



**Webinar on
'European Approaches to International Law in a Historical Perspective:
Taking Stock of some Contemporary Appraisals'**

**Tuesday 11th May 2021
14-16.45 CET**

Concept Note

The European University Institute, in cooperation with Roma Tre University, and with the support of the European Society of International Law, are pleased to invite scholars to attend a conference on 'European Approaches to International Law in a Historical Perspective: Taking Stock of some Contemporary Appraisals' that will take place online on Tuesday 11th May 2021 (14-16.45 CET).

This webinar aims to take stock of a series of recent publications adopting a critical and historical perspective to national approaches to international law in the European context.¹ The turn to history in international law has coincided with a heightened sensitivity to the need to explore international law from comparative and specific local/national perspectives. The intersection of these two movements has increased awareness of how national and local contexts have fundamentally contributed to shaping international legal rules, institutions and doctrines since the inception of the modern law of nations. It has also drawn attention to how the international dimension has influenced the conceptualization, interpretation and reform of law at the local/national levels, in light of the perpetual pendulum "between centre and periphery, between the international and the local".²

¹ Examples of some publications, limited to the European context, could be identified as: de Waele Henri, A New League of Extraordinary Gentlemen? The Professionalization of International Law Scholarship in the Netherlands, 1919–1940, 31 EJIL (2020) 1005; Hilpold Peter (ed.), European International Law Traditions, Springer 2020; Bartolini Giulio (ed.), A History of International Law in Italy, OUP, 2020; Genin Vincent, Le laboratoire belge du droit international. Une communauté épistémique et internationale de juristes (1869–1914), Académie Royale des Sciences, des Lettres et des Beaux-Arts de Belgique, 2018; De la Rasilla del Moral Ignacio, In the Shadow of Vitoria: A History of International Law in Spain (1770-1953), Brill, 2017; Kjeldgaard-Pedersen Astrid (ed.), Nordic Approaches to International Law, Brill, 2017; Kjeldgaard-Pedersen Astrid (ed.), Nordic Approaches to International Law, Brill, 2017; Özsü Umut, Skouteris Thomas (editors of this Symposium), International Legal Histories of the Ottoman Empire, 18 Journal of the History of International Law, 2016; Mälskoo Laurii, The Russian Approaches to International Law, OUP, 2015; Jouannet Emmanuelle/Motoc Iulia (sous la direction de), Les doctrines internationalistes durant les années du communisme réel en Europe, Société de législation compare, 2012; Gamarra Yolanda, de La Rasilla del Moral Ignacio (eds), Historia del pensamiento iusinternacionalista español del siglo XX (Aranzadi), 2012 Jouannet Emmanuelle, 'A Century of French International Law Scholarship', 61 *Maine Law Review* (2009), 83; Koskeniemi Martti, The Gentle Civilizer of Nations. The Rise and Fall of International Law, 1870–1960 (Cambridge: CUP 2001). On the German scholarship see also the special section of the 50 GYIL (2007), 15-456.

² Arnulf Becker Lorca, *Mestizo International Law. A Global Intellectual History 1842-1933*, Cambridge 2014, 24.

What is true of international legal doctrine and institutions is also true of international legal scholarship itself, which has been driven partly by the convergence of global dynamics in terms of methodologies, theories, fields of interest and professional networks involving the community of international lawyers, and partly by context-dependent solutions based on local features, through a constant process of cross-fertilization and attrition. More and more, scholarship in international law has begun to uncover and scrutinize how political, economic, diplomatic, and historical elements affecting states might significantly contribute to introduce distinctive characteristics and peculiarities, or even diverging perspectives, to the international legal order and its rules.

Against this background, this webinar would like to critically reflect on the legacy and characteristics (if any) of national approaches to international law by bringing together recent scholarship on the European context as viewed from the perspective of broader debates in the history of international law. This choice to focus on Europe is motivated by the special interest at the EUI and the ESIL in examining European traditions in international law, but it is hoped that this initial conversation will set the stage for future research and reflection both beyond Europe³ and with regard to multiple national contexts in Europe still lacking a critical appraisal.

Programme

The webinar will take place over two sessions on the afternoon of May 11.

Session One (14.00-15.15)

The first panel will focus on overarching conceptual and methodological issues including the relevance of studies exploring potential national features; the relationship and dialogue (if any) among international scholars, legal historians and historians in this research; the long-term/contemporary legacy of national approaches; and the complex relationship between the domestic and global dimensions in the evolution of the discipline of international law.

Speakers: Martti Koskenniemi (University of Helsinki)
Inge van Hulle (University of Tilburg)
Jean-Marc Thouvenin (Hague Academy of International Law; University Paris X Nanterre)

Moderator: Neha Jain (European University Institute).

Q&A session with the virtual audience

Break

Session Two (15.15-16.45)

The second session will take the form of an informal roundtable with the authors of some of the most recent scholarship in this area. Authors will be invited to discuss the rationale, methodological approaches, and main features of this scholarship. The conversation will be structured around a set

³ As for non-European approaches see, for instance: Rossi Christopher, *Whiggish International Law*, Brill 2019; Yin Zhiguang, *Heavenly Principles? The Translation of International Law in 19th-century China and the Constitution of Universality*, 27 *EJIL* (2016) 1005; Becker Lorca Arnulf, *Mestizo International Law. A Global Intellectual History 1842-1933*, Cambridge 2014; Janis Mark Weston, *America and the Law of Nations 1776-1939*, OUP 2010; Masaharu Yanagihara, *Significance of the History of the Law of Nations in Europe and East Asia*, 371 *RCADI* (2014), 273; Obregón Liliana, *Between Civilisation and Barbarism: Creole Interventions in International Law*, 27 *Third World Quarterly* (2006), 815.

of common themes such as points of commonality and divergence in the approach to national traditions present in such analysis; the role of international law and the academic community in signaling international/national historical markers in different contexts; and the potential legacy of national approaches in domestic contexts.

Speakers: Peter Hilpold (University of Innsbruck)
Iulia Motoc (European Court of Human Rights, University of Bucharest)
Ignacio de la Rasilla del Moral (University of Whuan)
Vincent Genin (Catholic University of Leuven)
Giulio Bartolini (University of Roma Tre)

Moderator: Lauri Mälskoo (University of Tartu)

Q&A session with the virtual audience

Concluding observations: Veronika Bilkova (ESIL Secretary-General; University of Prague).

Organization

Neha Jain (European University Institute)

Giulio Bartolini (University of Roma Tre; Fernand Braudel Senior Fellow, EUI)