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**Practising reflexivity in international law:
introducing a concept and the working paper
series**

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European University Institute
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Abstract

The field of international law is increasingly turning upon itself. For instance, there is heightened attention to its histories, to the background of the field's actors, or to the structure of international legal argument. This introduction to the concept and practice of reflexivity uses reflexivity to connect and explain these different strands of scholarship in international law. It suggests, in sum, that the field of international law is becoming more reflexive. To substantiate this view, this introduction defines the concept of reflexivity and identifies three levels of reflexive practice in the field. These levels involve turning upon (1) one's own personal and professional situation or that of the international lawyer; (2) the situation of the field of international law; and (3) the scholarly endeavor in international law. After having situated the concept and practice of reflexivity in international legal scholarship, this introduction extracts some of the implications of its practice and highlights both its benefits and potential pitfalls. It concludes by noting that a reflexive practice may serve as a tool for international lawyers to cultivate an awareness of the contexts and constraints of the field in which they operate, and their position within it.

Keywords

International law; reflexivity; diversity in international law; socio-legal research; history of international law.

Introduction

The field of international law is increasingly turning upon itself from a range of perspectives. There is heightened attention to its histories.¹ Empirical approaches abound about the background of some of the field's actors² and their social connections,³ just as a greater diversity of actors within the field are being centered.⁴ International lawyers are also turning upon the structure of international legal argument,⁵ the way they teach international law,⁶ and how it might differ from one jurisdiction to another.⁷ They are increasingly at ease bringing forward the frames that underpin their fieldwork,⁸ or the theories they mobilize.⁹ We see these seemingly disparate discussions and investigations as expressions of a burgeoning practice of reflexivity in the field of international law.

We employ the concept of 'reflexivity' to connect and explain the different strands of scholarship in international law that investigate the field and its actors.¹⁰ In doing so, we argue that the field is becoming more reflexive. Building on this idea, we organized an event and this working paper series around the practice of reflexivity in international law, that is around the relation between the concept of reflexivity and the lived experience of academic life and the field more generally.¹¹ The collective nature of this event and series served to guard against this lived experience turning into excessive navel-gazing and falling into the trap of subjectivity, a risk often associated with reflexivity. Thus, over the course of several 'Reflexive Mondays',¹² a group of emerging scholars practised reflexivity about their work and the field. These scholars were then invited to submit papers to the working paper series. Put together, this introduction and these interventions serve to extract some of the implications, benefits, and pitfalls of a reflexive practice in international law.

¹ See e.g. Anne Orford, *International Law and the Politics of History* (Cambridge University Press 2021); Ignacio de la Rasilla, *International Law and History: Modern Interfaces* (Cambridge University Press 2021).

² See e.g. Ruth Mackenzie et al, *Selecting International Judges: Principle, Process, and Politics* (Oxford University Press 2010); Mikael R. Madsen, 'Who Rules the World? The Educational Capital of the International Judiciary' (2018) 3 UC Irvine Journal of International, Transnational, and Comparative Law.

³ See e.g. Sergio Puig, 'Social Capital in the Arbitration Market' (2014) 25:2 European Journal of International Law 387; Sondre Torp Helmersen, 'Finding "the Most Highly Qualified Publicists": Lessons from the International Court of Justice' (2019) 30:2 European Journal of International Law.

⁴ See e.g. Freya Baetens, *Legitimacy of Unseen Actors in International Adjudication* (Cambridge University Press 2019).

⁵ Most prominently popularized by Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge University Press 2006). See also Jean d'Aspremont, 'Martti Koskenniemi, the Mainstream, and Self-Reflectivity' (2016) 29 Leiden Journal of International Law 625.

⁶ See British Institute of International and Comparative Law, 'Teaching International Law Webinar Series', <<https://www.biiicl.org/events/11460/teaching-international-law-webinar-series>>. See also Gleider Hernandez, 'Inculcating International Law: The Textbook as Gateway', *ESIL Conference Paper Series* (2018) <<https://www.ssrn.com/abstract=3363914>> accessed 7 February 2021.

⁷ See Anthea Roberts, *Is International Law International* (Oxford University Press 2018). On the limits of this comparative international law project, see Jean d'Aspremont, 'Comparativism and Colonizing Thinking in International Law' (2020) 57 Canadian Yearbook of International Law 89.

