

RESEARCH ARTICLE

Publish (Tweets and Blogs) or Perish? Legal Academia in Times of Social Media

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As President Trump reminds us every day, we live in the era of social media. While legal scholars are busy discussing, rethinking and opening fields of law to accommodate the societal changes triggered by the Internet, they have been rather slow in assessing its potential impact on their own communication and publishing practices. This is a blind spot, which this paper aims to explore. More precisely, this piece argues that blogs and social media are suitable communication means for legal scholarship and provides some pragmatic advice on how to use them. This paper first draws a general sketch of two key transformations in legal scholarship: the transnationalization of legal scholarship and the desacralization of the legal texts. It is argued that they are provoked by the rapid digitalization of our societies and are key drivers of a needed shift in scholarly communication. They constitute the wider backdrop for the analysis in the second and third sections of the function and practice of blogs and Twitter in legal scholarship.

Keywords: Legal Scholarship; Social Media; Transnational law; Globalization; Digitalization; Blogging; Twitter



1 Introduction

As President Trump reminds us every day, we live in the era of social media. He also taught many people a lesson: Twitter is nowadays a powerful megaphone to reach and move an audience. The same had been argued after the Arab spring,¹ but it becomes more tangible when it happens on our political and cultural doorstep.² Blogs and social media (or microblogging) are key features of what is usually known as the web 2.0. They characterise the move from a top-down Internet in which users are mainly passive consumers of websites, to an interactive one in which they become producers of content (be it through videos, texts, or photographs). This transformation is synonymous with household names such as Facebook, Twitter, Snapchat, or Instagram and is affecting the way we communicate in the private and public spheres.

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¹ Manuel Castells, *Networks of Outrage and Hope: Social Movements in the Internet Age* (2nd edn, Polity 2012).

² Reflecting on the role of social media in Trump's election. Cass Sunstein, *#Republic: Divided Democracy in the Age of Social Media* (Princeton University Press 2017).

Surprisingly, while legal scholars are busy discussing, rethinking and opening fields of law to accommodate the societal changes triggered by the Internet,³ they have been rather slow in assessing its potential impact on their own communication and publishing practices. Law and academia are not immune from technological changes; they will be, and already are, affected by the most disruptive innovation in the world of communication since the invention of the printing press.⁴ Other social sciences – which are probably better placed methodologically to address this impact – have started informative discussions on the Internet's effect on the academic field.⁵ While on the other side of the Atlantic, attention has gone into the question of the future of legal scholarship in the digital age,⁶ much of these debates remain hidden in American journals and hardly cross the pond. This is a blind spot, which this paper seeks to explore. More precisely, this paper argues that legal scholarship will have to rely more on blogs and other social media platforms as alternative communication means. Moreover, this paper provides some pragmatic advice on how to use such communication means.

This paper builds on my personal experience using blogs⁷ and Twitter⁸ in the framework of my research. It first draws a general sketch of two key transformations of legal scholarship fueled by the rapid digitalization of our societies: the transnationalization of legal scholarship and the desacralization of the legal texts. These transformations are the key drivers of a needed shift in scholarly communication. This will constitute the wider backdrop for my analysis in the second and third sections of the function and practice of blogs and Twitter in legal scholarship. Legal academic blogs have started to mushroom in the last five years. This expanding practice needs to be better understood and supported. Therefore, the second section highlights the advantages of the use of blogs, some of the practical challenges faced by academic bloggers, and potential strategies to tackle them. It answers questions such as why, if at all, should a legal scholar blog? What is the impact of blogging? What challenges does it bring with it? More recently, legal academics have also entered the fray of social media (or microblogging) on Twitter, Facebook or LinkedIn where they take part in a multitude of ephemeral discussions relating to their personal and professional interests. Twitter, which this paper focuses on, is a digital public space where relatively narrow academic or policy debates between scholars can reach a massive audience through an almost uncontrollable social megaphone. This paper aims to showcase the value of tweeting for legal scholars and provide concrete recommendations to do so.

Overall, the transformations that are being depicted here raise important questions related to the way we communicate about our work. Should legal scholars be encouraged to share their views on social media? If social media and blogging become central to our way of communicating our ideas and opinions, should we not invest more resources in improving the quality of our digital communications? Alternatively, is the use of blogging and social media just a futile loss of precious research time? This paper aims to offer some answers to these questions.

³ Lawrence Lessig, 'The Path of Cyberlaw' (1995) 104 *The Yale Law Journal* 1743.

⁴ I have drawn many of the insights collected in this article in the extremely rich and prescient scholarship of Katsh. M Ethan Katsh, *The Electronic Media and the Transformation of Law* (Oxford University Press 1989) and M Ethan Katsh, *Law in a Digital World* (Oxford University Press 1995). On the impact of the emergence of video recording on the law, Ronald Collins and David Skover, 'Paratexts' (1992) 44 *Stanford Law Review* 509. See also Richard J Ross, 'Communications Revolutions and Legal Culture: An Elusive Relationship' (2002) 27(3) *Law & Social Inquiry* 637; Paul Douglas Callister, 'Law's Box: Law, Jurisprudence and the Information Ecosphere' (2005) *UMKC Law Review* 263; Peter M Tiersma, *Parchment, Paper, Pixels: Law and the Technologies of Communication* (The University of Chicago Press 2010).

⁵ The online clearinghouse for these debates is the LSE Impact Blog <<http://blogs.lse.ac.uk/impactofsocialsciences/>> accessed 22 April 2018. See also Christine L Borgman, *Scholarship in the Digital Age: Information, Infrastructure, and the Internet* (The MIT Press 2007); Michael Nentwich and René König, *Cyberscience 2.0: Research in the Age of Digital Social Networks* (Campus Verlag/The University of Chicago Press 2012); Sönke Bartling and Sascha Friesike, 'Towards Another Scientific Revolution' in Sönke Bartling and Sascha Friesike (eds), *Opening Science* (Springer 2014).

⁶ See already more than 20 years ago Bernard J Hibbitts, 'Last Writes? Reassessing the Law Review in the Age of Cyberspace' (1996) 71 *New York University Law Review* 615; Robert C Berring, 'Legal Information and the Search for Cognitive Authority' (2000) 88 *California Law Review* 1673.

⁷ The Asser International Sports Law Blog <<http://www.asser.nl/SportsLaw/Blog/>> accessed [16 February 2018]; and Doing Business Right Blog <<http://www.asser.nl/DoingBusinessRight/Blog/>> accessed 16 February 2018.

⁸ I am present on twitter under two institutional accounts @Sportslaw_Asser and @Doinbizright, and a personal account @Ant1Duval.

2 Internet's Role in Transforming Legal Academia: Transnationalization and Desacralization

Before tackling the concrete practice of blogging and social media, this section first outlines two transformations of legal academia that have been reinforced by the Internet. The hypothesis is that these transformations are fundamentally affecting our scholarly communication. For the purpose of this article, this paper conflates the concepts of doctrine, legal scholarship and legal academia.⁹ The contribution of legal scholars is not mainly to describe the existing law or systematize it, instead their writings are influential in the various law-making processes.¹⁰ In this context, legal scholars do not act in isolation, but are ensconced in a complex professional field (including other scholars, judges, lawyers, legal counsels etc.) with whom they are in constant communication.¹¹ Due to the rise of the Internet, it is argued here that this field is in the process of transnationalization and that the specific authority and role of legal scholars is being reconfigured to account for their loss of sovereignty over the texts of the law.

2.1 Law Without Borders: Towards Transnational Legal Scholarship?

In the pre-Internet era, legal academia and publishing was completely different in terms of its territorial scope and main interlocutors in comparison to today. It was primarily local and embedded within a bounded geographical context that was defined by the limited availability of legal texts. Surely scholars and their publications could reach across borders, but this remained rare and challenging, especially compared to the ease with which ideas now travel through the Internet. Moreover, it was much more difficult for a foreign scholar to relate to the local discourse and context in which a particular scholarly contribution was necessarily anchored. In short, the overwhelming majority of academics were writing for their own local community.¹² Ironically, this has recently been highlighted as being true even of legal scholars specialized in international law or European Union (EU) law.¹³ If goods and people were moving freely before the rise of the Internet, the unhindered transnational flow of ideas and publications around the globe only became possible after the rise of the Internet.¹⁴ Although, the ability to access foreign legal documents and scholarly work is still hindered by linguistic barriers, it has tremendously improved. This is nothing new for young scholars who have grown up with the Internet. Nonetheless, this progressive change is necessarily affecting academia and legal academia in particular.¹⁵ This is because legal academia was (and still often is) extremely parochial in terms of research object as well as primary target users of the knowledge produced.¹⁶

⁹ Several scholars have worked on these differences. See Philippe Jestaz and Christophe Jamin, 'The Entity of French Doctrine: Some Thoughts on the Community of French Legal Writers' (1998) 18(4) *Legal Studies* 415; Christophe Jamin and Philippe Jestaz, *La doctrine* (Daloz 2004). In general, on the influence and function of legal scholarship, Neil Duxbury, *Jurists and Judges: An Essay on Influence* (Hart Publishing 2001); William Twining and others, 'The Role of Academics in the Legal System' in Mark Tushnet and Peter Cane (eds) *The Oxford Handbook of Legal Studies* (Oxford University Press 2005); and Fábio P Shecaira, *Legal Scholarship as a Source of Law* (Springer 2013).

¹⁰ The influence of legal scholarship on the reasoning of courts is supported (for France, the US, and the UK) by Duxbury (n 9). On the role of scholarly authority in the argumentation of courts, see Fábio P Shecaira, 'Legal Arguments from Scholarly Authority' (2017) 30(3) *Ratio Juris* 305; Fábio P Shecaira, *Legal Scholarship as a Source of Law* (Springer 2013), 87: '[...] if judges systematically heed that scholar's contributions and let themselves be guided by them (in the belief that they ought to let themselves be guided by them), then that scholar will effectively be contributing to the creation of new law.'

¹¹ Pierre Bourdieu, 'The Force of Law: Toward a Sociology of the Juridical Field' (1987) 38 *The Hastings Law Journal* 805.

