



THE LONDON SCHOOL
OF ECONOMICS AND
POLITICAL SCIENCE ■

Epistolary International Law

Date: 26 September 2024

Location: LSE

Convened by Nora Jaber and Gerry Simpson

Increasingly, scholars publicly intervene in international events by writing letters in which they invoke international law to denounce injustices as illegal. The weight and authority of these interventions derives, partly, from the status and proclaimed expertise of the letters' authors (and signatories), particularly perhaps in the case of international lawyers.

Might we begin to think of such letter-writing as a form of international lawyering – an epistolary international law?

The relationship of critical legal scholars to these letters is or should be complicated. Many write and sign them with the same pen they use to criticise the legal order the letters invoke. As such, they formulate their public struggle against injustice on the same (liberal) terms and logic that they regularly take exception to in their academic work. In so doing, they risk validating the structure of international legal argumentation and, importantly, re-entrenching the relations of domination and exploitation that international law constitutes and upholds. Although in some letters or reflections on them acknowledgement has been made of the limitations of liberal legal argumentation, even when done 'strategically', the persistent invocation of international law in such moments raises important questions about our relationship to international law and liberal legalism in times of crisis, and relatedly, the relationship between our theory and practice.

In this workshop, we invite scholars to probe the practice and politics of letter writing/signing and their relationship to it. We invite contributions that reflect on the current moment in which such letters have been one response to Israel's

war on Palestinians in Gaza, as well as contributions that draw on historical and comparative examples.

We invite contributions that address questions such as, but not limited to, the following:

- In what ways has letter-writing (or the epistolary form) become a form of international legal practice? How might this shape the law, the discipline, and the meaning of international legal scholarship and practice?
- What does it mean to write letters and statements as *legal scholars*? What does this signalling of status and expertise suggest about the public role and responsibility of legal scholars in times of crisis?
- How might we reconcile the theory and politics of *critical* legal scholarship with tactical invocations of international law?
- What are the strategic aims and advantages of invoking international law in letters that purport to respond to injustices?
- In what ways does our reluctance or inability to abandon international law in times of crisis preclude more meaningful forms of struggle for justice?
- Can we ever invoke international law without reproducing the relations of domination and exploitation that critical legal scholarship understands it to be constitutive of? How?
- What would a letter or a form of struggle that does not invoke international law look like?

We invite abstracts of no more than 500 words to be submitted by **31 May 2024**. You will be notified of our decision by **21 June 2024**. The event will be in-person only. We have (limited) funding. In allocating funds, we will prioritise early career researchers and those without access to institutional funding, as well as scholars from the Global South.

Please send your abstracts to n.jaber3@exeter.ac.uk (Nora Jaber) and n.jahnecke@lse.ac.uk (Nadia Jahnecke).

Some readings of possible interest:

Matthew Craven and others, “We are Teachers of International Law” 17(2) *Leiden Journal of International Law* 363-374 (2004)

Madelaine Chiam, Monique Cormier, Anna Hood, “Law, War and Letter-Writing: Thoughts on Open Letters in International Law”, *Opinio Juris* (2024) at <https://opiniojuris.org/2024/01/26/law-war-and-letter-writing-thoughts-on-open-letters-in-international-law/>

Robert Knox, “Strategy and Tactics” 21 *The Finnish Yearbook of International Law*, 193-229 (2012)

Maddy Chiam, *International Law in Public Debate*, (Cambridge. 2021)

Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain) Correspondence, (1997) at <https://www.icj-cij.org/sites/default/files/case-related/87/13177.pdf>

Hilary Charlesworth, “Saddam Hussein, My Part in his Downfall”, 23(1) *Wisconsin Law Journal* (2005).

Tom Stoppard, *Rock n Roll*, (Faber and Faber, 2006)

Letters and other correspondence:

Public Statement: Scholars Warn of Potential Genocide in Gaza (2023) at <https://twailr.com/public-statement-scholars-warn-of-potential-genocide-in-gaza/>

Australian Lawyers Letter to Government concerning Gaza (2023) at <https://lawyersletter.au/>

Open Letter to ICC Assembly of States Parties (2023) at <https://twailr.com/open-letter-to-the-assembly-of-state-parties-regarding-the-otps-engagement-with-situation-in-palestine/>

“War would be Illegal”. Letter by ‘teachers of international law’ in *The Guardian*
at
<https://www.theguardian.com/politics/2003/mar/07/highereducation.iraq>

Caroline Correspondence 1838-1942 in John Bassett Moore, *Digest*, 1906 II, 24-30,
409-14; VI, 261-62; VII, 919-20 and at
https://avalon.law.yale.edu/19th_century/br-1842d.asp

Khrushchev’s Letter to Castro 31st January, 1963 at
<https://digitalarchive.wilsoncenter.org/document/letter-khrushchev-fidel-castro-0>

Nehru, *Letters from a Father to his Daughter* (1928)