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**The Blind Men and the Elephant:
An Empirical Analysis of the Social Sciences in
International Law**

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Abstract:

What is the role of the social sciences in international legal scholarship? This article maps how international legal scholarship has interacted with the social sciences across time. It first sets a taxonomy on how such interactions could be considered from the perspective of substance, findings, methods, and epistemologies, and then turns to map the use of social science in six renowned international law journals by using a corpus linguistic approach that encompasses more than 15,000 documents from 1907 to 2022. We conclude with critical reflections on what could be encouraging a turn to social sciences, through an analysis of patterns of university institutionalization, coupled with new data on funding of certain strands of social science-inspired international law scholarship in Europe, Germany, and Australia.

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I. Introduction

The Blind Men and the Elephant is a parable from India that describes the story of six blind men who encounter an elephant and attempt to understand what it might look like. Each blind man touches a different body part: one touches its side and thinks the elephant must look like a wall, while another feels the trunk and imagines the elephant as a spear, another examines the tail and compares it to a rope, and so on. As the elephant moved on, the men continued to quarrel, each believing that he knew what the animal looked like and chastising their fellows for what they perceived as erroneous descriptions of it.

International legal scholarship sits at a similar juncture when it engages with the ‘social sciences.’ Today, the interaction between international law and social sciences is hardly a fringe topic¹ and some have even proclaimed the rise of a social science approach in legal scholarship.² This is often explained as a product of changing context: as international law has proliferated in its normative scope and form since the 1990s, it has facilitated the engagement with allegedly ‘new’ approaches, often turning to the social sciences.³ Indeed, according to Jan Klabbers, interdisciplinary engagement with social sciences became characteristic of a “new international law academic.”⁴ A cursory assessment of the current field would seem to support this, as it is now difficult to find an international law centre at universities in the Global North that solely promotes doctrinal scholarship. The current ‘turn’ to social sciences has brought critical questions as to whether it is merely a ‘position-enhancing move’⁵ and has arguably led to fragmentation in international legal scholarship, as different social science approaches vie for attention, or even talk past each other.⁶ In light of this, it is important to recall that disciplines are not merely subjects or topics but also take form as sociological formations that can promote hegemonic understandings.⁷ The politics of interdisciplinarity thus continues to be one of the most hotly debated topics in international legal scholarship,⁸ with the social sciences playing a central, if not defining role in this conversation.

¹ See also O. Korhonen, ‘Within and Beyond Interdisciplinarity in International Law and Human Rights’ 28:2 *European Journal of International Law* (2017) pp. 625-648.

² D. Abebe, A. Chilton & T. Ginsburg, ‘The Social Science Approach to International Law’ 22:1 *Chicago Journal of International Law* (2021) pp. 1-23.

³ O. Korhonen, ‘From interdisciplinary to x-disciplinary methodology of international law’ in R. Deplano & N. Tsagourias (eds), *Research Methods in International Law. A Handbook* (Edward Elgar, Cheltenham 2021) pp. 345-365, for similar remarks from a more systems theoretical perspective, see S. Dellavalle, ‘International Law and Interdisciplinarity’ 14 *MPIL Research Paper Series* (2020) pp. 1-33.

⁴ J. Klabbers, ‘On Epistemic Universalism and the Melancholy of International Law’, 29:4 *European Journal of International Law* (2018) pp. 1057-1069, at 1064.

⁵ On the nature of turns in sociology see A. Baele & G. Bettiza, “Turning” Everywhere in IR: On the Sociological Underpinnings of the Field’s Proliferating Turns’ 13:2 *International Theory* (2021) pp. 314-340, at 314.

⁶ For similar remarks see J. d’Aspremont, ‘Wording in International Law’ 25:3 *Leiden Journal of International Law* (2012) 575-602 and Klabbers, *supra* note 4.

⁷ See similarly M. Nissani, ‘Fruits, Salads, and Smoothies: A Working Definition of Interdisciplinarity’, (1995) 29:2 *Journal of Educational Thought* pp. 121-128, at 122. See also classically, P. Bourdieu, *Homo Academicus* (Stanford University Press, Stanford, 1984).

⁸ For a recent analysis of the debate see J. Dunoff, ‘International Law and the Politics of Interdisciplinarity’ 36:2 *Temple International and Comparative Law Journal* (2022) pp. 151-162.

However, the debate in international law scholarship now also seems to have moved on from not *why*⁹ but rather *how* should we integrate social sciences into the study of international law. This shift has opened up new battlegrounds, for example on the merits of respective research methodologies¹⁰ intra-disciplinary debates within sub-disciplines,¹¹ and attempts to find the golden middle between, for instance, international law and international relations.¹² And yet, as the body of literature expands, the contours of the interaction between international law and the social sciences have become more fuzzy, leading us to the very question we ask: what are we talking about when we speak of the ‘social sciences’ in international legal scholarship? Previous research has focused on parts of the puzzle, for instance, the adoption of empirical methods¹³ or the influence of national cultures on research approaches.¹⁴ Relatedly, there have been enumerable studies on specific turns, for instance, the ‘behavioural’¹⁵, or ‘experimental.’¹⁶ Many of these new turns, however, appear to have *one particular kind* of social scientific research in mind.¹⁷ Like the blind men, they only touch one part, potentially missing a much broader understanding.

This article attempts to counter these particularistic framings of the interactions of social science in international legal scholarship by providing an empirical mapping of the historical trajectory of this conjunction in international law periodicals and critical reflection on its causes and consequences. We investigate three research problems. Firstly, we sketch four dimensions of the interaction of social sciences and international legal scholarship, which we identify as substance, findings, method, and epistemology. Secondly, we examine strands of convergence that have emerged in international legal scholarship over the last century through a corpus discourse and linguistic analysis of all articles published in six prominent international law journals; the American, Asian, European, Nordic, and Leiden Journals of International Law, and International and Comparative Law Quarterly. Thirdly, we analyze some factors that might explain the emergence of social science approaches in international legal scholarship in institutionalization within certain universities and external research funding, by drawing from a new database of

⁹ Compare the state of the debate 25 years ago, see e.g. M. Koskenniemi, ‘Letter to the Editors of the Symposium’ 93:2 *American Journal of International Law* (1998) pp. 351-361.

¹⁰ R. Delpano (ed.), *Pluralizing International Legal Scholarship: The Promise and Perils of Non-Doctrinal Research Methods* (Edward Elgar, Cheltenham, 2019); R. Delplano & N. Tsagourias (eds.) *Research Methods in International Law: A Handbook* (Edward Elgar, Cheltenham, 2020).

¹¹ See, e.g., A. Orford, *International Law and the Politics of History* (Cambridge University Press, Cambridge, 2021).

¹² I. Venzke and T. Aalberts, ‘Moving Past Interdisciplinary Turf Wars: Towards an Understanding of International Law as a Practice’ in J. D’Aspremont et al. (eds.) *International Law as a Profession* (Cambridge University Press, Cambridge, 2017) pp. 287-310; J. Dunnoff & M. Pollock, *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (Cambridge University Press, Cambridge, 2012).

¹³ See G. Shaffer & T. Ginsburg, ‘The Empirical Turn in International Legal Scholarship’, 106:1 *American Journal of International Law* (2012) pp. 1-46.

