

# **(UN)chartered Territories: The Paragon of Global Governance (Inside Out)**

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## **I. INTRODUCTION**

Guidance is offered across a confusing and chaotic landscape of international law and global orders across the pages of legal articles, books, judgments and documents. They map out and define what constitutes the hegemonic understanding of the international legal institution today. This guidance requires an inexhaustible quantity of resources to maintain and reproduce itself. The pedagogy of international legal entities is endless and cyclical, requiring definition and redefinition for one to achieve a superior understanding of the complexities of the institution. When considering these factors it is useful to envisage them through geographic and cartographic language, through the metaphors of maps, cartography and space. This motivates a visual conceptualisation of the terrain of international law and how it is constituted through position, scale and space. In this Article, I will explore the metaphor of the map and pay particular attention to the role of the cartographer as 'expert'<sup>1</sup> in this process of mapping. My analysis of global governance and the role of international law within this will draw on concepts of critical legal geography and cartography.

Annelise Riles' *The Network Inside Out*<sup>2</sup> explores a new form of decentralised global governance instituted in the 1990s. Using her text I will develop the concepts of cyclical legitimisation and the consequences of achieving institutional standards rooted in aesthetic formalism. Linking Riles' analysis of what happens when the brackets and quotations are taken out of an international document and when entities are put into a map, I will explore the process of concretisation and fact production in global governance using an

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<sup>1</sup> David Kennedy, 'Challenging Expert Rule: The Politics of Global Governance' (2005) 27 Sydney Law Review 5, 6.

<sup>2</sup> Annelise Riles, *The Network Inside Out* (University of Michigan Press 2000).

aesthetic and formatting technique (bracketing) found in Derrida's 'The Parergon'.

Using Damrosch, Henkin, Murphy and Smit's *International Law: Cases and Materials*<sup>3</sup> I will explore how the privileged hegemonic map of international law is made and maintains its visibility. Through a close reading of *Introduction to the Study of International Law*<sup>4</sup> and borrowing approaches from Riles and the methodologies as explored in critical legal geography and cartography, I demonstrate how even seemingly subtle texts are in need of critique in order to make visible the background levels of construction.

In approaching my understanding through these concepts, I will focus on the spheres and boundaries of the 'hyper-visible' and 'invisible'<sup>5</sup> and how this defines our understanding of where and how international law happens. By investigating whom the cartographer is and his or her role, I will explore the impact and importance this position has in defining international law.

## II. TAKING ANOTHER LOOK AT THE MAP: HOW WE ARE GUIDED AROUND THE INTERNATIONAL LANDSCAPE

When you arrive somewhere new the first thing you seek is a map. A need for orientation around an unknown territory prompts the desire for guidance. At first the map fulfils a function; it helps navigate you and highlights landmarks of importance. Maps are an abstract representation of the unfamiliar, yet are themselves physical representations using the familiar and the identifiable. It is assumed that an 'expert' or cartographer (or expert cartographer), in creating a replica, has made partially visible a territory which would otherwise be too grand for one to comprehend. However, through critical geographical analysis we are encouraged to consider how this map has been constructed, by whom and with what effect. As with all knowledge, there are specific modes of knowledge production, coupled with specific intentions and outcomes. Within each discipline boundaries are created and learned. An understanding of what is inside (and therefore included), and outside (and therefore excluded) is taught. This produces opposing spheres of what is accepted and normal, and what is not; what is understood to be true, and what is not. Through critical engagement, it is possible to gain a more contextual understanding of the

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<sup>3</sup> Lori Fisler Damrosch, Louis Henkin, Sean D Murphy and Hans Smit (eds), *International Law: Cases and Materials* (Thomson Reuters 2009).

<sup>4</sup> Lori Fisler Damrosch, Louis Henkin, Sean D Murphy and Hans Smit, 'Introduction to the Study of International Law' in Lori Fisler Damrosch, Louis Henkin, Sean D Murphy and Hans Smit (eds), *International Law: Cases and Materials* (Thomson Reuters 2009) xv-xvii.

