ARNULF BECKER LORCA, **MESTIZO INTERNATIONAL LAW: A GLOBAL INTELLECTUAL HISTORY (1842-1933)**  
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The historiography of international law, as most of us have learnt it, has been presented as a narrative that progressively found its consecration in the State, as developed through the experiences and practices of Western actors during a succession of mostly European events. The result is necessarily a eurocentric corpus of knowledge. However, one can only wonder how and why such a system was globalized: what was the place of non-European actors and events in the formation and production of international law? Was it simply one of a “periphery’s” replication of the discourses of an imperial, civilizing “core”? 

It is precisely in opposition to this outlook that Arnulf Becker Lorca, fellow at Harvard University’s Institute for Global Law and Policy, seeks to refocus the discipline to effect cognitive justice in his monograph, *Mestizo International Law*. The proposition is to acknowledge the central role played by non-Western actors in the formation of the doctrines and principles of International Law. The conclusions of the author point to a need for a correction of the eurocentric distortions propagated in the discipline to recognize the discipline’s hybrid origins. The author’s goal, in his own words, is to provide “a global and intellectual history of a mestizo international law”, an argument with postcolonial/decolonial overtones, that definitely fits into the Third World Approaches to International Law (TWAIL) movement.

The premise on which Becker Lorca sets his endeavour, as set out in Part I of the book, is that international law has never been only the affair of Western actors. Conceptually, the author draws from Wallerstein’s world-system analysis, opposing a “core” that sets the terms of production and exchange (of legal thought), opposed to a “periphery” that (re)produces what is required by the core. Becker Lorca however locates his investigation on the “semi-peripheral” states that navigate between those two poles, as actors that benefit from a degree of autonomy and agency and thus participate actively in the forums of international law, while still lacking in power to become part of the core. Consequently, the author audaciously proposes that

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3. On this concept, see Boaventura da Sousa Santos, *Epistemologies of the South: Justice Against Epistemicide* (Boulder, CO: Paradigm Publishers, 2013) [Sousa Santos].
international law expanded and developed through the power dynamics that opposed core and semi-peripheral actors.

Underlying the author’s claim then is the idea that the international legal actor, although working within a discourse that claims universality, is affected by its positionality. Drawing from sociological theory, this interpretive prism stems from a particular geopolitical location (or any other sensibility) and impacts the actors’ understanding of norms and principles in reflecting the political and legislative projects associated with that positionality (for example, that of their national state). Within a timeframe that ranges from the 1842 Treaty of Peace, Friendship and Commerce between Her Majesty the Queen of Great Britain and Ireland and the Emperor of China (Treaty of Nanjing)⁵ that enacted the unequal Chinese treaty port system, ending in 1933 with the adoption of the Montevideo Convention on the Rights and Duties of States,⁶ Becker Lorca investigates the appearance in the semi-periphery of two trends of professional sensibilities, or, using Duncan Kennedy’s lexicon, of legal consciousness. The author’s central claim is then that this agency in appropriating and engaging with international law, through a set of sensibilities allowed semi-peripheral actors to move away from imitation and reproduction of the norms of the core, towards an ethics of resistance that culminated in 1933.

The book articulates this progression along three chronologically ordered sections that follow the development of these sensibilities. In Part II, the author argues that, during the second half of the 19th century, the appropriation of the language of classical international law by actors from the semi-periphery has led to a geographical expansion of the discipline to form a global regime. The author’s central claim is that this expansion was possible because of the development of a semi-peripheral legal consciousness that he terms “particularistic universalism”, a response and counter-claim to the existence of two separate regimes of international law; one of equality, governing relations between formally equal core sovereigns, and the other based on inequality (starting with the Treaty of Nanjing) governing relations between core and semi-peripheral polities.

The task of semi-peripheral actors, jurists who studied European international law, was then to tackle the principles at the root of the unequal system, namely the doctrine of recognition, and the standard of civilization, with the aim of not only learning their workings, but of also changing the rules through diverse tactics in order to gain the admission of their polities into the equality system. These actors produced a distinct semi-peripheral legal consciousness enunciated around the strict adherence to the rule of the absolute sovereignty of states and internalized the standard of civilization to demonstrate the attainment of civilized status of their sovereigns. Then, as Becker Lorca boldly maintains, international law was not, as conventional historiography proposes, imposed through simple geographical imperial

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⁵ Treaty of Peace, Friendship and Commerce between Her Majesty the Queen of Great Britain and Ireland and the Emperor of China, 29 August 1842 (entered into force 26 June 1843) [Treaty of Nanjing].
⁶ Montevideo Convention on the Rights and Duties of States, 26 December 1933, 165 LNTS 19 (entered into force 26 December 1934) [Montevideo Convention].
expansion or benevolent admission of new states by the core, but appropriated, internalized, professionalized and then globalized by the semi-periphery itself to reach its own political and legislative goals, namely its independence from Western interference.

