



Workshop, to be held on the occasion of the 14th ESIL Annual Conference, Manchester 2018

Call for Papers

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 as such, or to the protection of peoples as such; the inherent rights of states *redux*, so to speak. 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)

Application Process

Please submit an abstract of no more than 500 words in an MS Word file to panel organisers Ozlem Ulgen (ulgeno@hotmail.co.uk) and John Morss (john.morss@deakin.edu.au). Please provide the following information with each abstract:

- name, affiliation, contact details and short biography (250 words) for each author;
- whether they are ESIL member;
- list of relevant publications;
- only one abstract per author will be considered.

Abstracts will be selected for inclusion in the IGILTP's panel proposal on the basis of their alignment with the panel description and objectives as well as the overall coherence of the panel. Submissions in both English and French, the two official languages of the Society, are welcomed. **The selected abstracts will form the basis for IGILTP's agora proposal at the main conference; however, IGILTP will organise an autonomous interest group workshop if its proposal is not accepted.**

The deadline for the submission of abstracts is **31 December 2017**. Applicants will be informed of the selection committee's decision no later than **15 April 2018**. Selected speakers should be ready to submit full papers by **15 July 2018** to the panel organisers.

The Interest Group is unable to provide funding for travel to and attendance at the conference. Please see the [ESIL web site](#) for information on finances and for other relevant information about the conference.

The ESIL IGILTP Co-ordinating Committee