White Rose Research Online

eprints@whiterose.ac.uk
https://eprints.whiterose.ac.uk
Universities of Leeds, Sheffield and York

Deposited via The University of Sheffield.

White Rose Research Online URL for this paper:
https://eprints.whiterose.ac.uk/id/eprint/165607/

Version: Accepted Version

Article:
Leao Soares Pereira, L. and Ridi, N. (2021) Mapping the “invisible college of international lawyers” through obituaries. Leiden Journal of International Law, 34 (1). pp. 67-91. ISSN: 0922-1565

https://doi.org/10.1017/S0922156520000667

© 2020 The Authors. This is an author produced version of a paper accepted for publication in Leiden Journal of International Law (LJIL). Article available under the terms of the CC-BY-NC-ND license (https://creativecommons.org/licenses/by-nc-nd/4.0/).

Reuse
This article is distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivs (CC BY-NC-ND) licence. This licence only allows you to download this work and share it with others as long as you credit the authors, but you can’t change the article in any way or use it commercially. More information and the full terms of the licence here: https://creativecommons.org/licenses/

Takedown
If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.

UNIVERSITY OF LEEDS
University of Sheffield
UNIVERSITY of York

Mapping the 'invisible college of international lawyers' through obituaries

Abstract

Since Oscar Schachter's famous articulation of the concept, scholars have attempted to know more about the composition and functioning of the 'invisible college of international lawyers' which makes up our profession. They have done this though surveying public rosters of certain sections of the profession (arbitrators, International Court of Justice counsel), providing general anecdotal accounts about informal connections between members, or establishing certain individuals' influence in the development of discrete legal concepts. Departing from these approaches, we use the obituaries published in the British Yearbook of International Law (1920-2017) to draw a map of the 'invisible college of international lawyers'. Obituaries are a unique window into international law's otherwise private inner life, unveiling professional connections between international lawyers and their shared career paths beyond a single academic or judicial institution. Employing network analysis, a method commonly used in social sciences to describe complex social phenomena such as this, we are able to demonstrate the ubiquity of informal networks whereby ideas move, and provide evidence of the community's homogeneity. Exploring the connections between international lawyers and their shared characteristics in this novel way, we shed light on the features of the community and the impact individual personalities have on the law. These characteristics of the profession and its members may be obvious to insiders, but are seldom acknowledged. Graphic representation is a powerful tool in bolstering critiques for diversity and contestation of mainstream law-making narratives. More than an exercise in exhaustive mapping, we seek to take the 'dead white men' trope to an extreme, provoking the reader to question the self-image of the profession an impersonal expert science.

1. *Introduction*

The axiom that states are bound by the international law that they themselves make as equal sovereigns participating in the international sphere is at the centre of mainstream approaches to our discipline. This state-centric, voluntarist narrative, reproduced widely in sources literature, veils the importance of other factors in the making of international law, such as the prominence of an 'invisible college of international lawyers' (hereafter 'the college' or 'the invisible college'). While many problems emerge from the college's invisibility, this paper is concerned with our own incapacity, as international lawyers, to see and question the college's power and homogeneity.

We will use obituaries of renowned international lawyers published in the *British Yearbook of International Law* (hereafter BYIL or *Yearbook*)[1] to map the 'invisible college' through Social Network Analysis[2]. Our portrait of the international legal profession[3] shows for the first time relationships between groups of individual international lawyers with similar educational and professional characteristics, and the interconnectedness between groups that form the community as a whole. Network analysis also illuminates patterns in career progress, and how lawyers move between the roles of academic, government lawyer, advocate, and sometimes judge or ILC member. This analysis gives empirical backing to hitherto anecdotal accounts of how the profession in international law promotes a *dedoublement fonctionnel*[4], and allows for a unique picture of the college. The portrait revealed in our network of lawyers is much more vivid than the partial glimpses provided by anecdotal evidence not only because of its size, but also because of the long historical trajectory that it depicts. Obituaries give us a distinctive prism, and thus constitute a powerful tool of analysis. With the exception of the more ad hoc *Liber Amicorum*, memorial conferences, and acknowledgments in books, obituaries are the only standardised forum where international lawyers elaborate publicly about one another's personal connections, professional achievements, and individual contributions to substantive law.[5] The network sketched here does not purport to be the final word on the subject or provide a *numerus*

[1] By either ignoring it completely, rejecting its importance expressly due to the lack of state involvement in its making, or downplaying its importance in current international law. See respectively G.M. Danilenko, *Law-Making in the International Community* (Martinus Nijhoff 1993); G.J.H. van Hoof, *Rethinking the Sources of International Law* (Kluwer 1983) 177; Clive Parry, *The Sources and Evidences of International Law* (Manchester University Press 1965) 103–108.

[2] The use of the term network differs greatly from that of Anne-Marie Slaughter, who explores the extent and significance of transnational and 'transjudicial' networks of courts and judges. See, generally, Anne-Marie Slaughter, *A New World Order* (Princeton University Press 2004).

[3] Similarly to what Boer does with her 'quasi-ethnographic' study in the field of concept construction in cyber-warfare law, see L. Boer, 'International Law as We Know It: Cyberwar Discourse and the Construction of Knowledge in International Legal Scholarship', 2017 (PhD thesis, Vrije Universiteit Amsterdam 2017). We choose 'quasi-sociological here as we go about our quest to better understand the profession as lawyers, and not as sociologists; echoing Orford, we were animated here by 'juridical thinking', in light of our legal backgrounds and our asking of questions that will interest lawyers. See Anne Orford, 'On international legal method' 1 London Review of International Law (2013) 166, Jan Klabbers, 'Whatever Happened to Gramsci? Some Reflections on New Legal Realism' 28 Leiden Journal of International Law (2015) 469.

[4] Although the term *dedoublement fonctionnel* appears in Scelle's depiction of national courts moving between their national and international 'hats', here it refers to Oscar Schachter's description of the international lawyer as performing the tasks of government adviser and independent scholar. See G. Scelle, 'Règles générales du droit de la paix' (1933) 46 *Recueil des cours* 358, versus Schachter, 'The Invisible College of International Lawyers', 72 Northwestern University Law Review (1977) 218.

[5] On acknowledgments as evidence of international law's sentimental life, see Gerry Simpson, 'The sentimental life of international law', 3 London Review of International Law (2015) 3. See also the fascinating article by Emily Callaci, 'History Unclassified: On Acknowledgments' [2020] American Historical Review 1.

clausus list of the 'invisible college' – the dataset is, after all, based on a national Yearbook, and is thus warped towards the British experience of international lawyering. To this we first propose our work be read in light of and in tandem with other works on the profession that use more traditional sources to sketch out sectors of international legal practice.[6] Secondly, we ask the reader to take a leap of faith and embark with us as we take the 'dead white men' trope to an extreme, providing subversive insight into a profession that purports to be an impersonal expert science.[7] Our work should be read instead as an alternative and playful means of unveiling connections between members of the international legal profession that highlights the personal nature of the discipline – more than studies that depict networks of rosters or map citations, obituaries unveil the intimate connections, amities and even enmities – and thus further remind us that our discipline is made of 'people with projects'. In privileging creativity over formality,[8] we seek to produce work that is experimental, and thus 'not bulletproof', 'but reliable'[9], harnessing our ability to connect with personal elements of the discipline, nurturing the 'emotional life'[10] of our work, and open us up for the 'kaleidoscope of possibility'[11] dormant in our professional practices. By painting a richer picture of the 'invisible college of international lawyers' that cuts across professional strands and sheds light on personal ties, our work bolsters claims for

[6] On networks of actors in specific areas of the profession using professional rosters as a source, see Puig, 'Social Capital in the Arbitration Market', 25 European Journal of International Law (2014) 387, Langford, Behn, and Lie, 'The Revolving Door in International Investment Arbitration', 20 Journal of International Economic Law (2017) 301. On scholarship and citations, see Helmersen, 'The Use of Scholarship by the WTO Appellate Body', 7 Goettingen Journal of International Law 309; Boer, '"The Greater Part of Jurisconsults": On Consensus Claims and Their Footnotes in Legal Scholarship' (2016) 8 Leiden Journal of International Law 1021. On the profession's 'professionals', see Martti Koskenniemi, *The Gentle Civilizer of Nations : The Rise and Fall of International Law, 1870-1960* (Cambridge University Press, 2002), Obregón, 'Noted for Dissent: The International Life of Alejandro Alvarez', (2006), 19 LJIL 983-1016; Becker Lorca, Mestizo International Law: A Global Intellectual History 1842–1933 (2015). On histories of institutions and professional bodies, see for example Sinclair, To Reform the World: International Organisations and the Making of Modern States (Cambridge University Press, 2017), Scarfi, The Hidden History of International Law in the Americas: Empire and Legal Networks (Oxford University Press, 2017).

[7] A. Orford, 'Scientific reason and the discipline of international law', in *International Law as a Profession* (2017), 93

[8] I. Roele, 'The Making of International Lawyers: Winnicott's Transitional Objects', in J. Hohmann & D. Joyce (ed.), *International Law's Objects* (2018), 72

[9] Ibid., at 87

[10] G. Simpson, 'The Sentimental Life of International Law', (2015) 3 London Review of International Law 3–29, at 5 available at: <To mark the launch of the London Review of International Law, the editors invited Gerry Simpson, Kenneth Bailey Chair of Law at Melbourne Law School and Visiting Professor of Public International Law at LSE, to deliver a lecture at the London School of Economics on 28 November 2013. This article is based on the lecture delivered on that occasion.>

[11] Roele (2018)

transparency, responsibility, ethics, and for more diversity in the international legal profession in a way that captures the imagination.

A. *Schachter's 'invisible college of international lawyers'*

The term 'invisible college of international lawyers', 'one of the most popular descriptions of our profession',[12] was first coined by Oscar Schachter in a 1973 piece commemorating the centenary of the *Institut de Droit International*[13] and later on expanded in a discrete journal article.[14]. Although Schachter's 1973/7 articles explored issues such as interdisciplinarity and the specialization in the profession, his most long-lasting point is that in the course of their multiple duties and roles, international lawyers perform a legislative role by transporting ideas between institutions. Alternating between official and unofficial roles, they informally weave a 'sense of justice' into international law, without the consent of states. This 'sense of justice', or '*conscience juridique*', would not be present, says Schachter, if international law depended exclusively on states' will. He argues the vehicles for inserting this *conscience juridique* into international law include 'non-legislative resolutions' and 'reports/proposals by non-binding authoritative bodies', but also judgments, ILC documents, arguments made by advocates before international courts, and reports of International Organization expert bodies such as those issued by Special Rapporteurs and Commissioners in human rights organs[15]. In summary, Schachter's argument to which we subscribe is that international law is not only propelled by states, but also by members of the invisible college since (1) in the absence of a central legislature the system is highly decentralized and heavily reliant on custom and social practices, and (2) the profession not only allows but encourages individuals to move between different authoritative roles. The modern rediscovery of the concept of 'invisible college' transposed by Schachter to International Law is to be ascribed to the American sociologist Diana Crane,[16] who was in turn influenced by Derek de Solla Price's work on networks of

[12] Villalpando, 'The 'Invisible College of International Lawyers' Forty Years Later', *ESIL Conference Paper Series* (2013) 2.
[13] Oscar Schachter, 'The Role of the Institute of International Law and Its Methods of Work - Today and Tomorrow', *Livre du centenaire, 1873-1973 : évolution et perspectives du droit international* (S Karger, 1973).
[14] Schachter, 'The Invisible College of International Lawyers', 72 Northwestern University Law Review (1977) 217.
[15] Villalpando makes that argument in relation to international court judgments, arguments made by counsel at these courts, and ILC materials.
[16] Crane, 'Social Structure in a Group of Scientists: A Test of the 'Invisible College' Hypothesis' (1969) v. 34, American Sociological Review, p.335–352

citations between scientists.[17] Schachter and subsequent generations of international lawyers that appropriate his iteration of the concept, however, incorporate it as 'folk' terminology to capture the profession's club-like nature – some also describe the profession in the equally atechnical (and less neutral) term 'mafia'.[18]

It may seem ironic that we chose to expand upon the iteration coined by Schachter, a card-carrying member of the invisible college, who adopted the term to describe a *tout court* invisible college institution, the *Institut de Droit International*. Schachter's model remains useful, but while the notion of an invisible college has since been accepted by the discipline,[19] the international law literature still falls short of explaining this phenomenon, perhaps because membership to the college almost immediately results in naturalisation of the phenomenon. Schachter himself does not explain how the invisible college functions, nor does he trace the different professional roles between which individual members of the profession transition. Instead, he only comments on the move between academia and governmental advice, overlooking other sides of the profession such as judgeships and ILC membership. Some useful revisitations of Schachter's concept focus on sections of the profession to explore the diversity or impact of members of the 'invisible college' – Anne van Aaken,[20] for instance, explores the invisible college of arbitrators, whereas Gleider Hernandez looks into the role of academics in streamlining the profession. [21] Looking at these separate 'rooms' within the college, however, negates Schachter's central thesis – that individual influence is bolstered by the unique fluidity of the international legal profession. The same people transition between the separate rooms that make up the college - the

