

Summer Reading List of the #Ö

Finding inspiration under the sun - Part I

Philipp Eschenhagen, Thomas Dollmaier

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Out of all seasons, summer is the best time to read, in my opinion. You can find a shady spot below your favorite tree, sip wine outside while watching how daylight slowly surrenders to the night, or simply let your bare feet feel the warmth of the ground below the grass. All of this while reading your favorite novel, newspaper or...academic text as a matter of fact. Before you stop reading and judge me for interfering with your holiday mood, bear with me and let me explain why. While I strongly recommend putting away the academic books for a little while, I also find that the parameters of summer provide a great environment for inspiration. I myself have experienced that reading academic texts can be so much more rewarding when I am myself at ease and in a mindset of curiosity and inspiration. That this mindset is difficult to obtain in times of crisis goes without saying. However, the need for inspiration and reflection might now be more acute than ever. For this reason, I asked around the editing team of the #Ö. I wanted to find out what my colleagues had been reading recently and what they would like to recommend to our readers. The following contributions are therefore inherently subjective, but hopefully they will be able to draw your attention to a book that you find useful, interesting or even inspiring.

To utilize the wisdom and breadth of expertise of all of you, our readers, we would also like to encourage you to tag us [@Voe_Blog](#) and post a picture of your favorite summer reading(s) on Twitter with the hashtag #ösommerreading. If you have a colleague, friend or favorite academic that you think has some interesting books wrapped inside his or her beach towel, nominate them. Let's inspire each other by sharing what inspires us. The format of the recommendations below is different from the standard academic reviews we find in journals, and intentionally so. We wanted to keep it brief and accessible, and sometimes even personal, while also highlighting what we found made these contributions particularly worthwhile your (summer) time. Today, we start off with Philipp Eschenhagen's review of 'The Oxford Handbook on Law and Humanities' by Simon Stern, Maksymilian del Mar, Bernadette Meyler (eds.) and my review of Quinn Slobodian's 'Globalists'. In a second post, Sué Gonzáles Hauck introduces Lea David's 'The Past Can't Heal Us', Dana Schmalz reviews Étienne Balibar's 'Secularism and Cosmopolitanism', and Sebastian Spitra provides insights into Daniel Damler's 'Konzern und Moderne' [Consolidated Companies and Modern Times].

Quinn Slobodian, Globalists. The End of Empire and the Birth of Neoliberalism, Harvard University Press (2018). [@zeithistoriker](#)

If you look up the picturesque Lake Geneva in Switzerland, the scenery of this book could very well make it a romantic summer novel. According to Slobodian, however, it is the birthplace of global neoliberalism. Neoliberalism has become a buzzword in politics and academia. Slobodian, however, approaches neoliberalism from an unusual and highly interesting perspective. Three elements of his approach stand out specifically, namely the conceptual level of his analysis, his geographic focus as well as the timeline.

First, he addresses neoliberalism on the macro level of world order by focusing on the architecture and the masterminds behind the global economic system beyond nation states. Second, he shifts the focus away from the Anglo-Saxon academic world, and protagonists of the Chicago School like Milton Friedman, toward the European continent and a group of academic elites around F. A. Hayek gathering in Vienna and the Swiss Alps – the ‘globalists’ of the ‘Geneva School’ as Slobodian calls them. And third, he expands the timeline of neoliberalism by also including the early first half of the 20th century. This expands the classic narrative about neoliberalism starting in the 1980s under Reagan and Thatcher.

In a nutshell, Slobodian argues that the real focus of the neoliberal project is *not* on liberating the market *per se*. Rather, ordoliberalism focuses on redesigning states, laws, and other institutions to protect the market from democratic processes and pressures for redistribution that could challenge the smooth functioning of a single world economy. He calls this decoupling of the economy from democracy ‘encasement’ through specific institutional design. In the terminology of Carl Schmitt, these institutions of multitiered governance are intended to ‘maintain the balance between the political world of *imperium* and the economic world of *dominium*’. Encasement is thus meant to ‘inoculate capitalism against the threat of democracy’ – a threat posed by the electoral on the micro level as well as newly independent states on the macro level.

When reading this book, one has to keep in mind that Slobodian provides a historical rather than purely legal account, even though he does put great emphasis on the law. But in line with the bigger trend of historicizing international law, this book unearths insights for fruitful follow-up legal research, for example: What kind of international legal institutions make it possible to ‘dethrone politics’, and how? Has law abetted or paralyzed demands for democratization and politicization by increasingly powerful actors from the Global South? And how has the multipolar world order we now live in transformed international (institutional) law? These are some questions I had in mind when reading Slobodian’s fascinating piece. Maybe they also inspire you.

Thomas Dollmaier

Simon Stern, Maksymilian del Mar, Bernadette Meyler (eds.), The Oxford Handbook of Law and Humanities, Oxford University Press (2020).

[@ArsScripta](#), [@MeylerBernie](#)

I live in Hamburg, Northern Germany, where summer does not come often. In fact, until a few days ago it felt more like spring than summer, which allowed me to spend time working on my PhD in mid-July by reading a few contributions of the Oxford Handbook of Law and Humanities. A few days ago, however, temperatures have risen beyond 30 °C – something that rarely happens in Hamburg. It makes you wonder: How does the experience of reading a collection of highly theoretical essays in a law library compare to spending summertime by going for a swim or having some ice cream?

The Oxford Handbook's authors and editors would probably sympathize with the focus on practice/experience evoked by the question as well as its merging of superficially unrelated things such as swimming in a lake and reading an academic book. It is precisely this synergetic quality that makes the handbook a valuable collection of essays and certainly a worthwhile read even during the summer, although I am unsure it can parallel the pleasures of having a swim or some lemon ice cream.

Uncertainty, however, does not stand in the way of posing certain questions at all. In fact, the Handbook displays a fondness for the "uncertain", which is so very present in the legal realm, but often ousted from its discourse. The Handbook is a fresh addition to a growing field of scholarship that approaches the legal with particular attitudes and sensitivities. These include a sensitivity 'to the irregular and the unpatterned' or 'to the apparently superficial, superfluous, unnecessary, insufficient'. This non-exhaustive enumeration illustrates an approach to the law that diverges from rule-centered and objectivity-oriented doctrinal jurisprudence. It opens up numerous paths of thought that allowed for a wide variety of contributions to the Handbook. As the editors put it: 'no one framing, no one editorial strategy, no single or even collective vision can do it justice.'

What might be considered a weakness by many is also a strength: Almost every reader will find a certain number of contributions relevant to her research interests. The Handbook's eclecticism invariably comes hand in hand with an array of fresh perspectives on marginal issues. At the same time, it offers a range of methodologies stemming from the humanities and being applied to the legal realm. Personally, I was able to further my understanding of legal performance (11. Julie Stone Peters, 'Mapping Law and Performance'; 17. Marett Leiboff, 'Challenging the Legal Self through Performance') as well as legal materiality approaches (2. Hyo Yoon, Kang, Sara Kendall, 'Legal Materiality'). I am particularly interested in how these perspectives translate to the international legal realm, for instance when considering the 'materiality' of international organizations or courts. I believe that most of the Handbook's essays are transferrable to the international level in such a manner. Christopher Warren's contribution, '31. History, Literature, and Authority in International Law', deserves a specific mention, as it is particularly directed at international lawyers by proposing a 'trilateral' discussion between 'literary critics, historians, and scholars of international law.'

What more to wish for, besides ice cream and a swim in the lake?

Philipp Eschenhagen

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