

The Lives of Objects

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Things. Objects. These aspects of the world have long been positioned as simply *there*, the background against which human action unfolds, the passive matter on which humans exert their wills, the counterpoint against which the human, the subject, the conscious, is defined.¹ Perhaps we will touch things, mould them, creating artefacts or rendering things into material substances, ripe for further processing and exploitation.² We might fear the thing as the potential unmaking of the subject, something threatening, to be overcome by human ingenuity.³ On the other hand, the thing may be what *makes* the subject: its very juxtaposition to our will and agency drawing us out and provoking us to create, and invent, 'to extend ourselves beyond ourselves.'⁴ Things might draw us out or provoke us through engaging our senses. Their tactile, tangible presence calls us to touch them, hold them, wear, carry or exchange them, as well as in some cases read, hear or play (with) them.⁵ Objects can bring to life the emotions, too.⁶ In this sense, objects enliven us. But in these conceptions, objects remain at the service of the human, without agency, life or will. They are there for the taking, sitting at the far end of the spectrum from the human, the agent, the subject. However, despite a long history of attempts in liberal western thought, it requires great effort to sustain and police a bright line with inertia, passivity and the object on the one side and the active human subject, bursting with will and intention, on the other.

To begin with, analytical categories are easily revealed as just that, and at times break down 'spectacularly'.⁷ International lawyers should be only too aware that the subject is created, not given. The cardinal subject of international law, the state, is accorded more agency, will and rights than any human being, whose historical categorisation as a 'mere' object,

¹ See for eg Elizabeth Grosz, 'The Thing' in *Architecture from the Outside: Essays on Virtual and Real Space* (MIT Press 2001) at 167 – 183, Margaret Davies, 'Material Subjects and Vital Objects – Prefiguring Property and Rights for an Entangled World' (2016) 22(2) *Australian Journal of Human Rights*. It is important to note that this conception of passive objects versus agentive subjects is confined largely to western, post-Enlightenment thought, and has little purchase in many legal and philosophical systems. See for instance the discussion of living stones, in John Borrows (Kegeedonce) *Drawing out Law, A Spirit's Guide* (University of Toronto Press 2010) 78. My thanks to Daniel Joyce, Isobel Roele, Elspeth Guild, and colleagues at a Queen Mary departmental staff seminar for their insightful comments, and to David Sugarman for the idea that objects might enable a project of biography or life writing of international law.

² See Petra Lange-Berndt, 'Introduction: How to Be Complicit with Materials' in Petra Lange-Berndt (ed) *Materiality* (2015 Whitechapel Gallery/MIT Press) 12.

³ Grosz, *The Thing* (n 1).

⁴ Elizabeth Grosz, 'Notes on the Thing' in Joan Ockman, *The Pragmatist Imagination: Thinking about 'Things in the Making'* (2000 Princeton Architectural Press) 156.

⁵ Annabel Cooper, Lachy Peterson and Angela Wanhalla (eds) *The Lives of Colonial Objects* (2015 Otago University Press), 16.

⁶ See Sherry Turkle, (ed) *Evocative Objects: Things We Think With* (MIT Press, 2007).

⁷ Davies (n 1), *AJHR* at 6 [pre proofs].

comparable in legal position to 'beasts, territory, ships, and the like'⁸ casts a long shadow over the discipline. This subject – the state – is barely an object, but slips from the grasp: is it a fiction?⁹ Perhaps an assemblage of different actants, as Bruno Latour would put it,¹⁰ *including*, beasts, territory, ships and human individuals? The state, although a central character in the drama of international law, is the perfect example of the fact that persons and objects are constructed through social (including legal) processes, so that a subject or object only emerges as the end result of these processes.¹¹ To ask what status, what agency, what life trees or the multimedia screen,¹² have raises the deepest questions for international law as a state-centred framework, demonstrating as it does that many things – including humans - are multi-positioned in or by international law, and that objects and subjects move back and forth between categories with surprising regularity. Uncovering these constructed object and subject positions can help us to see more clearly some of the techniques through which the dichotomy between subjects and objects is maintained in international law, and challenge the real-world effects that follow from it.

An additional reason why a bright line between the passive object and the agentive subject is so difficult to maintain is because objects and things *resist* our categorisations and analyses of them, and remain always in some sense unknowable.¹³ They do not, it turns out, lie passively, waiting our ordering of them. They have social lives, which are unruly and unpredictable. They have politics.¹⁴ Their biographies can be bestsellers and page-turners. They speak to us of the past and future. They seem to come alive, or at least retain the 'bio' of their biographies, like relics of the saints, they are body parts, animating and potentially animated. They are vibrant, agentive, vigorous, and excessive.

Rather than participating in the project of drawing bright lines between the lives of objects and subjects, we have much to gain by dispensing with these categories. We might, in the process, also learn that we have much to lose. Some of our categories and bright lines may be badly needed and provide crucial protections, rights and obligations. In either case, however, this investigation will enable us to see our categories, and the way they operate, more clearly and thus to evaluate their implications and their value more thoroughly.

⁸ George Manner, 'The Object Theory of the Individual in International Law' (1952) 43 *American Journal of International Law* 428, 429.

⁹ For a debate on whether the state is a fiction, an artificial person, or a 'person by fiction' see David Runciman, 'What Kind of Person is Hobbes's State? A Reply to Quentin Skinner' (2000) 8 *The Journal of Political Philosophy* 268, and Quentin Skinner, 'Hobbes and the Purely Artificial Person of the State' (1999) 7 *Journal of Political Philosophy* 1.

¹⁰ See Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network Theory* (OUP 2005). See my further the discussion of objects as agentive or actants in 'vibrant objects' below.

¹¹ See, for example, Igor Kopytoff 'The Cultural Biography of Things: Commoditization as Process' in Arjun Appadurai (ed) *The Social Life of Things: Commodities in Cultural Perspective* (CUP 1986); Bruno Latour, *Reassembling the Social* (n X), Bruno Latour and Steve Woolgar, *Laboratory Life: The Construction of Schientific Facts* (1979 Princeton UP), Michel Callon, 'Some Elements of a Sociology of Translation: the Domestication of the Scallops and the Fishermen of St Brieuc Bay' (1984) 32 *The Sociological Review* 196.