¹⁴ Those studies usually focus on US and UK academic legal communities, see, for instance, Yves Delazay and Bryant G. Garth, “‘Legal Theory,’ Strategies of Learned Production, and the Relatively Weak Autonomy of the Subfield of Learned Law”, in: Justin Desautels-Stein and Christopher Tomlins (eds.), *Searching for Contemporary Legal Thought* (Cambridge University Press, Cambridge, 2017) pp. 137-154; Mathias M. Siems and Daithí Mac Síthigh, “Mapping Legal Research”, 71 *The Cambridge Law Journal* 3 (2012) pp. 651-676.

¹⁵ See e.g. E. van der Zee, V. Fikfak, & D. Peat, ‘Introduction to the Symposium on Limitations of the Behavioral Turn in International Law’ 115 *AJIL Unbound* (2021) pp. 237-241.

¹⁶ See e.g. J. Dunoff & M. Pollack, ‘Experimenting with International Law’, 28:4 *European Journal of International Law* (2017) pp. 1317-1340.

¹⁷ See e.g. D. Abebe, A. Chilton & T. Ginsburg, *supra* note 2.

funding patterns for international law research in the EU, Australia, and Germany.¹⁸ Ultimately, we critically reflect on this development for the future of interdisciplinary scholarship in international law.

II. Forms of Interaction between the Social Sciences and International Law

International legal scholarship has always had some interaction with the ‘social sciences’ if and to the extent that field could be associated with humanistic forms of inquiry.¹⁹ Yet, what we now call the social sciences is a highly modern phenomenon that began in earnest with the rise of positivism and only split into its contemporary sub-disciplines from the late nineteenth century.²⁰ This makes it difficult to adopt generalizations about the nature of the interaction between as there has for long been some intermingling between disciplines.²¹

It is nevertheless possible to demarcate specific spaces where the social sciences seem to be drawn into contemporary international legal scholarship, which we group as substance, findings, method, and epistemology.²² Those four interactions are not clear-cut categories that can be applied in the quantitative analysis but assist us in structuring the burgeoning debate on social sciences interdisciplinarity in international law. We perceive them as interpretative taxonomy through which interaction(s) between the social sciences and international law could be framed and understood to position certain types of research.

1. Substance

The first interaction concerns the ‘same conceptual space notion;’ international lawyers rely on the social sciences because they are (supposedly) talking about the same things.²³ This notion is a popular understanding in the overlaps between international law and international relations (IL/IR) scholarship, in common concepts such as states, international organizations, or norms, as well as further notions that might fall on the borderline of law and politics. These shades of similarity between concepts are often taken as facilitating their transposition from one field to the other, as Bianchi notes, “[t]erms and intellectual categories borrowed from international relations and

¹⁸ See also the recently published empirical study by D. Peat and C. Rose, ‘The Changing Landscape of International Law Scholarship: Do Funding Bodies Influence What We Research?’, 102 *Grotius Centre Working Paper Series* (2023) 1-36 (focusing on the European ERC and Dutch NOW funding programs).

¹⁹ See e.g. M. Koskenniemi, *To the Uttermost Parts of the Earth: Legal Imagination and International Power 1300-1870* (Cambridge University Press, Cambridge, 2021).

²⁰ The professionalization of international law as a discipline in fact coincides with these historical moments, J. D’Aspremont, ‘The Professionalization of International Law’ in J. D’Aspremont, T. Gazzini, A. Nollkaemper & W. Wouter (eds) *International Law as a Profession* (Cambridge University Press, Cambridge, 2017) pp. 19-37. See also C. Tomlins, ‘Framing the Field of Law’s Disciplinary Encounters: A Historical Narrative’ 34:4 *Law and Society Review* (2000) pp. 911-972 tracing law’s engagement with notions of science in the US academy.

²¹ See D. Vick, ‘Interdisciplinarity and the Discipline of Law’ 31:2 *Journal of Law and Society* (2004) pp.163-193, at 166.

²² A similar approach, hence providing a critical assessment of how to govern interdisciplinarity while defining specific spaces (i.e. accountability, innovation, and ontology), can be found in G.F. Thompson, ‘Interdisciplinary Complexities’ 9:3 *Journal of Cultural Economy* (2016) pp. 322-329.

²³ Classically, see A.-M. Slaughter Burley, ‘International Law and International Relations Theory: A Dual Agenda’ 87:2 *American Journal of International Law* (1993) pp. 205-239.

political science have become part and parcel of the vocabulary of international lawyers.”²⁴ Yet, this also raises the question of whether the research objectives of the disciplines are substantively similar and as follows, whether their concepts can be thought of in the same terms. For instance, an international lawyer’s definition of a ‘legal regime’ might not be the same as Krasner’s famous definition often employed in IR “[i]mplicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge on a given area of international relations.”²⁵ From a legal perspective, Krasner’s definition may comprise more questions than answers: what exactly is a ‘rule’ or ‘principle’ or ‘norm’ imply in this context? Furthermore, the notion of interaction via substance may not have the same explanatory power for sub-fields of social sciences and their concepts which generally receive less attention in international law. Yet, interaction on the level of ‘substance’ might suggest that overlaps only occur on a surface level, it also points to another form of interaction where shared meaning emerges through dialogue.

2. Findings

The second interaction relates to the adoption of insights from social sciences insights in international legal scholarship. Scholars and practitioners might use insights developed in social sciences scholarship to better understand, analyse, and remedy problems in international law. Again, this is not exactly a new interaction. The policy-oriented New Haven school was famous for this approach as transferring insights developed in the social sciences to international legal scholarship was one of their central objectives. Yet, this approach was not without its critiques – from the foundational years of New Haven, and continuing to this day. For instance, in 1972, Young, himself a trained social scientist working on international governance, published a criticism of Myres S. McDougal in the *American Journal of International Law*,²⁶ where he posited the now often-heard criticism that lawyers are insufficiently trained with social scientific methods to produce the rigor of scholarship that is expected by such disciplines.²⁷ This sometimes leads to the further argument that lawyers are not really engaging with social science as such, but rather just picking and choosing what fits their argument or ignoring opposing findings.²⁸ It is thus doubtful whether this form of interaction succeeds in achieving actual interdisciplinarity, which is generally perceived as a more thoroughgoing merger between research approaches.²⁹ However, the notion of interactions through ‘findings’ also suggests that some forms of interaction between disciplines are inevitable as insights on common social phenomena may always be relevant for different disciplines that approach the same subject matter.

3. Method

²⁴ See A. Bianchi, *International Law Theories: An Inquiry into Different Ways of Thinking* (Oxford University Press, Oxford, 2016) at 110.

²⁵ S. Krasner, ‘Structural Causes and Regime Consequences: Regimes as Intervening Variables’ 36:2 *International Organization* (1982) pp. 185-205, at 186.

²⁶ O. Young, ‘International Law and Social Science: The Contributions of Myres S. McDougal’ 66:1 *American Journal of International Law* (1972) pp. 60-76, at 63.

²⁷ *Ibid.*

²⁸ For similar comments, see J. D’Aspremont, *Epistemic Forces in International Law: Foundational Doctrines and Techniques of International Legal Argumentation* (Edward Elgar, Cheltenham, 2016) 190

²⁹ See, S Choi and K Richards, *Interdisciplinary Discourse: Communicating Across Disciplines* (Palgrave, Basingstoke, 2017) at 156.

