



**FRIEDRICH-SCHILLER-  
UNIVERSITÄT  
JENA**

**IMRE KERTÉSZ KOLLEG JENA**  
Europas Osten im 20. Jahrhundert. Historische Erfahrungen im Vergleich  
**IL&LIBERAL**

**Workshop**

*From the Margins of Empire:*

*Central & Eastern European and Latin American Prosopographies of International Law*

Jena, Germany – May 27, 2024

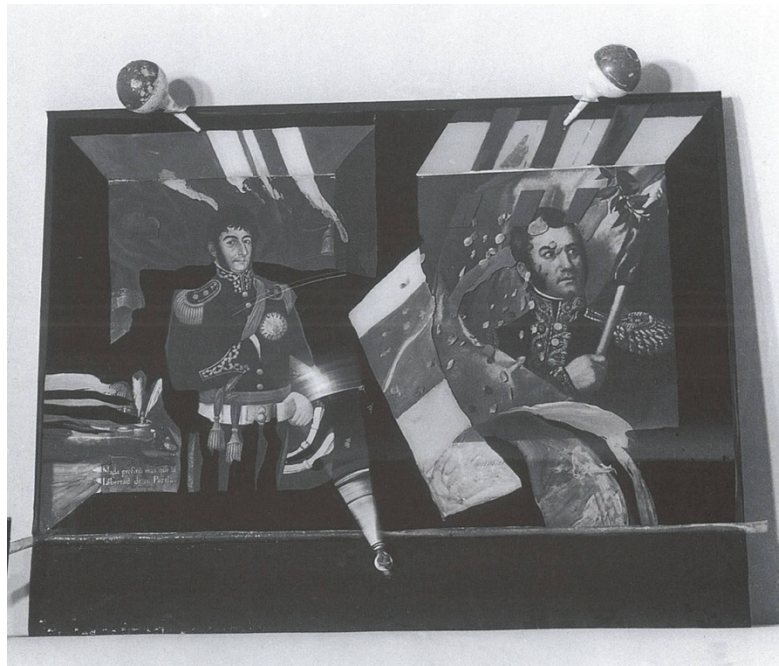
Friedrich Schiller University Jena

*Konferenzsaal des Kollegs (am Planetarium 7)*

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Workshop convened by Alejandro Rodiles Bretón, Jakub Szumski, and Daniel R. Quiroga-Villamarín

If you would like to attend, please register by writing to [daniel.quiroga@graduateinstitute.ch](mailto:daniel.quiroga@graduateinstitute.ch)



- Lea Lublin, *Recuerdo histórico bajo limpiaparabrisas* (1965).

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| 09:30-09:45 | <p>“Banana Republics: Locating the United Fruit Company in the History of International Law and Empire”</p> <p>- Sué González Hauck (<i>Helmut-Schmidt-Universität</i>)</p>   |
| 09:45-10:00 | <p>“When Non-Mainstream Western Scholars Influenced the Soviet (International) Law: the case of Alejandro Alvarez and Carl Schmitt”</p> <p>- Artur Simonyan (<i>University of Tartu &amp; KFG Potsdam/Berlin</i>)</p> |

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| 10:00-10:15 | “Law as an Obstacle to Social Change? Rereading Eduardo Novoa Monreal into a Latin American ‘Law and Political Economy’ Tradition”<br>- Daniel R. Quiroga-Villamarín ( <i>Geneva Graduate Institute &amp; MPI Halle</i> ) |
| 10:15-10:30 | “Cold War Eurocentrism from the Margins? Krzysztof Skubiszewski and East-Central Europe’s Encounters with the Global South”<br>- Jakub Szumski ( <i>Imre Kertész Kolleg, Friedrich Schiller University Jena</i> )         |
| 10:30-11:30 | Discussion<br>- Led and moderated by Alejandro Rodiles Bretón ( <i>Rechtswissenschaftliche Fakultät, Friedrich Schiller University Jena</i> ) & Steffi Marung ( <i>Universität Leipzig</i> )                              |
| 11:30-11:40 | Closing remarks and steps forward   |

