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## ARCHIVES OF INTERNATIONAL LAWYERS, LAW : TOWARDS A SOCIAL HISTORY OF INTERNATIONAL LEGAL PRACTICE

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The articles that follow were gathered during the course of a research program developed in France from 2016 to 2019 in partnership with a heritage institution – the library-museum and private archive center for contemporary worlds, *La contemporaine*<sup>1</sup> -- that hosted a symposium held at the University of Nanterre in 2018.<sup>2</sup> This project, "*Archives des juristes internationalistes, sources du droit: pour une histoire sociale de la pratique juridique*", had several aims and was accompanied by several questions. The project pursued the simple observation that writing the history of international rules, and consequently of international lawyers, was difficult because of the lack of archives and other primary sources. We therefore identified and located archives of great internationalists of the past and of some institutions – legal associations, journals, specialist publishers, personal archives – which sometimes meant documenting their absence. When possible, we helped secure the deposit of collections in specialized institutions and began to produce archives documenting the practice of actors in the political and social fields of international law. This undertaking, very much a work in progress, can be understood in the light of recent historiographical developments. Moreover, the project was an opportunity to address questions relating specifically to the relationship of internationalists to history and archives, which seemed to the historian and archivist to present some peculiar characteristics.

In their 2012 review,<sup>3</sup> Fassbender and Peters insisted on the impact of the translation into English of the Wilhelm Grewe (1911-2000) treatise and, from a critical intellectual history perspective, of the publication of *The Gentle Civilizer of Nations* by Martti Koskenniemi<sup>4</sup> on the history of International law. The latter showed the ambivalence of a body or milieu that, although having participated in the institutionalization of liberal internationalism, has both failed and contributed to the legitimization of civilizing mission and imperial domination.

Criticism of a Eurocentric approach to the history of international law, ignoring non-European legal experiences, and focusing on the modern European inter-state system has invigorated the historiography of global history.<sup>5</sup> In 2013 Emmanuelle Tourme-Jouannet proposed a more nuanced view, integrating the specificity of the nineteenth century, the rejection of a counter-narrative, and a conception of law as a reflection of the ambivalence of

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<sup>1</sup> LABEX research programme "Les passés dans le présent", Université Paris-Nanterre, Labex *Les passés dans le présent*, Investissements d'avenir, réf. ANR-11-LABX-0026-01, <http://passes-present.eu/fr/archives-des-juristes-internationalistes-sources-du-droit-pour-une-histoire-sociale-de-la-pratique>. La contemporaine, library, archives, musée des mondes contemporains, Université Paris-Nanterre. <http://www.lacontemporaine.fr/the-bdic>.

<sup>2</sup> Archives of International Lawyers, <https://univ-droit.fr/actualites-de-la-recherche/manifestations/28008-archives-des-juristes-internationalistes>.

<sup>3</sup> Bardo Fassbender and Anne Peters, "Introduction: Towards a Global History of International Law", in B. Fassbender and A. Peters (eds.), *The Oxford Handbook of the History of International Law* (2012), pp. 1-24.

<sup>4</sup> W. Grewe, *The Epochs of International Law*, transl. Michael Byers (2000); M. Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law, 1870-1960* (2002). On the last, see W. Werner, M. de Hoon, and A. Galàn (eds.), *The Law of International Lawyers. Reading Martti Koskenniemi* (2017).

<sup>5</sup> B. Rajagopal, R. P. Anand, A. Anghie, and A. Becker Lorca, "Eurocentrism in the History of International Law", in Fassbender and Peters (eds.), note 3 above, pp. 1034-1057.

societies and jurists, influenced by the work of Nathaniel Berman.<sup>6</sup> At the same time, another perspective centered on the dynamics between center and periphery and integrating endogenous logics and forms of resistance was promoted by the series edited by Fleurs Johnson, Thomas Skouteris, and Wouter Werner in the *Leiden Journal of International Law*.<sup>7</sup>

