



New Approaches to International Law Bibliography

Citation

David W. Kennedy, New Approaches to International Law Bibliography, 35 Harvard Int'l L.J. 417 (1994).

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New Approaches to International Law: A Bibliography

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Chris Tennant*

INTRODUCTION

The European Law Research Center at Harvard Law School began this bibliography project in the spring of 1993 as part of the background work for the "New Approaches to International Law" conference, held in Essex, Massachusetts in the fall of 1993. At the time, we knew of a number of people, scattered in various law faculties and research institutes in Europe and North America, who were rethinking the traditional approaches to their disciplines. We knew from personal experience that many felt isolated in their own scholarly environments or found it difficult to identify others working on similar themes in other countries. By compiling a bibliography, we hoped to bring these scholars in touch with one another. As a result, this bibliography is as much about relations among people as it is about relations among ideas.

This introduction to the bibliography is divided in two parts. We begin by describing the process through which we compiled the bibliography, and by making some general remarks about the work that falls within the category of "New Approaches to International Law." In the second part of the introduction, we set out the perspectives of a number of the authors in the bibliography on the Essex conference. Our hope is that in reprinting these diverse, even dissonant, perspectives, we can convey some of the intellectual excitement and controversy that lies at the heart of this bibliography.

We compiled the bibliography by asking everyone we knew who had done, or might know of, work related to the slogan "New Ap-

* This bibliography would not have been possible without the cooperation of the authors who are included in it. We extend our thanks to all of them, as well as to Carole Banta and Gail Hupper. We would especially like to thank those who were brave enough to allow us to include their perspectives on the Essex conference in the second part of this introduction. Inevitably, many people who should have been included in this bibliography have been omitted. We apologize in advance for these omissions and will do our best to correct them in future versions of the bibliography. We describe the process through which the bibliography will be updated at the end of this introduction.

proaches to International Law” to send us suggested entries as well as the names of people whom they felt should be included. We had no rigid criteria for including material, other than the loose injunction that it should relate to international or comparative law and legal philosophy and that it should be directed in some way to rethinking the traditions of these disciplines. We compiled what came back into the first draft of the bibliography. As the bibliography went through successive drafts, we learned about, and contacted, more and more people.

The result was a much more extensive bibliography of new approaches to international law than we had ever anticipated. At the same time, we know that there remain important omissions. We think of the bibliography as an ongoing project—and are pleased to find how often conversations turn up significant pieces, authors, and traditions we have hitherto overlooked. Our hope in publishing the bibliography in this form is to further that process of discovery and dialogue.

In general, there has been a dramatic increase during the past two decades in the volume of scholarly work that aims to rethink the foundations of international law and to respond to recent trends in political, social, and legal theory. Some of this work seeks to respond specifically to the dramatic changes in international society since the end of the Cold War. But these legal and political changes have so far been more significant for this audiences they have created for this new scholarship than for the intellectual innovations they have engendered. Most of the work represented in this bibliography was under way before those changes, and is part of broader *fin de siècle* intellectual and social developments.

Much of this work does not fit easily into traditional academic disciplines. Some of these writers are public international law scholars, others focus on particular issues, like the environment, nationalism, or trade. Some come from legal sociology, comparative law or legal philosophy. Some use the insights of other disciplines, including anthropology, economics, and feminism.¹ Some have been interested in progressive or critical dimensions of contemporary legal philosophy or method. Some think of themselves as deeply progressive; others eschew political affiliation of all sorts. Whatever their intellectual roots, most of these scholars see themselves as challenging the dominant intellectual style or assumptions of their field.

The collection consists primarily of work by younger scholars. Of those from outside the United States, many have spent some time here,

1. An important limitation in the bibliography is the absence of those who have developed similar themes, at least in the United States, in the disciplines of international relations or political science, people such as Richard Ashley, James der Derian, or Friedrich Kratochwil.

in graduate study or conducting research at Harvard or elsewhere. Of those from North America, many have been particularly interested in European social and legal theory. Those who come from outside the North Atlantic region have almost all studied or taught in either Europe or North America.

