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The Interwar Otherwise: Rewriting Liberal Histories of International Law

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Abstract

This article critically examines the mainstream international legal narrative of the interwar period, arguing that it functions not as a neutral recounting of the past but as a strategic intervention that governs the present. The conventional story—centered on collective security, codification of restraints on war, the mandates system, and minority protection—is shown to be a distinctly liberal construction. It presumes a liberal concept of law and treats peace and security as law's natural horizon, thereby sidelining the era's competing legalities: economic ordering and technocracy, racialized governance and imperial extraction, social rights internationalism and labor constitutionalism, emergency as a legal technology, and administrative internationalism across finance, health, and trade. In this sense, the interwar as conventionally narrated is largely a self-description of liberal legalism, not a transparent periodization.The article advances two claims. First, that this narrative framing narrows what counts as international legality and naturalizes particular institutional forms. Second, that in 2025—amid fraying constitutional democratic orders, notably in parts of the Global North—we must reinvent our narratives. This means foregrounding legal architectures that structured social conflict and authority beyond the security frame: debt, trade, and resource governance; race and empire within international administration; emergency and technocratic expertise; and rival internationalisms. Rewriting the interwar is not antiquarian labor but a practical intervention to enable the strategic work of history in constituting the horizon of the possible.

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Introduction

The period we call the interwar – those years bracketed, somewhat artificially, between the catastrophe of 1914–18 and the conflagration of 1939–45 – holds a privileged place in the international legal imagination. It is habitually portrayed as both laboratory and parable: the birth of collective security, the codification of restraints on war, the mandates system, minority protection, and a renewed faith in institutionalism; and simultaneously, the scene of failure whose denouement is taken to justify the post1945 settlement. My starting point in this article is deliberately simple: stories about the interwar do not merely recount the past but govern the present. The writing, production, organization, narration, periodization, whitewashing, and silencing of the interwar are techniques that fabricate necessities for the present under the guise of retrospection. Choices about which events to highlight, which actors to render visible, which causalities to trace, and which silences to preserve are strategic –not benign– and they are routinely pressed into the service of what we wish to achieve now. This is as true of the interwar as of any other period. There is no single interwar with a fixed meaning across space and time. There are many interwars, each the product of a narrative decision that aligns with an agenda, a paradigm, or a perceived necessity in the present. Whether cast around collective security, imperial administration, economic ordering, racial governance, or social internationalism, each narration about the interwar is a strategic intervention.

Against this backdrop, the article advances two claims. First, it argues that the mainstream interwar story told by international lawyers is a distinctly liberal construction. It presumes a liberal concept of law and, under that description, treats peace and security as law's natural horizon: the right to wage war and its renunciation, arms control, the prohibition on the use of force, and the administration of colonial territories under mandates become the period's defining legal problems. This is not a benign selection. It privileges juridified order – collective security, codification, institutionalism – and sidelines the era's competing legalities: economic ordering and technocracy, racialized governance and imperial extraction, social rights internationalism and labor constitutionalism, emergency as a legal technology, and administrative internationalism across finance, health, and trade. In this sense, the interwar, as conventionally narrated, is largely a self-description of liberal legalism and not a transparent periodization. One can glimpse both the aspiration and the limits of that selfdescription in contemporaneous and canonical texts that either naturalize law's civilizing vocation or rationalize institutional legality, as well as in critical accounts that reveal the intimate entanglement of interwar legality with imperial governance.

The second claim follows from the first and speaks directly to the present. In 2025, as constitutionaldemocratic orders fray – strikingly in parts of the Global North – we cannot afford to keep telling the interwar story only in the binary terms of peace versus war and innovation versus failure. Those binaries anesthetize critique precisely when it is most needed. To unlock the interwar's critical potential, we must reinvent our narratives. This means foregrounding legal architectures that structured social conflict and authority beyond the familiar security frame: the governance of debt, trade, and resources; the juridical life of race and empire within international administration; the legal forms of emergency and

technocratic expertise; and the rival internationalisms that imagined solidaristic orders at odds with liberal institutionalism. Such reframing does not deny that security questions mattered; it insists that the period's legal imagination was wider, more conflicted, and more instructive for a time of authoritarian drift and institutional fatigue. On this view, rewriting the interwar is not antiquarian labor. It is a practical intervention meant to enable the strategic work of history in constituting the horizon of the possible.

The discussion proceeds as follows. It first reconstructs how a liberal concept of law organized the canonical interwar narrative around collective security, jus ad bellum, arms control, and the mandates system, showing how this framing narrowed the spectrum of what counted as international legality and naturalized particular institutional forms (1). It then develops alternative narrative repertoires – economic and administrative internationalism; imperial and racial governance; socialrights and labor internationalism; and emergency legality – and demonstrates their relevance for a present marked by democratic erosion, technocratic consolidation, and renewed geopolitics (2). The conclusion sheds light on the normative payoffs of narrative reinvention for international legal scholarship and practice, including its implications for method, institutional design, and the cultivation of a critical vocabulary adequate to the times (3).

