The Rise, Relative Fall and Globalisation of Transnational Law Journals (1964-2024)

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Abstract

This article represents the first attempt to retrace and map the historical and contemporary evolution of transnational law journals, thereby unveiling a blind spot in the history of scientific periodicals in international law. Section I provides a contextualised overview of the emergence of the first generation of transnational law journals, a subset of student-edited international law journals published in the United States between 1964 and 1984. Section II situates the relative decline of transnational law journals in the United States (US) and the early stages of their globalisation within the broader context of the significant transformations experienced by international law journals worldwide between 1984 and 2004. Section III examines the decisive contemporary globalisation of transnational law journals in light

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of key drivers that have reshaped the landscape of international legal publishing during this period, including increased specialisation, the widespread adoption of blind peer review, legal hybridisation, and inter-disciplinarisation. The conclusion summarises the article's main findings and outlines the promising prospects for transnational law journals in light of historical patterns, particularly amid growing doubts about the problem-solving capacity of traditional state-centred international law.

Keywords

transnational law – international law journals – international legal scholarship – history of international law – comparative international law

'Truth is ever to be found in simplicity'
Isaac Newton (1643-1727)

I. Introduction

A recent shift toward studying the 'national' dimensions of international legal history[1] – or, in other words, a new 'turn to the national' in the history of international law –[2] is decisively contributing to the exploration of under-researched historical topics, including the histories of international law journals published within specific countries over time and in historical context.[3] The systematic and detailed study of these neglected histories is not only a contribution to the global history of legal education and its globalisation[4] but also to the history of international law in particular countries and, more

1 See e. g. Giulio Bartolini (ed.), *A History of International Law in Italy* (Oxford University Press 2020); Vincent Genin, Le laboratoire belge du droit international: une communauté épistémique et internationale de juristes (1869-1914) (Académie Royale de Belgique 2018).

2 See further Ignacio de la Rasilla, 'Towards Comparative International Legal History?', J. History Int'l L. 27 (2025)

3 For instance, the commemoration in 2023 of the 75th anniversary of Revista Española de Derecho International (REDI, est. 1948) gave the occasion to the publication of six articles on different facets of the historical evolution of REDI starting with Oriol Casanovas, 'Setenta y cinco años de Derecho Internacional Público en la Revista Española de Derecho Internacional', REDI 75 (2023), 17-40.

4 See e. g. Bryant Garth and Gregory Shaffer (eds), *The Globalization of Legal Education. A Critical Perspective* (Oxford University Press 2022).

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broadly, a contribution to the intellectual and scientific history of those specific countries and the history of international law in different languages. The neglected study of international legal journals (ILJs) also contributes to better knowledge of both different regional histories and, by extension, of the global history of the discipline and the pivotal role they have always played in sustaining its epistemological development. Moreover, the detailed study of ILJs enables them to be adequately preserved and greater diffusion of the rich knowledge they contain among new generations of international lawyers and historians.

As David J. Bederman remarked, ILJs are 'superb vehicles for exploring the vagaries of scholarly taste over time'[5] and, also, one may add, in different places. Indeed, ILJs provide a novel scholarly terrain for both applying the lenses of 'comparative international law'[6] and, also, for a methodologically revamped empirical analysis of contemporary trends in international legal scholarship, starting with 'what' ILJs 'publish and how their content compares to the content of other law journals'.[7] This is particularly relevant at a time when traditional Western-centric core-periphery dynamics are giving way to a new 'substantive pluralism'[8] in international law and its scholarship. Yet, research on the rich historical, intellectual and legal-scientific patrimony contained in ILJs since, the first two of them, *Revue de droit international et de la législation comparée* and *Revue internationale de la Croix-Rouge*[9] were founded in Belgium and Switzerland respectively in 1869, has only recently begun to take its first baby steps.[10]

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5 David J. Bederman, 'Appraising a Century of Scholarship in the American Journal of International Law', AJIL 100 (2006), 20-63 (20).

6 Pierre-Hugues Verdier, 'Comparative International Law and the Rise of Regional Journals', Yale J. Int'l L. 49 (2024), 154-179.

7 Bianca Anderson and Kathleen Claussen, 'International Law Publishing Trends: What Journals Print?', Geo. J. Int'l L. 55 (2024), 11-35. See also Oona Hathaway and John Bowers, 'International Law Scholarship: An Empirical Study', Yale J. Int'l L. 49 (2024),102-124 (102).

8 William W. Burke-White, 'Power Shifts in International Law: Structural Realignment and Substantive Pluralism', Harv. Int'l. L. J. 56 (2015), 1-79.

9 Originally published as 'Le Bulletin International des Societes de Secours aux Militaires Blesses' in 1869.

10 Ignacio de la Rasilla, 'A Short History of International Law Journals, 1869-2018', EJIL 29 (2018), 137-168. See also Otto Spijkers, Wouter G. Werner and Ramses A. Wessel (eds), *Netherlands Yearbook of International Law, Yearbooks in International Law: History, Function and Future* (Springer 2019). See earlier, with a focus on AJIL, Bederman (n. 5). More recently, see also several of the contributions included in the symposium jointly-published in Georgetown Journal of International Law, Yale Journal of International Law and Virginia Journal of International Law under the auspices of the Consortium for the Study and Analysis of International Law Scholarship (SAILS); see: <https://coursesites.georgetown.domains/sails/about/what-is-sails/>, last access 3 July 2025 and <https://www.vjil.org/sails>, last access 3 July 2025.

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This article seeks to contribute to the ongoing scholarly developments in the severely neglected research sub-field of the history of international law journals[11] by offering the first systematic attempt to map the historical evolution of transnational law journals and to analyse their contemporary features. It does so by situating the development of transnational law journals (TLJs) within the broader framework of the remarkable expansion and transformation of international law journals, of which TLJs represent a special genus,[12] since the founding of the first such journal, the Columbia Journal of

11 See further, Inge van Hulle and Carl Landauer (eds) *The Journals of International Law* (Brill-Nijhoff, forthcoming 2026).

12 For the purposes of this article, the term 'international law journals' comprises academic/scientific periodicals, which, first, include the term 'international law' (in any language) or their broad equivalents (e. g. *ius gentium;* transnational law) in their titles, whether solely (e. g. 'La revue générale de droit international public') or in combination with other denominations (e. g. comparative law; politics; foreign affairs; international relations; business; European law; commerce; diplomacy; policy; use of force; human rights etc.). Second, the term 'international law journals' includes public, private and transnational academic journals, and both 'generalist' and 'specialised' ones within each of these categories (e. g. 'Transnational Environmental Law'). Included in the category of 'specialised' international law journals are those which, despite not including the term 'international law' in their titles, do include in their title a reference to a specialised area of international law, both when their title does it explicitly (e. g. 'Journal of International Criminal Justice'; 'International Organizations Law Review'; 'Max Planck Yearbook of United Nations Law'; 'Foreign Investment Law Journal' etc.), and implicitly (e. g. 'International Review of the Red Cross'; 'Human Rights Law Quarterly'; 'International Community Law Review' etc.) or to international legal practice (e. g. 'Journal of International Dispute Settlement'; 'Journal of the Law and Practice of International Courts and Tribunals' etc.). Also included in the category of 'specialised' international law journals are those academic journals, which despite not meeting the aforementioned criteria in their titles, are broadly identified as such by international law scholars specialising in the research areas that fall under their scope (e.g 'International Journal of Marine and Coastal Law' etc.). Moreover, the application of the aforementioned criteria explicitly excludes from the denomination 'international law journal' for the purposes of this article all comparative law journals; international relations journals; foreign affairs journals; international diplomacy journals; international business law journals etc., when reference to them in their titles is not combined with the term 'international law' even if/when these journals may occasionally publish or (even actively welcome) academic/scientific articles on international law subjects. Similarly excluded are both 'generalist' (e. g. 'Harvard Law Review') and 'specialised' (e. g. 'Law and History Review') 'law journals' as well as are 'interdisciplinary' journals (e. g. 'International Journal of Transnational Justice' etc.) even if/when any of these three types of journals may occasionally publish or (even actively welcome) academic/scientific articles on international law subjects. Admittedly, the application of these criteria may leave some journals in a 'grey zone' and, certain degree, of reasoned discretion should, therefore, be applied to make well-informed choices in each case regarding their exclusion or inclusion in the category of ILJs including, for instance, with reference to the criterion of whether the journal in question its eminently 'international legal' in its scope and coverage of academic materials. However, for a more encompassing approach, based on a far more inclusive set of criteria as a basis of a 'database' of 'international and comparative law journals', see Kathleen Claussen, 'The World of International and Comparative Law Journals', Geo. J. Int'l L. 55 (2024), 61-79.

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Transnational Law (Columbia JTL), in New York in 1964. Focusing on TLJs in order to unveil a blind spot in the study of the historical evolution and contemporary analysis of ILJs is further justified because the central role TLJs have played over the last sixty years in fostering transnational legal education and in promoting the diffusion of ideas and legal practice related to 'all law which regulates actions or events that transcend national frontiers',[13] as the coiner of the term, Philip C. Jessup, defined it in 1956.