[17] D.J. de Solla Price, *Little Science, Big Science – and Beyond* (1963). See, in particular, Chapter 3. Price is generally considered the father of scientometric research.
[18] Crawford, Pellet, Redgwell, 'Anglo-American and Continental Traditions in Advocacy before International Courts and Tribunals' (2013) Cambridge Journal of International and Comparative Law 715; Dezalay and Garth, *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order* (University of Chicago Press 1996). Reference must also be made to the use of the term *hofmafia* in Philip Allott, *The Health of Nations* (Cambridge University Press 2002) 380. Allot, in turn, borrowed the concept from Wheatcroft, *The Habsburgs. Embodying Empire* (Penguin 1995) 248.
[19] Villalpando, *supra* note 7, at 2. See also the prolific use of the term since Schachter's 1970s iterations. *Google Ngram Viewer*. [online] Available at: https://books.google.com/ngrams/graph?content=invisible+college+of+international+lawyers&year_start=1800&year_end=2008&corpus=15&smoothing=3&share=&direct_url=t1%3B%2Cinvisible%20college%20of%20international%20lawyers%3B%2Cc0 [Accessed 23 Oct. 2018].
[20] Van Aaken and others, 'The Diversity Challenge: Exploring the 'Invisible College' of International Arbitration' 12 Transnational Dispute Management (2015) 429.
[21] Hernandez, 'The Responsibility of the International Legal Academic: Situating the Grammarian within the 'Invisible College' in A. Nollkaemper and others (eds), *International Law as a Profession*. Hernández takes on Pierre-Marie Dupuy's definition legal scholars as 'grammarians' of the language of international law. See Cours général de droit international public' (2002) 297 Recueil des Cours 9, 205.

academy, law office, government department, arbitration panel, and international bench. It is in these transitions that lawyers weave a 'sense of justice' into international law. Those who do look at the full blueprint of the college, on the other hand, have relied mostly on a few anecdotal accounts. Santiago Villalpando updates Schachter's argument for the 21st century, exploring the transitions between ILC membership, scholarship and legal counsel through the example of James Crawford, the defence of necessity, and the Articles on State Responsibility which he helped construct. Although this is a useful starting point, the comprehensive picture of the profession provided in this paper is Villalpando's puzzle writ large. Andrea Bianchi's reflections on epistemic communities,[22] or Michael Waibel's interpretive communities[23], support this work's assumptions that the social groups in which individuals organize themselves matter for the content of the law. Their focus, however, is on explaining why these groups have power in either knowledge production or interpretation. Our work differs in that it seeks to answer the prior question of *who* the interpreters and knowledge-producers are, and what sensibilities and biases they carry with them.

In light of the recent 'turn to history' in international law scholarship, there has been a growing interest in scrutinizing our profession.[24] There are similarities between Schachter's concept of an 'invisible college of international lawyers' and contemporary works on the profession such as Martti Koskenniemi's *Gentle Civilizer of Nations*.[25] Both put international lawyers at the forefront of the development of international law. Schachter's 'sense of justice' is related to Koskenniemi's concept of 'sensibilities' explored in *The Gentle Civilizer of Nations* (*Gentle Civilizer*), and the former's plea against specialization is akin to the latter's critique of managerialism. In this sense, both represent calls for international lawyers to reconnect with or reflect upon 'broader aspects of the political faith, image of self and society, as well as the structural constraints within which international law professionals live and work'.[26] However, while *The Gentle Civilizer* explores the role

[22] Bianchi, 'Epistemic Communities in International Law' (*Lauterpacht Centre for International Law Seminar Series*, 2015) <https://sms.cam.ac.uk/media/2181587> accessed 11 May 2018.
[23] Waibel, 'Interpretive Communities in International Law' in Andrea Bianchi, Daniel Peat and Matthew Windsor (eds), *Interpretation in International Law* (OUP 2014).
[24] See for instance the 5th ESIL Research Forum on 'International Law as a Profession', or the contributions in J. d' Aspremont and others, *International Law as a Profession* (Jean D'Aspremont and others eds) (2017 2017).
[25] Martti Koskenniemi, The Gentle Civilizer of Nations : The Rise and Fall of International Law, 1870-1960 (Cambridge University Press, 2002).
[26] Koskenniemi, supra note 17) 2.

of individuals, notably the 'men of 1873', as creators of the discipline, Schachter's article is more concerned with lawyers' influence in the making of positive law. This paper weaves these two strands together, filling gaps which both Schachter and Koskenniemi have left open. By zeroing in on the core of the community, we help uncover the concentration of power[27] therein, as well as its lack of diversity.[28]

B. *Invisibility in sources debate*

The backdrop of this work on obituaries is that international lawyers' contributions are not recognised in sources literature. If we look at sources literature approach to 'teachings of the most highly qualified publicists' in Article 38 of the ICJ Statute, the embodiment of one aspect of individual participation, we see that it is often dismissed as a 19th century relic. Sources literature rejects the importance of 'teachings'[29] primarily because states are most evidently not involved in their production, and state-centrism is an axiom of traditional approaches to our discipline. Portraying international law as 'real law' that can be objectively distilled by a neutral observer is at the core of the project of positivism in international law,[30] and acknowledging a role of individuals in lawmaking is diametrically against this. In obituaries, however, the influence of individual lawyers is not only freely

[27] See for instance J. Klabbers, 'Towards a Culture of Formalism? Martti Koskenniemi and the Virtues', (2013) 27 Temple International and Comparative Law Journal 417–436; J. Klabbers, 'The virtues of Expertise', in M. Ambrus et al (ed.), *The Role of 'Experts' in International and European Decision-Making Processes* (2013), 437; M. Windsor, 'Government Legal Advisers through the Ethics Looking Glass', in D. Feldman (ed.), *Law in Politics, Politics in Law* (2013), 139; M. Windsor, 'Consigliere or Conscience?', in J. D'Aspremont et al (ed.), *International Law as a Profession* (2017), 355

[28] See for instance specifically on the lack of diversity in international arbitration A. van Aaken et al, 'The Diversity Challenge: Exploring the 'Invisible College' of International Arbitration', (2015) 12 Transnational Dispute Management 429. On the gender representation in international courts, N. Grossman, 'Sex on the Bench: Do Women Judges Matter to the Legitimacy of International Courts', (2012) 2 Chicago Journal of International Law 647–684. On the diversity of nationalities and other factors in the international bench, see L. Swigart, ''The National Judge': Some Reflections on Diversity in International Courts and Tribunals', (2010) 42 McGeorge Law Review 233

[29] Some authors do not mention 'teachings' or the 'invisible college' at all – see Danilenko, supra note 1); V.D. Degan, *Sources of International Law* (1997). Others deny the role of 'teachings' expressly due to the absence of state involvement in their making, see van Hoof, *supra* note 1, at 176–177. Another section of the literature dismisses their importance as merely 'grammarians', and not influential figures in the actual content of legal norms, exemplified by H. Thirlway, *The Sources of International Law* (2014), at 126–127. See this view perpetuated for instance in the unease with which the International Law Commission addresses 'teachings of publicists' in its current work on the identification of customary international law in ILC, 'Report of the International Law Commission on the work of its Sixty-eight session' (2 May-10 June and 4 July-12 August 2016) UN Doc A/71/10. Empirical work on the use of scholarship in international adjudication appears sometimes to hold a more balanced judgment: see Fauchald, 'The Legal Reasoning of ICSID Tribunals – An Empirical Analysis', 19 *EJIL* (2008) 301; Helmersen, 'The Use of Scholarship by the WTO Appellate Body', 7 Goettingen Journal of International Law 309.

[30] Kingsbury, 'Legal Positivism as Normative Politics: International Society, Balance of Power and Lassa Oppenheim's Positive International Law', EJIL, P. 401-436, at 428.

admitted, but celebrated. Indeed, some deny the role of individuals in their scholarship while simultaneously acknowledging the individual role on an *ad hoc* basis when writing obituaries. Compare, for instance, Sir Michael Wood's 'Teachings of Publicists' entry in the Max Planck Encyclopaedia[31] with his position expressed in the obituary of Sir Ian Sinclair jointly written with Sir Frank Berman.[32] In the former, Wood states that writers' influence lies in promoting 'better understanding' of the law rather than 'dictating' it. Their writings are 'evidence' rather than a 'source' of law.[33] Yet in reflecting on Sinclair's time spent at the British FCO, Wood does not fail to concede that he 'played a significant role in the recognition of the [commercial exception to state immunity] doctrine in international law'.[34] The rejection of the importance of individual professionals in sources literature cannot stand the scrutiny of a case study. Obituaries – as windows into the club housing the invisible college – are one of the best sources to debunk this positivist myth.

More than in domestic legal systems, international law is to a large extent moved by internationally-minded individuals. Whereas some want to promote liberal ideals and constrain states' actions through law,[35] others may seek to utilise their position to broaden the power of the(ir) state vis-à-vis their citizens or weaker nations. This internationally-minded community is small, and thus its power is amplified. Unlike national legal systems where institutions are numerous and equipped by large bureaucracies, those who work in international law are comparatively few. This small roster of individuals is relatively untethered due to the absence of overarching institutions regulating the profession.[36] Although the 'club' may have specialised and broadened with the proliferation of international institutions, white men from the developed world are still the majority of its members.[37]

---

[31] Wood, 'Teachings of the Most Highly Qualified Publicists (Art. 38(1) ICJ Statute)', *MPEPIL* (2010).
[32] Berman and Wood, 'Sir Ian Sinclair, KCMG, QC (1926-2013)' (2013) v. 83, BYIL , p.1–12).
[33] Wood, *supra* note 20, at 18–19.
[34] Citing a letter written by Hazel Fox, Berman and Wood, *supra* note 21, at 4.
[35] See Koskenniemi, supra note 17; Lang and Marks, 'People with Projects: Writing the Lives of International Lawyers' Temple International and Comparative Law Journal (2013); M. García-Salmones Rovira, 'The Project of Positivism in International Law', at viii; O. Hathaway and S. Shapiro, *The Internationalists : How a Radical Plan to Outlaw War Remade the World* (2017).
[36] On the 'international bar', see Crawford, 'The International Law Bar: Essence before Existence?' (2013) v. 3, ESIL Conference Paper Series , p.1–12. On the ethics of legal advisers, see Windsor, 'Consigliere or Consicence? The Role of the Government Legal Adviser' in eds. ed. J. d'Aspremont, T. Gazzini, A. Nollkaemper, W. Werner *International Law as a Profession* (2017).
[37] On such a lack of diversity see *inter alia* Kumar and Rose, 'A Study of Lawyers Appearing before the International Court of Justice, 1999-2012', 25 EJIL (2014) 893; N. Grossman, 'Achieving Sex-Representative International Court Benches', (2016) 11082–95.

2. *Methodology*

A. *The relationship between method and a research question*

Obituaries are overlooked in international law scholarship beyond the odd biographical reference.[38] However, much like the acknowledgements section of a book,[39] the obituary departs from the detached language of academic work, allowing us to peer behind the veil of a seemingly expert science. Bearing in mind their particularities as a genre, the possible tendency to over-congratulate the subject, and the belief that 'one does not speak ill of the dead', read carefully and systematically obituaries can be very revealing, and historically and sociologically relevant.[40] The heartfelt and somewhat informal nature of these writings offers us a unique glimpse into the lives of international lawyers: who their mentors, successors, colleagues, and friends were,[41] as well as which positions they occupied at which time and what the exact nature of their contributions were. In other words, obituaries, however obsequious, offer evidence of deeds and relationships—unstructured, but very meaningful data—which can be employed fruitfully to map out the field. Moreover, while similar information could be collected through interviews, obituaries provide distinct advantages: first, their sheer volume and historical span (1920 to the present day in the case of the *Yearbook,* amounting to 58 obituaries in total), supplements what could be realistically obtained with interviews with such diverse individuals and on such a diverse range of topics. Second, information provided in obituaries is possibly more reliable and less prone to confirmation bias than that which could be obtained in interviews: unlike an interviewee who responds to – or, evades – a question, here all the information is provided freely by the obituary's author, often more candidly than one would expect from such a genre.[42] Third, obituaries contain evidence concerning relationships of an official nature,

[38] N. Starck, 'Death Can Make a Difference: A Comparative Study of "Quality Quartet" Obituary Practice', (2008) 9 Journalism Studies 911–924 available.

[39] Simpson, 'The Sentimental Life of International Law', 3 London Review of International Law (2015) 3. See also the remarkable work on acknowledgements and history by E. Callaci, 'History Unclassified: On Acknowledgments', (2020) American Historical Review 1–6

[40] N. Starck, 'The Obituary as Collective Memory', (2008) 13 Mortality 368–369 available at: <No abstract available.>; B. Fowler, 'Collective Memory and Forgetting: Components for a Study of Obituaries', (2005) 22 Theory, Culture & Society 53–72.