1. The Dominant Liberal History of the Interwar Period

The interwar period can be narrated in many ways, yet international legal scholarship has long preferred a relatively narrow itinerary through which its meaning is stabilized: peace and security, war and peace, dispute settlement and preventive diplomacy, arms regulation, and the administrative management of mandates. This mainstream and very pervasive narration foregrounds the League of Nations, the prohibition on the use of force, the efficacy of nascent judicial and arbitral mechanisms, the arms trade and disarmament conferences, and the mandate system as the principal theaters of interwar legality. What recedes, almost by design, are the histories of non-state actors, informal normative orders that governed practice far from Geneva and The Hague, customary interactions among diverse peoples, labor and class movements, women's juridical and political interventions, indigenous and anticolonial modalities of authority, and actors from the Global South crafting legal vocabularies amid imperial constraint. In such a historiographical landscape, "peace and security all the way" functions less as a descriptive platitude than as an epistemic program. My claim is that this dominant way of writing the interwar period does not merely select a topic. It performs a liberal concept of international law that structures what counts as law, who counts as a legal subject, what counts as violence, and how progress is to be measured.

By liberal legalism I mean something at once ordinary and compelling: a modern, Enlightenment-inherited mode of thinking about law that has become so familiar as to be invisible. It is a style of reason that casts institutional orders along the lines of an original contract. It centers the autonomous subject and, by extension, anthropomorphizes the state as a consenting self. It articulates a strict distinction between law and politics. It opposes law to violence. It prefers institutional form over other political organizations. It gives discursive

primacy to scientific vocabularies and to the aspiration that the study of law be rendered scientific; and it equates law and institution with progress. This ensemble has been compellingly contested by critical scholarship over the past decades[1] as well as repudiated by Soviet international legal thought.[2] Yet the style persists, surviving critique in the very place where critique expects to be most consequential: the writing of international legal history, where the liberal concept continues to supply the grammar through which the interwar remains legible.

Within history-writing, this liberal concept translates into a series of discursive postures. It trusts that history can be immunized from normative agendas, as if narration were a-strategic and the historian a neutral conduit; it prizes contextualism understood as a prophylaxis against presentism and anachronism; it sustains progress narratives; it privileges scientific and empirical modes of inquiry for establishing past facts; it affirms the possibility of tracing causalities objectively; and it is drawn, almost magnetically, to the state and to global institutions as the natural protagonists of the story.[3] The result is that both domestic and international histories become histories of public law, staged within a linear temporality punctuated by institutional events, i.e. treaties signed, organizations created, wars commenced or concluded. This discursive posture is hardly a trivial matter of style. It conditions what we can see of the interwar and what we cannot. Liberal legalism, in this sense, is not merely a set of propositions; it is an infrastructure of intelligibility.[4]

The interwar archive as usually curated exemplifies the point. Narratives are built around the League of Nations, its covenantal architecture, its collective security mechanism, its procedural experiments, and its institutional failures. They dwell on the legal status of the use of force, the right to wage war, the traction of dispute settlement, and the successes and disappointments of disarmament. Mandates appear as laboratories of international administration and as techniques for managing colonial territories. Occasionally, the literature casts a broader net and engages with treaty implementation, minority protection, codification efforts, the International Labour Organization as a site for regulating industrial conditions, etc. But these remain marginal footpaths beside the boulevard of peace and security. The historiographic pattern is replicated in today's scholarship as well as in the programming of workshops and conferences: the chief questions continue to be war, peace, and institutionality. This is not a random or common-sense selection. It is a liberal one.

In fact, if we peel back the surface of these familiar narratives, we find the conceptual architecture of liberal legalism at work. First, an interwar centered on Versailles and Geneva can be read as a social contract moment in international life. Much as Westphalia has been

1 Martti Koskenniemi, From Apology to Utopia: The Structure of International Legal Argument (Cambridge University Press 2005); D. Kennedy, The Dark Sides of Virtue: Reassessing International Humanitarianism (Princeton University Press 2004); Susan Marks, The Riddle of All Constitutions: International Law, Democracy, and the Critique of Ideology (Oxford University Press 2000); China Miéville, Between Equal Rights: A Marxist Theory of International Law (Brill 2005).

2 Mälksoo, Russian Approaches to International Law (Oxford University Press, 2015), chapters 2–3; see also Mälksoo, "The History of International Legal Theory in Russia", in Orford and Hoffmann (eds), The Oxford Handbook of the Theory of International Law (Oxford University Press, 2016), pp 475–493.

3 On the centrality of international organizations in international legal thought, see J d'Aspremont, 'The Love for International Organizations' (2023) 20 International Organizations Law Review 111.