<sup>5</sup> Zoe Pearson, 'Spaces of International Law' (2008) 17 Griffith Law Review 489, 494.

construction of knowledge. Both law and cartography have had a long relationship with politics, power and the powerful. As such, they both possess the means of boundary creation and the ability to present a discourse as ubiquitously 'hyper-visible' and the dissenting discourses as 'invisible'.<sup>6</sup>

Boundaries mean. They signify, they differentiate, they unify the insides of the spaces that they mark. What they mean refers to constellations of social relational power. And the form that this meaning often takes – the meaning that social actors confer on lines and space – is legal meaning.<sup>7</sup>

By securing a boundary, the creator is delimiting what is authorised and what is not. It determines how you see what is inside and what is outside the boundary and creates cohesion across each boundary of opposition. The impact of this binary is the notion that there are only two possibilities: inside or outside, which indicate right or wrong. This in turn removes the possibility of any alternative. 'Unless one is careful, it is made into a basis of images that govern all thoughts of positive and negative. Logicians draw circles that overlap or exclude each other, and all their rules immediately become clear'.<sup>8</sup> Thinking about space in this way leads us to appreciate space as a place that is being actively constructed rather than a state of passive being.<sup>9</sup> The question that remains is who is constructing it.

The understanding that mapping the international legal landscape is not only descriptive but also prescriptive<sup>10</sup> allows us to see the authorised spaces that constitute privileged positions, like that of the cartographer; mapping out the 'orders', constructing 'designs' and building 'paths across territor[ies]'<sup>11</sup> of this continually chartered world. When a diverse social reality is repeatedly reduced to one interpreted 'fact' it is difficult to challenge and understand the process of its creation as something other than truth and try to conceive of other possibilities, particularly when this takes place in such a coveted sphere. As Zoe Pearson explains:

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<sup>6</sup> Pearson (n 5).

<sup>7</sup> Nicholas Blomley, David Delaney and Richard T Ford, 'Preface: Where is law?' in Nicholas Blomley, David Delaney and Richard T Ford (eds), *The Legal Geographies Reader: Law, Power, and Space* (Wiley-Blackwell 2001) xviii.

<sup>8</sup> Gaston Bachelard, 'The Dialectics of Outside and Inside' in Clive Cazeaux (ed), *The Continental Aesthetics Reader* (Routledge 2000) 151.

<sup>9</sup> Blomley (n 7) xvi.

<sup>10</sup> Pearson (n 5) 492.

<sup>11</sup> Riles, *The Network Inside Out* (n 2) 1.

The weakness of what might be characterised as a 'traditional' map of international law, which privileges state actors as the main feature of the terrain and is drawn from a masculine, Eurocentric pedigree, is the extent to which it has become the dominant map of the international law landscape, making other cartographies and other understandings of space invisible. The risk of this dominance is that it fails to adequately acknowledge or accommodate the complexity of the emergent, fluid processes of regulation in international law.<sup>12</sup>

The post-war efforts led by Arthur Robinson forced the severance of map production from state utility. A rejection of cartography's role in state propaganda resulted in the idea that 'maps should be used to tell the truth'.<sup>13</sup> As such, cartography shifted from the political sphere into the technical and scientific sphere. The belief that there is one 'truth' that can be represented in a map, despite acknowledging its limitations, reduces the vastness of possibility into the rigidity of a fixed structure. Believing that the production of maps and the effect produced from their information is without influence can only be illusory and naïve. It is nevertheless one that has been long maintained since the modernising process<sup>14</sup> with grave implications that shall be explored when looking at *The Network Inside Out*.