Arnulf Becker Lorca's important contribution covering the period 1842-1933 appeared in 2014.<sup>8</sup> Recognizing the hybrid origins of the discipline, Becker Lorca analyzed the spread of legal consciousness (with reference to Duncan Kennedy's notion of "legal consciousness") in the semi-remote regions of the Western world by mobilizing the world-system theory of Immanuel Wallerstein (1930-2019). He showed that the legal elites of these semi-peripheral States and regions (China, Japan, Russia, Ottoman Empire, Latin America), trained in Western universities, were the transmitters and interfaces for the dissemination of an international law in which they saw the benefit of integrating their nation of origin into the international system, a logic illustrated in this dossier by the study of the career of E. Zeballos (1854-1923), among the dominant figures of the period in Latin America, who was, at the same time, a diplomat aiming to strengthen Argentina's place in the international system, importing the texts of the European internationalists to the continent, and anxious to influence the global doctrinal production. According to Becker Lorca, this process of appropriation culminated in the Montevideo Convention of 1933, which affirmed the "mixed" character of international law by making a hybrid set of rules that supported the demands for autonomy, equality of States, and the principle of non-intervention in modern terms. This study clearly showed how several dynamics are combined by these new perspectives: a historical process of global integration whose elements of periodization are the subject of debate, an approach to historical processes aiming to take into account as many viewpoints as possible, and a contextual approach that can enlarge to a planetary scale.<sup>9</sup> This enterprise then joins the perspectives of "connected" history<sup>10</sup> or a history "in equal parts",<sup>11</sup> while insisting on the importance of context and the interplay between actors, each with specific aims and engaged in unequal relationships. It further suggests that the history of international law is better understood when taking into account the agency of international lawyers, not only their doctrinal production but their aims and strategies.

### *"Law-Makers": Circulation of Knowledge and Transnational Spaces*

Whereas the epistemological debate between historians and jurists in the Anglo-Saxon world has developed in various branches of international law and could be described as "framing dichotomy",<sup>12</sup> or even a "clash between lawyer's histories and historians' histories",

<sup>6</sup> E. Jouannet, "Des origines coloniales du droit international: à propos du droit des gens modernes au XVIII<sup>e</sup> siècle", in V. Chetail and P.-M. Dupuy (eds.), *The Roots of International Law/Les fondements du droit international. Liber Amicorum Peter Haggemacher* (2013), pp. 649-671; N. Berman, *Passions and Ambivalence: Colonialism, Nationalism and International Law* (2011).

<sup>7</sup> A. Becker Lorca, "Alejandro Alvarez situated: subaltern modernities and modernisms that subvert", *Leiden Journal of International Law*, XIX (2006), pp. 879-930; J. T. Gathii, "A Critical Appraisal of the International Legal Tradition of Taslim Olawale Elias", *Leiden Journal of International Law*, XXI (2008), pp. 317-349; J. Fleur, T. Skouteris, and W. Werner, "The League of Nations and the Construction of the Periphery Introduction", *Leiden Journal of International Law*, XXIV (2011), pp. 797-798.

<sup>8</sup> A. Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842-1933* (2014).

<sup>9</sup> F. Cooper, "How Global Do We Want Our Intellectual History to Be?", in S. Moyn and A. Sartori (eds.), *Global Intellectual History* (2013), pp. 283-294.

<sup>10</sup> S. Subrahmanyam, "Connected Histories: Notes Toward a Reconfiguration of Early Modern Eurasia", *Modern Asian Studies*, XXXI, (1997), pp. 735-762.

<sup>11</sup> R. Bertrand, *L'histoire à parts égales: récits d'une rencontre Orient-Occident, XVI<sup>e</sup>-XVII<sup>e</sup> siècles* (2011).

<sup>12</sup> V. Vadi, "International Law and Its Histories: Methodological Risks and Opportunities", *Harvard International Law Journal*, LVIII (2017), pp. 311-352.

in other disciplinary fields such as social history and political sociology, the debate has given rise to a desire to re-establish the actors in their own time, to re-inscribe doctrinal productions in their context, and to propose a global "situated" approach.

Interested therefore in the role of lawyers in the emergence of international norms, we took a specific interest in the social history of jurists, articulating their individual careers, professional practices, and legal discourse, based on an examination of private archives and written and oral sources,<sup>13</sup> but not planning to create an idealized figure of the imperial liberal jurist, nor to promote Gramscian<sup>14</sup> history of ideas, nor to propose a glossary of doctrine. The archival approach favors the "snippets of meaning" of the biographical exercise and seeks to restore the ambivalence of actors in their time, the meta-legal frameworks that structure their relationship to the law, the plural affiliations of jurists, and the nature of their professional practices.

