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# Un-Loving International Organizations

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## Abstract

This short essay reflects on the various reactions provoked by the earlier publication by this journal of the article entitled ‘The Love for International Organizations’. It sheds a different light on some part of the argument developed therein while also providing new insights on what a turn to affects and emotions can contribute to the study of the law of international organizations. It simultaneously challenges the idea that international organizations are actual things-in-the-world and invites international lawyers to approach them in a different way.

## Keywords

international law – the law of international organizations – international institutional law – the emotional turn – affects and emotions – anthropomorphism

‘The Love for International Organizations’ was written in the Autumn 2022 after I had come to realize that my last serious intervention in scholarly debates about the law of international organizations had dated a little.<sup>1</sup> My

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<sup>1</sup> The following paragraphs will speak of ‘The Love for International Organizations’ with *the past tense*. This is mostly for stylistic reason while also being a way to conform to the linear sequence of this thematic issue of which this article constituted the opening piece. I want to stress that such use of the past tense in the following paragraphs should not give the impression that the ‘The Love for International Organizations’ ever carried a fixed, determinate, and meaningful content. In my view, texts are no monuments which survive

resolution to give international organizations a few new thoughts was further invigorated by the encouragement by the editors-in-chief of the *International Organizations Law Review* that members of the editorial board write editorials with a view to showcasing who stand behind the journal and to firming up the identity of the latter. Actually, 'The Love for International Organizations' was first envisaged as an editorial. To my own surprise, what was first contemplated as a short editorial turned into a fully-fledged article – of a considerable length by European standards – which eventually came to be the object of a conference in November 2023<sup>2</sup> as well as the focal point of the present thematic issue.<sup>3</sup> I am indebted to Niels Blokker and Ramses Wessel for immediately showing interest in my new thought experiment and for making space in the *International Organizations Law Review* for the article to be debated, tested, dissected, or torn into pieces by esteemed and renown specialists in the field. Likewise, I am immensely grateful for all those friends and colleagues who have taken pains to engage with my work and offered many novel, albeit sometimes caustic, insights. The contributions that populate this thematic issue epitomize the generosity which international lawyers are often capable of and shed a very positive light on a discipline which scholars like me are sometimes too inclined to paint in a cynical fashion.<sup>4</sup>

Before I sketch out the gist of what follows and react to the generous comments of my fellow international lawyers, a very serious preliminary observation is needed. Echoing some of Niels Blokker's introductory remarks made at the November 2023 conference and rightly reiterated at the beginning of his own contribution to this thematic issue, I cannot help stressing the discomfort I experience in writing what follows in the comfort of my study at a moment where some parts of the world came to show how much they have morally collapsed, even committing or supporting abominations which I never thought humanity, in the 21st century, would still be capable of (watching

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centuries unchanged. Texts have their meanings made in the present of the act of reading while being constantly rewritten by virtue of the other texts which can possibly carry their traces and influence their reading. The title given to this essay is similarly meant to emphasize that the original article always constituted a space for stories and debates about international organizations to be continued and that they are certainly not clinched by this closing piece.

- 2 I am grateful to August Reinisch and Michael Waibel for hosting and organizing such a stimulating event in Vienna on 17th November 2023.
- 3 The article even proved the steppingstone for the writing of a research monograph on the matter entitled *The Experiences of International Organizations. A Phenomenological Approach to International Institutional Law* (Edward Elgar, 2023).
- 4 See e.g. Jan Klabbers, 'The Ethics of Inter-disciplinarity and the Academic Industry' (2024) 93(1) *Nordic Journal of International Law*, 132 (on file with the author); Jean d'Aspremont, 'International law and its critical misrepresentations', 2 *Journal du Droit Transnational* (forthcoming, 2024).

silently).<sup>5</sup> Surely, all those currently suffering, starving, freezing, being maimed, and dying along the Mediterranean Sea, in the Horn of Africa, and elsewhere, must not find much solace in international organizations, let alone in scholarly debates about the possible affection which one may experience towards them. Before anything, I want to express how much I am revolted by what so many fellow beings are currently going through under the passive, sometimes approbative and complicit,<sup>6</sup> gaze of those being at the helm of the states we inhabit. It is for the same reason and to decry what modern statehood has done to people and to the world, that, in this article, but also for the rest of my career as a writer, I will not write the word ‘state’ with a capital S.<sup>7</sup>