The third and increasingly popular interaction of international and social sciences concerns the application of social sciences methods and/or methodologies in international legal scholarship. As Kjaer recently put it, “[w]hen legal scholarship is in the need of a methodological backup the place to go is usually the social sciences, i.e. economics, political science, political economy, and sociology among others.”³⁰ The increasingly popular methodological recourse to social science methods has contributed to a burgeoning of empirical research, often taking place with the aid of computational methods. In some respects, this is not only a question of demand but also supply, as there is now simply more international law to study and more technologies than there was before. This form of interaction has been criticized as it could potentially undermine the integrity of the legal discipline or vice-versa indicate some kind of “methodological inferiority complex of legal scholarship.”³¹ These thorny debates are unlikely to be resolved as they concern fundamental questions of legal scholarship’s epistemology.

4. Epistemology

The strongest form of interaction which can be discerned from the literature concerns claims for an epistemological turn in the overall research agenda of international law. For instance, Abebe, Chilton, and Ginsburg have posited ‘a social science approach to international law’ which they define as ‘identifying a specific question, developing hypotheses, using a research design to test those hypotheses based on some form of qualitative or quantitative data, and presenting conclusions, all while acknowledging the assumptions upon which these conclusions are based and the level of uncertainty associated with the results.’³² As many of the contributions in the special issue in which the article appears made clear, a major concern for this ‘social science approach’ related to its claims to as being a more objective approach for researching international law, as commentators noted that it adopts ‘a simplistic polarization between the normative approach and empirical research’³³ and affirmed that “[t]aking international law ‘as it is’ is a normative position.”³⁴ These debates echo longstanding claims of social science imperialism of international legal discourse and adjacent claims of a perceived need to preserve its autonomy.³⁵

In this section, we have attempted to shed light on four ways in which international legal scholarship interacts with social sciences - substance, findings, methods, and epistemology. These four interactions indicate that what is meant by this interaction – or how social sciences are argued,

³⁰ P. Kjaer, ‘How to Study Worlds: Or why one should (not) care about methodology’ in M. Bartl & J. Lawrence (eds.) *The Politics of European Legal Research: Behind the Method* (Edward Elgar, Cheltenham, 2022) pp. 208-222, at 210.

³¹ Kjaer, *supra* note 35, see similarly G. Davies, ‘Taming Law: The Risks of Making Doctrinal Analysis the Servant of Empirical Research’ in M. Bartl & J. Lawrence (eds.) *Behind the Method: The Politics of European Legal Research* (Edward Elgar, Cheltenham, 2022) pp. 124-139, at 124.

³² Abebe, Chilton & Ginsburg, *supra* note 2, at 1, see also 15ff.

³³ Y. Chen, ‘On Relating Social Sciences to International Law: Three Perspectives’, 22:1 *Chicago Journal of International Law* (2021) pp. 37-48, at 39.

³⁴ S. Chesterman, ‘Herding Schrödinger’s Cats: The Limits of the Social Science Approach to International Law’ 22:1 *Chicago Journal of International Law* (2021) pp. 49-58, at 57.

³⁵ M. Koskenniemi, ‘Miserable Comforters: International Relations as New Natural Law’ 15:3 *European Journal of International Relations* (2009) pp. 395-422, at 404; M. Koskenniemi, ‘Law, Teleology and International Relations: An Essay in Counterdisciplinarity’ 26:1 *International Relations* (2012) pp. 3-34, J. Klabbers, ‘The Relative Autonomy of International Law or The Forgotten Politics of Interdisciplinarity’ 1:1-2 *Journal of International Law & International Relations* (2005) pp. 35-48; D. Roth-Isigkeit, ‘The blinkered discipline?: Martti Koskenniemi and interdisciplinary approaches to international law’ 9:3 *International Theory* (2017) pp. 410-435.

framed, and applied in legal scholarship – differs widely in the academic debate, but also that the interactions could serve various functions. There is some indication in these processes that certain research strands have moved from cross-fertilization to the emergence of independent transdisciplinary sub-disciplines, for instance, IL/IR.³⁶ There are also signs that the recent vigor for social sciences in international legal scholarship is more of a pragmatic response to the notion that a single disciplinary focus is no longer adequate for analyzing the ‘big issues of the day’.³⁷ However, these questions cannot be resolved in the abstract, but are better approached by having a look at what the data tells about interactions between disciplines, which is what we now turn to.

III. Mapping the Social Sciences in International Law Journals

We aim to trace the reliance of social sciences in international legal scholarship through what is now one of the principal vehicles of scholarly debates on international law in its journals.³⁸ In contrast to those identifying a ‘turn’ to social sciences, whether this means to particular sub-disciplines, methods, or epistemologies, we hypothesize that engagement with social sciences is neither novel nor rare in international legal scholarship. Naturally, we acknowledge from the outset that doctrinal legal research still makes up the lion’s share of research on international law.³⁹ However, we seek to test our hypothesis by mapping the use of social sciences in international law over time as well as by particular sub-disciplines discussed in international legal scholarship. Including both the substantive as well as temporal dimensions in our quantitative study, we aim to provide an encompassing overview of the interaction of social sciences and international law.

1. Research Design

In the following section, we apply an empirical approach to international legal scholarship by analyzing the content published in selected international law journals through its presence in discourse.⁴⁰ The text corpus features all scholarly contributions from six major international law journals, ranging from 1907 to 2022, that were searched according to 12 selected keywords.

As became apparent in the last section, a main challenge is how to define the contours of what we consider the social sciences in international law. In general, the term ‘social sciences’ is used to describe academic disciplines that study societies and the relationships among individuals within those societies. In our understanding, we focus on social sciences as the following sub-disciplines, that were used as keywords for the text analysis: *anthropology (anthropological)*, *behavioralism (behavioristic)*, *economic analysis*, *ethnography (ethnographical)*, *international relations*, *political science*, *psychology (psychological)*, and *sociology (sociological)*. We also checked for additional keywords such as *social science*, *methodology (methodological)*, *quantitative*, and *qualitative*, to account for invocations of social sciences methods and epistemologies. This means

³⁶ For further discussion see Korhonen, *supra* note 3.

³⁷ Grahame Thompson, ‘Interdisciplinary complexities’, 9:3 *Journal of Cultural Economy* (2016) 322

³⁸ On their trajectory up to this point see I. de la Rasilla, ‘A Very Short History of International Law Journals (1869–2018)’ 29:1 *European Journal of International Law* (2018) pp. 137-168.

³⁹ For a recent discussion, see F.J. Quintana and S. Nouwen, ‘In Defense of International Law?’ 36:2 *Temple International and Comparative Law Journal* (2022) pp. 65-76.

⁴⁰ A similar exercise has recently been applied in J. Gathii, ‘Studying Race in International Law Scholarship Using a Social Science Approach’, 22:1 *Chicago Journal of International Law* (2021) pp. 71-109.

that we do not include references to history, language, and gender, because firstly, they are very broad categories that may skew the data, and secondly, because they are often thought of as more focused on domains of humanistic inquiry.⁴¹ Our selection of keywords aims to encompass a broad range of references to social sciences in international law scholarship. However, it does not allow us to derive insights into the motives and context of engagement with social sciences, nor can we measure how deep it is beyond a mention of the respective keyword.

For our analysis, we have selected a range of generalist international law journals that might accommodate preferences and cover a broad range of topics and historical periods, the *American Journal of International Law* (AJIL), the *Asian Journal of International Law* (ASJIL), the *European Journal of International Law* (EJIL), *International and Comparative Law Quarterly* (ICLQ), the *Leiden Journal of International Law* (LJIL), and the *Nordic Journal of International Law* (NJIL). This selection also comes with its limitations, for instance, it is exclusively based on English-language journals in the Global North and is thus not representative of particular regional discourses such as Latin America or Africa, or national non-English language publishing academic communities with strong law traditions such as Germany or France. Moreover, we exclusively focus on mainstream international law journals and thus exclude specialist international law journals, which for some might feature a higher level of interaction with particular social sciences traditions, such as economics or international relations. Naturally, there could also be more doctrinal-oriented international law journals than the ones we have chosen for analysis.