[41] And sometimes professional enmity, see on the infamous rivalry between Georg Schwarzenberger and Hersch Lauterpacht. See Mendelson, 'Professor Georg Schwarzenberger (1908-1991)', 63 *BYIL* (1992) xxii.

[42] Sometimes very candidly – see John Fischer Williams account of Lord Phillimore's 'from 1868 to 1897 he had a successful but not strikingly brilliant career at the Bar'See Williams, 'Lord Phillimore', 10 (1929) *BYIL* 197, at 198. Another example is Schwarzenberger's difficult personality, addressed in a tone more honest than one might expect. Similarly, Sir Francis Vallat is described as 'not, it is said, a very 'hands-on' Legal Adviser'.

which could be reconstructed from official records, but also provide a more colourful and detailed picture. Indeed, we argue that it is often the more informal ties are a fundamental feature of the invisible college. Diana Crane, who inaugurated the study of the 'invisible college' in sociology, confirmed the importance of connections and communication between scientists by looking at evidence far more informal than citations, which obituaries allow us to do. An example of the type of informal ties available systematically available in obituaries, for example, is the parallel development in the careers of Sir Ian Brownlie and Sir Derek Bowett,[43] and Sir Francis Vallat's 'unconventional and progressive' championing of the careers of women such as Eileen Denza and Joyce Gutteridge at the Foreign Office,[44] or the friendship between the aforementioned Gutteridge and Gillian White.[45] Although sometimes similarly personal and revealing in nature, and definitely useful for qualitative research on the profession and its professionals, *Libri Amicorum/Festschriften* are less homogenous in content, as they are organised *ad hoc* and not as part of a series. They are often less concerned with personal histories and professional paths and more concerned with the substance of the law itself, thus wielding less information about human relationships. A systematic study such as this benefits from obituaries' continuity in format.[46]

We anticipate objections regarding the scope and size of the dataset, which may be deemed incomplete, either because not all important international lawyers have their obituaries published, or because the decision to publish one's obituary may be due to personal proximity to the editors rather than merit or intellectual significance. In response, we argue firstly that our claim is not one of completeness, but of disruption. Our use of social network analysis does not purport to share the same rigour that sets apart other studies employing it. Beyond some elementary ranking and partitioning, the present endeavour does not take advantage of techniques commonly used in SNA, such as the determination of centrality measures,[47] the network's overall density,[48] or its clustering.[49] This choice is partially imposed by the nature of the dataset, which is inherently partial and would

[43] J. Crawford, 'Sir Derek Bowett (1927-2009)', (2010) 80 BYBIL 1–9
[44] M. Mendelson, 'Sir Francis Vallat GBE, KCMG, QC (1912-2008)', (2009) 79 BYBIL 3–6, at 4
[45] I. Scobbie et al, 'Professor Gillian White (1936–2016)', (2017) 86 British Yearbook of International Law 1–5, at 4
[46] Even though obituaries often also reveal much about substantive contributions.
[47] A.L. Barabási, *Network Science* (2016), at 334
[48] J. Scott, 'Social Network Analysis', (1988) 22 Sociology 109–127
[49] A. Laszlo Barabasi & J. Frangos, *Linked: How Everything Is Connected to Everything Else and What It Means for Business, Science, and Everyday Life* (2014), at 63

inevitably import biases in our analysis if mathematical measurements of this kind were to be deployed directly. Rather, we use social network analysis in a more impressionistic, and even playful fashion. While acknowledging the limitations of this approach on the basis of the relatively limited dataset, we insist on using SNA because it provides a unique and subversive insight, drawing the reader's attention to a phenomenon that is, to some extent, self-evident for those at the periphery, but of which the centre seems to take no notice. We do so by relying on a respected, mainstream channel of communication and restructuring the information it conveys through SNA, thereby confronting the centre with its own self-reflection. Thus, our approach must be seen as an effort to bring to light latent patterns in ways that would be difficult to accomplish otherwise. It does not clash with—and, indeed, complements—other efforts aimed at better understanding the complexity of social and professional networks and the importance of the personal element in the field of international law, be they based on the use of SNA,[50] citations to authority,[51] or the determination of consensus.[52]

We believe that self-selectivity enriches, rather than limits, this study. *Whose lives are worth memorialising* in itself speaks volumes as to how the group operates at a social level. If we employ the term 'invisible college' by embracing the personal alongside the professional, and how it is the interplay of both that allow for the bolstering of an individuals' authority within the group, obituaries give clues about the biases and patterns of dominance that are of interest here. Who these obituaries do not memorialise – women, non-white scholars, scholars from the Global South –is indicative of whose lives matter enough within the community for their deaths to be acknowledged,[53] and thus whose voices were likely to make an impact during substantive discussions. This is especially relevant in light of the inclusion, however occasional, of non-British jurists—very much exceptions proving the rule.[54] International law has a long history of individual contributions from the

[50] S. Puig, 'Social Capital in the Arbitration Market', (2014) 25 European Journal of International Law 387–424; M. Langford et al, 'The Revolving Door in International Investment Arbitration', (2017) 20 Journal of International Economic Law 301–332

[51] S.T. Helmersen, 'Finding 'the Most Highly Qualified Publicists': Lessons from the International Court of Justice', (2019) 30 European Journal of International Law 509–535

[52] L.J.M. Boer, ''The Greater Part of Jurisconsults': On Consensus Claims and Their Footnotes in Legal Scholarship', (2016) 29 Leiden Journal of International Law 1021–1042

[53] See for example the project undertaken by the New York Times, when stating 'who gets remembered — and how — inherently involves judgment. To look back at the obituary archives can, therefore, be a stark lesson in how society valued various achievements and achievers.' Overlooked, <https://www.nytimes.com/interactive/2018/obituaries/overlooked.html> accessed 17 April 2018.

[54] See below, p. 34 [OF THE MANUSCRIPT, CROSSREF TO BE ADDED].

global South in the highest echelons of scholarship and practice. Yet, even if one were to adopt an approach as selective as that of the obituaries we consider, the absence of key writers such as Alejandro Alvarez, Christopher Weeramantry, and Eduardo Jimenez de Aréchaga is striking.[55] Felice Morgenstern and Suzanne Basdevant Bastid as prominent women absent from this roll.[56]

The *Yearbook'*s tradition of publishing obituaries, its long span of publication, and the wide representation of British institutions in the high echelons of the profession reinforce the relevance of our dataset. Indeed, the first substantial pages of its first edition are occupied by an obituary of Lassa Oppenheim, one of the *Yearbook*'s founders, although his premature death did not allow him to see the *Yearbook* to fruition.[57] This is in contrast with the longer-running *Revue Générale de Droit International Public et Comparé* (1894-present), which between 1894 and 1946 only published less than ten obituaries, three of them for one of its first editors, the legal historian Paul Fauchille.[58] The *BYIL* has published pieces on the lives of prominent international lawyers consistently throughout its span of publication, amounting to a total of 58 shorter obituary notes and notices (between 1-12 pages) and 16 longer articles dealing with more substantive aspects of the work of deceased international lawyers.[59] Second, spanning almost a century, the *BYIL* is one of the oldest international law journals in the world, and the oldest British journal focusing solely on

[55] See on intellectual histories of international lawyers in the periphery Obregón, 'Noted for Dissent: The International Life of Alejandro Alvarez', (2006), 19 LJIL 983-1016; Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842–1933* (2015)

[56] Both Morgenstern and Bastid were eminent jurists and some of the earliest and most accomplished women international lawyers of their generation; for anyone dedicated to the study of diversity in the international legal profession their names stand to reason. Morgenstern wrote one of earliest books on International Organisations Law (*Legal Problems of International Organisations*, CUP (1986)), was a members of the BYIL's editorial board and wrote the ILO portion of Sir Clarence Wilfred Jenks' obituary, but her own obituary was not featured in the publication. Bastid was the daughter of Jules Basdevant, member of the Advisory Committee of Jurists drafting the ICJ Statute, PCIJ and ICJ judge. She was also and the first woman to act as a Judge at the International Court of Justice as judge *ad hoc* for Tunisia in *Application for Revision and Interpretation of the Judgment of 24 February 1982 in the* Case Concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia v. Libyan Arab Jamahiriya).*

[57] Whittuck, 'Professor Oppenheim', 1 BYIL (1920) 1

[58] Rolin, 'Paul Fauchille et l'Institut de Droit International' (1926) *RGDIP*; de Lapradelle, 'Paul Fauchille (1858-1926) Sa Vie. - Son Oeuvre.' *RGDIP* (1926); Dollot, 'Paul Fauchille, Historien' *RGDIP*; JP Palewski, 'Nécrologie: Joseph de Blociszewski' *RGDIP* (1929); Duquesne, 'Maurice Moncharville', *RGDIP* (1941) I; Jenks, 'Obituary Notices - Elihu Root', BYIL (1937) 152; Krawtchenko, 'Un Précurseur Du Droit International Ouvrier - Daniel LeGrand (1783-1859)' *RGDIP* (1910) 737.

[59] For example the series of substantive delves into the practice of specific lawyers, such as that dedicated to Lauterpacht, C Wilfred Jenks, 'Hersch Lauterpacht: The Scholar as a Prophet' [1954] BYIL 1; Sir Gerald Fitzmaurice, 'Hersch Lauterpacht - The Scholar as a Judge. Part I' (1961) 37 BYIL 1; Sir Gerald Fitzmaurice, 'Hersch Lauterpacht - The Scholar as a Judge. Part II' (1962) 38 BYIL 1; Sir Gerald Fitzmaurice, 'Hersch Lauterpacht - The Scholar as a Judge. Part III' (1963) 39 BYBIL 133.

international law.[60] Alongside publications such as the *American Journal of International Law* (AJIL) (1907-present), the *Revue Générale de Droit International Public et Comparé* (1894-present), it is one of the longest running international law journals still in print,[61] informing, being informed, and recounting the lives of several generations of international lawyers. Moreover, as other empirical studies have suggested, British institutions such as the universities of Cambridge and Oxford, as well as the University of London, are occupy an important place among the elite educational centres with significant representation of its faculty and alumni in international institutions and, even more so, the 'international judiciary'.[62] Accordingly, the quintessentially British nature of the *Yearbook* as an institution is not incompatible with and, in fact, is conducive to the understanding of the making of the community of practice under investigation.

We recognise that, despite not made up exclusively of British individuals, our network's reliance on the *Yearbook* privileges the British experience. There are also temporal issues that restrict the breadth of our dataset. By their very nature, obituaries provide evidence of the landscape as it was when the subjects were professionally active. Issues such as the increased institutionalisation of international practice with the proliferation of international tribunals since the 1990s, the specialisation of international legal practice, potential changes in the composition of the invisible college, and the rise of international private practice are likely to be more prominent than our study suggests.

However, we maintain that our analysis contributes to a greater understanding of the internal dynamics of the international legal profession that stand scrutiny and deserve to be publicised. It must not be read in a vacuum, but as a piece of the puzzle of a larger landscape making up the body of literature on the profession, such as network analysis of professional rosters, or histories of sections of the profession.[63] Although these studies provide greater contemporary insight and geographical breadth, they lack information about

[60] Its publication was only interrupted between 1939 and 1944 during the Second World War, Lauterpacht, 'Resumption of the Publication of the BYIL', 21 *BYIL* (1944) iii.

[61] *The Revue Générale de Droit International Public et Comparé* has published some obituaries, but neither consistently nor abundantly. On the history of international law journals, see I. de la Rasilla, 'A Very Short History of International Law Journals (1869-2018)', (2018) 29 European Journal of International Law 137–168

[62] Madsen, 'Who Rules the World ? The Educational Capital of the International Judiciary' (2018) University of California Journal of International, Transnational, and Comparative Law (Forthcoming) , p.1–29,20. Chester Brown, *A Common Law of International Adjudication (2009)*, 230.

[63] On diversity at the international arbitration and the ICJ bar Van Aaken and others, supra note 11; Kumar and Rose, 'A Study of Lawyers Appearing before the International Court of Justice, 1999-2012', 25 EJIL (2014) 893.

informal links amongst international lawyers, such as mentorships, friendships, rivalries, and lines of succession, which are in turn abundant in our dataset. In any event, the aforementioned support, rather than negate, our findings on the lack of diversity in the composition of the college. As such, our work must be read as playful and creative, a 'reliable, not bulletproof[64]' exercise of academic transgression, that allows us to bring to the fore reflections about the personal nature of international legal practice.