This short essay is certainly not the place to rehash the content of the article to which this thematic issue is dedicated. It suffices to recall that ‘The Love for International Organizations’ was an attempt to explore the resilient centrality of international organizations in international lawyers’ practical, conceptual, cognitive, imaginary, and emotional universe notwithstanding the cogent criticisms raised against them in the last decades. Using affects and emotions as its main vantage point, the article made the claim that international lawyers’ awarding so much centrality to international organizations in legal thought and practice is the manifestation of their deep affection for international organizations – the article spoke about *love* to emphasize such emotion. This affection, the article argued, is itself fed by a variety of specific perceptions and representations about international organizations (which it calls *drivers*), and especially by the images of international organizations as hubs of global caretaking, as hubs of power, as hubs of knowledge, as hubs where our progressive global histories are written, as hubs of shared experiences, as hubs of textual output, as hubs of studies, as hubs of secrets, and as hubs of checked discontent.

The ambitions behind the use of affects and emotions as the main vantage point of the story told by ‘The Love for International Organizations’ were multifold. Some of them are worthy of mention here for they may not have been explicitly spelled out in the article. First, I wanted to demonstrate that

5 One must enjoy some bourgeois quietness and be spared by bombs as well as starvation to afford mulling over the way in which international lawyers think. On the relationship between scholarly works and the bourgeois way of life, see the remarks of Michel Foucault, *Dits et écrits, I (1954–1975)* (Gallimard, 2001) 685. See also Régis Debray, *Le Scribe* (Editions Grasset et Fasquelle, 1980) 121 and 221.

6 As this article went to press, Western governments were engaged in massive repression against those people (especially students) peacefully protesting against current atrocities which the same governments were complicit with.

7 Comp. with the concept of “ideological alibi” of the State by Arjun Appadurai, *Modernity at Large. Cultural Dimensions of Globalization* (University of Minnesota Press, 1996) 159.

the centrality of international organizations in international legal thought and practice is nothing natural or inherent to international legal studies and practice, for it is emotionally contingent. In fact, international law could have been thought and practiced without international organizations, as it previously was for centuries. Second, this article was my way of laying the groundwork for a phenomenological theory of international organizations whereby the latter are not thought as a thing-in-the-world but rather as the product of an experience. It is actually building on 'The Love for International Organizations' that I went on writing a new research monograph delineating the contours of a phenomenological approach to international institutional law, one that strongly rejects the reification of international organizations and their being construed as things-in-the-world.<sup>8</sup> Eventually, like many of my scholarly works of the last decade, the article was meant to contest some of the modern patterns of thought which international lawyers intuitively and unreflexively embraced. In 'The Love for International Organizations', I tried – taking my cue from French critical theory<sup>9</sup> as well as the so-called “emotional turn” in International Relations literature<sup>10</sup> and those few espousals of

8 See d'Aspremont (n 3).

9 Pierre Legendre speaks of the “love for the censor” (l'amour du censeur) to describe how, since the advent of Canon law, legal institutions organize a love for subordination or mobilize sexual symbols (See Pierre Legendre, *L'Amour du Censeur. Essai sur l'ordre dogmatique* (Seuil, 2005), esp 6, 45–49, and 197). For his part, Michel Foucault speaks of the erotic attachment to power apparatuses and the erotic dimension of the latter (See Foucault (n 5) 1520–1521).

10 On the so-called “emotion turn” in International Relations, see Maeve Clement and Eric Sangar (eds), *Researching Emotions in International Relations: Methodological Perspectives on the Emotional Turn* (Palgrave Macmillan 2018); Veronique Pin-Fat “What's love got to do with it? Ethics, emotions, and encounter in International Relations” (2019) 45(2) *Review of International Studies* 181–200; Roland Bleiker and Emma Hutchison, ‘Fear no more: Emotions and world politics’ (2008) 34(S1) *Review of International Studies*, 115–135; Ronald Bleiker and Emma Hutchison, ‘Theorizing emotions in world politics’ (2014) 6(3) *International Theory* 491–514; Neta C Crawford, ‘Institutionalizing passion in world politics: fear and empathy’ (2014) 6(3) *International Theory* 535–557; Neta C. Crawford, ‘The Passion of World Politics: Propositions on Emotion and Emotional Relationships’ (2000) 24(4) *International Security* 116–156; Janice Bially Mattern, ‘On being convinced: an emotional epistemology of international relations’ (2014) 6(3) *International Theory* 589–594; Jonathan Mercer, ‘Human nature and the first image: emotion in international politics’ (2006) 9(3) *Journal of International Relations and Development* 288–303; Jonathan Mercer, ‘Emotional beliefs’ (2010) 64(1) *International Organization* 1–31; Andrew AG Ross, ‘Coming in from the Cold: Constructivism and Emotions’, (2006) 12(2) *European Journal of International Relations* 197–222; Brent E Sasley, ‘Theorizing States’ Emotions’ (2011) 13(3) *International Studies Review* 452–76. I am grateful to Anne Saab for her insights on this point.