TLJs have borne witness to the great transformations the world has undergone since the Columbia JTL, which built on one of the very first student-edited international law journals published in the United States in the early 1960s, took its current name in 1964. The focus of the article is on the history of the emergence and subsequent globalization of TLJs – an area that remains significantly under-researched and largely shrouded in mystery. While its engagement with the broader field of transnational law[14] is mediated through this perspective, it is important to note that TLJs themselves have served as both a key vector for and a reflection of the field's expansion and diversification into, inter alia, new transnational legal research areas and specialisations (such as e. g. transnational criminal law and transnational environmental law). Moreover, the publication of approximately twenty TLJs over the past six decades – including eleven new ones in Canada, Western Europe, and Asia in the last twenty years alone – not only evidences the field's own geographical and linguistic expansion but also reflects the deep interpenetration of domestic, regional, and international public and private legal spheres in an increasingly interdependent contemporary world. This is so because TLJs complement the attention given to public and private international law with that due, as G. Shaffer and C. Coye note, to 'other rules which do not wholly fit into such standard categories' in their 'governing [of] transnational activities'.[15]

After this introductory section, this article is divided in three sections, each of which corresponds to a twenty-year-long period in the history of TLJs as a blind spot in the nascent global history of international law periodicals. Reasons why this topic may be of interest to an international legal audience include – but are not limited to – the fact that TLJs, like all ILJs, function as scientific and intellectual meeting points for legal scholars and practitioners from diverse legal systems, regions, and traditions –

13 Philip C. Jessup, *Transnational Law* (Yale University Press 1956), 2.

14 For a holistic engagement with the field see e. g. Peer Zumbansen (ed.), *The Oxford Handbook of Transnational Law* (Oxford University Press 2021).

15 Gregory Shaffer and Carlos Coye, 'From International Law to Jessup's Transnational Law, From Transnational Law to Transnational Legal Orders', in: Peer Zumbansen (ed.), *The Many Lives of Transnational Law* (Cambridge University Press 2020), 126-152.

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including non-Western ones. As such, they serve as engines of global legal dialogue and education, as well as fundamental vectors in the knowledge-production processes of international law.[16] Section I provides a contextualised overview of the rise of the first batch of transnational law journals as a special species of the first generation of student-edited international law journals published in the US between 1964 and 1984 under the direct intellectual influence of Philip C. Jessup, but, also – as we shall see – of Wolfgang G. Friedmann. Section II sets the relative fall of transnational law journals in the US and the very early stage of their globalisation in the broader context of the large transformations and expanding number of international law journals experienced in the period 1984-2004. Section III analyses the resolute globalisation of transnational law journals, which are currently, in fact, more widespread globally than in their North-American birthplace. This analysis is carried out in the light of the key drivers that have reshaped the landscape of ILJs in the period 2004-2024 including specialisation, the generalisation of blind peer review practices, legal-hybridisation and inter-disciplinarisation. The conclusion recaps the article's main findings and highlights the promising prospects for the future geographical expansion of TLJs – at a time when, much like the period in which Judge Jessup coined the term transnational law during the early Cold War, faith in the problem-solving capacity of state-centred international law is once again being questioned in an increasingly conflict-prone geopolitical landscape.

II. The Origins and Early Rise of Transnational Law Journals in the United States (1964-1984)

The origins of transnational law journals form an integral part of the early history of student-edited international law journals. Although student-run international law journals are no longer an exclusively US phenomenon,[17] their beginnings can be traced to a number of elite US universities in the late 1950s and early 1960s. Their initial development – largely supported by the American Society of International Law (ASIL) –[18] followed two main trajectories. These, in turn, provided the background or matrix for the emer-

16 See e. g. de la Rasilla (n. 10).

17 See e. g. Utrecht Journal of International and European Law (prev. Merkourios, est. 1981) or Goettingen Journal of International Law (est. 2007).

18 Harlan G. Cohen, 'A Short History of the Early History of American Student-Edited International Law Journals', Va. J. Int'l L. 64 (2024), 357-372 (367-368).

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gence of the first student-edited transnational law journals in the United States in the mid-1960s and early to mid-1970s, as illustrated in Map 1.[19]

In the first track were a series of journals that embraced the term 'international law' in their titles, starting with the Harvard International Law Club Bulletin (est. 1959). This was soon followed by a series of others published in Virginia (1960), Columbia (1961), Texas (1964),[20] Stanford (1965), and Cornell, New York and Western Case Reserve (1968) universities.[21] The birth of this early batch of student-edited university international law journals was an offspring of the gradual consolidation of international law as an academic discipline in US' law schools, which benefited from a larger intake of international students, including from newly independent states during the, by then, unfolding massive historical decolonisation process. Although these early student-run ILJs were originally intended as fora to provide publication outlets for the law student's best seminar assignments,[22] their development was also emboldened by the influence of 'émigré' international law scholars[23] and by the gradual escalation of the Vietnam war and its impact on politics in US' university campuses. Furthermore, these early journals owe volumes, as H. G. Cohen notes, to 'symbiotic developments between student international law societies, the expansion of The Philip C. Jessup International Law Moot Court Competition [est. in 1960] and the American Society of International Law over that period'.[24] The boost given to student-run international law periodicals in the 1960s, which continued in the 1970s when 'around twenty more student-edited international law journals joined their ranks',[25] lies at the origin of the regular publication of dozens of other student-run ILJs in US universities, with an exponential rise since the 2000s.

19 A previous version of this map can be found in the inaugural editorial of the Chinese Journal of Transnational Law, see Ignacio de la Rasilla, 'Who is Afraid of Transnational Law Journals? An Editorial', Chinese Journal of Transnational Law 1 (2024), 3-7.

20 Journal of the Texas International Law Society (1964).

21 For a brief contemporary account of their launching see, Eleanor Finch, Note, 'Academy of American and International Law', AJIL 59 (1965), 375. Eleanor Finch, Note, 'Student International Law Journals', AJIL 60 (1966), 86-87; Eleanor Finch, Note, 'Student International Law Journals', AJIL 63 (1969), 304-306.

22 Cohen (n. 18), 364.

23 On this phenomenon, see Jack Beatson and Reinhard Zimmermann (eds), *Jurists Uprooted. German-Speaking Emigré Lawyers in Twentieth Century Britain* (Oxford University Press 2004).

24 Cohen (n. 18), 364.

25 Cohen (n. 18), 365.

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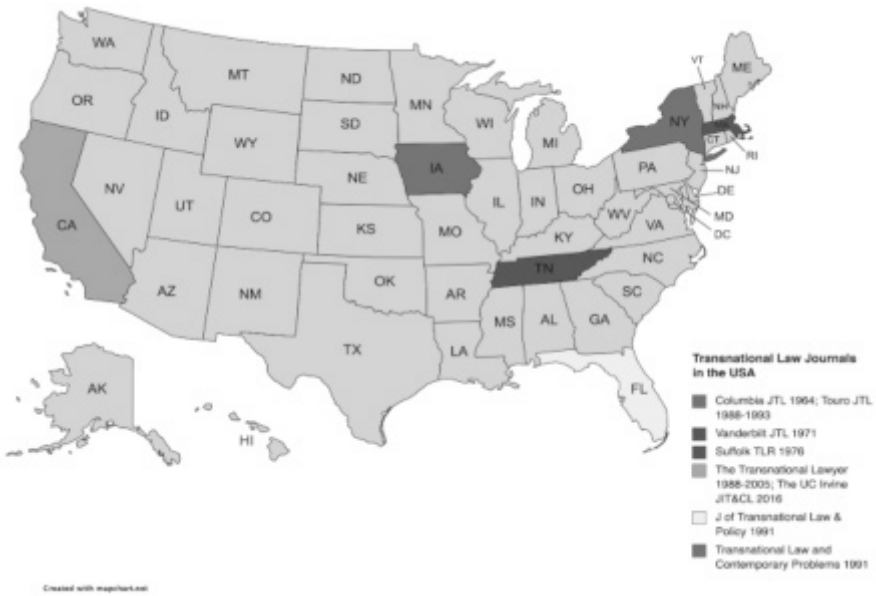
Map 1. Transnational Law Journals in the USA (1964-2024)



The second track of early US' student-run journals adopted, by contrast, the hybrid form of 'international and comparative law' journals, although this evolved to include other complementary denominations in their titles over time. While 'international and comparative law journals' (I&CLJs) were new to the US scientific publishing landscape at the time, they were, in fact, but the delayed progeny of the first periodicals that emerged in the wake of the gradual consolidation of the scientific discipline of international law in Western European countries in the last third of the nineteenth century. However, by the early 1900s, in Europe, three key factors had largely led to a fall of I&CLJs in Western Europe. These were, according to an earlier work, first, the 'consolidation of comparative law as a distinct branch of legal studies', second, the maturing 'professional and scientific independence of the discipline of international law itself' and, third, the 'emerging instrumentalist nationalisation of the study of international law and of national practice'.[26] It was only around four decades later that the founding of the International and Comparative Law Quarterly (ICLQ)[27] in London in 1952

26 De la Rasilla (n. 10).

27 By fusing together, the 'Journal of Comparative Legislation and International Law' (est. 1918) and the 'International Law Quarterly' (I).

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would give a new impetus to the original 'comparative-international duality of scholarly purpose'[28] of the first international law periodicals. Its appeal largely expanded across different US' universities[29] and commonwealth countries from the late 1960s and early 1970s.

The first of these was the Georgia Journal of International and Comparative Law (Georgia JICL, est. 1970),[30] a student initiative supported – as its first faculty advisor – by Dean Rusk, who had become a professor of international law at the University of Georgia after serving as US Secretary of State from 1961 to 1969.[31] The Georgia JICL emerged largely from the same constellation of factors that shaped earlier journals within the more traditional 'international law' track. There is no evidence that its founders saw themselves as inheriting or continuing any specific tradition of 'international and comparative law' journals – tracing from their origins in Western Europe, through their revival in London, and eventual diffusion primarily to the United States and select Commonwealth countries. This is the case even though earlier journals bearing this title existed, including one in South Korea[32] and another in South Africa,[33] which at the time was not a member of the Commonwealth due to its apartheid policies. Nor is there any evidence that the founders were even particularly aware that Georgia JICL was the first student-edited law journal in the United States to explicitly bear this name.[34] Nevertheless, in his Foreword to the journal's inaugural issue, Hardy C. Dillard – the US judge serving on the International Court of Justice from 1970 to 1979 – subtly pointed to a broader conceptual lineage. He evoked the influence of the notion of transnational law, a term coined by his immediate predecessor on the ICJ bench, Judge Philip Jessup, in emphasising that new journal offered 'still another channel for the systematic diffusion of knowledge, understanding and insight dealing with the vast field of international law – a field which, in its modern form, is by no means limited to law between national states but embraces all forms of transactions crossing national frontiers'.[35]

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28 See n. 27.