Nevertheless, the networks and scholarly traditions in Europe and North America are sufficiently different to make conversation across that divide, even among younger scholars interested in "rethinking" their respective traditions, difficult. On the European side, while some of the scholars most interested in the project were from the public international law field, most were from legal philosophy, sociology, or a particular doctrinal area of public or private law. Some have participated in the "law and society" movement to one degree or another. Only a few in the European Community Law field, most concentrated in the southern countries, seem interested in a "new approaches" project.

On the American side, the networks are equally diverse, but along quite different axes. Some work explicitly in legal theory or are interested in interdisciplinarity, theoretical, and methodological issues. Some are interested in semiotic or linguistic approaches, others in anthropology or sociology. As in Europe, some have been involved in the law and society movement. Some are interested in post-modernism. Many have been influenced by the American tradition of identity politics to one or another degree. Some see themselves as feminists, some as part of the critical race theory movement, while others are interested in post-colonialism and "sub-altern studies." Many have been involved in cultural studies. Many were involved in the "critical legal studies" movement. In terms of fields of study, all are interested in international law and international relations, or one of the subdisciplines (human rights, indigenous peoples, international environmental law) that have sprung up in the past few decades.

Those from outside Europe or North America included here have some connection with one or another of these European and North American scholarly trends, whether feminism, critical legal studies, or post-colonialism. Many take those traditions of the North in quite novel and intriguing directions. As some of the perspectives set out in the second part of this introduction indicate, the links remain to be made to scholars working outside both the geographic limits and intellectual traditions of Europe and North America on "new approaches."

Although many of the works listed here take up specific contemporary policy issues of labor law, development, trade, the environment, or women's rights, they also self-consciously address issues of method that touch the field of international law quite generally. Moreover,

many are critical of the way in which the international legal and policy community has responded to issues that these authors feel are significant. We are hopeful that continued discussion will deepen our appreciation for the insights or approaches these scholars might contribute to our understanding of international policy. The same is true for the study of international legal practice, which is central to only a few of these works.

We wondered how participants in such a diverse range of scholarship might benefit from conversation with one another. Thus, in October 1993, the European Law Research Center hosted a three-day retreat in Essex, Massachusetts to bring together representatives of these various networks for discussion. An early version of the bibliography served as a background document for that retreat. Having begun only with the vague feeling that many younger scholars in fields allied with international law were not only more interested in issues of legal philosophy or legal theory than many of their predecessors, but also were questioning some of the traditional assumptions and disciplinary conventions of legal scholarship in those fields, we came away from the Essex discussions convinced that there was a great deal of good work and that improving the dialogue among these various scholarly networks was a worthwhile objective.

While this bibliography began as a background document to the conversations that took place in Essex, we would like to think that it speaks to a wider audience. We hope it will be useful to a range of scholars, inside and outside of the field of international law, and that it will touch off a series of much more extensive conversations within this larger scholarly community. We hope also that the bibliography will be of interest to readers who are involved in one or more of the specific areas of international law, broadly conceived, that are covered by the bibliography, such as human rights, nationalism, critical theory, feminist theory, legal history, and postcolonialism.² For students of these and other areas of international law, the bibliography may provide an introduction to new authors and works.