¹² See Duvic-Paoli, 'Trees'; Schwobel-Patel and Werner 'Screen' in this volume.

¹³ See for instance Martin Heidegger, 'The Thing' in *Poetry, Language, Thought*, trans Albert Hofstadter (Harper Perennial 1971) 174 – 82; Bill Brown 'Thing Theory' in *Things* (Chicago UP 2015), Chris Witmore, in Leora Auslander, Amy Bentley, Leor Halevi, H. Otto Sibum, and Christopher Witmore, 'Conversation: Historians and the Study of Material Culture' (2009) *American Historical Review* 1355, 1383.

¹⁴ Langdon Winner, 'Do Artifacts Have Politics?' in *The Whale and the Reactor: a Search for Limits in an Age of High Technology* (1986 University of Chicago Press).

First, fixing the object as our frame of reference can have a profound impact on the way we are able to think about international law. Taking the object as the starting point does not just provide us with a different port of departure, it opens up a whole new mode of travel. To describe what we experience on this journey we might need to use different language or forms of description, different metaphors or imagery. We might need to travel more slowly, or more quickly, since the life of an object might unfold over millennia, or might be over in a nano-second. We can inhabit the time frame of an object on this journey, without allowing our human timescales to dominate. At the same time we would need to pay attention to the way we travel through shared spaces with objects: spaces that are often more intimate and close to home than the global horizons towards which international law so often turns its ambitions. They might be the spaces within cells in our bodies, where a virus replicates,¹⁵ though they might also be the immeasurable – though not immaterial – space between ourselves and our digital selves.¹⁶

As these two examples suggest, a second way that fixing the object as our frame of reference and treating it seriously as our subject animates international law is by making us think concretely about international law's operation in the world. As Jane Bennett notes, '*material* denotes some stable or rock-bottom reality, something adamantine.'¹⁷ An object seems to offer a material tangibility that speaks to fact; to be a 'small, tough explosion of exactitude'.¹⁸ And while objects are slipperier and less easily pinned down than some might hope, taking the object as the primary frame of reference compels us to bring our abstract thinking, our focus on rules, doctrines and principles, down to the material level where their impacts are felt on and in communities, homes, and bodies.

Third, unless we dispense with analytical categories, we may quite literally, be unable to see. Our frames may blot out or elide pieces of the world, even as they help us to organise and order our experiences. As Latour has demonstrated, 'the very act of perception is constituted by social forces,' and we sometimes need to break free of those forces to perceive things which were already there, waiting for us to discover.¹⁹ Rejecting or suspending our use of bright lines and clear categories, and insistently asking again how and why something is an object, rather than a subject; alive rather than dead; an actant rather than merely passive, itself adds to the vitality, and to the continued relevance, of international law as something itself acting in an on the world.

In this chapter, I offer three ways that we might consider the lives of objects, materials, or things.²⁰ My purpose is not to prescribe any one reading, but to open up various ways of thinking of the lives of objects. Accordingly, I draw on a range of theories, methodologies and insights that engage with the lives of objects, things and materials. Some of these ways of understanding objects are not easily reconciled, and may even be irreconcilable, but each offers a fresh perspective on objects, and by extension, on international law's objects, and international law itself.

¹⁵ See Murphy, this volume.

¹⁶ Data, this volume.

¹⁷ Jane Bennett, *Vibrant Matter: A Political Ecology of Things* (Duke, 2010) 58. Emphasis in original.

¹⁸ Edmund de Waal *The Hare with the Amber Eyes: A Hidden Inheritance* (Vintage 2011) 16.

¹⁹ Latour, *Laboratory Life* (n 11) 33.

²⁰ 'Objects', 'things' and 'materials' have each been rigorously theorised as philosophical or theoretical terms. In this chapter, I use them interchangeably, in an untheorized everyday sense, though where it is important to distinguish between them in specific instances I do so.

I start with everyday lives – the way that law and its objects are caught up with and woven into our daily existences, drawing on ethnographic conceptions of the lived experience of law. Second, I consider the social lives of objects and biographical approaches to the lives of things. Here, I make reference to anthropological ideas, museum studies and history, as well as ‘life writing’ and biography. Third, I consider objects as vibrant, agentive, actants, drawing on ideas from Actor-Network-Theory and science and technology studies, thing theory, and also recognising the long legal history of objects as agents.

The Everyday Lives of Objects

The objects of international law animate international law, connect it with peoples’ experiences and existence. They refute the thesis that international law is remote, situated far away and high above the everyday realities of daily life.²¹ If we regard international law as something material, and materially implicated in the world, the Somali Pirate skiff becomes more than an object that shows something about the law of the sea. The tiny, tinny craft, pulled up on a wide, sandy beach makes modern piracy not a just remote and unknowable terror, but an act of desperation *and* economic rationality in the context of human precarity.²² Railway clocks bring to life a race to control time, space and information that seems, at first blush, intangible, but which is revealed as deeply embedded in bucolic English village clock-towers and laid down in the relentless onward march of railway lines across the prairies of the United States and Canada.²³

These objects demonstrate that law is alive at least in the sense that, as Ewick and Silbey write, it ‘has a commonplace materiality, pervading the here and now of our social landscape.’²⁴ It is ‘an emergent feature of social relations rather than an external apparatus acting upon social life.’²⁵ In this way, law ‘embodies the diversity of the situations out of which it emerges and that it helps structure.’²⁶ It is alive in the sense that our lived experience is full of law, even when we do not see or acknowledge it.

There is law in the objects and things around us: a ‘dolphin safe’ tuna tin is not only full of tuna and brine, but of legal rules, institutions and controversies.²⁷ There are also material objects in our laws: at the minutest level, the corporeality of data reminds us that even the most apparently ephemeral and incorporeal aspects in this world are, in fact, material.²⁸ Political and scientific controversy over the substance and properties of glyphosate

²¹ See also on this point, and the role of objects in exposing its limitations, Luis Eslava and Sundhya Pahuja, ‘Beyond the (Post)Colonial: TWAIL and the Everyday Life of International Law’ (2012) 45 *Journal of Law and Politics in Africa, Asia and Latin America – Verfassung und Recht in Übersee*, 195.

²² Guilfoyle, this volume.

²³ Gordon, this volume.