29 LindsayCowen, 'Foreword', Ga. J. Int'l & Comp. L. 1 (1970), iii.

30 All issues of the journal, are available open access at <https://digitalcommons.law.uga.edu/gjicl/vol2/iss1/>, last access 3 July 2025.

31 Dorsey R. Carson Jr. and Amelia M. Bever, 'Remembering Dean Rusk', Ga. J. Int'l & Compar. L. 25 (1996), 707-728. Also Dean Rusk, 'The 25th U. N. General Assembly and the Use of Force', Ga. J. Int'l & Compar. L. 2 (1972), 19-35.

32 Korean Journal of International and Comparative Law, Vol. 1, 1956.

33 Comparative and International Law Journal of Southern Africa, Vol. 1, No. 1, March 1968.

34 No reference is made to it in the editors' prologue or in the anniversary issues, see for the journal's silver anniversary G. Porter Elliott, 'Foreword', Ga. J. Int'l & Compar. L. 25 (1996), i.

35 Hardy C. Dillard, 'Foreword', Ga. J. Int'l & Compar. L. 1 (1970), v-vii.

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It is against this historical backdrop that the Columbia JTL, which was founded at Columbia University in 1964,[36] became the first of three TLJs launched during the early period of student-edited journals in the US. The Columbia JTL was also the first international law journal – albeit not the last one – to take its name under the influence of a school of international legal thought in the US.[37] The concept of transnational law had been seminally introduced by Philip C. Jessup (1897-1986) in his series of Storr Lectures at Yale Law School in 1956.[38] At a time when the early Cold War had shattered confidence in the problem-solving capacity of international law and Jessup himself had been a target of McCarthyism for 'having communist sympathies',[39] Jessup's proposal of transnational law was saluted by Eric Stein as 'an assault on the barriers of classifications and distinctions traditionally separating legal disciplines' which 'hamper progress toward solutions of problems of "transnational" character'.[40] Less than ten years later, Jessup, by then a judge at the International Court of Justice (1961-1970), to which he had been nominated by the US State Department in the early days of John F. Kennedy's administration, would introductorily inaugurate the first issue of the Columbia JTL.[41]

The fact that central figure in the rebranding of the *International Law Bulletin* at Columbia to the Columbia JTL in 1964[42] was the Jewish émigré international law scholar Wolfgang G. Friedmann (1907-1972) also marks an interesting moment of intersection in the intellectual legacies of two of the most influential Western international law scholars of the Cold War period. While Philip Jessup introduced the concept of transnational law – highlighting the multiple operational roles of legal norms and principles beyond inter-state relations – Friedmann, who had 'served as Faculty Advisor to the

36 It built on the 'International Law Bulletin', which had, in 1963, changed its title from the previous 'Bulletin of the Columbia Society of International Law' (est. 1961). Harold Swayze, 'Preface', Colum. J. Transnat'l L. 1 (1961-1963), vii-viii.

37 The other most representative example is 'Yale Studies in World Public Order' (1974-1980), which become the 'Yale Journal of World Public Order' (1980-1983) and, finally, the 'Yale Journal of International Law' since 1983. W. Michael Reisman, 'The Vision and Mission of the Yale Journal of International Law', Yale J. Int'l L. 25 (2000), 263-270.

38 Jessup (n. 13).

39 Senator Joe McCarthy – Audio Excerpts, 1950-1954, Philip C. Jessup, 1951, Marquette University, Milwaukee, Wisconsin available at <https://cdm16280.contentdm.oclc.org/digital/collection/p128701coll0/id/6/>, last access 4 July 2025.

40 Eric Stein, 'Jessup: Transnational Law', Mich. L. Rev. 56 (1958), 1039-1045.

41 Philip C. Jessup, 'The Concept of Transnational Law: An Introduction', Colum. J. Transnat'l L. 3 (1963), 1-3.

42 This could, also, at least in part be interpreted as a homage to – albeit, perhaps, also an effort to capitalise on the reputation of – Judge Jessup, by his doctoral alma mater and long-term employer, Columbia University.

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Journal since its inception' in 1961 and provided it with 'continued financial and intellectual support' over the following decade,[43] played a decisive role in institutionalising it. By making the Columbia JTL the first platform from which a more fluidly framed research field of transnational law could evolve, Friedmann – who coincidentally also published his influential *The Changing Structure of International Law* in 1964 – was advancing his own vision of the transformation of international law from the international law of coexistence to the international law of cooperation.[44] According to Friedmann, international law was evolving beyond the confines of a traditional, state-centred system into a functionally differentiated global legal order. This emerging order, incorporating new non-state actors – including, but not limited to, international organizations and multinational corporations – and a plurality of new international legal regimes, such as international economic law, human rights law, and environmental law, was already acquiring a life of its own beyond the traditional boundaries of state sovereignty.[45] A heart-felt tribute to Friedmann, who contributed several articles to the journal in its first decade,[46] was published in the Columbia JTL in 1971,[47] just a few months before Friedmann was robbed and stabbed to death on the streets of Manhattan in 1972.[48]

In 1971, the Vanderbilt International (est. 1967) was renamed the Vanderbilt Journal of Transnational Law (Vanderbilt JTL) 'to mark its transition from duplicated to printed format'[49] and its first issue was, like in the case of the Columbia JTL, inaugurated by an article of Philip C. Jessup.[50] Contrary to the Columbia JTL, which had capitalised on the substantial resources of a 'ten-year grant of the Ford Foundation for the development of international legal studies at Columbia' to build its reputation in the field

43 Swayze (n. 36), viii.

44 Wolfgang Friedmann, *The Changing Structure of International Law* (Columbia University Press and Stevens & Sons 1964).

45 Friedmann (n. 44.)

46 Wolfgang G. Friedmann *et al.*, 'Act of State: Sabbatino in the Courts and in Congress', Colum. J. Transnat'l L. 3 (1964), 99-115 (103); Wolfgang G. Friedmann, 'Legal and Political Aspects of the Berlin Crisis', Colum. J. Transnat'l L. 1 (1961-1963), 1-7 (3); Wolfgang G. Friedmann, 'The Position of Underdeveloped Countries and the Universality of International Law', Colum. J. Transnat'l L. 1 (1961-1963), 78-86.

47 Wolfgang G. Friedmann, 'The Reality of International Law – A Reappraisal', Colum. J. Transnat'l L 10 (1971), 46-60.

48 William J. McGill *et al.*, 'Memorial Service for Professor Wolfgang G. Friedmann, September 25, 1972', Colum. L. Rev. 72 (1972), 1136-1146.

49 Harold G. Maier, 'Foreword: Some Implications of the Term "Transnational"', Vand. J. Transnat'l L. 25 (1992), 147-149.

50 Philip C. Jessup, 'The Development of a United States Approach Toward the International Court of Justice', Vanderbilt L. Rev. 5 (1971), 1-46.

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since 1955,[51] this rebranding should be more directly seen in the context of 'increased student enrolment at the Law School and a growing awareness of global activities and problems'[52] which, in turn, had prompted the development of Vanderbilt's international law program since the mid-1960s.[53] This veiled reference to a more politicised environment on US campuses in the late 1960s and 1970s, including as a result of the protracted Vietnam war, was mirrored in Vanderbilt JTL's first issues and that of its predecessor since 1967.[54] Amidst broad decolonisation processes and the Cold War, the far greater awareness of international affairs across US law schools in the 1960s and 1970s furthermore resonates well with the retrospective emphasis put by the founder and long-term Faculty Advisor of the Vanderbilt JTL (and, also, of its predecessor) Harold G. Maier, on the fact that the journal 'selected Jessup's characterization to emphasize global interdependence rather than the political competition suggested by the older, and more familiar terms'.[55] The effort to mark an epistemological departure by 'thinking of the world in a transnational rather than an international context', or similarly, 'the recognition that human affairs could not properly be confined by the artificial territorial boundaries of nation-states',[56] both academically and in professional legal practical terms, thus, inspired the adoption of 'transnational law' in the mastheads of the first two TLJs. Last, but not least, following on the footsteps of Columbia JTL and the Vanderbilt JTL – and aligning with a broader academic movement recognising transnational law as a distinct field shaped by the influential factors identified by Jessup and Friedmann – the Suffolk Transnational Law Review (Suffolk TLR) became in 1976 the first journal to be born with the term 'transnational law' in its original title.

A review of the origins of the first three US student-edited TLJs reveals a concerted effort to institutionalise Jessup's theoretical framework, particularly in the first two, at a time when Jessup was also serving as a US judge on

51 'International Legal Studies at Columbia Law School 1955-1965', Colum. J. Transnat'l L. 4 (1966), 319-327 (319).

52 Charles G. Burr, Editor-in-Chief, 'Editor's Foreword', Vand. J. Transnat'l L. 5 (1972), vii-viii, available at <https://scholarship.law.vanderbilt.edu/vjtl/>, last access 4 July 2025.

53 Harold G. Maier, 'Founder of the Vanderbilt Journal of Transnational Law, Passes Away at 77', Blog of the Vanderbilt Journal of Transnational Law, 27 August 2014, available at <https://www.transnat.org/post/harold-g-maier-founder-of-the-vanderbilt-journal-of-transnational-law-passes-away-at-77>, last access 4 July 2025; Maier also established the Vanderbilt Law School's Transnational Studies Program.

54 Cohen (n. 18). See e. g. W. G. C., 'The Law School Looks at Vietnam', Vand. L. Rev. 1 (1967), 5-9; Peter B. Lund, The Vietnam War: Tax Costs and True Costs, Vand. L. Rev. 1 (1967), 10-17.

