

Guest Editorial

Reflections on Discovering That the International Journal Has Attained Its Thirtieth Birthday

When a small group of European comparative labour lawyers gathered for dinner at a Madrid restaurant in the early Summer of 1984, they could hardly have imagined that they would be putting in train an initiative which, three decades on, sees us celebrating the thirtieth anniversary of *The International Journal of Comparative Labour Law and Industrial Relations*.

That dinner party, hosted by Miguel Rodríguez-Piñero y Bravo-Ferrer, included Gabriel Aubert, Roger Blanpain, Antoine Lyon-Caen, Tiziano Treu, and Manfred Weiss – as well as the current author. Our presence in Madrid at that time related to the work of the newly established ‘*Comisión Consultiva Nacional de Convenios Consultivos*’ (of which Miguel Piñero had been appointed President) for which we were to offer advice and experience drawn from our own national systems of labour law and industrial relations.¹

As the evening wore on and the atmosphere became increasingly mellow, conversation turned to some of the more notable differences between the professional and national experiences. Nor was it long before a vigorous discussion had developed in relation to our differing approaches to ‘industrial relations’, ‘labour law’, and the whole area of regulation for ‘the world of work’. Then, in the midst of the exchanges, a ‘fateful proposition’ fell from the lips of Roger Blanpain: ‘What we need is an international journal to air all these things.’ Agreement was immediate and enthusiastic – and thus was unleashed on the world the notion of *The International Journal of Comparative Labour Law and Industrial Relations*. That title was also adopted at the instigation of Roger Blanpain, who, over the previous ten years, had brought to fruition his *International Encyclopedia of Labour Law and Industrial Relations* and whose ambition to achieve the impossible had in no way been dampened by that experience.

Thereafter, as befits a group of academics, having agreed upon the concept and come up with a ‘label’ to describe it, ‘all that remained’ was to find

¹ See *Formada la Comisión Asesora de Convenios Colectivos*, El País (27 Jan. 1984).

somebody to deliver the project. As ‘the baby of the group’ it fell to this author to assume that role – something about which there is no recollection of there ever having been any semblance of free choice! However, after being joined in that task by Gabriel Aubert and Tiziano Treu – as well as, shortly afterwards, by Federico Durán López and Brian Napier – together we embarked upon the challenge of producing from a ‘standing start’ an international comparative scholarly journal.

Somewhat surprisingly, the pressing need to convene an ‘International Advisory Board’ and the task of enlisting assistance from comparative labour law and industrial relations scholars from around the world eventually proved somewhat less daunting than had at first been feared.

An impressive number of leading figures in contemporary comparative labour law and industrial relations generously committed themselves to serving as members of the International Advisory Board. Consequently, right from the outset, a rich source of advice and support was made available to the editors. In one area, however, things were somewhat more problematic. A general absence during the late 1970s and early 1980s of high-profile female scholars attending congresses of the major international scholarly organizations in the fields of labour law and industrial relations was (almost inevitably) reflected in the predominantly male composition of the Editorial and Advisory Boards. This was compounded at the time by the continued incumbency in leading University Labour Law Chairs of long-serving colleagues who were exclusively male. The problem was highlighted – in inimitable style – by Ruth Ben-Israel, who in 1986 greeted the Founding Editor at a world congress in Caracas with the interrogation ‘Why are there no women on your Journal’s advisory board?’ The response from the object of her discontent was immediate: ‘There *is* one – You!’. It will doubtless be a matter of some satisfaction to Ruth that nowadays the ‘gender balance’ issue is no longer even a matter for comment in the modern environment of the *International Journal*.

