

# Editorial

## Introducing the Marguerite Wolff Article Prize\*

Over the last decades, the number of journals, edited volumes, and monographs competing for readers' attention has increased almost exponentially.<sup>1</sup> As time is scarce, readers need to make hard choices about what they read. While reputation is likely to persuade readers as well as editors and publishing houses to spend their time with pieces by well-established scholars,<sup>2</sup> early-career researchers find themselves on the receiving end of the system. Thus even outstanding scholarship may pass unnoticed. With a view to increase the visibility of early-career scholars, the ZaöRV/HJIL introduces the Marguerite Wolff Article Prize (MWAP) as of 2025. The Prize aims to honour excellent scholarship published by early-career scholars in the journal.

Peer-reviewed articles in the Journal (German or English) are automatically eligible for the Prize if the author qualifies as early-career scholar, i. e. is a pre-doctoral researcher, doctoral candidate, or postdoctoral researcher (within five years of the defense of the thesis).<sup>3</sup> The Editors of the Journal select the Prize winner on the basis of academic excellence. Prize winners are awarded an Institute grant<sup>4</sup> to conduct a four week research stay at the Max Planck Institute for Comparative Public Law and International Law. The winners will have the opportunity to present their article to staff and visiting researchers of the Institute.

There could hardly be an Issue better suited to announce this Prize than the current one. It is a Special Issue based on a Conference organised by the 'Arbeitskreis junger Völkerrechtswissenschaftler\*innen (AjV)' and the German Society of International Law comprising a selection of articles by early career scholars with different methodological approaches and a wide variety of topics tied together by the overarching theme of international law's cursed relationship with progress. Thus, the Issue itself is a testimony to the Jour-

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\* This prize would have never seen the light of day without the ideas and work of Julia Emtseva, Angelo Golia and Tom Sparks. We are indebted to them.

<sup>1</sup> See Oona A. Hathaway and John D. Bowers, 'International Law Scholarship: An Empirical Study', *Yale J. Int'l L.* 49 (2024), 101-124 (103).

<sup>2</sup> As Hathaway and Bowers demonstrate, the most-cited articles they identify were mostly written by a small number of renowned scholars, see Hathaway and Bowers (n. 1), 122 et seq.

<sup>3</sup> In case of a co-authored piece, both authors must fulfill the criteria.

<sup>4</sup> See for the details on Institute Grants <<https://www.mpil.de/en/pub/research-interaction/visiting-scholars/institute-grants.cfm>>, last access 19 November 2024.

nal's strong commitment to ensure that early-career scholars' research finds a platform.

By naming the Prize after Marguerite Wolff (1883-1964), we underline our commitment to academic excellence while striving to enhance the visibility of scholars historically marginalised. Her work embodies all the qualities of fine scholarship while her biography is a painful reminder of the forgotten role of women in international legal academia: Many readers might be unfamiliar with the name of Marguerite Wolff. Even for those acquainted with the Institute's past, this is a name shrouded in mystery due to divergent accounts of her role and position.<sup>5</sup> Yet all we know about her life and work is a testimony to her lifelong commitment to excellent scholarship, intellectual curiosity, and cosmopolitanism. Born in London to a Jewish-Prussian family, she studied English Literature at Cambridge University. She married a German legal scholar, Martin Wolff, in 1906 and moved to Germany where she stayed until 1933.<sup>6</sup> While not being a lawyer by training, she developed a keen interest in legal academia, e. g. publishing a monograph on the law of the press in the UK.<sup>7</sup> At the heart of her academic *œuvre* was translating between the German and the English legal culture. In both directions (translating German into English and *vice versa*<sup>8</sup>), she excelled in producing context-sensitive translations.<sup>9</sup> Acutely aware of the differences in the legal and academic cultures, her translations ensured the translated piece's relevance for the audience in the other legal culture as reviews on her translations such as the one of Martin Wolff's *International Private Law*<sup>10</sup> testify.<sup>11</sup>

Between 1925 and 1933, when she was dismissed under somewhat unclear circumstances by the institute's director Viktor Bruns,<sup>12</sup> she occupied a

<sup>5</sup> See Gerhard Dannemann, 'Marguerite Wolff at the Kaiser Wilhelm Institute for Comparative Public Law and International Law', <<https://mpil100.de/>>, last access 10 December 2024, doi: 10.17176/20240403-102936-0.

<sup>6</sup> See Marion Röverkamp, *Juristinnen: Lexikon zu Leben und Werk* (1st edn, Nomos 2005), 436 et seq.

<sup>7</sup> Marguerite Wolff, *Das Pressrecht Großbritanniens* (Verlag Georg Stilke 1928).