55 Maier (n. 49),14

56 Maier (n. 49).

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the bench of the International Court of Justice (ICJ). In these early days, the term transnational law clearly possessed both a descriptive quality – capturing a series of unfolding transformations in the international legal order – and an ideological, progressive-liberal connotation that enabled its advocates to think beyond the traditional Westphalian model of international law. However, while these singular features describe the inception of the earliest US-based TLJs as products of the transformative 1960s, they speak only to the story of their foundation – not to the subsequent evolution and persistence of the transnational law label within the US and, later, across Canada, Western Europe, and Asia. Indeed, rather than a single linear trajectory, there are multiple, competing narratives that emerge from different periods.[57] As we will see in Sections III and IV, the use of the transnational law label in periodical publications has evolved in diverse ways. In some cases, it now designates specialised legal fields – such as transnational environmental law – where the term serves as an apt descriptor of the nature of legal practice, rather than as an ideologically charged scholarly concept.[58] In other instances, the label's appeal lies more in its function as a marketing tool – to distinguish a new journal from others in the same jurisdiction or, in the case of journals not published in English, to signal a linguistic or cultural distinction – rather than as an indicator of a direct intellectual lineage directly traceable to Jessup and the first TLJs.[59]

More specifically, an empirical review of the contents of the first three TLJs since their inception to 2024[60] shows that they all began as generalist ILJs – and have largely remained so over subsequent decades – with a

57 Author's note: The author is grateful to one of the anonymous reviewers of the article for explicitly drawing its attention to this question. This paragraph builds and is largely inspired by his/her comments and/or questions.

58 See n. 57.

59 For instance, the only translational law journal in Spanish – Cuadernos de Derecho Transnacional – defined itself since its inception in 2009 as 'una Revista científica semestral de Derecho Internacional Privado' ('a Biannual scientific review of Private International Law'). For more details on Cuadernos de Derecho Transnacional, see further Section IV of this article and <https://e-revistas.uc3 m.es/index.php/CDT/index last>, access 12 May 2025.

60 The methodology employed is based on an analysis of the article titles – excluding book reviews – published in all issues of the three journals from their inception through 2024. A group of international law doctoral students at Wuhan University were provided with indicative guidelines – including a set of examples illustrating the types of articles falling within each category – to carry out the empirical quantitative analysis. While the results are sufficiently indicative, further refinement through the use of big-data computational, AI-powered tools may yield more granular insights in the future. For an example of the application of an empirical quantitative methodology in international law a related methodological explanations see e. g. Ignacio de la Rasilla, 'Latin America and the Caribbean in the International Court of Justice – An Empirical Quantitative Analysis (2000-2024)', Journal of International Dispute Settlement 16 (2025), idae024, https://doi.org/10.1093/jnlids/idae024.

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particular penchant for publishing works on law subjects falling within the purview of public international law. Having noted this, as Figure 1 below shows, variations exist among the three first student-edited TLJs, with the Columbia JTL having, for instance, a stronger focus on 'domestic law' issues with international legal implications and the Vanderbilt JTJ a greater inclination towards economic and private international law topics as a whole over the years. By contrast, contributors to Suffolk TLR have shown a greater thematic interest in 'comparative law' topics.[61] However, and perhaps surprisingly, considering the overall number of academic works (not including book reviews, estimated at circa 2950 in total) published in them since their foundation, the three oldest TLJs have published very few articles featuring the term 'transnational' in their titles. This corroborates the impression that, in the case of the first generation of TLJs, the term transnational has traditionally been – and largely remains – editorially employed as an all-encompassing academic category. As such, it serves to attract contributions spanning public and private international law, comparative law, and domestic legal issues with international dimensions – including what would today be classified as foreign relations law – as well as scholarship addressing the intersections among these fields.

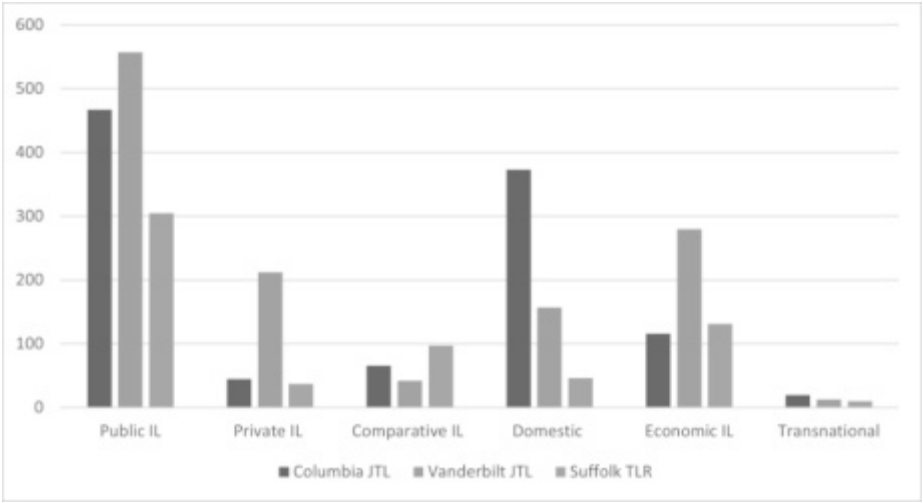

Figure 1: Transnational LJs 1964-1984

61 Which becomes, in fact, more numerically accentuated, in the light of this journal's shorter temporal span.

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III. The Relative Decline of Transnational Law Journals in the United States and Early Stages of Their Globalisation (1984-2004)

By the mid-1980s, several of the earlier trends in the historical development of ILJs had largely consolidated. The days of the long nineteenth century when all international law periodicals were published in a few Western European countries and Russia[62] were long gone. However, the expansion of international law journals outside Europe, which had begun in Japan with the publication of *Kokusaihö Gaikö Zasshi* in 1902, was still far from evenly distributed in geographical terms around the globe by the mid-1980s. For instance, the number of university-student-run international law journals (in their different varieties) from the US alone was larger than all those published in all the African, Oceanic, Eastern-European, and Asian countries combined. They were also far more numerous than those that were published in Latin America despite the region having been the first to come to the globalisation of ILJs in the 1910s and 1920s.[63]

This state of affairs can be illustrated by the fact that the first specialised international law journal in mainland China, 中国国际法年刊 (Chinese Yearbook of International Law), was only founded after the Cultural Revolution, in 1982 during the early stages of the opening-up and reform period.[64] The 中国国际法年刊 joined a few similarly 'nationally' branded ILJs that already existed in Korea (1956), Japan (1958), India (1959), the Philippines (1962), and Taiwan (1964).[65] However, the fast development of the number of ILJs in the next four decades, which were published either in Mandarin or in English is apparent in the existence of no less than twenty-five of them,[66] in China (including Hong Kong, Macau and Taiwan), among which, as we shall later see, two TLJs were founded in the 2010s and early 2020 s respectively.[67]

62 De la Rasilla (n. 10).

63 De la Rasilla (n. 10), 149-150.

64 See further Yayezi Hao and Mohan Chen, 'The Chinese Yearbook of International Law: Looking Back to Look Forward (1982-2022)' in: Inge van Hulle and Carl Landauer (eds), *The Journals of International Law* (Brill-Nijhoff, forthcoming 2025). Sompong Sucharitkul, 'Rebirth of Chinese Legal Scholarship, With Regard to International Law', LJIL 3 (1990), 3-17.

65 The Annals of the Chinese Society of International Law / Chinese Yearbook of International Law and Affairs / Chinese (Taiwan) Yearbook of International Law and Affairs (1964).

66 This figure results from the application of the relatively restrictive criteria for the identification of 'international law journals' for the purposes of this article indicated at (n. 12). However, the application of far more inclusive criteria of identification, as those enunciated by Kathleen Claussen, would considerably increase this figure, see further Claussen (n. 12).

67 Peking University Transnational Law Review (2013-2018) and the Chinese Journal of Transnational Law (est. 2023).

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The end of the Cold War, the dissolution of the Soviet Union and the rapid spread of globalisation processes around the world in the 1990s, and in their wake the proliferation of international organisations, international courts and tribunals and the mushrooming of specialised international legal regimes, would become catalysts for a multiplication of different varieties of ILJs in all regions in the 1990s and early 2000s. The national identifier in the titles of ILJs, which had begun to spread in the 1950s and 1960s[68] and had become more widely used with the growth of national 'yearbooks' of international law in English language from the 1970s onwards,[69] remained a first pick among new independent countries and others that did not already possess a 'nationally-labelled' international law academic ILJ or IL yearbook, including in Eastern Europe in the 1990s.

Moreover, inspired by processes of regional economic, and incipiently, political integration, new 'continental' or regional varieties of ILJs also emerged in Europe, namely the European Journal of International Law (EJIL) (est. 1990),[70] which aimed to, *inter alia*, 'transcend national silos in European international legal scholarship'.[71] And also, in particular, in Africa,[72] where 'regional' ILJs became substitutes for 'national' international law journals. The 1984-2004 period also witnessed specific university-labelled journals beginning to be published beyond the US such as the Leiden Journal of International Law (Leiden JIL) (1988), which echoed the 'belief that the need for scholarly writing in international law is becoming a major focus of legal education in the Netherlands (and Western Europe in general)'.[73] Meanwhile, in the US the number of student-edited international law journals continued to rise steadily. H. Cohen attributes this expansion to a 'combination' of rising demand for 'publication slots' among academics prompted by 'growing faculties and rising tenure standards' on the one hand with the 'credentials and career opportunities journal editorship could offer' students on the other.[74]

A particularly remarkable feature of this 20-year period is that from the mid-1980s a new and increasingly numerous breed of specialised international law began to emerge across an increasingly diversified and fragmented international legal landscape, including in the fields of international

68 De la Rasilla (n. 10).

69 De la Rasilla (n. 10).

70 The Editors, Editorial, EJIL (1990), 1-3.

71 On the foundational purposes of EJIL, see Verdier (n. 6), 7-8.

72 'Editorial Comment', AJICL 1 (1989), xix-xxii. On its foundational purposes of see Verdier, (n. 6), 8-9.