The reason for the choice of network analysis as a method for this project was its potential for another angle from which to map the invisible college of international lawyers, thereby demonstrating the inner mechanics of the profession. Conveying the sheer complexity of the relationships between the individual lawyers involved, the nature of their professional involvement, and each individual's professional trajectories poses a seemingly impossible challenge. Narrating the 'lineage' of international lawyers by tracing the relationships within a segment of the group would not only consume the majority of this paper but would do nothing to render visible this invisible college as is the paper's main aspiration. Narration did not do the dataset justice – since this study comprises over 175 lawyers and their respective relationships, apprehended from careful examination of the 58 obituaries[65] depicting only one snippet from this complex web would deprive readers from observing these connections for themselves. Doubtless there are revelations within the dataset which, while fascinating for some, we have had to gloss over. As detailed later, networks are appropriate tools here because they perfectly capture the fluidity of the profession as described by Schachter.[66] They also reveal the degrees of interconnectedness between members of the profession and organise the picture accordingly, reinforcing an understanding of the college as a highly exclusive group whose members share common characteristics.

This having been said, it is important to add a final caveat regarding our methodology. Specifically, our use of methods normally adopted by purely empirical research should not be seen as implying a belief in the possibility of reducing the topic at issue to its quantitative components. Rather, we acknowledge that empirical methods can sometimes import a

[64] Roele (2018)
[65] The dataset only comprises shorter obituaries, excluding larger biographical works such as the extensive works of Sir Gerald Fitzmaurice on Sir Hersch Lauterpacht. Fitzmaurice, 'Hersch Lauterpacht - The Scholar as a Judge. Part I' (1961) 37 *BYIL* 1; Fitzmaurice, 'Hersch Lauterpacht - The Scholar as a Judge. Part II' (1962) 38 *BYIL* 1; Fitzmaurice, 'Hersch Lauterpacht - The Scholar as a Judge. Part III' (1963) 39 *BYIL* 133.
[66] Schachter, *supra* note 9, at 218.

mystique of scientism and capable of persuading us to overlook presumptions and biases through displays of numbers, graphs, facts, and figures.[67] We acknowledge these dangers, and submit that our contribution should be read as a creative and provocative attempt, carried out with the aid of empirical tools, to confront international lawyers with the personal nature of their discipline, and the interconnectedness of its members, rather than the final word on the make up of the 'invisible college'.

B. *Social Network Analysis*

Social Network Analysis 'comprises a broad approach to sociological analysis and a set of methodological techniques that aim to describe and explore the patterns apparent in the social relationships that individuals and groups form with each other'.[68] At the simplest possible level it can be defined as a methodology for the study of relations between specific actors (e.g. individuals) or institutions. SNA is based on network theory, which may be defined as the study of graphs as the representation of relationships (generally, as in our case, dyadic) between discrete objects.

The use of SNA in the social sciences has a long history. Indeed, its potential for highlighting the prominence of certain actors, as well as—and most importantly—latent patterns in the relationships between them, has made it a popular tool for the study of a broad variety of social groups. The use of SNA in law, though, has been more specific. In a first phase, of prolonged success, it has been used for the study of case law.[69] However,

---

[67] Merry, *The Seduction of Quantification* (University of Chicago Press, 2016). See also J. Klabbers, 'Whatever Happened to Gramsci? Some Reflections on New Legal Realism', (2015) 28 Leiden Journal of International Law 469–478 available at: <This article responds to five pieces published in the previous issue of the Leiden Journal of International Law, extolling the virtues of a new legal realism. I first express some doubts as to whether an awful lot can and should be expected from yet another new approach to the study of international law; earlier approaches widely heralded have quietly disappeared from sight, sometimes without leaving much trace. Subsequently, I discuss the extent to which the new international legal realism conceptualizes its notion of empirical reality, followed by a discussion on which interests the new insights spawned by new legal realism are to serve.>

[68] J. Scott, Social Network Analysis (2017).

[69] Fowler and Jeon, 'The Authority of Supreme Court Precedent' 30 Social networks (2008) 16; Neale, 'Citation Analysis of Canadian Case Law' 1 Journal of Open Access to Law (2013) 1; Derlén and Lindholm, 'Goodbye van Gend En Loos, Hello Bosman? Using Network Analysis to Measure the Importance of Individual CJEU Judgments' 20 *ELJ* (2014) 667; Derlén and Lindholm, 'Is It Good Law? Network Analysis and the CJEU's Internal Market Jurisprudence', 20 *JIEL* (2017) 257; Alschner and Charlotin, 'The Growing Complexity of the International Court of Justice's Self-Citation Network', 29 *EJIL* (2018) 83; N. Ridi, 'The Shape and Structure of the 'Usable Past': An Empirical Analysis of the Use of Precedent in International Adjudication', (2019) 10 Journal of International Dispute Settlement 200–247; Ridi, 'Approaches to External Precedent: Invocation of International Decisions in Investment Arbitration and WTO Dispute Settlement' in D. Behn, M. Langford, and S. Gáspár-Szilágyi (eds), *Adjudicating Trade and Investment Law: Convergence or Divergence?* (2018) (in press, on file with the authors.

more recently, different studies have employed SNA to other ends, and specifically to shed light on the social dimension of prominent, but rather secretive, groups of actors having significant influence on certain regimes. Examples may be found in writings of Sergio Puig, who has employed this methodology to uncover the connections between arbitrators in ICSID cases gathering data on arbitral appointments,[70] as well as those of Malcolm Langford and Daniel Behn, who have expanded Puig's analysis to investigate double-hatting in international investment arbitration and draw normative conclusions on the implications of the 'revolving door' phenomenon.[71]

This work differs significantly from the two mentioned above. On the one hand, it explores a much lower number of connections within a smaller pool of individuals. On the other hand, we eschew reliance on official records and sources in favour of material more likely to yield relevant information on the informal connections between the subjects of our investigation. We are less concerned with comprehensiveness in the depiction of the profession and more with unveiling what more formal and structured records cannot. These connections include mentorships, friendships, successions in international institutions and universities, and family ties. The mapping of 'invisible colleges' through the combined use of SNA and informal sources is not unprecedented. On the contrary, similar methodologies have been employed successfully in other areas, including by the sociologist who crafted the term to describe networks of scientists, Diana Crane.[72]

1. Making the most of the network metaphor

The data from the *British Yearbook* obituaries was first organised in a set of two spreadsheets. The first collects the data relating to the 'nodes' of the network, that is to say, international lawyers. Accordingly, we collect their names and relevant characteristics – professional positions they occupied, where they were educated, their affiliations with

[70] Puig, 'Social Capital in the Arbitration Market', 25 European Journal of International Law (2014) 387.
[71] Langford, Behn, and Lie, 'The Revolving Door in International Investment Arbitration', 20 *Journal of International Economic Law* (2017) 301.
[72] On 'invisible colleges' specifically: McMillan and Casey, 'Research Note: Identifying the Invisible Colleges of the British Journal of Industrial Relations: A Bibliometric and Social Network Approach', 45 British Journal of Industrial Relations (2007) 815; Urs and Sharma, 'Making the Invisible Visible through Social Network Analysis', (IEEE 2010); Zuccala, 'Modeling the Invisible College', 57 Journal of the Association for Information Science and Technology (2006) 152. On SNA and professional networks more generally: Lee, 'A Social Network Analysis of the Founders of Institutionalized Public Accountancy', 27 Accounting Historians Journal (2000) 1; McKether, 'Revealing Social Networks In Qualitative Data: An Approach For Increasing Analytic Firepower In Qualitative Data Analysis', Journal of ethnographic & qualitative research (2008) 2; Dhand, Harp and Borgatti, 'Leadership in Neurology: A Social Network Analysis', 75 Annals of Neurology (2014) 342; McAndrew and Everett, 'Music as Collective Invention: A Social Network Analysis of Composers', 9 Cultural Sociology (2015) 56.

professional bodies or academic journals – organizing them in four columns. The first column lists the names of international lawyers, including those whose obituaries were written as well as those of the author(s) of each obituary and the names of people cited in it. An example would be Sir Derek Bowett's obituary: it was written by James Crawford and cited Sir Ian Brownlie as his opponent in many ICJ cases. All three, deceased jurist, obituary author, and relations mentioned in obituary (hence living jurists' presence in the list), were logged in the 'Nodes' spreadsheet. The second column lists the professional roles occupied by the person mentioned. Again for Sir Derek Bowett his roles were of ICJ counsel, Whewell Chair of International Law at Cambridge, barrister, UN Legal Adviser, ILC member, and Academic.[73] A third column lists their year of death (where applicable), whereas the final one lists their membership of organisations if mentioned in their obituary – Derek Bowett was a member of the editorial board of the *British Yearbook of International Law* and of the British Institute of International and Comparative Law (BIICL), and a Fellow of Queens' College, Cambridge.

While these data already provide us with a vast amount of information, SNA allows us to map the connections between international lawyers and to see this information in context. What is more, it is possible to go one step further, by taking advantage of the unique data structure on which SNA is based. Specifically, we go beyond focusing on the 'nodes' only, and we do so by storing relevant information on, and relating to, the 'edges' of the network. Specifically, a second spreadsheet ('Edges') collects the connections between different individuals. However, instead of just containing a long list of binary connections, it also holds elements relating to the *type* of connection between the individuals at issue. This is accomplished by a data structure built around three columns: the first one, entitled 'Source', lists the person whose obituary it was, thus where the information about a certain relationship came from. The second column, entitled 'Target', lists the person who either wrote the obituary or whose name was mentioned therein, and the third and final column, entitled 'Relationship', lists the type of relationship between the person in the first column and the person in the second.[74] We often had to list the same two people twice, if they had

[73] It would have been possible to use distinct columns for every profession, as well as Boolean variables (the possible values amounting to either 'true' or 'false') to log the various affiliations and professional characteristics. However, the comparatively scarce diversity of the international legal profession represents a finding of this study, rather than a premise. Moreover, reliance on the advanced filtering capabilities of NodeXL made one such exercise rather pointless.

[74] The column names could have been different and more expressive, but are just a consequence of the requirements for data import within the software Gephi.

more than one 'Relationship' – for instance, the relationship between Lassa Oppenheim, in the first column 'Source', is listed next to A. Pearce-Higgins as his 'Target' twice: their 'Relationships' are both of 'LSE Successor' as well as 'Whewell Chair Successor'. Other 'Personal Connections' of Oppenheim include Ronald Roxburgh, under 'Mentor', and many others.

2. *Processing the data*

In order to carry out or network analysis and create our visualizations, we used three software packages: Gephi,[75] NodeXL,[76] and Cytoscape.[77] The first is a popular choice among social scientists and digital humanities scholars, by virtue of its open source licensing and its rather powerful statistical and rendering engines.[78] The second is proprietary software which has been developed as an extension of the common spreadsheet software Microsoft Excel. Though not as powerful as Gephi in the rendering department, it can rely on the more advanced filtering features included in Microsoft Excel, which proved helpful for our analysis.[79] Finally, the third is generally used in bioinformatics research for the purposes of visualising molecular interaction. Accordingly, it retains features that do not find much use in mainstream network analysis, but which remain exceptionally useful for our research, such as the ability to display and render parallel edges. This, too, proved beneficial for our approach, allowing us to make sense of the multi-layered relationships linking international lawyers to each other.

The software draws non-directional connections between the people listed in the 'Nodes' spreadsheet following the data structure in the 'Edges' spreadsheet. Taking, for example, the node corresponding to 'Sir John Freeland', we can find information as to its 11 edges (or connections) leading to 11 nodes—though, as explained, the number of connected nodes could be lower than the number of edges, which may describe different types of connections. The connected nodes are: Sir Frank Berman and Sir Michael Wood (Obituary

[75] Bastian, Heymann and, 'Gephi: An Open Source Software for Exploring and Manipulating Networks', 8 International Conference on Web and Social Media Papers (2009), 361.
[76] Smith, M., Ceni A., Milic-Frayling, N., Shneiderman, B., Mendes Rodrigues, E., Leskovec, J., Dunne, C., (2010). NodeXL: a free and open network overview, discovery and exploration add-in for Excel 2007/2010/2013/2016, from the Social Media Research Foundation: https://www.smrfoundation.org.
[77] P. Shannon et al, 'Cytoscape: A Software Environment for Integrated Models of Biomolecular Interaction Networks', (2003) 13 Genome research, 2498–2504.
[78] I.A. Apostolato, 'An Overview of Software Applications for Social Network Analysis', (2013) 3 International Review of Social Research 71–77.
[79] Simply put, the use of the Excel filtering features greatly streamlined the filtering process of nodes having more than one attribute. As this choice worked well in practice, it has not been necessary to use more sophisticated techniques, such as using Boolean data type (*true* or *false*) for each and every potential attribute.

writers), Sir Ian Sinclair (whom he preceded at the FCO), Sir Eric Beckett (his mentor at the FCO), Stephen Schwebel (co-worker at the United Nations), Gerald Draper and Sir David Hughes-Morgan (with whom he worked in the drafting of the 1977 Geneva Conventions), Julio Sanguinetti and Adres Aguillar (with whom he worked in the *Letelier-Moffitt* affair), Sir Vincent Evans (his European Court of Human Rights predecessor), and Rolv Ryssdal (with whom he served as a judge at the European Court of Human Rights).