⁸ Sarah MH Nouwen, "'As You Set out for Ithaka": Practical, Epistemological, Ethical, and Existential Questions about Socio-Legal Empirical Research in Conflict' (2014) 27 Leiden Journal of International Law 227.

⁹ See Andrea Bianchi, *International Law Theories* (Oxford University Press 2016).

¹⁰ Concepts are a way of drawing boundaries and classifying, but they also risk contributing to the competition about naming in the field of international law, see Jean D'Aspremont, 'Wording in International Law' (2012) 25:3 Leiden Journal of International Law.

¹¹ On this and other approaches to concepts in international law, see Sahib Singh and Jean d'Aspremont, 'Introduction: The Life of International Law and Its Concepts' in Jean d'Aspremont and Sahib Singh, *Concepts for International Law* (Edward Elgar Publishing 2019) 1–24.

¹² The programme of the event can be found here: https://esil-sedi.eu/wp-content/uploads/2020/07/Reflexive-Mondays_Programme_26.01.2021.pdf

In this brief paper, we introduce the concept and practice of reflexivity and the working papers. First, we begin by covering some of the ways reflexivity has been mobilized in the field of international law, distinguishing three levels of reflexive practice. Secondly, we introduce the contributions to the series, and situate them within the context of the broader reflections around reflexivity in the field that were introduced earlier. Finally, and thirdly, we offer some thoughts on the benefits and pitfalls of practising reflexivity in international law.

Defining Reflexivity in International Law

In the following section, we define reflexivity on the basis of a brief review of the scholarship that has engaged with the concept and practice of reflexivity. For the purposes of this short paper, we have chosen to limit our focus to interventions in the field of international law that have expressly advanced the concept of reflexivity and attempted its practice. Of course, this scholarship has also taken inspiration from other disciplines, such as anthropology and sociology, where the concept of reflexivity has a long lineage.¹³ Nevertheless, we have sought to approach these interventions on their own terms, rather than by the epistemic standards of the disciplines that inspired them.¹⁴ Indeed, the concept of reflexivity advanced by these authors arises in the field of international law, a field with its own epistemic standards and struggles, built around a specific object, international law.

At its most basic level, if we begin with its etymology,¹⁵ reflexivity involves the act of turning upon or bending back. This act is encapsulated by Andrea Bianchi when he defines reflexivity as 'turn[ing] on the relationship between the object and the subject of investigation.'¹⁶ Upendra Baxi elaborates on the place of the object and subject by explaining that what he understands as self-reflexivity is the 'uniquely human capacity to become a subject of oneself, to be both a subject and an object'.¹⁷ In essence, the subject, the agent undertaking the investigation, bends back to become an object of analysis. It is to this act that Sahib Singh alludes to when he explains reflexivity as turning upon one's own thinking, or 'the willingness to think about how we think'.¹⁸

The scholarship in the field of international law that has expressly engaged with the concept and practice of reflexivity has been 'turning upon' a range of different conditions that constitute the field and its actors and making them into objects of analysis. These objects can be grouped

¹³ For example, Sarah Nouwen draws inspiration from what she calls 'the anthropological practice of reflexivity'. See Nouwen (n 8) 234. In defining reflexivity, Andrea Bianchi adopts an eclectic approach that references works by e.g. Pierre Bourdieu, Michel Foucault, or Ludwig Wittgenstein. See Andrea Bianchi, 'Reflexive Butterfly Catching: Insights from a Situated Catcher' in Joost Pauwelyn, Ramses Wessel and Jan Wouters (eds), *Informal International Lawmaking* (Oxford University Press 2012). Upendra Baxi relies heavily on sociology and the tradition embodied by Anthony Giddens and Ulrich Beck. See Upendra Baxi, *The Future of Human Rights* (Oxford University Press 2008) 115. Mikael Rask Madsen expands on the approach of Pierre Bourdieu. See Mikael Rask Madsen, 'Reflexive Sociology of International Law: Pierre Bourdieu and the Globalization of Law' in Moshe Hirsch and Andrew Lang (eds), *Research Handbook on the Sociology of International Law* (Edward Elgar Publishing 2018) 189.

¹⁴ A similar argument is made about historical work in the field being evaluated on its own terms rather than by the standards of professional historical methods. See e.g. Anne Orford, 'In Praise of Description' (2012) 25 *Leiden Journal of International Law* 609.

