



**Call for Papers
2023 ESIL Annual Conference
Interest Group on International Legal Theory and Philosophy**

The push and pull of fairness: theoretical approaches to fairness in international law

Fairness is both a catalyst for change (the push) and a necessary condition for a just and stable international legal order (the pull). From a political perspective, the former poses a set of questions related to redistribution of resources and opportunities among States. From a legal perspective, the inquiry is narrower. It pertains to substantive and procedural aspects of international law that push towards compliance through the authority of normative prescriptions. Some argue this narrower inquiry is tainted because international law is associated with unfairness of the past that created it, and presently creates unfairness. Others consider that a thorough discourse on fairness necessitates looking at the content of contemporary international law to appraise it afresh on compliance or lack of compliance. If we all aspire to fairness in international law and hope to re-imagine it for the 21st century, what are the criteria and parameters for determining fairness?

The ESIL Interest Group on International Legal Theory and Philosophy (IGILTP) aims to explore different theoretical approaches to fairness in international law to create space for re-imagining fairness fitting for the 21st century. The following key questions need to be addressed: what is fairness; whether international law can be fair; and what criteria should be used to determine the fairness of international law. A thorough theoretical starting point enables us to determine the differing perspectives on what the international legal order stands for and how/whether fairness manifests or should manifest. Notwithstanding the proliferation of theoretical debates, to date there has not been a systematic appraisal of fairness in different theories of international law addressing these key questions. Hence, this would be a novel contribution to the field anchoring discussions in a normative and theoretical context with a common goal of achieving fairness in international law.

The IGILTP invites abstracts for an Agora Panel Proposal to be submitted to the 2023 ESIL Annual Conference on “Is International Law Fair?” to be held 1–3 September 2023 in Aix-en-Provence, France. We invite abstracts for papers addressing the following questions through the prism of a chosen theoretical approach:

1. Is there a problem of unfairness in international law as law as opposed to a political problem?
2. Reflecting on the connection between fairness and justice, why should international law not only be valid and binding but also just?
3. What are the criteria to determine whether international law is fair or not?

Theoretical approaches may include but are not restricted to:

- Marxism
- Liberalism

- The New Haven School
- Geneva and Chicago Schools on economic law
- The Helsinki School
- Global ethics
- Legal pluralism
- Critical Legal Theory
- Feminism
- TWAIL
- Constitutionalism and global governance

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, whether they are an ESIL member, and relevant publications) should be submitted **by 12pm (CEST) 23 January 2023 to all three email accounts: ulgeno@hotmail.co.uk, andrea.carcano@unimore.it, kevcrow@mit.edu**. No late submissions will be considered.
- Abstracts will be selected on the basis of their alignment with the panel description and objectives above, as well as their contribution to the field from a particular theoretical perspective. Successful applicants will be notified no later than 14 April 2023.
- An IGILTP sub-committee will review abstracts and finalise the proposed format, which is likely to consist of a panel of 3 papers. Selected abstracts will be included in the IGILTP Agora Panel Proposal and sent to the 2023 ESIL Conference Organisers by 31 January 2023 for their consideration. If the proposal is successful, draft papers (5,000-8,000 words) will need to be submitted by 1 August 2023 to all three email accounts above. If the proposal is unsuccessful, IGILTP will organise an autonomous interest group workshop. Draft papers will be put forward for consideration for publication in an edited book authored by the sub-committee members.

The ESIL IGILTP Co-ordinating Committee