



Swiss National
Science Foundation

Workshop Series:

New Directions in the Theory & History of International Law

Convened by Daniel R. Quiroga-Villamarín

Supported by SNSF Doc.CH Grant PoGEP1_20077/1 – [‘Architects of the Better World’](#)

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The field of international legal history finds itself at a crossroads. After some decades, the tone of the literature on the “turn to history” has turned from celebration to self-critique.¹ Indeed, the last couple of years have witnessed increased calls to pursue new directions in international legal history, departing from the “well-worn paths” initially explored.² In this vein, some urge for a localized approach to the study of “legal politics,”³ while others push for a “history of international law in the vernacular,”⁴ a “grassroots analysis,”⁵ or a “radical historical critique.”⁶ In my own work, I have argued for a (new) materialist approach,⁷ which resonates with other broader drives for the retrieval of Marxist perspectives in international legal history.⁸ Moreover, the “marked absences” of class, gender, and race from the traditional canon of the discipline seem like an increasingly inexcusable exclusion.⁹ In sum, the stage is set for a profound reconsideration of the aims, methods, and archives of contemporary international legal history.

¹ For a broad overview, see Ignacio de la Rasilla, *International Law and History: Modern Interfaces* (Cambridge: Cambridge University Press, 2021); Anne Orford, *International Law and the Politics of History* (Cambridge: Cambridge University Press, 2021); Annabel Brett, Megan Donaldson, and Martti Koskeniemi (eds.), *History, Politics, Law* (Cambridge: Cambridge University Press, 2021).

² To paraphrase Martti Koskeniemi, “A History of International Law Histories,” in *The Oxford Handbook of the History of International Law*, ed. Anne Peters and Bardo Fassbender (Oxford: Oxford University Press, 2012), 933–71, 970.

³ Lauren Benton, “Made in Empire: Finding the History of International Law in Imperial Locations,” *Leiden Journal of International Law* 31, no. 3 (2018): 473–78; Lauren Benton, “Beyond Anachronism: Histories of International Law and Global Legal Politics,” *Journal of the History of International Law* 21, no. 1 (2019): 7–40.

⁴ Jacob Katz Cogan, “A History of International Law in the Vernacular,” *Journal of the History of International Law* 22, no. 2–3 (2020): 205–17.

⁵ Doreen Lustig, “Toward a History of Grassroots International Law: Was the Road Taken?,” ACIL Lecture Series, February 8, 2021, <https://acil.uva.nl/content/events/lectures/2021/02/acil-lecture-series.html?cb>.

⁶ Jean d’Aspremont, “Turntablism in the History of International Law,” *Journal of the History of International Law* 22, no. 2–3 (2020): 472–96.

⁷ Daniel Ricardo Quiroga-Villamarín, “Beyond Texts? Towards a Material Turn in the Theory and History of International Law,” *Journal of the History of International Law, Journal of the History of International Law* 23, no. 3 (2021): 466–500.

⁸ See, *inter alia*, Rose Parfitt, *The Process of International Legal Reproduction: Inequality, Historiography, Resistance* (Cambridge: Cambridge University Press, 2019); Susan Marks, *A False Tree of Liberty: Human Rights in Radical Thought* (New York: Oxford University Press, 2020); Ntina Tzouvala, *Capitalism as Civilisation: A History of International Law* (Cambridge: Cambridge University Press, 2020).

⁹ Janne E Nijman, “Marked Absences: Locating Gender and Race in International Legal History,” *European Journal of International Law* 31, no. 3 (2020): 1025–50. On gender see, Patricia Owens and Katharina Rietzler, eds., *Women’s International Thought: A New History* (New York: Cambridge University Press, 2021). On race, Duncan Bell,

With this in mind, the interdisciplinary workshop series “New Directions in the Theory & History of International Law” aims to create a space where emerging and senior scholars of different traditions can meet and rethink on the past, present, and future of the theory and history of the discipline. For this purpose, the Graduate Institute of International and Development Studies IHEID (Geneva, Switzerland) will host a series of two-day academic workshop to promote productive conversations between different disciplinary sensibilities and perspectives along three core issues over the next three years.

These three cross-cutting themes are:

- *Political Economy, History, & International Law* – June 2 & 3, 2022
with Professor **Susan Marks**, London School of Economics.
- *Aesthetics of the International(s)* - October 2023 (tentative date)
with Professor **Kate Miles**, University of Cambridge.
- *Space and Scale in International Legal History* - Spring 2024 (tentative date)
with Professor **Luis Eslava**, University of Kent.