4 Koskenniemi, "Histories of International Law: Dealing with Eurocentrism", Rechtsgeschichte – Legal History, 19, 2011, pp. 152–176; Koskenniemi, To the Uttermost Parts of the Earth: Legal Imagination and International Power 1300–1870, Cambridge University Press, 2021, esp. Introduction.

retroactively cast as a founding compact. Versailles similarly functions as a juridical covenant in which sovereigns, modeled as consenting agents, institute an order designed to overcome the "state of nature" of interstate war.[1] In the same vein, the state is anthropomorphized as a subject capable of will and obligation; consent becomes the basis of obligation; institution-building appears as the rational implementation of a collective will for peace.[2] Second, the narrative rests on a strict distinction between law and politics. Law is imagined as the apolitical counter to the "return of power politics", and the professional discipline through which violence can be domesticated and managed. Third, the narrative requires a sharp opposition between law and violence. War appears as the negation of law, while law appears as the negation of war. Fourth, the narrative venerates institutions – councils, assemblies, secretariats, courts – as the privileged vehicles of rational governance, translating moral aspiration into procedural reason. And fifth, it treats law's discursivity as scientific: objective fact-finding, neutral expertise, technical correction. In all this, the interwar becomes a parable of modernity: more law, more institutions, more peace, more progress.

It is probably in its stories of failure and innovation that populate interwar historiography displays its liberal modernity with greatest clarity. As I have tried to show elsewhere, a efficacious discursive sequence structures much of the literature: a formally delimited past is established (the League as an episode with a beginning and an end), a failure is narrated as causal for the episode's demise (collective security does not work; institutional design is flawed), and formative merit is attributed to that very failure (the lessons learned become the foundation of a better present).[3] Experiment narratives thus reconcile discontinuity and continuity: an episode ends, yet its failure becomes productive, authorizing the present. In the specific case of the League, the story runs as follows: the League fails, its failure instructs, and the United Nations – especially the Security Council – emerges as the rational innovation that internalizes these lessons. The distinction between failure and innovation collapses into a single liberal progress narrative: failure is recoded as the laboratory for innovation; innovation is vindicated by its departure from failure.

The comfort of that circle depends, however, on sustaining a paradigmatic distinction at the heart of liberal thought – the distinction between law and violence. In interwar historiography, law and violence often appear as antitheses: law is the domain of normativity, reason, and institutional form; violence is the breakdown of normativity into force. But this antithesis is not descriptive; it is an articulation that organizes visibility. Critical and philosophical literatures have long taught that law does not oppose violence from the outside; it is entangled with it from within. From Walter Benjamin's discussion of law-making and law-preserving violence[4] to Michel Foucault's account of disciplinary and biopolitical power,[5] law is world-

1 On the contractarian imaginary see Duncan Kennedy, A Critique of Adjudication, Harvard University Press, 1997, pp. 3–35.

2 See J. d'Aspremont, "Consenting to International Law in Five Moves" in Samantha Besson (ed.), *Consent in International Law* (Cambridge University Press, 2023), 117-134

3 J. d'Aspremont, "The League of Nations and the Power of "Experiment Narratives" in International Institutional Law", 22 *International Community Law Review* (2020), 275-290.

4 Benjamin, "Critique of Violence", in Bullock and Jennings, eds., *Walter Benjamin: Selected Writings*, Harvard University Press, 1996, vol. 1, pp. 236–252.

5 M. Foucault, Society Must Be Defended (Picador, 1997), see esp. the lectures of 17 and 24 March 1976.

making, disciplinary, extractive; it shapes bodies and lands; it universalizes norms, determines the conditions of subjectivity, and orders the sensible. To say that law is also violence is not to collapse law into force, but to register that law's ordering dimension is historically mediated by coercion, exclusion, and material practices that are neither secondary nor accidental to legality. Once this is seen, the liberal antithesis of law and violence appears as a strategic forgetting, a decision about where to draw the line of intelligibility.[1]

The consequences for interwar historiography are immediate. If violence is identified primarily with inter-state war in Europe, and if peace is understood as the cessation of such war, then the permanence of colonial violence will not register as war and may not even register as violence. Peace in Europe and within imperial metropoles becomes the peace that enables imperial projects elsewhere. Violence in mandates and protectorates is juridified as administration, development, or guardianship; resistance is criminalized or pathologized; extraction is coded as economic cooperation. The liberal understanding of peace is thus an imperial peace.[2] It is the peace of the colonizers among themselves, a peace that maintains the conditions for the ongoing subjection of others. When interwar peace is narrated as the triumph of legal progress in Europe, these imperial grammars vanish into the background. [3]

To insist on this point is not to deny that the interwar period witnessed genuine experimentation in judicial forms, treaty-making, or social reform. It is to question the epistemic costs of allowing a liberal concept of law to police the boundary between law and violence and to shape our sense of what counted as "innovation". The International Labour Organization's interventions in labor standards, for instance, cannot be understood without the proletarian and syndicalist imaginaries that pressed from below, nor without the gendered economy of care and reproductive labor that remained invisible to public law.[4] Nor can the period's case law be grasped without the role of women jurists and activists who reworked the terms of publicity, authority, and rights beyond the state-centric lens.[5] In the same vein, indigenous legal orders and anticolonial claims articulated normative repertoires that are routinely excluded from narratives of peace and security but were central to the interwar's legal life.[6] To restore these trajectories is to provincialize liberal legalism and to diversify the archive of legality.

