

The International Law Section of the Society of Legal Scholars holds an annual PhD workshop to promote emerging and early career researchers who make an invaluable contribution to the overarching research environment in which we all work. The co-convenors, Arman Sarvarian and Alexander Gilder, started the tradition to provide better opportunities for early career researchers to discuss and develop their work. In much of Europe, there are regular postgraduate

conferences for legal scholars held at a variety of institutions. However, a postgraduate conference focusing purely on international law is a rarer occurrence. There are also opportunities for PhD researchers to present at major conferences in international law, such as those held by the European Society of International Law and the American Society of International Law, but when submitting abstracts alongside established scholars (with some conferences requiring a CV) and registration fees extending into the hundreds of Euros, opportunities can be limited. Attending a major conference in the field can result in valuable new relationships, but the convenors wanted to create an accessible space tailor-made for creating a network for PhD researchers.

By hosting an annual PhD workshop, a community can be built for PhD researchers in international law, meeting both their peers and more established researchers who can provide feedback and mentorship. The Workshop on ‘Responding to Complex Relationships in International Law’ was the second convened by the Society of Legal Scholar’s International Law Section. Retaining the online format from the first workshop in 2021, we were able to welcome 14 speakers based in the UK, China, Canada, the Netherlands, Belgium, Germany, and Denmark. Kasey McCall-Smith, Ivano Alogna, Caleb Wheeler, and Asaf Lubin generously commented on the draft papers and provided a truly supportive environment for those participating. Alexander Gilder also gave a session on publishing and the job market for early career academics. By partnering with the EJLS, the workshop has also been able to provide a publication opportunity alongside feedback and mentoring.

Staying briefly on the topic of academic publishing for early career researchers, Gilder’s session focused on how writing for an academic journal requires different considerations from say a chapter of the PhD thesis. For instance, for most European law journals, that typically ask for shorter form articles than American law journals, the author must convey a succinct argument that importantly pushes the discussion forward in the field. The best articles clearly stake their claim in the introduction and do not devote valuable space to unnecessarily lengthy coverage of background information. They establish what gap in the literature they fill whilst avoiding lengthy literature reviews. Subsequent sections then do not merely recount the law applicable to the area

of discussion but examine it with the initial claim in mind. Articles where each section clearly further supports the argument being made are both the most forceful in terms of convincing the reader (and reviewer) of the author's position and the ones where the author's voice shines through from start to finish. Useful techniques to keep a lengthy piece of research readable and to engage the reader include avoiding unnecessary jargon and overly long sentences, varying the size of paragraphs, and regularly and succinctly restating the main argument.

Another aspect to consider is how publishing links to the academic job market. Most applications for Assistant Professorships (and equivalent) will ask candidates to outline a research plan that will necessarily include a plan of outputs, such as monographs, articles, book chapters, and the like, as well as grants to apply for and much more. As part of constructing the research plan, the applicant will need to target specific journals, deciding the best place for their research while accounting for norms in their academic jurisdiction and specific field of law. For instance, if a candidate's research crosses the boundaries of EU law, public policy, and political science, they will need to carefully consider the target audience as well as potential requirements by future employers. Similarly, an invitation by a prestigious figure to contribute to an edited collection may at first glance be something an early career researcher should jump at, but in some jurisdictions, a book chapter will carry less weight in habilitation or tenure bids than a peer-reviewed article, meaning that early career scholars must decide where best to spend their valuable research time.

Planning one's research trajectory early will aid in balancing these competing demands, but knowledge about what publication plan would benefit the progression of one's career is not always readily available. By holding an annual PhD workshop with colleagues willing to share their experiences in publishing, applying for jobs, and navigating academia, the convenors hope that those who participated will be able to discuss their research trajectory with their peers. By partnering with the EJLS, the workshop also allowed the participants to get direct hands-on experience with the peer review and publishing process in a general scope European law journal.

## IN THIS ISSUE

This issue starts out with a particularly interesting empirical contribution by **Moshe Bar Niv and Ran Lachman**. In this article, the authors question and test the persistent assumption in constitutional and international law, that higher monetary compensation for judges in general improve the quality and independence of the judiciary, by attracting more qualified individuals. The study conducts a survey experiment spanning more than a decade taking advantage of a real-life reduction of judicial stipends and pensions in Israel creating two groups of judges with two different compensation packages at the same bench at the same time. The article finds that both the judges themselves and the lawyers they work with have not found any diminishing in the quality of the judicial or the motivation to become judges after the reform.

From the maintaining of quality courts to problems with court shopping, the second article in this issue deals with standard essential patent (SEP) litigation. **Giuseppe Colangelo and Valerio Torti** map the complexities that arise when border-crossing patent disputes are litigated in various national courts, both in geopolitical terms and in light of the need for a global movement towards standardisation in the modern tech economy. A potential solution to end such costly and politically sensitive parallel litigation has been anti-suit injunctions which are orders that restrain a party from pursuing foreign proceedings. Colangelo and Torti demonstrate however, that such orders have been countered by anti-anti suit injunctions which in turn have been countered by anti-anti-anti suit injunctions, resulting not in less court shopping, but in more. Following this mapping the authors suggest that rather than waiting for complex international coordination ending litigation on SEPs in national courts, to tweak the licensing policies currently issued by standard development organisations (SDOs).