²⁴ Patricia Ewick and Susan S Silbey, *The Common Place of Law: Stories from Everyday Life* (1998 U Chicago Press) 16. See further on law and everyday life Austin Sarat and Thomas R Kearns, (eds) *Law in Everyday Life* (Michigan UP 1995).

²⁵ Ewick and Silbey (n 25) 17.

²⁶ *Ibid.*

²⁷ See Lang this volume.

²⁸ Humphreys (n x).

demonstrate that law and the object are often mutually brought to life in the process of their interactions.²⁹

These examples demonstrate that international law is not just, as Pahuja and Eslava have written, ‘an ideological project that has material consequences’ but also ‘a material project in itself’.³⁰ In its ‘creation or enclosure of spaces, administrative procedures and the use and constitution of particular bodies and objects, international law acquires (or attempts to acquire) an effective presence in our everyday life.’³¹ That is, international law both “creates” and “takes place” through the very materiality of the world’.³²

In its tangibility, an object can connect international law to the people it, quite literally, touches. Look around you, and it is hard not to find objects in which law has a life, and laws in which objects are deeply enmeshed. Yet lawyers can be accused of spending a good deal of our time killing off law, trapping it in weighty books (along with the remains of the occasional fly that flew too slowly). We separate it out from life. We frame off aspects of the law, and isolate them from their relationship to people, to justice, to ethics, to politics, to rightness and wrongness. We place law in splendid analytical isolation.

As a result, perhaps, international law is often presented as something remote, cold and impersonal. It either exists only in tome-like textbooks, just so many words on so many pages, or it ‘happens’ when leaders shake hands at international conferences, far away and high above the lives of ordinary people. International lawyers and legal theorists have done significant work to sustain the concept of international law as rarefied, specialised and of relevance only to a particular few. For example, the ‘object theory’ of international law insists that only states can be subjects of international law, and that other entities, including individual persons, are ‘mere objects.’³³ Or, as Eslava and Pahuja note, Hans Kelsen and his strict adherents’ commitment to an international law that is ‘permanently exceptional and above the quotidian realities of the nation-state’.³⁴ Such theories resist efforts to understand international law as deeply implicated in the living social fabric of individuals and communities. Of course many international lawyers and scholars would strongly resist the suggestion that international law remains the preserve of states, and are acutely aware of the transformative power of international law. We need only think of human rights scholars and practitioners, international trade lawyers, the legal staff of international organisations, or international environmental lawyers to identify a corpus of people busily engaged in trying to bring international law to bear on everyday life.

Thus the view of international law as merely top down, state controlled, and impacting only on a thin crust of the earth cannot now, if it ever could, be sustained. Recent work has demonstrated not only that international law is tightly enmeshed in the national, local and the everyday, but moreover, that material objects carry international law with them into the neighbourhoods, living rooms, even bodies, of individuals.³⁵ When Helmut Aust

²⁹ Arcuri, this volume.

³⁰ Eslava and Pahuja (n 21) 202.

³¹ *Ibid* 214 - 215.

³² *Ibid* 203.

³³ Manner, (n 8) 429.

³⁴ Eslava and Pahuja (n 21) 215 – 16. See also Hans Kelsen, *Principles of International Law* (2nd ed Holt, Rinehart and Winston 1966).

³⁵ See, for example, Yoriko Otomo, ‘The Gentle Cannibal: The Rise and Fall of Lawful Milk’ (2014) 40 *Australian Feminist Law Journal* 215; Ann Stewart, *Gender, Law and Justice in a Global Market* (CUP 2011)

encountered the 'Be a Neighbour' poster on Peachtree Street in Atlanta, Georgia in 2015, he identified in it the multiple ways that city authorities are seeking to mould inhabitants, so that their daily lives reflect particular international and global norms – many of which international law enshrines or enforces – about who and what a 'good urban citizen' is. Co-opted into this project are urban infrastructure, small business owners, performances of caring and neighbourliness, even the 'right' way to dispose of disposable income.³⁶

Recent world events, too – from the United Kingdom's vote to leave the European Union in June 2016, to a spate of threatened withdrawals from the Rome Statute of the International Criminal Court in 2017, to the election of Donald Trump in the United States in November 2016 – put paid to the idea that international law is not also recognised and *felt* as deeply implicated in peoples' lives. In these examples, that impact is perceived by many as negative and, consequently, rejected. For very practical reasons, thus, it is imperative that international lawyers recognise that international law is very much alive in everyday life.

Moreover, we need to take responsibility for the fact that our own projects to insert international law into new arenas of domestic, regional and global politics or trade for instance also change everyday life on the ground – sometimes in unwelcome ways. That is, when international lawyers play with law, we also play with objects, and in playing with objects, we play with lives. This is not to say that international lawyers 'play God' for we enjoy no privileged position above the action. Rather, we too are objects and subjects, whose lives are touched by the quotidian operation of international law, even as we also seek to touch the lives of others through our work.

Biographies, Histories and Social Lives

Things, like people, have social lives.³⁷ They move through time and space, changing hands, sometimes changing form, and changing fortune. If we are interested in these things for their own sake, or driven by an inquiry into what things say about us, we nonetheless need, as Appadurai writes, 'to follow the things themselves, for their meanings are inscribed in their forms, their uses, their trajectories.'³⁸ As a method for analysing the social world, "things-in-motion" are what illuminate their human and social context.³⁹

We can chart the way objects change, their encounters with other objects and with people, their brushes with fame, slow demise, and spectacular rehabilitation. We can, to put it simply, write biographies of objects. We can use them to tell their own histories and to reveal their secret lives. We can, for instance, follow the life of a deerskin or a collection of Japanese miniature sculptures, or tell the story of the potato.⁴⁰ Framing our analyses around objects can offer ways

Ch 7; Luis Eslava, *Local Space Global Life: The Everyday Operation of International Law and Development* (CUP 2015); Eslava and Pahuja (n 21).

³⁶ Aust, this volume.

³⁷ Arjun Appadurai 'Introduction: Commodities and The Politics of Value' in Arjun Appadurai (ed) *The Social Life of Things: Commodities in Cultural Perspective* (CUP 1988) 3.

³⁸ *ibid.*, 5.

³⁹ *ibid.* See also Boris Arvatov, (trans. Christina Kiaer) 'Everyday Life and the Culture of the Thing' (1997) 81 October 119, 124.