To foreground the liberal grammar at work is also to illuminate the philosophy of subjectivity that underwrites interwar historiography. The autonomous subject – transposed onto the state – permits a consent-based account of order: obligations are valid because they are consented to by entities modeled as free and equal. Critical traditions have long shown how this formal equality masks material hierarchies and exclusions. The social contract's

1 See also China Miéville, *Between Equal Rights: A Marxist Theory of International Law*. Leiden: Brill, 2005.

2 See J. d'Aspremont, "The Imperial Peacecraft of International Law", in Andrea Gattini (ed.), La pace: bene supremo del diritto internazionale e dell'unione europea (forthcoming, 2026). See also China Miéville, *Between Equal Rights: A Marxist Theory of International Law*. Leiden: Brill, 2005.

3 L. Benton, *A Search for Sovereignty*, Cambridge University Press, 2010, ch. 6; Orford, International Authority and the Responsibility to Protect, Cambridge University Press, 2011, ch. 1.

4 Silvia Federici, *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle* (PM Press, 2012)

5 Gina Heathcote, *Feminist Dialogues on International Law*, Oxford University Press, 2019, ch. 3; Karen Knop, *Diversity and Self-Determination in International Law*, Cambridge University Press, 2002, ch. 5.

6 Siba Grovogui, Beyond Eurocentrism and Anarchy, Palgrave, 2006, ch. 2; Antony Anghie, "Time, Colonialism, and the Critique of International Law", in Fassbender and Peters, eds., The Oxford Handbook of the History of International Law, Oxford University Press, 2012, pp. 1035–1057.

"state of nature" and its move to civil society are not descriptive of a universal history; they are normative fictions that displace race, gender, and class into the background of legality. In the interwar context, the "family of nations" framework rendered some polities capable of consenting and others only capable of being administered for their own good. Consent thus becomes the signature of civilization: those who can consent belong; those who cannot must be prepared for eventual belonging. Liberal legalism's emphasis on consent, then, sustains the state-centricity of interwar histories while naturalizing the exclusion of subaltern subjects whose normativity did not take the form of state consent.

None of this implies that contextualism, empiricism, or the reconstruction of causality must be abandoned. Rather, it suggests that the belief that these methods immunize history from politics is itself political.[1] Contexts must be chosen; facts must be selected; causal sequences must be assembled; and the very decision to center peace and security as the master problem of the interwar is a normative commitment. The choice of master narratives – whether human rights, peace, or security – shapes which pasts are rendered salient.[2] To provincialize peace and security as the exclusive lens is to open the archive to other master problematizations: work and reproduction; land and dispossession; racial capitalism and its juridical forms; indigenous jurisdiction and its suppression; the violence of borders and the administration of mobility; the aesthetics of order and the politics of expertise. Such a reorientation would not discard the League; it would re-situate it among many other interwars.

It follows that the persistence of this historiography in the twenty-first century is not an anachronism but an index of how liberal legalism endures as a scholarly common sense. The discipline's renewed interest in global history, in contextualism done with greater archival reach, and in "decentering Europe" sometimes leaves untouched the deeper liberal dichotomies of law/politics and law/violence and the social-contract metaphysic of the state. To write the interwar otherwise is not to abandon rigor; it is to redirect it. It is to accept that the archive is not only a repository of facts but a field of forces, and such a move is never innocent.

In sum, there are indeed many ways to narrate the interwar period, but the dominant mode – organized around peace and security, around war and its prevention, around the institutions that promised to tame violence – embodies a liberal concept of international law. That concept centers on consent and the anthropomorphized state; it distinguishes law from politics and from violence; it venerates institutions and scientizes legal discourse; it ties law to progress; and it frames failure and innovation as parts of a single-experiment narrative that vindicates the present. The consequence has been a historiography that continues to thrive in the twenty-first century: state-centric, institutionally focused, confident in progress, and insufficiently attentive to the colonial and social violences that its own categories render peripheral. Recognizing this is the first step toward a different history of the interwar, one that does not deny peace and security but refuses to allow them to monopolize what counts as law, as subject, as violence, etc.

1 On the idea of methods as routine, see J. d'Aspremont, 'International Legal Methods: Working for a Tragic and Cynical Routine' in Rossana Deplano & Nicholas Tsagourias Eds., Handbook on Research Methods in International Law (Elgar, 2020). See also Jean d'Aspremont, "Law, Critique and the Believer's Experience" (2024) 47:1 Dalousie Law Journal 43.
2 S. Moyn, The Last Utopia, Harvard University Press, 2010, esp. Introduction.

