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## **Editorial**

Dear Readers,

We are delighted to present Volume 15, No. 1 of the Goettingen Journal of International Law.

As we present the latest issue of the Goettingen Journal of International Law, we find ourselves reflecting on the profound legacy of one of our most esteemed advisors, *Thomas Buergenthal*, who passed away on May 29, 2023. Buergenthal's contribution to the development of international human rights law, particularly through his work with the Inter-American Court of Human Rights, is a legacy that continues to inspire us as young scholars of public international law. He was a key figure in forming the current landscape of international law, making a significant impact through his contributions in various areas.

He especially did so in his role as a judge at the International Court of Justice and President of the Inter-American Court of Justice. The article 'Thomas Buergenthal and the Americas: A Comprehensive Contribution to Human Rights Protection.', by *Kai Ambos*, which was pre-published at the beginning of this year, honours Buergenthal's life and work, highlighting his pivotal role in shaping the Inter-American human rights system. It draws attention to Buergenthal's pragmatic, yet ambitious approach to fostering regional human rights mechanisms, offering a timely reminder of the value of persistence and strategic foresight in international law.

Following this tribute, we present an in-depth analysis of a key topic in international law, "The Montreux Convention and its Importance for International Peace and Security," by *Ioannis Antonopoulos*, which examines the legal frame-

work governing the Dardanelles and Bosphorus Straits. This article explores the Convention's role in maintaining international order and stability from its inception to the present day, providing critical insights into the regulation of warship transit and its implications for contemporary security challenges.

The second part of this issue presents a special section featuring articles contributed by scholars who participated in the Max Planck Law Conference for Young European Scholars. The topic of the conference was Methodological Pluralism in European Law. The authors address a range of timely and complex legal issues pertaining to the European Union, offering insights into potential avenues for enhancement.

The first article, "Regulating Uncertainty: On the Regulation of Human Behavior and its Interpretation by the Court of Justice of the European Union," by *Sebastian J. Kasper*, explores how behavioral economics can inform the interpretation and application of EU law by the CJEU. Through an analysis of the role of bounded rationality, heuristics, and decision-making biases, Kasper investigates how the CJEU might incorporate these insights to refine judicial reasoning. The article also addresses the methodological and normative challenges posed by incorporating behavioral findings into legal interpretation, offering a critical perspective on the implications for legal certainty and fundamental rights.

The second article, "Adding to the Toolbox: Court-Published 'Fact Sheets' in the EU Legal Order," by *Mareike Hoffmann*, explores the role of fact sheets issued by the Court of Justice of the European Union (CJEU). It investigates the regulatory framework governing fact sheets and evaluates their classification as a form of "soft law." Hoffmann's analysis investigates their legal and practical effects, highlighting the fine balance between promoting accessibility and preserving judicial neutrality.

The third article is "To Err Twice: Methodological Pluralism Through the Lens of EU Prison Policy," by *Christos Papachristopoulos* and *Denise Di Nica*, who examine the interplay between EU legal principles and prison policy within the Area of Freedom, Security, and Justice (AFSJ). The authors critique the limitations of the EU's doctrinal approach, especially its reliance on the principle of mutual trust, and call for a more interdisciplinary methodological framework to

address the realities of detention standards across Member States.

Concluding the section is, “Capabilitarian Social Justice in the EU: Care, Dependency, and the Conception of the Person,” by *Elisabeth Schöyen*. She invites readers to reconsider the conception of personhood within EU law. Drawing on Martha Nussbaum’s capabilities approach, the article challenges the dominant portrayal of the EU’s legal subject as a rational, autonomous actor. Instead, it advocates for a legal perspective that better recognizes human vulnerability and interdependence, offering a fresh lens through which to evaluate EU social justice commitments.

At the heart of this issue lies a shared aspiration to reflect on, critique, and ultimately strengthen the international legal order. Our authors confront challenges old and new, from the institutionalization of human rights to the conceptual underpinnings of justice. Each contribution demonstrates that while the pursuit of justice can be methodologically diverse, it remains unified in its goal of bettering the human condition. The MPI articles, in particular, tackle distinct yet interconnected challenges, offering theoretical insights and practical guidance for contemporary legal issues.

This issue also reflects on the enduring impact of mentorship, exemplified by the legacy of Thomas Buergenthal. His life’s work serves as a source of inspiration. As we engage with the diverse legal perspectives offered in these pages, we are reminded of his belief in the transformative power of human rights law.

We thank our contributors, reviewers, and editorial team for their dedication and scholarly rigor. It is through their work that GoJIL continues to serve as a space for critical reflection and academic discourse. We hope this issue will inspire new ideas, foster debate, and reaffirm our shared commitment to the advancement of international law.

With deepest respect and gratitude,

The Editors