¹² For Pierre Legrand the locality of the law remains insurmountable. Pierre Legrand, 'Against a European Civil Code' (1997) 60(1) *The Modern Law Review* 44. However, this is not necessarily contradictory to the emergence of a transnational legal scholarship engaging with the various localities of the law and in turn affecting local meanings through this engagement.

¹³ For international law, Anthea Roberts, *Is International Law International?* (Oxford University Press 2017). For EU law, Daniel Thym, 'The limits of transnational scholarship on EU law: A View from Germany' (2016) EUI Working Paper LAW 2016/14 <http://cadmus.eui.eu/bitstream/handle/1814/40824/LAW_2016_14.pdf?sequence=1&isAllowed=y> accessed 16 February 2018.

¹⁴ Undoubtedly, the speed of the flow varies depending on where (and who) one is around the globe (this is often referred to as the digital divide), and its freedom as well. Access to the Internet is far from uniform and remains a source of great inequality.

¹⁵ A transformation anticipated more than 20 years ago by Katsh who has stated 'The most public and, in all likelihood, the most significant change thus far has occurred with networking and the ability to interact with and form new spaces that include persons who are widely separated by distance'. Katsh (n 4).

¹⁶ Roberts (n 13) shows that legal scholarship (in international law) is still nowadays very much segmented on a territorial (and cultural/linguistic) basis. Yet, this is potentially a consequence of the delay in translating the ubiquity of transnational engagement in legal textbooks. In any event, the comparative international law project in itself is a byproduct of the easy access to worldwide legal scholarship enabled by the Internet and an illustration of the transnationalization of legal scholarship. Indeed, more than harmonization or unification, it is engagement and exchanges that better characterize this transnationalization.

How did this transnationalization happen? Google did it!¹⁷ While it took maybe a decade or so for scholars and institutions in Europe to get used to the Internet and its communicative potential, the rise of Google as an almighty and at the same time extremely simple search engine has helped to dramatically shrink the distances between legal scholars.¹⁸ It has enabled a rising number of scholars (in particular English speakers) to exchange ideas and writings on a daily basis. Through blogs and public repositories such as the Social Science Research Network (SSRN), we can ensure that our research becomes accessible to many at little cost. It remains possible to refuse transnational engagement and to reject “the academic other”, but scholars (and scholarly communities) doing so are at risk of quickly losing relevance as no legal field is spared from the influence of transnationalization. This on-going transformation is felt, analyzed and welcomed by some authors.¹⁹ The emergence of concepts such as transnational legal scholarship or global legal scholarship is a direct testimony to its reality,²⁰ and so are the rich debates and innovations on transnational legal education.²¹ Law faculties across the globe are increasingly focusing on ‘[...] building a legal mind for a transnational world’²² and on training the “jurist in a global age”.²³ Arguably, the growing scholarship advocating the investigation of law from a transnational or global vantage point is also a reflection of this shift.²⁴ While the territorial differentiation of the legal field is not yet history (institutional, cultural and linguistic barriers are keeping it alive), the sharp frontiers of the past are progressively turning into extremely interactive and fluid marches. This necessarily impacts the way legal scholars communicate their ideas and exchange arguments. Our academic public, which used to be (with notable exceptions confirming the rule) primarily a national one, is now scattered across the globe,²⁵ while the legal professionals shaping the practice of the law are less and less found in the *national* political, administrative and/or legal communities, and are instead slowly constituting *transnational* political, administrative and/or legal fields.²⁶ Hence, in order to be read by the audience that matters to the diffusion and influence of our academic work, we need to adapt

¹⁷ Solum believes that ‘Google is the driving force for the disintermediation of legal scholarship. [...] The combination of Google with open access is incredibly powerful, because it allows for a ‘direct connection’ between authors and readers’. Lawrence B Solum, ‘Download It While It’s Hot: Open Access and Legal Scholarship’ (2006) 10 *Lewis & Clark Law Review* 841, 858.

¹⁸ On the specific function of Google in Cyberscience 2.0, see Nentwich and König (n 5) 113–142. On the non-neutral gatekeeping function of search engines to access knowledge, see Eric T Meyer and Ralph Schroeder, ‘The world wide web of research and access to knowledge’ (2009) 7(3) *Knowledge Management Research & Practice* 218.

¹⁹ Armin von Bogdandy has been advocating strongly for a ‘European academic *community*’. Armin von Bogdandy, ‘The Past and Promise of Doctrinal Constructivism: A Strategy for Responding to the Challenges Facing Constitutional Scholarship in Europe’ (2009) 7(3) *International Journal of Constitutional Law* 364; Armin von Bogdandy, ‘National Legal Scholarship in the European Legal Area—A Manifesto’ (2012) 10(3) *International Journal of Constitutional Law* 614, 625–626. The German Council of Science and Humanities recommends that ‘German legal scholarship needs to become more international both on the level of research itself and in terms of its academic personnel.’ German Council of Science and Humanities, *Prospects of Legal Scholarship in Germany: Current Situation, Analyses, Recommendations* (Recht im Kontext (Wissenschaftskolleg zu Berlin/Institute for Advanced Study) 2012) 14.

²⁰ Thomas Duve, ‘Transnationalization of Law and Legal Scholarship: Intellectual and Institutional Challenges’ (2016) 44(1) *International Journal of Legal Information* 28; Pierre Larouche, ‘A Vision of Global Legal Scholarship’ (2012) 17(2) *Tilburg Law Review* 206; Vanisha H Sukdeo, ‘Global Legal Scholarship and Interdisciplinarity’ (2013) 4(4) *Transnational Legal Theory* 639; and Morag Goodwin, ‘Embracing the Challenge: Legal Scholarship in a Global Era’ (2013) 4(4) *Transnational Legal Theory* 686. In general, see William Twining, *Globalisation and Legal Scholarship* (Wolf Legal Publishers 2011).

²¹ Christophe Jamin and William van Caenegem (eds), *The Internationalisation of Legal Education* (Springer 2016); Pascal Ancel and Luc Heuschling (eds), *La Transnationalisation de L’enseignement du Droit* (Larcier 2016); Carel Stolker, *Rethinking the Law School* (2014) Cambridge University Press 101–109. See also the special issue of the *German Law Journal*, ‘Following the Call of the Wild: The Promises and Perils of Transnationalizing Legal Education’, 10 *German Law Journal* 1291.

²² Jaakko Husa, ‘Comparative Law in Legal Education – Building a Legal Mind for a Transnational World’ (2017) *The Law Teacher* <<https://doi.org/10.1080/03069400.2017.1340532>> accessed 16 February 2018.

²³ Neil Walker, ‘The Jurist in a Global Age’ in Rob van Gestel, Hans-W Micklitz and Edward L Rubin (eds), *Rethinking Legal Scholarship: A Transatlantic Dialogue* (Cambridge University Press 2017).

²⁴ Much of this scholarship is hosted by *Transnational Legal Theory*, a journal launched in 2010.

²⁵ There are limitations to the transnationalization of legal scholarship. It is premised on an easy access to the Internet and the ability to engage work in a foreign language (mainly English), thus restricting substantially the range of potential interlocutors. It concerns primarily academics located in the developed or western world and is fundamentally unequal.

²⁶ Sociologists have identified the rise of transnational communities or fields since the mid-90s. On the European legal field; Daniel Kelemen, *Eurolegalism: The Transformation of Law and Regulation in the European Union* (Harvard University Press 2011); Antoine Vauchez and Bruno de Witte (eds), *Lawyering Europe: European Law as a Transnational Social Field* (Hart 2013). On the emergence of transnational legal fields; Yves Dezalay and Bryant G Garth, *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order* (The University of Chicago Press 1996); Yves Dezalay and Bryant G Garth (eds), *Lawyers and the Construction of Transnational Justice* (Routledge 2012); and Niilo Kauppi and Mikael Rask Madsen (eds), *Transnational Power Elites: The New Professionals of Governance, Law and Security* (Routledge 2013).

our scholarly communication to reach them. The emphasis must be on the frictionless accessibility to our writings and on transnational modes of engagement with our respective audience.

2.2 The Desacralization of Legal Texts: The Shifting Authority of Legal Scholarship

The second transformation caused by the Internet is the loss of scholarly sovereignty over legal texts. Legal scholars are traditionally the guardians of sacred legal texts (be they laws, rulings, or legal scholarship).²⁷ They were, until the coming of age of the Internet, sovereign over access to the fetishized, and neatly hierarchized, sources of law.²⁸ Here again, it is difficult for someone growing up with open access web databases hosting all available laws and often (though not always) case law in a particular legal system to imagine how difficult finding a particular legal text might have been before the Internet – let alone the difficulty of accessing an academic book or journal published a few hundred times only.²⁹ This was still the case not more than twenty years ago. Access to legal texts and academic material was much more difficult and costly (in time and money) than today.³⁰ Thus, the prestige of legal academics was a function of the depth of their personal access to a wide range of references. The finest legal scholars were gifted with unmatched memories and systematic hoarders of legal texts. To be sure, legal databases appeared before the Internet, but they were still relatively exclusive tools, reserved for the lucky few.³¹ The development of a fairly quick transport infrastructure did reduce the time needed to obtain a particular book or journal and to diffuse legal texts, but this modest acceleration is dwarfed by the speed of the Internet. Nowadays, everybody can find legal texts on the Internet via a search engine.³² Surely, not all decisions of all courts around the world are accessible online – far from it – but more and more are.³³ There is rear-guard resistance, with some academic publications still appearing only in print and many more being sheltered behind paywalls, but these are anachronistic remnants of obsolete practices.³⁴ It is indeed “[...] a foregone conclusion that [whereas] the “era of paper journals is coming to an end””,³⁵ the era of online open access is beginning.³⁶ The precious monopoly over the textual sources of the law is lost and with it the traditional method of the classical legal

²⁷ For example Bourdieu considers that ‘The juridical canon is like a reserve of authority providing the guarantee for individual juridical acts in the same way a central bank guarantees currency.’ Bourdieu (n 11) 823.

²⁸ In fact, ‘law is a process that cannot function if there is no restriction on the acquisition of information and no means for organizing and regulating the information that is acquired.’ Katsh (n 4) 268. Berring has also stated that ‘One of the major features of legal information in the twentieth century has been the deeply rooted and stable array of cognitive authorities.’ Berring (n 6) 1676.