A further caveat concerns the availability of digitalized text data. The six journals cover the whole 20th century to varying degrees, depending on the respective journal's date of foundation. To trace historical developments, we aimed to have access to all published texts in the evolution of a journal. This was possible in five journals, namely AJIL (1907-2021), ASJIL (2011-2021), EJIL (1990-2021), ICLQ (1952-2021), and LJIL (1988-2021). However, in the case of the NJIL, which was published since 1930, we only gained access to all digitalized texts since 2000 (until 2022).

A final caveat concerns our methodological, corpus linguistic approach as the data might likely contain false positives, as the selected terms describe academic disciplines but can also be used as general nouns, for instance, 'international relations' describes inter-state conduct and produced high results long before it was even considered a discipline. Analogously, the data might also generate false negatives, provided that our selected keywords may not grasp all respective references made to social science in the international law journals under examination, as these may be restricted to specific terminological forms or rather implicit. However, we hope that the keywords selected are broad enough to cover most of the explicit references to the social sciences. In fact, we suggest that some clear trends are discernible in the frequency of keywords arising in the data set.

2. Patterns of Engagement in International Law Journals

The database of academic articles from the six journals amounts to 15.837 text documents, which allow for a broad analysis of engagement with the social sciences, both on substantive and temporal

⁴¹ This is not uncontroversial, for instance, history is sometimes considered a social science. On the similarities of law with other disciplines, see further, E.L. Rubin, 'Law and the Methodology of Law' 89:3 *Wisconsin Law Review* (1997) pp. 521-566.

dimensions, across different journals. To show both the evolution and the importance of the respective keyword in the respective texts of the journal, we chose to measure the use of keywords by percentages in all texts per year per journal. In the following section, we will give an overview of the results according to the time period (a.) and substantive scope (b.) for each journal.

a) *Temporal Distribution*

Our starting hypothesis was that international legal scholarship has always had some interaction with the social sciences. Consequently, we looked into the temporal distribution of keywords to assess whether any ‘turn’ to social sciences is visible in the frequency of our keywords over time.

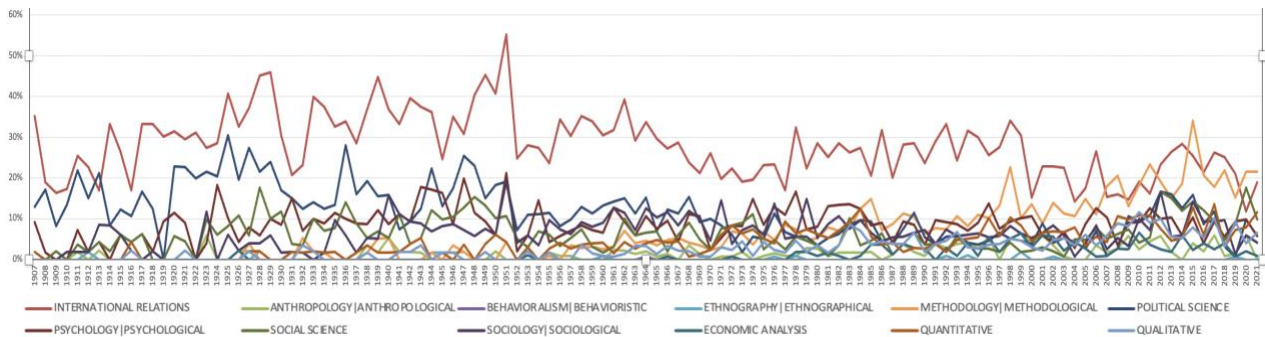


Figure 1: Distribution of keywords for AJIL and ICLQ

Our database’s oldest journal, AJIL, in its first year (1907) mentioned ‘international relations’ in 35% of all texts, while 15% referred to ‘political science’ and 9% to ‘psychology’. All three sub-disciplines maintained similar levels throughout AJIL’s first decades, peaking in the 1920s when ‘political science’ was mentioned in one-third of all texts in 1925 and ‘international relations’ referred to in nearly half of all texts in 1928. The use of ‘psychology’ remained varied, stabilizing at around 10% throughout the 1930s. References to ‘sociology’ and ‘social science’ were in single-digit percentages from the first decades onwards. From the mid-1940s to the early 1950s, numbers for ‘international relations’, ‘political science’, ‘psychology’, and ‘social science’ remained stable and did not further decrease in the 1950s. Throughout the 1960s the numbers dropped until reaching a new low in the 1970s, when ‘international relations’ was only used in 21% of all texts in 1974 and ‘political science’ in 3% in 1973. In the 1980s and 1990s, ‘international relations’ continued to be relatively frequently used popular but slowly declined to an all-time low of 13% in 2009. Regarding the sub-disciplines, the 2010s very much mirrored the first decade of the AJIL.

In ICLQ, the second oldest journal in our database, we also identified certain social science terms appearing already from the beginning, however, on a much lower level than in terms of AJIL: ‘international relations’ (8%), ‘sociology’ (4%), ‘political science’, ‘psychology’ and ‘social science’ (all 2%) were used in all texts published in its first year (1952). Subsequently, ‘sociology’ picked up pace in the 1950s and 1960s, peaking a 22% in 1966, the second most popular keyword following ‘international relations’ (24%). Starting from the 1970s, ‘methodology’ became a more popular term, used in almost 10% of all texts during that period, and in 1976, both ‘psychology’ and ‘sociology’ were referred to in 22% of all texts, while ‘international relations’ finished third with 13%. Only in the late 1980s and early 1990s, did ‘international relations’ become the most popular keyword again, used in between one-fourth and one-third of all texts per year. Likewise, the slow rise of ‘methodology’ continued, reaching 20% and thus second position in 1997. In

particular, during the 2010s, the ICLQ ranked high (over 10%) in many dimensions with the highest percentages belonging to ‘methodology’ (around 20%, peaking at 40% in 2021), followed by ‘international relations’ (around 10-20%). In contrast to AJIL, the ICLQ numbers thus showed a quite dramatic rise in the adoption of social science keywords, starting in the 1960s, re-emerging in the late 1990s, and again prominently featured in the 2010s.