Following these general articles, the issue continues with the **Special Section** on the role of non-state actors in international law written by participants in the Society of Legal Scholars' International Law Section's PhD workshop. Participants were asked to consider the role of non-state actors in international

law-making, the future functions of international organizations, and the continuing legitimacy of the state. Individuals, civil society, multinational corporations, and other non-state actors have not traditionally been included in the making and enforcement of international law nor in the study of these processes.<sup>2</sup> Instead the international system has been viewed through the prism of sovereignty and equality of territorial states.<sup>3</sup> In practice however, the international legal system is increasingly attempting to regulate a diverse range of cross-border problems needing to incorporate a range of public and private actors interacting across the globe. This is the case for attempts to regulate governance, development, and human rights law, where horizontal relationships can have as great influence on the realisation of rights as vertical relationships. It is also the case for attempts to regulate the global commons, such as in the prevention of pollution or overfishing, or the halting of global warming. Even in the most traditional inter-state fields such as warfare, security, and violent conflict, various non-state actors are playing key roles, often falling through responsibility gaps in an international legal system designed for regulating relationships between equal states.

To address this gap in both literature and practice on international law, the special section brings together several perspectives on the relationships future international law-making must consider, including how international organisations and non-state actors interact and how non-state, not to mention non-human, interests can be taken into account. First, **Rita Guerreiro Teixeira** examines how the decision-making processes of international organisations influence the authority of instruments they adopt. Looking specifically at international environmental law, Guerreiro Teixeira argues that by viewing non-binding instruments from organisations as an exercise of public

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<sup>2</sup> Andrew Clapham, 'The Role of the Individual in International Law' (2010) 21 *European Journal of International Law* 25-30. For more expansive studies of the international legal personality of individuals see, Kate Parlett, *The Individual in the International Legal System* (Cambridge University Press 2011); Astrid Kjeldgaard-Pedersen, *The International Legal Personality of the Individual* (OUP 2018); Alexander Gilder, 'International law and human security in a kaleidoscopic world' (2021) 59 *Indian Journal of International Law* 111-137.

<sup>3</sup> Daniel Bethlehem, 'The End of Geography: The Changing Nature of the International System and the Challenge to International Law' (2014) 25 *European Journal of International Law* 9-24, 10-1.

authority we can better understand their normative relevance and how they shape the conduct of other actors.

Continuing the discussion of international organisations, **Danielle Reeder** explores the legitimacy of international organisations as actors in the collective security architecture. Reeder queries the authority with which international organisations gain credibility as guarantors of international peace and security. This contribution is of relevance to those interested in how complex relationships result in differing practices in international law but also to those how see the future of international law as one of disentanglement and a retreat from the international stage for many.

Returning to international environmental law, but from a different angle, **Daniel Akrofi, Peixuan Shang, and Jakub Ciesielczuk** assess the adequacy of current non-state actor participation in the negotiations for a global plastics treaty. The authors argue for a model that widens the scope of participants engaged in realising such a treaty. The reasoning behind such an inclusion of a wide variety of private and non-governmental actors, is in part normative as a way to bridge the North-South divide, and in part pragmatic, gaining access to field-specific knowledge that states parties do not necessary possess, and to include the perspectives of the actors that will in many cases be the ones directly tasked with implementing the rules brought on by the treaty.

Lastly, **Kilian Roithmaier** discusses the use of non-state armed groups by states to conduct proxy warfare. Roithmaier unpacks the complexities that make governing proxy warfare difficult and suggests the current laws on state responsibility are inadequate given the threat posed by proxy warfare. Roithmaier explores the prospects of the concept of complicity as a framework for state responsibility to account for these challenges. Each of these contributions present novel arguments and, as a collection, shed new light on relationships that will gain more and more importance in the new global landscape of international law and law-making.

As usual the issue closes with a book review. This time **Paulien Van De Velde-Van Rumst** reviews the *The EU and its Member States' Joint Participation in International Agreements*, edited by Nicolas Levrat, Yuliya Kaspiarovich,

Christine Kaddous, and Ramses A Wessel. She finds that the volume successfully demonstrates the wide variety of issues pertaining to EU's system of mixed agreements but that it misses a coherent view on how to address these issues as well as insights on the concrete implementation of mixed agreements in practice.

### **THE EJLS**

As a very final remark, we at the EJLS wish to thank all authors, editors and reviewers who have devoted valuable time and attention to making this issue a reality, and it is my pleasure and privilege as incoming Editor-in-Chief to welcome Livia Hinz and Raghavi Viswanath as new Managing Editors, Daniel Rozenberg as Executive Editor, and Niklas Reetz as Head of Section for International Law. Additionally, we have recruited eight new junior editors this fall, demonstrating the enduring support from the EUI community for our now fifteen-year-old journal.