emotions in the international legal literature –<sup>11</sup> to counter the field’s dominant Cartesian epistemology<sup>12</sup> by virtue of which affects and emotions are excluded from the positivist and scientific studies about international organizations and left to (bourgeois) novels.<sup>13</sup>

As was astutely noted by Kristina Daugirdas and Ian Johnstone in their contributions to this thematic issue, there was a great deal of irony in ‘The Love for International Organizations,’ a point also made by Kirsten Schmalenbach in her challenge of some of those rose-tinted narratives that feed into international lawyers’ love for international organizations. Indeed, as I imply every now and then in the article – and maybe I should have made this aspect of my argument more explicit, many of the representations of international organizations nurturing international lawyers’ love for them are very contestable. For instance, international lawyers’ representation of international organizations as hubs of

11 See, eg, Anne Saab, ‘Emotions and International Law’ (2021) *ESIL Reflections* 10:3 (2021); Andrea Bianchi and Anne Saab ‘Fear and international law-making: An exploratory inquiry’ (2019) 32(3) *Leiden Journal of International Law* 351–365; Andrea Bianchi, ‘Fear’s Legal Dimension: Counterterrorism and Human Rights’, in L. Boisson de Chazournes and M. Kohen (eds), *International Law and the Quest for its Implementation – Le droit international et la quête de sa mise en oeuvre: Liber Amicorum Vera Gowlland-Debbas* (2010) 175–92; Gerry Simpson, *The Sentimental Life of International Law. Literature, Language, and Longing in World Politics* (Oxford University Press, 2021); Emily Kidd White, “Images of reach, range, and recognition: Thinking about emotions in the study of international law” in Susan A Bandes, Jody Lynee Madeira, Kathryn Temple and Emily Kidd White (eds), *Research Handbook on Law and Emotion* (Edward Elgar, 2021), 492–512; Rebecca Sutton, “How the emotions and perceptual judgments of frontline actors shape the practice of international humanitarian law” in Bandes (n 11) 477–491; Rebecca Sutton and Emily Paddon Rhoads, “Empathy in frontline humanitarian negotiations: a relational approach to engagement” (2022) 7(23) *International Journal of Humanitarian Action*; Rebecca Sutton, “Read the Room: Legal and Emotional Literacy in Frontline Humanitarian Negotiations” (2021) 24 *Yearbook of International Humanitarian Law* 103–139. I have myself attempted to sketch the rudiments of a theory of emotions in relation to international organizations. See Jean d’Aspremont, *The Experiences of International Organizations. A Phenomenological Approach to International Institutional Law* (Edward Elgar, 2023). See also Jean d’Aspremont, ‘The Love for International Organizations’ (2023) 20(11) *International Organizations Law Review*.

12 I have developed this argument elsewhere. See Jean d’Aspremont, ‘Affects, Emotions and the Cartesian Epistemology of International Law’ (2023) 14(3) *Journal of International Dispute Settlement* 281–284.

13 See the remarks of Michel de Certeau, *Histoire et psychanalyse entre science et fiction* (Gallimard, 2016) 94. On the novel as being the new genre for the description of individual emotions, see Hayden White, *Tropics of Discourses. Essays in Cultural Criticism* (Johns Hopkins University Press, 1978) 122–123; Paul Ricoeur, *Temps et récit, Volume 2, La configuration dans le récit de fiction* (Seuil, 1984) 17; Lucien Goldmann, *Pour une sociologie du roman* (Gallimard, 1964) 36–52; Roland Barthes, Leo Bersani, Philippe Hamon, Michael Riffaterre and Ian Watt, *Littérature et réalité* (Seuil, 1982) 17 and 35.

power rests on a very porous and elementary understanding of power. In fact, associating the exercise of power with the decision-making privileges of public or private institutions tells very little about how power works,<sup>14</sup> for power is not exercised by an institution over an individual or another institution but takes the form of a myriad of mutually constitutive relations that produce a certain normality, a certain hierarchy, a certain individuality, a certain naturalness, a certain plurality, etc.<sup>15</sup> Likewise, international lawyers' representation of international organizations as global caretakers working for a better world can easily be rebutted by their functioning as hegemonic structures that perpetuate a neo-colonial and imperial configuration of the world.<sup>16</sup> In the same vein, the representation of international organizations as hubs of knowledge is premised on a highly contestable belief in the a-political nature of the expertise on which international organizations relies.<sup>17</sup> These are just a few illustrations of the dubious character of the representations which, I claimed, are sustaining international lawyers' love for international organizations. So, yes, there was considerable irony in the story told in 'The Love for International Organizations', as rightly noted by some of the contributors to the thematic issue. Yet, there is another dimension to the irony at work in the article and which I want to stress here: even if we assume that international organizations

