



GUEST WORKSHOP ON LEGAL HISTORIOGRAPHY

ABSTRACTS



Omer Aloni (Tel-Aviv University)

Triangles of International Law: States, non-states actors and international institutions – a comparative study of the League of Nations

For almost half of a century, the archives of the League of Nations in Geneva kept nearly abandoned and overlooked by historians. Geneva's reputation as the failure capital of early internationalism led scholars to focus on other institutions of the interwar period. However, the fall of the Soviet Empire, reconstruction of Europe and global challenges at the dawn of the new historical era revived the study of the League, which now stands at the heart of an intensifying renaissance.

Only in recent years historical study of the League has flourished, spawning new perspectives and calling into questions long-held beliefs regarding this institution. Many of these studies explore questions regarding the centrality and importance of the League in the first half of the 20th century, while additional studies have examined the League's influence on the international arena also beyond 1945 and the establishment of the League's successor, the United Nations. However, it seems that only today, and after long decades of harsh historiography, has a more positive view of the League emerged, illuminated with bright new perspectives – in an obvious contrast to the dimmer view taken of it for almost half of a century.

My study joins the current renaissance in the studies of the League from a legal history perspective and extends its reach. Its main purpose is exploring the ways in which the League, as a first of its kind institution, served as a forum for different players – states, agencies and non-state actors – which identified the League as an opportunity with which they can become involved in crafting international law, diplomacy and international governance.

My archival research reveals some surprising ideas on the unique role taken by different NGOs and civil society groups in a list of concerns and challenges. As a matter of fact, in some cases, these agencies were the first which turned to the League as an institution: either for rescue (of refugees from all across Central and Eastern Europe, for example; or of victims of women trafficking in Latin America), or for promoting their own agenda (advocating, for instance, for nature protection and against the pollution of the sea by oil). In many of the cases I am comparing, these were NGOs which initiated the international involvement of the League in a variety of missions which aimed to find solutions for different discussed problems. Moreover, and from a legal perspective, at least some of these non-state actors have turned to the League in order to overcome domestic and national barriers, as they identified the new possibilities the League could have offered for their political cause.



Álvaro Caso Bello (Johns Hopkins University)

“Legal” and “Political” Representation in the Early-Modern Hispanic World: Historical and Historiographical Entanglements

The study of the relations between “legal” and “political” representation has elicited attention among scholars. Political historians and legal scholars have been keen on reconstructing how legal instruments created relations of representation taking place at political bodies. In the mid-1950s Joseph Costanzo published a two-part article in the *Fordham Law Review*. In his essay, Costanzo made the case for the “juridic origins” of “representation.” The argument reconstructed the trajectory of representation from the Roman *mandatum*, to Episcopal assemblies in England during the middle ages to the English parliament—and there, by proxy, to the United States. Costanzo's article relied on medievalist historians such as Gaines Post who had explored the transfer of “*plena potestas*” as key to understanding representation taking place in territorial assemblies. A similar trajectory has been proposed by Spanish historians such as Salustiano de Dios. De Dios explored the instruments that, by the transfer of “*plena potestas*” enacted relations of representation between cities and their representatives in Castilian and Spanish parliaments. In this presentation, I will propose some entanglements, both historical and historiographical, between “legal” and “political” representation in the eighteenth century Hispanic world.



Michele McArdle Stephens (West Virginia University)

Criminal Women in Yucatán, 1910-1960

This paper examines women's litigation in pre- and early post-Revolutionary Mexico, specifically focusing on the towns surrounding the city of Mérida, Yucatán. During the first decades of the twentieth century, women participated in the legal system in Mexico in a number of ways that I am exploring in a new book-length project. Women appear in the legal record of Mérida as victims of bodily violence (murder, rape, and assault); they were perpetrators of crimes such as robbery, assault, and occasionally murder; and they sought justice for their children who had experienced some degree of violence.

For this symposium, I intend to demonstrate the intersectionality of women, class, and ethnicity in my examination of mothers and the law. Two of the three women who will serve as the focal point for this were mothers who petitioned the courts for assistance against individuals who maimed, violated, or murdered their children. The other woman sought justice against an assailant who had sexually assaulted her. In all instances under investigation, the women who filed suits in Mérida's courts did so despite the presence of their husbands. In some of these criminal proceedings, the women in question, as well as the perpetrators and witnesses, were Yucatec Maya in origin; while in others, ethnic background is difficult to determine. The economic status of the involved parties also varied in the three cases. Through an exploration of the criminal files in question, I intend to explore how ethnicity, gender, and class may have influenced Mexican legal authorities in their treatment of victims, assailants, and witnesses.