Not long after the decision to embark on the adventure had been made, a ‘working meeting’ was convened at Pontignano (Italy) in the early Summer of 1984, to which a host of leading European comparative labour law scholars were invited. To the great relief of the editorial group, a significant number of these luminaries undertook to contribute articles for publication over the first two years of the new journal’s publishing cycle – thereby ensuring a steady flow of original material for inclusion in the early issues. Meanwhile, the world congress of the International Society for Labour Law and Social Security, held in Szeged (Hungary) shortly afterwards, proved the occasion on which to draw in colleagues from further afield – particularly from Latin America and from the Socialist countries of Eastern Europe. Consequently, by the time the *International*

Journal was ready to launch with its first issue in the Spring of 1985, an impressive group of ‘the great and the good’ had been assembled and was offering positive input and support for the new venture.²

Only one thing was missing – a commercial publisher. Discussions with Kluwer Law and Taxation Publishers had been taking place over a number of months in this regard, but these eventually came to nothing. Consequently, therefore, a decision had to be taken as to how the venture was to be funded. This was finally resolved by the simple expedient of Gabriel Aubert and the newly designated ‘Editor-in-Chief’ putting USD 1,500 each into a bank account at the beginning of 1985 and continuing on the basis of a self-financing model. This ‘hand to mouth’ existence lasted for the first seven years of the *International Journal’s* activity, during which time the circulation had grown healthily and the publication had achieved full academic recognition. By that time, therefore, a return to negotiations with Kluwer was possible, leading to mutual agreement on the future shape of the publication, the procedures for printing and publication, and a commitment to broadening the scope of the subject-matter to embrace ‘international labour law’ and the standard-setting activities of the ILO. The change of ownership became effective at the start of Volume 8 (1992) and the *International Journal’s* relationship with Kluwer has continued ever since, to the great satisfaction of all.³

The first seven years had seen publication of a wide range of material reflecting ‘comparative’ work which was truly ‘worldwide’.⁴ It had also seen experiments with ‘parallel publishing’, in the form of a volume on comparative Anglo-Soviet labour law⁵ and a later ‘special edition’ presenting the experience of East European social labour law on the re-unification of Germany in 1990.⁶ Indeed, the inclusion of ‘Socialist scholarship’ had given rise to lively controversy between the Founding Editor and a number of colleagues resistant to his view

² The first two years saw publication of thirty-eight contributions, including articles by Brian Brookes (Australia), Roger Blanpain (Belgium), Miroslav Belina and Marie Kalenska (Czechoslovakia), Antoine Lyon-Caen (France), Rolf Rogowski (Germany), Nikitas Aliprantis (Greece), Csilla Kolonay Lehoczki (Hungary), Marco Biagi, Stefano Liebman, Luigi Mariucci, Tiziano Treu and Bruno Veneziani (Italy), Yasuo Suwa (Japan), Gordon Anderson (New Zealand), John Kaburise (Papua New Guinea), Marek Pliszkiwicz (Poland), Sanda Ghimpu (Rumania), Miguel Piñero (Spain), Reinhold Fahlbeck (Sweden), Michael Forde and Bob Hepple (United Kingdom), Mark Lazerson (USA) and Semion Ivanov (USSR).

³ Including the two ‘financier-editors’ – who eventually saw their contributions returned on the transfer!

⁴ See the comments on this early period described by the Founding Editor in Issue 4 of the 1995 volume (Volume 7) of the *International Journal* (at pp. 303–305).

⁵ W. Butler, B. Hepple & A. Neal, *Comparative Labour Law: Anglo-Soviet Perspectives* (Aldershot 1987), with publication of the same material (in a Russian language version) by the Soviet Academy of State and Law, Moscow, under the direction of Semion Ivanov, in the same year.

⁶ See the 1991 ‘special issue’ (Issue 1 of Volume 7), with contributions by Frithjof Kunz, Semion Ivanov, Robert Schronk, Vljako Brajić, Marek Pliszkiwicz and Csilla Kollonay Lehoczky.

that contributions from Socialist commentators should be included alongside the work of 'Western' colleagues.