²⁹ ‘Open access is important because it reduces the cost of legal scholarship to readers. In the old world, you had to go to the library, get the volume of the law review off the shelf, and make a photocopy. That was costly.’ Solum (n 17) 856.

³⁰ This is exemplified by a personal anecdote recalled by Carel Stolker on the difficulty of finding sources for his own PhD research: ‘To collect the publications and the case law I needed, I had to physically travel, as scholars have always done, to locate the materials I wanted. In England, I remember the Oxford camp site, from which I left for the library at 8 a.m. To acquire German literature, I went to Münster, just across the Dutch border, and to the Sorbonne for French sources. Gaining access to US sources was a more time-consuming and expensive adventure. Although Oxford had the main collections of American case law, there were some reviews to which I could only get access from the US. I had to send a letter to the Library of Congress in Washington, which took three weeks or so including the payment process. The documents they sent often referred me to other documents, and I then had to go through the same lengthy and laborious process to obtain them. This is how research used to work, only a few decades ago’. Stolker (n 21) 232.

³¹ Katsh has analyzed the changes induced by the introduction of legal databases. Katsh (n 4).

³² Berring has anticipated this development. Berring (n 6) 1706. See also Ellie Margolis, ‘Authority Without Borders: The World Wide Web and the Delegalization of Law’ (2011) 41 Seton Hall Law Review 909. This brings new challenges, such as how to improve “information literacy”. Ellie Margolis and Kristen E Murray, ‘Say Goodbye to the Books: Information Literacy as the New Legal Research Paradigm’ (2013) 38 University Dayton Law Rev. 117.

³³ This dynamic is driven by a strong open access to law movement. Michael W Carroll, ‘The Movement for Open Access Law’ (2006) 10(4) Lewis & Clark Law Review 741; Graham Greenleaf, ‘The Global Development of Free Access to Legal Information’ (2010) 1(1) European Journal of Law and Technology. It is even claimed that the right of public access to legal information is a human right. Leesi Ebenezer Mitee, ‘The Right of Public Access to Legal Information: A Proposal for its Universal Recognition as a Human Right’ (2017) 18(6) German Law Journal 1429.

³⁴ Our Russian colleagues of the Sci-Hub are lifting paywalls across the board and paving the way for open access. Alex Holcombe and Mark C Wilson, ‘Fair Open Access: Returning Control of Scholarly Journals to Their Communities’, *LSE Impact Blog* (2017) <<http://blogs.lse.ac.uk/impactofsocialsciences/2017/10/23/fair-open-access-returning-control-of-scholarly-journals-to-their-communities/>> accessed 16 February 2018. In other words, pay walled peer-reviewed journals are ‘[...] dinosaurs. Magnificent beasts, to be sure. But they will evolve or become extinct.’ Solum (n 17) 850.

³⁵ Jean D’Aspremont and Larissa van den Herik, ‘The Public Good of Academic Publishing in International Law’ (2013) 26 Leiden Journal of International Law 1.

³⁶ James M Donovan and Carol A Watson, ‘Citation Advantage of Open Access Legal Scholarship’ (2011) 103(4) Law Library Journal 553. In general, on the open access movement in law Carroll (n 33); Richard A Danner, ‘Open Access to Legal Scholarship: Dropping the Barriers to Discourse and Dialogue’ (2012) 7(1) Journal of International Commercial Law and Technology 65.

scholar, as well as much of her source of authority.³⁷ Being sovereign over the legal texts enabled scholars to rely on their main comparative advantage: their ability to refer to almost inaccessible textual sources and claim authoritative knowledge of the law when making their arguments.³⁸ This time has passed.³⁹ With its demise comes an impressive wave of methodological soul-searching in legal scholarship.⁴⁰ The time spent before the Internet in a quixotic quest to hoard texts has been freed for more exotic methodological experiments.⁴¹ Much of the contemporary turn to empirical methods (be they rooted in sociology, anthropology, economics or history) is probably contingent on this liberation. Simultaneously, the easy access to more and more legal information and academic material, has also forced legal scholars to find new ways to differentiate their work from well-informed contributions by laymen. Having recourse to more sophisticated “scientific” methods is then a novel strategy to shore up scholarly authority in the legal field. In turn, this transformation has profoundly affected the argumentative practice of legal scholars and lawyers, who are forced to argue differently to convince their interlocutors. The ubiquity of argumentative techniques that are mobilizing contextual social, economic or political arguments, such as the principle of proportionality or the more economic approach in competition law, fundamentally challenge the previous dominance of the legal syllogism – and thus is another symptom of the demise of the text.⁴² In short, we are witnessing a form of desacralization of legal texts.⁴³ This has less obvious but nonetheless important consequences for the way legal scholars communicate their work. Our scholarly and non-scholarly publics are getting more and more familiar with unearthing legal texts and are expecting more from a scholar than a doctrinal (re) statement of the law based on his authority over (and long gone exclusive access to) the legal sources. Where in the past, footnoting and referencing to legal scholarship were rather minimal, scholars are now expected to provide an easy to travel map of the various elements underlying our legal reasoning for example by using hyperlinks to directly link our readers to our network of references. The legal scholar’s authority is not anymore rooted in her unmatched (and therefore trustworthy) knowledge of the texts of the law but rather in her capacity to convincingly and transparently navigate various layers of legal material and knit them together with other (non-legal) elements to build a forceful argument. This implies also a much more interactive and intensive dialogue with our audience and thus replaces the top-down model of the grand master proclaiming the law based on the sheer force of her memory with a deliberative exchange of views with the stakeholders engaged in a specific legal debate.⁴⁴ Henceforth, our communication practices need to adapt to this change by incentivizing the recourse to tools connecting in a more interactive and recursive way legal scholars with their publics. I believe these two transformations are fueling (and are fueled by) the rise of new academic communication practices, such as blogs and tweets, which will be discussed in the next two sections.

3 Blogs: The New Medium of Transnational Legal Scholarship

In its early days, blogging was deemed to be just an online (and public) diary, but in the last ten years, blogs have turned into powerful mechanisms for the diffusion of ideas by civil society, journalists, politicians, lawyers, and academics. Blogs range from narrow issue-specific commentaries to general statements on public affairs, and they can be collective enterprises or individual ventures. To support this analysis with concrete examples, I will draw on my personal experience as editor of the *Asser International Sports Law Blog*, which was launched in spring 2014. This blog is still active today and hosts over 200 posts.

³⁷ In other words, ‘the space in which they work is no longer exclusively theirs.’ Katsh (n 4) 19.

³⁸ On the centrality of the text in law until today. Tiersma (n 4).

³⁹ And is arguably followed by “exciting times”. Jan Vranken, ‘Exciting Times for Legal Scholarship’ (2012) 2(2) *Law and Method* 42.

⁴⁰ On a eulogy of doctrinal research, Arthur Deyve, *The Future of Legal Theory and the Law School of the Future* (Intersentia 2016). On legal scholarship’s venerability and vulnerability, Stolker (n 21) 200–230. Reflecting on the legal discipline’s “identity crisis”, Jan M Smits, *The Mind and Method of the Legal Academic* (Edward Elgar 2012) 1–6. Retracing a similar, but much earlier, methodological introspection in the American legal academia, Richard A Posner, ‘The Present Situation in Legal Scholarship’ (1980) 90 *Yale Law Journal* 1113; Richard A Posner, ‘Legal Scholarship Today’ (2001) 115 *Harvard Law Review* 1314.

⁴¹ For a sample of new empirical methods. Deyve (n 40) 49–59. In defense of the doctrinal approach Smits (n 40).

⁴² Indeed, ‘[...] within proportionality analysis, courts and scholars address, relatively openly, arguments about the effect of this or that policy.’ Mattias Kumm, ‘On the Past and Future of European Constitutional Scholarship’ (2009) 7(3) *International Journal of Constitutional Law* 401, 415.

⁴³ In the American context, see Margolis (n 32) ‘[...] electronic search technology, along with easy access to information (both legal and nonlegal) on the Internet, is contributing to a loosening of the firm boundaries between legal authority and nonlegal information, thus changing our collective understanding of authority.’

⁴⁴ Peruginelli is calling for such a collaborative approach to communicating the law. Genevra Peruginelli, ‘Law Belongs to the People: Access to Law and Justice’ (2016) 16 *Legal Information Management* 107.

3.1 Why blog?

Although blogging is no longer a new phenomenon in academia and social scientists have been investigating its impact for some years now,⁴⁵ legal academia has been relatively slow in taking stock of this development.⁴⁶ It is symbolic that it is only while writing this article that Harvard Law Review has launched its own dedicated blog.⁴⁷ In Europe and the United States, the number of active academic law blogs has grown exponentially in recent years.⁴⁸ For Solum, the '[...] core idea of the blog is that open access legal scholarship creates an opportunity for a new kind of conversation about, besides, and around the conventional scholarly paper.'⁴⁹ In fact, blogs may often be a better vehicle to spread ideas in the digital era than traditional academic journals or edited volumes, even though the latter are still almost unescapable for longer pieces and specific academic quality checks, such as double blind peer review.⁵⁰ There seem to be five main comparative advantages for blogs vis-à-vis traditional law reviews: access, speed, disintermediation, interactivity, and transparency.

Accessibility is fundamental to justify the value of blogs for legal scholars. Law journals remain prohibitively expensive and the majority of them (in particular the non-English language ones) are still relatively difficult to access outside of one's local context. Currently, university libraries, beyond the privileged few, can barely afford to pay the subscription fees for their respective national journals. As long as this is the case, scholars have a strong incentive to publish open access outside of pay walled academic journals to reach a broader audience (i.e. in public repositories or on blogs). Furthermore, the reading practices of our core target audience (scholars, lawyers, clerks, judges, and policy-makers) have changed with the rise of the Internet. Our readers are not used to enduring high transaction costs to access information anymore. Blogs have the advantage of being easily accessible on a transnational basis.⁵¹ The systematic use of Google implies that being well positioned in a search engine is key to a piece's impact on a particular issue. In this context, blogs pose a direct challenge to established law reviews with a lower academic added value in the sense that they may display shorter arguments grounded on limited empirical data or methodological sophistication.⁵²

⁴⁵ See in general the excellent work conducted by the LSE Impact Blog. See more specifically Inger Mewburn and Pat Thomson, 'Why Do Academics Blog? An Analysis of Audiences, Purposes and Challenges' (2013) 38(8) *Studies in Higher Education* 1105; Rohan Maitzen, 'Scholarship 2.0: Blogging and/as Academic Practice' (2012) 17(3) *Journal of Victorian Culture* 348; and Arthur Charpentier, 'Blogging in Academia, a Personal Experience' (2014) <<http://ssrn.com/abstract=2398377>> accessed 16 February 2018.