73 Editorial, LJIL 1 (1988), 1-2. Eric De Brabandere and Ingo Venzke, 'The Leiden Journal of International Law at 30', LJIL 30 (2017), 1-4 (1).

74 Cohen (n. 18), 370.

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investment law[75] and international economic law[76] but also extending to international human rights law,[77] international criminal law,[78] international environmental law[79] and even to general and more transversal fields like international adjudication[80] and the history of international law.[81] These built on a small number of specialised antecedents which first emerged in the fields of human rights and the law of the sea in the late 1960s and 1970s.[82] From then, specialised ILJs largely nurtured the emergence of new 'transnational' epistemological communities in specific research areas. These early stages of specialisation of international law journals were fostered by the gradual generalisation of digital access to hitherto only printed ILJs and the proliferation of the first 'electronic' (as they used to be called) ILJs in the mid-late 1990s and early 2000s. Similarly characteristic of this stage in the historical evolution of international law journals in the twentieth century was the gradual introduction of the practice of double-blind peer reviewing by ILJs, itself an offspring of the introduction of new technologies in editorial management of ILJs in the mid-late 1990s and early 2000s.

In Western Europe, this would gradually transform what was until then a landscape marked by the generalised practice of invited contributions to publish in ILJs among a selected-group of established members of the 'invisible college', and by extension their student networks in elite universities with, at most, editorial non-anonymised peer reviewing of unsolicited submissions. Moreover, the gradual consolidation of 'regional' IJLs, the spread of specialised ones and the inclusion of external (albeit not necessarily blind) peer reviews of both solicited and unsolicited submissions contributed to levelling the playing field by providing emerging scholars with more opportunities regardless of their affiliation and pedigree[83] by the mid-2000s. While, by contrast to the generalisation of blind peer-review in Western European ILJs, US student-edited ILJs, do not

75 ICSID Review – Foreign Investment Law Journal (est. 1986).

76 Journal of International Economic Law (est. 1998).

77 International Journal on Minority and Group Rights (est. 1993); The International Journal of Human Rights (est. 1997); Human Rights Law Review (est. 2001).

78 International Criminal Law Review (est. 2001); Journal of International Criminal Justice (est. 2003).

79 Yearbook of International Environmental Law (est. 1990); Review of European, Comparative & International Environmental Law (est. 1992).

80 The Law & Practice of International Courts and Tribunals (est. 2002).

81 Journal of the History of International Law (est. 1999).

82 See e. g. *Human Rights Quarterly* (est. 1979). See further, de la Rasilla (n. 10).

83 However, the traditional state-of-affairs would remain the general practice among many 'national' ILJs published in local languages across Europe and other regions until the mid-late 2010s and does still linger at present in many places.

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generally use blind peer review,[84] 'local' factors, like the introduction of multi-journal-submission electronic platforms in the early 2000s also performed a certain democratising role (of sorts) by increasing accessibility and standardising submission processes, thus enabling access by more authors to JILs in a revamped 'publish or perish' system of international legal scholarship.While still occasionally the object of critical questioning among Western European international law academics,[85] the generalisation of blind peer reviewing in international legal scholarship has contributed – if not to fully eradicating – to reducing the weight of certain forms of embedded structural privilege (based on race, national origin, awarding universities, elite networks, mother-tongue, gender, sexual orientation and/or social class) thus minimising potential biases in international law publishing in academic journals. While these factors are, nonetheless, still with us in different guises, they have faded in the background compared with their greater prevalence in previous times in determining the sociological composition of the 'invisible college' of international lawyers. This transformation has been paralleled by a growing interest in being able to better understand not only *what* ILJs publish[86] but also increasingly by *whom* and from *where* they do so.[87]

This is, broadly speaking, the context which saw the establishment of four new TLJs in the late 1980s and early 1990s in the US and the first of them in

84 Reasons for this state of affairs include the pedagogical function played by student-managed journals, as well as the professional prestige associated with certain editorial positions – particularly in prestigious law reviews. Additional contributing factors include the comparatively expedited decision-making processes of student-edited journals, in contrast to the time-consuming nature of double-blind peer review, which often delays publication in systems that rely exclusively on that model. The resulting faster dissemination of scholarship is particularly valuable in a legal academic environment characterised by considerable professional mobility. Tradition and institutional inertia also play a role in maintaining this model. For different perspectives on the integration of blind-peer review in US law journals see: Barry Friedman, 'Fixing Law Reviews', Duke Law Journal 67 (2018), 1297-1030 (1349); Michael Conklin, 'Letterhead Bias and Blind Review. An Analysis of Prevalence and Mitigation Efforts', U. Ill. L. Rev. Online (2022), 1-9.

85 See e. g. Isabel Lischewski, Editorial #28: Driving with the Re(ar)view Mirror, Völkerrechtsblog, 4. May 2023, doi: 10.17176/20230504-204344-0. For a previous analysis noting that peer-reviewers are structurally conditioned to show a 'bias towards existing paradigms and against novel, transformative or revolutionary ways of thinking', see James Britt Holbrook, 'Peer Review', in: Robert Froedman (ed.), *The Oxford Handbook of Interdisciplinarity* (Oxford University Press 2010), 321-333. I offered an engagement with these ideas in Ignacio de la Rasilla, 'Interdisciplinary and Critical Knowledge Production Processes in International (Human Rights) Law', L'Observateur des Nations Unies 46 (2019) 5-28.

86 Anderson and Claussen (n. 7).

87 SarahNouwen and Joseph Weiler, 'Vital Statistics: Behind the Numbers', EJIL Talk!, 22 April 2024, available at <https://www.ejiltalk.org/vital-statistics-behind-the-numbers/>, last access 4 July 2025.

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Western Europe ('Transnational Dispute Management' or TDM) which was established – at the very end of this 20-year-period – in 2004. Common to the birth of the newer US-based TLJs is that they were all adaptative responses to the internationalisation of the law curriculum in US law schools and to the emerging consensus that 'law, as it affects relations between nations and between people in different nations, has become an essential part of a lawyer's intellectual wardrobe'.[88] However, remarkably, the two new US-based TLJs that were established in the late 1980s (including the Transnational Lawyer (est. 1988) which had the specific ambition to perform 'a special practice-oriented role among international journals')[89] dropped the transnational label from their mastheads in the course of the subsequent two decades.[90] Moreover, the remaining three new TJLs either complemented the 'transnational law' label with other 'generalist' denominations[91] or, as in the case of the 'Transnational Lawyer' and also the TDM clearly mirrored the influence of the early trend towards specialisation common in the landscape of Western ILJs catering in this case for the transnational legal practitioner.[92] Being all US-based except for one, these TLJs were not impacted by the gradual introduction of the practice of double blind peer reviewing in the same measure as Western-European faculty-edited ILJs.

While the intellectual bloodlines to Jessup were clear in the first generation of TLJs during the most turbulent decade of the Cold War, this intellectual liaison becomes more diffuse in the second generation of TLJs. In these newer journals, the use of 'transnational law' in their mastheads seems less an effort to carry Jessup's intellectual mantle – formed in a period of early institutional expansion and diversification of the international legal order – and more a reflection of the post-Cold War moment of optimism. This optimism centred on the possibilities for transnational legal practice and global institutional cooperation, a zeitgeist encapsulated in George H.W. Bush's 'New World Order' speech of September 11, 1990.[93] This background is reflected in the emphasis placed on policy-oriented and problem-solving

88 Howard A. Glickstein, 'Introduction', Touro Journal of Transnational Law 1 (1988-1990), v-vi (v). See also 'Preface', Transnational Law 1 (1988), xiii-xviii.

89 'Preface', Transnational Law 1 (1988), xiii-xviii.

90 The Transnational Lawyer (1988-2005) renamed 'The Pacific McGeorge Global Business & Development Law Journal' (2005-2014); Touro Journal of Transnational Law (1988-1993) renamed 'Touro International Law Review'.

91 Journal of Transnational Law and Policy (1991), available at <https://law.fsu.edu/co-curriculars/jtlp/previous-issues>, last access 4 July 2025; Transnational Law and Contemporary Problems (1991).

92 Transnational Dispute Settlement (2004).

93 George H.W. Bush and Brent Scowcroft, *A World Transformed* (Knopf Doubleday Publishing Group 1998).

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dimensions associated with transnational law in the titles of some of these newer US journals.[94] The second generation of TLJs also bears witness to a geographical expansion – illustrated in Map 1 above – from the East Coast origins of the term to the Midwest (Iowa), Southwest (California), and Southeast (Florida). This spread signals a certain popularisation of the term, moving from its Ivy League roots toward a more practice-oriented and less theory-intensive academic environment. This, furthermore, coincided with the emergence of 'international/transnational business transactions' focusing on international commercial law and corporate law as a focus in US law school curricula in the 1990s and early 2000s,[95] echoing the rising globalisation of commerce and the legal profession.

A general review of the contents of the four US-based TLJs that appeared between 1988 and 1991 shows that, like their predecessors, they have for the most part remained generalist in orientation.[96] In this respect, they continue the tradition of the first generation of TLJs, serving as platforms for the publication of works on public and private international law, comparative law, and domestic legal issues with international dimensions – including what would today fall under the rubric of foreign relations law. While a comparison with other ILJs that do not feature the 'transnational law' label in their titles lies beyond the necessarily limited scope of this study, it is worth emphasising that the distinctiveness of TLJs lies in their all-encompassing scope. In contrast, ILJs have – over, in particular, the past two decades, as discussed in Section IV – become increasingly specialised in particular research areas and subfields of international law. This trend has resulted in an expertise-based exclusionary bias against scholarship that does not align with those specialised domains. Once again, as figure 2 below shows, studies fitting the five general categories feature alongside just a few labelled 'transnational law' in the titles of the contributions that have appeared by contrast, very sparsely. Having noted this, some particular features of this second generation of TLJs are worth highlighting, including the fact that the data sample (estimated at 1000 academic outputs) is far smaller because two of these US-based TLJs were relatively short-lived.