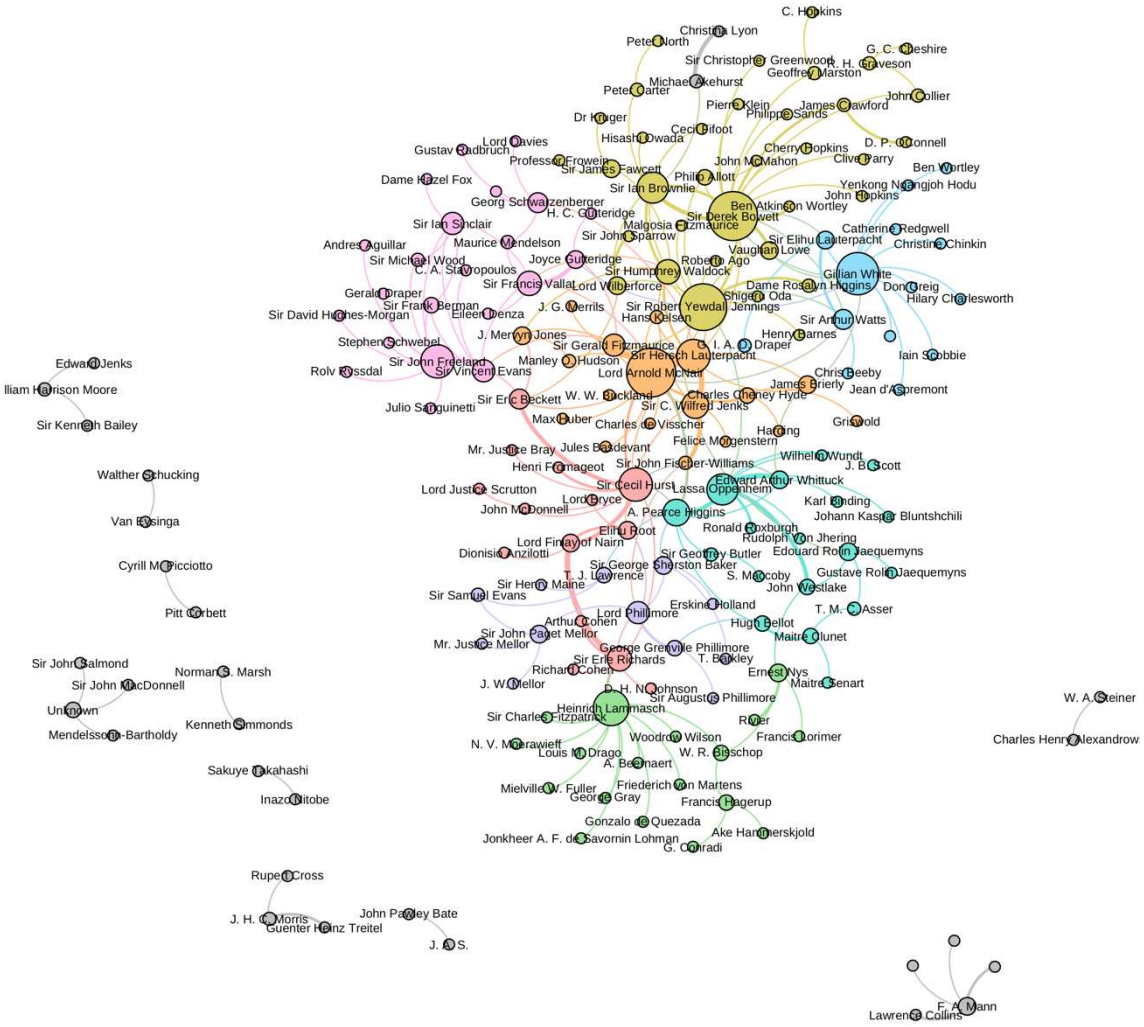


Figure 1: The full network[80]

Id	Label	Characteristics
Sir John Freeland	Sir John Freeland	FCO Legal Adviser | Barrister | Bencher Lincolns Inn | ECHR Judge | IHL Lecturer Navy |

Source	Target	Connection

[80] An interactive version of this graph is available here: https://bit.ly/2WzW4IU.

Sir John Freeland	Andres Aguillar	Co-workers Letelier-Moffitt
Sir John Freeland	Gerald Draper	Co-workers 1977 Geneva Conventions
Sir John Freeland	Julio Sanguinetti	Co-workers Letelier-Moffitt
Sir John Freeland	Rolv Ryssdal	Colleague ECHR
Sir John Freeland	Sir David Hughes-Morgan	Co-workers 1977 Geneva Conventions
Sir John Freeland	Sir Eric Beckett	Mentor
Sir John Freeland	Sir Frank Berman	Obituary writer
Sir John Freeland	Sir Ian Sinclair	Predecessor FCO
Sir John Freeland	Sir Michael Wood	Obituary writer
Sir John Freeland	Sir Vincent Evans	ECHR Predecessor
Sir John Freeland	Stephen Schwebel	Co-workers UN

Figure 2: Sir John Freeland's 'ego network'

3. *Results*

A. *The full picture*

Much can already be grasped from looking at the graph as a whole, without zooming into any specific names or relationships. The complexity of relationships and the interconnectedness of the community stand out, with numerous edges uniting the different nodes. This bolsters the claim that the community of influential international lawyers part of the 'invisible college' is very close-knitted.

Secondly, we can observe that there are certain central figures in the community of British international lawyers – people who are very connected and thus whose influence is perhaps particularly pervasive within the group. The algorithm automatically positions the nodes representing those individuals towards the centre of the graph and creates clusters of other relevant people around them.

As explained above, centrality in the graph is a function of centrality in mathematical – and, specifically, network – terms. Greater interconnectedness means greater centrality, so that 'important' figures gradually shift towards the centre of the graph. We also deployed a simple degree centrality algorithm, which shows the number of connections (incoming and outgoing) of specific nodes. Accordingly, the largest in the graph are the most 'connected' – because they are the ones whose obituaries were richest with citations of relationships to others, and/or who were continuously cited in other obituaries. A good example is Lord McNair. He was the mentor of many international lawyers from Sir Hersch Lauterpacht, to Sir Robert Jennings, to Sir Gerald Fitzmaurice, and was succeeded by Sir Humphrey Waldock at the European Court of Human Rights.

Thirdly, the software automatically organizes clusters according to profession in different areas of the graph, giving their members' nodes different colours according to their modularity class, which parallels the similarity in their career paths. FCO members are quite distinctively at the top right corner of the graph in teal colour, with predecessors, successors and lawyers who were their contemporaries organised around them. Another area densely populated and bunched together is that of academics/ICJ counsel/ICJ judges, in the central area (teal and dark blue). Lord Arnold McNair and Hersch Lauterpacht, for instance, occupy the centre of that area due to their great connectedness. Sir Derek Bowett, Sir Ian Brownlie, and James Crawford are also in that group. The bottom and bottom-right side of the graph is populated mainly by those involved in the setting up and functioning of

the League of Nations. It is the only area of the graph that is mostly non-British; European figures such as Edouard Rolin-Jaequemyns are at its edges and important British and American figures of the time such as Lord Finlay or Elihu Root closer to the centre of the network.

A fourth and final interesting finding is whom the graph shows as outliers – those whose obituaries show no connections to the rest of the international lawyers in the main graph. There we have those whose obituaries appear in very early editions of the *Yearbook*, which did not contain an author, and which are thus left floating in the bottom right hand-side of the figure. The same is true of members of the editorial board or academics that dealt with private rather than public international law, and indeed the only Asian members in the dataset, Sakuye Takahashi and Inazo Nitobé.[81] Takahashi was an important Japanese international lawyer[82] who collected and translated Japanese materials into English, and his obituary writer was a Japanese intellectual and later important figure in the League of Nations. One may infer their lack of connectedness with other members of the profession in the main graph as lessening their prominence within the community. Again, it must be stressed that the community described here is the one resulting from the analysis of the *Yearbook*'s obituaries, with no prejudice to other possible communities that might be reconstructed through different means and sources. Within this community, other individuals may be very well connected, but have lesser prominence due to their connectedness to peripheral, rather than central members—the latter, thus, matter more. A good example is that of Gillian White, who, despite a large number of connections, in our dataset mostly appears as liaising with other women, and not many members who mixed (or who *could* mix) academia with practice.

B. *Professional lineages – Jennings and others as example*

Finally, and perhaps primarily, these obituaries give us a unique glimpse into the personal lives of international lawyers, especially insofar as they tell us about what their personal relationships and liaisons were. These connections are not obvious for those studying international law at the periphery, to whom mainstream scholarship, judgments, or ILC documents are the available windows into international law. Much in the way Anthea Roberts' book *Is International Law International?*[83] made the familiar strange to

[81] Nitobé, 'Sakuyé Takahashi', 2 BYIL (1921) 210.
[82] See more on Takahashi in Lorca, *Mestizo International Law* (CUP 2014).
[83] A. Roberts, *Is International Law International?* (2017)

those at the global 'centre' – i.e. those located in the West –, explaining that different places learn international law from different sources and in different ways, this dataset reminds us that the invisible college is homogenous and self-perpetuating. Although looking at the list of attendants of an international conference, or the composition of the ILC or the ICJ can give us clues about connections between international lawyers, obituaries provide us a richer, personal and first-hand account of the close-knit nature of the profession, revealing professional and even blood-related 'lineages' of international lawyers, allowing us to trace how interconnected the 'college' can be in a personal register.[84]

Stories of personal relationships between members of the profession abound in these materials. In some instances, international law is the family business. Lord Phillimore, for instance, the UK representative in the Advisory Committee of Jurists which drafted the PCIJ Statute, was the son of a prominent judge at the Admiralty Court in the UK which, at that time, were responsible for the majority of the cases with international law elements.[85] The UK considered nominating Phillimore for the PCIJ, but Lord Finlay prevailed. Similarly, Baron Édouard Rolin-Jaequemyns, described by Jenks as being 'born in the purple' due to his international law pedigree, was the son of Gustave Rolin-Jaequemyns. His father created the *RGDIP* and the *IDI* (his obituary reveals that he was present, as a child, at the founding meeting of the *IDI* in Ghent),[86] and he followed his father as an editor of the former and member of the latter. Other examples of family lineages outside the dataset famously include the late Sir Elihu Lauterpacht, son of Sir Hersch Lauterpacht,[87]

[84] They also show the ubiquity of informal networks, revealing the highways along which ideas travel within this community of lawyers. Although it is beyond the scope of this article to make causal claims of how ideas travel within the community, sociological works referred to above show how the connections between professionals can illuminate certain patterns. Saying networks suggest pathways for the movement of ideas is not to say that they necessarily promote the their substantial homogeneity. One need only to think that one of the thickest edges and strongest connections is between Lord Arnold McNair and Sir Hersch Lauterpacht, both whom worked on the Law of Treaties though espousing diametrically opposing views, or that Sir Derek Bowett and Sir Ian Brownlie had parallel professional lives and were deeply connected but reached opposite conclusions on the use of force. Concepts and personal positions may be influenced by strengthening opposition as well as convergence. This is why quantitative work such as ours must be read as supplementing other mapping efforts that employ more traditional sources, such as professional rosters,[84] and citation analysis,[84] as well as qualitative studies that look at the content of certain professional contributions, such as critical histories of the profession[84] and of formal and informal international institutions. On this pont, see Sinclair, To Reform the World: International Organisations and the Making of Modern States (Cambridge University Press, 2017), Scarfi, The Hidden History of International Law in the Americas: Empire and Legal Networks (Oxford University Press, 2017).

[85] On Admiralty Courts/Ecclesiastical Courts and international law practiced by civil lawyers in the UK, see Crawford, 'Public International Law in Twentieth-Century England', in Beatson and Zimmermann (eds), *Jurists Uprooted: German-Speaking Emigré Lawyers in Twentieth Century Britain* (2004), at 685–686.

[86] Jenks, 'Baron Édouard Rolin Jaequemyns' (1937) v. 18, BYIL , p.156.

[87] See E. Lauterpacht, *The Life of Sir Hersch Lauterpacht, QC, FBA, LLD* (Cambridge University Press 2012).

Pierre-Marie Dupuy, Professor at Pantheón-Assas and son of Rene-Jean Dupuy, one of Cassese's 'Five Masters'[88] of international law,[89] and Jules Basdevant, father of the first female *ad hoc* judge before the International Court of Justice, Suzanne Basdevant-Bastid.[90] Suzanne Basdevant-Bastid's daughter, Professor Genevieve Burdeau-Bastid, is an international lawyer and former Secretary-General of the Hague Academy of International Law.

Added to these blood ties are professional ties, formed around prominent scholars or practitioners. A holistic appraisal of these connections paints an intricate but small community, with numerous links and cross-links. To reinforce the point, the following figure focuses in on certain prominent individuals.

