Table of Contents

List of Contributors List of Abbreviations	xiii xv
I. INTRODUCTION	
1. Situating Contingency in the Path of International Law <i>Ingo Venzke</i>	3
II. THEORISING & NARRATING CONTINGENCY	
A. ENACTED STRUCTURES & STRUCTURED ACTORS	
2. On Dead Circuits and Non-events <i>Fleur Johns</i>	25
3. Contingency in International Legal History: Why Now? <i>Genevieve Renard Painter</i>	44
4. The Necessity of Contingency: Method and Marxism in International Law <i>Umut Özsu</i>	60
5. The Realist and the Visionary: Property, Sovereignty, and the Problem of Social Change <i>Justin Desautels-Stein</i>	77
6. An Enlarged Sense of Possibility for International Law: Seeking Change by Doing History <i>Janne E Nijman</i>	92
B. SITUATED PERSPECTIVES & POSSIBILITIES	
7. Contingencies in International Legal Histories: Origins and Observers <i>Filipe dos Reis</i>	111
8. Historical Base and Legal Superstructure: Reading Contingency and Necessity in the <i>Tadić</i> Challenge <i>Michele Tedeschini</i>	129
9. Subverting Eurocentric Epistemology: The Value of Nonsense When Designing Counterfactuals <i>Mohsen al Attar</i>	145

x	TABLE OF CONTENTS	
10.	The Time of Contingency in International Law	162
	Geoff Gordon	
	III. LOCATING & RESISTING CONTINGENCY	
	A. MIGRANTS & REFUGEES	
11.	The Contingency of International Migration Law: 'Freedom of Movement', Race, and Imperial Legacies <i>Frédéric Mégret</i>	179
12.	Contingent Movements? The Differential Decolonisations of International Refugee and Migration Law and Governance <i>Christopher Szabla</i>	199
	B. SEA & RESOURCES	
13.	What If the United Nations Convention on the Law of the Sea had Entered into Force Unamended: Business as Usual or Dystopia? <i>Alex Oude Elferink</i>	215
14.	What If Arvid Pardo Had Not Made his Famous Speech? (False) Contingency in the Making of the Law of the Sea <i>Surabhi Ranganathan</i>	231
15.	Contingent Economic Legal Ordering: Permanent Sovereignty over Natural Resources and International Commodity Agreements <i>Lucas Lixinski and Mats Ingulstad</i>	246
	C. HUMAN RIGHTS	
16.	Rights for Daydreaming: International Human Rights Law Thought Otherwise <i>Kathryn McNeilly</i>	267
17.	Who Turned Multinational Corporations into Bearers of Human Rights? On the Creation of Corporate 'Human' Rights in International Law Silvia Steininger and Jochen von Bernstorff	281
18.	Contesting Austerity in the 1970s and 1980s: When Human Rights Went Missing <i>Matthias Goldmann</i>	297
	D. ARMED CONFLICT	
19.	Contingencies of Context: Legacies of the Algerian Revolution in the 1977 Additional Protocols to the Geneva Conventions	319

Emma Stone Mackinnon

	TABLE OF CONTENTS	xi
20.	Unveiling Common Article 3 to the Geneva Conventions: Contingency, Necessity, and Possibility in International Humanitarian Law <i>Bianca Maganza</i>	338
21.	Narrative Contingency and International Humanitarian Law: Crimes against Humanity in Cixin Liu's Post-Humanist Universe Amanda Alexander	351
22.	Why Did Starvation Not Become the Paradigmatic War Crime in International Law? <i>Nicholas Mulder and Boyd van Dijk</i>	370
	E. FOREIGN INVESTMENTS	
23.	The Law of State Responsibility and the Persistence of Investment Protection <i>Kathryn Greenman</i>	391
24.	<i>Barcelona Traction</i> Re-Imagined: The ICJ as a World Court for Foreign Investment Cases? <i>Saïda El Boudouhi</i>	406
25.	From a Fortuitous Transplant to a Fundamental Principle of Law? The Doctrine of Legitimate Expectations and the Possibilities of a Different Law <i>Josef Ostřanský</i>	426
	F. THE NEW INTERNATIONAL ECONOMIC ORDER	
26.	Bandung's Fate Kevin Crow	443
27.	'Poisonous Flowers on the Dust-heap of a Dying Capitalism': The United Nations Code of Conduct on Transnational Corporations, Contingency and Failure in International Law <i>Michelle Staggs Kelsall</i>	463
	G. ERUPTIONS	
28.	Contravention and Creation of Law during the French Revolution <i>Edward Kolla</i>	481
29.	Contingencies in the Rise of European and Latin American Private International Law, 1850 to 1950 <i>Ana Delic</i>	496
	IV. OUTLOOK	
30.	From Situated Freedom to Plausible Worlds Samuel Moyn	517
Inde	2X	527