Perhaps most importantly, we hope that the bibliography will provide intellectual inspiration *across* categories, fields, and disciplines. Some of the most important work included here has been written as the result of dialogue outside our traditional understanding of doctrinal or disciplinary categories, such as when international environmental lawyers talk to human rights types, or when international legal philosophers spend time with people interested in colonialism, identity,

2. Undoubtedly there are significant works of this sort of which we are not yet aware. For example, the American Society of International Law's International Economic Law Group has embarked on an ambitious project to bring together new approaches to trade law and international economic policy.

or dependency. The bibliography contains the transcripts of many such conversations, between historians and diplomats, European lawyers and American theorists, and vice versa. We hope this bibliography will prompt more interdisciplinary exchanges.³

We also hope the bibliography will be useful to scholars working outside the field of international law on inter-disciplinary projects. Many of those writing here have borrowed from disciplines outside of international law; perhaps others will return the interest. At the same time, some of this writing is an explicit polemic against adding disciplines together in favor of a more aggressive assault on the boundaries between disciplines. Perhaps those authors will find allies in other fields. In particular, the bibliography contains a number of works exploring the boundaries between international law and legal history, anthropology, and sociology.

This bibliography is a continuing project. One of our reasons for publishing it is to encourage scholars whom we have not had the foresight to include to contact us so that their works can be included in future versions of the bibliography. We would welcome suggestions for authors or works we might include. The Harvard Law Library has also established a special "New Approaches to International Law" manuscript collection containing the articles and manuscripts listed in the bibliography. New items will be added to the library collection as the bibliography is updated.⁴

PERSPECTIVES ON ESSEX

We asked participants at the Essex conference to write a paragraph or two about their experience of the conference. We tried to ask everyone who had been at the conference, but the vagaries of communication prevented us from contacting everyone. Nor did we receive replies from all the people we did contact in time for inclusion here. These comments are unedited.

Lama Abu-Odeh

I had the experience during the discussion at the Conference that the "Third World" has yet to emerge as an autonomous conceptual entity. Third World "issues" tended to be relegated to the concept of

3. Early in the process of preparing the bibliography for publication, we considered dividing the entries into categories ("feminism," "human rights," "legal theory," and so on). We decided not to do so, in part because such categorizing would consolidate divisions that many of the scholars in this bibliography are trying to break down.

4. All correspondence concerning the bibliography, including manuscripts, books, and off-prints, should be sent to: "New Approaches to International Law," European Law Research Center, Harvard Law School, Cambridge, MA, 02138, USA. So that the Harvard Law Library collection can be kept current, please enclose copies of any items you think should be added to the bibliography. We regret that no items can be returned.

“multi-culturalism” or “minorities,” be they racial or ethnic. Both concepts, I feel, are tools of representation used to understand Western or European societies, rather than those lying outside their boundaries.

Philip Allott

Although it was structured in a rather Zen, i.e., going-with-the-flow, sort of way, the Conference did succeed remarkably in bringing to the surface of consciousness, and bringing into interesting contact, new ways of talking about International Law and new voices talking about International Law.

Above all, it suggested to me that there is some hope that International Law may at last be able to lift itself from the bargain basement of intellectual endeavours, not for the sake of creating a new and fashionable academic pastime, but for the purpose of contributing, to the limits of the intellectually possible, to transforming the world for the better.

Antony Anghie

What, then, is the “New Stream” approach to international law? This is the question I took with me to the conference, somehow and naively expecting a clear answer to emerge. This, of course, did not occur.

What I found most interesting about the experience, after some initial disorientation, was the exploration of significant differences between groups of people who felt a certain overarching sympathy with each other’s work. This exploration was particularly valuable because it took place in more depth than would have been the case if the conference was divided along the customary lines of “new” and “old” approaches. The diversity of approaches and topics of interest was one of the central features of the conference for me—and this leaves me wondering how the term “New Stream” approach should be thought of. At a different level, I believe that colonialism and the developing country experience is one that still remains to be elaborated and theorized in terms of its role in the making of international law.

Nathaniel Berman

For me, one of the key meanings of the “new approaches” conjuncture is the rethinking of the international legal canon. The work of the participants in the Essex conference has brought a fierce diversity of new kinds of texts to international legal study in a variety of bids to reshape the field; among the most prominent sources of these texts are feminist theory, literary criticism, cultural studies, and postcolonial theory. Due to the contestation of the canon, international legal studies are today in a time of great ferment, in which the very definition of

the “discipline” and the identity of the “discipliners” is in question. It is a time of struggle over the demarcation of fields of study and of the legitimation of various contending new discourses to approach those fields. While international law has seen previous waves of “new approaches,” the current proliferation is without precedent. It would be my hope that the current destabilization of the canon would result in a deployment of the range of “new approaches” in productive, if paradoxical, juxtaposition with each other, rather than in the construction of new hierarchies of centrality and marginality.