⁴⁰ See, respectively, Jessica Yirush Stern, *The Lives in Objects: Native Americans, British Colonists, and Cultures of Labor and Exchange in the Southeast* (University of North Carolina Press, 2017), 149 – 153, tracing

to decentre and deflate the 'distended' human being, whose centrality in so many historical and biographical narratives often obscures or blots out a fuller, more nuanced picture of the world.⁴¹

In addition to narrating the biographies and life histories of objects, we can tell other (life) histories through them: the lives of Jane Austen or Russian Constructivist textile designers for example;⁴² the history of the world, of design, and of Germany.⁴³ In international relations, things in motion, and as catalysts, have been used to consider how 'the international' is given life and meaning.⁴⁴ Taking a legal perspective, scholars have considered the part played by hedges in the enclosure movement;⁴⁵ by items of shipwreck in the making of property, hierarchy, and economic community in mediaeval England;⁴⁶ and by the material design of money in the making of the modern world.⁴⁷

Objects can also speak of times, places and people who otherwise remain silent, particularly those who have not left written history.⁴⁸ We can turn to objects and their explanatory force when humans decline or seem unable to reveal their life histories to us.⁴⁹ And in doing so, we can see that sometimes, people and objects are 'so deeply intertwined' that we cannot tell the story of a person without the story of her deeply valued objects, and vice versa.⁵⁰

In considering the social biographies of objects, it becomes clear that when people and objects interact, these interactions create meaning.⁵¹ Igor Kopytoff has argued that a biographical approach to objects reveals not only that meaning is created when objects and people come into contact, but this methodology illuminates the fact that societies constrain the world of people *and* of things, 'constructing objects as they construct people.'⁵² Objects are not just there, inert and passive, but brought into being and given meaning through the same social processes that human beings are.

If it turns out that objects and people are constructed in the same way through social processes, we must be alert to the fact that biographies go through a number of further layers of construction. 'A life' for the purposes of biography is a literary creation, shaped by the

the life of a deerskin; de Waal, (n 18); Larry Zuckerman *The Potato* (1999 Macmillan). Gerry Simpson, in this volume, also cites a biography of Britain's Ordnance Survey Maps: Rachel Hewitt, *Map of a Nation: A Biography of the Ordnance Survey* (Granta 2010).

⁴¹ Sergei Tret'iakov, 'The Biography of the Object' (2006) 118 October 57, 61.

⁴² See Paula Byrne, *The Real Jane Austen: A Life in Small Things* (William Collins 2013); Christina Kiaer, 'The Russian Constructivist Flapper Dress' in Bill Brown ed *Things* (U Chicago Press 2004). See also Gosden and Marshall 'The Cultural Biography of Objects' (1999) 31(2) *World Archaeology* 169; Kopytoff (n 11); Janet Hoskins, *Biographical Objects: How Things Tell the Story of Peoples' Lives* (1998 Routledge).

⁴³ See Neil MacGregor, (ed) *A History of the World in 100 Objects* (Allen Lane 2010). Grace Lees-Maffei (ed) *Iconic Designs: 50 Stories about 50 Things* (Bloomsbury 2014); Neil MacGregor, *Germany: Memories of a Nation* (Penguin 2016).

⁴⁴ See Mark B Salter (ed) *Making Things International I: Circuits and Motion* (U Minnesota Press 2015); Mark B Salter (ed) *Making Things International II: Catalysts and Reactions* (U Minnesota Press 2016).

⁴⁵ Nicolas Blomley, 'Making Private Property: Enclosure, Common Right and the Work of Hedges' (2007) 18 *Rural History* 1.

⁴⁶ Tom Johnson, 'Medieval Law and Materiality: Shipwrecks, Finders, and Property on the Suffolk Coast, ca. 1380 – 1410' (2015) *American Historical Review* 407.

⁴⁷ Christine Desan, *Making Money: Coin, Currency and the Coming of Capitalism* (OUP 2014).

⁴⁸ Anabel Cooper, Lachy Peterson and Angela Wanhalla, 'Introduction: A Scheme of Things' in Cooper, Peterson and Wanhalla (n 5) 14.

⁴⁹ See Janet Hoskins (n 42) 1; Leora Auslander *AHR Conversations*, (n 13) 1357.

⁵⁰ Hoskins, *ibid* at 1 – 2.

⁵¹ Gosden and Marshall, (n 42) 169.

⁵² Kopytoff (n 11) 90.

necessities of plot and structure.⁵³ Order must be imposed, and choices must be made by the biographer. Details must be made to stand out, but a process of ‘smoothing’ is inevitable, as the rough edges of contradictions, hesitations, and other possibilities are sanded away by the biographer.⁵⁴ Biographies, thus, are not complete, unified wholes but are instead ‘made up of contested objects – relics, testimonies, versions, correspondences, the unverifiable.’⁵⁵ They ‘take us into a realm of evidential and interpretive uncertainty.’⁵⁶

Biographies might, therefore, tell us as much about the author as about their subject (or object, as the case may be). Certainly, this collection of objects reveals much about the preoccupations of (academic) international lawyers at the present moment in time. Some objects reflect concerns and controversies raised by new technologies or phenomena, for instance the armed drone, data, or commoditised carbon dioxide.⁵⁷ Some chapters use objects to reflect anew on the old themes of international law: sovereignty and territory emerging as prominent themes.⁵⁸ Some authors show us how objects we think of as irrelevant to international law, such as ships’ ballast, might actually be central to its history and development.⁵⁹

In this sense, the objects selected in this project tell us something about their authors, and the authors’ conception of international law itself. We glean not only disciplinary, but also personal, insights (our own subjectivity emerging through the objects) even if only in an oblique and tantalising manner. Of course, the collection of objects here also says a lot about the editors. We selected the papers from the proposals, we invited certain people to contribute, and through our editorial comments on both words and images we have helped shape the chapters themselves.⁶⁰ Taken as a whole, the collection of objects says something greater than the sum of its parts because it reveals patterns of attention (and inattention) on behalf of academic international lawyers and as such, in some sense, reveals at the least a glimpse of those lawyers themselves and of their – our – attempts to shape the discipline or the practice of international law in the world.