14 Foucault (n 5) 1626. See also Michel Foucault, *Dits et écrits, II* (Gallimard, 2001) 35. See also Gilles Deleuze and Claire Parnet, *Dialogues* (Champs essais, 1996) 157.

15 Foucault (n 14) 35–37, 124, 180, 311 and 979. See also Michel Foucault, *Histoire de la Sexualité 1. La volonté de savoir* (Gallimard, 1976) 122–133.

16 Antony Anghie, 'Time Present and Time Past: Globalization, International Financial Institutions, and the Third World,' (2000) 32(243) *New York University Journal of International Law and Politics* (2000) 32(2), 243, 243–290; BS Chimni, 'International Institutions Today: An Imperial Global State in the Making' (2004) 15(1) *European Journal of International Law* 1–39; BS Chimni, 'International Organizations, 1945–Present' in Jacob Katz Cogan, Ian Hurd, and Ian Johnstone (eds), *The Oxford Handbook of International Organizations* (Oxford University Press, 2016) 113, 130; See, eg, Sundhya Pahuja, *Decolonising International Law* (Cambridge University Press, 2011); Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge University Press, 2011); See also the remarks of Anne Peters, International Organizations and International Law, in Jacob Katz Cogan, et al (n 16) 33, 42. See also, Quinn Slobodian, *Globalists. The End of Empire and the Birth of Neoliberalism* (Harvard University Press, 2018).

17 Jan Klabbers, 'Notes on the ideology of international organizations law: The International Organization for Migration, state-making, and the market for migration,' (2019) 32(3) *Leiden Journal of International Law* 383–400. On the role of expertise in decision-making processes at the World Bank, see Dimitri Van Den Meerse, Performing the rule of law in international organizations: Ibrahim Shihata and the World Bank's turn to governance reform, (2019) 32(1) *Leiden Journal of International Law* 47–69. See more generally David Kennedy, *A World of Struggle. How Power, Law, and Expertise Shape Global Political Economy* (Princeton University Press, 2016) 108–167.

are rightly represented as hubs of global caretaking, as hubs of power, as hubs of knowledge, as hubs where our global histories are written, as hubs of shared experiences, as hubs of textual output, as hubs of studies, as hubs of secrets, and as hubs of checked discontent, such representations – and the perceptions they entail – could simultaneously and equally be reasons to *un-love* them.

As I hope the article made sufficiently clear, my – somewhat ironical – story about the nine drivers of international lawyers' love for international organizations did not exclude that other perceptions and representations of international organizations nourish such deep affection. In that regard, I am delighted that Kiki Brölmann, Kristina Daugirdas, Niels Blokker, Paolo Palchetti, and Ramses Wessel have insightfully added to that story by shedding light on other possible drivers of international lawyers' affection for international organizations, putting an emphasis on the 'affective power' (to use a term coined by Kiki Brölmann) of structure, of what international organizations aspire to do, of functionality, of the potential for comparativism, of the people working for such organizations, of the ever-changing character of their identity, which were affects absent from the story told in 'The Love for International Organizations'. By the same token, I have been persuaded by Elisabetta Morlino's demonstration that one's love for international organizations goes through stages and, hence, that all such drivers, and the emotions they nurture, fluctuate.

It is similarly remarkable that, many contributors to the thematic issue, taking the story told in 'The Love for International Organizations' very seriously, have sought to project that same story on to concrete institutional phenomena with which they are particularly familiar. In that respect, I have been much convinced by the way in which Anmol Gulecha, Namira Negm, Ian Johnstone, Paolo Palchetti and Ramses Wessel have shrewdly toyed with the idea of love for international organizations in relation to, respectively, Asian regional international organizations, the African Union, informal intergovernmental organizations, and the European Union, providing some novel twists (and important adjustments) to the original story on that occasion. As far as the "transposability" of the story told by 'The Love for International Organizations' to other institutional phenomena is concerned, I also want to emphasize that I agree with the claim of Kristina Daugirdas and Jan Klabbers that my story about international lawyers' emotions in relation to international organizations is a story that could, to a large extent, be told in relation to states and other institutions. Indeed, the article may well be telling us a story that is not only about international organizations, but which pertains, more broadly, to many institutional phenomena.