2. Alternative Histories of the Interwar Period

If the dominant interwar historiography has been organized around peace and security, my second claim is that it need not be so, and that, in fact, it ought not remain so now. Of course, there is ongoing value in retelling those familiar stories from non-Western vantage points, expanding the geography of expertise and the archive of actors while complicating the supposed universality of Geneva's idioms.[1] Yet the lesson of those perspectives is not merely to diversify the protagonists of a peace-and-security script. It is, rather, to rethink the script itself. The claim made in this section amounts to a call for a historiographical reorientation namely for reinventing how international lawyers narrate the interwar period so that it can serve as a site of critical insight into the mechanisms through which liberal orders disclose their vulnerability to illiberal transformation. Such insights are not to be found where we have been trained to look – at the level of collective security regimes, prohibitions on force, or arms control – but in the quotidian infrastructures of legality through which subjects were made precarious, rights were withdrawn, and coercion was normalized as administrative reason.

This reorientation is motivated by the present and by the increasingly fragile condition of liberal democracies. In recent months, police have entered university campuses across major cities, not as singular events but as part of the repertoire of governance. Social justice projects and minority protections are curtailed in the idiom of safeguarding freedom of expression. Protests against mass atrocities and violations of international law by certain states are prohibited and even criminalized. New techniques of public silencing gather under elastic labels – terrorism, extremism, wokism – deployed to ostracize and disable dissent. Basic civil liberties appear to be thinning at their edges in settings long held up as constitutional exemplars. This is not a phenomenon of the global periphery. It is legible in Berlin and Paris, in London and Washington. If the present is one of shrinking civic space and securitized governance, then our narrations of the interwar ought to be repurposed to illuminate how liberal orders become illiberal from within. A historiography that remains centered on peace and security at the interstate level, however sophisticated its institutional readings, cannot deliver those insights with sufficient granularity. The point is not to instrumentalize the past to fight the present, but to acknowledge that our modes of narration already do so and to choose methods that clarify the pathways by which law participates in transformations that liberal self-understandings struggle to name.[2]

It is more particularly submitted that the interwar period can be retold as a story of the demise of liberal constitutionalism, a descent into global conflict preceded and made possible by the internal erosion of constitutional orders. Such an account places at the center not battles between states but the unraveling of the legal and political conditions under which subjects could claim protection. From Weimar's constitutional innovations and crises to the French

1 T. Akami, Institutionalizing the Asia-Pacific: Diplomatic Networks and the International Order, 1919–1941, Routledge, 2002, chs. 1–2; Akami, "The Emergence of International Public Opinion and Asia's Place in the Interwar World", in Glenda Sluga and Patricia Clavin, eds., Internationalisms: A Twentieth-Century History, Cambridge University Press, 2017, pp. 195–217; R. Mitchell, Recentering the World: China and the Transformation of International Law, Cambridge University Press, 2022, ch. 3.

2 Orford, "International Law and the Limits of History", in Orford and Hoffmann, eds., The Oxford Handbook of the Theory of International Law, Oxford University Press, 2016, pp. 297–324, at 310–321.

Third Republic's oscillations, the period reads as a sequence of juridical erosions: emergency decrees normalized, executive discretion expanded, and parliamentary authority hollowed out, all under the sign of stabilizing order.[1] Retold this way, the interwar is not merely a prelude to war; it is a case study in how constitutional self-understandings accommodate their undoing through legal form.

A second retelling foregrounds statelessness as a central juridical technology of the period. Large segments of Europe's population were rendered stateless, left outside the protections of minority treaties, denaturalized through administrative and legislative measures, and cast into zones of non-right. The mass cancellations of naturalizations in the 1930s – affecting Jews, political dissidents, and others – illustrate how the removal of status could function both as punishment and as a precondition for further coercion.[2] In this story, the stateless person is not an unfortunate exception but a structural figure: more vulnerable than the criminal, less protected than the wrongdoer, exposed precisely because law has withdrawn its promises of belonging.[3] Recent international legal scholarship has mapped the interwar techniques that produced and administered statelessness, showing how humanitarian devices stabilized rather than cured the condition.[4] The contemporary analogies are unavoidable: denationalization forces in Europe and North America; security-driven deprivation of citizenship; administrative architectures that decouple presence from protection. To learn from the interwar here is to learn how the grammar of status can be weaponized through law, not despite it.

A third retelling centers the camp as a dominant spatial form of interwar governance, linking enemy alien internment during World War I, the routinization of internment for displaced and stateless persons in the interwar, and the progressive normalization of exceptional confinement. The genealogy extends back to the South African War's concentration camps, forward to World War I's civilian detention, and then laterally across the interwar to the proliferation of holding sites where liberty was administratively suspended.[5] The camp condenses the logic of exception by which law withdraws to produce bare life, though historians have cautioned against flattening its diverse forms.[6] The interwar camp was not only a premonition of later exterminatory spaces; it was an administrative solution to problems that law defined as security. To narrate the interwar as a history of camps is to track how deprivation of liberty becomes ordinary and how the line between policing and punishment blurs behind the façade of temporary necessity. In the present, the form persists and evolves – offshore processing centers, extraterritorial detention, ad hoc facilities

1 Carl Schmitt, Legality and Legitimacy, Duke University Press, 2004 [orig. 1932], chs. 2–3; David Dyzenhaus, Legality and Legitimacy, Cambridge University Press, 1997, ch. 1.