I have found Pearson's methodological approach in 'Spaces of International Law' very useful in conceptualising the international legal discipline. Her framework engages in critical cartography and draws parallels with the two historic fields of study. She applies the methodology in three stages:<sup>15</sup> firstly, she challenges the neutrality of supposedly objective representations of truth and facts that have been present in the cartographic process and in maps. This process ossifies the abstract, inevitably resulting in the removal of and invisibilisation of that which does not conform to the hegemonic norm (and therefore illuminates diversity). Secondly, she draws attention to the role of the international lawyer, whom she depicts as a cartographer. This challenges the perception of the international lawyer as an authoritative and neutral interpreter, and highlights the impact the identity of these gatekeepers have in defining what is included and excluded as international law. This perception is in constant need of disruption in order for us to try and gain a fuller understanding of the subjectivities that surround the constitution of such inclusive and exclusive interactive spaces. It also redirects our focus onto the

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<sup>12</sup> Pearson (n 5) 496.

<sup>13</sup> Jeremy W Crampton, *Mapping: A Critical Introduction to Cartography and GIS* (Wiley-Blackwell 2010) 11.

<sup>14</sup> See below Section IV: The Split Personality of International Law.

<sup>15</sup> Pearson (n 5) 491-94.

power dynamics, assumptions and identities of those implicit in the process. Thirdly, we are prompted to consider these conceptual and physical spaces of inclusion and exclusion. The perceived neutrality and ubiquity of international law obscures our understanding of where it is. A cartographic approach allows one to locate the structure and analyse how it facilitates the constitution of hyper-visible and invisible spaces where international law happens.

### III. THE AESTHETICS OF LEGITIMACY

Using Pearson's framework, I shall explore international legal governance through Annelise Riles' *The Network Inside Out*. Riles gives her own account of the global orders through her involvement with the Pacific Platform for Action. Positioned in Fiji, she worked with activists and bureaucrats in the Pacific Platform for Action and the South Pacific Commission in preparation for the United Nations (UN) Fourth World Conference on Women (the Beijing Conference) in 1995. This change in professional environment (to fieldwork) provided Riles a different perspective to that which was available to her in her usual capacity as an academic legal anthropologist. With this move, new anthropological artefacts were made visible to her through her work. Having already been through the background processes of analysis, a UN document usually arrives in the visible sphere as a finished document. However, Riles turns this around and asks, 'How might one transform this kind of ending point into a beginning point of one's own?'<sup>16</sup>

Riles echoes Pearson's call to critically analyse the ordinary rather than the extra-ordinary. She shows that academic contribution in this field 'lies not in the discovery of new knowledge but in the effort to make what we already know analytically accessible'.<sup>17</sup> While Riles adopts an anthropological critique, there are parallels with the metaphor of the map. By linking ethnographic data to the map, and the ethnographer to the cartographer, I will show that the same conceptual territory is being explored by both Riles and Pearson. She expresses the need for an anthropological approach to the sphere of international governance and law precisely because they – the international actors – are so close to it. They already know it (because they already do it), but it is not within their field of vision and analysis; they are inside 'the Network'.<sup>18</sup> She goes so far as to say that the data is inseparable from the ethnographer; as such, the data is the aesthetic physicality of the ethnographer's conceptual structure, or 'turns that mind inside out'.<sup>19</sup> The challenge then is to position oneself 'outside' the

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<sup>16</sup> Riles, *The Network Inside Out* (n 2) xiv.

<sup>17</sup> *ibid* 18.

<sup>18</sup> *ibid* 16.

<sup>19</sup> *ibid* 19.

network with this knowledge to allow for an ethnographic critique of what it is that they already know, to shift this information from the invisible to the hyper-visible<sup>20</sup> – from the background to the foreground.<sup>21</sup> In Riles' own words, '[I]t will require turning the Network Inside Out'.<sup>22</sup>

Riles goes into great detail in explaining her analogy of mat making (which is so important in Fijian culture), and document making (which is so important in the global orders culture). Her most developed comparison analyses the methods of inclusion of documents/mats into one bigger composition. Through describing the process (of arrangement when laying, layering and composing the mats) we are drawn to see parallels when incorporating individual documents into one (large, cohesive (aesthetically pleasing)) master document. The (performance of) discussion (processing, counting, seeing, layering of meaning, repeating, discarding and starting again) all contributes to the production of a (complex, diverse and predetermined) structure. As with the document created at the Beijing Conference, the process (of layering obscures (and privileges) certain aspects (be they word or mat patterns), for the effect that it) achieves (the prescribed form of) a document.<sup>23</sup>