Unsurprisingly, the theoretical and methodological choices around which the story told by ‘The Love for International Organizations’ was articulated have been the object of valuable criticisms by some of contributors to the thematic issue. For instance, August Reinisch and Jan Klabbers have expressed reservations towards the use of emotions as a descriptive and explanatory device. Jan Klabbers has gone as far as claiming that an analysis in terms of emotions obscures rather than it reveals, claiming that a resort to tropes produced and perpetuated by specific types of socializations undergone by international lawyers has much more explanatory virtue. This surely is a fair criticism which I do not necessarily disagree with. Indeed, I take it as a good sign that using affects and emotions provoke some discomfort among those who read the article as trying to elucidate the nature and the functioning of international organizations. In fact, I definitely concur with such contributors that a turn to affects and emotions in international legal scholarship would have little descriptive purchase if it were to be only a fancy variant of scientific and explanatory theories of international organizations. I am convinced that any turn to affects and emotions in international legal studies, as ‘The Love for International Organizations’ paved the way for, ought to be premised on the idea that affects and emotions do not constitute things-in-the-world but are always constituted.<sup>18</sup> Indeed, legal scholars flirting with a turn to affects and emotions should, in my view, appreciate that affects and emotions, like facts of the world,<sup>19</sup> are always the products of what discourse makes sayable, thinkable and experienceable.<sup>20</sup> To put it differently, the emotions which international lawyers go through always build on a lot of social and historical stereotypes, a personal or collective “stock in trade of legal arguments”,<sup>21</sup> a personal or collective cognitive apprehension of the field itself and of its object,<sup>22</sup> one’s perception of one’s social identity and situation in the field, and a conscious

18 For an early challenge of crude Cartesian empiricism and the claim that scientific facts are always constituted by scientific theories, see Gaston Bachelard, *Le nouvel esprit scientifique* (PUF, 1934) 10–16.

19 Jean d’Aspremont, “A Worldly Law in a Legal World”, in Andrea Bianchi, and Moshe Hirsch (eds), *International Law’s Invisible Frames: Social Cognition and Knowledge Production in International Legal Processes* (Oxford University Press, 2021) 110–123.

20 Michel Foucault, *Naissance de la clinique* (PUF, 1963) 165–168; Michel Foucault, *Le Discours Philosophique* (Gallimard/Seuil, 2023) 245–247; Pierre Bourdieu, *Ce que parler veut dire. L’économie des échanges linguistiques* (Fayard, 1982) 100 and 150; François Jullien, *L’incommensurable* (L’observatoire, 2022) 30–32.

21 This is what Duncan Kennedy calls “field configurations”. See Duncan Kennedy, ‘Freedom and Constraint in Adjudication: A Critical Phenomenology’ (1986) 36(4) *Journal of Legal Education* 518, 537.

22 *ibid* 538.

desired world or societal configurations.<sup>23</sup> This is why, in using affects and emotions as its main vantage point, ‘The Love for International Organizations’ has never meant to create any kind of knowledge of international organizations but to narrate, in an unconventional way, how international lawyers build their conflicting claims and intervene in legal problems related to international organizations.<sup>24</sup> To amplify my firm rejection that ‘The Love for International Organizations’ has any scientific ambitions, I want to highlight the very personal accounts provided by Elisabetta Morlino and Niels Blokker – who shared their own emotional journey as regards international organizations – have shown that emotions and affects can never been the building blocks of universal stories, for they can only be personal, plural and ever-changing.

The abovementioned criticism about the use of emotions as a descriptive and explanatory device calls for an additional observation. A dozen of years ago, I was (possibly overly) committed to studying the socialization processes and material conditions informing the way in which international lawyers shape their concepts, their discursive categories, and their intelligibility frameworks.<sup>25</sup> It may be that, at the time, I was still lured by a descriptive and scientific epistemology, which then made my scholarly focus on such socialization processes and the material conditions of scholarly production sensible. Now finding that the scientificism of scholarly engagements with international law is severely untrustworthy,<sup>26</sup> embracing emotions rather than socialisation processes and the material conditions of scholarly production, as I did in ‘The Love for International Organizations’, felt an intuitive move in my thought process. Not to mention that I am always keen on renewing the frameworks – whether you call them theories, methodologies, perspectives, narrative standpoints, etc – around which I articulate my interventions in the

23 On the trade-off between the lawyer’s desires and what she thinks the law allows, see Duncan Kennedy calls “field configurations”. See *ibid* 549, 551.