The circulation of jurists across multiple scenes and the interconnections of their diverse commitments are particularly evident and heuristic in the first generation of international law professionals, who, in some instances, were at the same time jurisconsults, diplomats, academics, business lawyers, global intellectuals, and politicians. This is obvious in the case of Tobias Asser (1838-1913), considered here by Arthur Eyffinger. Following Asser closely, he demonstrates how much the success of his enterprises was owed to the personal ties that united some of the principal international lawyers of the period, but also to the strong position of Asser within the Dutch establishment. He further demonstrates that the building of these early institutions was a matter of personal commitment and the shared convictions and sensibilities of a small group of international lawyers. The exceptional Asser archives are fundamental to this demonstration. Personal and family archives, they preserve documents of the *for privé*, as well as traces of time in public office, and allow the historian to follow the multiple activities of Tobias and the multiplicity of networks in which he participated.

Such a conclusion leads to renewed attention to the circulation and hybridization of legal knowledge and practices, itself caught up in the circulation of sciences and ideas. The intensification of these is well documented<sup>15</sup> with the founders of modern international law, often academics and law professors, being eager participants.<sup>16</sup> International scientific institutions and intellectual or scientific social forums therefore play a key role. In his latest book, Guillaume Mouralis, who explores other archives, analyzes the Nuremberg Trial as a judicial experiment under a double constraint, one stemming from the socio-professional profiles of the American lawyers engaged, the other being the existence of an unequal racial order in the United States. The book reveals the limited resources that the Nuremberg episode provides for national mobilizations against racism or the defense of civil rights. It was not intended to forge a criminal category that could be mobilized against American racial policy. This episode illustrates the dissociation between the militant struggles so intimately associated with international law, from its birth to the Russell tribunals and permanent people's courts of the 1970s, and the political-diplomatic side and its neutralizing effect during the 1950s.<sup>17</sup>

We share the questions that have been raised about the operational value of the highly valued and diffuse notion of transnationalism, whose floating uses, sometimes methodological,

<sup>13</sup> See D. Kevonian and P. Rygiel, "Profession, International Lawyers?", *Monde(s)*, no. 7 (2015).

<sup>14</sup> T. Skouteris, *The Notion of Progress in International Law* (2010).

<sup>15</sup> C. Charle, J. Schriewer, and P. Wagner (eds.), *Transnational Intellectual Networks. Forms of Academic Knowledge and the Search for Cultural Identities* (2004/2011); G. Sapiro (ed.), *The Intellectual Space in Europe, 19th-20th centuries: From the Formation of Nation States to Globalization* (2009).

<sup>16</sup> P. Rygiel, *An Impossible task? The Institute of International Law and the Regulation of International Migration 1870-1920* (2011) (available online).

<sup>17</sup> G. Mouralis, *The Nuremberg Moment. Le procès international, les avocats et la question raciale* (2019).

sometimes epistemological or historiographic, have been reported for more than a decade. The "rediscovery" of movements and non-State actors, with the turn to global history and globalization, needs to be put into perspective,<sup>18</sup> particularly because of the globalization of the social sciences and the fashionable effects of the<sup>19</sup> dominant paradigms.

In a recent article, Nancy L. Green, noting the "flexibility" of the notion, shows how transnationalism has become a catchword, one facet of the post-structuralist discourse on fluidity.<sup>20</sup> As the last avatar of the attention paid to *agency*, that is, to the capacity and resources of the actors themselves, transnationalism is part of an implicit construction: the opposition between the immobility: the State regulatory framework and corporate identities, and movement: inventiveness, polysemy and pluri-membership. As Green reminds us, the transnational space is fragile and hierarchical, made up of tensions and solitudes, ambivalences and competition, and jurists such as Tobias Asser are no exception. Concerned about the cumbersome celebrity of Pasquale Mancini (1817-1888) as well as the development of the International Law Association, the dreaded rival of the Institut de droit international,<sup>21</sup> he pushed an agenda that incorporated the centrality of the networks he help fund.

