

**ESIL Lecture Series**  
**et**  
**CYCLE DE CONFERENCES SORBONNE-DROIT**

**Histories of International Law and Empire**

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**Abstract**

There is a growing body of international legal scholarship concerned with the question of whether and how the imperial past is relevant to the internationalist present. The exploration of this question brings international lawyers into conversation with scholars studying similar issues in world history, philosophy, politics, literature, postcolonial studies, critical geography, intellectual history, and political economy. Yet as is often the case with interdisciplinary work, the resulting discussions are often riven by conflicts and territorial disputes over the proper way to interpret, understand, and study particular texts, events, or figures. This lecture addresses some of the methodological challenges that international legal scholars face when we attempt to write histories of international law and empire.

More particularly, this lecture is a defence of the place of anachronism in international legal thinking. The claim that the we might want to study the past because of its implications for the present represents an implicit challenge to the approach to the history of political thought that has dominated much Anglophone scholarship over the past forty years. The contextualist Cambridge school of intellectual history has cultivated a sensitivity to anachronism amongst historians of European political thought, particularly that of early modern Europe. Historians influenced by that school argue that past texts must not be approached anachronistically in light of current debates, problems and linguistic usages, or in a search for the development of canonical themes, fundamental concepts, or timeless doctrines. The clear demarcation between past and present that underpins much modern historical research requires that everything must be placed in the context of its time, and present-day questions must not be allowed to distort our interpretation of past events, texts, or concepts. Anachronism is one of the most regularly denounced sins of historical scholarship.

This lecture argues in contrast that international legal thinking is necessarily anachronic – that is, that the operation of modern law is not governed solely by a chronological sense of time, in which events and texts are confined to their proper place in a historical progression from then to now. The past, far from being fixed and immutable, is constantly being retrieved by lawyers as a source or rationalisation of present obligation. Thus while some legal historians identify as historians, and preach against the sin of anachronism, lawyers are and must be sinners in this sense. If the self-imposed task of today's contextualist historians is to think about concepts in their proper time and place, the task of international legal scholars is to think about how concepts move across time and space.