⁴⁶ This is particularly true in Europe, where relatively little has been written on the subject. I have only come across one French book dedicated to the subject, Anne-Sophie Chambost, *Les Blogs Juridiques et la Dématérialisation de la Doctrine* (LGDJ 2014). While the editors of the *Verfassungsblog* have published two articles in German reflecting on their impact on scholarly communication, see Alexandra Kemmerer, Christoph Möllers and Maximilian Steinbeis, 'Verfassungsblog: Praxis und Perspektiven der Wissenschaftskommunikation in der Rechtswissenschaft' in Alexandra Kemmerer, Christoph Möllers, Maximilian Steinbeis (eds), *Krise und Konstitutionalisierung in Europa* (Auflage 2014); Hannah Birkenkötter and Maximilian Steinbeis, 'Rechtswissenschaftliche Blogs in Deutschland – zu Möglichkeiten und Grenzen eines neuen Formats in den Rechtswissenschaften' (2015) 37(1) *Juristische Ausbildung* 23.

In the US, however, where blogs have taken quickly a more prominent space in legal doctrine (see the extremely popular *Blawgs*, *Volokh conspiracy* etc.), there has been a lot more attention dedicated to blogs in law reviews. See for example the special issue by the Washington University Law Review in 2006 on 'Bloggership: How Blogs Are Transforming Legal Scholarship' (Volume 84, Issue 5 (2006)) and the symposium on 'Open Access Publishing and the Future of Legal Scholarship' in the *Lewis & Clark Law Review* in 2006 (Volume 10/Number 4/Winter 2006). Similarly, Canadian scholars have also extensively tackled the contribution of blogs to legal scholarship, see Édith Guilhermont, 'La Contribution des Blogues Juridiques à la Connaissance, à la Critique et aux Transformations du Droit' (2016) 62(1) *McGill LJ* 157.

⁴⁷ The Harvard Law Review Blog <<https://blog.harvardlawreview.org/>> accessed 16 February 2018.

⁴⁸ I personally regularly visit (or rather they visit my inbox) the following law blogs: *Verfassungsblog* <<https://verfassungsblog.de/>> accessed 16 February 2018; *Opinio Juris* <<http://opiniojuris.org/>> accessed 16 February 2018; *Völkerrechtsblog* <<http://voelkerrechtsblog.org/>> accessed 16 February 2018; *International Law Reporter* <<http://ilreports.blogspot.be/>> accessed 16 February 2018; *Kluwer Arbitration Blog* <<http://arbitrationblog.kluwerarbitration.com/>> accessed 16 February 2018; *Legal Theory Blog* <<http://lsolum.typepad.com/legaltheory/>> accessed 16 February 2018; *Critical Legal Thinking* <<http://criticallegalthinking.com/>> accessed 16 February 2018; *Blogdroiteuropéen* <<https://blogdroiteuropeen.com/>> accessed 16 February 2018, and; the *ICONnect Blog* <<http://www.iconnectblog.com/>> accessed 16 February 2018.

⁴⁹ Solum (n 17) 846.

⁵⁰ For a similar view see Solum (n 17). See also Patrick Dunleavy, 'Shorter, Better, Faster, Free: Blogging Changes the Nature of Academic Research, Not just How it is Communicated' (2014) *LSE Impact Blog* <<http://blogs.lse.ac.uk/impactofsocialsciences/2014/12/28/shorter-better-faster-free/>> accessed 16 February 2018.

⁵¹ The audience of the *Asser International Sports Law Blog* is resolutely international. You will find a heat map of the number of page views in 2015 by country at *Asser International Sports Law Blog* <<http://www.asser.nl/SportsLaw/Blog/post/goodbye-2015-the-highlights-of-our-international-sports-law-year>> accessed 16 February 2018.

⁵² In other words, 'Journals appear to be moving away from coverage of specific types of discourse (e.g. current events, case-commentary), in light of the comparative advantages of blogs.' Carsten Stahn and Eric De Brabandere, 'The Future of International Legal Scholarship: Some Thoughts on "Practice", "Growth", and "Dissemination"' (2014) 27(1) *Leiden Journal of International Law* 1.

Indeed, while it is still difficult to imagine a 10,000-word article as a blogpost, due to primarily the readers' continuing preference for a paginated format for longer texts, a 3,000-word blog is not unheard of. Overall, blogging in English may thus contribute to the making of a transnational field of scholarly practice, as well as a transnational public sphere.⁵³

The second characteristic that distinguishes blogging from traditional academic publishing is speed. As pointed out above, blogs constitute fierce competition for publications focusing on short commentaries of recent cases and actual debates. Indeed, besides the fundamental issue of access, blogs have the advantage of enabling a swift publication of a reactive piece, which can be used almost in real-time to support one side or the other of a particular debate. Whereas before we had to wait weeks or months for commentaries to be published on a specific event, such as the recent Catalan independence referendum (which will be an old story when this article appears in print), nowadays they appear almost in real time during the event on various blogs.⁵⁴ Hence, when lawyers are contributing to current debates, they will profit from the availability of an extremely fast and relatively flexible publication process. This is supporting the liquidity of scholarship, as well as its relevance to public discussions.

A third, more controversial, advantage of blogs is their potential for disintermediation, which is directly connected to the progressive desacralization of legal scholarship mentioned above.⁵⁵ In other words, while in the pre-Internet era a small number of academic players in a particular field would control access to the public through their editorial discretion, blogs now enable self-publication and bringing ideas and opinions to a potentially broad audience without going through any editorial filter. This has led to the understandable critique that anything goes and that blogs would endanger the quality of academic scholarship.⁵⁶ This is a serious risk, but this view assumes that blog readers are unable to discriminate between poor and valuable scholarship and it also underestimates the limitations of peer review in guaranteeing quality.⁵⁷ Moreover, the reach of a blog will still depend on the reputation of the author or the affiliated institution. It is also noticeable that (collective) blogs have had the tendency to reintroduce filters to publication, such as editors, editorial guidelines and sometimes even peer review.⁵⁸ In principle, blogs can provide the opportunity for young (or peripheral) scholars to challenge the status quo in a particular legal (sub-)field. Nevertheless, in the end, the drive for quality will almost invariably require some filters to be put in place in order to maintain and enhance the reputation of a particular blog. Hence, the value of blogs is in providing an opportunity for

⁵³ On the impact of blogs on the public sphere, see Kieran Booluck, 'How can Blogging Help Research Make an Impact Beyond Academia? Illustrative Examples from the LSE Blogs' (2017) LSE Impact Blog <<http://blogs.lse.ac.uk/impactofsocialsciences/2017/09/27/how-can-blogging-help-research-make-an-impact-beyond-academia/>> accessed 16 February 2018; Inger Mewburn and Pat Thomson, 'Academic Blogging is Part of a Complex Online Academic Attention Economy, Leading to Unprecedented Readership' (2013) LSE Impact Blog, <<http://blogs.lse.ac.uk/impactofsocialsciences/2013/12/12/academic-attention-economy/>> accessed 16 February 2018. See also Paul Daly, 'Legal Academia 2.0: New and Old Models of Academic Engagement and Influence' (2015) 20(1) *Lex Electronica* 39.

⁵⁴ Both the *Verfassungsblog* and the *ICONnect Blog* hosted numerous contributions on the Catalan referendum and its various legal dimensions in September and October 2017.

⁵⁵ On the death of the old intermediaries, see Solum (n 17) 850–854; 'Oben war bereits von den beiden Hauptmerkmalen des Bloggens die Rede: dem Bedeutungsverlust der Intermediäre – kein Verlag, keine Redaktion, keine Druckerei, kein Versand, nicht einmal mehr Tinte und Papier sind notwendig, damit das Geschriebene und seine Leser_innen einander finden können...'. Birkenkötter and Steinbeis (n 46) 27.

⁵⁶ For a famous scathing critique of blogging, see Brian Leiter, 'Why Blogs Are Bad for Legal Scholarship' (2006) 116 *The Yale Law Journal* 53.

⁵⁷ Ironically, a recent episode shows how blogs can be effective to supervise the quality of academic journals. In August 2017, a blog posted on *Critical Legal Thinking* criticized an article published by the *Journal of the History of International Law* as failing to satisfy 'basic standards of academic rigour'. See Aoife O'Donoghue and Henry Jones, 'The Jamestown Massacre: Rigour & International Legal History' (2017) *Critical Legal Thinking* <<http://criticallegalthinking.com/2017/08/24/jamestown-massacre-rigour-international-legal-history/>> accessed 16 February 2018. In turn, this triggered a 'Letter to the Editors of the *Journal of the History of International Law*' published on *Opinio Juris* and demanding a swift and appropriate response by the editors of the journal, see Kevin Jon Heller, 'Letter to the Editors of the *Journal of the History of International Law*' (2017) *Opinio Juris* <<http://opiniojuris.org/2017/09/06/letter-to-the-editors-of-the-journal-of-the-history-of-international-law/>> accessed 16 February 2018. Forcing the Editor-in-chief of the journal to publish a response acknowledging that there were flaws in the review process and apologizing for them, see Anne Peters, 'Response from the EIC of the *Journal of the History of International Law*' (2017) *Opinio Juris* <<http://opiniojuris.org/2017/09/06/response-from-the-editors-of-the-journal-of-the-history-of-international-law/>> accessed 16 February 2018.