We learn about the (painstaking) editorial process of the document, which privileges the maintenance of an aesthetic and linguistic veil over actual meaning and content. Riles replicates the attention to detail, repetition and extensiveness of the process through her writing. We feel her frustration and hear her exasperation as infinite potential and meticulous work is being undone with every essentialising repetition of 'woman' and every vacuous partnering of 'universal' and 'human rights' throughout the inclusionary editorial process of the documents.<sup>24</sup> Gridlocked negotiations ensue and true consensus is substituted with a success story derived from a prior document. These championed quotes<sup>25</sup> are patch-worked seamlessly into the document (as any reproduction is forbidden to be placed in the editorial sphere (inside the brackets), but must stand as they came (transported with their previous success (without brackets (and therefore post-negotiation (the end point) (fact)))))).<sup>26</sup> This act of reproduction evokes a chartered territory (conquered and mapped). This further (simplification and erasure of layers of meaning) serves to reinforce (and legitimize) previous negotiations (and in turn the triumph) of the

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<sup>20</sup> Pearson (n 5) 494.

<sup>21</sup> Kennedy (n 1) 7.

<sup>22</sup> Riles, *The Network Inside Out* (n 2) 6.

<sup>23</sup> *ibid* 77.

<sup>24</sup> Riles, *The Network Inside Out* (n 2) 81.

<sup>25</sup> *ibid* 88.

<sup>26</sup> *ibid* 172.



system. 'Success' is achieved in the end. But for whom and at what expense? Questions about the measurability of success need to be asked. How is success assessed? For whom is it deemed successful, and by whom? The markers of success described by Riles are so far removed from the (perceived) intentions of the people attending the Beijing Conference ('women's empowerment ... removing all the obstacles to women's active participation ... [e]quality between women and men ...').<sup>27</sup> However, '[t]he objective [is] form and quantity' contained within the neutral markers of aesthetics and numbers.<sup>28</sup> To be able to count the number of word repetitions (and therefore their (assumed) strength) is a good measure, and percentages of (infinitely possible (yet illegitimate)) words inside the brackets are a sign of failure.<sup>29</sup> The institution has broken the rules of aesthetics by making rules of aesthetics (institutional disobedience to achieve legitimacy). So we must then critique the standards that have been set. Jacques Derrida questions:

What does the lack depend on? What lack is it? And what if it were the frame. What if the lack formed the frame of the theory. Not its accident but its frame. More or less still: what if the lack were not only the lack of a theory of the frame but the place of the lack in a theory of the frame.<sup>30</sup>

The presence of standards creates the potential to not achieve them – to lack. The framing of the document creates a lack in its meaning. It removes the unquantifiable potential from them. In Derrida's case this is aesthetics. In the Beijing Conference's case it is gender equality. The achievement is so universal in its appeal it is impossible to represent (the individual) and therefore its impact cannot be implemented back in the states, communities and women for whom the document is (supposedly) made. It is hyper-visible yet invisible;<sup>31</sup> it connects to everything, yet nothing. This is why Riles is turning the Network Inside Out, to anthropologically investigate the cause and effect of what is actually happening here.

(Aesthetical) judgement is a wholly subjective discipline (though not uninstitutionalised), and as we can see, it is controlled with alarming measures. If we take this at face value, the measure of authority and management that

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<sup>27</sup> 'Report of the Fourth World Conference on Women', UN Doc A-CONF.177/20/Rev.1 (Fourth World Conference on Women, Beijing 4-15 September 1995) 7.

<sup>28</sup> Riles, *The Network Inside Out* (n 2) 88.

<sup>29</sup> *ibid* 86-88.