In Part III, Becker Lorca highlights that the shift from classical to modern international law that happened at the turn of the century through to the end of the First World War was a process of reconceptualization of state sovereignty. As he stresses, this shift was not only a progressive move following a realization of the incapacity of classical thought to prevent war, but was also a conservative one by core actors to reconceptualize and justify imperialism. Consequently, in 1907, at the Second Hague Peace Conference and then at the Paris Peace Conference, semi-peripheral actors were vehemently refused the recognition of sovereign equality by the core, as the principle rested on the absolute sovereignty of states. Following modern logic, absolute sovereignty was not an acceptable grounding for the new system of international law, as it could not allow for the existence of an interdependent international society and international organizations. In essence, while the articulation of arguments changed, the substance of principles remained the same; unequal treatment, armed interventions in the periphery and the exclusion of non-Western polities. Then, the modern doctrine circumventing the periphery’s classical habitus, its actors were prompted to change the articulation of their sensibilities to face the new challenges of modern international law, such as the imperialist overtones of the critique of sovereignty.

Finally, the author frames Part IV on the progressive fall of the standard of civilization during the interwar period, as consequent to the appropriation of modern legal thought by semi-peripheral legal actors, and attendant to the statement of a redefined and defiant semi-peripheral legal consciousness through an evolving formalist definition of statehood to prevent core intervention in the semi-periphery. In that sense, interwar international law was developed at the confluence of the oppositions between the core and the periphery. In the decade and a half following the First World War, semi-peripheral actors, from jurists and politicians to activists and revolutionaries, mobilized formalism and fomented the emergence of a formal doctrine of statehood void of any substantive criterion to determine membership in the international community. The root of their argumentation was the obtaining and maintaining of territorial control to substantiate an affirmation of factual independence and defined territory, and no more one of having met a substantive standard of civilization. Arguments ranged from rebus sic stantibus, to regain control of land lost under unequal treaties, or call for intervention from the international community to prevent the imperialist endeavours of the core in mandated territories. To ensure the consecration of a formal definition of statehood, Becker Lorca argues that semi-peripheral resistance and agency culminated in the codification of the standard in the Montevideo Convention of 1933, an affirmation of a mestizo international law, a set of hybrid norms which endorsed demands for autonomy, equality and non-intervention in modern terms, transforming the normative structure on the basis of which powerful states could justify their imperialist endeavours.
To conclude, I would like to propose that the theses offered by Becker Lorca are not simply directed at a caste of intellectuals, but should be given consideration by all interested in the field of public international law. Indeed, giving due consideration to cognitive justice, against epistemicide, is, to paraphrase Spivak, to build a structure to recognize the agency of those who have been silenced and who resist. In effect, the book offers a self-reflexive avenue that enjoins scholars and jurists to revise their understanding of the history and workings of international law, and to account for the cognitive injustice omnipresent in the mainstream historiography of the discipline. As argued by Becker Lorca, eurocentrism is not necessarily a fatality of the global system, but rather only a specific consciousness, or outlook we have at the discipline, amongst other possible perspectives, as the monograph strongly demonstrates.

Indeed, a questioning of our biases, and a strict referral to our time/space nexus as affecting our sensibilities in a structure of production of knowledge, can only affirm the “pluriversality” of knowledges argued by Santos, and their hybridity. Moreover, I find an interesting rapprochement to be made between Becker Lorca’s conception of a mestizo international law, and Gloria Anzaldua’s concept of “critical border thinking”, which centres on the agency of the subaltern, and its capacity to offer an epistemic response to the eurocentric project by subsuming the emancipatory rhetoric of modernity from the cosmologies of the subaltern. Could we then say the capacity to effect progressive changes in a system such as international law is a capacity immanent to the borderlands/peripheries and the subalterns? In conclusion, the book offers a wealth of knowledge, and a deep critique and reframing of our understanding of the system of international law, a perspective that should interest most of us involved in theorizing the international system.


Sousa Santos, supra note 3.

For more on this, see Gloria Anzaldua, Borderlands/La Frontera: The New Mestiza (San Francisco: Aunt Lute Books, 1987); José David Saldívar, Border Matters (Berkeley, CA: University of California Press, 1997).