



Humanisation and Dehumanisation in International Law

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A. Humanisation: Concept and consequences

1. The human rights effect
2. Direct international individual duties
3. Beyond human rights
4. The imbuement of all international law with human rights as a reinforcer or counterforce

B. Examples

I. Law surrounding armed conflict

1. Ius contra bellum
2. Ius in bello
3. Dehumanisation

II. International climate law

Human rights-based climate litigation

C. Assessment

1. Western imposition?
Response: Integrating philosophies of all world regions
2. Human rights proliferation and overreach
Response: Avoid overburdening the concept of human rights → “ordinary” rights
3. Deconstruction of the “self”
Response: Necessary legal fiction
4. Neglect of duties towards the community
Response: Bringing duties and responsibilities back the picture
5. Neoliberalism
Response: A more social international law
6. Neo-colonialism
Response: Decolonising humanisation

7. Undue anthropocentrism facing ecologic catastrophe

Response: Greening humanisation and more-than-human international law

Conclusions

‘Entangled humanism’ that is equivalent to a ‘human-inclusive eco-centrism’.

Situated individualism that reintegrates the individual into collective communities and into natural systems.

Components of a post-liberal humanisation:

- Operationalisation of international socio-economic rights, especially across borders
- States as ‘trustees of humanity’
- The international principle of transnational solidarity for humans across borders
- Holding transnational business actors accountable for human rights abuses.

Giving up on the human (be it in favour of a new Statism or towards the legal subject’s dissolution into ‘networks’, ‘ligatures’, ‘matter’) would mean to leave behind all those members of the human population for whom the era of ‘humanisation’ has barely begun.

Key literature

Irus Braverman, ‘Law’s Underdog: A Call for More-than-Human Legalities’, *Annual Review of Law and Social Science* 14 (2018), 127-144

Anne Peters, ‘The Importance of Having Rights’, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht/Heidelberg Journal of International Law* 81 (2021), 7-22.

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Marie-Catherine Petersmann, ‘Life Beyond the Law – From the “Living Constitution” to the “Constitution of the Living”’, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht/Heidelberg Journal of International Law* 82 (2022), 769-799

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Tom Sparks and Anne Peters (eds), *The Individual in International Law: History and Theory* (Oxford UP 2024)

Ukri Soirilia, *The Law of Humanity Project: A Story of International Law Reform and State-Making* (Oxford: Hart 2023)

Jens Theilen, ‘Inflation of Human Rights: A Deconstruction’, *Leiden Journal of International Law* 34 (2021), 831-854

Jennifer Welsh, Dapo Akande, and David Rodin (eds), *The Individualization of War: Rights, Liability, and Accountability in Contemporary Armed Conflict* (Oxford: OUP 2023)