

Call for Papers: Is Customary International Law a Dancefloor?

International Community Law Review Journal

In 2014 Jean D'Aspremont in two blogs on EJIL Talk! commented on and analysed a phenomenon which he termed as ‘ [Customary International Law as a Dance Floor](https://www.ejiltalk.org/customary-international-law-as-a-dance-floor-part-i/)

<https://www.ejiltalk.org/customary-international-law-as-a-dance-floor-part-i/> (part I) and

<https://www.ejiltalk.org/customary-international-law-as-a-dance-floor-part-i/> (part II)

While commending the self-restraint of the ILC Special Rapporteur on the identification of customary international law, he argued that the work of the ILC:

‘...on the identification of customary international law has laid bare the prodigious emancipatory fervour at work outside the *Palais des Nations*. Particularly remarkable is the widespread presupposition that, in order to allow customary international law to serve the various [agendas](#) of ambitious 21st century international lawyers, one can simply toss out some of the elementary constraints around which the 20th century modern theory of customary international law had been shaped.

‘... the emancipation from the traditional theory of customary international law at play in international legal scholarship, and unveiled by the current work of the ILC, is perplexing. This is certainly *not* because the traditional and modern theory of customary law should be redeemed. The inconsistency and deceitfulness of customary international law have long been proven. It is even astounding that such a frail gospel has been able to survive for so long. What is perplexing is that international lawyers may currently be replacing the duplicitous prison of customary international law with a dance floor where (almost) anything goes while still believing that this uncomplicated discourse-production technique can serve all their – sometimes extravagant – ambitions. It is contended in the following observations that this argumentative freedom is not only bound to be short-lived but may also end up depriving international lawyers of what has so far been a surprisingly useful discursive technique to create authority and make demands of the world’.

We are inviting articles commenting on this statement for the Special Issue of the *International Community Law Review Journal*, taking into consideration practice of states, judicial decisions and scholarly views.

The *Journal* calls for submission of abstracts not exceeding 500 words on the issues described above, or related areas of interest, no later than 15 December 2018. After the abstracts are reviewed, in early January the Editorial Committee will invite a number of contributors to submit full papers of no more than 15, 000 words (including an abstract and footnotes) by 31 March 2019. All papers submitted to the *Journal* are subject to its double-blind peer-review policy.

It is expected that the special issue will be published in the *Journal* in its third issue of the year in August 2019. For questions and further information, including on the *Journal*'s style requirements, please contact the Managing Editor at: k.l.allinson@qmul.ac.uk