Anne-Marie Slaughter Burley

This was a conference where many found their voice, regardless of whether they said what others wanted to hear. The agenda itself was contested, enough to be unpredictable but not unworkable. There were unexpected conjunctions and disjunctions; feminist perspectives overlapped with political science; critical perspectives offered fiercely pragmatic prescriptions. Overall, the uniformity that many “old voices” in international law might have expected from such a gathering was strikingly absent. Most exciting was a chorus of younger voices, graduate students and fellows, who have established their own intellectual community to debate issues of both perspective and substance in international law. Hearing them respond to one another’s work, hearing them challenge their teachers and friends, I felt part of a newly vibrant discipline.

Tony Carty

International Law works with a corporate concept of the state. The Law is concerned with the expansion and contraction of the state’s competences. However, the corporate will of the state has to be lifted to reach the “interpretive communities” which lie beyond it. The dynamic forces which work progressively to transform the passive element of the traditional definition of the state—population—are democracy and ethnicity/nationhood. Democracy as a word represents personal freedom, while ethnicity, of which nationhood is one part, registers the materiality of human experience shaped by time and space. Without a participation which respects equality in the sense of the relativity of human experience there can be no democracy. Such a principle also serves to condemn the perversions of nationalism, the oppression of one ethnic group by another, or mutually destructive conduct. The practice of international law has to penetrate the veil of the state to observe and argue to/from the cultural/historical traditions which shape the international law understandings, *inter alia*, of government ministries, judiciaries, universities, research centres, professional groupings such as the armed forces, scientists, medical doctors,

parliamentary groups etc. Ethnicity and the need for democratic legitimacy confine these groups very largely within traditional state boundaries in so far as their views converge upon representative institutions, but there are many criss-crossings among particular groupings which give immense and increasing variety to concept, method, and agenda in the discipline of international law.

Hilary Charlesworth

I had two contradictory feelings about the Essex conference: one of community and one of isolation.

The former was the intellectual challenge and excitement of being among people in an intense way who shared an interest in rethinking traditional categories of international law and were both sceptical and optimistic about the discipline. It was intriguing to observe favorite footnotes eating breakfast or going for walks in the glorious autumn.

The latter was how feminist analysis always seems to be marginalised, even among "progressive" thinkers, whatever the context. I (and some other women perhaps) felt like a Greek chorus, wailing off to the side of the main action. Some otherwise critical minds remain firmly within a masculine frame of reference and seemed to find it irritating and trivial to be asked to go beyond this. In this sense, the conference was a salutary reminder of how much there is still to be done.

Robert Chu

The weekend in Essex seemed remarkably efficient—thirty-six "new approaches," seventy-eight departures from the "new approaches," all in two and a half days. But it was a somewhat peculiar efficiency. The weekend that brought the "approaches" to one place was happy to send them off plural. If the first session, entitled "The 'New Approaches' Project" tempted us by stoking a desire to liaise the "approaches" into some singular "project," the last session, dubbed "Duelling Methods and New Approaches," forsook such a desire. Would-be partners turned out to be (also) incorrigible rivals. For all our adopted silences, we seemed pretty set, for now, in the ways we hear. The weekend—efficiently—urged us back to work on our own projects.

José de Areilza

The Essex conference was a unique forum in which to discuss the perplexities and possibilities offered by the methodological atomization of the international legal field. For many years, much of the academic literature discussing the European Community (EC) had a pragmatic, even anti-intellectual tone. The academic enterprise was seen as part of a process directed towards the objective of European integration—theoretical speculation was seen as peripheral to that objective. Regard-

less of the point of arrival of the quest for the legal and political nature of EC governance, it reinforced the point of departure: the EC was an autonomous space, with its own intellectual and professional categories, which could not be fully grasped from pre-EC theoretical disciplines or practices.