24 On the idea that actions of human beings are “lived narrativizations”, see Hayden White, *The Content of the Form. Narrative Discourse and Historical Representation* (John Hopkins University Press, 1987) 54. Comp with the definition of narrative of Michael S Roth, ‘Foreword: “All You’ve Got is History”’ in Hayden White, *Metahistory. The Historical Imagination in 19th Century Europe* (John Hopkins University Press. 2014) xv: “A narrative is a rhetorical strategy through which we mold our experience into a meaningful whole that can be communicated to others”.

25 Among others, see Jean d’Aspremont, *Epistemic Forces in International Law* (Edward Elgar, 2015); Jean d’Aspremont, ‘The professionalization of international law’ in Jean d’Aspremont, Tarcisio Gazzini, André Nollkaemper and Wouter Werner (eds), *International Law as Profession* (Cambridge University Press 2017), 19–37.

26 See Jean d’Aspremont, ‘International Law and the Rage against Scientificism’ (2022) 33(2) *European Journal of International Law* 679–694.

international legal discourse. I have always thought that sustained coherence in thinking can be an impoverishment and very conservative. There is no doubt that my thoughts about international organizations, as they are expressed in 'The Love for International Organizations', are very foreign to those I entertained a decade ago. This is also why, if emotions and affects were at the heart of the story told in 'The Love for International Organizations', they will most likely, like other theories, methodologies, perspectives, narrative standpoints, etc. I have entertained, only constitute an interlude in the thought experiments that nurture my work.

Another worthwhile objection is made by Kristina Daugirdas in relation to the causal spine of the story told by 'The Love for International Organizations'. In particular, she claims that the well-calibrated and checked criticability of international organizations, which I have included into the representations of international organizations that nourish international lawyers' love, is more a consequence than a cause of such affect. I believe Kristina Daugirdas has a point as we often calibrate the criticability of what we evaluate according to the extent of our affection for it. That being said, I must acknowledge that, over the years, I have grown suspicious of the causalities of international lawyers, including those that inform my own narratives.<sup>27</sup> In the stories told by international lawyers, including mines, causes and consequences are often confirming one another, which is the very effect of any well-constructed narrative. In fact, a convincing narrative is, in my view, a narrative where causes and consequences are told in a way that makes them compellingly hang together, almost rendering them interchangeable. This is no different for 'The Love for International Organizations', where causes and consequences are mutually supportive and, at times, indistinguishable as was rightly noted by Kristina Daugirdas.

In contrast to the abovementioned idea of checked criticability of international organizations, the claim that the (love-feeding) representation of international organizations as carrying secrets has, as is explicitly stressed by Kiki Brölmann, been received with a bit more indifference, being possibly found overly arcane or unrelatable to. This is possibly because 'The Love for International Organizations' discussed this specific driver with too much cursoriness. I admit that I could certainly have articulated that part

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27 For an early contestation about causal laws and the demonstration that causality is always very precarious, see David Hume, *A Treatise of Human Nature* (Oxford University Press 2011) (originally published in 1739–1740). More recently, see Michel Foucault, *L'archéologie du savoir* (Gallimard 1969) 34; Foucault (n 5) 607, 824; Paul Ricoeur, *Histoire et vérité* (Editions du Seuil, 1955) 33–34; Paul Veyne, *Comment on écrit l'histoire* (Editions du Seuil, 1971) 195.

of the story in a more concrete manner. What I had in mind in relation to such representation of international organizations as carrying secrets is the offspring of an intellectual attitude which goes well beyond the study of the law of international organizations. In fact, it is the manifestation of a very common posture whereby international law – and all that composes it, i.e. its texts, its practices, its actors, its effects, its representations, its past, etc. – is considered to be replete with hidden, unknown, invisible content which international lawyers, in whatever capacity, ought to reveal.<sup>28</sup> To put it differently, the representation of international organizations as hubs of secrets is the emanation of the permanent postulation by most international lawyers that there necessarily is hidden, unknown, invisible content in international law's texts, practices, actors, effects, representations, past, etc. and that revealing such content necessarily is what engaging with international law amounts to.<sup>29</sup> In 'The Love for International Organizations' I described such attitude as the expression of an 'Economy of [the] secret',<sup>30</sup> although these days I am more inclined to construe it as the manifestation of an 'Epistemology of the Secret'.<sup>31</sup> The driver of the love for international organizations that I tried to capture on that occasion was thus something that is not specific

28 I have studied this intellectual posture at length elsewhere. See Jean d'Aspremont, *The Epistemology of the Secret. International Law as Revelation* (Cambridge University Press, forthcoming 2025).