Inscribing the history of legal norms in a social history that is attentive to social groups, individual and collective strategies, and the cost/benefit ratio of investment in transnational spaces and networks has a certain heuristic value. This approach resonates with the approaches of the sociology of international law inspired by Bourdieusian theories, in particular the notion of "transnational legal entrepreneurs".<sup>22</sup> The notions of transnational networks, spaces, and practices is deployed in recent histories of international<sup>23</sup> institutions and organizations in an approach that renews classical diplomatic history, attentive to expertise and to the hybridized modalities of international standard-setting, using notably the concept of "epistemic communities" proposed by Ernest Haas.<sup>24</sup>

### *Plural Affiliations and Professional Practices*

The specific role played by international lawyers is analyzed here in the light of these distinct historiographies, combining the study of practices, paths, and positions, often complex and multiple, and the construction of identities, professional but also social and ideological. The history of international law can then be written as the history of a milieu –

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<sup>18</sup> J. P. Zuñiga, *Transnational Practices. Land, Evidence, Limits* (2011).

<sup>19</sup> K. K. Patel, "An Emperor without Clothes? The Debate about Transnational History Twenty-five Years On", *Histoire@Politique*, no. 26 (2015).

<sup>20</sup> N. L. Green, "The Trials of Transnationalism : It's Not as Easy as It Looks", *The Journal of Modern History*, LXXXIX (2017), pp. 851-874.

<sup>21</sup> A. Eyffinger, *TMC Asser (1838-1913): "In Quest of Liberty, Justice, and Peace"* (2019). 2 vols.

<sup>22</sup> Y. Dezalay and M. Rask Madsen, "In the 'Field' of Transnational Professionals: A Post-Bourdiesian Approach to Transnational Legal Entrepreneurs", in L. Seabrooke and L. F. Henriksen (eds.), *Professional Networks in Transnational Governance* (2017), pp. 25-38.

<sup>23</sup> G. Sacriste and A. Vauchez, "Les 'bons offices' du droit international: la constitution d'une autorité non politique dans le concert diplomatique des années 1920", *Critique internationale*, XXVI, no. 1 (2005), pp. 110-117; D. Kévonian, "Les juristes et l'Organisation internationale du travail (OIT - ILO), 1919-1939. Processus de légitimation et institutionnalisation des relations internationales", *Journal of the History of International Law*, XII (2010), pp. 227-266; S. Hatsue, *US International Lawyers in the Interwar Years: A Forgotten Crusade*, (2012); J.-M. Guieu, "The Debate about European Institutional Order among International Legal Scholars in the 1920s and its Legacy", *Contemporary European History*, XXI (2012), pp. 319-337; B. Coates, *Legalist Empire. International Law and American Foreign Relations in the Early Twentieth Century* (2016); V. Genin, *Incarner le droit international. Du mythe juridique au déclassement international de la Belgique (1914-1940)* (2018).

<sup>24</sup> P. Clavin, "Defining Transnationalism", *Contemporary European History*, XIV (2005), pp. 421-439; S. Pederson, "Back to the League of Nations", *The American Historical Review*, CXII (2007), pp. 1091-1117; D. Rodogno, B. Struck, and J. Vogel (eds.), *Shaping the Transnational Sphere: Experts, Networks and Issues from the 1840s to the 1930s* (2015).

body, profession or network – which gradually developed and became autonomous, emerging initially from a bourgeois pacifist movement. The Institute of International Law, the International Law Association, and the major journals that emerged during the last third of the nineteenth century were particularly concerned with telling the genesis, values, and codes<sup>25</sup> of this by then small world. The individualization of the field is accompanied by the production of discourses making international law one major character in a great historical narrative of westernization and universalization inserted in the matrix of imperial nationalisms and liberalism.

Individual or collective biographical editorial production then participates in this unification process by constituting a "pantheon" of the great internationalists and historical founders. These narratives are part of the history of international law whose practitioners are constantly remodeling the past, and commemorating it in multiplying commemorations, erecting statues or monuments that are sometimes visible in Den Haag, at the Université libre de Bruxelles, or at the law library of the University of Paris, parts and traces of changing historical narrative always justifying the expert interventions of the international lawyer. Writing the history of such actors implies relying on archives, making it possible to construct historical propositions distinct from those constantly produced and remodeled by actors relying on a canonical corpus.