2 Patrick Weil, How to Be French: Nationality in the Making since 1789, Duke University Press, 2008, ch. 5; Eric Lohr, Nationalizing the Russian Empire: The Campaign against Enemy Aliens during World War I, Harvard University Press, 2003, ch. 7.

3 Hannah Arendt famously registered this transformation as the loss of the "right to have rights", locating in denationalization a weapon of totalitarian politics (Arendt, The Origins of Totalitarianism, Harcourt, 1973, pp. 267–302).

4 Michael Marrus, The Unwanted: European Refugees in the Twentieth Century, Oxford University Press, 1985, chs. 3–4.

5 Aidan Forth, *Barbed-Wire Imperialism: Britain's Empire of Camps*, 1876–1903, University of California Press, 2017, ch. 7; Stefan Manz, Panikos Panayi, and Matthew Stibbe, eds., *Internment during the First World War: A Mass Global Phenomenon*, Routledge, 2019, Introduction.

6 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, Stanford University Press, 1998, pp. 166–180; Jens Meierhenrich and Oliver Simons, eds., *The Oxford Handbook of Carl Schmitt*, Oxford University Press, 2016, ch. 24.

for migrants and asylum-seekers, secure zones justified by exceptional threat – making the interwar not merely analogous but genealogically proximate.[1]

A fourth retelling follows the demise of the right of asylum across the interwar. It was among the first rights torn apart when crises deepened: admissions narrowed; categories of protection shrank; safe passage was bureaucratized into impossibility; and the aspirational universalism of asylum gave way to discretionary charity. Asylum's transformation from juridical right to diplomatic indulgence is a central thread in the period's legal life, especially in France and Germany, where administrative doctrines converted protection into a security calculus.[2] The subsequent codification of refugee law after World War II – while a monumental achievement – was shadowed by interwar lessons that protection could be staged as a problem of screening, suspicion, and containment. As the Refugee Convention is hollowed out in practice today, with safe-third-country schemes, extraterritorial processing, and pushbacks normalized, the interwar offers a precedent for how juridical ideals can be converted into administrative bottlenecks without overtly renouncing their language.[3]

A fifth retelling concerns the securitization of migration, citizenship, and minority questions. In interwar France and Germany, matters once handled by immigration administrations increasingly migrated to the police and interior ministries; citizenship policy became a site of security governance; statelessness and minority protection were reframed as threats to be managed.[4] The League's minority regime, celebrated in some quarters as a legal innovation, also mapped difference onto surveillance and control, encoding hierarchies of belonging into administrative practice.[5] This is not merely a matter of illiberal overreach; it is a mode of liberal order in which legality and police rationalities form a continuous field. The present echoes are unmistakable: intelligence-led border control, predictive analytics in migration management, administrative detention normalized as routine, and citizenship deprivation reconceived as counter-terrorism tools.[6] To narrate the interwar through securitization is to reveal how legal order furnishes the instruments by which fear becomes policy and policy becomes rule.

These alternative narratives do not reject the significance of peace and security but de-center them as the axis around which the interwar must be understood. They also shift the conceptual grammar through which the period is rendered intelligible. Rather than treating law and violence as antitheses, they register law's imbrication in coercive practices. Rather

1 Nisha Kapoor, *Deport, Deprive, Extradite, Verso*, 2018, ch. 1; Martina Tazzioli, *The Making of Migration: The Biopolitics of Mobility at Europe's Borders*, Sage, 2020, ch. 3.

2 Philippe Rygiel, Le droit d'asile en France (1793–1993), L'Harmattan, 1996, ch. 4; Louise Holborn, *The International Refugee Organization: A Specialized Agency of the United Nations, Its History and Work* (1946–1952), Oxford University Press, 1956, ch. 1.

3 Catherine Dauvergne, Making People Illegal, Cambridge University Press, 2008, ch. 5; Thomas Gammeltoft-Hansen and James Hathaway, "Non-Refoulement in a World of Cooperative Deterrence", Columbia Journal of Transnational Law 53 (2015): 235–284.

4 Gerald Neuman, Strangers to the Constitution, Princeton University Press, 1996, ch. 2; Michael Marrus and Robert Paxton, Vichy France and the Jews, Stanford University Press, 1995, ch. 2.

5 Natan Sznaider, Memory and Forgetting in the Post-Holocaust Era, Routledge, 2016, ch. 1; Carole Fink, Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878–1938, Cambridge University Press, 2004, ch. 8.

