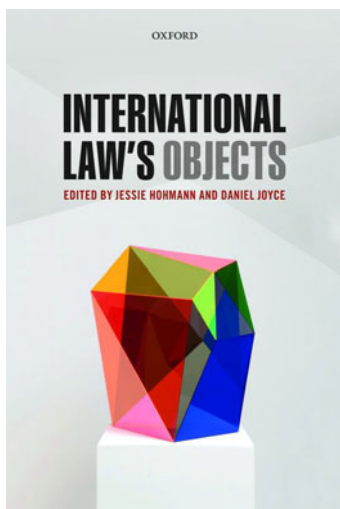


## LIBRARIAN'S PICK



## International Law's Objects

Jessie Hohmann and Daniel Joyce (eds)\*

Book review by Charlotte Mohr, ICRC Reference Librarian for the collections on the ICRC's history and activities.

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What can armed drones, opium, whales, manganese nodules and railway clocks tell us about the production of international law? Edited by Jessie Hohmann and Daniel Joyce,<sup>1</sup> *International Law's Objects* is the result of an innovative research project that takes a new look at the relationship between international law and the material world that it governs. A collaborative endeavour, the book presents forty contributions examining the relevance of a selected object to the field, resulting in an analysis of international legal dispositions and practices grounded in the physical world.

The central question of the book—what might the study of international law through objects reveal?—is a call for experimentation. The volume's contributions thus move the focus away from the interpretation of the texts of international law to delve into stories, practices and processes. They re-contextualize the sources of international law connected to their object of study and explore how these sources have impacted perceptions, representations and

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uses of that object over time. In that aspect, they prove to be very much in line with the current turn to history permeating international law scholarship. At the same time, the volume innovates by focusing on cultural and material history, in a field that is mostly text-based. Because they connect international law with larger, contemporary debates in the humanities and social or natural sciences, the contributions presented here open new avenues for research. They look at what happens when law and politics coalesce around symbolic objects, or when law and science collaborate to define and regulate the material world. They explore the way international law produces

objects through processes of codification and standardization, and how international law is produced by objects in return, as evidenced by the chapters on the *décheteteuse* (paper shredder) and the gavel, among others. As a whole, the volume thus successfully brings to light the multitude of ways in which international law materializes in everyday life.

## ICRC Library

The “Librarian’s Pick” is a new section of the *International Review of the Red Cross*, replacing “New Publications in International Humanitarian Law and on the International Committee of the Red Cross”. In this section, one of the International Committee of the Red Cross’s (ICRC) librarians picks and writes about their favourite new book relating to public international law, which they recommend to the readers of the journal.

The ICRC Library welcomes researchers interested in international humanitarian law (IHL) and the institution’s work throughout the years. Its online catalogue is the gateway to the most recent scholarship on the subject, documents of Diplomatic and International Conferences, all ICRC publications, rare documents published between the founding of the ICRC and the end of the First World War, and a unique collection of military manuals. The Library Team also publishes research guides in order to help researchers access the full texts of the most relevant and reliable sources in the field of IHL and the ICRC.<sup>2</sup>

- 1 Jessie Hohmann is Senior Lecturer in Law at Queen Mary University of London. Her previous publications include *The UN Declaration on the Rights of Indigenous Peoples: A Commentary* (ed. Jessie Hohmann and Marc Weller, Oxford University Press, 2018) and the critically acclaimed *The Right to Housing: Law, Concepts, Possibilities* (Hart, Oxford, 2013). Daniel Joyce is Senior Lecturer at the Faculty of Law, UNSW Sydney, and an Affiliated Research Fellow at the Erik Castrén Institute, University of Helsinki. He specializes in the study of international law, the media and the web, with recent contributions such as “Data Associations in Global Law and Policy” (*Big Data & Society*, Vol. 5, No. 1, 2015), “Privacy in the Digital Era: Human Rights Online?” (*Melbourne Journal of International Law*, Vol. 16, No. 1, 2015) and “Media Witness: Human Rights in an Age of Digital Media” (*Intercultural Human Rights Law Review*, Vol. 8, 2013).
- 2 The online catalogue is available at: [library.icrc.org](https://library.icrc.org/library/search/date). For the most recent publications, see: <https://library.icrc.org/library/search/date>. For more information on the research guides, see: [blogs.icrc.org/cross-files/category/research-guide](https://blogs.icrc.org/cross-files/category/research-guide).

The collection is highly heterogeneous. The objects presented range from unique artefacts to natural resources, manufactured goods, and functional and symbolic items. The editors have made the conscious decision not to categorize them, nor to connect contributions pertaining to the same branch of international law. The objects are presented in alphabetical order, but the reader is encouraged in the introduction to explore the volume in a non-linear fashion. The book also does without a traditional conclusion, as if it is refusing to wrap up its findings in a neat package. This absence is counterbalanced by the strong opening chapters, which provide the theoretical framework of the book and explain its creative premise and ambition for further developments in the field. The cohesion of the whole relies on the homogeneous presentation of the individual contributions, each bearing an understated, sometimes cryptic<sup>3</sup> title and an evocative illustration.