¹⁵ Indeed, reflexivity comes from the Latin word 'reflectere' which means 'to bend back, bend backwards.' In the Oxford English Dictionary (Online), reflexive is defined notably as follows: 'Of a mental action, process, etc.: turned or directed back upon the mind itself; involving intelligent self-awareness or self-examination; introspective.' See 'reflexive' in OED Online, Oxford University Press, December 2021.

¹⁶ Bianchi (n 9) 3.

¹⁷ Baxi cites to Peter Callero, 'The Sociology of the Self' (2003) 29 *Annual Review of Sociology* 115.

¹⁸ Sahib Singh, 'Narrative and Theory: Formalism's Recurrent Return' (2014) 84 *British Yearbook of International Law* 304, 304.

into three different levels of reflexive practice.¹⁹ They involve turning upon (1) one's own personal and professional situation or that of the international lawyer,²⁰ (2) the situation of the field of international law,²¹ and (3) the scholarly endeavor in international law.²² Of course, these three levels often overlap and influence each other, and they should not be understood as definite categories. They are meant rather as a heuristic to grasp differences in scholarly interventions around reflexivity.

In line with the first and third level, Sarah Nouwen invokes 'the anthropological practice of reflexivity' to turn upon herself as a researcher engaged in socio-legal ethnographic research.²³ For Nouwen, this involves questioning and making explicit the position of the researcher, which includes the 'sociohistorical locations of the researcher, including the values and interests that these locations confer upon the researcher'.²⁴ Mikael Rask Madsen, in turn, argues for a 'reflexive sociology' of international law,²⁵ which involves both turning upon the field of international law through empirical analysis of the lives and practices of its agents, the second level, and turning upon oneself as a researcher, the first level. In his words, this implies 'two very closely related actions: first, a critical reflection on the preconstructions that dominate a given subject area and, second, a self-critique as the means for considering one's own scientific and social assumptions of the subject area'.²⁶ Finally, Andrea Bianchi connects the second and third levels by turning upon the field as well as the scholarly endeavour. He mobilizes reflexivity as a tool for 'situating' the theoretical discourse of international law.²⁷ Yet his focus is on the 'scholastic bias', which Bianchi identifies as the unsaid presuppositions and assumptions that inform a particular scientific observer's theoretical discourse on international law.²⁸

As noted in the introduction, the field of international law is increasingly turning upon itself.²⁹ Thus, a broad range of interventions in the field that do not expressly mobilize the concept of reflexivity, nevertheless practice a form of reflexivity. For example, to take the first level, turning upon the researcher or the international lawyer might involve centering gender,³⁰ the location of the international lawyer in the Global North or the Global South,³¹ or the production of research in a non-native language.³² To take the second level, turning upon the field of international law could involve examining how international lawyers in sub-fields compete for

¹⁹ This grouping is inspired by Pierre Bourdieu's suggestion that three types of biases can obstruct the sociological gaze: the social position, the field, and the scholastic point of view, see Pierre Bourdieu and Loic Wacquant, *An Invitation to Reflexive Sociology* (Cambridge Polity Press 1992) 39.

²⁰ Nouwen (n 8); Singh (n 18); Madsen (n 13).

²¹ Madsen (n 13); Baxi (n 13) 115; d'Aspremont (n 5).

²² Bianchi (n 9); Nouwen (n 8). See also how writing a textbook can be described in terms of a reflexive practice, Bruno Simma and Daniel Litwin, 'International Law in a Transcivilizational World by Onuma Yasuaki: An Intimate Account of International Law' (2018) *Japanese Yearbook of International Law*

²³ Nouwen (n 8).

²⁴ *ibid* 234.

²⁵ Madsen (n 13).

²⁶ *ibid* 204.

²⁷ See Bianchi (n 13).

²⁸ *ibid* 203.

²⁹ Sahib Sing also contends that international law as a discipline has been increasingly interrogating its intellectual projects questioning its assumptions, preferences and processes of professional knowledge production in recent history. Sing 304.

³⁰ See generally Susan Harris Rimmer and Kate Ogg, *Research Handbook on Feminist Engagement with International Law* (Edward Elgar Publishing 2019).

³¹ This is found notably in what is commonly referred to as TWAIL scholarship. For a reflexive engagement with the TWAIL project see Luis Eslava and Sundhya Pahuja, 'Between Resistance and Reform: TWAIL and the Universality of International Law' (2011) 3 *Trade, Law and Development* 103.