Paying heed to the patterns of attention and inattention traced above, as well as to the justifications advanced for an object being either central to or outside of the confines of international law, allows us to interrogate what international law seeks to do in the world, how it maintains its boundaries, and what it claims and disclaims in order to do so. It thus requires us to consider the politics of international law’s objects, and how they are caught up in, but also themselves, motivate projects in and around international law.

Turning from writing the lives of objects in international law, we can shift register and ask whether it would be possible to write the life of a body of law, or of a discipline? Could objects

⁵³ Cynthia Ozick, *Art and Ardor* (Alfred A. Knopf 1968).

⁵⁴ Hermione Lee, *Body Parts: Essays on Life-Writing* (Chatto and Windus 2005) 13. On the methodological challenges and issues raised by histories of material culture see ‘Conversation: Historians and the Study of Material Culture’ (n 13) 1355.

⁵⁵ Lee (n 54) 6.

⁵⁶ David Sugarman, ‘From Legal Biography to Legal Life Writing: Broadening Conceptions of Legal History and Socio-Legal Scholarship’ (2015) 42 *Journal of Law and Society* 7, 15.

⁵⁷ Kalpouzos *Armed Drone*, Humphreys (n 16), Julia Dehm *C02*, respectively.

⁵⁸ See for instance, on sovereignty and territory: Smith, *Western Sahara Boundary Marker*; Hohmann, *Opium, Lixinski Axum Stele, Rayfuse Russian Flag at the North Pole, Aalberts Sovereign Mark of the Roi Ne-Do’ucoula, King of Boma*; Francois Finck, *Border Check Point, Moldovan Republic of Transnistria*.

⁵⁹ Buckner Innis, this volume.

⁶⁰ See further Joyce, this volume.

be used to create a biography of international law, just as they have been used to write a biography of Jane Austen, and if objects were employed in this way, what would they show?

The first problem we face in writing the life of international law is that international law is not alive in the same way that a person is alive, and this remains the case even if we embrace the most radical theses of the agency of objects, discussed below. The first question is, thus, in what sense would we understand the 'bio' of 'bio'graphy here? This, it turns out, is not a simple question. Even in the natural sciences, the question of what has life – and to what extent – is unsettled.⁶¹ We have already noted that the 'bio' of biography cannot be regarded as an unmediated reflection of a biological existence. Nor is what counts as 'life' uncomplicated in the realm of political thought: 'a life'⁶², 'bare life'⁶³, the question over the beginning and end of life, and the consequences of the answer motivate sharp debates – many of which echo in international law and in estimations of its potential and limitations. But in these theories, the 'bio' signifies an organism, not a discipline, a set of institutions, or an idea at work in the world.

International law does not have a 'life' as a singular entity in the same way an individual (or an individual organism) has. Instead, international law (even if we can call it a single entity) has hundreds of lives in that it interacts in myriad ways with countless individuals across time and in multiple geographic locations. Each of these interactions could be traced, and in doing so, we would come up with millions of different lives of international law. Moreover, each individual 'life' would still be open to the problems inherent in conventional biography centred on the human such as tensions between inclusion and exclusion, issues of perspective and interpretation. Attempting to write *the* life of international law would be both an impossible task as a matter of practice, and a monumental exercise of ego.

More modestly, and perhaps more interestingly, international law's objects can also be seen like 'body parts'. Although not strictly alive, in this sense, the body part would retain the 'bio' of biography – the 'DNA' of the discipline and body of law. Body parts can hint at the whole, and they can tell us much when they become mythologised and imbued with mysticism.

For instance, a Barcelona Traction share operates, for the international law fraternity, like a 'secret handshake.'⁶⁴ Like the relics of the Saints, the share helps us commune with our own high priests, the judges of the International Court of Justice. And, as Fontanelli and Bianco note, the frisson of excitement at the sight, or touch, of the share is elicited only for those already indoctrinated to the faith.⁶⁵ Understanding and accessing the power and meaning of the share marks out the territory of our own identities as international law professionals, as well as operating as an icon of our discipline.

⁶¹ See, for instance, the question of viruses: Ed Rybicki, 'The Classification of Organisms at the Edge of Life; or Problems with Virus Systematics' (1990) 86 *South African Journal of Science* 182; Melissa Autumn White, 'Virus' in Mark B. Salter (ed) *Making Things International I: Circuits and Motion* (U Minnesota Press 2015).

⁶² Gilles Deleuze, 'Immanence A Life' in *Pure Immanence: Essays on A Life* (2nd ed Zone Books 2005). See further the discussion in Jane Bennet (n 17) 53 – 55, 57, 61.

⁶³ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (trans. Daniel Heller-Roazen) (Meridian 1995).

⁶⁴ Barcelona Traction Share (this vol) at x.

⁶⁵ Ibid x.

And who would not call to mind the frontispiece of Hobbes' Leviathan at this point?⁶⁶ Here, the state, the prime subject of international law, is embodied and alive. The state has a 'mystical body' made of many human lives (the multitude) both past and future and is thus 'legally immortal'.⁶⁷ But how is the state materialised out of these body parts? As David Runciman asks, out of what, and where, is the state materialised?:

Notwithstanding the frontispiece of Leviathan, the multitude are not transformed into a tangible entity. But nor can the person of the state be identified with what is tangible about a civil society, such as its territory, or religion, or language, or history ... [T]he state must have a presence in the real world, but because there is nothing in that world with which it can be identified, it is a particularly delicate presence on which to rest such a substantial political philosophy.⁶⁸

If the subjects of the state prove delicate and insubstantial, what role might the sovereign objects, rather than subjects, of Leviathan play in materialising the state? In the frontispiece to Leviathan, the body parts of the state are not only human forms: the state is also personified through arms and symbols of authority, specifically, the crown, sword, and crosier. It is not only out of the plurality of human subjects that the state emerges, but also in these objects and symbols that authority, even sovereignty, reside. Peter Stallybrass and Ann Rosalind Jones have shown how the sovereign's objects, such as rings and gloves, once functioned as bodily organs. These objects-cum body parts could be transferred from the monarch to the subject, and in the transfer, 'materialized the power of people to be condensed and absorbed into things and of things to become persons.'⁶⁹ Land, too, powerfully objectified sovereign power: as Stallybrass and Jones further note, '[w]hat did it mean in the Renaissance to be a monarch or an aristocrat if not to be powerfully objectified as land, both imagined and material?' Shakespeare's Bolingbroke, they note, 'can scarcely sustain his name as Duke of Lancaster without the things that support that name': the trees of the parks and forests of Lancaster.⁷⁰

'The state' as a construct of objects and subjects emerges as a living, sovereign entity given life by and through objects, able to transfer power through and into objects, and in doing so, to animate and be animated by them. In tracing histories, biographies and social lives of the state, the lines between the human person, the personified state and objects/body parts/organs, resist attempts to categorise the human as active agent, and the object as passive foil. This suggests the generative potential in biographies or histories that begin with and take the object seriously, as they can illuminate how our lives are entangled in, even given life through, intricate relationships with things, objects and materials.