<sup>30</sup> Jacques Derrida, 'The Parergon' in Clive Cazeaux (ed), *The Continental Aesthetics Reader* (Routledge 2000) 416.

<sup>31</sup> Pearson (n 5) 494.

goes into the form of a document shows how administrative regulation can stifle transformative potential. A strict pattern of order and rejection of disorder is at play for '[t]he argument happened within the brackets'.<sup>32</sup> Dissidence and '[i]nfinity within the [b]rackets'<sup>33</sup> are constrained by the structural patterns and rules. Like the cartographer, standards are highly regarded (to the uncritical eye). The perception of standards (through which legitimacy is sought) is one of improvement and progression. But again, we must question these concepts of improvement and progression; to what, for whom and at what consequence? Riles challenges the assumption that improvement and progress are inherently good. Who has the legitimacy to say what these standards are, and who approves and legitimates these standards? The cyclical potential of this statement is a telling one. These boundary frontiers expand to incorporate and define norm and law production and reinforcement through these self-perpetuating and legitimating systems (created to retain power). The occupants of these spaces claim it as their rightful territory and propagate narratives in favour of such claims. As we can see, the legitimacy of these occupations and the expansion of these boundaries are robustly defended. Gaining legitimacy through the process of achieving standards is important, and so a deregulation of standards to satisfy the legitimacy that assures the standards will maintain the legitimacy of the process. It is confusing, cyclical and self-contained. But most worryingly, it is obscured, and a slow change within these spheres affect what is then found to be acceptable. 'Indeed, it is striking how often we downplay the work of experts, attributing everything to foreground and context. And yet it is the experts who decide what is foreground and what is context ...'<sup>34</sup> Without any accountability or public regulation, it is unclear what exactly is happening in this space. These experts define their own rules (for self-protection) and also the rules for all the spheres of global governance and what happens within them. An example, as discussed above, is the depoliticisation of the map. Shifting away from the political and public sphere and into the technical, private sphere does not mean that the political has been replaced by the technical, but it does mean that it has moved from the public into the private. Another question to ask is who decided that the political and the technical were necessarily separate.

#### IV. THE SPLIT PERSONALITY OF INTERNATIONAL LAW

Riles enters into the international sphere through the experience of activists and bureaucrats working at the grassroots level. She scales the levels of networks

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<sup>32</sup> Riles, *The Network Inside Out* (n 2) 85.

<sup>33</sup> *ibid* 70.

<sup>34</sup> Kennedy (n 1) 9.