⁵⁸ For both the *Asser International Sports Law Blog* and the *Doing Business Right Blog* we engage in multiple rounds of review and language editing. The review is not blind, but we do raise substantial issues, request changes and sometimes reject submissions. The *Völkerrechtsblog* (<<http://voelkerrechtsblog.org/>> accessed 16 February 2018) however, imposes a double-blind peer review, as indicated in Raffaella Kunz and Michael Riegner, 'Open Access on the Shores of International Legal Scholarship: *Völkerrechtsblog's* Experience with Providing Open Access to Scholars From 156 Countries Around the World' (2016) *Völkerrechtsblog* <<https://doi.org/10.17176/20171110-192408>> accessed 16 February 2018.

academic voices challenging the mainstream to be heard more easily, while still being checked for quality by both external readers (who can vote with their feet) and internal filters.

A final argument in favor of blogs is related to their interactivity and transparency. Blogs enable discussions and debates in comments sections, which is almost impossible in academic journals, the only option being a substantial reply in the following issue, in all likelihood a couple of months/years after the original publication. This opens up the possibility for positive feedback loops and learning curves.⁵⁹ Yet, my experience shows that substantial comments on blog posts remain relatively rare, with only a small fraction of blog visitors reacting to a piece they have read, and not necessarily in a productive fashion.⁶⁰ This might be linked to the time commitment necessary to productively engage in an often very specialized discussion. Additionally, the blog has the added value of transparency and ease in reaching back to sources and references via the mechanism of hyperlinks. Hyperlinks are a crucial innovation of the Internet because they enable instantaneous travelling through a considerable amount of information.⁶¹ They carry '[...] us to a deeper internal domain by applying electronic tools to what is between the covers of the book and, in effect, by overcoming the very physical nature of paper and ink.'⁶² In other words, hyperlinks provide readers with immediate access to the full network of sources underlying an argument. When reading a 2,000-word piece, they are potentially accessing a 100,000-word textual network of references. As mentioned above, whereas before there was an opaque monopoly over sources, there is now radical transparency. A reader wishing to reconstruct (and check) the reference network of a particular article in the sixties had to spend days in libraries and archives before doing so – now we can do it in a few clicks from our homes. Our audience does not want to be kept in the dark anymore; it wishes to have the ability to verify the claims made by legal scholars on the spot. As I have argued above, the authority of legal scholars, grounded in their uncontested monopoly over legal texts in the pre-Internet era, can now only be based on their ability to offer a traceable (or transparent) and convincing interpretation of the law in a particular context. In this regard, blogs offer a useful medium to engage the reader in a less top-down fashion, as well as to provide the ability to trace back references through the systematic use of hyperlinks.

Beyond the diffusion of ideas, blogging also has an important pedagogical function, in particular for young researchers.⁶³ Academic and public writing are skills that can only be developed through practice. Blogging is a way to sharpen one's writing style and mature editing know-how through recurring exercise. For non-native English speakers, blogging also provides an opportunity to practice English writing skills in a less formal and intimidating format than the traditional academic journals.⁶⁴ Further, it offers an insight into the work of an editor and the difficult process of recruiting writers, editing their contributions, and publicizing them. All these skills are fundamental in a career in (transnational) legal academia and will help young scholars to make an impact in their respective field.

Blogging, however, should not be an end in itself. Blogs are pieces of a broader research agenda, which requires longer academic publications.⁶⁵ In this regard, blogs, articles and books are complementary. They have to be conceived as separate instances in a common enterprise, giving way to productive synergies, and as mutually supportive of one another.⁶⁶ For example, in my experience blogging has stirred interest in my

⁵⁹ Praising this aspect, '[...] der Möglichkeit, dass Lesende das Gelesene in unmittelbarer zeitlicher und räumlicher Nähe zu demselben kommentieren und so ihre Kommentare zum Teil des Textes werden lassen zu können.' Birkenkötter and Steinbeis (n 46) 27.

⁶⁰ And yet, the recent exchanges between a judge of the Turkish constitutional court and the press office of the German constitutional court in the comments sections of the Verfassungsblog show how they can also serve as a space for academic and public debates. See the comments section under Maximilian Steinbeis, 'Constitutional Courts in Decline' (2017) Verfassungsblog <<http://verfassungsblog.de/constitutional-courts-in-decline/>> accessed 16 February 2018.

⁶¹ In general, see Katsh (n 4) chapter on 'Hypertext: Constructing Cyberspace 195–211.

⁶² Katsh (n 4) 197.

⁶³ This is particularly the case with blogs run by PhD researchers chronicling the evolution of their research, but it is also true of those taking part in collective blogs.

⁶⁴ Lots of Blogs are available in other languages, but to reach beyond a local or regional audience using English is nowadays unavoidable. Transnational scholarly engagement is done in English, however local engagement will still go through local languages and multilingualism is a necessary skill to navigate a transnationalizing world.

⁶⁵ Many of the peer-reviewed articles I published are originally based on blogs for the Asser International Sports Law Blog. For a concrete example, see Antoine Duval, 'The Russian Doping Scandal at the Court of Arbitration for Sport: Lessons for the World Anti-Doping System' (2017) 16(3–4) *The International Sports Law Journal* 177.

⁶⁶ In other words, they are part of the wider 'ecology of scholarship', see Rohan Maitzen, 'Accept No Substitutes: Blogging is a Valuable Supplement to Scholarship and Rightfully Challenges the Status Quo' (2013) *LSE Impact Blog* <<http://blogs.lse.ac.uk/impactofsocialsciences/2013/06/25/blogging-accept-no-substitutes/>> accessed 16 February 2018. See also D Gordon Smith, 'A Case Study in Bloggership' (2006) 84 *Washington University Law Review* 1135.

longer pieces published on SSRN or elsewhere.⁶⁷ If an author can attract loyal readers with a blog, she is likely in turn to drive them to also read her more detailed pieces, and this will start a virtuous circle, as her positioning on relevant Google searches will inexorably rise.

3.2 The Art of the Blog

Blogging is a specific form of literary style that involves a personal touch.⁶⁸ In principle, it is meant to feature a short text. However, legal scholars and lawyers are avid readers and longer blogs (reaching 3,000 words) can also find an audience. Academic blogs can afford this longer format as their primary target users are often more interested in a carefully crafted argument than in a short opinionated format, mimicking the traditional news media. Hence, going into depth on a topic, rather than being overly concise, might be better rewarded by the readership. The style itself is sometimes different from the traditionally obscure legal jargon used in academic journals.⁶⁹ A blog can certainly be more direct, journalistic, freed from the obligation to refer or justify everything in lengthy footnotes as they are replaced by hyperlinks. Yet, in practice, legal scholars have a tendency to fall back on their academic habitus with regard to footnoting and gobbledygook. In the academic context, the readers might even reward this as a sign of credibility. Finally, a key feature of blogging, and, as I have argued above, one of its main competitive advantages *vis-à-vis* traditional academic publications, is the ability to hyperlink. Employing judicious hyperlinks should be at the front and center of blog writing and editing.

An academic blog is often a collective enterprise in a particular subfield of legal scholarship. Blogs managed exclusively by individuals do exist, but there are few who have the discipline, time and energy to maintain on their own a sufficient stream of publications for a blog to be sustainable. Moreover, when they are regularly active, personal blogs are more often used as public walls for announcements relevant to a particular legal field (for instance, events, new publications, and job offers) than to host substantial pieces.⁷⁰ Academic blogs, which are meant as regular publication platforms, are in principle collective enterprises reserved for a specific legal academic field, where a transnational community of academics and practitioners reads, meets and debates. Legal academic blogs are unlikely to be generalist, as this would require having a large enough pool of quality contributors, as well as a borderless reputation to attract readers from all legal horizons.⁷¹

In the back office, blogs are often managed like flexible law journals. Depending on their popularity and internal structure, they can employ (usually *pro bono*) editors, reviewers, and language editors. Especially at its beginning, the success of a blog is very much dependent on its reliance on a strong inter-personal network of support feeding it with submissions and contributing to the editorial maintenance. An academic blog is not a costless enterprise. It demands a substantial time investment and the capacity to rely on a team capable of producing quality output and dealing with potential technical challenges. There is always a risk, especially for editors, of overinvesting time and energy into a blog, to the detriment of other important academic tasks. This can be particularly damaging in an environment where blogs may well play an essential role in practice, but are not yet fully recognized as legitimate academic output, nor economically sustainable

⁶⁷ The World Bank has empirically verified this observation in the context of economics blogs, see David McKenzie and Berk Özler, 'The Impact of Economics Blogs' (2011) Policy Research Working Paper 5783 <http://www.nzae.org.nz/wp-content/uploads/2012/07/Ozler_The-Impact-of-Economics-Blogs_120204.pdf> accessed 16 February 2018. See also Melissa Terras, 'The Verdict: is Blogging or Tweeting about Research Papers Worth it?' (2012) LSE Impact Blog <<http://blogs.lse.ac.uk/impactofsocialsciences/2012/04/19/blog-tweeting-papers-worth-it/>> accessed 16 February 2018.

⁶⁸ Emphasizing this subjectivity and the experimental nature of blogging, see Alexandra Kemmerer, '(Rechts-)Wissenschaft Sui Generis?' (2012) *Verfassungsblog* <<http://verfassungsblog.de/rechts-wissenschaft-sui-generis/>> accessed 16 February 2018. For a short guide on blogging, see N Holmes, 'Blogging for Lawyers and Legal Information Professionals' (2007) 7(2) *Legal Information Management* 93.

⁶⁹ For a famous scathing critique of the writing habits of legal scholars in the US, see Fred Rodell, 'Goodbye to Law Reviews' (1937) 23 *Virginia Law Review* 38. For a contemporary argument in favor of the 'playful spontaneous qualities of blogging'. See Ann Althouse, 'Why a Narrowly Defined Legal Scholarship Blog Is Not What I Want: An Argument in Pseudo-Blog Form' (2006) 84 *Washington University Law Review* 1221.

⁷⁰ The *International Law Reporter* by Jacob Katz Cogan and the *Legal Theory Blog* by Lawrence Solum are both of this kind. The former covers all form of public announcements (publications, events, jobs) in the field of international law, and the latter serves mainly as a digest of literature in the field of legal theory (and sometimes beyond) recently published on SSRN. But there are exceptions, see for example Larry Cata Backer, 'Law at the End of the Day' <<http://lbackerblog.blogspot.be/>> accessed 16 February 2018); or Steeve Peers, 'EU Law Analysis' <<http://eulawanalysis.blogspot.be/>> accessed 16 February 2018).