29 This is what has sometimes been referred to as the "hermeneutics of suspicion". See Paul Ricoeur, *Freud and Philosophy: An Essay on Interpretation* (trans Denis Savage) (Yale University Press, 1970), 32–36; Jonathan Culler, *Literary Theory. A Very Short Introduction* (Oxford University Press, 1997), 68–69; Gayatri Chakravorty Spivak, *In Other Worlds. Essays in cultural politics* (Routledge, 2006), 141; Rita Felski, *The Limits of Critique* (University of Chicago Press, 2015), 1–5. In legal theory and international legal theory, the notion of hermeneutics of suspicion has been given a rather different twist, for it refers to the attitude whereby one interprets one's opponents' arguments to be ideologically motivated wrong answers to legal questions. See e.g. Duncan Kennedy, 'The Hermeneutic of Suspicion in Contemporary American Legal Thought' (2014) 25(2) *Law Critique* 91–139. See also Anne Orford, *International Law and the Politics of History* (Cambridge University Press, 2021) 5–6 (for whom, the hermeneutics of suspicion refers to the view that legal scholars as partisan actors who interpret legal rules, texts, or processes politically in contrast to empiricist historical research that can offer verifiable and evidence-based interpretations of past legal material). See also the remarks of Fleur Johns, 'Critical International Legal Theory' in Jeffery L Dunoff and Mark A Pollack (eds), *International Legal Theory: Foundations and Frontiers* (Cambridge University Press, 3rd ed, 2022) 133, 150.

30 Comp. with the idea of economy of truth of Michel Foucault. See Michel Foucault, *Sécurité, Territoire, Population. Cours au Collège de France. 1977–1978* (Gallimard, 2004) 241.

31 Comp. with the idea of an epistemology of the closet by Eve Kosofsky Sedgwick, *Epistemology of the Closet* (University of California Press, 2008) 3.

to scholarly debates on the law of international organizations and which is witnessed across the board in international legal thought and practice. I am thus not surprised that its affective power may not have proved very tangible to some of the contributors to the thematic issue. Yet, such general intellectual predisposition of international lawyers whereby a hidden, unknown, invisible content is permanently postulated and construed as in need of a revelation finds in scholarly debates about the law of international organizations a very conspicuous materialization. It suffices to note, in that regard, that, in several contributions to the thematic issue, mention is made of the “mysteries” (the word is used by August Reinisch), the “intricacies” (the word is used by Namira Negm) or the “unclear nature” (the expression is from Paolo Palchetti and Ramses Wessel) of international organizations that international lawyers ought to “reveal” and “make visible” (these words are used by Jan Klabbers).

The subject (‘self’) that makes the experience of affection was not really unpacked in ‘The Love for International Organizations’ and I welcome Jan Klabbers’ comments on that aspect of the story. It is true that, when one resorts to emotions as a vantage point to tell a story, one necessarily postulates a ‘self’ who is the receptacle of such emotions. In that respect, I am very amenable to Jan Klabbers’ argument that the international lawyer I postulate is not benign and everything but universal (possibly being nothing more, as he asserts, than “a stylized version of [my]self”). He is also right to point out that the ‘self’ in the story told in ‘The Love for International Organizations’ is closer to an academic than any other professional engaging with international organizations. This is not surprising as the empirical materials I draw on are almost exclusively made of academic discourse. Yet, and possibly like Jan Klabbers, I am convinced that one must resist the temptation of presupposing a single type of international lawyer. Doing so would not only feed the risk of universalising, once more, a very specifically gendered and geographically located type of international lawyer.<sup>32</sup> It would also turn a blind eye to the fact that there are as many emotions towards international organizations as there are international lawyers engaging with international organizations. This is why ‘The Love for International Organizations’ never presupposed a transcendental, original and universal international lawyer.<sup>33</sup> It is true that the article reads as if the

32 On the individual being the product of discourses, see Timothy Mitchell, *Colonising Egypt* (Cambridge University Press, 1991) xi and Michel Foucault, *Naissance de la clinique* (PUF, 1963) 11–12; Michel Foucault, *Dits et écrits, Tome 2* (Gallimard, 2001) 37, 180.