However, the commencement of a new phase, now with the backing of a major publishing house, also provided the opportunity dramatically to professionalize the management and editorship of the journal, as well as to indulge in a 'face-lift' with a new cover design and expanded page content. Lammy Betten joined as co-Editor-in-Chief and a hugely rewarding collaboration continued for the next four years. This was also a period of intense political controversy and development of social policy in Europe, particularly following the re-drawing of the ideological 'spheres of influence' brought about by the fall of the Berlin Wall. So, too, was it a period in which the ILO was taking major strides towards its own reinvigoration – not least with the preparation of initiatives which would eventually give rise to the 'Decent Work' programme launched at the end of the 1990s – making it an ideal time in which to expand the coverage of the journal's articles to embrace those developments.⁷

By 1997, with more than a decade of experience having yielded eleven volumes of the *International Journal*, it was time for the Founding Editor to withdraw from 'the front line', and Lammy Betten took over the reins as Editor-in-Chief in her own right. That role she undertook until the end of 1998, when ill-health forced her to relinquish the task. Lammy prepared her last issue of the journal for the Spring of 1999 (Issue 1 of Volume 15). Sadly, and to the consternation of all, the circumstances which led to her withdrawal from the editorship marked the beginning of a long and painful illness which lingered until her eventual release at the end of 2002.

Into Lammy's shoes stepped Marco Biagi – who had already been closely involved with the development of the *International Journal*. Indeed, his enthusiasm had earlier encouraged the publication of 'themed issues',⁸ as well as the participation of a wider variety of industrial relations, labour economics and personnel management specialists in authorship of articles for publication. So, too, had Marco been the driving force behind the establishment of what has now become the *International Association of Labour Law Journals* – a consortium of

⁷ See the report of the Director-General to the 81st Session of the International Labour Conference (Geneva 1994), under the title *Defending values, promoting change*; the 1999 report of the Director-General, *Decent Work*, presented to the 87th Session of the International Labour Conference (Geneva, June 1999); and the later statement *Decent work for all in a global economy: An ILO perspective*, submitted by the Director-General to the Third WTO Ministerial Conference (Seattle, 30 Nov. – 3 Dec. 1999).

⁸ As, for example, with Issue 1 of Volume 2 (1986), which had drawn together an internationally diverse group of authors to confront some of the implications of the so-called 'Saturn Project' from a variety of perspectives.

twenty-five journals from around the world dedicated to publishing the best research and thought in labour and employment law and policy.⁹

Yet, Marco's assumption of the journal's editorship was to last for only three years – until the dreadful evening of 19 March 2002 when 'an act of singular cowardice removed a distinguished scholar from the world of labor law and industrial relations'.¹⁰ The assassination of Marco Biagi – marking what was arguably the lowest point in the thirty-year history of the *International Journal* – came only three years after the murder of Marco's co-patriot, Massimo D'Antona, and offered a chilling reminder of what can happen when ideology and hatred displace rational debate and social partnership in the sensitive field of labour law and industrial relations.

With the sudden loss of Marco Biagi and Lammy Betten in the space of less than a year, the *International Journal* moved into a 'holding' period of administration arranged through the Marco Biagi Foundation in Modena. That period was overseen by a small group of younger colleagues, including Michele Tiraboschi, Marlene Schmidt, and the current Managing Editors, William Bromwich and Olga Rymkevich. Their endeavours ensured that publication of the journal continued apace. Importantly, however, they also ensured that the groundswell of sympathy and support provoked by Marco's assassination was harnessed to attract an even broader range of authors than had hitherto been the case.

Thus, in the volumes of the *International Journal* which emerged after the Millennium, a new generation of scholars contributed articles on developments in every corner of the globe. At the same time, their work illustrated a broadening scope of the *International Journal's* subject-matter to embrace comparative study, work on international labour standards, and the 'human rights' frame of reference for regulation of the world of work. Those contributions increasingly reflected dramatic global and regional trends, including the push for integration and 'enlargement' in Europe, emerging challenges posed by trans-national job-related migration, a perceived diminution in collective bargaining influence and challenges for 'collective labour law', and – inescapably