Several types of archives can then be explored and produced some not represented in the articles here. The research program directed in Copenhagen by Morten Rasmussen on international law and the League of Nations<sup>26</sup> attests to the interest of transnational approaches attentive to the archives of international institutions and jurisdictions, that is, spaces of practice. Archives of legal associations, journals, and publishers can offer new insights. In her 2018 study on the internationalization of human rights during the inter-war period, addressing the matrix issues of forced migration, statelessness, and minorities, Dzovinar Kévonian investigated a period dominated as much by imperial and national logics as by the institutionalization of the field of international law.<sup>27</sup> Four social spaces – the Institute of International Law, the International Diplomatic Academy, the Carnegie Endowment for International Peace, and the League of Nations – are at the center of the analysis based on written and oral archives. Combining them reveals the convoluted strategies of individual actors conducting a multi-localized campaign, especially the Russian jurist in exile, Andrei Nikolaievitch Mandelstam (1869-1949), and Albert de La Pradelle (1871-1955), members of a complex web of legal companies, transnational think tanks, and interpretative communities.

We have focused on the presentation and exploitation of personal archives of international lawyers<sup>28</sup> and the specific questions that can be addressed using them. They are not the only agents of international legal practices, and archives of diplomats and consuls can be extremely rich,<sup>29</sup> but they seem to be hard to locate and underexploited, possibly in some

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<sup>25</sup> L. Nuzzo and V. Milos (eds.), *Constructing International Law: The Birth of a Discipline* (2012).

<sup>26</sup> Project of the University of Copenhagen (2018-2020) *Laying the Foundations –The League of Nations and International Law, 1919-1945* (available online).

<sup>27</sup> D. Kévonian, *The Swing of the Pendulum: Jurists and the Internationalization of Human Rights, 1920-1939* (2018) (available online).

<sup>28</sup> See, for example, the private archives of Hans Wehberg (1885-1962) (Institut de droit international collections deposited at the Institut de hautes études internationales (IHEI) in Geneva, Nicolas Politis (1872-1942) (archives of the League of Nations, Geneva), Jules Basdevant (1877-1968) (La Contemporaine, Nanterre), Albert de La Pradelle (departmental archives of the Corrèze, France), Ernest Lehr (1835-1919) and Alphonse Rivier (1835-1898) (BCU de Lausanne), James Leslie Brierly (1881-1955) (Oxford University, Bodleian Library), Frédéric René Coudert (1898-1972) (Columbia Universities Library, oral history 1950), José Gustavo Guerrero (1876-1958) (books and personal belongings, EU-LAC Foundation, Hamburg), John Bassett Moore (1860-1947) (University of Virginia, A.J. Morris Law Library), Edwin Borchard (1884-1951) (Yale University Archives), and others).

<sup>29</sup> William E. Butler, "The Charles Cramer Archive: A Russian Consul in America and Europe", *Jus Gentium*, II

cases because of a bias towards public international law affecting many historical narratives, even when historical evidence points to the centrality of issues that would be today framed as private international law issues in the early developments of the field.<sup>30</sup> Their existence, organization, and history are for the archivist and the historian of special interest, reflecting choices informed by a sensibility or a personal or familial strategies, as the study of the Zeballos archives amply demonstrates. They are a first-rate source for identifying the elite communities of origin, the spaces of socialization, and the networks that structure the training and career paths of lawyers. The importance of generational transmission, of strong social reproduction, and of endogamy within a small milieu, that of internationalists, is clearly shown by studies of private correspondence as well as by oral interviews, which are particularly capable of highlighting them, as we have seen in the case of the Geouffre de La Pradelle<sup>31</sup> lineage.

The practice of symbolic adoptions of a younger person by an older person (who comes from the same region, or who is a newcomer because of his social or national origin or his refugee status),<sup>32</sup> is reinforced by a strong ritualization of collective practices. Jean Salmon's – Henry Rolin (1891-1973) professional heir – narrative of his entry to the Institute of International Law illustrates these multiple functions of the learned society; it serves as a transnational space for the establishment and maintenance of social capital as well as a socializing institution inculcating the norms and codes of a small international society rooted in a carefully maintained tradition.