94 See (n. 90).

95 See e. g. Larry Cata Backer, 'Internationalizing the American Law School Curriculum (in Light of the Carnegie Foundation's Report)' in: Jan Klabbers and Mortimer Sellers (eds), *The Internationalization of Law and Legal Education* (Springer 2009), 49-112.

96 On the methodology employed see (n. 60).

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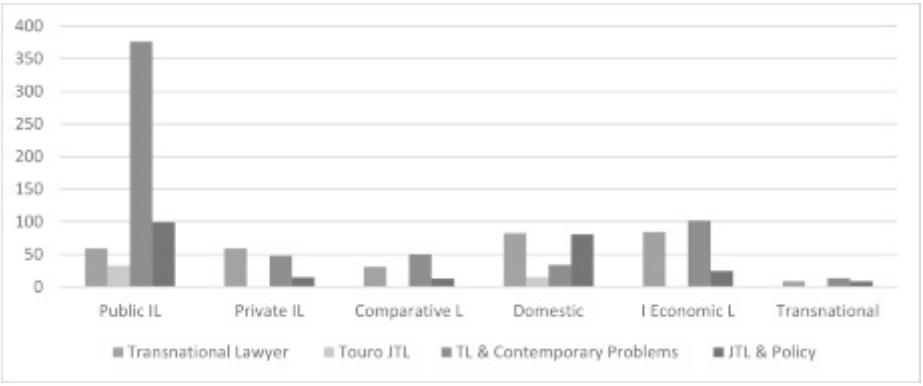

Figure 2 US-based TLJs – from 1988-1991 to 2024.

IV. The Globalisation of Transnational Law Journals (2005-2024)

Two distinct phases may be distinguished in the evolution of TLJs. The first phase spans, as we have seen, from the early rise of the transnational label among student-edited international law journals published in the US in the mid-1960s to the relative fall of the label among US-based student-edited law journals in the early 1990s with two of them subsequently dropping the term 'transnational' from their mastheads. The second phase extends, as we shall now see, from the early 2000s to the mid-2020s when eleven new transnational law journals were launched for the first time beyond the US in the Netherlands, Spain, Canada, the United Kingdom, China, Indonesia, and Italy while only one new US-based academic journal ventured to take up the 'transnational' label again in its title in 2016. Among the new batch of non-US journals – which, moreover, are all faculty-edited TLJs – are some that have challenged the hegemony of English as the universal language of science in the transnational legal field for the first time. Against this background, it would be academically misleading to confine the investigation of the historical evolution and contemporary features of TJLs to those published solely in the United States. Non-US-based TLJs matter not only in historical and epistemological terms, but also constitute an essential component of any serious inquiry into the history of TLJs – a completely overlooked area in the broader historiography of international law journals.

The publishing landscape in the 2020s in the field of international law has become transformed almost beyond recognition compared to that of six

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decades ago when the Columbia JTL was established, and completely so since the beginning of the 20th century when, as Oona A. Hathaway and John D. Bowers note, 'the rate of publication' was 'just over 100 articles per year in 1900', compared to 'nearly 6,000 in 2020'.[97] Quantitatively speaking, international law journals have risen to be the most numerous of all academic periodicals in all legal disciplines[98] while the generalisation, since the early-mid 2010s, of 'quality and prestige' journal rankings based on 'metrics' and 'impact factors' and their influence on hiring and promotion decisions in academic careers and research-funding allocations[99] has also been a game-changer in international law journal publishing as a whole. The 'metrics fever' in ILJs is often decried.[100] However, the competitive nature of metrics-ridden journal rankings may be argued to have contributed to fostering minimum-common-quality standards across the board for international law journals in both the Global North and in the developing world and emerging economies.[101] Regarding the latter, besides their use as an 'objective' benchmark[102] (of sorts) for appointments and promotions in increasingly professionalised epistemological communities[103] in all scientific fields,[104] two main factors

97 Hathaway and Bowers (n. 7). For some qualifications on the methodology and database employed by the authors, see, nonetheless, e. g. Marko Milanovic, 'Horrible Metrics, Part Deux', EJIL Talk!, 9 May 2024, available at https://www.ejiltalk.org/horrible-metrics-part-deux/; and Artur Simonyan, 'Where is Martti Koskenniemi?: A Rejoinder', Völkerrechtsblog, 25 May 2024, available at <https://voelkerrechtsblog.org/where-is-martti-koskenniemi/>, last access 4 July 2025.

98 Albeit adopting a very inclusive methodology, has identified the existence of *circa* six-hundred ILJs over time of which a bit over 20 % of them have been discontinued, see Claussen (n. 12).

99 See e. g. Craig G. Anderson, Ronald W. McQuaid and Alex M. Wood, 'The Effect of Journal Metrics on Academic Resume Assessment', Studies in Higher Education 47 (2022), 2310-2322.

100 See e. g. Janja Hojnik, 'What Shall I Compare Thee To? Legal Journals, Impact, Citation and Peer Rankings', Legal Studies 41 (2021), 1-24.

101 Another positive side of 'ranking journals' occurs when/if, as a meritocratic criterion, the fact of publishing in them is combined with other distinguishing marks of a complementary diversified and innovative academic production as well as community-service that do evidence an all-round-approach to scholarly life instead than one solely focused on reaping the professional rewards by moulding one's scientific production to the targeting of 'high-ranking' ILJs.

102 'Objective', at least, when compared to past systems ranging from the paternalistic/protégé traditional model of appointment to those including different levels of 'corruption' and different types of bias in decision-making processes regarding appointment to university positions in many parts of the world.

103 See, highlighting the relationship between the metrics fever and the professionalisation of international law teaching across Latin-American, see Jorge Contesse, 'International Law Scholarship in Latin-America', Va. J. Int'l L. 64 (2024), 1-32.

104 Chris Brooks, Lisa Schopohl and James T. Walker, 'Comparing Perceptions of the Impact of Journal Rankings Between Fields', Critical Perspectives on Accounting 90 (2023), 1-49.

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may account for the attachment to 'journal rankings' among universities in the Global South.

The first is related to the fact that the frequency of publications in top scientific journals has an impact on both the national and global prestige and ranking of universities themselves in a time of fierce competition in national, regional, and global markets for students, talents, public and private sources of funding, scientific patents, and commercial trademarks. This competition has great economic implications for developing, emerging, and developed economies alike.[105] The second reason behind the embracing of the 'metrics fever' in the 'Global South' is their potential role in the ongoing reversing of traditional centre-periphery dynamics in all scientific fields, including international law. This has much to do with the subtle geo-political and geo-economic strategic value of international law scholarship itself.

This role of ILJs – including TLJs – is increasingly relevant when an ongoing shift from a Western-centric international order to a far more multipolar one has increased the value of ILJs as platforms from which initiatives – including international legal ones – are launched and soft-power in the field is exercised.[106] While the reservoir of ILJs was originally the West,this subtle strategic role is currently also being increasingly performed by the founding of regional and/or national ILJs in non-Western countries. What H. Verdier has termed an 'outbound or outcast' role aimed at 'broaden[ing] the reach and influence' of the 'regional [or national] perspective on international law'[107] of certain journals underlies the current rise in the establishment of newer ILJs in emerging economies as they 'strive to carve out a space in global international law discourse for a traditionally underrepresented regional [or national] perspective'.[108]

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105 The rise of universities in the Global South, namely across certain parts of Asia, threatens with gradually depriving Western universities (across the Anglosphere: The US, the UK and Australia) of an enormous source of yearly income from international students from the Global South on which their universities have grown largely dependent to finance themselves. In 2023, the 'US State Department 'granted 289,526 visas to Chinese students' alone. Aline Barros, 'Chinese Still Largest Group of Foreign Students in US', 21 December 2023, available at <https://www.voanews.com/a/chinese-still-largest-group-of-foreign-students-in-us/7407560.html>, last access 4 July 2025.

106 David Hughes and Yahli Shereshevsky, 'State-Academic Lawmaking', Harv. Int'l. L.J. 64 (2023), 253-309 (253).

107 Verdier (n. 6), 2.

108 Verdier (n. 6), 12. Other than this 'outbound' role, regional journals may also serve an 'inbound' or 'dialogic' role, and an 'inward-looking' or 'localized' role. See further, for a detailed empirically based application of these three roles to a selected number of regional [or national] ILJs, Verdier, (n. 6), 12-25. Some of the newer TLJs, in particular those located in China, do also conform, as will see later, to this 'non-mutually exclusive' tripartite categorisation of roles.