Thanks to the generous support of the Swiss National Science Foundation (SNSF), the *Droit* programme of the *Conférence Universitaire de Suisse Occidentale (CUSO)*, and the Global Governance Centre & the International Law Department at IHEID, we will be able to invite one senior scholar to each workshop. She, he, or they, will deliver a public lecture and provide general feedback to the draft papers presented by the participants. Professors based at the Graduate Institute will serve as discussants, moderators, and will intervene in roundtable sessions. For the last session, a roundtable of last-year PhDs will be convened instead. We hope that these workshops will serve as incubators of long-lasting networks of heterodox and innovative scholarship in the field of global governance.

The speakers will be chosen from a public call for papers, considering the importance of a diverse mix of participants from different disciplinary and geographical sensibilities, along with a balanced composition between scholars of different genders and career-stages. Sadly, in principle, we will not be able to fund the travel and accommodation costs of the participants. We expect to host these workshops in person, but hybrid participation might be considered depending on the overall sanitary situation or to facilitate the participation of speakers that might be facing financial or migratory barriers.

• **Workshop I: Political Economy, History & International Law**

June 2, 2022

16:30- 18:00 – Inaugural Roundtable - Glaring Absences: Class, Race, and Gender in the Histories of Capitalism & International Law

- Carolyn Biltoft, Janne Nijman, Davide Rodogno, & Mohamed Mahmoud Mohamedou
Moderator: Daniel R. Quiroga-Villamarín

Room S8

June 3, 2022

10:15 – 12:15 - Panel I: History and Political Economy in Human Rights and the Laws of War

Room S8

10:15 - 10:25	Eliana Cusato & Emily Jones (<i>University of Amsterdam & University of Essex</i>) - “The Imbroglia of Ecocide: A Political Economy Critique”
10:25 - 10:35	Mrinalini Shinde (<i>University of Cologne</i>) - “Ecocide, Reparations & the Colonial Corporation: India’s Environment & the East India Co.”
10:35 – 10:45	George Hill (<i>European University Institute</i>) - “Visual Semantics and the Laws of War: An Unexplored History?”
10:45 – 10:55	Zoi Lafazani (<i>Graduate Institute, Geneva</i>) - “Wither Political Economy? A Tale of Unexpected Interplay between International Humanitarian Law and Political Economy”
10:55 – 11:05	Leon Castellanos-Jankiewicz (<i>TMC Asser Institute</i>) - “Human Rights, New Utopias and the Spectre of Ideology”
11:05 – 11:15	Ben Zdencanovic (<i>Yale University</i>) - “An Appeal to the World’: Contesting Sovereignty and the International Law of Social and Economic Human Rights in the United States, 1945-1955”
11:15 – 11:25	James D. Fry (<i>University of Hong Kong</i>) - “The Role of Peace Movements in the 1899 Creation of the Permanent Court of Arbitration”
11:25 – 11:35	Martin Clark (<i>University of Melbourne</i>) - “Testing Thriving Populations: Some Political Economy Foundations of International Law”
11:35 – 12:15	Discussion

- Discussant: Susan Marks – Moderator: Andrew Clapham

Lunch Break 12:15-14:15

14:15-16:15 - Panel II: Rethinking the Public/Private Divide in International Law & Institutions

Room S8

14:15 - 14:25	Negar Mansouri (<i>Graduate Institute, Geneva</i>) - “Money, Magic, and Machines: International Telecommunication Union (ITU) and the Privatization of Telecommunication Networks and Services (1971-1998)”
14:25 - 14:35	Anna Saunders (<i>University College London</i>) - “Securing Invention: Property in Technology and the Form of International Law”
14:45 - 14:45	Willem Theus (<i>KU Leuven</i>) - “Private Histories of International Law: A Snapshot from the Tangier International Zone”
14:55 - 15:05	Thomas Gidney (<i>University of Oxford</i>) - “Negotiating the End of Extraterritoriality (1919-1943)”
15:05 - 15:10	Josef Ostransky (<i>European University Institute</i>) - “International Investment Law and Ideology: The Rule of Law, Good Governance and Democracy”
15:10 - 15:15	Menna Soliman (<i>UN Mission in Iraq</i>) - “Reading the History of International Investment Law in the History of the Colonization of Egypt”
15:15 - 15:25	Philip Burton (<i>University of Bristol</i>) - “‘The Experiment of International Administration’: the Political Economy of Technocratic Managerialism at the League of Nations”
15:25 - 15:35	Daniel R. Quiroga Villamarín (<i>Graduate Institute, Geneva</i>) - Suitable Palaces: Navigating Layers of World Ordering at the <i>Centre William Rappard</i> (1923-2013)
15:45 - 16:15	Discussion

- Discussant: Susan Marks – Moderator: Anne Saab