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1. MESSAGE FROM THE PRESIDENT

The European Society of International Law is now five years old. Just five years but already five years of events and meetings which illustrate the valid need to offer international lawyers a regional platform where they can meet each other and exchange views, all within the context of an international openness. The Society does not aim to be the European Society only for Europeans, although its primary objective is to enable them to get to know each other. From the very beginning, relationships with other societies have been promoted, in order to facilitate exchanges among international lawyers, to build bridges, and to speak about an international law that, we hope, will become increasingly a common language.

To this end, I attended the second Biennial Conference of the Asian Society of International Law which took place at the University of Tokyo on August 1st - 2nd 2009, in the same way that representatives of the Asian Society honored us with their presence at the Biennial Conference in Heidelberg in September 2008. I would like to express my sincerest gratitude to Professor Onuma for giving me the opportunity to speak before the assembly in Tokyo and thus giving a voice to the European Society during this magnificently organized and stimulating conference.

It is the same spirit of exchange which has encouraged us to develop our relationship with the American Society of International Law and we will very soon have the opportunity to meet with our ASIL colleagues at the Joint Research Forum in Helsinki on October 2nd - 3rd 2009.

The Forum will be preceded by meetings of several of our interest groups and, in this regard, we have more good news to announce. We welcome a new interest group, focusing on international environmental law, which joins the already existing groups and is testimony to a growing involvement of Society members and will attract even more members.

The European Society lives through and for its members. It needs all those who are willing to dedicate some of their time and energy to the Society, including working towards the election of new members of the governing body.

It will be a pleasure to meet all those who attend our forthcoming events, starting very shortly with our Helsinki Forum.

Hélène Ruiz Fabri

1. MESSAGE DE LA PRESIDENTE

La Société européenne de droit international a maintenant cinq ans. Cinq ans à peine, cinq ans déjà, émaillés d'événements et de rencontres qui ont attesté de la validité du projet d'offrir aux internationalistes une plate-forme régionale pour se rencontrer, se connaître, échanger, avec le parti délibéré de l'ouverture au monde. La Société européenne ne se veut pas la Société des seuls européens, même si elle veut d'abord leur permettre de se connaître. D'ailleurs, dès l'origine, ont été favorisées les relations avec d'autres sociétés, pour rendre possibles encore plus d'échanges, pour établir toujours plus de ponts, pour parler d'un droit international que nous souhaitons être toujours plus un langage commun.

C'est dans cet esprit que j'ai assisté à la deuxième Conférence biennale de la Société asiatique de droit international qui se tenait à l'Université de Tokyo, les 1^{er} et 2 août 2009, tout comme des représentants de la Société asiatique nous avaient fait l'honneur de leur présence lors de la Conférence biennale d'Heidelberg, en septembre 2008. Je tiens à exprimer au Professeur Onuma toute ma gratitude pour m'avoir donné l'occasion de prendre la parole à Tokyo et de faire entendre la voix de la Société européenne dans le cadre de cette conférence magnifiquement organisée et passionnante.

C'est aussi et encore cet esprit d'échanges qui nous a fait développer nos relations avec la Société américaine de droit international, relations dont nous allons très prochainement cueillir un des fruits avec le Forum de recherche conjoint à Helsinki, les 2 et 3 octobre 2009.

Le Forum sera précédé de la réunion de plusieurs de nos groupes de réflexion. Et c'est là encore une bonne nouvelle. Nous accueillons un nouveau groupe de réflexion dédié au droit international de l'environnement, qui s'ajoute à ceux déjà existants. Nous voulons y voir le signe d'une dynamique qui ne s'arrêtera pas et qui attirera des membres toujours plus nombreux.

La Société européenne vit par ses membres et pour ses membres. Elle a besoin de tous ceux qui sont prêts à lui consacrer un peu de leur temps et de leur énergie, y compris pour renouveler ses instances dirigeantes.

Je me réjouis de revoir ou de rencontrer tous ceux qui viendront participer à nos divers événements, à commencer par Helsinki.

Hélène Ruiz Fabri

2. GUEST EDITORIAL L'ÉDITORIAL DE L'INVITÉ

Let's Hunt Zombies!