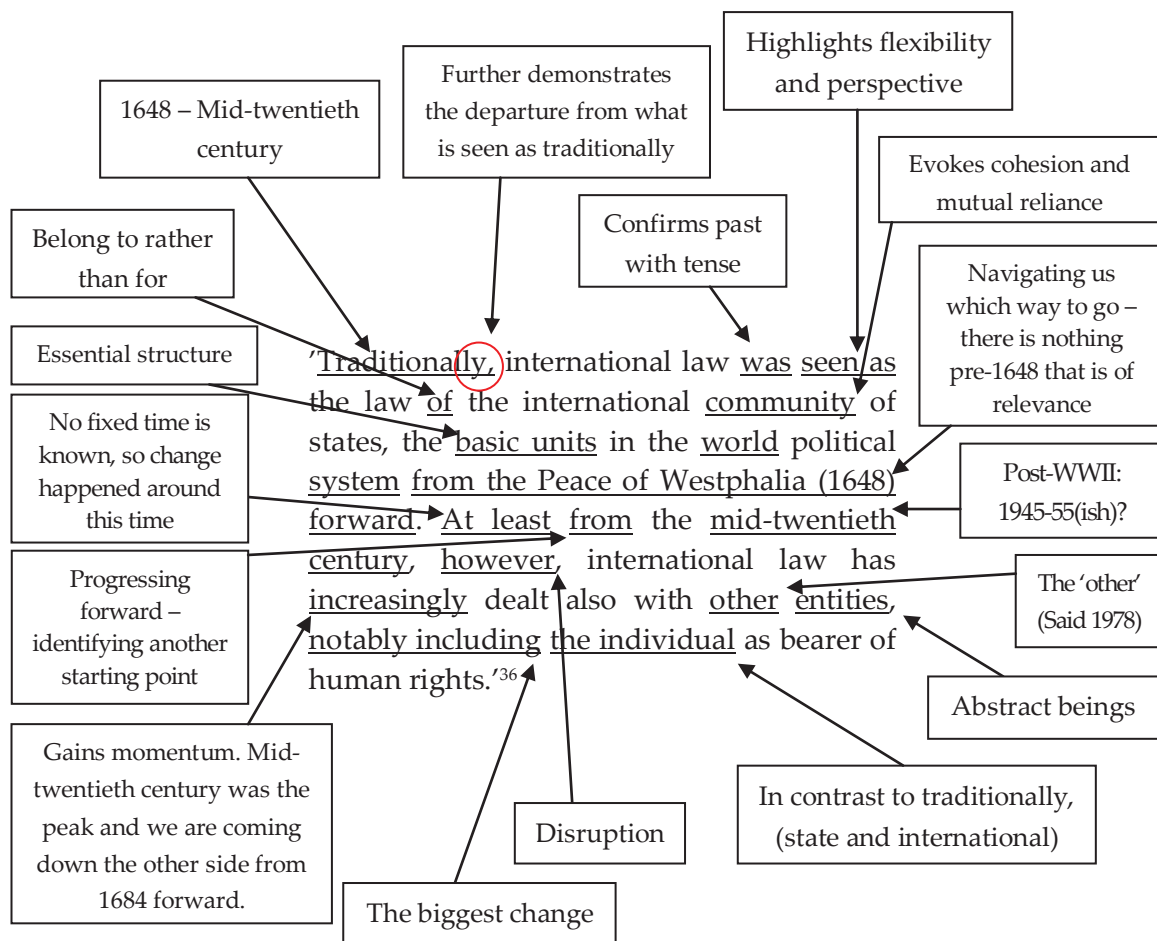


and processes but maintains a viewpoint at ground level as she cannot reach the peak(s) of the institution: her network does not have access. She is denied admission (beyond the street view) into the site of negotiations. While international law boasts a horizontal power dynamic, Riles unveils a confusing myriad of unequal relations and dead ends. While it has been useful to see how Riles has transformed the 'ending point into a beginning',<sup>35</sup> it is also useful to see what she is reacting to by taking this approach. A shift in perspective allows new things to be brought to light. A panoramic view allows for a broader assessment of the discipline. However, the location of the viewing platform is also important. Height gives perspective, clarity and concision to see how landmarks, pathways and systems are organised. But a vertical positioning needs contrasts and challenges the notion of the horizontal.

By analysing a text of the discipline, I seek to demonstrate how traditional thought (despite the word 'traditional' evoking conceptions of the past) is still dominant in the functioning of contemporary international law and global orders. In the 'Introduction to the Study of International Law' in Damrosch and others' *International Law: Cases and Materials*, the reader is presented a timeline of international law. Following Riles' example, I will demonstrate how analysis of subtle linguistic and aesthetic construction can unveil the prescriptive nature of this material source. The first two sentences in the opening of the book overflow with connotations and direction. While I appreciate that an introduction sets the scene and therefore must hold a lot of preliminary information for its reader, we have already critiqued the significance of guidance and mapping as above. These two sentences introduce the conceptual framework with which the reader will follow and employ as they progress through reading and understanding international law in *International Law: Cases and Materials*.

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<sup>35</sup> Riles, *The Network Inside Out* (n 2) xiv.



This demonstrates a link between prescriptive writing, the way we are encouraged to read the text (and therefore introduced to international law) and a visual mapping out of this process.

