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**ZHURNAL VSHÉ PO MEZSHDUNARODNOMU PRAVU (HSE UNIVERSITY JOURNAL OF INTERNATIONAL LAW): MISSION «UPWARD»**

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It is no secret that it has been a cherished dream of the HSE University international lawyers to launch a scientific journal. A year ago, Professor Daria Boklan infected me with her enthusiasm for having a journal, and it became our shared idea. However, it would never have been implemented without the full support of Vadim Vinogradov, the Dean of the Faculty of Law, and Alexander Larichev, the Deputy Dean for Research, who believed in us even when we ourselves despaired of success. We are sincerely grateful to all members of the Editorial Board and the Editorial Council, who not only trusted us, but supported with great encouragement. Nine authors impressed us with their courage by submitting manuscripts to a newborn journal. The articles as you see them in this issue are a great merit of our reviewers. Some of the reviews and responses to them, in terms of their content and volume, qualify for being independent articles themselves, and only the strict rules of double-blind peer review kept us from publishing this robust academic discussion. For us, this is also a clear sign that the journal has already been 'breathing'. I would also like to express my heartfelt gratitude to the editorial team: Ekaterina Zakharova and Ekaterina Martynova — they are the two 'wings' of our journal: its 'take-off' is the result of their tireless work and unflinching love for flying.

We have chosen a fragment of the painting by Wassily Kandinsky «Upward» as the logo of the HSE University Journal of International Law. The fact that this great abstract artist was a lawyer by education and could well become a professor is common knowledge. That said, this circumstance was far from decisive for us. Our approach both to understanding the essence of International Law itself and to comprehending the processes taking place in it closely echoes the ideas that were embodied by Kandinsky in the language of fine art and in the texts of his theoretical works.

"From the nature of modern harmony," as Kandinsky wrote in 1910, "it results that never has there been a time when it was more difficult than it is today to formulate a complete theory, or to lay down a firm artistic basis."<sup>1</sup> In a similar way, we, international lawyers in the first quarter of the 21st century, stand on the shoulders of great intellectuals who have already proved the futility and illusiveness of building a 'complete' (read: universal and unified) theory.

Our journal will be based on the understanding that the tasks facing the modern science of Public International Law cannot be solved solely through the analysis of international treaties and customary norms and require expansion of the methodological apparatus of scientific research beyond legal formalism. It is this approach that makes it possible to conduct a scientifically based analysis of the complex picture of modern International Law that is constantly in motion. The picture that is formed simultaneously through globalization and regionalization. The picture that consists of a complex and 'live' interaction of pushing and feeding each other, but at the same time often colliding and competing norms: universal, regional, local, national, behind which are values, interests, political and economic processes, states, corporations and, of course, individuals.

The science of International Law is experiencing rapid growth and development due to the rethinking and criticism of its own ontology, as well as the development of the methodological base of scientific research, including recognition of the validity of interdisciplinary approaches based on the provisions of political science, sociology, as well as economics, and the growth of empirical research. It is this approach to the recognition of the plurality of modern scientific theories and methodology that will serve as the basis for filling the journal.

For all the continued importance of positivism, for us, the way out of the self-referential system of International Law is not the destruction of the 'hall of mirrors'<sup>2</sup> filled with postmodern disappointment, but the development of science, academic thinking, and the expansion of opportunities for generating new knowledge about International Law. Based on the multidimensional perception of 'International Law in

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<sup>1</sup> Kandinsky W. *Concerning the Spiritual in Art* / transl. by M. T. H. Sadler. The Floating Press, 2008. P. 97.

<sup>2</sup> D'Aspremont J. *Three International Lawyers in a Hall of Mirrors* // *Leiden Journal of International Law*. 2019. Vol. 32. № 3. P. 367–381.

action', we open the door for those who are ready to conceptualize various processes and phenomena that lie in the vast plane of the 'social fields'<sup>3</sup> of International Law.

Famously, the genius of Kandinsky combined an artistic gift with a philosophical understanding of the creative process and was filled with responsibility and awareness of the artist's humanistic mission. Later, these insights were called the birth of a 'spiritual turn' in painting. "In each picture is a whole lifetime imprisoned", but "Whither is this lifetime tending? What is the message of the competent artist?"<sup>4</sup> asks Kandinsky. This moral compass is more important than ever for International Law and for research about it: behind norms, institutions, relationships, processes, practices and actors, behind the veil of interests, — there are always values. What motivated those who created the norms? Those who use them? Those who conceptualize and comprehend them? Kandinsky answers his own question with the words of composer Robert Schumann: "To send light into the darkness of men's hearts — such is the duty of the artist."<sup>5</sup>

The parallels do not end there. Kandinsky traced "the way to the new art" in "the combination of colour and form", noting that it "lies today between two dangers": "on the one hand is the totally arbitrary application of colour to geometrical form — pure patterning", and "on the other hand is the more naturalistic use of colour in bodily form — pure phantasy."<sup>6</sup> It is difficult not to recognize in this description the dichotomy drawn by Martti Koskenniemi between the *normativity* of the law (which in its extreme form becomes a utopia) and the *concreteness* of the law (this is a manifestation of realism, the derivation of rules exclusively from the behavior of states, leading to an apology for their actions).<sup>7</sup> Critical awareness of the essence of the process of forming the International Law norms and its application by courts and quasi-judicial bodies is the point of departure and the platform that predetermines the contours of the requirements of our journal for future publications.

The HSE University Journal of International Law begins its work and opens the doors to all theorists and practitioners, experienced and young researchers. We are confident that by combining the intellectual efforts of a large team of authors, reviewers and editors, the journal will begin to fulfill its mission from the very first issue — based on a pluralistic picture of scientific theories and methodology of modern International Law, to develop a stereoscopic view of the norms, processes and actors that form modern international legal relations. Let this path be directed, like the painting by Kandinsky: upward!

*Editor-in-Chief*

Prof. Vera Rusinova

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<sup>3</sup> See Fligstein N., McAdam. D. *A Theory of Fields*. Oxford University Press, 2012. P. 8–22.

<sup>4</sup> Kandinsky W. *Op.cit.* P. 26.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.* P. 107.

<sup>7</sup> Koskenniemi M. *The Politics of International Law*. Oxford : Hart Publishing, 2011. P. 38–40.