6 Didier Bigo, "Security and Immigration", Alternatives 27, 2002, pp. 63–92; Lucia Zedner, "Securing Liberty in the Face of Terror", Journal of Law and Society 32, 2005, pp. 507–533.

than uplifting institutional innovation as the telos of history, they examine how institutional forms can serve the normalization of exception. Rather than reading failure and innovation as a dialectic that culminates in progress, they follow how "failure" in one register authorizes "innovation" in another, often more repressive, register.[1] The "lessons learned" are not simply about improving collective security; they include the perfection of legal-administrative tools that shrink the domain of liberty while preserving liberal self-descriptions. The camp, the passport, the denaturalization decree, the police file – these too were experiments in ordering the world.

The foregoing should suffice to make clear, one more time, that calling for a reinvention of interwar narratives is always premised on the idea that narration is never a-strategic and that the choice of master problems go hand-in-hand with the past we recover. The liberal historiographical posture – contextualist, empiricist, causal – has its virtues, but its claim to immunize writing from political stakes collapses upon inspection. Contexts are selected; causal chains are assembled; archives are built around what the discipline recognizes as relevant; and relevance has long been defined by the state and its institutions. Expanding the archive to include the legal techniques of exclusion, the administrative infrastructures of confinement, the juridical stripping of status, and the securitization of social life does not abandon rigor; it redistributes it. It also aligns historiography with the demands of the present, where liberal orders in the Global North are traversed by trends – illiberal legislation, securitized administration, punitive welfare, criminalized dissent – that the interwar can help us understand not as aberrations but as possibilities internal to liberal legality. The goal is intellectual and political at once: to rearm the imagination with histories that furnish concepts and genealogies adequate to resisting the drift back into fascistic modes of governance.

The reorientation advocated here also refines the critique of liberal progress narratives that has animated critical international law for decades. In the mainstream story, the failures of the League allowed us to innovate and create a superior Security Council, a narrative that domesticated catastrophe by converting it into pedagogy. Rewriting the interwar along the lines I have sketched does not invert that story with a simple declension. It rather tracks the double movement by which progress in one register – the professionalization of administration, the refinement of legal instruments, the intensification of expertise – correlates with the contraction of liberty and the consolidation of coercion. It is not only that more law, more institution, more peace is naive. It is that more law, more institutions can enable more sophisticated techniques for the administration of vulnerability.

A historiography reoriented as suggested here would entail concrete scholarly choices. It would resituate the League's minority regime within the administrative history of surveillance and control, not only within the legal history of protection.[2] It would connect interwar citizenship law to contemporary deprivation forces, tracing the persistence of categories and techniques across doctrinal ruptures.[3] It would read the International Labour Organization's

1 J. d'Aspremont, "The League of Nations and the Power of "Experiment Narratives" in International Institutional Law", 22 International Community Law Review (2020), 275-290.

2 Carole Fink, Defending the Rights of Others, Cambridge University Press, 2004, ch. 8.

3 Weil, How to Be French, Duke University Press, 2008, ch. 5; Audrey Macklin, "Citizenship Revocation, the Privilege to Have Rights and the Production of the Alien", Queen's Law Journal 40, 2014, pp. 1–54.

achievements alongside the invisibilized infrastructures of reproductive labor and the gendered economies that remained outside public law's gaze, thereby refusing to reproduce the state–institution bias of liberal historiography.[1] It would provincialize Europe not only by adding non-European actors to a European script but by centering transimperial circuits of coercion through which camps, passports, policing, and status traveled and were refined.[2] And it would treat experiment narratives with suspicion because their progressive sequencing misrecognizes what was learned and by whom.

There are, then, many interwars available to us – interwars not reducible to stories of peace and security. The ones I have sketched – a demise of liberal constitutionalism, a legal history of statelessness, a genealogy of the camp, an erosion of asylum, a securitization of migration and minority governance – resonate with the urgencies of our present in ways that state-centric and institution-focused narratives cannot. They do so without abandoning the archive of international law. They redraw its boundaries and reweave its internal connections. If international legal scholarship is to provide usable pasts for resisting the current drift of the Global North toward authoritarian modalities of rule, it must invest in these alternative histories. The interwar, retold thus, furnishes not only understanding but also a repertoire of counter-institutions and counter-concepts: status as a shield rather than a weapon, mobility as a right rather than a suspicion, asylum as institutionalized solidarity rather than administrative indulgence. The work of narrating is itself a work of resistance, and the interwar can be made to speak to the present not by rehearsing the triumphs and failures of collective security, but by tracing the legal techniques through which liberty narrows while legality remains.

Concluding Remarks

What has been attempted here is not an aesthetic detour but a deliberate rearrangement of visibility. Strategic rewriting aims to center actors, peoples, and communities that the dominant plot renders peripheral, and to foreground injustices that the canonical script treats as incidental. By reordering who appears and under what descriptions, narration reorganizes causality and scale at once: status withdrawal becomes a hinge rather than an exception, confinement and administrative suspicion emerge as ordinary infrastructures rather than temporary anomalies, welfare inspection, registration, and the file assume the status of decisive sites where power condenses. This labor of centering is not merely corrective but is constitutive. It refashions the very map of what counts as a matter and what is consigned beyond the threshold of concern, redrawing the border between the intelligible and the unregistered through which centers and peripheries are manufactured.