Abstracts:

1. Daniel R. Quiroga-Villamarín

For audiences in Chile, Latin America, and beyond, the work of Eduardo Novoa Monreal has remained a relatively unexplored resource for legal theory. With this in mind, in this article I reread his book *Law as an Obstacle to Social Change* (originally published in 1975 as *El Derecho como Obstáculo al Cambio Social*) into a Latin American tradition of ‘Law & Political Economy’ scholarship *avant la lettre*. This monograph, written shortly after the fall of Allende in 1973 pushed Novoa Monreal into exile, engages head on with the promises and limits of the law for social transformation. Due to Novoa Monreal’s position as a legal advisor involved in Chile’s nationalization of the copper industry, his book offers important resources to those involved in contemporaries struggles for social justice —battles for which the law, as this author noted, sometimes seems to be more of an obstacle than a beneficial instrument.

2. Artur Simonyan

In 1924, the first comprehensive study by Evgeni Korovin, "International law of transitional period," was published in Moscow, marking the new beginning of the development of Soviet international law as an antithesis to Western-bourgeois conception. As the Bolshevik revolution, to some extent, was a spontaneous juggernaut, before 1924, there was no literature developed either specifically for Soviet international law or Soviet legal theory generally. Marx and Lenin, as well as other theoreticians of socialism, sporadically engaged with international law if they did. There was a need to find sources of motivation and an intellectual foundation to construct a new concept of international law outside the established Marxist-Leninist dogmatism, yet it used to be one that would first not go against that very dogmatism but would also challenge the Eurocentric patterns of international law? In this paper, I will argue that in their initial deliberations, soviet scholars inherently used non-Soviet legal scholar's ideas and thoughts. However, even if these scholars almost always represented Western states, they had

been considered non-mainstream scholars in Western scholarship. This paper, accordingly, examines two such figures, Carl Schmitt and Alejandro Alvarez, and their indirect impact on the development of Soviet (international) law. Alvarez's idea of regional (American) international law directly influenced the Soviet concept of international law in the early 1920s, while Schmitt, a Nazi Kronjurist, became relevant in the post-Second World War period during the reconstruction of the Soviet *grossraum*, although Soviet international law scholars never directly referred to his scholarship.

### 3. Sué González Hauck

This contribution highlights the importance of retelling the story of *the massacre de las bananeras* as an international law story, thereby locating the central agent in the events leading up to this massacre, the United Fruit Company (UFC) in the history of international law. The UFC was a central agent both in generating the grievances that led to the strike and in exerting pressure on the Colombian government to end the strike with military force. Through the story of the massacre, it is therefore possible to appreciate why and how the UFC needs to be studied more closely by international legal scholars. The contribution begins by exploring the UFC's place in the history of international law through a TWAIL feminist analysis of how the public-private divide enabled it to exercise significant public power under the guise of the 'corporate veil'. This is part of an ongoing research project, which interrogates the critical tension of law (as mobilised by both the workers and UFC) as generative of 'anti-imperial/anti-capitalist international-law relevant norms and practices', as Vasuki Nesiiah encourages us to explore in the quest of developing an account of insurgent jurisprudential traditions.

### 4. Jakub Szumski

Does East-Central Europe perpetuate Eurocentrism in international law and is therefore unable to appreciate its perspectives from the Global South? This paper explores this question historically through the biography of Polish lawyer and statesman Krzysztof Skubiszewski (1926-2010) and his encounters with different forms of international thinking.

During the Cold War, Skubiszewski showed major scepticism toward the ambitions of the decolonized world and elevated formal equality of states and an undifferentiated concept of sovereignty. Paradoxically, it was during the 1990s, usually identified with the era of liberal triumphalism, that he began to engage with the Third World critiques of the global international order.

This paper shows how the rise of the Global South was one of many challenges and political projects to be reckoned with in the region (nationalism, socialism, liberalism). Moreover, despite East-Central Europe's insecure position in the West, the more traditional attitudes in international law became dominant after 1989.