Vital Objects

⁶⁶ The frontispiece of Hobbes Leviathan was designed by the artist Abraham Bosse. Thomas Hobbes, *Leviathan or the Matter, Forme, and Power of a Common Wealth Ecclesiasticall and Civil* (Yale UP 2010 (first published 1651)).

⁶⁷ See Ernst H. Kantorowicz, *The King's Two Bodies: A Study of Mediaeval Political Theology* (Princeton UP 1997 first pub 1957) 309.

⁶⁸ Runciman (n 9) 274.

⁶⁹ Peter Stallybrass and Ann Rosalind Jones, 'Fetishizing the Glove in Renaissance Europe' in Bill Brown (ed) *Things* (U Chicago Press 2004) 176.

⁷⁰ *ibid* 175 - 176.

In his *Social Life of Things*, Arjun Appadurai is quick to note that a social life of things is ‘a conceit’ and that it is a ‘formal truth that things have no meanings apart from those human beings endow them with,’⁷¹ dismissing the idea of the thing as having its own life, or of being alive in more than a metaphorical sense. However, he has written elsewhere, and more recently, that objecthood is a mere respite: ‘In some ways, all things are congealed moments in a longer social trajectory. All things are brief deposits of this or that property, photographs that conceal the reality of the motion from which their objecthood is a momentary respite.’⁷² We can still the social lives of objects, hold them momentarily in abeyance but, as Appadurai notes here, things have a tendency to burst out from these frames, and assert themselves. We turn now to consider these unruly tendencies, and to focus on the agency and vitality of objects.

To state that material things act and have agency is to notice and insist that they are also ‘quasi agents or forces with trajectories, propensities, or tendencies of their own.’⁷³ Matter, as Jane Bennett writes, is *vibrant* and full of ‘energetic vitality’.⁷⁴ Things always have the capacity to exceed our understanding of them, to break free of their human-designated status,⁷⁵ and in doing so, they ‘manifest traces of independence or aliveness’.⁷⁶

To claim that things, materials and objects have agency is to reject strict boundaries between natural and social actors and phenomena, human agents and passive things. As Michel Callon identified in his classic paper on the domestication of the fishermen and the scallops of St. Brieuç Bay, in seeking to understand the phenomena and relationships around us, we must take everything as uncertain, and subject our own disciplinary and personal preconceptions, indeed ourselves, to an equally rigorous and ‘agnostic’ process of enquiry.⁷⁷ That process of enquiry must rest on symmetry of treatment, in that the roles of all actors and phenomena must be treated equally seriously: the observer follows the actors – human and non-human – with an open mind, to see how those actors (a scallop, a net, a sociologist) ‘build and explain their world.’⁷⁸ And the enquiry must be committed to a principle of ‘free association’, that is, ‘the abandonment of all a priori distinctions between the natural and the social.’⁷⁹

This methodology allows us to see that binary categories and a priori distinctions are themselves the result of a ‘pre-established grid of analysis’, rather than given, natural facts.⁸⁰ Or, as Bruno Latour argues, we should recognise that when we establish analytical categories, we engage in an act of ‘purification’ – that is, an attempt to create ‘distinct ontological zones’ with a sharp line drawn between the human on the one side, and the non-human on the other.⁸¹ Paying attention to objects as actors helps us to see that no such categorical purity exists outside the act of purification.

Moreover, committing to a principle of symmetry in the way we study all entities, that is, insisting on a symmetrical frame of analysis, and on applying an equal vocabulary,⁸² breaks

⁷¹ Appadurai, ‘Introduction’ (n 37) 5.

⁷² Arjun Appadurai ‘The Thing Itself’ (2006) 18 *Public Culture* 15, 15.

⁷³ Bennett (n 17) viii.

⁷⁴ *Ibid* 5.

⁷⁵ See for eg Bill Brown (n 13); Heidegger, (n 13)174 – 82.

⁷⁶ Bennett (n 17) at xvi.

⁷⁷ See Callon (n 11) 197 and more generally.

⁷⁸ *ibid* 201.

⁷⁹ *ibid* 196.

⁸⁰ *ibid* 201; See also Latour and Woolgar (n 11), Latour, *Reassembling the Social* (n 10) 75 – 76.

⁸¹ Bruno Latour, *We Have Never Been Modern* (1993, Harvard UP) 10 – 11.

⁸² Callon, (n 11) 200, 221 – 22.

down assumed hierarchies that place human beings at the pinnacle of agency. This flattening is anti-hierarchical, and as such it can serve various important functions.

First, as already mentioned, the insistence on symmetry itself requires us to peel away the doctrines, fictions, and convenient short-hands that we use to make sense of the world, but which also obscure it in significant ways. To do this can make us look anew at what familiar things such as international law *are*, consider differently the ways in which they *function* as institutions, discourses and practices, and can help us to understand the work that material things *do* in international law, and further, in the world. To concentrate on the Transnistrian border check point – a border made hyper-real by the presence of armed troops, the need to take only a clandestine photo, the flags and concrete barriers⁸³ – is to throw into sharp relief the doctrine of the recognition of states in international law and to raise probing questions about the operation of that doctrine. At the same time, it helps us to see the work that material objects do, either in calling into question, reinforcing, or some uneasy mix of the two, the relationship between the material world and the analytical categories we use to structure it.

