

ARTICLES

Editors' Introduction: Alejandro Álvarez and the Launch of the Periphery Series

FLEUR JOHNS, THOMAS SKOUTERIS, AND WOUTER WERNER*

The articles in this issue of the *Leiden Journal of International Law* (LJIL), on the life and work of Alejandro Álvarez, comprise the first in a series of occasional special issues planned for the LJIL, each of which will focus on the work of a leading international legal scholar from the 'periphery'. In launching the Periphery Series, the editorial board of the LJIL had in mind the goal of focusing attention on the role played by centre–periphery dynamics in international law. The centre–periphery formulation of international affairs owes its provenance to political economy, in which context it is primarily associated with dependency theory, Immanuel Wallerstein's world systems theory, and more recently, Paul Krugman's model of the geography of trade economics.¹ In part, the Periphery Series invites scholars to confront questions of resource allocation, dependency, and geography highlighted by those bodies of work. In addition, however, this series seeks to foster wider engagement with the discursive function of centre–periphery oppositions in international law, in their many and various iterations. As one leading US scholar has put it, for example,

International law has seen itself as the voice of civilization, of the center, of the modern, of the future, and of universal humanism and progress against, or in dialog with, the

* Fleur Johns is Senior Lecturer in the Faculty of Law, University of Sydney. Thomas Skouteris is Lecturer in the Faculty of Law, Leiden University. Wouter Werner is Professor of Public International Law at the Vrije Universiteit, Amsterdam. Readers interested in proposing a scholar to be the focus of future issues in the Periphery Series are invited to e-mail the Managing Editor, at ljil@law.leidenuniv.nl.

1. Among the formative works of dependency theory in which the economic significance of centre–periphery dynamics was highlighted are the following: P. Baran, *The Political Economy of Growth* (1957); R. Prebisch, 'Desarrollo económico de América Latina y sus principales problemas', CEPAL, E/CN.12/0089 (1948), published in English as 'The Economic Development of Latin America and Its Principal Problems', UN E CN.12/89/Rev.1 (1950); and A. G. Frank, *Capitalism and Underdevelopment in Latin America* (1967, rev. edn 1969). On world systems theory, see I. Wallerstein, *The Modern World System: Capitalist Agriculture and the Origins of the European World Economy in the Sixteenth Century* (1974). For Paul Krugman's reintroduction of centre–periphery models to mainstream liberal economics, see P. Krugman, *Geography and Trade* (1991). In international law, the language of centre and periphery has tended to be mobilized in the critique of discursive formations, such as the 'international order'. See, e.g., K. Knop, 'Feminism and State Sovereignty in International Law', (1993) 3 *Transnational Law & Contemporary Problems* 293.

voices of the non-Christian world, the primitive, underdeveloped, non-Western, outlaw world of those who do not yet see things from a high place.²

Appropriately for the first in such a series, the articles in this issue engage critically with this picture. Indeed, they take issue (albeit obliquely, in some cases) with the very prospect of orienting a publication towards the ‘periphery’, highlighting the difficulty of figuring out exactly where the boundary between centre and periphery lies, and of fixing any one scholar at a peripheral location. For Álvarez, as for many other international law scholars, a peripheral identity seemed to sit uneasily with the acquisition of fluency in the language of a cosmopolitan everywhere. Arnulf Becker observes in this issue that ‘Latin American international lawyers . . . seem to require the attainment of a “European orientation”, which signals the supersession of peripheralness, the acquisition of universality, the achievement of unity’. Nonetheless, the language of centre and periphery has persisted in prior attempts to categorize Álvarez and his contributions to international law. Of commentaries on Álvarez’s work, Becker observes: ‘Álvarez is either a European of Latin American origin or a Latin American who attained professional acclaim in Europe’.

In place of an Alejandro-goes-to-Europe tale, the articles in this issue tell rich, divergent, and, at times, troubling stories of the work of this prolific and celebrated international lawyer, and, through these, of the discipline of international law. For Liliana Obregón, Álvarez’s international law work attests to his participation in a ‘Creole legal consciousness’: ‘a broad set of problems, strategies, uses, and ideas about the law that are shared among a group of Latin American lawyers’. In Katharina Zobel’s account, Álvarez was an ‘inspiring, but provocative’ force for the reinvigoration of international law on the bench of the International Court of Justice. Jorge Esquirol reads Álvarez’s contribution as ‘an argument for a different hemispheric international order’; above all, as an ‘intervention in US–Latin American international politics of his day’. According to Carl Landauer, however, the ‘avant-gardist, modernist rhetoric’ in which Álvarez wrote reveals ‘an ultimately domesticated message’, even as Álvarez’s work manifests ‘the importance of Latin America within the larger development of international law’. Arnulf Becker then frames this avowedly Latin American contribution in terms of the ‘purposive use of local distinctiveness’ in international law. ‘Whereas international lawyers have been asking for ages if “international law is really law”’, Becker suggests, ‘Álvarez’s legacy makes us consider a different question: is international law really international?’

A series of journal issues showcasing the work of geographically or linguistically ‘peripheral’ scholars might well be making ‘purposive use of local distinctiveness’. Adoption of the language of centre and periphery, however, does more than affirm the marginality of particular sectors of the international legal discipline. As the contributions to this issue demonstrate, a focus on that which international law projects as its periphery splinters the smooth, frictionless surface in which the discipline is most often coated, and casts its routine bearings awry. In international

2. David Kennedy, ‘When Renewal Repeats: Thinking Against the Box’, (2000) 32 *New York University Journal of International Law and Politics* 335, at 359.

law, as in the field of political economy, a centre–periphery configuration places at the very centre of the discipline questions surrounding distributional disparity, authority, propriety, and power. Among other effects, such a configuration makes possible the reading of international law as a terrain of conflict, ambition, violence, ambivalence, and bias, rather than merely the means by which ‘society’ responds to those forces. It is our wish for the Periphery Series that fruitful investigation, along these and many other lines, might proceed through an engagement with influential scholarship to which the would-be ‘centre’ of the discipline has been largely inattentive. This special issue on Alejandro Álvarez augurs very well for the exciting work that we hope will continue to find a place on this platform.