³² See e.g. Alonso Gurmendi and Paula Baldini Miranda Da Cruz, 'Writing in International Law and Cultural Barriers (Part I)' (*Opinio Juris*, 7 August 2020) <<https://opiniojuris.org/2020/08/07/writing-in-international-law-and-cultural-barriers-part-i/>> accessed 8 September 2021.

power³³ and the way a sub-field is self-contained, builds authority,³⁴ or reproduces the Western and colonial heritage of international law.³⁵ Finally, to take the third level, turning upon the scholarly endeavour could include an examination of the practice of teaching³⁶ or interdisciplinary research.³⁷

The Contributions to this Series

Following a series of 'Reflexive Mondays', participants were invited to submit working papers for inclusion in this series. A total of six contributions made it into the series, with each contributor practising reflexivity in and about their work. Although these contributions engage with reflexivity in different ways, they link in various degrees to the three levels of reflexive practice identified earlier.

The first contribution to this series is by Manon Beury and Lena Holzer. They offer a theoretical tool for understanding positionality and orientation and its role in shaping knowledge production in international law. Reflecting on themselves and their own research, a form of self-reflexivity and reflexivity about the scholarly endeavor, Beury and Holzer argue that the positionality of international lawyers and international legal scholars, understood as 'the relationship between the researcher and their object of study in the space of international law',³⁸ shape their perception of international law. Drawing from the work of Sara Ahmed on 'Queer phenomenology',³⁹ they mobilize the concept of orientations and disorientations to explain positionality. Disorientation, which they understand as 'queer moments', are those moments when we temporarily 'get lost' in our research. For Beury and Holzer, rather than fearing these disorientating moments, we should embrace and consciously seek out the emancipatory potential of these moments as they allow us to question and stray from the straight paths that have been carved out before us. Similarly, Stewart Manley considers the way knowledge production takes shape and considers his own experience in this process. He expands on what structures and conditions might influence the decisions of international legal scholars to write or not write about something. Manley offers a form of self-reflexivity as well as a reflection on the institutions and powers that shape the scholarly endeavor and knowledge production more generally. He focuses on two aspects of his research environment that he argues influence his scholarship: the intimidation of (political) power and the pressure to publish.

Julia Emtseva centers challenges of a different kind. Her account is deeply self-reflexive and reflexive about the field of international law. She draws on her personal trajectory as a young, female, and Kyrgyz lawyer to call out abusive practices and, more generally, the diversity challenges in the field of international law. She points notably to the gender imbalance in

³³ See some of the contributions in Jean d'Aspremont and others (eds), *International Law as a Profession* (Cambridge University Press 2017).

³⁴ See for example the fragmentation debate in international law, Margaret A. Young (ed), *Regime Interaction in International Law: Facing Fragmentation* (Cambridge University Press 2012).

³⁵ See e.g. Anthony Angie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press 2005); Luis Eslava and Sundhya Pahuja, 'Beyond the (Post)Colonial: TWAIL and the Everyday Life of International Law' (2012) 45 *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America* 195. See also Mohammad Shahabuddin, *Minorities and the Making of Postcolonial States in International Law* (Cambridge University Press 2021).

³⁶ See e.g. Hernandez (n 6); Matthew Craven, Susan Marks, Gerry Simpson, and Ralph Wilde, 'We are the Teachers of International Law' (2004) 17 *Leiden Journal of International Law* 2.

³⁷ See e.g. Jeffrey L. Dunoff and Mark A. Pollack, *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (Cambridge University Press 2013).

³⁸ Manon Beury and Lena Holzer, 'Orientations as a 3-dimensional tool for practising positionality in international law', (2022) *EUI Working Paper LAW*, 1.

³⁹ Sara Ahmed, *Queer Phenomenology: Orientations, Objects, Others* (Duke University Press 2006).

international legal academia, the challenges with non-western legal education, and the cultural and language barriers to academic publishing. Emtseva recognizes that overcoming these challenges requires structural changes at institutional and state levels, but she also encourages each of us individually to use the practice of reflexivity, which she understands as 'the reflection on one's biases',⁴⁰ to push for these changes. In turn, Aleydis Nissen takes a perspective steeped in self-reflexivity and reflexivity about the scholarly endeavor with respect to empirical fieldwork. She explores the place of the researcher and their methods in empirical fieldwork and calls for more attention to the ways in which backgrounds, agenda, and emotions influence interactions, which in turn influence the way research is conducted. Nissen also questions the guidelines of ethics committees and the institutions that prescribe them by highlighting how the contexts of these committees and institution starkly differ from research and may therefore not be attuned to each other.