Second, the flattening that accompanies taking objects seriously as agents is political. It places squarely on the agenda the question of why one entity is accorded status, rights, subjectivity, personhood, while another is treated as merely a thing, ripe for exploitation or commodification: consider the tree, the whale, the bodies/ballast of the transatlantic slave trade.⁸⁴ It forces us to confront the question of where the difference lies, how the difference is constructed, and the role of international law in that making (and potential unmaking). It also prompts us to ask how our political (and legal) concerns would change if we understood ourselves not as the sole agents at work in the world, but instead as but a part of a ‘vibrant materiality that runs alongside and inside humans’.⁸⁵

In fact, it is this capacity to make us look again at the received categories of object versus subject; inert thing versus human actor; analytical category versus natural fact; that is one of the most powerful aspects of these materially-alert methodologies which generally fly under the banner of Actor-Network-Theory.

Reading objects as vital agents demonstrates that when Immi Tallgren writes that the *déchiqeteuse* – the papershredder - has ‘a past, perhaps even a life of its own, or at least a voracious appetite’⁸⁶ she does not thoughtlessly take liberties with language, or anthropomorphise an inanimate object. After all, as Latour has noted, when language gives actions to things, we should take it seriously,⁸⁷ and as Bennett argues, a ‘touch of anthropomorphism’ can ‘catalyze’ us to move beyond our preconceptions.⁸⁸ Instead, Tallgren’s vital *déchiqeteuse* helps us to consider the papershredder as itself one of the obscured actors of international law. Working on and in the dingy backgrounds of international organisations and embassies, with a vibrant agency both of its own, and as part of the assemblage of human and non-human actors that make up the *monde diplomatique* which international law helps to structure.

⁸³ See Finck, this vol.

⁸⁴ See Duvic-Paoli, Fitzmaurice, Buckner-Inniss, in this volume respectively.

⁸⁵ Bennett (n 17) viii.

⁸⁶ Tallgren, this volume xx.

⁸⁷ See Latour *Reassembling the Social* (n 10) 71.

⁸⁸ Bennett (n 17) 99. See also Jane Bennett, ‘Encounters with an Art-Thing’ 2015 3(3) *Evental Aesthetics* 101.

Can we attribute qualities of good and evil to the papershredder? Or is it that, as Langdon Winner asks, ‘to discover either virtues or evils in aggregates of steel, plastic, transistors, integrated circuits, and chemicals seems just plain wrong, a way of mystifying human artifice and of avoiding the true sources, the human sources of freedom and oppression, justice and injustice.’⁸⁹ Engels, for one, recognised clearly that ‘the automatic machinery of a big factory is much more despotic than the small capitalists who employ workers ever have been’ requiring in order to function, a specific form of hierarchical organisation.⁹⁰ He also noted that man may subjugate nature, but things will have their revenge: ‘the latter avenge themselves upon him by subjecting him, insofar as he employs them, to a veritable despotism independent of all social organisation.’⁹¹ The papershredder may not only be good or evil, it may be vengeful and despotic. Of course, it may also, as Tallgren herself intimates, be a peace-bringing minister, a nurse smoothing the dying pillow, or wiping clean the brow of a troubled international law.⁹²

This sort of thinking suggests not only that an object has inherent characteristics, but that perhaps it has will or intentionality. To return to our papershredder, does it have a will, as ‘[d]ay and night, it eagerly crunches paper in the corridors of foreign ministries, in the cabinets of international organisations, in military headquarters, in the Vatican, at the ICRC, in the cellars of embassies.’⁹³ Such attribution has a long legal history. Here, we can draw on the concept of the ‘deodand’.⁹⁴ Deodands were ‘accursed things’ both animate (a dog or ox for instance) and inanimate (a mill stone, a tree) that had caused death.⁹⁵ These objects were not just hapless instruments in tragic situations, but caused death ‘with intent’⁹⁶ and were punished accordingly. Such a legal doctrine might seem almost comically archaic now, although it was only abolished in England in 1847, but the doctrine that the state may take legal action against an object itself, rather than the owner, because the object itself is the guilty party, persists. As recently as 1974, the US Supreme Court upheld the forfeiture of a yacht, making explicit reference to the law of the deodand,⁹⁷ and in the 1996 *Bennis* case, the same Court upheld the forfeiture of a car,⁹⁸ which the lower court had made on the basis that the innocence of the owner was beside the point, as ‘the property subject to forfeiture was the evil sought to be remedied.’⁹⁹

⁸⁹ Winner (n 14) 122.

⁹⁰ Friedrich Engels, ‘On Authority’ in Robert C. Tucker, (ed) *The Marx Engels Reader* (2nd ed W.W. Norton, 1978) 731.

⁹¹ Engels *Ibid* 731. But, in contradiction to Engels, see Karl Marx, *Capital*, Volume 1 as discussed in Winner (n 14) 129 – 130.

⁹² Tallgren x.

⁹³ Tallgren.

⁹⁴ See William Blackstone, *Commentaries on the Laws of England, in Four Books*, ‘Book 1, The Rights’, Ch 8, XVI. See also Colin Dayan, *The Law is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton UP 2011) 127 – 28.

⁹⁵ See for eg Blackstone, *Ibid*, William Pietz ‘Death of the Deodand: Accursed Objects and the Money Value of Human Life’ (1997) 31 *RES: Anthropology and Aesthetics* 97; Dayan (n 94) 127; Walter W. Hyde, ‘The Prosecution and Punishment of Animals and Lifeless Things in the Middle Ages and Modern Times’ (1916) 64 *U Pennsylvania Law Review* 696; Paul Schiff Berman ‘An Anthropological Approach to Modern Forfeiture Law: The Symbolic Function of Legal Actions Against Objects’ (1999) 11 *Yale Journal of Law and the Humanities* 1, esp Part II.

⁹⁶ Dayan (n 94) 127.

⁹⁷ *Calero-Toledo v Pearson Yacht Leasing*, 416 US 663, 680-82 (1974) USSC.

⁹⁸ *Bennis v Michigan* 516 US 442 (1996) USSC.

⁹⁹ *Michigan v Bennis* 527 N.W.2d at 493-49.