The categories of legal and political thought developed so far offer no critical view of the European political phenomenon from which to go beyond the now classical turn to metaphors of "process" towards a vaguely defined objective. Most of the EC literature still focuses on the EC constitutional structure and its changing political patterns and legal rules.

Using the insights of the New Approaches literature it is possible to come up with a wealth of different strategies to relate and question the permanent urgency and periodic postponement of the reconstitution of the political in the EC. The classic assumption in the EC literature is that of checks and balances between the national legitimacy of sovereigns and the piecemeal imperatives of neutral technocratic expertise. But after the Maastricht debate it is all too clear that this premise is no longer adequate to the many questions about the disruptive effects of European integration for the experimental reinvention of democratic cultures at the national and regional levels.

Olivier de Schutter

Months afterwards, I still haven't written what I thought could be written: a map for reading "New Approaches to International Law." Sadly? Movements die the very day they settle down: for a style, a manifesto, a canon, a philosophy of history, a decision-making process—anything beyond a label. There is the risk that our works will become so dispersed that they don't even communicate anymore with one another. The greater risk, that of rigidity, of reducing the enterprise to a single point, we have tried to avoid. Those post-Essex conversations in which I have participated revolve around the question: "Are we part of something, a Movement, a Field of International Legal Scholarship, a School of Thought?" My answer would be, yes. But we are part of nothing larger than us. It is for us, every Fall, to reinvent. It is for all those who read this bibliography to remake.

Karen Engle

The conference turned out to be a lesson in the persistence of identity politics. Structured in a post-identity sort of way, the conference sessions juxtaposed various feminist, third world, and postcolonial analyses with traditional, modern, and postmodern discussions of international law. Questions of identity and their implications for method were raised in ways that recognized the instability of traditional iden-

tity categories while not denying their significance. Although the formulation seemed right for a friendly weekend in the woods, it had the paradoxical effect of making everyone—from the European men to the postcolonial women—feel marginalized.

In this sense, the weekend was an important reminder that identity politics is more than a peculiar American obsession and that it is not just about including previously excluded folks. It is as alive in the international realm as in the local arena, as illuminating about the nation as about the family, and as important to the relationships between disciplines as to the relationships between genders. In short, identity politics makes clear that theory and method matter to us all.

Jae-Won Kim

What we call international law has long been the law of “civilized nations,” which ignores most non-Western countries not sharing the Judeo-Christian cultural tradition. However, the topics discussed, as well as the approaches taken, at the conference were different. It seems to me that the conference truly deserves the title of “New Approaches.” The conference thus showed some possibility to move the discipline beyond Western-oriented parochialism.

The best of my experience at Essex was getting to know many warm-hearted persons who were all ears to a non-Westerner like me. The meeting was momentary, but the friendships are lasting for making a better world.

Karl E. Klare

As an outsider to international law as an academic specialty, I was in a “learner mode” for most of the Essex Conference. This was a delicious pleasure. I accumulated a great deal of knowledge about the problems my colleagues have identified and debated, and about the mores and rhetorical traditions of international law scholarship. Moreover, I got to observe in operation, with all its strengths and limitations, an exceedingly attractive model for collaborative learning and knowledge-production: the creation of an international network of innovative scholars, predominantly younger academics, organized non-hierarchically and blending ties of friendship with shared scholarly concerns. I was not an entirely passive observer, however. I tried to point out the astonishing regularity with which specialist problems in international law scholarship turn out to revisit and replicate debates in other fields, such as my area of labor law and social policy. I also tried to call attention to numerous residual traces and reenactments of the old, hierarchical academic style, which seemed all the more boring and unproductive in light of the extraordinary innovative energy at the conference.

