

## Goettingen Research Forum, 4-5 April 2019

### ESIL IGHIL event on 3 April 2019

#### The rule of law and international law in historical perspective

The question of how to settle and enforce norms in the international sphere without a central authority has been a key debate in international law for centuries. While the gradual extension of an international order supported by multilateral treaties and courts was seen as a natural and logical development of international society in the decades following the end of the Cold War, the recent challenges to the very idea of a rules-based international order call for fresh perspectives on the idea and development of the rule of law in the international sphere. How did the concept emerge, how did it evolve over time, and how different is its history in the domestic and the international context?

Moreover, the Rule of Law can be envisaged under a double perspective. On the one hand, it expresses a philosophical and theoretical construct, whose intellectual genealogy conforms to that of the development of international legal thinking over time and in several legal cultures. On the other hand, the rule of law can be used instrumentally as an ideological discourse to legitimate far more basic political instincts and interest. Its invocation is not always conformable to actual legal practice. The Interest Group especially welcomes papers addressing the complex articulation of these two strands in historical cases, illustrated through primary source-research.

Possible topics might include:

- How have international institutions responded to previous challenges of the very idea of the rule of law in international affairs?
- How has the extent to which a state respects the rule of law in the domestic sphere influenced their behavior within the international community?
- Has the meaning of the term 'rule of law' changed over time, and is it a universal concept? Does it have different connotations in the natural law or the positivist tradition? How have regional attempts to establish the rule of law influenced the international level?
- When did we begin to have the ambition to regulate and enforce matters at a global level? How has the creation and enforcement of rules changed since the UN system was set up after the Second World War?
- What was the impact of the rise of arbitration and international courts? Were they the consequence of a growing belief in the rule of law or drivers of this development?
- How effective has the rule of law been in defining and protecting global commons (e.g. the success or failure of legal efforts to protect the environment)?
- Has the 'rule of law' evolved differently in different policy areas such trade and investment law, communications or the laws of war?

Abstracts must be submitted no later than 30 November 2018 to [esilighil@gmail.com](mailto:esilighil@gmail.com) on behalf of the Steering Committee of the Interest Group, which shall collectively supervise the blind peer-review process.

All those who take part in the ESIL Research Forum, at an Interest Group event and/or in the main Forum, are expected to be ESIL members at the time of their participation. Selected speakers will be expected to bear the costs of their own travel and accommodation. Some ESIL travel grants will be available to offer partial financial support to speakers who have exhausted other potential sources of funding. Please see the ESIL website ([www.esil-sedi.eu](http://www.esil-sedi.eu)) for information about travel grants offered to ESIL members and other relevant information about the Research Forum.