The contributors have been left free to pick the object of their choosing, based on expertise and personal experience, and have not been constrained by a clear-cut definition of what an “object of international law” could or could not be. Coherently, the opening chapters do not attempt to provide a definitive answer to this question, or to clearly draw the line between the legal subject and the legal object. A couple of the contributions actually investigate what falls through the cracks of that opposition, as when Lolita Buckner Inniss exposes the dramatic reality concealed behind the term “ships’ ballast” in the historic transatlantic slave trade. She details not only how slave ships avoided legal penalties by pretending to sail on ballast only, but also how the enslaved men reduced to this dehumanizing denomination were themselves treated as ballast, sometimes even jettisoned.

Given the nature of the collection, it is unsurprising that the book touches on multiple branches of international law, from international environmental law to cultural heritage law, trade law, criminal law and refugee law. The chapters are nevertheless connected by common overarching themes; their unexpected or forgotten findings often echo one another. Reflecting on the volume’s premise, Wouter Werner explains that

by putting the objects in a collection one starts a process of transformation and the production of new meanings. The objects are read in light of the collection as a whole and are interpreted in relation to each other. ... Reading these chapters in conjunction adds another layer to each and every individual contribution.<sup>4</sup>

Issues of sovereignty, territoriality and the legitimization of State authority over land and populations are explored in chapters on the passport, the Russian flag at the

3 As with Alex Mill’s “Mosul Four and Iran Six”, named for the ten Kuwait Airways Corporation aircrafts that were seized by Iraq at the time of the Kuwait invasion, which tells the story of how a highly politicized commercial dispute affecting international relations between Iraq and Kuwait was surprisingly taken on by an English Court; and Gerry Simpson’s “NM 68226 84912; TQ 30052 80597”, named after two commemorative monuments situated respectively in a Highland village and on Trafalgar Square.

4 *International Law’s Objects*, p. 69.

North Pole, and the Western Sahara Boundary Marker. Disparities between legal and material realities make for thought-provoking narratives, as when François Finck looks at the border checkpoint of the Moldovan Republic of Transnistria. What happens when a physical manifestation of State sovereignty existing and functioning in the material world remains absent of the legal manifestation?

The book's methodology also proves to be a fertile ground for uncovering the commercial and political interests that played a role in the formation of international legal rules. Volume editor Jessie Hohmann traces how powerful Western States have used international law to control the production and trade of opium, imbuing the law with both their moral norms and commercial interests. In her chapter "Sovereign Marks", Tanja Aalberts discusses the contradictions inherent to colonial practices of treaty-making with indigenous rulers.

Focusing on an object and its meaning in international legal practices provides an opportunity to challenge prevailing accounts of the development of international law. Ziv Bohrer's contribution uses the story of the "Jolly Roger" pirate emblem – the skull-and-crossbones symbol on a black flag – to challenge the widespread notion that domestic criminal law predated international criminal law. Alessandra Arcuri's chapter on glyphosate problematizes science-based law, which she renames "legally embedded science-based law", to account for the way the use of scientific results in the international legal system influences their production and presentation.

Questioning our anthropocentric framework, the chapters on international environmental law interestingly look at the law from the perspective of the objects it seeks to preserve, whether the whale, the trees, or the ocean floor (in Surabhi Ranganathan's chapter on manganese nodules). In the chapters on international humanitarian law, objects stand in, either metaphorically or literally, for combatants. Kimberley N. Trapp's chapter looks at "Boots (on the Ground)" as a common shorthand phrase for the deployment of ground troops abroad and its significance in international law, notably with regard to the obligations triggered by the presence of forces on the ground as an element of effective control over a territory. Ioannis Kalpouzos's contribution, on the contrary, centres on an object that replaces forces on the ground: the armed drone. He argues that the legal debates around this particular object crystallize the fears and promises of the "new way of war", from the development of automated weaponry to the normalization of endless wars.

Finally, the book addresses the way in which international law invests objects with specific power in the material world. In "Peace Sign: La Comunidad de Paz de San José de Apartadó", Thomas MacManus relates how a community in northern Colombia successfully reclaimed a mechanism of international law to protect itself from the surrounding violence, using the object of the peace sign.

Likely to reach a wider audience than solely practitioners of international law, *International Law's Objects* will interest scholars in an array of disciplines in the social and natural sciences. A non-traditional but valuable pedagogical tool for students, it offers innovative insights into a range of issues pertaining to contemporary international legal scholarship while remaining mostly accessible to

the uninitiated. For any reader interested in the history of international law, the book provides a compelling alternative to a traditional chronological account of its genesis and development. In the end, its most significant achievement might very well be its ability to challenge common perceptions of international law as fixed and remote from our daily experiences. The stories behind each of the objects presented in the volume remind us of the way international law permeates our world and is itself permeated by it. If, as Julia Dehm convincingly argues, law and object exist in a relationship of co-constitution,<sup>5</sup> it is this co-defining, dynamic relationship that is at the core of the volume.

5 *Ibid.*, Part II, Chap. 20. See argumentation on p. 318 about the world-making power of international law.