Karen Knop and Ed Morgan

Anticipating the event was great, and reconstructing it afterwards has been even greater. The event itself was mixed. Some world-weary debates were refurbished in international law clothes, about which everyone was self-conscious. But then there were those tantalizing moments that were hard to read on the spot and later emerged through numerous layers of redressing. Also, not everyone came in the School uniform, which turned out to be a good thing.

Martti Koskenniemi

Here is what I wrote as the closing words of my report to the Ministry for Foreign Affairs of Finland (Legal Department/ Memorandum No. 371/26 October 1993) about the Essex Conference (translated, of course, from the Finnish original):

The Conference left (once more) unresolved the difficult problem of the relationship of international legal research (especially avant-garde research) to diplomatic and other international law practice. At their best, new approaches illuminate the political role of international legal practice as it privileges certain actors (states, international organizations) and marginalizes others (various nongovernmental movements and efforts). Also research focusing on the openness of international legal substance and on the political connotations produced by legal discourse seems interesting and useful. Research serves practice by producing critical reflection and self-awareness in acting lawyers. But it fails to provide answers to problems on which practicing lawyers are requested to give advice. Legal problems relating, for example, to national self-determination or the position of minorities in the wars raging on the territory of former Yugoslavia, seem to most practitioners as calling for immediate solutions. No such solutions appeared as a result of the Conference. Skepticism about the material determinacy of international law seems to prevent new approaches lawyers from making normative propositions. Such propositions are, perhaps, understood as matters of political preference.

Maiwân Clech Lâm

The last time I was sequestered away in the woods with so many people engaged in soul-searching (the light if clever variety of which undergirds much of post-modern scholarship) was when I was more Catholic than I am now, and retreats were what confessions were upgraded to for the elite of the faith. Priests ran those spiritual marathons then. Here, though two Kennedys were involved, I take it on faith that they are not priests, and further attest that they positively strained themselves not to run the show. Restraint as conscious style. Does that mean that the stylistic circle is closing: from foundational-

ism/ God to anti-Christ/ anti-hero to simply anti-in charge, such that God might just gently slip back into the cultivated void?

Either way, this was absence of government without possibility of anarchy, though Philip Allott tried. Impossibly ranged against him however was the phalanx of Harvard cultists, immersed in artful uncommitment, or commitment only to art. More disruptive than Allott's moral thunder was Hillary Charlesworth's analytic apostasy, she for whom Harvard now hangs literally upside down. Further removed culturally yet from the Harvard epicenter were the Medeas of CUNY School of Law—Celina Romany, Sharon Hom, Maivân Clech Lãm—who rendered life uncomfortable, but also thereby legitimate, for those who otherwise might have had only a good time.

What was primarily new in Essex's new approaches to international law—and it is no small thing—was the alchemy for discomfort. Small and tense, intimate and quite engaged—a formula certainly conducive to the act of creation. Foundationalism we all learned in school. Irony, its anti-thesis, we have seen of late spewing relentlessly out of post-modern factories. Surely it is time to move on to synthesis and beyond? If so, Essex may have cut a little path to that beyond.

Vasuki Nesiab

The Essex conference was fraught with various tensions and ambivalences. There were those who felt a nostalgia for the "old," and those who had utopian aspirations for the "new": those who were wanted to assimilate "new approaches" into the canon (defining and situating "new approaches" in the *Legal Theory from Grotius to the 20th century* narrative), and those who wanted to assimilate "new approaches" into identity politics (seeking group therapy from law school).

Although not outside these ambivalences and tensions, I did feel some discordant (dis-symmetric?) relationship to this conference dynamic. And in this sense perhaps I am not alone. It seems, ironically, that the most compelling explanation defining conference participants (who came), was complicity in some relationship to the privileges of the discipline and institutions of international law. This was also, for me, then, the most useful aspect of the conference: it materially (re)presented the cartography of those who may be constructed into a "new approaches" identity in Western legal academia.