Attributing will to objects may well seem childlike and naïve in the hard-nosed world of international law, where lawyers burn the midnight oil drafting hard-fought amendments to climate change protocols and advising governments on the legality of proposed foreign air strikes. And attributing agency to objects can be problematic if and when it allows decision makers to disclaim responsibility: ‘it wasn’t me, it was the drone.’ ‘If carbon is the agent, then what has government policy got to do with it?’ But the question of whether things have politics, inherent characteristics of good or evil, democracy or despotism, or even will does prompt us to ask whether, ‘there might exist many metaphysical shades between full causality and sheer inexistence.’¹⁰⁰ It also forces us to look again at the things, entities and humans to which we have attributed agency or personhood, and, asks us to re-evaluate, as Natasha Wheatley puts it, ‘the conceptual mechanisms’ through which new subjects can be ‘birthed’ into international law.¹⁰¹

Asking this question opens up the possibility of deeper and more accurate understandings of how international law works in the world. To take once more international law’s cardinal subject, the state, we can ask how this entity took on full personality, and remains the subject against which other entities – individuals, categories of humans (such as refugees), territories not quite reaching statehood – are measured and found incomplete or lacking.¹⁰² We might, further, consider how the state, in embodying this perfect personhood, is at the same time sapped of its vitality and left as a dead entity. Wheatley argues that the state in international law is ‘the archetypal dead metaphor’ because we have become so inured to the lively illusions and sensuous forces that support that metaphor of personhood.¹⁰³ Taking objects and their vital forces – their lives – as a serious starting point might enable us to reanimate our dead and breathe life into old bodies, whose existence has been sapped of vitality and whose once vibrant explanatory force now drags behind us like the chain of Marley’s Ghost.¹⁰⁴

Even if objects are in some sense alive – vital actants that are parts of assemblages and networks and demonstrate that human beings do not have a monopoly on action - it is another thing altogether to give agency or vitality to international law as a whole. Yet in many of our chapters, international law does appear to have, or is described as itself possessing, some kind of agency or will.

In the chapter on Breton Road Signs, for instance, the author argues that questions about officially recognised language are ‘positioned as prior to, and outside the scope of, legal consideration. This precludes international law from recognising the political nature of language disputes, and engaging with the different injustices associated with language use in this context.’¹⁰⁵ Or, in the case of opium I note that I have written: ‘international law structures opportunities for intervention through its own doctrines, obscuring power’s play behind the use of clear and objective rules.’¹⁰⁶

¹⁰⁰ Latour, *Reassembling the Social* (n 10) 72.

¹⁰¹ Natasha Wheatley ‘Spectral Legal Personality in Interwar International Law: On New Ways of Not Being a State’ (2017) 35(3) *Law and History Review* 5.

¹⁰² *Ibid.*

¹⁰³ *Ibid.* 13. On the important role and capacity of metaphor to surprise, and to compel us to slow down our thinking, see Maks Del Mar, ‘Metaphor in International Law: Language, Imagination and Normative Inquiry’ (2017) 86 *Nordic Journal of International Law* 170 esp. 175 and 181.

¹⁰⁴ Charles Dickens, *A Christmas Carol in Prose: Being A Ghost-Story of Christmas* (Chapman and Hall 1843).

¹⁰⁵ Mowbray, this vol, X.

¹⁰⁶ Hohmann this volume X.

Does international law have an agency in precluding, or in structuring? Or is there something about the structure of international law that precludes? Or is it about the actors behind international law? It is significant, and not accidental, that many authors in this volume speak of international law in this way. To speak as if international law has a will and intent subjectifies and personifies international law— anthropomorphising it. Yet we know that to do this simultaneously objectifies or reifies international law, as though it were a bounded entity that can be found out there in the world, with certain edges already established and confirmed. This simultaneous objectification/subjectification can be problematic. Still, considering international law as an assemblage, made up of agentive characters as diverse as ‘clocks, queues, bicycles, badges, cell phones, internet portals, simultaneous translation, [and] NGO fact sheets’ among others,¹⁰⁷ can help us to ask questions about how international law works, and even, what international law is.¹⁰⁸ Where is its agency to be found? What motivates it? These questions may not, in the end, elide issues of responsibility, but may instead help us to see in new ways the structural frameworks within which decisions seem possible or impossible, and outcomes seem predetermined or, on the other hand, unimaginable.

Conclusion

In the sections above, I have sketched out the ways that this edited volume helps to bring international law to life, through paying attention to the lives of objects.

First, looking at international law through objects, whether the passport or a postcard from the International Criminal Tribunal for Yugoslavia,¹⁰⁹ reminds us that international law is deeply implicated in people’s everyday lives. Second, tracing the social lives and biographies of objects – such as ships’ ballast or the *chicotte*,¹¹⁰ helps us to reveal their secret lives and histories, both within and beyond international law. Third, we can also, and perhaps most radically, see the vitality and agency of objects: a canoe, a gavel, as well as the hungry papershredder,¹¹¹ seem themselves to come to life and to act in and on international law and legal relationships. Thinking through objects can compel us to think through different metaphors and express ourselves in different idioms. We free ourselves to imagine the world over different timescales and to inhabit different spaces with objects. And, perhaps most importantly, we discipline ourselves to bring international law back to the concrete implications of the lived experience of it. Throughout, tracing the lives of objects allows us – even forces us – to ask questions about agency, will and intention. Who and what makes up international law, motivates or acts in service of it? In what way are objects and subjects mutually constituted? Such an analysis also prompts us to raise important questions about how international law takes on its own life, what it is as an entity, and where its own agency might lie.

¹⁰⁷ See Jane K. Cowan, ‘The Universal Periodic Review as a Public Audit Ritual: An Anthropological Perspective on Emerging Practices in the Global Governance of Human Rights’ in Hilary Charlesworth and Emma Larking (eds) *Human Rights and the Universal Periodic Review: Rituals and Ritualism* (CUP 2015) 45.

¹⁰⁸ Ibid.

¹⁰⁹ See Julia Dehm, Sophie Rigney this vol, respectively.

¹¹⁰ Buckner-Iniss and Martineau, respectively.

¹¹¹ Buchanan and Hewitt Treaty Canoe, Parker Gavel, Tallgren (n x).

The aim in bringing objects to life is to enliven international law, and enliven international lawyers. By pushing at the edges of our discipline, and asking us to reconsider the way we categorise objects and subjects, the animate and the inanimate, the living and the non-living we can see international law in new ways. In doing so, we can enliven old debates, and animate new ones.