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Map 2. The Global Expansion of Transnational Law Journals (2005-2024)

The last 20 years have also witnessed a deepening of the proliferation of specialised ILJs that has accompanied, and further strengthened, the expansion and diversification experienced by the field of international law since the turn of the century.[109] This tendency is particularly acute in journals published in today's scientific *lingua franca* in Western Europe and to a lesser extent in the US, where an earlier generation of 'generalist' international law periodicals sit side by side with a newer generation of specialised or even sub-specialised ones. The deepening of the specialising trend is apparent in all fields of international law, where new specialised and sub-specialised journals have been added to those founded between the 1980s and the early 2000s, ranging from international human rights law[110] to international environmental law and various sub-specialities including climate law.[111] Moreover, it also comprises, *inter alia*, newer specialised journals in several other international legal specialisations including some cross-sub-specialised ones such as international dispute settlement,[112] the

109 De la Rasilla (n. 10), 164.

110 International Human Rights Law Review (est. 2012). Human Rights & International Legal Discourse (est. 2007).

111 Climate Law (est. 2010).

112 Journal of International Dispute Settlement (est. 2010).

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law of international organisations[113] and more specific ones such as the use of force[114] and international disaster law.[115]

Geographically speaking, the specialising undercurrent, which is now a central feature of the latest batch of publications in the English language in the North-Western hemisphere, has also been gradually expanding, albeit in a more limited manner, to other regions and languages. However, in the broader and, to a certain extent, still unmapped province of international law journals published in languages other than English and/or in non-Western regions, the 'generalist' framework still remains the rule, albeit often in tandem with a 'national' label or in combination with a regional or 'continental' (e. g. Africa, Asia),[116] sub-continental (Latin-America)[117] or even sub-regional (e. g. South-Asia)[118] identifier in the title of international law reviews. Like any good rule, this one also has exceptions and some of the newer continental and regional ILJs are marketed as specialised ones.[119]

Alongside the significant process of specialisation of ILJs, which is understood as an outcome of the endogenous evolution of a scientific discipline or research field, legal hybridisation and inter-disciplinarisation are also characteristics (albeit less so in comparison) of the transformation experienced by international law publishing in academic journals in recent decades. In this context, legal hybridisation may be understood as an amalgamation of international law with another legal area in the title of a journal (traditionally comparative law but also, in particular in the 2000s, European law or even Islamic law or, with far longer historical pedigree, foreign public law as in the case of Zeitschrift für ausländisches öffentliches Recht und Völkerrecht).[120] By contrast, inter-disciplinarisation may refer to either the blending of two cognate research areas or disciplines (more traditionally international relations, politics, international affairs, business, diplomacy or alternatively to identification of the journal's scope with a research area that, by its very nature, encompasses and invites contributions from several disciplines

113 International Organizations Law Review (est. 2004).

114 Journal on the Use of Force and International Law.

115 Yearbook of International Disaster Law (est. 2019).

116 Asian Journal of International Law (est. 2011).

117 Revista Latinoamericana de Derecho Internacional (est. 2013). On it and the 'Sociedad Latinonamericana de Derecho Internacional', see further Contesse (n. 103), 383-386.

118 South Asian Journal of International Law (est. 2020).

119 See e. g. Asian Journal of International Humanitarian Law and Human Rights (2018); African Journal of International Criminal Justice (2014); The African Journal of International Economic Law (2020).

120 Robert Stendel, '(Re-)Discoveries in a 'Lost' Text: Looking Back at the ZaöRV's First Editorial', Völkerrechtsblog, 4 June 2024, doi: 10.17176/20240605-004947-0.

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including international law[121] (e. g. world trade, global responsibility to protect, global governance, transitional justice etc.). This has taken place in an international context informed by globalising legal tendencies that has also left its 'global' mark or its 'constitutional' one or even both (e. g. *Global Constitutionalism*), on the name of a number of academic journals that regularly publish research on international legal topics.

However, as previously noted regarding the move towards specialisation in ILJs, legal hybridisation and inter-disciplinarisation are, once again, features that have so far mostly affected academic serials published in the Western world, and in particular in the English language. According to Claussen's database of what she categorises *in toto* as 'international and comparative law journals' ILJs featuring these characteristics amount to three quarters of the total.[122] By contrast, in other regions and/or languages, some exceptions notwithstanding,[123] 'generalist' international law journals remain once again the general rule.

Against this background, from 2004 to the present transnational law journals have experienced a resolute global revival. Indeed, as Map II above shows, since the mid-2000 several transnational law journals have been published in the United Kingdom, Spain, Canada, China, Indonesia, and Italy. Meanwhile, in the US, where only six transnational law journals continue to exist, a new transnational law journal was launched in 2016,[124] the first since 1991. Despite the number of TLJs published outside the US now being greater than that of those existing in their birthplace, only two of them, *Cuadernos de Derecho transnacional* (2009) founded in Madrid and the most recent *Journal de droit transnational* (2022) in Italy,[125] do not use English as their main vehicle of academic expression.[126]

Like their earlier US counterparts, the existing TLJs remain closely associated with universities and/or research centres, although only a few of the newer ones flag this affiliation in their titles.[127] Moreover, compared to

121 It is debatable whether interdisciplinary journals that do not contain the term 'international law' in their titles should be included in the category of 'international law journals'. For journals which may fall in a 'grey zone' resort to other criteria may be complementarily warranted. See further criteria in (n. 12).

122 For a more restrictive definition of ILJ, see Claussen (n. 12).

123 Chinese Journal of Global Governance (est. 2015-2020).

124 UC Irvine Journal of International, Transnational Law and Comparative Law (2016).

125 The JDT is founded by the Autonomous Region of Sardinia.

126 Although they also publish submissions in other languages, including English.

127 Peking University Transnational Law Review (2013-2018), available at <https://stl.pku.edu.cn/Academics/Centers_and_Journals/Peking_University_Transnational.htm>, last access 4 July 2025 and UC Irvine Journal of International, Transnational Law and Comparative Law (2016).

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the two previous generations of TLJs, this new batch of journals has for the most part followed a pattern of specialisation which is consonant with the general evolution of international law periodicals in recent decades.[128] In the case of TLJs, this pattern of specialisation has mirrored the expansion of the transnational legal domain into the spheres of transnational environmental law,[129] transnational criminal law,[130] transnational commercial law,[131] transnational business law and even transnational Islamic law and practice.[132] However, as is also the case in the broader realm of ILJs, generalist TLJs have not disappeared even though some of the newer TLJs have either adopted a more theoretical orientation[133] or have begun, as ILJs started doing a long time ago beginning with the American Journal of International Law (AJIL) (est. 1907), to similarly adopt a 'national' identifier in their title.[134]

The greatest percentage of the newer TLJs are 'on-line only' journals, a fact that is in accordance with K. Claussen's finding that approximately a third of those she categorises *in toto* in her global database as 'international and comparative law journals' are 'on-line only'.[135] The largest proportion of TLJs are, similarly, self-published; a feature that cannot be disassociated from their origin in US law schools, where in-house university publishing remains the general practice. Meanwhile, the presence of TLJs among the otherwise fairly limited number of international law journals (around 20 %) currently included in the list of law journals in the 'Social Sciences Citation Index' (SSCI), one of the indexes most often used as a yardstick to evaluate academic performance, is limited to just two TLJs, although one of them tops the list of ILJs with the highest-impact factor.[136] Nevertheless, seven newer TLJs have been established in the 2020s (all of them outside the US), which is an all-time-record figure for TLJs in such a short period.

A general review of the contents of the ten new TLJs that have appeared since 2009 shows that although some newer journals maintain a 'pragmatic perspective' in their inclusivist conceptualisation of transnational law as a 'space' for the coexistence and interaction of several legal orders, there is a more defined private international law orientation in some of the newer

128 De la Rasilla (n. 10).
129 Transnational Environmental Law (2012).
130 Transnational Criminal Law Review (2022).
131 Transnational Commercial Law Review (2020).
132 Manchester Journal of Transnational Islamic Law and Practice (2020).
133 Transnational Legal Theory (2010).
134 Chinese Journal of Transnational Law (Chinese JTL) (2023).
135 Claussen (n. 12), 8.
136 Transnational Environmental Law (2012). Other widely used law journal rankings include e. g. Google Scholar and the Washington and Lee Law Journal Rankings.

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generalist ones.[137] This is in contrast with the broad umbrella under which public, private, comparative and some specifically labelled 'transnational' topics have been traditionally published in US-based TLJs. However, this is consonant with the fact that in Western-European civil law countries, where there is a clear-cut divide between public and private international law in the legal curriculum,[138] 'transnational law' has been traditionally identified as pertaining to the scientific sphere of private international law.[139] A similar association of transnational law with private international law is common in China, where the public-private international law divide becomes tripartite with the addition of 'international economic law' as a separate unit of specialisation in law faculties. This contrasts with TLJs published in common law countries like the United Kingdom (UK) and dual legal systems like the US, where law departments' internal organisation is more flexible and less specialised.[140]

Asia-based generalist TLJs combine a general although not exclusive private international law orientation, in the case of the Chinese TLJs, with 'an outbound or outcast' role which consists, as we saw before, in fostering a regional or national standpoint on international law issues.[141] Moreover, when transposing the 'perspective of comparative international law' to these new TLJs it is apparent that Chinese TLJs, like their regional International Law Journal (ILJ) counterparts in Verdier's analysis,[142] perform an 'inbound or dialogue' role, in particular by bringing 'outside authors into conversation

137 'Editorial-Presentation du journal', Journal du Droit International 1 (2023), 2-3 (2).

138 Up to the point that their respective professors possess venia docendi to impart only one of them such, for instance, in Spain, where professors of public international law and professors of private international law often belong to different public law and private law sub-departments within law schools and follow clearly distinct career paths.

139 This is apparent in the case of 'Cuadernos de Derecho transnational' (2009) which presents itself as a 'scientific private international law biannual journal' which publishes research on 'private international law, uniform law, European social law and comparative private international law', available at <https://e-revistas.uc3 m.es/index.php/CDT>, last access 4 July 2025.

140 In the US the most commonly titled 'law professor' may be required to teach across the whole legal curriculum (e. g. from contract law to international business transactions). In both the US and the UK the very few scholars holding 'international law professorships' could be expected to teach public, private and economic international law. Moreover, at least in the UK, holding a lecturing position will generally not be an impediment to be requested to teach by the dean of the law school other 'public law' subjects such as constitutional, administrative and EU law.

141 See Jeffrey S. Lehman, 'Foreword', Peking University Transnational Law Review 1 (2013), 2-5 (4), stressing the journal's commitment 'to critical exploration of issues that bear directly on China's participation in the transnational legal community and as a venue when 'legal questions of central importance to the future relationship between China and the rest of the world can be analysed and debated'.