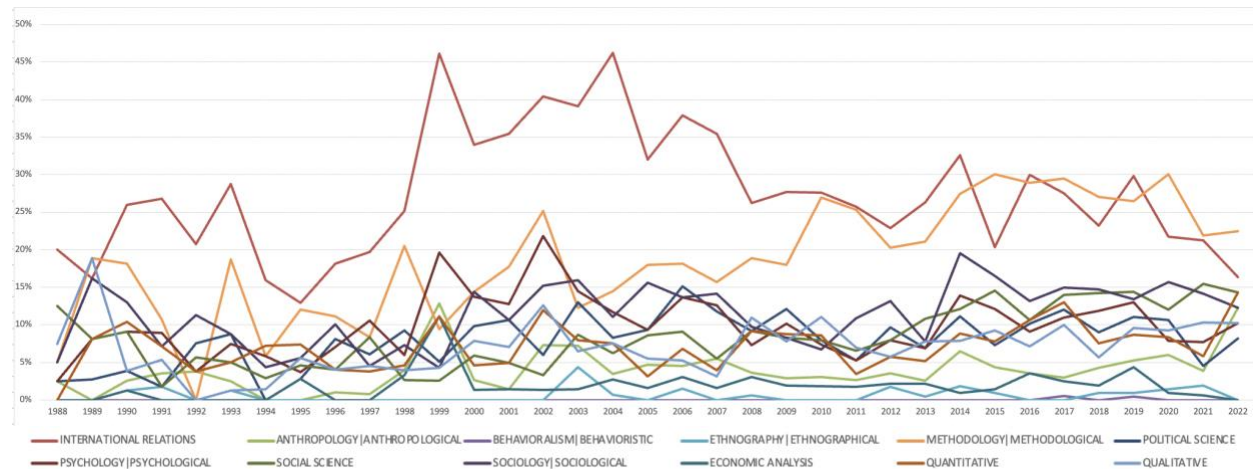


Figure 2: Distribution of keywords for LJIL, EJIL, NJIL, and ASJIL

The LJIL’s first year (1988) also indicated a strong focus on ‘international relations’ – referred to in 20% of all texts – and ‘social science’, founded in 13% of all texts. Lower single-digit numbers could also be found for ‘anthropology’, ‘methodology’, ‘political science’, ‘psychology’, ‘sociology’, and ‘qualitative.’ For the late 1990s and early 2000s, we observed a remarkable spike in ‘international relations’ (amounting to 30-45%), as well as in the categories of ‘methodology’, ‘psychology’, and ‘sociology’. ‘Social science’ rose in the 2000s, whereas in the late 2010s as well as recent years, ‘methodology’ and ‘international relations’ went neck to neck at around 30%.

In 1990, the first year of EJIL, ‘international relations’ was used in 41% of all articles, while ‘methodology’, ‘psychology’, and ‘sociology’ amounted to 11%, respectively. ‘Political science’ became more prominent during the 1990s, while ‘economic analysis’ had its breakthrough in 1999 reaching 23% before then dropping back to low-single digit numbers. ‘Methodology’ increased dynamically, and similar to LJIL, whereas during the 2010s both ‘methodology’ and ‘international relations’ were referenced in over one-third of all articles.

For the NJIL, our first year in the database was 2000, when ‘international relations’ took the pole position with 42%. However, ‘psychology’ amounted to 30%, ‘political science’ to 15%, and ‘methodology’ and ‘sociology’ to 9% each. The rise of ‘methodology’ in the 2000s was also visible in the NJIL, where it became the most prominent term, even beyond ‘international relations’, during the 2010s. References to ‘psychology’, on the other hand, indicated a large variety from year to year, reaching from single-digit numbers to over 28% in 2015; the same applied to ‘political science’, with the highest share reaching 28% in 2010.

Our youngest journal in the database, ASJIL, disclosed a similar distribution focusing on ‘international relations’ - founded in 29% of all texts - and ‘methodology’, which was traceable in 13%. While there was some variation, the respective focus remained rather consistent. Other

references remained relatively stable on single-digit levels, yet, there was some variation on ‘psychology’, showcasing significant variation with recurring spikes to over 10%.

The data may also indicate that the reference to specific terms across all journals has peaked during periods commonly associated with specific turns in international legal scholarship. ‘International relations’ has produced significantly high results over time, but boomed especially in the time associated with the ‘legalization’ debate.⁴² ‘Political science’ has also produced consistently high results, but with a particular boom visible in some journals since the 2000s, a period which largely coincides with political scientists also taking more interest in international law.⁴³ ‘Sociology’ has boomed since the early 2000s, a period when the discipline was increasingly turned to empirical studies focusing on international institutions and legal actors.⁴⁴ ‘Anthropology’ has produced low results over time, but has somewhat boomed in recent years, particularly in the European journals.⁴⁵ ‘Economic analysis’ has remained low in European journals, but has arisen slightly more prominently in the AJIL since the mid-1990s.⁴⁶ ‘Psychology’ has produced relatively consistent results over time with small rises in the 1960s and 1970s, which is possibly attributable to the focus on it by New Haven scholars.⁴⁷

Yet, from our first temporal overview, it becomes obvious that terms relating to social science disciplines have been prominent in international legal scholarship throughout the 20th century. For instance, AJIL has featured at least one keyword from our database in one-third of all texts since 1907. Even in periods where there did not appear to be much interaction, this changed significantly from the 1960s onwards. This finding is not surprising, as this period is often regarded as the first boom in social science-informed international law scholarship. Koskenniemi situates the first turn in the 1950s,⁴⁸ whilst in 1967 Falk spoke of an emerging trend of ‘New Approaches to International Law’ that was bringing the discipline into an “ever closer association with the outlook, method, and concerns of the social scientist.”⁴⁹

Against this background, the data could be taken to suggest no general traceable ‘turn’ towards social science in recent decades. However, starting from the 2000s, all journals in our database had much greater results for the keyword ‘methodology.’ Accordingly, while social science in

⁴² See A. Leander & W. Werner, ‘Tainted Love: The Struggle over Legality in International Relations and International Law’ in N. Rajkovic, A. Aalberts & T. Gammeltoft-Hansen (eds.), *The Power of Legality: Practices of International Law and their Politics* (Cambridge University Press, Cambridge 2017) pp. 75-98.

⁴³ See E.M. Hafner-Burton, D. Victor, and Y. Lupu, ‘Political Science Research on International Law: The State of the Field’ 106:1 *American Journal of International Law* (2012) pp. 47-97.

⁴⁴ See M. Hirsch, ‘The Sociological Perspective on International Law’ in J. Dunoff and M. Pollack (eds.) *International Legal Theory: Foundations and Frontiers* (Cambridge University Press, Cambridge, 2020).

⁴⁵ See S.E. Merry, ‘Anthropology and International Law’ 35 *Annual Review of Anthropology* (2006) pp. 99-116 on the rise of this disciplinary conjunction since the mid 2000s.

⁴⁶ With notable exceptions, the participation of international legal scholars in law and economics has been rather muted, see J. Dunoff and L. Trachtman, ‘Economic Analysis of International Law’ 24:1 *Yale Journal of International Law* (1999) pp. 1-59.

⁴⁷ See R. Derrig, ‘Educating American Lawyers: The New Haven School’s Jurisprudence of Personal Character’ 31:3 *European Journal of International Law* (2021) pp. 829-855.

⁴⁸ M. Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge University Press, Cambridge, 2001).

⁴⁹ R.A. Falk, ‘New Approaches to the Study Of International Law’ 61:2 *American Journal of International Law* (1967) pp. 477-495. See similarly of the same era, W. Gould & M. Barkun, *International Law and the Social Sciences* (Princeton University Press, Princeton, 1970).

some respect has always been included in the scholarly discourse of the discipline, the rapid rise of ‘methodology’ could provide some indication that more international law scholars are adopting social scientific approaches, as historically, doctrinal legal scholars do not include a description of methodology in research articles.⁵⁰ This can further be seen in the frequency of ‘quantitative’ and ‘qualitative’ in the older journals, AJIL and ICLQ which first peaked in the 1970s (as the first rise in social science approaches) and again in the 2010s (as the period which is often associated with the current ‘empirical turn’ in international legal scholarship.)⁵¹

The distribution of ‘quantitative’ and ‘qualitative’ in the data points to another significant finding. It is apparent that for all the journals that we examine the terms ‘quantitative’ and ‘qualitative’ have appeared on almost equal measure, which suggests that in principle, no particular approach has taken primacy over the other. This observation again must be qualified, as both terms can arise in the English language without reference to an empirical methodology, nor does it exclude that researchers refer to one to exclude observations on the other. However, in equal measure, disciplines and terms more commonly associated with qualitative research (anthropology, ethnography, sociology) have appeared at least as often as those more commonly associated with quantitative research approaches (political science, economic analysis.) The data set overall is thus testament to the incredible richness of international law scholarship’s engagement with social science terms, findings, methods, and disciplines. It furthermore does not suggest any specific ‘turn’ has taken any prominence, although the more recently proclaimed ‘turns’ may be too new, or our search terms too underinclusive, to properly capture any moves towards dominance.

b) Substantive Scope

Next to this granulated view – keywords in percentages of all texts per year – we have also checked for the overall distribution of keywords in all texts of a journal. Figure 3 lists all keywords that were used in over 10% of all texts of each journal. Interestingly, while respective journals’ topical coverage considerably varied throughout different time periods, the overall distribution of keywords appeared surprisingly similar across the journals that formed the data set.