⁹ That Association, in which the *International Journal* has been an active member since its inception, began life as the 'International Club of Labour Law Journals', and took its inspiration from an exploratory meeting of industrial relations journal editors, attended by the Founding Editor and Marco in 1986. After experimenting with various conference/seminar/colloquium formats, a modest approach was eventually adopted for the new 'labour law journals' group, with the organization of annual meetings at which editors can discuss editorial, production, and related matters of common interest between the participant journal members. Marco took on the mantle of president for the Club's first decade, followed, after his death, by Jeffrey Sack (Canada), who devoted his efforts to refreshing the organisation and reconstituting it as an 'Association', Guido Balandi (Italy), and the current president, Steven Willborn (USA).

¹⁰ Alan C. Neal & Manfred Weiss, *Marco Biagi (1950–2002)*, 23 *Comp. Lab. L. & Policy J.* x-xi (2002).

– the impact of the global financial crisis and recession which struck from 2007 onwards. So, too, were presented a provocative mix of ‘practical’ evaluation of developing experiences and more ‘theoretical’ reflection upon the trends emerging from those experiences.

Intense discussions between the Scientific Directors and members of the International Advisory Board had continued throughout the period following Marco Biagi’s death in relation to how the future editorship of the *International Journal* should be organized. Driving those discussions was an overriding insistence that, whatever else might be done, a ‘generation change’ should be achieved in order to ensure the healthy future of the *International Journal* and to signal a transition from the ‘founding generation’ who had seen the publication through its first quarter of a century.¹¹ Eventually, therefore, in 2011 an invitation was extended to Mia Rönömar to take on the role of Editor-in-Chief. Meanwhile, a measure of continuity was to be preserved through the active participation of the Scientific Directors – the Founding Editor, Tiziano Treu and Manfred Weiss – and the continuing presence of William Bromwich and Olga Rymkevich as Managing Editors. This marked a return to the ‘single Editorship’ model for developing policy and determining the future shape of the *International Journal*. Mia’s acceptance of that role, with effect from 2012 (Volume 28), was a cause for satisfaction and celebration on the parts of all who had been involved in the activities of the *International Journal* until that time.

If there were ever any doubt that the modern leadership of the *International Journal* is in safe hands, one has only to look at the array of contributions published over the past three years. From analysis of regulation for industrial action, assessment of the modern impact and significance of international standards, and consideration of the ever-pressing social policy challenge of providing for an ageing workforce, these articles are engaging with the key issues of our time. An even-larger page content is now packed with stimulating and provocative treatments of labour law and industrial relations initiatives and problems around the world. No sign here of anything but a vibrant and progressive vehicle for discussion of that most fundamental of social phenomena – ‘labour’ and the world of work.

¹¹ Sadly, that period has also witnessed the loss of many of the ‘founding group’ and members of the International Advisory Board. Respectful tribute is paid here to, along with Marco Biagi and Lammy Betten, Ben Aaron (1915–2007), Froilan Bacungan (1925–2014), Bob Bakels (1926–2004), Vljako Brajić (1939–2004), Gino Giugni (1927–2009), Semion Ivanov (1924–2008), Antônio Ferreira Cesarino Júnior (1906–1992), László Nagy (1914–2005), Américo Pla Rodríguez (1919–2008), Tore Sigeman (1927–2014), Clyde Summers (1918–2010), Antti Suviranta (1923–2008), Wacław Szubert (1912–1994), Bill Wedderburn (1927–2012) and David Ziskind (1903–2001).

So, as the Founding Editor wends his way slowly into retirement, the distant memory of that Madrid dinner party more than thirty years ago leaves the sweetest of aftertastes and no little sense of satisfaction. To all of those who have given freely of their time, shown support in times of trouble, and contributed so generously to the success of the *International Journal*, sincere thanks. And to the present editorial team, as the *International Journal* prepares to enter its fourth decade under the guidance of its Editor-in-Chief, Mia Rönömar, may we wish many more years of fruitful activity in our ever-stimulating fields of comparative labour law and industrial relations.

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