Joel Paul

Three kinds of questions occur to me. First, what is the role of the sovereign's law in a global market where goods and capital are mobile and citizen workers are relatively immobile? Second, is such a sovereign worth keeping? Third, to the extent that public power has ceded to private hands, does the perpetuation of the public/private categories of

international law do more than mask the power-political dimension of economic transactions?

One response could be that the sovereign is incapable of doing anything about fundamental or cyclical economic and environmental problems, that the state exists only to regulate at the peripheries of criminal conduct, that the only politics left to the state is to argue about the sexuality, reproduction, religious practices and family relations of citizens. In that light, the rise of ethnic nationalism and religious fundamentalism is a terrifying reflection of the sovereign's insolvency. It may also explain the continuing trivialization of politics: the governed's endless fascination with the private lives of its political leaders mirrors the government's own voyeurism. Thus, the homogenization of the global market strips sovereignty and politics of significance.

Ileana Porras

The New Approaches conference proved once again the value of seclusion. Three days together, away from it all, in the lovely New England setting of Essex, provided ample opportunity for discussion, conversation, and reflection. Inviting a variety of legal scholars, from a host of theoretical perspectives, with quite diverse substantive preoccupations, and lumping them together under the title "New Approaches to International Law" was a stroke of genius. The weekend was spent relating to this idea of group identity, with most people claiming, at least once during the conference, that they were outside of the mainstream of this newly invented "group." Thus, it turns out that even as you fashion a group out of a bunch of dis-aggregated individuals, the idea of center and periphery pre-exists the content of the group.

Quite apart from the fascinating group dynamics, however, the conference proved immensely interesting in terms of surveying the current state of international law scholarship. Two thoughts: first, the Conference was the living enactment of the notion that it makes little sense to think of theoretical approaches as organized along a temporal continuum. While it is common to think of formalism as preceding realism, etc., it became evident during the conference that strands of all the 'isms co-exist quite happily now as they did in earlier historical periods. Second, despite the richness of approaches, the variety of interests and the different forms of engagement, participants shared a common sense of vulnerability and displayed an urgent need to justify their scholarly endeavors.

Annelise Riles

That damn conference was one of the most frustrating experiences of my short and sheltered life. I don't like crunchy environments

anyway—I hate anything having to do with backrubs, hiking, macrobiotics, hot tubs, etc. My main attraction to postmodernism always was that we could throw all this stuff about communication or ideal speech types out the window and just be caustic to one another. Perhaps now that postmodernism is oh-so-passé, the future lies in hot tubs.

The useful impetus that came out of the conference, in my view, was a desperate desire to engage with each other's work in a more detailed and serious manner. The conference taught us that it is difficult to get very far with general discussions of such giant topics as "international law," "history," or "identity politics." As one of those nominally responsible for the formulation of these topics, I know that this is an insight we had to learn from experience. The "big issues" will not go away when we turn to scholarship—they will only become more messy and obscure. I would be all for another conference about the messy and obscure. But let's make it in downtown Chicago, next time.

Pål Wrangé

Essex was a great experience for a super-liberal white, male, heterosexual European. Never have I felt so dated. What became very clear at the conference, and in conversations with some participants, was that the comfortable modernist perspectives of international law face a fervent intellectual challenge, and that this theoretical assault on established hierarchies of thought is necessary for activism to succeed. There is no grand meta-theory, not even a deconstructivist or "post-modern" one, that will do for every type of analysis. Our particular interests—intellectual, political, or whatever—at each moment in time and space have to determine what theory and methodology to use.

Nevertheless, I felt that some issues were missing. There are subjects to which postmodernist (without the hyphenation) theories lend themselves beautifully—analyses of doctrine, critiques of legal concepts of ethnicity, gender, etc. But, I think that we also have to busy ourselves with the hard late-modernist questions of economics, institutions, and force. I see some promising signs that this is happening.

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