Armin von Bogdandy, Heidelberg

Doctrines are the bedrock of sound legal scholarship and provide the differentia specifica to political science or legal philosophy or essayistic writing. But being abstractions doctrines may detach from the thematic context and the problem for which they were developed. Sometimes a problem is later solved by other and more efficient means or loses its relevance by the passing of time, but the originally developed doctrine, now functionless, can still haunt the lines of legal argumentation, doctrinally "undead". Both pride and misery of doctrinal scholarship spring from the same source: the pride of system-building and the development of autonomous concepts, and misery over an entanglement with abstraction that has lost its functionality.

The doctrines of monism and dualism provide a fine example. They are among the proudest achievements of the foundational period of international scholarship as an autonomous legal discipline. They reveal the greatness and flaws of its classical paradigm. As often happens with doctrinal constructions, the context of their origin, the first thirty years of the last century, has largely been eclipsed by the time of today's doctrinal debates. Indeed, if one compares the contemporary situation with that of a hundred years ago, almost every relevant element has changed: the evolution of the nation state with the process of globalization, the unfolding of international law, general constitutional adjudication, and, above all, positive and differentiated constitutional provisions on the role of international law within the domestic system.

Any doctrine should help to explain the law, apply the law, develop the law. In every respect, monism and dualism are today unsatisfactory. The reasoning of monist or dualist texts appears rather hermetic and apodictic, and not linked with

the contemporary theoretical debate which should provide the broader horizon of doctrinal constructions. Monism and dualism only create confusion, particularly in classrooms, since those jurisdictions which are commonly styled as monist or dualist do not meet all the criteria the doctrines require them to fulfil. As normative guidelines, they are unsatisfactory as they do not assist in solving legal issues. Monism and dualism should cease to exist as doctrinal tools for discussing the relationship between international law and internal law. They are “zombies”, soulless remnants of another time, and should be buried as doctrinal arguments. If there should be any need of proof for this assertion, consider the debate on the ECJ’s Kadi decision. They might play one minor, but useful role: to make political statements on “friendliness” or “scepticism” about international law. But anyone partial to such rhetoric should be told that these concepts are inadequate for any in-depth argument.

Another fine example of a doctrine in need of a final resting place is that of state (not popular) sovereignty as the origin and nucleus of international law. The prohibition of the use of force, self-determination and non-discrimination are far more promising to fill its former role in most respects. Yet, more than any other doctrine, hunting the zombie of state sovereignty might provide a worthy script for the likes of Peter Jackson or Quentin Tarantino.

Such an exercise of clarification and purification is essential for doctrines to remain meaningful. Far too little is done in this respect, as many standard textbooks demonstrate. Given the importance of doctrinal approaches to international scholarship in Europe, such critical doctrinalism appears particularly well suited for the European Society of International Law, as a possible element of its progressive and distinctive identity.

3. ESIL-ASIL RESEARCH FORUM

The 3rd ESIL Research Forum will be held in Helsinki, Finland, on 2 - 3 October 2009. The Forum will be a joint meeting of the European and American Societies of International Law (ESIL-ASIL). Please register by 23 September.

The 3rd ESIL Research Forum "Changing Futures? Science and International Law" is the first academic conference to be organized jointly by the American Society of International Law (ASIL) and the European Society of International Law (ESIL). The conference will be organized at the University of Helsinki. The local organizers are the Centre of Excellence in Global Governance Research, the Erik Castrén Institute of International Law and Human Rights, in co-operation with the Ius Gentium Association.

3. FORUM DE RECHERCHE DE LA SEDI - ASIL

Le 3ème Forum de Recherche de la SEDI se déroulera à Helsinki (Finlande) du 2 au 3 octobre 2009. Le Forum sera un événement conjoint de la SEDI et de la Société américaine de droit international (ASIL).

Le 3ème Forum de Recherche de la SEDI "Avenirs en devenir? Science et droit international" est la première conférence académique à être organisée conjointement par la Société Américaine de Droit International (ASIL) et la Société Européenne de Droit International (SEDI). La Conférence se tiendra à l'Université d'Helsinki. A Helsinki, les organisateurs sont le Centre of Excellence in Global Governance Research, le Erik Castrén Institute of International Law and Human Rights, en coopération avec la Ius Gentium Association.

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