Nadia Kornioti considers the field of international law and its silence about the Cyprus conflict(s), and in that process, she mobilizes her personal experience as a Cypriot. Through her personal experience, she addresses in particular the absence of reflexive methodologies in the field to guide research in the periphery, the sort of research which often remains covered in silence. Her paper builds on a three-tiered framework for reflexivity first developed by feminist psychologist Sue Wilkinson.⁴¹ Kornioti translates this framework for reflexivity as '(i) the researcher's position within a research project, (ii) how the researcher's own positionality may impact the chosen methodology, and (iii) how a discipline is influenced as a whole because of the two former types of reflexivity'.⁴² Through this three-part practice framework, Kornioti highlights for instance how a lack of tools for personal reflexivity brings about risks of over-sharing or self-censorship, including about the Cyprus conflict. The final contribution to the series departs from the personal, and centers and reflexively examines a group of actors in the field of international law: the international judicial community. Tommaso Soave, building notably on practice theory⁴³ and the sociology of Pierre Bourdieu,⁴⁴ argues that interactions within this community are both cooperative and competitive. Cooperative as a result of the increased professionalization of an international elite community of judges and arbitrators, state agents, and legal bureaucrats; competitive due to the internal struggles among the members of the community who are engaged in a contest for dominance. For Soave, the patterned and competent nature of this cooperative community has a stabilizing effect on judicial outcomes and interpretive practices. The competition, in turn, provides room for new legal approaches.

The Benefits and Pitfalls of Practising Reflexivity

The different accounts of reflexivity and its practice in scholarship, in the papers part of this series, and the collective conversation during the 'Reflexive Mondays', raise several potential benefits and pitfalls to reflexive practice.

In terms of the benefits, practising reflexivity can cultivate an awareness of the constraints under which international lawyers, the field and its subfields, and the world of academia operate and think. On a personal and individual level, this practice brings into focus the

⁴⁰ See Julia Emtseva, 'Running a Never-Ending Race to Catch Up with the Western International Lawyers', (2022) *EUI Working Paper LAW*, 11.

⁴¹ Sue Wilkinson, 'The role of reflexivity in feminist psychology' (1988) 2(5) *Women's Studies International Forum* 493.

⁴² Nadia Kornioti, 'Reflexivity and the Uncovering of Silence in International Law' (2022) *EUI Working Paper LAW*, 4.

⁴³ Namely the work of Emanuel Adler and Vincent Pouliot.

⁴⁴ In particular, Pierre Bourdieu, 'The Force of Law: Toward a Sociology of the Juridical Field' (1987) 38 *The Hastings Law Journal* 805.

influence of a context both internal and external to the field, on the scholar and the practitioner.⁴⁵ This view rests on the belief that the situation of the international lawyer, including their position in the field (or a community), their gender, race, socioeconomic background, or their location in the Global North or the Global South, can impact research selection, approach and methodology, or interpretation and thinking more generally.⁴⁶ As such, in several of the papers in this series, autobiographical details take center stage. For example, Stewart Manley reflects on his American nationality and how it may influence his work in the Malaysian academic community.⁴⁷ Nadia Kornioti carefully considers how her identity as a Cypriot and as an academic influence how she approaches research on a topic that is closely connected to her personal background.⁴⁸ Julia Emtseva reflects on her gender and educational background in Kyrgyzstan as important markers of her identity as an academic.⁴⁹ These interventions more generally interrogate diversity in the field of international law and the way it is accommodated.

Furthermore, being transparent and aware about what influences one's own research practice is not only a matter of 'intellectual honesty' and humility,⁵⁰ but it is also an aid to creating accountability for the choices that are being made throughout the research process or in the field, from interpretive choices, to picking a research topic, and disseminating its outcome to different audiences. For Sahib Singh, this amounts to a responsibility incumbent upon the researcher to be transparent about choices and biases that influence the way they think about international law.⁵¹ A responsibility that the field also takes on when it becomes more reflexive. Several contributors to the series identify transparency as a motivation behind their papers.⁵² In that sense, practising reflexivity as a form of accountability may improve the overall quality and reliability of research.⁵³ It may also translate, in a grounded and practical way, into a basis for navigating different contexts, through nuanced considerations of ethical guidelines in field research⁵⁴ or the preparation of methodological tools for researchers whose subjects are deeply intertwined with their personal background.⁵⁵

