Call for papers:
International law's invisible frames – social cognition and knowledge production in international legal processes
The International Law Forum, Hebrew University of Jerusalem, Law Faculty
Jerusalem, 4-5 December 2019

The workshop will address two closely related strands of analysis in recent international legal theory: social cognition and knowledge production. We will explore the relevance of these two processes to international law, as well as their interaction. In many real-life scenarios, it is difficult (if not impossible) to neatly delineate the borders between these two distinct processes, but the workshop aims at taking stock of their relevance to international law and analysing some of these processes in depth.

The underlying premise of the research project is that humans acquire and form their knowledge through cognitive processes. At the same time, that knowledge is processed and used via different mental channels to form a representation of reality. Law as a social process carried out by human beings is an ideal object of investigation for those who would like to analyse social cognition and knowledge production processes. To understand how psychological and socio-cultural factors, including cultural bias, can affect decision-making in a legal process; to identify the groups of people and institutions that may shape and alter the prevailing discourse in international law at any given time; or to unearth the hidden meaning of the various mythologies that populate and influence our normative world - are all key to providing a better understanding of the invisible frames within which international law moves and performs.

The term 'social cognition' embraces here sociological, socio-psychological (including behavioural), philosophical, and social-anthropological approaches to human cognition (including cognitive biases). Existing literature shows that socio-cognitive patterns vary not only across distinct cultures but also within cultures, e.g., according to historical periods, social networks, and in accordance with social roles (like gender or professional roles). Socio-cognitive features are transmitted to new members of society via socialization, acculturation, social control, and other social processes. The formation, interpretation, and implementation of international law interact with diverse socio-cognitive processes. Thus, for example, international legal rules are affected by and affect classification of social groups (such as 'states' or 'indigenous groups') and certain types of behaviour (such as a 'terrorist act'). Likewise, the development of new legal rules interacts with distinctive patterns of language and prevalent metaphors. International legal decision-makers at all levels are susceptible to the influence of certain cognitive biases. Socio-cognitive patterns are not uniformly shared by all groups in the international legal community, and this occasionally creates significant dividing lines in the international legal system. Such socio-cognitive processes and divisions are also fundamentally involved in knowledge creation.

If until recently the prevailing conception was that international law was some sort of objective social practice that could be objectively apprehended by scholars, nowadays there is widespread awareness that what we know as international law is produced by knowledge-production mechanisms of a different nature. The social phenomenon we qualify as international law is shaped by social practices and processes that are influenced by theories and theoretical discourses. Prevailing 'discursive policies' grounded in power structures and shaped by epistemic forces determine what is acceptable as an acceptable and competent thing to say about

international law. The same structures and forces determine the contours of the policy that controls the discipline, and that are reflected in accepted social practices.

In this dynamic process, eventually leading to the production of knowledge, different actors interact. Just by way of example, some international organizations produce such instruments as benchmarks and indicators to measure and appraise certain phenomena, which then shape the culture by which problems are addressed and solutions sought. Likewise, other epistemic forces may be at play in different domains. Knowledge once produced can be used in a variety of ways. It can be embedded in a narrative, circulated, and used as a means of socialization. At the same time it can be challenged and contested.

The papers selected through this call for papers will complement contributions by the other scholars who participate in the research project (see list below). Interested scholars are invited to submit an abstract bearing on some of the above issues. We particularly encourage female scholars and scholars from non-Western countries to respond to this call.

Applicants may employ theoretical tools borrowed from other disciplines (including philosophy, sociology, social psychology, political science etc.). They are particularly encouraged to analyse when and how socio-cognitive and knowledge production processes are relevant to law-making, interpretation, and implementation of international law. Papers combining insights from both theoretical streams (social cognition and knowledge production) are also most welcome. Although the research project primarily aims to analyse theoretical issues, applicants are invited to provide practical examples and/or empirical findings illustrating, supporting, or contesting the theoretical stances taken or the arguments used in their respective submissions.

Details

The workshop will be held on 4-5 December 2019 at the Hebrew University of Jerusalem (Mount Scopus Campus).

Abstracts of no more than 500 words (together with a CV) should be sent to Eden Nagar nagareden@gmail.com by 15 May 2019, and should include the author's name, affiliation, and full contact information. Decisions regarding inclusion in the workshop program will be sent by 15 June 2019.

To allow all participants to read the papers and seriously discuss each one, all participants are expected to provide discussion papers by 15 October 2019 (approximately 7,000-8,000 words). The participants will submit the final version of the papers (approximately 12,000 words) by 15 April 2020.

The research project includes a workshop and an edited book. All papers submitted to the workshop will be reviewed and may be included in a book which – at least tentatively – has the same title as the workshop. All papers will undergo a rigorous process of review and we cannot guarantee that all submitted papers will be included in the published book.

For some select presenters, the Hebrew University of Jerusalem Law Faculty will consider covering travel expenses (economy class airfare) and accommodation expenses in Jerusalem.

Moshe Hirsch and Andrea Bianchi

Scholars who have confirmed their participation & temporary titles for their contributions:

Section I – Social Cognition

- Anne Van Aaken - framing in international law
- Jean d'Aspremont - Cognitive conflicts and international law
- Ingo Venzke - Cognitive biases and international law
- Tomer Broude- Bounded self-interest in international legal society
- Harlan Grant Cohen -- Metaphors and international law
- Mikael Madsen and Jacob Slosser - Cognitive linguistics and the language of international law
- Moshe Hirsch – Social cognition, cognitive sociology and international law

Section II - Knowledge Production

- Jan Klabbers – International organizations' knowledge production function
- Eyal Benvenisti and Doreen Lustig, Power Structures Sustaining the Production of Knowledge in International Law
- Fuad Zarbiyev – Norm entrepreneurship in international law
- Akbar Rasulov – The interaction between social practice and theoretical discourse
- Matt Windsor – The role of narratives in international legal processes
- Jarna Petman – Legal mythologies and the production of knowledge
- Andrea Bianchi – Epistemic structures and discoursive policies