⁷¹ However, both the *Leiden Law Blog* <<http://leidenlawblog.nl/>> accessed 16 February 2018 and the more recently founded *Harvard Law Review blog* <<https://harvardlawreview.org/>> accessed 16 February 2018) are generalists.

on their own.⁷² This can be mitigated through the assembly of a strong and reliable editorial board, and implies developing an ability to streamline editorial processes as well as to incorporate the work done for the blog into the broader scheme of one's own research.

Before launching a blog, the editorial board should thus devise a relatively structured management process and pay great attention to the composition (and commitment) of the academic team which will be supporting and feeding into the project. If blog writing is a relatively straightforward process, blog managing is a different story and comes with a more long-term and stable commitment to a number of time-consuming administrative and editorial tasks.⁷³ Blog writing deserves to be recognized as an important public service for a particular academic field and should be supported as such, but blogging is just one of the new academic communication means arising out of the Internet. It is complemented by the rise of social media, and in particular Twitter, as a new digital voice for transnational legal scholars.

4 The (Digital) Voice: Twitter as Networked Loudspeaker for Legal Academia

Social media sites, facilitating the creation of networks between friends, colleagues and strangers are a specific feature of the so-called web 2.0.⁷⁴ We are almost all users of at least one of the following: Twitter, Facebook, LinkedIn, or Academia. To different degrees, these sites are meant to put us in contact with people we know personally (in particular Facebook) and people we usually do not know well or at all (Twitter, LinkedIn).⁷⁵ The distinction is not clear-cut and our profiles often include a varying mix of friends, colleagues, acquaintances and strangers. In any event, academics have learned to use such social media sites as digital substitute for their voices in order to stay in touch with their peers, spread ideas and publications, and advertise their research activities.⁷⁶ The next two sub-sections focus on the use and usefulness of Twitter. I selected Twitter because I have primarily used this social media platform to academically engage through an institutional profile. This section seeks to explicate the rationale behind using Twitter in legal academia in light of the two transformations identified above, and then offer some further guidance on how to use Twitter.

4.1 Why Tweet?

While the use of Twitter by academics has been studied by other disciplines,⁷⁷ it remains entirely unaddressed by legal scholars. We do not know, or even reflect on, its impact on legal scholarship. Twitter is a powerful tool to engage directly with a cross-border audience of scholars, experts and laymen and shape academic and public debates. Moreover, besides the participatory advantage of Twitter, this paper focuses on three other rationales supporting its use by legal academics: observation, connection, and information. Two of them, observation and connection, are rather passive; they are less concerned about tweeting than about simply being on Twitter for other purposes. While information and participation are necessarily active, they imply a willingness to tweet to and engage with a more or less broad cross-section of the public.

Twitter is often approached by social scientists as a new source of data to test their hypotheses.⁷⁸ Its academic value is merely to offer a new window into the boiling belly of society. For legal scholars, especially

⁷² On the risks of blogging in a US academic context, see Christine Hurt and Tung Yin, 'Blogging While Untenured and Other Extreme Sports' (2006) 84 *Washington University Law Review* 1235.

⁷³ 'Starting a blog is easy and not very time-consuming. Building a blog that's successful enough to give you some of the benefits I describe is extremely time-consuming.' Eugene Volokh, 'Scholarship, Blogging, and Trade-offs: On Discovering, Disseminating and Doing' (2006) 84 *Washington University Law Review* 1089, 1100.

⁷⁴ On the emergence of Web 2.0, see Gabriel Gallezot and Olivier Le Deuff, 'Chercheurs 2.0?' (2009) 5(2) *Les Cahiers du Numérique* 15. See also Jean Tillinac, 'Le Web 2.0 ou L'Avènement du Client Ouvrier' (2006) 60(1) *Quaderni* 19.

⁷⁵ See George Veletsianos and Royce Kimmons, 'Scholars and Faculty Members' Lived Experiences in Online Social Networks' (2013) 16 *The Internet and Higher Education* 43.

⁷⁶ See Gemma Nández and Ángel Borrego, 'Use of Social Networks for Academic Purposes: a Case Study' (2013) 31(6) *The Electronic Library* 781; Michael Nentwich and René König, 'Academia Goes Facebook? The Potential of Social Network Sites in the Scholarly Realm' in Sönke Bartling and Sascha Friesike (eds), *Opening Science* (Springer 2014).

⁷⁷ See the numerous posts available on the topic on the LSE Impact Blog. See also José Luis Ortega, 'To Be or Not to Be on Twitter, and Its Relationship with the Tweeting and Citation of Research Papers' (2016) 109(2) *Scientometrics* 1353; George Veletsianos, 'Higher Education Scholars' Participation and Practices on Twitter' (2011) 28(4) *Journal of Computer Assisted Learning* 336; Katrin Weller and Markus Strohmaier, 'Social Media in Academia: How the Social Web is Changing Academic Practice and Becoming a New Source for Research Data' (2014) 56(5) *Information Technology* 203; and Merja Mahrt, Katrin Weller, and Isabella Peters, 'Twitter in Scholarly Communication' in Katrin Weller and others (eds), *Twitter and Society* (Peter Lang 2013).

⁷⁸ See for example Wasim Ahmed, 'Using Twitter as a Data Source: an Overview of Social Media Research Tools (updated for 2017)' (2017) *LSE Impact Blog* <<http://blogs.lse.ac.uk/impactofsocialsciences/2017/05/08/using-twitter-as-a-data-source-an-overview>>

those who do not want (or have the time) to engage actively on a regular basis, Twitter can also provide a qualitative source of information. If well curated the list of accounts followed can deliver essential, hard to find and timely information on a specific legal field. The news feed of a Twitter account constitutes a one-stop shop gathering the tweets of the institutional and individual accounts deemed relevant by the account holder. Each feed is unique and provides a tailored and reverse chronologically ordered set of unfiltered tweets, which can be of great help to stay up to date in a particular field.⁷⁹ Moreover, at a time in which legal academia is rethinking its methodological foundations,⁸⁰ it enables the gathering of qualitative information from sources often difficult to access for academics, such as local activists in distant countries or practising lawyers. Thanks to Twitter, legal academia can thus get closer to the living law and its actors.

Another less passive, but also not entirely active, way to use Twitter is to employ it as a networking instrument to get (and stay) in contact with colleagues and relevant individuals or institutions.⁸¹ In that case, if one does not wish to publicly disclose her views, she can still connect across borders with other scholars or practitioners that share the same research interest. Twitter can also be used to send private messages and follow the work of others. Thus, it can at the same time replace the traditional address book and newsletter. Through private Twitter messages, important pieces of information are shared, events organized, publications requested, interviews conducted and jobs arranged. Twitter is also an informal and easy-to-use professional mailbox. This is clearly not a feature exclusive to Twitter. Similar operations can be done through Facebook or LinkedIn. But it might be particularly useful for researchers who prefer to separate their private life (using Facebook) from their public and/or professional lives (Twitter and LinkedIn). In this regard, Twitter is a powerful way to connect and develop social ties on a transnational scale.⁸² In doing so, it contributes actively to the facilitation of exchanges and interactions between scholars across borders and to the transnationalization of legal academia.

Twitter has a certain value as a passive tool, but its *raison d'être* remains to Tweet: it is about voice. In other words, its core function is to share a shortly written thought, often attached to a link, a photograph, a video, or an image. One important academic value in tweeting is sharing information with one's followers. This includes announcing events organized by an institution or within the framework of a research project, publicizing one's own publications, advertising academic or educational products (i.e. trainings or journals), and circulating job offers or other opportunities inside a particular academic institution. In this context, Twitter is not necessarily used to share a personal opinion, but to circulate more "neutral" information. As Twitter is a space mainly dedicated to debates and specialized discourses, there are good chances that amongst your followers a relatively high share will potentially be interested in what you have to say and be reactive to it. Thus, it has been empirically proven that Twitter is a powerful tool to attract readers to academic publications.⁸³ Based on my personal Twitter activity, I have witnessed numerous times that tweeting about my most recent publications resulted in a noticeable spike in downloads of my papers and visits to my blogs.⁸⁴ This is important because raising the number of visits to one's blog or SSRN page triggers a virtuous effect, as the page visits will lead to better ranking on search engines (i.e. Google) and to more page visits and downloads and so on. Twitter becomes a powerful virtual blackboard to reach a worldwide public and facilitate the diffusion of publications, events and other academic information.

of-social-media-research-tools-updated-for-2017/> accessed 16 February 2018.

⁷⁹ While Twitter has introduced an algorithm to put forward certain tweets that it deems relevant to the account holder and include targeted advertisement, it is still possible unlike Facebook to have a full chronological access to the tweets of the accounts followed.

⁸⁰ See above section.1.

⁸¹ On the importance of social networks and inter-personal relations on Twitter, see Robert Jäschke, Stephanie B Linek and Christian P Hoffmann, 'New Media, Familiar Dynamics: Academic Hierarchies Influence Academics' Following Behaviour on Twitter' (2017) *LSE Impact Blog* <<http://blogs.lse.ac.uk/impactofsocialsciences/2017/10/03/new-media-familiar-dynamics-academic-hierarchies-influence-academics-following-behaviour-on-twitter/>> accessed 16 February 2018.

⁸² Twitter's analytics tool provides interesting data on the composition of an account's audience. For example, at the moment of writing (February 2018), the @Sportslaw_asser account's followership is composed of 21 percent UK-based followers, 12 percent US-based followers, 6 percent France-based followers, 5 percent Netherlands-based followers, and 5 percent Spain-based followers for the top-5 countries amounting to 49 percent of the audience. Meaning that the Twitter account of an academic Institute based physically in the Netherlands touches (and potentially influences) a public of 95 percent foreign-based followers.

⁸³ See Ortega (n 77). See also Emily Darling, 'Twitter and Traditional Bibliometrics are Separate but Complementary Aspects of Research Impact' (2014) *LSE Impact Blog* <<http://blogs.lse.ac.uk/impactofsocialsciences/2014/01/02/twitter-citations-research-impact-darling/>> accessed 16 February 2018; Terras (n 67).