AJIL	ICLQ	LJIL	EJIL	NJIL	ASJIL
International Relations (26%)	International Relations (18%)	International Relations (26%)	International Relations (33%)	International Relations (28%)	International Relations (18%)
Methodology (21%)	Methodology (11%)	Methodology (21%)	Methodology (23%)	Methodology (21%)	Methodology (12%)
Sociology (13%)	Psychology (10%)	Sociology (13%)	Sociology (15%)	Psychology (12%)	
Social Science (12%)		Social Science (12%)	Political Science (13%)	Political Science (10%)	

⁵⁰ See also P. Westerman, ‘Open or Autonomous? The Debate on Legal Methodology as a Reflection of the Debate on Law’ in M. van Hoecke (ed.) *Methodologies of Legal Research: What Kind of Method for What Kind of Discipline?* (Hart, Oxford, 2011) pp. 87-110.

⁵¹ Schaffer and Ginsburg, *supra* note 13.

Psychology (11%)		Psychology (11%)	Psychology (11%)		
			Quantitative (10%)		

Figure 3: Overall distribution of keywords per journal

We also identified some variations across the journals and their use of social science keywords. Accordingly, EJIL was by far the journal featuring the most references to social sciences in its contributions, with one-third of all articles referring to ‘international relations’ and one-fifth containing ‘methodology’. ASJIL, the youngest journal in our database, in turn, demonstrated the lowest number of references to the social sciences, closely followed by ICLQ, our second oldest journal in the database. AJIL, LJIL, and NJIL were surprisingly close in the number of references. One possible explanation accounting for approaches within specific journals could be the role that editors play in the publishing process of international journals. Editors play a central gatekeeping function in the production of scholarship as they have significant influence in shaping strands of research, either implicitly or explicitly.⁵² For example, EJIL’s strong inclusion of social science keywords since its beginning in 1990 might be traced back to its origins at the European University Institute (EUI), which – as Vauchez⁵³ and Komárek⁵⁴ have argued - had not only shaped the constitutionalization scholarship in EU law but always upheld strong academic collaboration between the study of law and the social sciences. Amongst other examples, Joseph Weiler, its long-serving Editor-in-Chief, has been a prominent advocate of interdisciplinary scholarship.

Another explanatory factor could be broader and long(er)-lasting intellectual traditions: for instance, it is surprising that a relatively young journal such as the ASJIL ranks lowest on the inclusion of social sciences, even though it has been led by prominent critical legal scholars such as Antony Anghie. However, critical legal scholarship and in particular TWAIL has long advocated criticizing and reforming the hegemonic project of international law from a *legal* perspective.⁵⁵ Correspondingly, Anghie has advocated that teaching international law in Asia would require building a strong foundation in classic international law from a doctrinal and positivist tradition before triggering more critical questions.⁵⁶ However, this does not leave much room for explicitly including social science research in the classroom or the publication market.

In sum, this part has shown that, firstly, social scientific terms have appeared consistently and prominently in the six journals that we have analysed, and, secondly, the usages of some terms have peaked in periods commonly associated with a boom of specific schools in international legal scholarship. Taken together, this suggests a consistent pattern of engagement but with a preference for specific disciplines that move in cycles. International legal scholars are not unfamiliar with this

⁵² This was also pointed out by Gathii in his study on the absence of ‘race’-related scholarship in AJIL, see Gathii, *supra* note 40.

⁵³ See A. Vauchez, *Brokering Europe – Euro-Lawyers and the Making of a Transnational Polity* (Cambridge University Press, Cambridge, 2015), at 202.

⁵⁴ J. Komárek, ‘Why Read The Transformation of Europe Today?: On the Limits of Liberal Constitutional Imaginary’ in: *ibid.* (ed.), *European Constitutional Imaginaries* (Oxford University Press, Oxford, 2023) pp. 119-146.

⁵⁵ On the question of interdisciplinarity in TWAIL scholarship, see also J. Gupta, ‘Broadening Third World Legal Scholarship to Include Introspection and Interdisciplinarity’ 8:1 *International Community Law Review* (2006) pp. 65-70.

⁵⁶ Antony Anghie, ‘Critical Pedagogy Symposium: Critical Thinking and Teaching as Common Sense – Random Reflections’ (Opinio Juris, 2020).

notion. For Kennedy, it is “renewal repeat(ing)” as “people with projects” face up against the discipline’s linguistic structures;⁵⁷ for Rasulov, quite similarly, the discipline is “a field of struggle” constantly moving between approaches in an economy of knowledge production.⁵⁸

The data also suggests that some specific disciplinary conjunctions have been more consistently popular over time, in particular, international relations and sociology. In respect of the former, it is important to recall that substantive overlap between concepts makes the term almost an outlier. International law, after all, is the law that regulates states in their international relations, and the disciplines also once significantly overlapped, though coming to a position of ‘decades of mutual neglect’ from the 1950s.⁵⁹ In respect of the latter, it is important to note that there have always been strong links between law and sociology, for instance, Marx and Weber were both trained as lawyers, and Durkheim wrote extensively on it.⁶⁰ On the other hand, the data could also reveal how international legal scholarship constructs its ‘other’ as these are words associated with the things that legal discourse typically casts its relation to - society and politics.⁶¹

It nevertheless remains difficult to ascertain from this limited data set whether these forms of interaction between international law scholarship and the social sciences fit within our taxonomy of interactions: substance, findings, methods, and epistemology. As mentioned, we can see conceptual overlap in some cases, for instance, in sociology and IR, and also greater employment of the term ‘methodology’ in the six journals that we have analyzed. Relatedly, it is further difficult to detect whether we see the emergence of transdisciplinary sub-fields and whether the impetus towards the adoption of social sciences is related to problems of disciplinary myopia. This ultimately speaks, however, to the limitations of our method rather than the absence of the phenomena; these are qualitative (and ultimately, normative) presences that would require further and more fine-grained research to discover. The analysis then leaves us with one final question, what factors might explain the persistence of certain interdisciplinary approaches?

IV. Critical Reflection: Structural Factors in Interdisciplinary Scholarship

We have thus far provided an empirical assessment of the role of the social sciences in the discipline of international law. This has left us with certain overarching questions on which structural factors might facilitate certain patterns of this engagement, which we perceive as related to particular institutionalization within universities and research funding structures.

1. Institutionalization

⁵⁷ D. Kennedy, ‘When Renewal Repeats: Thinking Against the Box’ 32 *NYU Journal of International Law and Politics* (1999-2000) 335-500.