<sup>8</sup> See for a translation into German Frederick Alexander Mann, *Das Recht des Geldes* (Alfred Metzner 1960).

<sup>9</sup> Dannemann (n. 5).

<sup>10</sup> Martin Wolff, *Private International Law* (Oxford University Press 1945), which saw a second edition in 1950.

<sup>11</sup> Dannemann (n. 5); see John H. C. Morris, 'Private International Law. By Martin Wolff', L. Q. R. 62 (1946), 88-92; see also for another praise of her work Patrick W. Duff, 'Review: Fritz Schulz: Principles of Roman Law. Translated by Marguerite Wolff.', *The Classical Review* 51 (1937), 238 et seq. ('The translator is to be congratulated on her success in a difficult task. Refractory Law-German has been reduced to clear, readable English [...]').

<sup>12</sup> See for a discussion Dannemann (n. 5) (concluding that Marguerite Wolff's dismissal was induced by the racist policies of Nazi Germany).

prominent role within the Institute, especially in its early phase. Most importantly for us, her involvement in the establishment and editing of this journal's very first issues inspired us to name the Prize in her honour.<sup>13</sup> While not formally acknowledged on the journal's title page, the journal could probably not have happened without her. Bruns himself quite openly confessed in the editorial to the journal's first volume how little time he was left for editing the journal.<sup>14</sup>

Given her forgotten role in the formative period of the journal, it is more than fitting that a prize for early-career researchers reminds us of her biography. This is also important in two more ways: Remembering a former member of an institution with a prize always risks uncritically celebrating a 'glorious' past that never was. In the case of Marguerite Wolff, it is rather the opposite: The Prize is about giving credit to a person who has been largely excluded from institutional memory. Awarding a prize in her memory is also about highlighting counter-narratives: The institute was not just male and – rather – conservative, but its intellectual community was also formed by female and more liberal scholars. To be sure, this was a minority, but it reminds us that women also played prominent roles in the development of international legal scholarship. Needless to say, legal scholarship was – and of course still is – also lacking diversity in many other respects.<sup>15</sup> Awarding a prize in Marguerite Wolff's honour reaffirms this Journal's commitment to becoming more inclusive by being a forum for everyone working on topics of international, European and comparative public law.<sup>16</sup> Highlighting Wolff's biography does also not absolve from reckoning with the Institute's history during the Nazi period. Clearly, not all of the Institute's staff were victims of the Nazi regime.<sup>17</sup> Yet, enhancing the visibility of female legal

<sup>13</sup> See Dienstzeugnis for Marguerite Wolff by Victor Bruns, 19 December 1933, APMG, I-1A-3170.

<sup>14</sup> See Viktor Bruns, 'Vorwort', ZaöRV 1 (1929), III-VIII (V); see on this editorial Robert Stendel, 'Editorial', ZaöRV 84 (2024), 1-6 and Robert Stendel, '(Re-)Discoveries in a "Lost" Text: Looking back at the ZaöRV's First Editorial', Völkerrechtsblog, 4 June 2024, doi: 10.17176/20240605-004947-0.

<sup>15</sup> See for German legal academia and practice Michael Grünberger, Anna Katharina Mangold, Nora Markard, Mehrdad Payandeh and Emanuel Vahid Towfigh, *Diversität in Rechtswissenschaft und Rechtspraxis* (Nomos 2021).

<sup>16</sup> See Armin von Bogdandy and Anne Peters, 'Editorial', ZaöRV 81 (2021), 1-6 (6).

<sup>17</sup> See, e.g. the contributions of Carl Bilfinger, 'Die Kriegserklärungen der Westmächte und der Kelloggspakt', ZaöRV 10 (1940), 1-3; Herbert Kier, 'Über die Gestaltung eines Volksgruppenrechtes', ZaöRV 7 (1937), 497-510; Hermann Raschhofer, 'Entwicklung und Funktion des neuen Volksgruppenrechtes', ZaöRV 11 (1942), 418-444; see on Herman Raschhofer: *Samuel Salzborn, 'Zwischen Volksgruppentheorie, Völkerrechtslehre und Volkstumskampf. Hermann Raschhofer als Vordenker eines völkischen Minderheitenrechtes'*, *Sozial.Geschichte* 21 (2006), 29-52.

scholars in the Institute's past resonates well with this Prize's aim of increasing the visibility of early-career scholars. We truly hope that the Prize will fulfill its purpose. We therefore strongly encourage early-career researchers to submit manuscripts within the wider areas of general international law, European Union law, and comparative public law.

*Robert Stendel*