



Call for Papers (CfP)

## In Whose Name? On the Legitimacy of International Adjudication

### Agora Proposal for the ESIL Annual Conference

“The Judicialization of International Law - A Mixed Blessing?”

Oslo, 10–12 September 2015

In whose name do courts decide? Many *domestic* courts provide an answer in the opening words of their decisions. They routinely evoke the source of their legitimacy right at the start. When it comes to *international* courts and tribunals, we find nothing comparable. International courts and tribunals do not say in whose name they speak the law. What is the source of their legitimacy?

Answers may vary: Understood as instruments in the hands of disputing states, international courts and tribunals speak “In the Name of the Parties”. As organs of the value-based international community, they decide in “In the Name of the Community”. As regime institutions in an interdependent world, they tend to decide “In the Name of the Regime”. Besides, there may also be compromise formulas, such as “In the Name of the International Community of States”. Understood, finally, as multifunctional actors who exercise public authority, international courts and tribunals might speak “In the Name of Peoples and Citizens”. Which answer is compelling? Which other formulas are plausible and possibly preferable?

The normative assessment of the judicialization of international law, we submit, may find profound guidance from the question in whose name international courts and tribunals decide. The question cuts to the core of inquiries into legitimacy. We invite paper proposals that set out to fill the void at the beginning of international judicial decisions. What is the source of legitimacy of international adjudication? We invite any critique or comparison of different answers, or even a critique of the question itself.

With the help of this CfP, we wish to form a proposal for an agora at the ESIL Annual Conference in Oslo. **Hélène Ruiz Fabri** (MPI Luxembourg & Université de la Sorbonne) would act as the agora’s Chair. For more information about the ESIL Annual Conference 2015, see <http://www.esil-sedi.eu/>. Proposals for papers can be submitted either in English or French.

Please submit your paper proposal of less than 800 words and a CV (including your affiliation and contact information) to [esilpanel2015@mpil.de](mailto:esilpanel2015@mpil.de). The deadline is **15 January 2015**. The Max Planck Institute for Comparative Public Law and International Law will cover participants’ customary expenses for travel- and accommodation. Submissions will receive a response by 22 January.

*Armin von Bogdandy & Ingo Venzke*