In addition, reflexive practice attunes the researcher to the idea that they do not exist outside of the field they study but form a part of it and play a role in its reproduction and constitution. To situate the researcher in this way can give a sense of responsibility when engaging with theoretical discourses of international law.⁵⁶ Similarly, it foregrounds within the field of international law where different approaches, judicial outcomes and interpretations come from.⁵⁷ It can also avoid the perpetuation of views or struggles within the field that can be problematic or damaging,⁵⁸ while providing the space for exploring new possibilities outside of

⁴⁵ See e.g. the contributions by Manon Beury and Lena Holzer, Stewart Manley, Julia Emtseva, and Tommaso Soave in this series.

⁴⁶ See also Nouwen (n 8) 234.

⁴⁷ Stewart Manley, 'Chilling and warming effects on the production of international law scholarship' (2022) *EUI Working Paper LAW*.

⁴⁸ Kornioti (n 42).

⁴⁹ Emtseva (n 40).

⁵⁰ Nouwen (n 8) 233.

⁵¹ Singh (n 18) 304.

⁵² See e.g. Manley (n 47) 5; Aleydis Nissen, 'Case study research in Kenya and South Korea: reflexivity and ethical dilemmas' (2022) *EUI Working Paper LAW*, 1; Kornioti (n 42).

⁵³ Nouwen (n 8). Indeed, put simply, through 'the systematic exploration of the unthought categories of thought which delimit the thinkable and predetermine the thought', Pierre Bourdieu saw reflexivity as a practical tool to more objective research, see Bourdieu and Wacquant (n 19) 40. See however the contribution by Nadia Kornioti on how this practice may paradoxically challenge the alleged 'objectivity' of research, Kornioti (n 42).

⁵⁴ See Nissen (n 51).

⁵⁵ See Kornioti (n 42).

⁵⁶ See Bianchi (n 13) 205; Singh (n 18) 304.

⁵⁷ See Tommaso Soave, 'The two faces of the invisible college: cooperation and competition in the international judicial community' (2022) *EUI Working Paper LAW*.

⁵⁸ A point made by Madsen in his account of the Bourdieusian approach to reflexivity. See Madsen (n 13).

its constraints. Thus, it may afford the opportunity to reconstruct problematic practices, even with respect to matters that might appear innocuous such as the writing of reference letters.⁵⁹

Yet the practice of reflexivity also has its pitfalls. It can readily turn into solipsistic navel-gazing.⁶⁰ Here, the research becomes more about the researcher as a subject than as an object of analysis. This can result in an overemphasis on personal intuitions and the self. Lang and Marks carefully describe this risk. They acknowledge that ‘there is a strong autobiographical aspect to everyone’s writing’ and that we are ‘all always, in some sense, writing about ourselves’ but nevertheless contend that ‘we are most eloquent on the subject insofar as we keep silent about it’ and that this ‘kind of eloquence is presumably best left for the psychoanalyst’s couch’.⁶¹

As noted earlier, with reflexivity comes a level of transparency which can create a sense of (necessary) humility about research. At the same time, however, attention to biases and the different structures that might exert influence on research or thinking more generally can lead to a reluctance to intervene. For example, Stewart Manley notes in his contribution that the awareness of outside political pressures may result in a ‘chilling effect’ on knowledge production.⁶² Similarly, disclosing autobiographical elements or extensive insight into the research process may open the research to critique within the field.⁶³ If a researcher is ‘too close’ to an object of research – too much of an ‘insider’ – the objectivity of the researcher is automatically questioned.⁶⁴ For Nadia Kornioti, such an intimate connection to the object of research may result in self-censorship to preserve the alleged ‘objectivity’ of the research.⁶⁵

Reflexivity, or the impression of reflexivity, might also lead to complacency. Writing in terms of self-reflexivity and the scholarly endeavor, Jean d’Aspremont begins by acknowledging that the ‘[s]ituatedness of foundational doctrines and legal arguments built thereon has even become a rather common object of inquiry’,⁶⁶ which has translated into international lawyers developing ‘greater methodological self-awareness’.⁶⁷ Yet, for d’Aspremont, this can also lead to the perception that particular struggles have been tamed, which risks paving the way for a return to ‘business as usual’.