⁸⁴ For example, on 11 September 2017 I tweeted (<<https://twitter.com/Ant1Duval/status/907235114920411137>> accessed 16 February 2018) from my personal account about a recent article I published with a colleague of mine. Thanks to Twitter analytics I know that the tweet, which included a direct link to the then open access full text of the piece, led to 83 people clicking on the link and reaching the full article. Until now (February 2018), it remains the most read/downloaded article of this specific issue of the journal.

As a tool to inform about academic output, Twitter's utility remains fairly restricted to a rather narrow academic field, even though certain publications might thus gain a wider audience than usual. What makes Twitter special is its function as a megaphone for individuals to partake in public debates. As we can see above, this is a quality very well understood by the incumbent President of the United States. For example, whereas before we were actively participating in public debates through interventions in the traditional media (in print, radio, or TV), nowadays we can engage in transnational debates (i.e. on #Brexit, #Migration, #FIFA) directly from our smartphones through Twitter. Not all tweets will have a public fate, the majority will simply lie dead on Twitter profiles, but some will make it through to the general public. A tweet is always a message in a bottle with an unknown destiny. Its future is dependent on other users, whether they pick up on the idea proposed or simply ignore it. Hence, a tweet can lead to wider debates and exchanges (in responses to the tweet) on public matters. If deemed relevant enough it can be lifted from Twitter and integrated into the online editions of newspapers or shown on TV screens. If academia, and in particular legal academia, is to play an important public role, we can hardly ignore the power of Twitter to spread ideas and shape public discourse. Moreover, assuming that, as claimed above, the authority of legal scholars does not stem from their uncontested monopoly over textual sources of the law anymore, but is becoming a proxy of their ability to engage and convince their scholarly and general public of the validity of their claims, then it becomes more important to take part in public debates affecting their research field. In this regard, tweeting becomes a useful tool for an academic concerned with his or her public relevance.

4.2 The Art of the Tweet

You will find a lot of guides on the art of tweeting.⁸⁵ Indeed, tweeting might not be as easy as it sounds, and as with any writing can be done beautifully or poorly. Twitter is based on the publication of a tweet of a maximum of 280 characters (this changed from 140 in October 2017). This limit includes letters, special signs (flags, emoji's etc.) and links. However, it does not comprise pictures, which can be (mis)used to add more written information to a particular tweet.

The first question relevant to the legal academic context is: who tweets? When we are talking about individual Twitter accounts it will in the overwhelming majority of cases be the person to whom the account belongs herself, although celebrities and politicians often employ someone to tweet on their behalf. The response is less straightforward for institutional Twitter accounts. Indeed, universities, law faculties and research institutes are entering the Twitter fray. A Twitter account is the face of an institution, and not only must its tweets be formally and aesthetically as good as possible (whatever the language used), but they must also be substantially accurate and, where applicable, targeted at the right person (or institution) in the academic or professional field. As we will see below, the capacity to pick the right hashtags or to connect a particular tweet with the right interlocutor is crucial to its diffusion. Therefore, it is important that the person tweeting has extensive knowledge of the structure of the research field in which her institution is active and of the public(s) it is targeting. Having a senior researcher handling a Twitter account might seem like a waste of resources, but it can be necessary to fulfil the promises of Twitter in reaching and swaying wider audiences. Moreover, this personal investment can be mitigated and spread over multiple researchers through the use of specific tools, such as Tweetdeck,⁸⁶ which enables collective tweeting from a particular account.

Tweeting is also about a specific direct style of expression. In any case, proper tweeting is best done by native speakers and talented wordsmiths. In this regard, there is a difference between institutional and personal tweeting. Institutional tweets are often more formal – but there still is room for bounded originality and provocation – and fixated on being informative. An institutional account will aim at announcing news (i.e. events, publications and job offers) in the most appealing way. For example, announcements will often be accompanied by nice visuals, which require the collaboration of a graphic designer or extensive training in graphic design and will include hashtags aimed at linking the announcement to its public beyond the limited pool of followers. Personal tweeting is a different exercise. It often mixes personal views on private matters and expert opinions on questions on which an academic is deemed competent and authoritative (or deems himself so). A personal tweet is rather opinionated, often less aesthetic visually than institutional tweets but more trenchant in its analysis. The use of humor and irony is omnipresent and the recourse to Twitter threads (a series of tweets on a similar topic) is a matter of necessity to tackle the complexity of a

⁸⁵ My personal favorite for its simplicity is the LSE's Twitter guide for academics, see Amy Mollet, Danielle Moran and Patrick Dunleavy, 'Using Twitter in University Research, Teaching and Impact Activities: A Guide for Academics and Researchers', LSE Public Policy Group 2011 <<http://blogs.lse.ac.uk/impactofsocialsciences/2011/09/29/twitter-guide/>> accessed 16 February 2018.

⁸⁶ See Tweetdeck at <<https://tweetdeck.twitter.com/>> accessed 16 February 2018.

particular subject. These interventions are meant to raise an influential voice in an on-going debate. The question is then how to make sure that this tweet is actually read and this voice actually heard.

A tweet sent by an academic will not by itself reach its audience. Instead, one needs to first gather a strong followership including the key people in your target audience. To do so, various ruses and techniques can be used. When starting a Twitter account, you will be lacking followers. Except for well-known academics, the first accounts that are susceptible to follow you are those of your close social network, including both the institutions that know you (your university, research center, academic association) and the people close to you personally and professionally. They constitute your baseline community of followers on which you will want to expand. The expansion often comes through their collaboration in re-tweeting or mentioning your tweets, thus making you and your thoughts visible to their own followers and attracting them to your profile. However, the main initial technique to raise one's visibility on Twitter is actually to follow people. Many Twitter accounts follow as many people as possible to raise their own number of followers – often unfollowing them after a short while. This strategy is a double-edged sword. On one hand, it enables to quickly raise the number of people following an account and thus reach a bigger audience. On the other hand, it can damage the credibility and legitimacy of an account, as Twitter participants know that it is primarily chasing numbers and reduce the quality of the account's audience.

There are better (but more time-consuming) ways to increase (quantitatively and qualitatively) the reach of a Twitter account. An important one is related to the judicious use of hashtags. Hashtags are a special feature invented by Twitter (but now also used by Facebook and LinkedIn) to create common spaces of discussion around a particular concept or phrase (e.g. #Sportslaw, #Brexit, #BlackLivesMatter, #JeSuisCharlie etc.). The use of a hashtag promises that a tweet will be visible in the specific feed connected to this particular debate.⁸⁷ Indeed, by clicking on a hashtag a user can see the entire history of tweets using that same hashtag. In doing so, one can reach beyond the scope of her own followers to engage with a wider public interested in a similar debate or question. In other words, by picking a hashtag one also picks a potential public. Yet, if a hashtag is used by a vast number of people, a tweet will risk going under without getting noticed in a massive flow of communication. For academic purposes, hashtags related to rather narrow and specialized publics, such as the typical legal hashtags (#EUlaw, #InternationalLaw, #Antitrust, #StateAid, #BizHumanRights etc.) are more likely to help reach people with a specific interest in a particular legal sub-field and elicit them to follow the account on a regular basis. The use of hashtags is also useful in the description of a profile, as an account will then systematically appear in searches connected to the hashtag picked. Finally, the hashtag is an aesthetic device too. It provides the opportunity to highlight specific parts of a tweet and to make them more visible to an audience, again raising the opportunity for engagements. The other way to increase a Twitter audience is to engage directly with users. This can be done either by mentioning them when discussing their work in a tweet, or by directly engaging them through replies to tweets. In particular, one increases her chance to broaden her audience by engaging directly with the Twitter accounts that are central (in terms of reputation and connections) in a particular field of research. Once these accounts are following the activities of your account and sharing them with their followers, your tweets will gain a much broader audience. Optimal use of Twitter is thus contingent on a good understanding of the structure and scope of one's target audience. Identifying the main interlocutors and engaging with them will get a long way to an influential and respected account.

In fine, Twitter is a powerful new voice for scholars to engage in transnational scholarly communication and to reach their many publics. It is one of the most potent digital communication tools to enhance the societal influence of legal academia. However, it is not an end in itself, like blogs it is part of a single chain of scholarly production, which hooks readers to an ensemble of outputs.

5 Conclusion: Quality legal academia in times of social media

*'We need to understand that we are being spoken to in new ways and that we have new opportunities to speak.'*⁸⁸

5.1 Reaching a Transnational Audience

Being a legal scholar is first and foremost a literary enterprise of persuasion. We write to convince an audience that law is (or should be) understood in a particular way and should have specific effects. To do so, we subject ourselves to particular criteria in terms of style and the nature of our arguments. Such criteria

⁸⁷ For example, when I tweet with the account of the Asser International Sports Law Centre (@Sportslaw_asser) I systematically include the hashtag #Sportslaw, which is home to the academic and practical debates in this sub-field.

⁸⁸ Katsh (n 4) 240.

distinguish our work from literature, history, or sociology (even though this distinction might be slowly fading). Yet, like writers, historians, and sociologists, we write to be read and in the hope that our opinion will not only be heard but also followed. We write to sway and, consequently, shape legal reality and academic discourses. To fulfil our calling, it is crucial that at one point or another we are able to reach our public and share our ideas with it. This is why we are intimately affected by the changes in communication technologies.⁸⁹ Indeed, as legal scholars do not make or repair things, we need our texts to spread or we will be condemned to irrelevance. As argued in the first section of this article, for a long while our public was mainly local. Legal scholars had a practical monopoly over access to the textual sources of the law, and scholarly communication was primarily aimed at a territorially confined academic and professional field. Even though this time is coming to an end, our academic communication practices have not fully adapted to this change.⁹⁰ Consequently, our cherished public does not have the patience to look for and read long pieces tucked away in non-searchable paper journals or behind paywalls. Be they scholars, lawyers, clerks, or activists, they will Google their legal questions and, if thorough, go through the first few pages of results. Readers also crave for engagement and participatory reading experiences that enable them to easily retrace (and check) the fundamentals of the claims presented. Finally, to integrate and take part in the emerging transnational scholarly community, legal scholars need to connect more and more with their peers abroad through social media, such as Twitter, and engage with them in quotidian academic debates via blogs.