33 This was one of the charges of Derrida against Husserl’s phenomenology, see Jacques Derrida, *Marges de la Philosophie* (Editions de Minuit, 1972) 185–207; Jacques Derrida, *Le problème de la genèse dans la philosophie de Husserl* (PUF, 2010); Jacques Derrida, *La voix et le phénomène: Introduction au problème du signe dans la phénoménologie de Husserl*

love for international organizations is an emotion experienced by a universal international lawyer. However, such postulated international lawyer is at best an ever-vanishing and ghostly international lawyer, one that cannot be universal and one that is used as a mere narrative device.<sup>34</sup> It cannot be emphasised enough that ‘The Love for International Organizations’, and its postulation of an ever-vanishing and ghostly international lawyer, was not meant to describe an actual and general state of thought by a universal subject but to enable the writing of new stories – and thus the emergence of new thoughts – about the law of international organizations.

The use of an ever vanishing and ghostly international lawyer as a narrative device in ‘The Love for International Organizations’ raises a question about the writing style that is employed therein. In fact, stories come with a writing style which may belong (or not) to some of the genres socially accepted and valued by the community where they are read. ‘The Love for International Organizations’ similarly employs a certain style which may correspond or not to the socially accepted genres of the field. Such style has drawn the attention of Jan Klabbers who caustically remarks that the article epitomises the rest of my work which has, over the years, turned into a genre of its own best characterized as “confessional phenomenology”. This is a fair point. There is no doubt that what I describe (and take a hard look at) in the article as well as in the rest of my writing, are discursive moves and patterns of thoughts which I have myself practiced and vindicated (and, at times, still espouse). Yet, I have never been afraid of thinking in the very way that I scrutinise and challenge. In other words, I do not mind being caught in a performative contradiction. Indeed, I am convinced that critical work is always bound to remain caught in the very categories of its own object. Above all, I believe that thinking disruptively and critically about a dominant discourse is facilitated if one had one day been a hardcore practicing believer in the main categories and intelligibility frameworks of the discourse concerned.<sup>35</sup>

As I am about to conclude these modest reactions to the generous and sharp comments made by all those esteemed friends and colleagues who have

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(PUF, 2016). On the constitution of a single and universal human subject through the rise of human sciences, see Michel Foucault (n 5) 691. The constitution of the subject by the frameworks through which it is discussed has been construed as a move typical of structuralism. See the remarks of Etienne Balibar, *Passions du concept: Épistémologie, théologique et politique. Ecrits II (La découverte, 2020)* 257.

34 On the idea of ghostly trace, see Pierre Legrand, ‘Siting Foreign Law: How Derrida Can Help’ (2011) 21(3) *Duke Journal of Comparative and International Law* 595, 607.

35 This is a claim I have developed elsewhere in relation to a reflection about the work of Pierre Schlag. See Jean d’Aspremont, “Law, Critique and the Believer’s Experience”, 47 *Dalhousie Law Journal* (2024) (forthcoming).

contributed to this thematic issue on 'The Love for International Organizations', it is important to highlight here that none of the observations made above has been meant to guide the way in which my story about the affection for international organizations should be read. In fact, I am convinced that stories, once they are inscribed and published somewhere, are, like any text, spaces where everyone can wander without the author having any say on where the reader should go. In other words, using a famous metaphor,<sup>36</sup> the author of a text always dies with the publication thereof or, to say it differently, there is never an original intention, let alone an original meaning, to which the reader must be loyal. There is thus little I can say about what can possibly be done with the reading of 'The Love for International Organizations'. My inevitable hermeneutic powerlessness does however not preclude me from voicing some preferences as to the type of stories I would *not* like the reading of 'The Love for International Organizations' to contribute to. In particular, I would not want my story about the emotions of *international lawyers* to be used to tell other stories about the affects and feelings which *states* and *international organizations* could experience. Just like I have always thought that the idea of *opinio juris* in custom-ascertainment is the expression of some very dubious anthropomorphism,<sup>37</sup> I am very unconvinced by the idea that states and international organizations could themselves go through affects and emotions. Of course, as I said already, readers have full discretion as to what they want to read in my article, and they can choose to tell a similar story about the emotions and affects of anthropomorphized entities like states and international organizations. However, in my view, going down that narrative route would bring the reader into a very different type of storytelling: the telling of fairy tales. In that regard, I cannot help thinking that, when one sees what states and international organizations sometimes do to people and to the world, *especially these days*, it feels very counter-intuitive, not only to anthropomorphize them, but also to make them the object of fairy tales.

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36 Roland Barthes, *Le Bruissement de la langue* (Seuil, 1984) 61.

37 Jean d'Aspremont, *The Discourse on Customary International Law* (Oxford University Press, 2021), see especially chapters 6 and 7.