It is when used in combination, connected also to institutional archives and practices, that personal archives bear most fruit. Guillaume Mouralis has tracked down in multiple archives the letters exchanged by the protagonists of a long-forgotten meeting, on the occasion of the trial of Nazi leaders. In doing so, he highlights the profound differences in the participants' points of view, the mistrust and contempt that rendered any agreement difficult or impossible. This outcome is understandable in light of their previous political commitments and each other's professional cultures. In the post-World War II world, the lawyer and the law professor, the anti-fascist legal expert and the former servant of a fascist State have little to share and especially not a common understanding of legal procedures and norms. He sheds light on the impossibility of the emergence of a unified field of international criminal law in the context of the post-World War II era.

Focusing on lawyers themselves, and not merely their doctrinal production, allows full measure to be taken of human temporalities and space of legal production. Connecting the legal production of the Université Libre de Bruxelles with the role of the Brussels liberal freemasonry enables us to understand the presence in their midst of liberal refugees from the 1848 German revolution (Egide Arntz, 1812-1884<sup>33</sup>), the influence of Russian anarchism at the turn of the century (Ernest Nys, 1851-1920)<sup>34</sup> or its pioneering influence on the access of women to university studies and law.

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(2017), pp. 595-605.

<sup>30</sup> Sean Morris, "The Private Foundations of International Law: Intellectual Property Rights and Pashukanis", *Jus Gentium*, V (2020), pp. 37-123.

<sup>31</sup> D. Kévonian, P. Rygiel, and Géraud de Geouffre de La Pradelle, "Interview with Géraud de Geouffre de La Pradelle", *Monde(s)*, I (2015), pp. 155-172.

<sup>32</sup> In France, Louis Renault (1843-1918) chose Jules Basdevant (1877-1968), a young student straight out of the Lycée d'Autun as his heir, imitating Charles Bufnoir (1832-1898), a former student of the same high school and the dominant legal figure of his time, offering himself as a mentor to the young Renault. See Rygiel and Kévonian, "Interview with Geneviève Bastid Burdeau", *La Contemporaine* (2018). Nanterre, France.

<sup>33</sup> A. Rivier, "Notice sur M. Arntz", *Annuaire de l'Académie royale de Belgique*, LIII (1887), pp. 293-418. The notice is written using private archives: the correspondence of Arntz with his family in Cleves, given by his brother to A. Rivier.

<sup>34</sup> His knowledge of the Russian Empire and his aversion to the tsarist regime can be explained by his close

Russian jurists and lawyers exiled from Russia and Russian Jews in the aftermath of the Bolshevik victory,<sup>35</sup> just as those fleeing German Nazism in the 1930s,<sup>36</sup> also participated in the circulation of knowledge.<sup>37</sup> These cultural transfers make it possible to understand the importance attached to certain objects of law or legal concepts. For example, the study of the career and production of the sociologist of law and philosopher Leon Petrazycki (1867-1931)<sup>38</sup> shows the ambivalent and partial nature of the circulation of knowledge. He left the University of St. Petersburg after the Bolshevik revolution and became the first professor of sociology of law at the University of Warsaw. His theory of intuitive international law, which gave rise to lively debates before 1914, was then condemned by Soviet jurists, who called him an idealist, and challenged by Polish jurists for undermining the traditional legal doctrines and calling into question the Catholic Church. Although a member of the Eastern European Law Section of the International Academy of Comparative Law,<sup>39</sup> Petrazycki long remained unknown to Western jurists, an ignorance reinforced by his suicide in 1931 and the destruction of his manuscripts, kept by his wife, during the Warsaw Uprising. The first partial English translation of his 1907-1909 masterpiece dates from 1955.<sup>40</sup>

It is thus among a few emigrant jurists specializing in the sociology of law that a filiation can be identified, Georges Gurvitch (1894-1965) in France,<sup>41</sup> Pitirim A. Sorokin (1899-1968) and Nicholas S. Timasheff (1886-1970) in the United States. In our study of Mandelstam's theory of international human rights, the latter's reference to Petrazycki's concepts in the elaboration of the notion of "intuitive human right" are not understood because they are little known or unknown in Western Europe. His position is then assimilated to either *jusnaturalism* or solidarity.<sup>42</sup>

This example, as well as the studies herein, delineate the specific contribution of historians to a history of international law. Hungry for archives, but because they place doctrinal constructions, international treaties, and the actors who introduce and animate them in multiple contexts, they tend to confront the history of legal discourse and the social history of jurists by threading the temporalities of doctrine, practice, and personal life and associated processes of legitimization. This makes it possible to highlight cleavages, ambivalences, and contradictions, not as individual variations around a liberal-imperial ideal of the lawyer, but as manifestations of plural identities.

friendship with the revolutionary and anarchist Petr Alekseevich Kropotkin (1842-1921) and the Georgian Varlam N. Cherkezov (1846-1925). See Ernest Nys, *In Memory of Dear Friends Pierre Kropotkin and Warlam Tcherkesoff* (1918).