⁵⁸ A. Rasulov, ‘The Discipline as a Field of Struggle: The Politics and Economy of Knowledge Production in International Law’ in A. Bianchi and M. Hirsch, *International Law’s Invisible Frames* (Oxford University Press, Oxford, 2021) pp. 180-199.

⁵⁹ J.L. Dunoff, ‘Perspectives on the Perils, Promise, Politics – and Practice – of Interdisciplinarity’ in N. Rajkovic, A. Aalberts & T. Gammeltoft-Hansen (eds.), *The Power of Legality: Practices of International Law and their Politics* (Cambridge University Press, Cambridge, 2017) pp. 345-370.

⁶⁰ K.L. Scheppelle, ‘Legal Theory and Social Theory’ 20 *Annual Review of Sociology* (1994) pp. 383-406.

⁶¹ Tomlins, *supra* note 20.

The literature on institutionalization suggests that academic disciplines institutionalize in two ways; through university departmentalization, or expertise speciality.⁶² Both dimensions are necessary for the distribution of labour in the academic community and create respective peer groups, which set priorities, evaluate standards against which contributions are measured, and create a disciplinary identity.⁶³ Institutionalized disciplines are focused on establishing and socializing researchers in a disciplinary canon and are thus rarely able to provide so-called ‘blockbuster contributions,’ which often require individuals to act as ‘knowledge brokers’, i.e. someone who has more than one speciality ‘brokers’ between peer groups.⁶⁴ It is the job of those brokers to translate, coordinate, and integrate different perspectives in their practice and thus generate processes such as learning and knowledge generation.⁶⁵

For the social sciences, this often requires that brokers themselves have been trained in the other discipline, have competently grasped its epistemological basics and methodological tools, and can translate those insights into the cognitive schemes of international lawyers. Knowledge brokers must thus transgress disciplinary boundaries without alienating their home discipline. An interesting example is the economic analysis of international law. In particular, in the US, law and economics has since the 1960s developed into a distinct discipline of legal analysis. Backed by a strong and influential movement it has influenced not only legal research but also legal practice and policymaking.⁶⁶ Even in international law, it has become institutionalized in specific journals, e.g., the *International Review of Law and Economics*, as well as within graduate studies, for instance at the World Trade Institute in Geneva.

This raises the question of who are the brokers in international law and the social sciences. There are certainly individual researchers, research centers, or academic networks that can be identified as brokers: they have been successful in applying a particular social science tradition and method to international law either by being ‘first movers’ in publishing their research in prestigious journals or attracting funding to establish broader research networks on a long-term basis. Exemplary on this part are the research centers on international courts, with the Danish center iCourts following an explicit sociological tradition highlighting the influence of certain actors and their power relations, while the Norwegian center Pluricourts generally focuses on quantitative studies and questions of legitimacy. Other scholars have also engaged in ‘rebranding’ to move between junctures, such as the evolution of law and economics to behavioral approaches.

A related factor that might help to explain why some trends come to prevail over others through institutionalization could arise from the realization that scientific knowledge cannot be thought of

⁶² See, for the field of international studies, Raymond C. Miller, ‘Interdisciplinarity: Its Meaning and Consequences’ *Oxford Research Encyclopedia of International Studies* (2017).

⁶³ F. D’Agostino, ‘Growth of knowledge: dual institutionalization of disciplines and brokerage’ 198:5 *Synthese* (2019) pp. 4167-4190, at 4171.

⁶⁴ *Ibid.*, at 4185.

⁶⁵ E. Wenger, *Communities of Practice: Learning, Meaning, and Identity* (Cambridge University Press, Cambridge, 1998), at 109.

⁶⁶ See exemplarily M. Gelter & K. Grechenig, ‘History of Law and Economics’, *Preprints of the Max Planck Institute for Research on Collective Goods Bonn* 2014/5, pp. 1-10; H. Hovenkamp, ‘Law and Economics in the United States: a brief historical survey’, 19:2 *Cambridge Journal of Economics* (1995) pp. 331-352; G. Priest, *The Rise of Law and Economics. An Intellectual History* (Routledge, Milton Park, 2020).

in isolation from political and economic power.⁶⁷ A fitting example of this alignment between IL/IR constellation that emerged in the late 1990s is Slaughter’s legalization scholarship, which coincided with emerging hope in the post-Cold war rules-based international legal order.⁶⁸ Its relative decline could similarly be taken to reflect changing constellations in power structures and correspondingly, an academic turn towards international relations theories that do not rely on forms of liberal ideology. However, these instances are likely to be more isolated than reflect a common trend, given the diversity of engagement that we have seen with social sciences.

2. Funding

It is often suspected that a turn to social science in international legal scholarship is at least partially driven by the demand for increasingly scarce resources, which has required legal researchers to apply for external funding in generalist endowment calls alongside social scientific disciplines.⁶⁹ We have sought to investigate this problem through a survey of funding patterns in three jurisdictions: Australia, Germany, and the EU.

For the EU, we first focused on successful *European Research Council* (ERC) projects including all ERC grants from 2007 until 2023.⁷⁰ We manually identified 40 international law projects by searching for a variety of keywords such as ‘international law’ and its sub-disciplines. We then manually coded the available project abstracts for references to social sciences theories or methods and established that in 70 percent of all successful projects, social sciences theories or methods were explicitly included. Moreover, another 15 percent of projects indirectly referenced social sciences. This suggests that, at least in the successful international law projects funded by the ERC, social sciences played a significant role. However, the small number of projects and the non-availability of data on non-successful projects caution this assessment.

This is why, secondly, we applied a similar keyword searching method than in the last chapter to the much larger number of successful projects in the context of the EU Commission’s *Horizon2020* projects (Horizon2020), the German *Alexander von Humboldt Foundation* (AvH),⁷¹ and the *Australian Research Council* (ARC),⁷² While the respective time horizons of the projects differ significantly (the AvH from 1953, the ARC from 2001, and Horizon2020 since 2014). We have identified quite similar numbers of successful ‘international law’ projects, ranging from 120 international law projects at the AvH, 113 projects at the ARC from 2001, and 188 at the Horizon2020 from 2014.

Keyword	Alexander von Humboldt (n=120, 1953-2021)	Australian Research Council (n=113, 2001-2022)	EU Horizon 2020 (n=188, 2014-2022)
Anthropology	0 (1) ⁷³	1	5

⁶⁷ R. Brown, ‘Modern Science: Institutionalization of Knowledge and Rationalization of Power’ 34:1 *The Sociological Quarterly* (1993) pp. 153-168, at 155.

⁶⁸ See e.g. Slaughter Burley, *supra* note 23.

⁶⁹ On these structural developments, see more generally R. Collier, ‘Review Article: The Liberal Law School, the Restructured University and the Paradox of Socio-Legal Studies’ 68:3 *Modern Law Review* (2005) pp. 475-494.

⁷⁰ See <https://erc.europa.eu/project-statistics/project-database> (last accessed 28 July 2023).

⁷¹ See <https://www.humboldt-foundation.de/vernetzen/recherche-im-humboldt-netzwerk> (last accessed 28 July 2023).

⁷² See <https://www.arc.gov.au/grants-and-funding/apply-funding/grants-dataset> (last accessed 28 July 2023).

⁷³ The numbers in brackets are the German versions of the keywords.

