

Workshop co-hosted by:  
*European Cooperation in Science and Technology (COST)\**  
*Robert Schuman Centre for Advanced Studies (EUI)*  
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*European University Institute*  
*Villa Schifanoia, Sala Triaria*

## **The Power of Legality: Practices of the International Law and their Politics**

### **Workshop Co-Convenors:**

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What is the relationship between international law and international politics? This perennial question reveals a curious but no less regular insularity across the disciplines of International Relations (IR) and International Law (IL). Traditionally, each discipline has represented the ‘International’ not only in terms of *sui generis* questions but also, and arguably, via the construction of different cosmologies of the concept. As such, the disciplinary banners of ‘International’ Law and ‘International’ Politics have engendered and enabled discrete communities of scholars and professionals to construct varying representations of what the legal versus political world “look like.”

This alleged dichotomy between law and politics, however, has in recent times generated considerable frustration, debate and even circumspection. Commentators across the scholarly divide speak with simultaneity over respective intellectual ‘crises’ or ‘failures’ emanating from economic, social and political reconfigurations that make it difficult to sustain distinctions between law and politics, the international versus domestic, and public versus private law. In this way, international lawyers face a challenge of reconciling forms and uses of law in world affairs which have mutated and proliferated far beyond what the positivist map of Article 38 of the Statute of the International Court of Justice strictly told us international law ‘is’. Similarly, IR scholars have struggled to come to terms with how the once essential and non-derogable template of Westphalian sovereignty is now attached to an ever growing list of conditions; blurring the lines between axiomatic rule and exception and bringing to light how an ordering principle can morph into *topos*.

Thus, observation and cliché come together with the acknowledgement of a profoundly changing world. This has prompted invitations for “dual” or “interdisciplinary” research of international law and politics, and between IR and IL scholarship. Yet, as has been well criticized to date, the move toward “Interdisciplinarity” has produced bottleneck or even—as some insist—gridlock over how to “define” or articulate this law/politics nexus. For instance, the initial belief that semantic manoeuvre, e.g. inventing or tweaking nouns, could constitute an interdisciplinary breakthrough seems to have provoked a turf dispute over the actual meaning and propriety of alleged ‘bridging’ terms such as norms, institutions or ‘legalization.’ Further, the intuition of engaging law and politics via the ‘first step’ of essentialized definitions, e.g. what power *is* or what a law *is*, has come at the price of bracketing out canonical perspectives and cleavages integral to understanding both fields.

Accordingly, with a view to evolving the state of the art vis-à-vis the study of law and politics and, concurrently, promoting work between IL and IR scholars, this workshop attempts to reset what has been a stalled effort to articulate a more heterogeneous and reflexive approach to the analysis of law and politics through a focus on juridical practices. To do so, the workshop seeks to explore the insights from the recent practice turn in IR to analyse the notion of legality as a nexus which merges law and politics. Further still, contributors are asked to examine how practices of law and politics come together to construct and even contest assertions of international legality in particular fields and in given instances.

The workshop is open to papers with a theoretical and/or case study focus. Potential contributors are asked to consider the following questions:

- How does a focus on international law and politics as ‘fields of practice’ improve our understanding of law in application, or the production of legality? To what extent do practices of global law exceed the conventional doctrine of International Law? How could an examination of practices augment theoretical understandings of the relationship between law and politics?
- To what extent can the analysis of international relations be furthered by the understanding of law as a form of productive power? What techniques of legal power can be identified?
- Finally, what significance does the notion of ‘discipline’ and/or disciplinary boundaries have for the study of law and politics? What constitutes these disciplines qua disciplines? Are there multiple and perhaps contested meanings? Is the use of the term itself problematic?

Potential contributors are further asked that their papers engage one of the following topics or practice areas:

- The ‘International’ as a subject of disciplinarity and/or expertise
- International Order and Ordering
- International Criminalization and Adjudication
- The Law of War, UN Sanctions and Humanitarian Intervention
- International Humanitarian Law, Targeted Killings and Prisoner Renditions
- International Human Rights and Migration Law
- Global Corporations and the Foreign Investment Regime
- International Development
- International Trade

**Potential contributors are asked to submit a paper abstract and outline totalling 500 words to [nikolas.rajkovic@eui.eu](mailto:nikolas.rajkovic@eui.eu) by 17:00 6 February 2013. Successful submitters will be informed by the end of February, and asked to present a draft chapter of between 7,000-8,000 words at the Florence workshop 27-28 May 2013. Successful submissions will be determined by the coherence of the paper proposal and its fit with the call for papers.**

There is no conference fee. Participants from the working group on territoriality within COST Action 1003 are entitled to reimbursement for travel and accommodation. For other participants there are limited possibilities for funding.

*\*COST Action IS1003 “International Law between Constitutionalization and Fragmentation: The Role of Law in the Post-National Constellation.”*