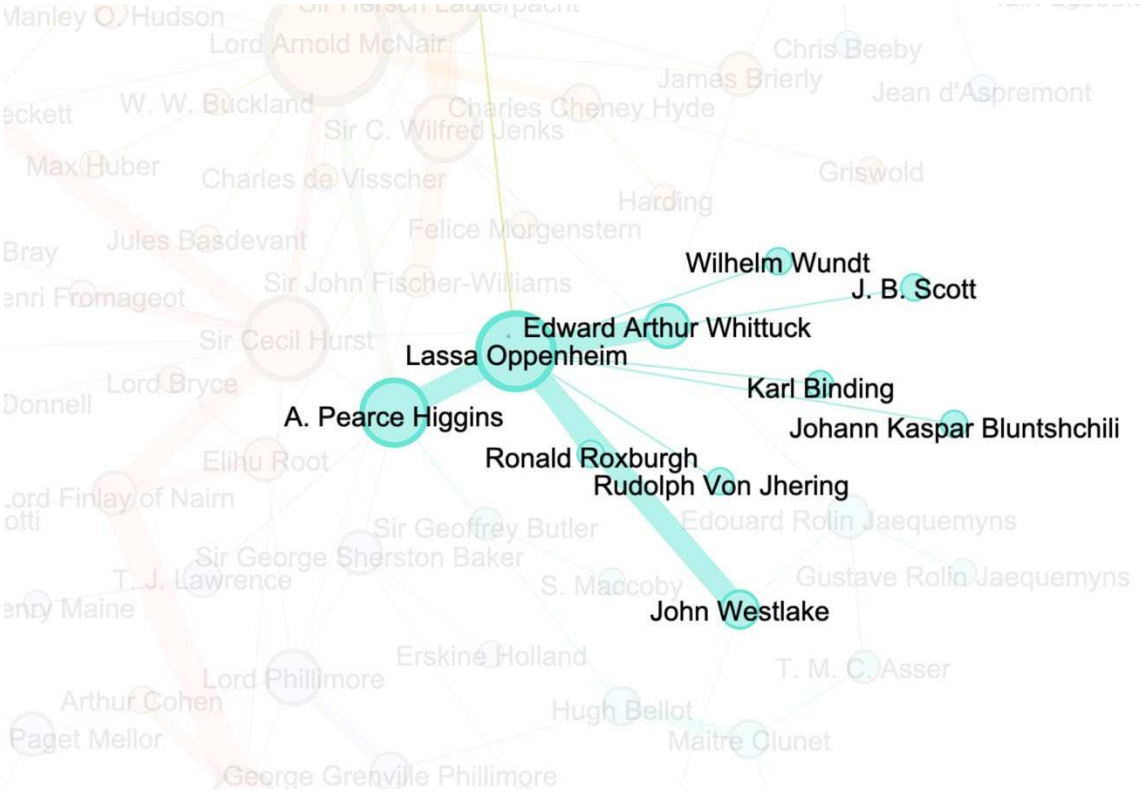


Figure 3: Oppenheim's ego network

[88] See A. Cassese, Five Masters of International Law: Conversations with R-J Dupuy, E. Jimenez de Arechaga, R. Jennings, L. Henkin, and O. Schachter (2011).
[89] Rene-Jean and Pierre-Marie have also acted together as counsel, see for instance *Case Concerning the Frontier Dispute (Burkina Faso/ Republic of Mali)*. See *Frontier Dispute*, Judgment, 22 December 1986, ICJ Reports (1986) 554, at 556.
[90] See Akande, Which ICJ Judges or ICJ ad hoc judge have been the child of an ICJ Judge or ICJ ad hoc Judge? 2011 *EJIL Talk!* < https://www.ejiltalk.org/another-question-on-icj-judges/comment-page-1/> accessed 26 October 2018.

Oppenheim's obituary was published in the first edition of the *Yearbook* in 1920, written by Edward Arthur Whittuck, a Liberal philanthropist[91] who worked in university administration at the London School of Economics (LSE) and was keen on promoting the study of the international law in the UK. He was one of the people responsible for bringing Oppenheim to the country and guaranteeing his first position there – a chair at the LSE.[92] Thereafter, Oppenheim was personally invited by John Westlake to succeed him as the fourth Whewell Chair of International Law at the University Cambridge. During his tenure, he wrote prolifically on matters of international law and worked tirelessly for its dissemination; his seminal *International Law*[93] manual was a game-changer in terms of textbooks in the discipline.[94] The book's clarity and organisation warranted the title of 'the outstanding and most frequently employed systematic treatise on the subject in English-speaking countries.'[95] It was useful for both practitioners and students.[96]

Oppenheim's LSE position was then occupied by Alexander Pearce Higgins, who later went on to follow him as the fifth Whewell Chair in Cambridge.

The study of international law was popularized, fostered and bolstered in the UK by those such as Oppenheim, leading to an increase in the number of members of the profession and subsequent thickening of the ties between them. A good illustration of the phenomenon are the ties between Lord Arnold McNair, Sir Hersch Lauterpacht, Sir Gerald Fitzmaurice, Sir Humphrey Waldock, Sir Robert Jennings, Dame Rosalyn Higgins, Sir Derek Bowett, Sir Ian Brownlie, James Crawford, Vaughan Lowe, and Sir Christopher Greenwood. These individuals held or hold prestigious judgeships and teaching positions in the UK, and obituaries narrate how these positions change hands, often between mentor and mentee, and how close-knit these personal and professional relationships can be.

---

[91] A.P. Higgins & J.L. Brierly, 'Edward Arthur Whittuck', (1924) 1 BYBIL 1–3
[92] A Pearce Higgins and JL Brierly, 'Edward Arthur Whittuck' (1924) v. 1, BYIL , p.1–3.
[93] L. Oppenheim, International Law. A Treatise (1920).
[94] On his role in the development of the discipline, see Kingsbury, 'Legal Positivism as Normative Politics: International Society, Balance of Power and Lassa Oppenheim's Positive International Law', 13 *EJIL* (2002) 401; García-Salmones Rovira, *supra* note 24; Reisman, 'Lassa Oppenheim's Nine Lives', 19 Yale Journal of International Law 1994, 255.
[95] Nussbaum, *A Concise History of the Law of Nations* (New York: The Macmillan Companu, 1947), at 277.
[96] Crawford, 'Public International Law in Twentieth-Century England', in Beatson and Zimmermann (eds), Jurists Uprooted: German-Speaking Emigré Lawyers in Twentieth Century Britain (2004), at 697.

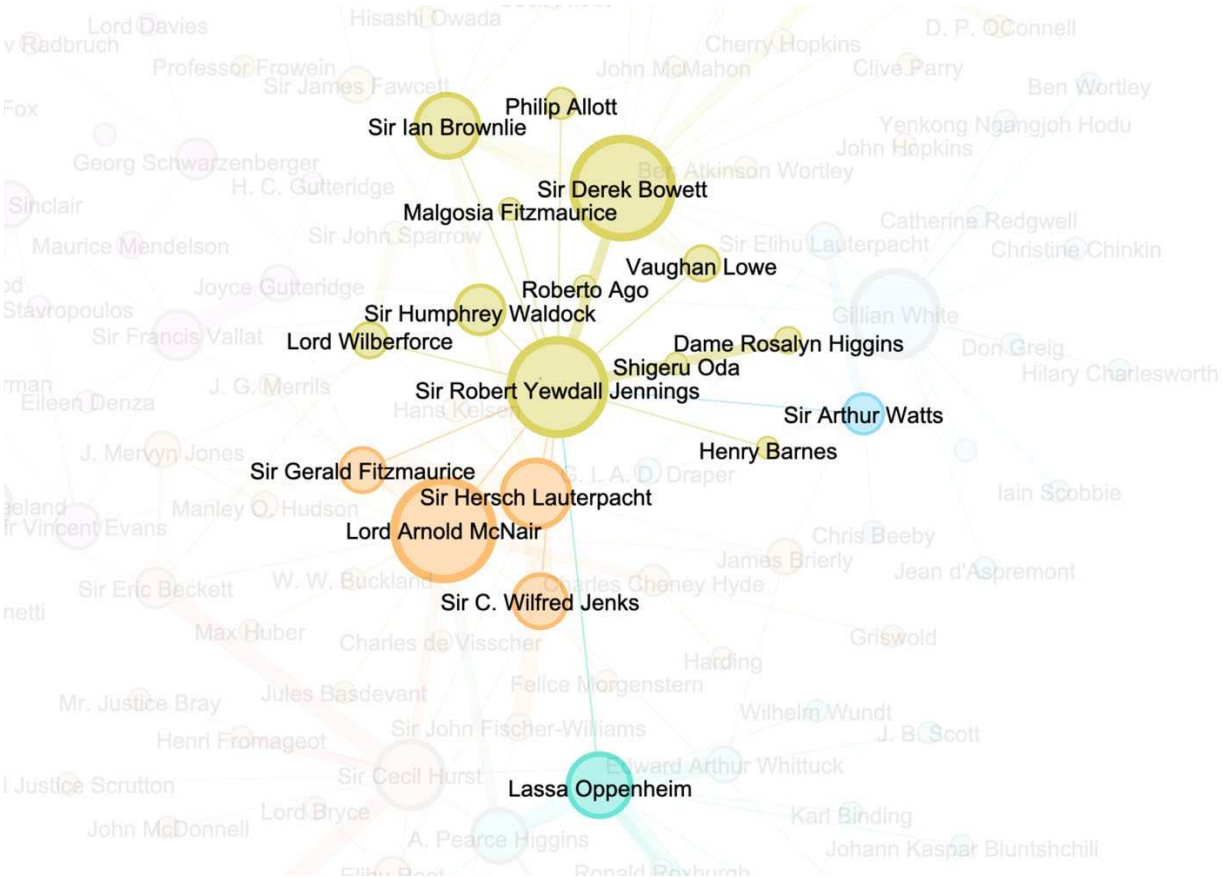


Figure 4: Robert Jennings's ego network

These individuals' careers and personal lives are deeply intertwined. Lord Arnold McNair was educated in Cambridge, and subsequently taught international law at the London School of Economics; during his time at the LSE he updated *Oppenheim's International Law* 4th edition. After publishing his famous *Law of Treaties*, he replaced Pearce-Higgins[97] as the Whewell Chair of International Law in Cambridge, a post which he held for two years before taking up administrative duties at Liverpool. Following Liverpool, McNair was elected as the first UK ICJ judge,[98] moving on to become later the first UK judge and first President of the European Court of Human Rights. McNair became very close to Hersch Lauterpacht, and their relationship was a mix of friendship and professional mentorship.[99] According to Jennings, '(i)t is quite right to couple a recollection

[97] Who, in turn, had replaced Oppenheim.
[98] The UK's last judge at the PCIJ was Sir Cecil Hurst, and Lord McNair wrote his *BYIL* obituary, see Lord McNair, 'Sir Cecil James Barrington Hurst, G.C.M.G., K.C.B., Q.C., L.L.D.', 38 *BYIL* (1962).
[99] McNair also inspired the international law careers of Wilfred Jenks and published alongside Derek Bowett and Arthur Watts. See: Sir Humphrey Waldock, Sir Robert Yewdall Jennings and Felice Morgenstern, 'Clarence Wilfred Jenks', 46 *BYIL* (1972), xi; Crawford, 'Sir Derek Bowett (1927-2009)', 80 *BYIBL* (2010) 1; E. Lauterpacht, 'Sir Arthur Watts (1931-2007)', 78 *BYIBL* (2008) 7.

of Hersch Lauterpacht with Arnold McNair',[100] as '(t)hey became very close friends (…) until Lauterpacht's premature death', and '(Lauterpacht) would have never failed to do anything that Arnold McNair thought important for him to do'.[101] They first became friends during the difficult period after Lauterpacht moved from Austria to the UK,[102] and since then Lauterpacht's career mirrored that of McNair – he succeeded McNair at the LSE, in the Whewell Chair position, and finally at the ICJ, having even moved in with his wife and son to McNair's former home in Cambridge.[103] Lauterpacht's successor at the ICJ was another of McNair's Cambridge pupils, Sir Gerald Fitzmaurice. Fitzmaurice held McNair in high regard,[104] and was also close to Lauterpacht. It was Fitzmaurice in fact who wrote extensively on his Lauterpacht's attitude towards the judicial function in pieces also published in the *British Yearbook*.[105] Fitzmaurice, unlike McNair and Lauterpacht, became a government adviser to the Foreign Office instead of becoming an academic. During Lauterpacht's and Fitzmaurice's time at the ICJ, McNair was a judge at the ECHR, where he was appointed the Court's first president. Upon McNair leaving the ECHR, he was replaced by Sir Humphrey Waldock. Although Waldock's direct relationship with McNair cannot be distilled directly from the *Yearbook*'s obituaries, it can be established that they were members of the same distinguished circle: Waldock held the prestigious Chichele Chair of International Law in Oxford before ascending to the European Court, and his obituary was written by Jennings, McNair's pupil. The absence of connection between these two personalities shows that, although uniquely rich with personal information, obituaries are not foolproof and can be complemented by other biographical sources.