142 Verdier (n. 6), 12.

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or debate with regional authors, especially on topics of regional interest' rather than striving 'to expose [their] regional audience to outside perspectives'.[143] These two roles or functions are often combined with a third one consisting of an 'inward or localised' role by 'providing a forum for regional authors to publish on issues of regional interest'.[144] Meanwhile, the only TLJ published in the US for more than three decades is far more encompassing, or ecumenical, in being the first TLJ that makes the inclusive traditional practice of US-based law journals explicit by encompassing in its title international law (public and private), comparative law and transnational law.[145]

By contrast, the newer generation of specialised TLJs is more thematically oriented and universal in scope. This is apparent in those covering the more established fields, such as 'transnational environmental law' understood by its founding editors as one that offers 'a powerful new mode of understanding and engaging with environmental law' in its embodiment of 'an approach to legal studies and practice' that is 'inspired by some sensibilities and assumptions' as it, *inter alia*, tackles non-'state law and private governance' regarding a subject matter 'that simply [does] not recognise national boundaries'.[146] A similar approach of broadening by pushing to their limits (and beyond) the research-area contours of other 'transnationally' re-conceptualised legal fields, ranging from criminal law[147] to commercial law, and in doing so escaping thematic and methodological constraints in addressing specialist audiences, is shared by other newer specialised TLJs. Finally, between the generalists and specialised TLJs stands out the only TLJ with a defined theoretical orientation, even though one originally conceived as 'pluralistically minded' in its encompassing 'high-quality theoretical scholarship that addresses transnational dimensions of law and legal dimensions of transnational fields and activity'.[148]

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143 See Verdier (n. 6), 2.

144 See Verdier (n. 6), 2.De la Rasilla (n. 19), 3-8, noting that the Chinese JTL intends to also 'providing a forum to enable analysis and better understanding of matters and perspectives related to China, Asia and developing nations on international and transnational legal issues and their influence in shaping correlated global legal developments and scholarly debates'.

145 Irvine Journal of International, Transnational Law and Comparative Law.

146 Veerle Heyvaert and Thijs Etty, 'Editorial, Introducing Transnational Environmental Law', Transnational Environmental Law 1 (2012), 1-11 (3-5).

147 See e. g. Neil Boister et al., 'Editor's Note', Transnational Criminal Law Review 1 (2022), i-ii, noting that its establishment is 'based on the simple premise that, while there were both journals dedicated to international criminal law stricto sensu and those which might publish material concerning crime and international law, it would be useful to have a law journal dedicated to the emerging and increasingly important discipline of transnational criminal law'.

148 Craig Scott, 'Introducing Transnational Legal Theory', Transnational Legal Theory 1 (2010), 1-4 (1).

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If, as seen earlier, the first generation of TLJs was an offspring of Jessup's ideologically progressive influence in the US at a time of early expansion and diversification of international law in the 1960s, in the second generation of TLJs, the intellectual pedigree retraceable to Jessup were already pretty diffuse against the background provided by the geopolitical conditions of the by-then emerging new post-cold war order. This noted, all US based TLJs have remained all-encompassing in their coverage of the research space identified by Jessup. In contrast, the third – and predominantly non-US-based – generation of TLJs tends to use 'transnational law' primarily as a descriptor of specialised fields (e. g., transnational environmental law, transnational criminal law, transnational commercial law, transnational business law, or transnational Islamic law and practice). Even among the few remaining generalist journals, the term often serves to signal research areas that, within their respective regional jurisdictions, largely fall within the domain of private international law. The main exceptions to these twin tendencies are two North American TLJs. One is a Canada-based journal that is the most theoretically oriented among them, maintaining a strong dialogue with foundational legal theories.[149] The other is the only US-based TLJ established during this period, which – coinciding with Gregory Shaffer's tenure at the University of California, Irvine – adopted a transnational orientation under the influence of his work on 'transnational legal orders'.[150] Overall, the trajectory of TLJs illustrates a complex interplay between foundational legal theories, historical global transformations shaping the evolution of international law, and the increasing specialisation of international legal discourse.

V. Conclusions – New Homes Away from Home?

The history of transnational law journals is an intrinsic part of the global history of international law journals and of the global diffusion of a way to look at different legal regimes and regulatory spaces which stand 'in an ambivalent relationship to the state and its proprietary claims over legitimate law making'.[151] Their evolution and geographical expansion, which this article has surveyed, had long remained a blind-spot in the historical evolution of international law journals.[152] The re-integration of knowledge on TLJs to the broader family of ILJs is part of a larger effort to enrich research on the

149 Transnational Legal Theory.

150 See e. g. Gregory Shaffer (ed.), *Transnational Legal Ordering and State Change* (Cambridge University Press 2013) and Terence C. Halliday and Gregory Shaffer (eds) *Transnational Legal Orders* (Cambridge University Press 2015).

151 Peer Zumbansen, 'Editorial', Transnational Legal Theory 10 (2019), 1-5 (1).

152 See Van Hulle and Landauer (n. 11).

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historical evolution and contemporary features of ILJs as the 'unlikely repositories of intellectual history of a discipline'[153] at a time when its future evolution is plagued with challenges and uncertainties. These include – but are not limited to – those posed by the transition to an open-access[154] model, blind peer reviewing in an overcrowded ILJ scenario and the manifold risks surrounding the rise of generative artificial intelligence (AI) for international legal scholarship more generally.[155]

More research on ILJs not published in English, and in particular on those published in Mandarin and Spanish,[156] the two languages with the largest number of native speakers in the world, will cast further light and help us to better historize, map, classify and analyse the main features of international law journals. These are central in any effort to analyse past and contemporary trends in international legal scholarship on a global scale. As Claussen notes, there are still 'remarkably few data as to what topics, methodologies, and perspectives of international law scholarship journals and publishers print, by whom, in what languages, through what media, and subject to what parameters'.[157] Scholarly analyses including ones focused on *what* ILJs publish, *who* publishes in them and from *where* they do so, even *where* the specific readers of some ILJs are located,[158] or *what* are the works and *who* are the authors who are more widely cited[159] cast a much needed light on the transformations of international law publishing over time and the study of its impact on policymaking over time. Its potential as a platform to provide meaningful comparisons 'through the lenses of comparative international law'[160] among countries and regions with regard to international law and its study is apparent in an increasingly post-Western-centric, multipolar and transnationally interdependent world system.

The evolution of TLJs over the last twenty-years in particular has been replicating historical dynamics common to, and clearly observable, during the early globalisation of ILJs.[161] Similar to ILJs in Western Europe, TLJs

153 Bederman (n. 5), 20.

154 Raffaella Kunz, 'Opening the Access to International Legal Scholarship – an Introduction', HJIL 84 (2024), 219-230.

155 See e. g. Matthew Grimes et al., 'From Scarcity to Abundance: Scholars and Scholarship in an Age of Generative Artificial Intelligence', Academy of Management Journal 66 (2023), 1617-1624 (1617).

156 Contesse (n. 103).

157 Kathleen Claussen, 'SAILS Foreword', Va. J. Int'l L. 64 (2024), 349-356 (350-351).

158 AJIL and AJIL Unbound, available at <https://x.com/AJIL_andUnbound/status/1788579314201501773>, last access 4 July 2025.

159 See, polemically, Hathaway and Bowers (n. 7 and n. 97).

160 See Verdier (n. 6).

161 See De la Rasilla (n. 10), in particular maps at 142, 145 and 157.

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first emerged (albeit almost a hundred years later) in what at the time was the incontestable greatest economic, political, and military centre of world power. As ILJs did in a similar time lapse of forty years, TLJs also began to spread geographically, although in this case in a reverse manner from the US to Western Europe. Since then, and over the subsequent twenty years TLJs (as ILJs did, mostly in Latin America in the 1910s and 1920s) have extended further reaching Canada and Asia, while similarly beginning to adopt a 'national' denomination in their titles during the 2010s and early 2020s. Moreover, TJLs have also been mirroring developments common to the evolution of ILJs over the last sixty years. These include further specialisation and even legal-hybridisation and inter-disciplinarisation, and a direct impact of new technologies on their management and features, the relative generalisation of blind peer review methods, increasing online-only access and incorporation in indexes and rankings.

Philip C. Jessup's coinage of the term 'transnational law' in the mid-1950s was intended to provide an alternative to the disrepute to which international law had fallen as a problem-solving framework during the early Cold War. While, as we have seen, Jessup's early understanding of transnational law has largely fallen in the rear-mirror of the creation of new TLJs, the tectonic transformations the international legal order has experienced over the last eighty years, what commentators argue is an emerging Cold War 2.0. is fostering a similar lack of trust in state-based international law to face global crises and challenges in an interdependent world.[162] This provides a fertile terrain for a revamped field of transnational law, of which the establishment of new TLJs may be a symptom.[163]

Moreover, the historical parallels between the general evolution of ILJs and TLJs also offer good prospects for the future of TLJs. The rising trend of seven new TJLs in barely four years has only made more apparent the great potential for TLJs to continue reaching out to other languages beyond the modern *lingua franca* and to continue expanding geographically like the first ILJs did themselves from Western Europe to all other regions throughout the 20th century. In particular, there is not yet a single TLJ in Africa, Central and South America, Central and Eastern Europe or across most parts of the Asia

162 See 'Is There Really a Cold War 2.0? Inside the Debate on How to Think about the US-China Rivalry', Foreign Policy, 11 June 2023, <https://foreignpolicy.com/2023/06/11/new-cold-war-2-us-china-russia-geopolitics/>, last access 15 May 2025.

163 This also agrees with the relatively little proportion of TLJs in the larger boom of ILJs during the 1984-2004 period (and even abandonment of the label in some cases) which may be accounted to the fact that TLJs did not need to compensate for the problem-solving lack of capacity of international law during a time of new hope on international law and institutional-creation processes.

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Pacific region, which alone comprises about 60 % of the world's population. This is as much an empirical fact as it is a window of opportunity for a future generation of TLJs to steer new courses in their continual exploration across new regions of a transnational law field which is now more than ever finding new homes away from home.

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