Following this Damrosch and others go on to alternate between vague and clear language. They write '[t]hat international law has been understood as ... implies an important frame for the conception of ... and accordingly for ...'<sup>37</sup> The assertion here is highlighting a knock-on effect. The first is implicit in the second, which therefore leads to the third. But there is no confirmation that the first is indeed true. On the one hand, we are told 'there are convincing reasons to maintain a focus on interstate relations and institutions, even while recognizing that one must attend to all other rings in the world circus as well'.<sup>38</sup> Then in the next paragraph, they declare one 'can also benefit from broader

<sup>36</sup> Damrosch, *International Law: Cases and Materials* (n 3) xv.

<sup>37</sup> *ibid.*

<sup>38</sup> *ibid* xv-xvi.

perspectives'.<sup>39</sup> This demonstrates an internal struggle with what constitutes international law. While telling the reader that 'it is no longer accurate to think of international law as strictly an interstate system', Damrosch and others counterbalance this by stating that it is 'a conceptually distinctive system'<sup>40</sup> in the very next paragraph. So what is the purpose of telling the reader international law is both traditional and modern, both explicit and conceptual? By initially presenting these identities as separate from one another, the authors position them in opposition. As I have stated above, this boundary constructs an inside/outside dichotomy. As such, traditional international law is inside and explicit, making the other modern entities outside and conceptual. The text is the foundational map for the discipline, and from inside this tradition a progressive and active inclusion of the modern is taking place 'by virtue of decisions made through interstate processes';<sup>41</sup> therefore it does so while retaining its own distinction and consequent hierarchy. By starting with the traditional and returning to the traditional as 'a conceptually distinctive system' we can understand that this way of seeing law has retained law's spatial dominance through the modernisation process. It is still considered the fundamental structure of international law and we still observe its relevance to our learning of international law in this post-traditional era; and as I have demonstrated above, we can see how it is so. The continued relevance of cartography to international law highlights a maintained resistance to an ideological shift; to conceding substantive power away from the traditional.

This text is useful insofar as it allows for a close analysis to draw meaning from it, and it is representative of a lot of conventional texts. It furthers the discussion on the directive nature of maps, whether aesthetically, spatially, visually, conceptually and/or linguistically. The purpose of the text is to guide students, and the authors are four high-ranking university professors with a wealth of knowledge and experience – from the Office of the Legal Adviser, United States (US) Department of State (Murphy and Damrosch), to the North Atlantic Treaty Organisation (NATO) (Henkin) to The Hague (Smit). I list these to demonstrate the richness in their combined experience, but also to highlight their commitment and investment to the institution of international law. However, the text is limited as to demonstrating the nuances of global institutional supremacy and the complex myriad within boundaries and spheres of the international and therefore allowing the reader this understanding. The fact that Damrosch and others are experts in their fields is a relevant fact. They have demonstrated their privileged position and how they

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<sup>39</sup> *ibid* xvi.

<sup>40</sup> *ibid*.

<sup>41</sup> Damrosch, *International Law: Cases and Materials* (n 3) xv.

are using it. Published in 2009, *International Law: Cases and Materials* is restrictive as a lead into international law through the traditional manner as it immediately structures and 'traditionalises' your conceptual process, and places the 'emergent, fluid processes of regulation'<sup>42</sup> outside the mainstream discourse. We only need to look to Philip Allott's 'New International Law: The First Lecture of the Academic Year 20-'<sup>43</sup> to see how different an introduction to the subject could be. In contrast to the prescriptive nature of the previous text, Allott imparts four slogans to his imagined audience. 'Society and the individual make society and the individual ... Society is a system constituting itself as a system ... The law is an ever-changing set of retained acts of social willing ... International law is a social phenomenon, like any other'.<sup>44</sup> The approach with these four slogans opens the reader to a fluid and inquisitive approach to thinking '[i]nfinity within',<sup>45</sup> rather than merely indoctrinating in one the historical linear structure of the discipline.