This picture of successions and relations of friendship and mentorship intensifies: Fitzmaurice and Waldock switch seats – Waldock succeeds Fitzmaurice at the ICJ, and Fitzmaurice replaces Waldock as the UK judge at the ECHR.[106] All the while, Sir Robert

[100] Jennings, 'Hersch Lauterpacht: A Personal Recollection', 8 *EJIL* (1997) 301.
[101] Jennings, *supra* note 66, at 301.
[102] Sir Robert Yewdall Jennings, 'Hersch Lauterpacht: A Personal Recollection', (1997) 8 European Journal of International Law 301–304
[103] Jennings, *supra* note 66.
[104] See his obituary of McNair published in the *BYIL* Gerald Fitzmaurice, 'Arnold Duncan Lord McNair of Gleniffer', 47 *BYIL* (1976) xi; Jennings, *supra* note 302.
[105] Fitzmaurice, 'Hersch Lauterpacht: The Scholar as a Judge (Part I)'; Fitzmaurice, 'Hersch Lauterpacht - The Scholar as a Judge. Part II', supra note 38); Fitzmaurice, 'Hersch Lauterpacht - The Scholar as a Judge. Part III', supra note 38); Fitzmaurice, 'Hersch Lauterpacht and His Attitude to the Judicial Function' 50 *BYIBL* (1980) 1.
[106] This is not the only alternation in their careers – Waldock followed Fitzmaurice at the ILC, concluding his colleague's work on the Law of Treaties that led to the adoption of the VCLT.

Jennings takes over as the Whewell Chair at Cambridge, which he held for an impressive 21 years. As Jennings states in his heartfelt homage to Lauterpacht, he drew great inspiration from his two friends, mentors, and Whewell predecessors, McNair and Lauterpacht; he then followed his two mentors' career paths 'to the t'. First a lecturer at the LSE following Lauterpacht while also holding a fellowship at Cambridge, Jennings becomes somewhat unexpectedly[107] Lauterpacht's Whewell Chair successor. After a long career in academia where he published extensively and on occasion practiced on matters of international law, Jennings is then nominated to the ICJ following Waldock's death, leading a long mandate and presidency at the Court until 1995, when he retired.

Jennings' retirement from the ICJ in turn led to the appointment of another pupil who led a similar life to the Court – the first female ICJ Judge, Dame Rosalyn Higgins. Higgins developed a close relationship with Jennings during her time as a student at Cambridge.[108] She practiced at the Bar in international law cases and pleaded before the ICJ following her appointment to the LSE as international law chair, following Jennings. She also maintained very strong personal and intellectual ties to Myres S. McDougal at Yale.[109]

[107] See Sir Elihu Lauterpacht's recollection, Lesley Dingle, 'Sixth Interview (2 April 2008): Sir Eli's Recollections of Some Legal Personalities' (*Eminent Scholars Archive*, 2008) <https://www.squire.law.cam.ac.uk/eminent-scholars-archiveprofessor-sir-elihu-lauterpachtconversations-professor-sir-eli-lauterpacht-0>.
[108] Higgins, 'Sir Robert Yewdall Jennings', 74 *BYIBL* (2005) 1.
[109] See Dingle, 'Dame Rosalyn Higgins Interview (14 March 2014)' (*Eminent Scholars Archive*, 2014) <https://www.squire.law.cam.ac.uk/eminent-scholars-archivedame-rosalyn-higgins/conversation-dame-rosalyn-higgins>.

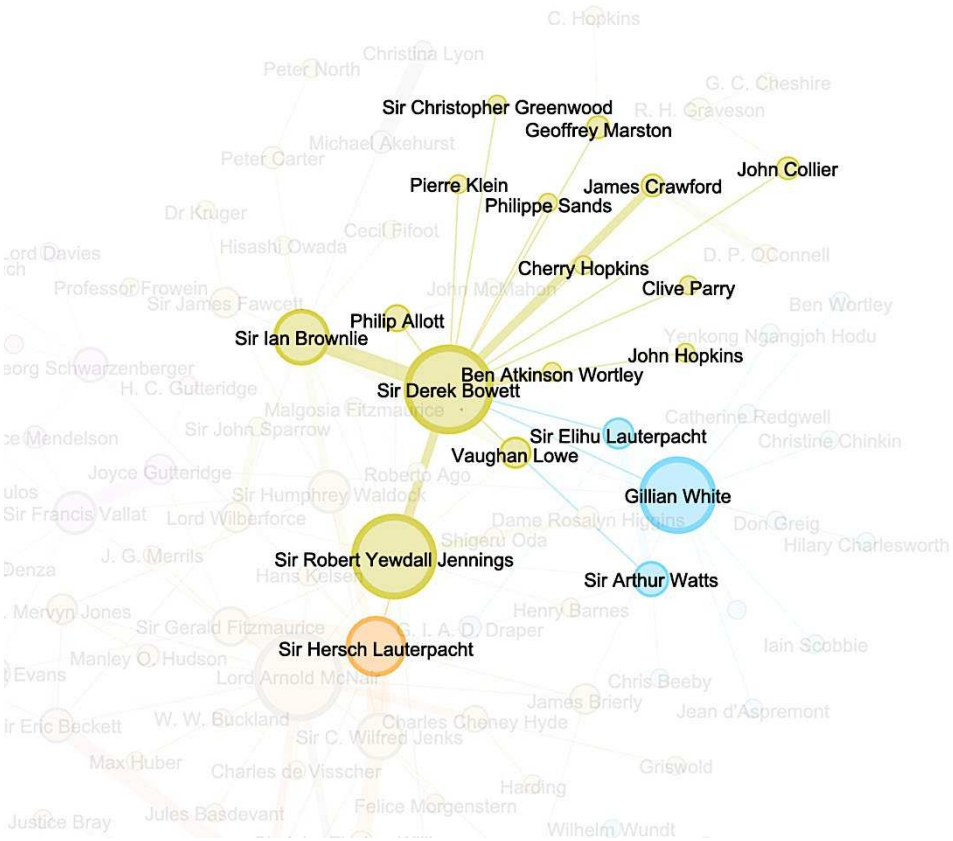


Figure 5: Sir Derek Bowett's ego network

Jennings' Whewell successor was however not Higgins, but another illustrious international lawyer with many similar connections, Sir Derek Bowett. Bowett was encouraged by Sir Hersch Lauterpacht to take up a career in international law during his undergraduate degree at Cambridge, leading him to pursue the then LL.B. in international law, for which he received the prestigious Whewell Scholarship in International Law. He was both academic and practitioner, and his practice grew as international law developed into a more complex and institutionalized system.[110] His career was paralleled by Ian Brownlie's – they wrote and published seminal PhD theses reaching opposing conclusions on the law governing the use of force, often plead against each other at the ICJ and held the equally prestigious international law chairs in the rival institutions of Oxford and Cambridge.[111] While Bowett and Brownlie were active as counsel for the Court, other now prominent ICJ figures began their own careers in practice, notably Sir Christopher Greenwood, Vaughan Lowe, and James Crawford. Lowe followed Brownlie as Chichele

[110] Crawford, 'Sir Derek Bowett (1927-2009)' , *supra* note 65.
[111] Crawford also mentions Bowett's professional Cambridge relationship with other academic/practitioners at the time he held the Whewell Chair, namely Clive Parry, Eli Lauterpacht, Philip Allott, Christopher Greenwood, Vaughan Lowe, John Collier, John and Cherry Hopkins, Geoffrey Marston.

Chair, and appeared extensively before the ICJ. Greenwood practiced and taught at Cambridge and then LSE, being one of the mentees of Sir Elihu Lauterpacht during his Cambridge LL.B..[112] In turn, Crawford, who has had one of the most extensive international law practices in history,[113] was Brownlie's supervisee in Oxford, and now, leaving the Whewell Chair after 21 years, also sits at the ICJ as of 2014 as the Australian judge.

This is a glimpse into the lives of international lawyers and is by no means exhaustive. Yet it provides a sense of the relationship between appointees for prominent teaching positions, legal advisers, and judgeships, as evidence of the 'professional family trees' of international lawyers.

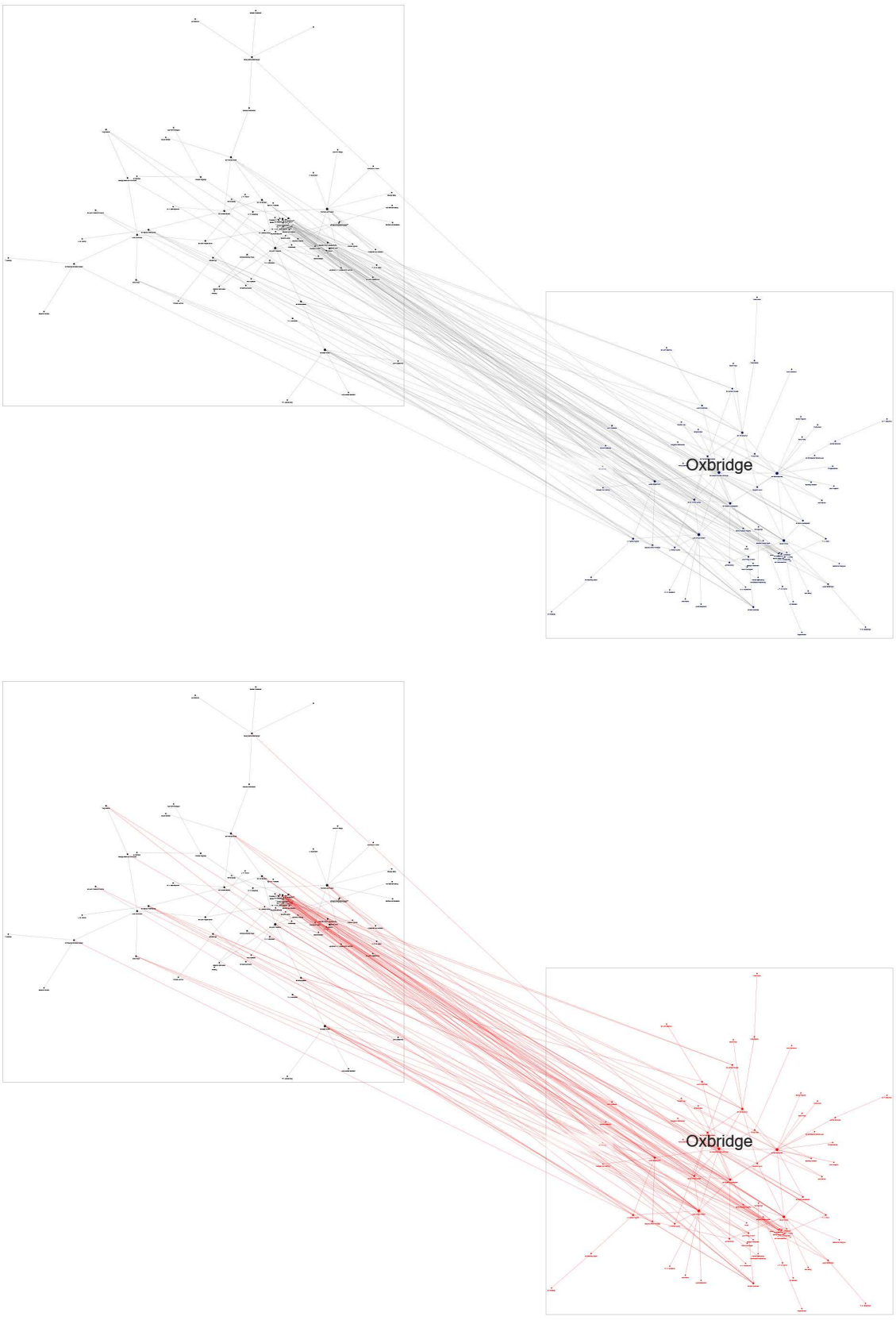
C. *Characteristics – diversity*

Exploring the network also allows us to test hypotheses concerning diversity within the profession. While many of these conclusions can be guessed, especially by those who are at the centre of the community, the dataset turns these guesses into visible pictures for the first time. Under the columns 'profession' and 'organization', we logged the characteristics of the members of the profession who had their lives recounted, who authored obituaries, or who was mentioned therein. This allows us to use these attributes as filters to further clarify the makeup of the community.

Education serves as a paradigmatic example. By filtering the network using the term 'Cambridge', 'Oxford', or use additional operators to show results matching both 'Oxford *and* 'Cambridge', we can see that almost all nodes continue to appear in the graph.