<sup>35</sup> Among them: Maksimilian M. Filonenko (1885-1960) (personal papers in Columbia University Libraries), Konstantin Nikolaevich Gul'kevich (1865-1935), Sergei Aleksandrovich de Korff (1876-1924), André Mandelstam, Boris Mirkine-Guetzevitch (1892-1955), Boris Nolde (1876-1948), Baron Mikhail Aleksandrovich de Taube (1869-1961), Alexandre N. Rubinstein, Jacob Rubinstein, Henry Sliosberg (1863-1937), Maxim Moiseevich Vinaver (1863-1926), and others. D. Kévonian, "Les juristes juifs russes en France et l'action internationale dans les années vingt", *Archives juives*, XXXIV, no. 2 (2001), pp. 72-94.

<sup>36</sup> J. Beatson and R. Zimmerman, *Jurists Uprooted: German-Speaking Emigré Lawyers in Twentieth-Century Britain* (2004); L. Coser, *Refugee Scholars in America: Their Impact and Their Experiences* (1984).

<sup>37</sup> K. Graham, "The Refugee Jurist and American Law Schools, 1933-1941", *American Journal of Comparative Law*, L (2002), pp. 777-818.

<sup>38</sup> See O. Merezhko, "Petrazycki's Psychological Theory of Private International Law", *Jus Gentium*, IV (2019), pp. 117-144; Merezhko, "Petrazycki's Psychological Theory of Law and Economy", *Journal of Comparative Law*, XIV (2019), pp. 310-339. See also B. Brozek, J. Stelmach, and J. Stanek (eds.), *Russian Legal Realism* (2019).

<sup>39</sup> Elemer Balogh (1881-1955), then director of the Academy, wrote an obituary for him: *Mémoires de l'Académie internationale de droit comparé* (1934), II(1), pp. 64-87.

<sup>40</sup> *Law and Morality: Leon Petrazycki*, translated by Hugh W. Babb (1955).

<sup>41</sup> G. Gurvitch, "An Intuitive Philosophy of Law. Léon Pétrazycki", *Archives de philosophie du droit et de sociologie juridique*, no. 2 (1931), pp. 403-420.

<sup>42</sup> D. Kévonian, note 27 above, pp. 136-138.



All of this makes international lawyers men eminently of their times, not only trivially because they are the products of the times they live in, but also because, to paraphrase Alphonse Rivier (1835-1898), long-serving secretary of the Institute of International Law, the raw material they deal with is their very era, which they are obliged to define – often with reference to the past which legitimizes their present role – and which they often intend to shape, which their singular position at the intersection of or in contact with several social spheres and States sometimes allows them to do. The limits of these initial investigations, of which French-speaking international law is the core, are obvious, taking too little account, to mention just a few examples, of the North American dimensions of this history,<sup>43</sup> never disconnected from European developments<sup>44</sup> or of the complex articulation of international law, which for a long time was an exclusively male practice, and of gender policies, of which law was an early vector of internationalization.<sup>45</sup>

At a time when the history of interconnections and interdependencies is experiencing, under various labels, a new youth, when the need for a hybridization of disciplinary knowledge is also asserting itself, it seems to promise rich narratives of the birth of the intricate fabric of the modern world that international lawyers quite often fashioned.

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<sup>43</sup> Frederic L. Kirgis, *The American Society of International Law's First Century: 1906-2006* (2006).

<sup>44</sup> A. Paolo, *The American Project and the Politics of History: James Brown Scott and the Origins of International Law* (2018).

<sup>45</sup> E. Tourme Jouannet, L. Burgorgue Larsen, H. Muir-Watt, and H. Ruiz-Fabri (eds.) *Féminisme et droit international. Francophone studies of the Olympus network* (2016).