Does everything come at a price?

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Global South
Cases, controversies, legal and political perspectives from the cutting-edge of global law.

A new column edited by Virgílio Afonso da Silva

My daughter has a book of folk tales, published in a European country. Translated into English, the title of the book is ‘Folk Tales from the Four Corners of the World.’ There are tales by the Brothers Grimm, H. C. Andersen, some English, Italian, Slavic, and Middle Eastern tales. And that’s it. These are the four corners of the world. Even if it is true that this was the world a European knew many centuries ago, today the world is understood to be a little bit bigger.

The academic and legal worlds, however, sometimes seem to be as small as that of my daughter’s book. The strangest thing is that this occurs exactly at a time when technology has increased the flow of information in all directions, when the legal community is constantly speaking of transnational dialogues, migration of ideas, and global constitutionalism. But all this talk of dialogues, migrations and globalisation – one quickly finds out – follow a very well defined hierarchy. What is said in Western Europe and the United States is heard and followed by the rest of the world. Meanwhile, what the rest of the world talks about seems to interest almost no one. Not even international academic journals explicitly dedicated to comparative law seem to completely escape this logic. Statistics show that the overwhelming majority of articles published in these journals are written by authors affiliated with universities and research institutes in Western Europe and the United States.

One quite straightforward reason for this domination could be that those articles written by Western European and US authors are simply better than those written by authors from other corners of the world. But are they?

The national origin of an author may be a relevant variable increasing (or lowering) their chances of an
article being published. Even in journals more open to international scholarship, editorial boards are composed almost exclusively of academics from the Global North, which can only aggravate this situation. That some journals feel the pressure to explicitly state their selection processes are “unbiased by natural prejudices” is only an indication that such a bias exists. Members of editorial boards and ad hoc reviewers are human beings and many of them are prejudiced, if only unconsciously.

Moreover: many journals only publish articles written to “reach a broader readership”. Hence, even if they manage to escape individual national prejudice, they may fall into a thematic prejudice trap. The difficulty in breaking down hierarchical barriers moves from the personal level to the level of the object of study, which may gain (or lose) relevance due to geographic reasons. Editorial boards assume (unfortunately, correctly) that an article that presents and analyses the personal level to the level of the object of study, which may gain (or lose) relevance due to geographic reasons. Editorial boards assume (unfortunately, correctly) that an article that presents and analyses a decision of the Supreme Court of the United States will always be read and avidly discussed by a very broad readership, while an article discussing a judicial decision on exactly the same issue taken by, say, the Constitutional Court of South Korea, will barely find any resonance (if get published at all).

In a nutshell: scholars from the Global South who write on issues concerning the Global South will have a doubly hard time in getting their work published. And if it does get published, it will usually be to provide some data and information for and to satisfy the curiosity of a few people interested in regional issues or comparative law, but hardly to add to the curiosity of a few people interested in regional issues or comparative law, but hardly to add to the curiosity of a few people interested in regional issues or comparative law, but hardly to add to the curiosity of a few people interested in regional issues or comparative law, but hardly to add to the curiosity of a few people interested in regional issues or comparative law, but hardly to add to the curiosity of a few people interested in regional issues or comparative law, but hardly to add to the curiosity of a few people interested in regional issues or comparative law.