[112] See Sir Christopher Greenwood, 'Sir Christopher Greenwood's Memorial Service Address for Sir Elihu Lauterpacht, CBE, QC, LLD' 14 October 2017 < https://www.squire.law.cam.ac.uk/sites/www.law.cam.ac.uk/files/eli_memorial_service_addresschrisgreenwood.pdf>. He was also instructed by the UK in cases such as *Pinochet* (No. 1) (2000) 1 AC 147 and *Pinochet* (No. 3) (2000) 1 AC 147 (House of Lords) and *Jones v. Saudi Arabia* (2007) 1 AC 270 (House of Lords) before being elected to the ICJ. See Judge Christopher Greenwood's Biography http://www.icj-cij.org/files/members-of-the-court-biographies/greenwood_en.pdf.

[113] See International Court of Justice, 'Judge James Richard Crawford's Biography' (2015) <http://www.icj-cij.org/files/members-of-the-court-biographies/crawford_en.pdf>.



This tells us that as far as education is concerned, the members of the profession whose lives were sufficiently important to be recounted in the *Yearbook*, and thus potentially had

a high degree of influence within the community, are not at all diverse.[114] The second filter used here is that of 'male' and 'female'. The most stunning characteristic is that out of 64 obituaries, only *one* of them was dedicated to a woman until the publication of Gillian White's obituary by Joyce Gutteridge in 2017. Although the male-dominated makeup of the community of international law professionals has been commented upon since the 1990s,[115] it is still shocking that, until 2017, those whose death is worthy of recounting are still so predominantly male. The implications of the lack of gender diversity in the profession is increasingly explored by feminist scholars.[116]

Francis Vallat, whose own obituary mentions his dedication to hiring women in the Foreign Office,[117] is the author of Joyce Gutteridge's Yearbook obituary. She was educated in Oxford and the daughter of Cambridge professor of comparative law, G. H. Gutteridge. Mentored by Sir Gerald Fitzmaurice with whom she came into contact at the legal department during the war years, she began 'her pioneer work as a woman lawyer'. She was the first woman to be appointed Assistant Legal Adviser at the Foreign Office in 1950, and at the time of her retirement, in 1966, she was 'the most senior woman member of the Diplomatic Service' in the UK. Gutteridge experienced difficulties being a woman 'a man's world': had she '*been a man*'[118], Vallat says, she would have been awarded the more prestigious title of CMG rather than CBE for her work at the Foreign Office.

One more woman international lawyer graced the pages of the *Yearbook* in an *In memoriam* in its latest issue: Professor Gillian White. Having studied at King's College London (LL.B.) and attained a doctorate in international law at the University of London, White then became a research assistant to Sir Elihu Lauterpacht in Cambridge, as well as a Fellow at now Murray Edwards College. She then transitioned into a lectureship at Manchester, where she stayed for the remainder of her career. While at Manchester, she became the first female Professor in Law in Mainland Britain. She published a book on the

[114] This is supported by the inquiry made into one specific professional role making up the 'invisible college' cited above Madsen, supra note 35).
[115] Hilary Charlesworth and Christine Chinkin have started the debated in what they have recently described as international law's most glorified footnote, Charlesworth and Chinkin, *supra* note 75.
[116] On international judges, see Grossman, 'Sex on the Bench: Do Women Judges Matter to the Legitimacy of International Courts', Chicago Journal of International Law (2012) 647. On the European Court of Human Rights, see Vauchez, 'More women – but which women? The rule and the politics of gender balance at the European Court of Human Rights' 27 *EJIL* (2015) 195. See on diversity of international practice inclusive of gender Van Aaken and others, supra note 11); Kumar and Rose, 'A Study of Lawyers Appearing before the International Court of Justice, 1999-2012', 25 *EJIL* (2014) 893 (discussing the composition and gender distribution in international arbitration and ICJ representation, respectively).
[117] Mendelson, 'Sir Francis Vallat GBE, KCMG, QC (1912-2008)', 79 *BYIL* (2009) 3.
[118] Vallat, 'Miss Joyce Gutteridge, CBE (1906-1992)' (1992) *BYIL*, xiv, at xv, emphasis added.

use of experts before international courts and tribunals, but her main focus was on international economic law, in which she was one of the pioneers. She maintained a longstanding friendship with aforementioned Joyce Gutteridge, who she often visited in Cambridge.

Two women have contributed by writing obituaries – Rosalyn Higgins, writing about Sir Robert Jennings, and Felice Morgenstern, writing alongside two other international lawyers about Sir Clarence Wilfred Jenks. In Sir Francis Vallat's obituary written by Maurice Mendelson, two women are mentioned as having their careers duly fostered while at the FCO by Vallat, Miss Joyce Gutteridge and Eileen Denza. In Sir Derek Bowett's obituary, Cherry Hopkins is mentioned. Gillian White's obituary mentions, as well as Joyce Gutteridge, Chichele Professor Catherine Redgwell, who was her research assistant,[119] and Professors Hilary Charlesworth and Christine Chinkin whose book *The Boundaries of International Law: A Feminist Analysis* was published under the auspices of the Melland Schill Studies in International Law organised by White.[120] Sir Robert Jennings' obituary mentions Malgosia Fitzmaurice, who edited a book in his honour alongside Vaughan Lowe.[121] The remaining women who are at all mentioned in obituaries are widows, ex-wives, and daughters whose husbands and fathers were eminent members of the profession.

In order to verify the *dedoublement fonctionnel* of international legal professionals, the network can be filtered by professional role, showing the commonalities in career paths of members. If we apply the filter 'ICJ Judge AND ILC member', 5 records out of 180 remain.[122] If we apply the filter 'FCO adviser AND barrister', 15 records out of 180 remain.[123] If we apply the filter 'academic AND barrister', 30 records out of 180 remain.[124]

Additional information is unearthed by filtering the nodes according to nationality. To be sure, the *British Yearbook* is obviously British. Yet, it is possible to observe some

[119] Scobbie, d'Aspremont and Hodu, 'Professor Gillian White (1936–2016)', 86 *BYIL* (2017) 1.
[120] Scobbie, d'Aspremont and Ngangjoh Hodu, *supra* note 81, at 2.
[121] Higgins, *supra* note 73, at 4.
[122] Roberto Ago; Sir Gerald Fitzmaurice; Sir Humphrey Waldock.
[123] J. Mervyn Jones; Joyce Gutteridge; Lassa Oppenheim; Sir Arthur Watts; Sir Cecil Hurst; Sir Christopher Greenwood; Sir Eric Beckett; Sir Frank Berman; Sir Gerald Fitzmaurice; Sir Ian Sinclair; Sir John Fischer-Williams; Sir John Freeland; Sir Kenneth Bailey; Sir Michael Wood; W. R. Bisschop..
[124] Charles Henry Alexandrowicz; D. P. OConnell; Dame Hazel Fox; Dame Rosalyn Higgins; Guenter Heinz Treitel; J. H. C. Morris; John Collier; John Hopkins; John Westlake; Kenneth Simmonds; Lassa Oppenheim; Lord Arnold McNair; Maurice Mendelson; Norman S. Marsh; Peter Carter; Peter North; Philippe Sands; R. H. Graveson; Sir Christopher Greenwood; Sir Elihu Lauterpacht; Sir Erle Richards; Sir Frank Berman; Sir Hersch Lauterpacht; Sir Humphrey Waldock; Sir Ian Brownlie; Sir Ian Sinclair; Sir John Freeland; Sir Robert Yewdall Jennings; Vaughan Lowe; Gillian White.

variation in the nationalities of the international lawyers whose obituaries are published therein.[125] International lawyers not born in Britain but who made their careers therein, such as the towering figures of Lauterpacht[126] and Oppenheim,[127] have been given space in the *Yearbook*, as have a few prominent non-British judges of the World Court[128] and members of the *Institut de Droit International*, such as Édouard Rolin-Jaequemyns,[129] Elihu Root,[130] and Manley O. Hudson.[131] Out of these fourteen non-British international lawyers, however, only four are non-European,[132] and, out of these four, two are from the United States. We also observed greater openness to non-British subjects in the earlier editions of the *Yearbook*.[133] This is unsurprising, and confirms longstanding claims for more diversity: those who are sufficiently memorable to have their deaths reported widely, and thus those whose lives are deemed to have truly influenced the international legal world, are located, first and foremost, in Europe and North America.

Although this glimpse into the lives of international lawyers is by no means exhaustive, it provides a sense of the relationships between appointees for prominent teaching positions, legal adviser roles, and judgeships, as evidence of the professional (and sometimes literal) 'family trees' of international lawyers.

4. *Conclusions*

Using empirical methods, we playfully illuminate an obscure concept that albeit widely utilised is still poorly understood. We were able to produce a graphic representation of a section of the profession containing many insights into the community of international

[125] The obituaries of non-British international lawyers amount to 13 in total: Hugh HL Bellot, 'Obituary - Maître Clunet' 4 *BYIL* (1923) 187; 'Dr. Mendelssohn-Bartholdy', 18, BYIL (1937) 158; Jenks, supra note 37; Waldock, 'Judge Lauterpacht' 35 *BYIL* (1959) vii; Jenks, *supra* note 56; Picciotto, 'Dr. Pitt Cobbett' 1 BYIL (1920), p.235; Nitobé, *supra* note 53; Whittuck, *supra* note 36; Lord McNair, 'Professor Manley Ottmer Hudson' 37 *BYIBL* (1961) 476; Steiner, 'Charles Henry Alexandrowicz 1902-1975' 47 *BYIL* (1975); Van Eysinga, 'Obituary - Walther Schucking' 18 *BYIL* (1937) 155; Bisschop, 'Ernest Nys' 2 *BYIBL* (1921) 205; Bisschop, 'Georges Francis Hagerup', 2 *BYIL* (1921) 207.
[126] Waldock , *supra* note 93.
[127] Whittuck, *supra* note 36.
[128] Bisschop, 'Georges Francis Hagerup', supra note 93); Bisschop, 'Ernest Nys', supra note 93); Eysinga, supra note 93).
[129] Jenks, *supra* note 56.
[130] Jenks *supra* note 37.
[131] Lord McNair, *supra* note 93.
[132] Two US citizens, one Australian, and one Japanese: Elihu Root, Manley O. Hudson, D. P. O'Connell, Sakuyé Takahashi.
[133] Which supports findings such as Dezalay and Dezalay's about the changes in the make up of the international law profession over time Sara Dezalay and Yves Dezalay (contributor), 'Professionals of International Justice: From the Shadow of State Diplomacy to the Pull of the Market for Commercial Arbitration', *International Law as a Profession* (2017).

lawyers. Reliance on the obituaries published in the *British Yearbook of International Law* allowed us to build a dataset that is, despite the abovementioned limitations, both representative of the discipline throughout almost an entire century and rich with evidence on the professional and personal connections between international lawyers, as well as of information about the roles they occupied and educational background. Our network does not purport to be complete, but it sheds light on often invisible aspects of international lawyers' lives that may seem frivolous or obvious to 'members of the club', but that are invisible from the periphery. Perhaps the greatest downside of using obituaries is their (obvious) impossibility to reflect the most current professional trends. This reinforces the need for our study to be complemented by quantitative and qualitative works that use other data, and surveying substantive literature on the international legal profession. The entry of large law firms into international legal practice, for example, has not been captured here but is something to be kept in mind.[134]

Social Network analysis allowed us to map the otherwise anecdotal accounts of an 'invisible college of international lawyers', providing us with novel and robust evidence that (1) that international lawyers constantly transition between professional roles, and (2) that they are a small and tight-knit community (3) composed of white men from the developed world. We accept the persuasive proposition that '(i)nternational law is, if not in whole at least in large part, what international lawyers do and how they think'.[135] We also acknowledge that 'it would be myopic to minimize the influence of national [gender, class, educational background] positions on the views taken by the great majority of international lawyers'.[136] Thus, we must also acknowledge the power of evidence-based approaches for the proper appreciation of the legitimate critiques that call for increased diversity in the profession. Although our approach here privileged the use the networks to illustrate the complexity of career paths and connections between members, this does not mean that our data cannot be used by others to extrapolate on our conclusions. In fact, we hope that it will

[134] As reported in Dezalay and Garth, *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal* Order (University of Chicago Press 1996) and addressed anecdotally in Crawford, 'The International Law Bar: Essence before Existence?' (2013) v. 3, ESIL Conference Paper Series , p.1–12; Crawford, Pellet, Redgwell, 'Anglo-American and Continental Traditions in Advocacy before International Courts and Tribunals' (2013) Cambridge Journal of International and Comparative Law 71.
[135] M. Koskenniemi, 'Between Commitment and Cynicism: Outline for a Theory of International Law as Practice', Collection of Essays by Legal Advisers of States, Legal Advisers of States, Legal Advisers of International Organisations and Practitioners in the Field of International Law (1999) 523.
[136] Schachter, *supra* note 9, at 219.

start a conversation and stimulate similarly disruptive and creative contributions that either use our network, expand upon it, or attempt to rebut our conclusions.