Such strategic rewriting operates through techniques that are at once simple and far-reaching. Selection determines who becomes legible: when peace and security anchor the plot, diplomats, doctrinal settlements, and summitry are installed as protagonists; when status loss anchors the plot, the refused asylum-seeker, the denationalized person, the detainee,

1 Blackett, Everyday Transgressions, Cornell University Press, 2019, ch. 1; Boris and Klein, Caring for America, Oxford University Press, 2012, ch. 2.

2 Benton, A Search for Sovereignty, Cambridge University Press, 2010, ch. 6; Susan Pedersen, The Guardians: The League of Nations and the Crisis of Empire, Oxford University Press, 2015, ch. 7.

and the surveilled clerk step onto the stage. Scale-setting fixes what counts as the relevant unit of analysis: grand diplomacy naturalizes the nation-state and the conference table; administrative practice recenters the dossier, the registry, the inspection, and the appeal file as the scales where abstractions crystallize into outcomes. Causality orders explanation: a law-of-institutions narrative treats texts and treaties as engines of order; a practice-of-technique narrative shows how administrative reason folds emergency into routine, proceduralizing coercion as ordinary. Spatialization distributes authority: the canonical cartography maps Europe and the international as centers while treating camps, checkpoints, welfare offices, and police stations as peripheral; a technique-centered cartography reveals these so-called peripheries as the infrastructures through which the center governs. These narrative moves do not merely describe but govern. The archive is not neutral ground but a grid of legibility in which inclusion and exclusion are enacted as epistemic facts that subsequently harden into legal and political possibilities.

None of this implies that the study of the interwar period should be reduced to a purely literary activity or an exercise of imagination. The claim cuts the other way. One primarily governs the present through stories about the past. Storytelling is a technology of rule, a mode of allocating attention, distributing justificatory authority, and fixing what is credible as a cause. It sets the coordinates of center and periphery, delineates which chains of events count as intelligible, and supplies exemplars through which futures are rendered thinkable and actionable. To take history-writing seriously is to acknowledge that it configures archives as instruments of governance. It licenses some interventions as solutions while relegating others to the category of noise. It naturalizes certain scales – the state, the treaty, the conference – while occluding the sites where governance is enacted – the camp, the checkpoint, the welfare office, the registry, the holding cell, the appeal hearing, the inspection visit.

There is nothing novel in recognizing the pull of historical narration in this way. Even traditional international lawyers have understood history-writing as a strategic mode of intervention in the present. The comprehensive, linear histories of international law that crystallized in the late nineteenth and early twentieth centuries – authored by figures such as Ernest Nys, François Laurent, James Brown Scott, and Wilhelm Grewe – did not merely recount a past; they produced a canonical itinerary – origins, progress, maturation – that organized professional identity and claimed jurisdiction over meaning. The effort invested in building continuous lineages confirmed the field's maturity, staging a saga of steady development rather than episodic improvisation. It created disciplinary identity by furnishing founding figures, consolidating a shared vocabulary, and establishing criteria for inclusion and exclusion. It gave the field a scientific character by translating moral and political projects into methodological sequence, rendering normative preferences as findings of developmental necessity. It facilitated the universalization of international law by projecting a center outward, making extension appear as completion rather than imposition, turning difference into stages on a single track of maturation. And it perpetuated Western-centrism through techniques of selection and exemplarity that placed certain archives at the center of intelligibility while relegating others to footnotes, thereby reproducing an unequal cartography of relevance.

In sum, the genre functioned as a device of governance: it allocated visibility, stabilized authority, and trained practitioners to see the world through specific artifacts and scenes – treaty, doctrine, summit – while blurring the dossier, the deportation convoy, the welfare queue, and the detention ledger.[1]

This article cannot end without emphasizing the great degree of irony which the two claims made here coalesce into. In fact, unmaking the liberal understanding of peace through which the interwar is narrated can be seen as a way to uphold and vindicate the liberal international legal order itself. It is submitted here, however, that such irony does not need to be engineered away, for it is a structural condition of any critique that treats narration as governance. Rewriting the plot does not abolish the field and its main paradigms. It reconditions its problem-space so that what was once peripheral can become a matter of concern without requiring an exit from international legal discourse. Living with the irony means recognizing that dismantling a dominant liberal peace-narrative may fortify a different liberal practice. The payoff simultaneously is explanatory integrity and institutional traction. By centering those who were made to disappear and by taking storytelling as a present-tense exercise, the field acquires a grammar capable of showing how legality narrows liberty from within; how visibility is allocated unevenly so that some lives become matters of order while others remain outside the horizon of concern; and how centers and peripheries are continually manufactured through the very histories we write. Strategic rewriting, far from being a literary indulgence, is a mode of governance-conscious scholarship.

1 Jean d'Aspremont, The Critical Attitude and the History of International Law (Brill, 2019); Jean d'Aspremont, "Critical histories of international law and the repression of disciplinary imagination", 7 London Review of International Law (2019), 89–115.

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