⁵⁹ In a recent blogpost, Sarah Nouwen considers the gender biases revealed in reference letters, and how the writers of those letters often unreflectively confirm societal stereotypes. In doing so, Nouwen calls for the importance of reflexivity in the ‘non-research’ practices of academia. She argues that not only does a reflexive approach to reference letter writing uncover biases the writer may have, but it may also provide the possibility for changing what characteristics we value in academic candidates. See Sarah Nouwen, ‘On My Way In II: Countering Gender Stereotypes in Letters of Reference and Shifting Academic Valorization While We Are at It’ (*EJIL: Talk!*, 13 July 2021) <<https://www.ejiltalk.org/on-my-way-in-ii-countering-gender-stereotypes-in-letters-of-reference-and-shifting-academic-valorization-while-we-are-at-it/>> accessed 29 August 2021.

⁶⁰ See Nouwen (n 8) 233.

⁶¹ Andrew Lang and Susan Marks, ‘People with Projects: Writing the Lives of International Lawyers’, p. 440.

⁶² Manley (n 47).

⁶³ See Michelle Burgis-Kasthala, ‘Researching Secret Spaces: A Reflexive Account on Negotiating Risk and Academic Integrity’ (2020) *Leiden Journal of International Law* 1. Michelle Burgis-Kasthala gives an account of the scholarly risks socio-legal empirical work into ‘secret spaces’ may hold, where this type of research may ‘raise questions about the legal researcher’s integrity and authority’.

⁶⁴ Pierre Bourdieu recognized this danger and explicitly stated in his ‘sketch for self-analysis’ that it was ‘not an autobiography’, carefully avoiding too many intimist confessions, wary of being considered a narcissist and not taken seriously, but also recognizing that the personal is not singular, but a social trajectory and ‘personification’ of a position in a field. See Pierre Bourdieu, *Sketch for a Self-Analysis* (University of Chicago Press 2008). See also the experience of Charli Carpenter where peer reviewers deemed her contribution ‘unsuitably autobiographical for a scholarly text’: Charli Carpenter, ‘“You Talk Of Terrible Things So Matter-of-Factly in This Language of Science”: Constructing Human Rights in the Academy’ (2012) 10 *Perspectives on Politics* 363, 364.

⁶⁵ Kornioti (n 42).

⁶⁶ Jean d’Aspremont, ‘Martti Koskeniemi, the Mainstream, and Self-Reflectivity’ (2016) *Leiden Journal of International Law*, 9.

⁶⁷ d’Aspremont (n 5) 631.

Finally, while a practice of reflexivity might seek to foreground the factors and frameworks that influence the relationship between research, methods, interpretations and the conditions and institutions that constrain them, it is impossible to account for all of them. When discussing these factors and frameworks, selection is inevitable. Reflexivity will not give us a full 3D picture.⁶⁸ It will bring to light and make salient certain conditions and biases and put others to the side.⁶⁹ According to some, it might not even be possible to unveil any of these biases,⁷⁰ let alone move beyond them. The thorny question then becomes which conditions, situations, frames, or heuristics should we attempt to center and make visible?

Concluding Thoughts

This introduction to the concept and practice of reflexivity and the working papers suggests that reflexive practice can be a means to connect and explain different strands of scholarship in international law that investigate the field and its actors. A result that can be attributed to the field and its actors becoming more reflexive. Put together, this introduction and series extract some of the implications, benefits, and pitfalls of this practice in international law. We believe that the concept of 'reflexivity', mindful of its pitfalls, can serve as a practical tool for international lawyers to cultivate an active awareness of the contexts and constraints of the field in which they operate, as well as their position within it. Our hope is that we have collectively started to pierce through the idea that what is revealed through reflexive practice should remain 'the story behind an "official" story';⁷¹ we believe this practice can create space for both storylines – official and unofficial – to merge and blend.

⁶⁸ See Beury and Holzer (n 38) and their reference to Ahmed (n 39).

⁶⁹ See also Sara Kendall, 'On Academic Production and the Politics of Inclusion' (2016) 29 *Leiden Journal of International Law* 617.

⁷⁰ See Jean d'Aspremont, 'Martti Koskenniemi, the Mainstream, and Self-Reflectivity' (2016) *Leiden Journal of International Law*, 627 ('Inevitably, the empirical materials which are relied on here - and which primarily consists of peers' discourses – are prejudiced by the cognitive and conceptual frameworks as well as the personal experience that the present author inevitably relies on. It is not possible to unveil such biases').

⁷¹ Nouwen (n 59) 228.

