



Call for papers

2018 ESIL Annual Conference Interest Group on International Legal Theory and Philosophy

Transcendent principles and pluralism in international law: the complex, the simple, and the universal

Theorists and philosophers disagree on the universalising nature of principles to regulate conduct at the international level. Ideas of an international society of states or of any international legal order may presuppose universalism of what might be thought of as ‘first-order’ principles (e.g. the good; right; justice; sovereignty; sovereign equality; peaceful coexistence; prohibition of the use of force). The search for transcendent, non-dogmatic principles, which are not hostile to pluralism, may allow for common ground to emerge (no matter how rudimentary) to support mutual exchange, interaction, and coexistence. There may well be significant consensus around ‘first-order’ principles, although consensus may conceal conformity or hegemony. In any event the interpretation and application of such principles are contested. Such contestation may even be virtuous in itself; contestation may be a tool for strengthening solidarity. Hence a focus on universalism problematised promises to open up important debates in contemporary international legal theory and philosophy.

Multiplicity of claims and contested interpretations are evident in what might be called ‘second-order’ transcendent principles based on the worldviews of states (e.g. mixed or neo-liberal economies; prioritisation of civil liberties or basic guarantees to housing, education, and sanitation). With these considerations in mind, the universalising enterprise of international law is perhaps too readily accepting of the need for a common ground with insufficient critique of transcendent principles. This may lead to the avoidance of complexity and to a false simplicity in the development of international law. Examples of the latter might include the reduction of international law to the protection of individuals or to the protection of peoples. A differentiation between ‘first-order’ and ‘second-order’ principles, and a better appreciation of the contestations involved, may assist with this critical project.

With this call, the newly relaunched ESIL Interest Group on International Legal Theory and Philosophy (IGILTP) aims to facilitate dialogue and the exploration of counter-positions between theoretical and philosophical approaches on transcendent principles, on their impact on pluralism in international law and on alternative formulations that recognise but challenge the sway of the universal. Topics for discussion may include:

- 20th century positivism, state consent and the problem of the international community
- Natural law conceptions of a community of interests
- The relationships between realism and pluralism

- Oppenheim's family of nations bound by common interests
- Pluralism in Critical Legal Theory
- Schmitt's notion of false universalism
- Solidarity and pluralism
- Cosmopolitan global ethics
- Morality and international law
- Utilitarian conceptions of individual flourishing and international law
- Collective rights and pluralism in international law
- Kantian transcendental philosophy
- The existence, content, and contestedness of 'first-order' and 'second-order' transcendent principles (e.g. rule of law; legality; neutrality; peaceful coexistence; sovereignty; self-determination)
- The impact of transcendent principles (e.g. oversimplification of international law at the expense of pluralism; accommodation and reflection of pluralism; complementarity between transcendent principles and pluralism)
- The role of transcendent principles in international institutions (e.g. procedural and substantive rule of law; 'pragmatic human rights' dialogue between claimants and institutions)

Submission procedure

Abstracts no longer than 500 words together with a short author bio (no longer than 250 words containing name, affiliation, email and phone contact details, and relevant publications) should be submitted via email by **31 December 2017** to ulgeno@hotmail.co.uk and john.morss@deakin.edu.au.

Successful applicants will be informed no later than **15 April 2018**.

Full papers should be submitted via email by **15 July 2018** to ulgeno@hotmail.co.uk and john.morss@deakin.edu.au.