In French, there is a saying, which dovetails with President Trump's tweet used as frontispiece to this article: the missing are always wrong. One of the lessons of Trump's election is that the old media's monopoly on communication is long lost to the Internet, and that if we want to engage people and meet our public we need to do so on their turfs. In other words, write blogs, rank high on Google and be present and active on social media.

5.2 A Call for Bad Quality?

The fear, voiced by some scholars and epitomized by an article by Brian Leiter,⁹¹ that the quality of legal scholarship will necessarily suffer in this turn to blogs and social media is not bound to materialize. As well as there are good journals and mediocre ones, which are usually known as such in the respective fields of legal academia, there will be good and mediocre blogs. On the virtual marketplace of ideas, impersonated by Google, the "good" blogs will progressively improve their standing based on their popularity and the effect of online and offline references to them. While it is certainly not excluded that click bait academic blogging could succeed in rigging Google's ranking, the same is true of traditional peer-reviewed articles.⁹² In general, this is exactly why it is essential that legal scholars critically engage in and with the blogosphere to police with their feet (and references) the quality of blogs out there. For example, one could imagine the future development of publically available online research guides that would highlight the best blogs in a particular legal field and which would be provided on the websites of university libraries. Indeed, maps of the online legal academic world would be very helpful for those who lack the training, time and background knowledge to navigate this new landscape. Similarly, it is our collective responsibility, as legal scholars, to take in account the quality of the coverage provided by twitter accounts of other academics (or academic institution) in our field. There is no need for aggressive finger pointing or public shaming, as the exercise of careful discretion in the handling of a twitter account is enough. Indeed, each time scholars re-tweet, like a tweet, or follow an account we are crediting its academic credentials. This should not be a light decision to make since it shapes the position of a particular account holder, be it an individual or an institution.

The quality of legal scholarship is not guaranteed by the simple use of a single format such as the blind peer-reviewed journal article (or book chapters). In fact, blogs are not by nature of lesser quality, it all depends on the quality of the editorial process itself. Moreover, there is nothing that says that the function of blind peer review, unrestricted critical engagement with a particular piece, can only be fulfilled in its current institutional set-up. In this regard, the emergence of altmetrics can be an interesting direction to test new methods to evaluate the quality of academic scholarship. Thus, while blogs are not intrinsically of better quality than standard scholarly articles, they should not be considered systematically of lesser quality either. Much of the disdain faced by blogs is due to legal scholars' lack of engagement with them and prejudice towards an unknown format. This is not to say, as pointed out in the second part of this paper, that there is no room

⁸⁹ 'Changes in our information environment are important for all institutions in society. They may, however, be particularly important for law.' Katsh (n 4) 239.

⁹⁰ The change was definitely not as quick as envisaged more than 20 years ago by Hibbitts. See Hibbitts (n 6).

⁹¹ See Leiter (n 56).

⁹² See Portia Reloefs and Max Gallien, 'Clickbait and Impact: How Academia Has Been Hacked', *LSE Impact Blog* (2017) <<http://blogs.lse.ac.uk/impactofsocialsciences/2017/09/19/clickbait-and-impact-how-academia-has-been-hacked/>> accessed 22 March 2018.

for peer-reviewed journal articles. They remain, as long as we strongly favor a paginated format for reading purposes, the main option to publish longer pieces involving deeper theoretical and empirical inquiries. Hence, the quest for quality ought to be detached from a particular publication format and attached to a process of criticism and engagement with the academic production of our peers. This critical mission does not stop in times of social media, but its practical modalities might need to be rethought.

5.3 What is to Be Done?

It might feel wrong to say so but we need to take President Trump seriously. He is right in pointing out that a modern day president needs to engage with the public on Twitter, as it was politically astute of Roosevelt to rapidly adapt to the use of radio. Likewise, it is pass due for legal scholars to embrace new communication tools if they want to continue speaking and writing to someone. So, what is to be done?

First, policymakers and academic managers will need to work on changing the mix of incentives that drive academics to invest time in one type of publication to the detriment of another.⁹³ Indeed, if they are serious about their push for impact, diffusion and public relevance, then they have to make sure that research is presented in a way that actually enables it to reach its target audience. Currently, this would entail easy availability on the Internet, through open access repositories, blogs and tweets. Currently, investing time and energy in tweeting and blogging is often considered a loss of time, and barely rewarded by the academic management systems in place.⁹⁴ Ironically, at a time in which impact has become an omnipresent obsession, there are few economic or symbolic incentives for legal academics to engage in impactful publication and communication practices. Accordingly, new quantitative metrics and qualitative evaluation criteria will need to be developed to properly reckon with the scholarly contributions made through blogs and social media.⁹⁵ Furthermore, tweeting and blogging are often considered easier than traditional forms of publication and thus little to no training is provided to researchers willing to engage in it. To the contrary, blogging and tweeting can be challenging scholarly styles, which require the same amount of training as any other form of writing.⁹⁶ Law faculties should strive to recruit social media experts and skilled web designers and also organize regular trainings for their research staff. Finally, and this is certainly the better understood part of this transformation, the rapid transnationalization of law and scholarship, driven by the Internet and its communication tools, compels law faculties to make swift and profound adjustments. It is not only the curricula and teaching methods that must be changed; the recruitment of faculty members will need to be transnationalized, publication strategies must be re-oriented to reach both the still dominant but declining local public(s) and the growing transnational public(s). Moreover, emphasis must be put on developing legal scholars' linguistic (in particular English) and social skills, which are necessary to engage transnationally.⁹⁷ There is the enticing prospect of an economic reward for the first-movers investing heavily in this direction, as they stand to gain in notoriety and fare better on the extremely competitive academic markets.

Second, legal academics will have to embrace these changes if they wish to be read,⁹⁸ and to a large extent they are already doing so. Despite negative incentives, many scholars have understood the value of using Twitter and blogs to diffuse their ideas and publications and enhance their scholarly profile. Yet there is

⁹³ Some, like Stolker, have already understood this need, 'Overall, one-third of our scientists and scholars are reported to use LinkedIn and Twitter. Science and scholarship are rapidly transforming into a fascinating variety of digitally networked forms. Too often the distribution and communication of the products of legal scholarship are considered the exclusive responsibility of the publisher. However, making your work widely accessible is, as we have seen, primarily a duty of the scholars themselves.' Stolker (n 21) 260.

⁹⁴ See Hurt and Yin (n 72).

⁹⁵ The ongoing discussion on altmetrics (evaluation methods of academic activity which are not relying on citation-based metrics) is a step in this direction. See Katrin Weller, 'Social Media and Altmetrics: An Overview of Current Alternative Approaches to Measuring Scholarly Impact' in Isabell M Welpe, Jutta Wollersheim, Stefanie Ringelhan and Margit Osterloh (eds), *Incentives and Performance: Governance of Research Organizations*, (Springer 2015). On the perverse effects of quantitative evaluations based on citation indexes, see Geoff Gordon, 'Indicators, Rankings and the Political Economy of Academic Production in International Law' (2017) 30(2) *Leiden Journal of International Law* (2017) 295.

⁹⁶ Social science studies have shown that scholars tend to regret the lack of institutional support in this regard. See Nández and Borrego (n 76) 790.

⁹⁷ Similar reforms are advocated by Stolker '[...] comparative legal analysis, publications in various languages, and intense collaboration in transnational settings are mentioned as plusses, or even as requirements, the smart will adapt quickly.' Stolker (n 21) 387–388; von Bogandy (n 19) 625.

⁹⁸ Discussing the new responsibilities of scholars, see Richard A Danner, 'Applying the Access Principle in Law: The Responsibilities of the Legal Scholar' (2007) 35(3) *International Journal of Legal Information* 355. See also the editors of the *Leiden Journal of International Law* in Stahn and De Brabandere (n 51).

still a need to wear off a rather common disdain *vis-à-vis* these modes of communication.⁹⁹ They are often perceived as of lesser academic value. Instead, they should be viewed as constituting an integral part of a single academic pursuit. A “good” paper needs to be translated into a variety of formats in order to find its audience. Social media are not intrinsically superior to older media, but they are the media of our times. Engaging in social media or blogging is not a magical cure to populism, to democratize our world or spread the rule of law. It is just a necessary change to meet our public where it currently is. Many issues, such as the instability of hyperlinks and archiving of blogs or the structure of quality control, will need to be thoroughly discussed and addressed.¹⁰⁰ The impact of the inequality of access to the Internet, the linguistic imperialism of the English language, the reliance on social media tools provided by profit-driven multinationals and the potential threats to the work-life balance of scholars are also important matters for future critical investigation.¹⁰¹

Beyond that, there is also the need for legal scholars to reflect on how these communicative changes affect the practice of the law, and their function in the legal field. In this regard, the transformations highlighted in the first section will have to be investigated further from an interdisciplinary perspective. We are at the infancy of a whole new world of scholarly communication. There is no doubt that we, legal academics, will have to face this new reality sooner rather than later. Therefore, the famous academic mantra stands (slightly amended) as strong as ever: we are condemned to publish blogs and tweets or perish.

Competing Interests

The author has no competing interests to declare.

⁹⁹ It was quite an ironic disappointment to see two of my favorite scholars Martti Koskenniemi and Joseph Weiler dismissing blogs as “second-rate” and “hamburger-size” scholarship on Youtube. Youtube, ‘EJIL: LIVE! Professor Martti Koskenniemi’ (EJIL Live, 21.9.2015) <<https://www.youtube.com/watch?v=5BkjktTktBg>> accessed 16 February 2018.

¹⁰⁰ On the “reference rot” see Jonathan Zittrain, Kendra Albert and Lawrence Lessig, ‘Perma: Scoping and Addressing the Link and Reference Rot in Legal Citations’ (2014) 14(2) *Legal Information Management* 88. Flagging the need to archive blogs, see Caroline Young, ‘Oh My Blawg! Who Will Save the Legal Blogs?’ (2013) 105(4) *Law Library Journal* 493.

¹⁰¹ In general, on the potential negative effects of social networks for academics, see Katy Jordan and Martin Weller, ‘Academics and Social Networking Sites: Benefits, Problems and Tensions in Professional Engagement with Online Networking’ (2018) 1 *Journal of Interactive Media in Education* 1.

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