



Workshop

Historicization of International Law and its Limits: Preconditions, Modes and Legacies

Jena and Dornburg, June 2021

Convenors: Jean d'Aspremont and Thomas Kleinlein

Topic

Historiographical debates about international law have been flourishing in the international legal literature over the last two decades. Following what international lawyers described as a 'turn to history' – and which is probably better understood as a turn to historiography –, it has become common for international lawyers to discourse and theorize about the specific forms and the meanings provided to the past and the ways in which such a past is created and organized by international lawyers. Such prolific historiographical debates have led to a wealth of new histories and counter-histories of international law. Being mostly produced in circles deemed (or self-labelled as) critical, this new body of literature has been promptly portrayed as an offspring of critical legal thought. Indeed, many international lawyers have considered that the historical turn constituted a natural continuation of the linguistic turn and the rise of critical thought witnessed a few decades earlier in international legal scholarship. And yet, the recent interest in the history of international law is no monopoly of (critical) international lawyers. Mention must be made of the growing interest for global histories among historians.

This workshop is premised on the idea that a continuity between critical thought and critical history is far from obvious and that it remains unclear whether all the new histories and counter histories produced after the 'turn to history' can be appropriately called critical. Arguably, their disruptive nature is compromised because they have all remained articulated around the same European markers and figures. Questioning the kinship between critical thought and the turn to history in international law allows this workshop to take a hard look at the 'critical' character of the new histories and counter-histories of international law. The aim of this workshop is to shed a new light on the historicization of international law and its limits. To that end, participants are invited to reflect on the preconditions, modes and legacies of the 'turn to historiography'.

Particular attention will be paid to the interaction between the turn to history and post-colonial studies, in particular the works of scholars affiliated with the so-called 'Third World Approaches to International Law' (TWAIL). The legacy of the historical turn cannot be evaluated independently from TWAIL engagements with the history of international law.

List of Speakers

Keynote Discussion

- 1) *Bhupinder Chimni*
- 2) *Liliana Obregón*

Presentations

- 1) *Helmut Aust*, Global Histories of International Law, Locally
- 2) *Alexandra Kemmerer*, The Biographical Collusion: Critical Legal Scholarship, the Historiography of International Law, and the Turn to Protagonists
- 3) *Tor Krever*, The Political-Economic Origins of the Pirate in International Law
- 4) *Carl Landauer*, Lather, Rinse, Repeat: The Historical Returns of International Law
- 5) *Kristina Lier*, TWAIL Approach in International Law and Rethinking of Soviet Theory of International Law: Influence of Soviet Theory of International Law on TWAIL?
- 6) *Letizia Lo Giacco*, Historical Mode, historical Mood, or historical à la mode?
- 7) *Jens Meierhenrich*, Three Ways of Thinking "Critically" about International Law
- 8) *Ryan Mitchell*, A Turn to Tragedy?: Agents and Emplotments in the Eurocentric Historical Consciousness of International Law
- 9) *John Morss*, "I Will Talk To You About Colonialism": Historiography, Criticism and International Legal Scholarship
- 10) *Janne Nijman*, tbc
- 11) *Marcus M. Payk*, Into the Engine Room: A Historical Perspective on Practices and Practitioners of International Law
- 12) *Daniel R. Quiroga-Villamarín*, Beyond Texts? Towards a Material Turn in the Theory and History of International Law
- 13) *Ignacio de la Rasilla*, Historicization of International Law and the Turn to International Legal Biography
- 14) *Alexander Schmidt*, Christian Human Rights and the Foundation of Modern International Law
- 15) *David M. Scott*, Not how, but Why: Understanding the Gesture of time in International Legal History
- 16) *Aliki Semertzi*, From "De-(con)-struction" to "Poly-(con)-temporality": Tracing the Linkages Between the Linguistic and the Historical Turn in International Law
- 17) *Christian Tams*, Historiographical Turns in Niche Fields: The Case of International Investment Law
- 18) *Michele Tedescini*, Of Stitches and Spectres: Or Stiffness and Imagination in the Historiography of International Law
- 19) *Agatha Verdebout*, Individualizing History of International Law: An 'Un-critical' Move?
- 20) *Jakob Zollmann*, Contextualism, Contingency, and (No) Critique of Sources. Writing about Spaces in International Legal Histories and the Lure of Anachronism