# **Philosophical Perspectives on International Law**

## **IVR Special Workshop No 30, 11–12 July 2019**

**Convenors**: Prof Pauline Westerman, Mr. Kostiantyn Gorobets, Mr. Andreas Hadjigeorgiou

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## Workshop Description:

Generally, within social and legal philosophy international law has always occupied a marginal position. Yet international law proves to be a unique normative whole where many hypotheses about the essence, functions, and manifestations of law can be tested, as many conceptions of law cannot be extrapolated unto international law. Such an extrapolation often gives rise to the idea that since international law lacks some attributes that can be found in domestic law, it is either a ‘special case’ of law or even a ‘defective’ one. This workshop seeks to engage with different philosophical and theoretical perspectives on international law that challenge, in one way or another, this standard viewpoint.

By bringing up a plurality of approaches to fundamental issues of ontology and methodology of international law, this workshop has an aim of building bridges between legal and social philosophy, on the one hand, and international legal theory, on the other. The overall aim is to provide a platform through which legal and social philosophers, in general, can introduce and familiarise themselves with different aspects of international legal theory. Towards this end, we have made selection of renowned, and up-and-coming, theorists in the field of international law. We asked them to present the different questions they engage with, and the various philosophical perspectives they have chosen to understand them through. Rather than accepting the positions of each presenter unreflectively, though, our intention is to provoke meaningful dialogues out of each presentation, by pairing up our presenters to give responses to one another. In this way, we hope to highlight, not one, but (at least) two competing philosophical perspectives for each question posited.

As such, the different panels composing the workshop pursue diverse and intricate agendas, which offer an examination of miscellaneous (yet interrelated) subject matters. In very wide generalizations: some aspire to scrutinize the methodological underpinnings of the conceptualization of international law – a task involving discussions around sovereignty, will, consent, and other interrelated concepts. Others seek to contemplate the philosophical accounts of the concept of customary international law, international authority, and normativity. While others turn to principles of doctrinal self-reflection – a process which opens doors for collaboration in between general jurisprudence and the philosophy of international law. Last, but no least, a final group seems interested in drawing the theoretical implications which flow from the contemporary development in the practice and methodology of international law.

The workshop is open to everyone interested in getting acquainted with the various philosophical and theoretical perspectives and approaches employed within international legal scholarship.

## Programme:

### Session 1 (11 July, 14:00–16:00):

1. Note from organisers

*Prof Pauline Westerman, Andreas Hadjigeorgiou, Kostiantyn Gorobets*

2. “Method and Foundations in International Law”

*Dr Aaron Fichtelberg (University of Delaware)*

3. “Some Observations on Will, Convention and Principle in Domestic and International Legality”

*Prof Mattias Kumm (New York University and Humboldt University Berlin)*

### Session 2 (11 July, 16:30–18:30):

1. “The Positivist Turn in (International) Legal Scholarship: Implications from – and for – (Legal) Philosophy”

*Dr Jorg Kammerhofer (University of Freiburg)*

2. “The Oxford Jurisprudence Circle: A Lost Legacy on Customary (International) law”

*Mr Andreas Hadjigeorgiou (University of Antwerp and University of Groningen)*

3. “Authority: International Law and its Normative Strength”

*Mr Kostiantyn Gorobets (University of Groningen)*

### Session 3 (12 July, 14:00–16:00):

1. “Fragile, Nascent, and in Critical Condition: Dworkin on International Law”

*Dr David Lefkowitz (University of Richmond)*

2. “*Opinio Juris*: The Persistence of a Doctrine”

*Prof Pauline Westerman (University of Groningen)*

3. “What, If Any, Is the Space Inside or Outside International Law for a Philosophy of the Discipline?”

*Prof Anthony Carty (Beijing Institute of Technology School of Law)*

### Session 4 (12 July, 16:30–18:30):

1. “Between Utopian Constructivism and Dystopian Rationalism: An Experimental Approach to International Legal Theory”

*Prof Anne van Aaken (University of Hambourg)*

2. “Fictions, Fallacies, and Failures in the Interpretative Process: Of ‘Time-Travel’ and ‘Pocket Universes’”

*Prof Panos Merkouris (University of Groningen)*

3. “The Perpetual Relation between the Normative and the Empirical in International Legal Scholarship: the Framework of ‘Transplantation’”

*Ms Maiko Meguro (University of Amsterdam)*