The split identity of international law is a recurring theme throughout legal criticism. This split is visible not only within the traditional/modern and explicit/conceptual dichotomies but also in cartography. There is a symmetry of crisis: '[O]n the one hand maps are incredibly powerful devices for creating knowledge and trapping people within their cool gleaming grid lines, on the other they seem to be nothing at all, just mere bits of fluff in the air. Maps are sovereign; maps are dead'.<sup>46</sup> To conceive the space and boundaries of the international is harder than initially imagined. Further, Pearson highlights the conflict of location and scale: '[I]t is seen as both applicable everywhere and a view from nowhere'.<sup>47</sup> It is a discourse at odds with, and constantly going back on itself, occupying the space in-between. While it is a discourse that can be defined by these concepts, 'one would be at pains to go to the international'.<sup>48</sup> Doris Buss points out we understand what international law is by what it is not (national law (sovereign)), by its 'spatial lack'.<sup>49</sup> But I would go further to say it is a reaction to a desire for definition due to its abundance of space (and

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<sup>42</sup> Pearson (n 5) 496.

<sup>43</sup> Philip Allott, 'New International Law: The First Lecture of the Academic Year 20-' in The British Institute of International and Comparative Law and International Law Group, Society of Public Teachers of Law (eds), *Theory and International Law: An Introduction* (The British Institute of International and Comparative Law 1991) 109-13.

<sup>44</sup> *ibid* 109-10.

<sup>45</sup> Riles, *The Network Inside Out* (n 2) 85.

<sup>46</sup> Crampton (n 13) 8-9.

<sup>47</sup> Pearson (n 5) 493.

<sup>48</sup> Doris Buss, 'Austerlitz and International Law: A Feminist Reading at the Boundaries' in Doris Buss and Ambreena Manji (eds), *International Law: Modern Feminist Approaches* (Hart Publishing 2005) 87.

<sup>49</sup> *ibid*.

therefore lack), and a need to create boundaries (frames) to assert its spatial property (using an ownership and physical understanding of property). It is what it is not. It is defined by what it is not, as the space in between. In Derridian terms the ergon is defined by the parergon; the space is defined by the boundaries.

What constitutes [a link] is not simply their exteriority as a surplus, it is the internal structural link which rivets them to the lack in the interior of the ergon. And this lack would be constitutive of the very unity of the ergon. Without this lack, the ergon would have no need of a parergon.<sup>50</sup>

So I claim it is not only because the spatiality of international law is so abundant but also because of the link connecting national and international law that exposes the (spatial) lack. That it is united in its own definition of what it is not (bounded). Without this lack of unboundedness it would not need the definition of boundary. The boundary is sovereign. There is limitless potential in international law ('a utopian space as well as a set of scientific and moral values')<sup>51</sup> but it is disabled through the functional application of what is involved when removing the brackets. The value of linguistic legal language is misplaced when it is unenforceable in non-binding international documents. It needs the traditional to give it definition. But that is what is so appealing about it for so many and what brings enthusiasm to the decentralised 'quasi-detachment' aesthetic of the traditional.

## V. CONCLUSION

I have rejected the traditional approach to international law and fully embraced the interdisciplinary opportunities afforded by modern international legal thought. By incorporating critical cartography and aesthetic philosophy, as well as analysing texts that explore the interdisciplinary connections between legal anthropology and critical legal geography, I have approached the question of how we are governed on a global level from a range of intersections. To further my analysis, I have demonstrated approaches using brackets and deconstructing quotes. Through the use of the brackets, borrowed from Derrida but also inspired by Riles' explanation of the construction of a UN document, I illustrate the vacuous institutional process of document writing by maintaining coherent sentences outside the brackets but exploring my critique and furthering the

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<sup>50</sup> Derrida (n 30) 423.

<sup>51</sup> Annelise Riles, 'The Architecture of Colonial International Law' in Nicholas Blomley, David Delaney and Richard T Ford (eds), *The Legal Geographies Reader* (1st edn, Wiley-Blackwell 2001) 281.



depth of analysis inside the brackets. I chose this approach to explore my own understanding of how we are governed at a global level. Critical legal geography and cartographic approaches have encouraged a conceptual shift as to how we see international law, what we see in international law and where we see international law.

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