Behavioralism	0	0	0
Economics	7 (3)	2	99
Ethnography	0	0	2
International Relations	4 (1)	66	38
Political Science	0 (10)	27	18
Psychology	1	1	6
Social Science	0 (11)	0	23
Sociology	0 (6)	1	34
In sum	12 (32)	99	225

Figure 4: Distribution of keywords in funding schemes

In general, the project descriptions in the AvH have the least number of references to social sciences (12, respectively 32), while the Horizon2020 features 226 references. This also means that projects in the Horizon2020 program must have featured multiple keywords, as the number of references significantly surpasses the number of projects. The ARC also features a relatively high number of references (99). While we did not account for temporal developments separately in the respective projects, this distribution could suggest that reliance on social science is increasing in more internationally oriented and more recent funding schemes, thus substantiating the general assumption of an ever-stronger emphasis placed on interdisciplinary research in these grant programs in recent years.

Examining the respective keywords, over 60 percent of all social science-related references in the ARC refer to ‘international relations’, while the largest number of references in the Horizon2020 (99 out of 226) are for ‘economics.’ While “political science” features quite prominently in the ARC, ‘sociology’ and ‘international relations’ are second at the Horizon2020. Naturally, just as in the DWO study, the short project descriptions in the databases do not provide information on how the keywords translate into interdisciplinary engagement. Moreover, we do not have information on which projects were not awarded funding, which makes it difficult to establish the relative balance between approaches.

Nevertheless, the data shows significant geographical differentiation, with a heavy focus on ‘international relations’ in international legal research in Australia and ‘economics’ in Europe. Projects attracting European funding could be influenced by the interconnection of questions of economic integration and law in the region, while the reliance on ‘international relations’ in Australia could suggest a broader focus on geopolitical and security-related considerations in international law questions.⁷⁴ Again, however, we must emphasize that hit highlights for the term ‘international relations’ also in this context. One explanatory factor for the relative absence of social science vocabulary at the AvH could be the still predominant legal doctrinal education of international law in Germany, which translates into a relative absence of interdisciplinary scholarship.⁷⁵

⁷⁴ This finding interestingly goes against expectations of a Trans-Atlantic distribution, with Europeans allegedly tied to doctrine and concepts (and less economics) see e.g. G. Verdirame, “The Divided West”: International Lawyers in Europe and America’, 18:3 *European Journal of International Law* (2007) pp. 553-580.

⁷⁵ See generally N. Krisch, ‘The Many Fields of (German) International Law’ in A. Roberts et. al. (eds.) *Comparative International Law* (Oxford University Press, Oxford, 2016) pp. 91-110, at 106.

Our findings thus broadly coalesce with the findings of a recent study by Peat and Rose found that among the successful applications for the *Dutch Research Council* (NWO) between 2002 and 2020, 17 out of 28 selected international projects include non-doctrinal or interdisciplinary methods.⁷⁶ Moreover, over time, the number of selected projects that include non-doctrinal or interdisciplinary methods has grown, while projects exclusively focusing on doctrinal approaches have decreased. Their research further found similar results for the ERC, which led the authors to conclude that international legal scholars ‘exercise “strategic anticipation” by shaping their research projects to fit those they think most likely to be funded.’⁷⁷ Whilst such a finding would ultimately require consulting scholars themselves on what motivates their scholarship, there are reasons to believe that such intentions might also underlie the patterns we see in our data.

While those questions require further investigation, they suggest that some strands of social sciences and some forms of interdisciplinary engagement are more common, and this is also reflected in broader research objectives, funding schemes, and academic structures. Ultimately, this leaves us with a difficult challenge for the future of social sciences in international law scholarship: whose voices and which ideas are missing in the international law-social sciences discourse? Whilst we have not investigated funding schemes in the Global South, it became apparent that the current turn to social science methods has mostly been restricted to universities in the Global North.⁷⁸ Carrying out social science research often requires significant financial resources, for instance in data collection, field research, or access to respective research software. This raises the risk that the turn to social sciences in international law might further cement existing hurdles for less privileged scholars and power inequalities in the international legal academy.

V. Conclusion

This article investigated the role of the social sciences in international law from three distinct vantage points: First of all, we carved out a taxonomy of four different dimensions of how the social sciences are relied upon in international law scholarship, on the level of substance, findings, methods, and epistemology. Secondly, we assessed interactions with the social sciences quantitatively by applying a corpus linguistic keyword search on more than 15,000 text documents from six general international law journals. Thirdly, we explored how certain structural factors related to the institutionalization and funding of certain strands of social science-inspired international law scholarship have influenced regional and temporal patterns in Europe, Germany, and Australia.

This empirical analysis has established the first encompassing overview of the social sciences in international law through its main vehicle of debate, international law journals. While our adopted method cannot account for the depth of engagement with the social sciences, the data demonstrates

⁷⁶ D. Peat & C. Rose, ‘International law from the outside: Insights from the Dutch Research Council (NOW)’, 35:1 *Leiden Journal of International Law* (2021) pp. 1-8.

⁷⁷ D. Peat and C. Rose, ‘The Changing Landscape of International Law Scholarship: Do Funding Bodies Influence What We Research?’, 102 *Grotius Centre Working Paper Series* (2023) 1-36 (focusing on the European ERC and Dutch NOW funding programs).

⁷⁸ It may even be mostly isolated to only a number of universities in Europe (University of Copenhagen, University of Oslo, KU Leuven, University of Hamburg, and some others) and North America (University of Chicago, Yale, Temple, Northwestern, and again, likely some others too.)

that the interaction with social sciences is a broad and ultimately long-standing phenomenon in international law scholarship. References to key terms can be identified throughout the 20th century, with certain peaks associated with general changes in international law scholarship, for instance in the 1960s and the 1990s. Since the 2000s, all journals in our database experienced a significant rise in ‘methodology’ which might suggest that international legal scholars are now domesticizing elements of a social science approach. Besides those commonalities, we also identified divergencies across regional scholarly communities, with EJIL showing the largest number of data points and ASJIL the lowest, pointing to distinct traditions within these journals.

We have further sought to explain what might be influencing any turn to the social sciences. In particular, whilst our data shows that there has been some engagement with social sciences in international legal scholarship over time, and this appears to be widespread, we do at least intuitively know that some universities or journals are more inclined to approach it than others. This then suggests that patterns of disciplinary institutionalization within national legal academic cultures and now, increasingly, research funding have facilitated the turn to social science within international law scholarship. This underscores the importance of a reflexive understanding of how we conceive of the role of social sciences within international law scholarship, by recognizing that doctrine remains the heart of international law but also that social scientific turns may operate in some ways to exclude or marginalize certain voices.

We have nevertheless ultimately shown that international law scholars’ engagement with social sciences is anything but a novelty. Indeed, international law scholarship – over time – has constantly engaged with social science insights, albeit in different forms, with varying degrees of intensity, in different contexts. Naturally, the limitations of our methodological approach would require further investigation to conclusively explain this engagement with the social sciences in international law scholarship, including by expanding it through qualitative analysis of the actual use of social sciences and their terms in international law scholarship.⁷⁹ Additionally, it would be important to map the engagement with international law in social science journals, to investigate whether this interaction is mutual. In the end, the construction of the world through social scientific methods will always remain partial. To return to the metaphor of the blind men, we can now agree that an elephant possesses certain features, but there is still a lot of blank space to be discovered.

⁷⁹ See, for instance, the empirical study on critical approaches in international law practice by W. H. Byrne, ‘Is critique part of the practice of international law?’ 10 *MOBILE Working Paper Series* (2023) 1-42.

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