

Editorial

The current issue includes a transcript of the 2019 Roebuck Lecture which I had the honour of giving in June this year. The reason I mention this is not to discuss the content of my Lecture here. Those of you who want to learn more about the historical treatment of Arbitration under English law and the development of the policy favouring Arbitration in the last four centuries can read the transcript. What I want to briefly discuss here are two, closely interrelated, matters.

The first is the important role of history in arbitration law. Those of us who lecture, research and practice arbitration are mainly trained as doctrinal lawyers and tend to approach arbitration law mostly from a black-letter perspective. To a large extent, this approach is understandable. International arbitration is a field which is closely related to commercial practice and our research tends to investigate problems that arise in practice with a view to addressing them.

However, several decades after progressive legal movements such as legal realism and critical legal studies, we now know that the importance of law extends beyond courts and statutes, and transcends non-legal fields including sociology, politics, economics and, of course, history. And while interdisciplinary approaches to the study of law have been commonplace for many decades in a number of fields of international law, it is only the last few years that interdisciplinarity has been introduced as a valid method of inquiry in the field of international arbitration. Importantly too, interdisciplinarity in international arbitration has mainly taken the form of empirical studies, especially in investment law and arbitration. With the exception of very few attempts,¹ historical inquiries have been largely absent in international arbitration. This brings me to the second matter I want to discuss in this Editorial, namely the ground-breaking work of Professor Roebuck (to whom my Lecture and my work on the historical examination of the English law policy favouring arbitration was devoted).

Professor Roebuck, who is of course a former editor of this Journal, has produced a remarkable body of work covering the development of English law and practice of mediation and arbitration from ancient times, the middle ages, the seventeenth century and, with his recent and latest book, the eighteenth century. Importantly, the outstanding work of Professor Roebuck has brought about the realisation that historical examinations of arbitration law matter. They matter because, as I explain in my Lecture, realising how well-embedded the idea and practice of arbitration has historically been in England can provide helpful insights into, and indeed great cause for optimism about, the future of English arbitration law and practice, especially as we enter the the unknown and possibly uncertain times of the Post-Brexit era. This issue is thus dedicated to Professor Roebuck, with the hope that he has more important work on arbitration and history to produce in the future.

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¹ See, eg the special 2016 issue of the Journal of Dispute Resolution originating from an excellent conference on history and international arbitration, and (hoping that I can be excused citing my own work) Stavros Brekoulakis "Historical Treatment of Arbitration under English Law" (2019) 39(1) *Oxford Journal of Legal Studies* 124.