

# Sentiment without Sentimentality

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In his new book, Gerry Simpson engages with the '[Sentimental Life of International Law](#)' (OUP 2021). But what does 'sentiment' – without sentimentality, as the author points out – mean here? And what does it tell us about the way we think about law, politics, emotions – and gardening? In this interview, we speak with Gerry to find out.

## Dear Gerry, how do you feel?

Outrageously great, but also terribly despondent. I launched my book last week in London at the House of Barnabas. Philippe Sands and David Kershaw gave the most sparkling and generous speeches anyone could possibly wish for and I have been on a high ever since. On the other hand, the world situation is ghastly. We have Yemen, Mexico, Brexit, the horrible invasion of Ukraine, the attempt to reduce Russia to a state of penury through sanctions (in the hope perhaps that democracy will flourish in the ruins; that's how it usually works, no?). So, it's hard to fully experience personal happiness in moments like these.

## This leads us directly to your new book, 'The Sentimental Life of International Law'. To start with the title: What do you mean by the 'sentimental' or 'literary life' of international law?

Maybe I should say something about how I came to write the book. A lot of international law speaks to itself or to its sub-disciplines. I decided to – 'decided' is putting too strongly – I began to write towards various audiences outside the field: my daughters, my friends, people in the humanities more generally, the waiting staff at my local café, 'The Delauney', on The Aldwych. That already led to a different way of approaching the field. Then the title presented itself. I was asked to give *The London Review of International Law's* [Annual Lecture](#) and I came up with the title and thought to myself, well what would that be?

## And what came to your mind?

It turned out to be lots of different things. It was a literary life, for a start. It allowed me to think of international law from a slightly conventional law-and-literature perspective; as international law featured in novels, for example. Then I asked how one might apply literary techniques (bathos, comedy, irony) to international law. For example, why do war crimes trials always disappoint us? And what does it mean to be disappointed? Is it something about the relationship between the sublime promise of absolute justice, and the sometimes absurd or anti-climactic experience of these trials?

And I had come across moments in international law that were broadly comic, almost slapstick. One of the Japanese defendants in Tokyo hitting Tojo over the head, a kind of metaphorical enactment of his eventual decapitation after the trial. I also

noticed that there was quite a lot of laughter at international law conferences. I thought, what is this? What sort of surplus energy is being expended here? What's being said, what's not being said? I decided, following the (mirthless) work of Freud and Bergson, to start exploring what it might mean to think about comedy and the repression of comedy in a discipline that is dedicated to forms of solemnity and seriousness.

But all this began when I gave a paper years ago on gardening and international law because I'd been very struck by something that was said at the Nuremberg War Crimes trials by Rebecca West. And I ended the paper with her anecdote about a small child outside the Nuremberg court in a little makeshift greenhouse growing cyclamens. Somebody (Peter Rush, if I remember rightly) in the audience put his hand up and said, 'you have a very sentimental approach to international law'. Initially, I felt quite defensive but then I thought, 'embrace it'.

**You emphasise the sentimental life of international law, but also warn 'that this sentimental life carries with it certain dangers' (p. 52). In contrast, you suppose a 'sentiment without sentimentality'. Can you say more about what you mean by that?**

This obviously and predictably and appropriately comes up every time I speak about the book. But I can never quite decide whether I am for or against sentimentality. I spend a bit of time worrying about what we might think of as unearned or ostentatious sentimentality. In a section I call 'advertisements for myself' (borrowing from Norman Mailer), I discuss the sentimental novel of the 18th century and its emblematic character, the man of fine feeling and sensibility experiencing exquisite distress, and documenting it, or having it documented, in florid prose.

Such novels were commercially successful and established an emotional economy of aristocratic benevolence. But as I say in the book, this encounter with trauma or with tragedy was always about the observer, the 'man of feeling' (to quote the title of one of these novels) rather than the victim or the situation (far less the social or economic structures that might have produced the situation and in which the sentimental protagonist might be implicated). Well, this figure is all over internationalism and humanitarianism. You see it in these books with titles like 'In the Name of Humanity' or 'My Part in the Downfall of African Warlords'. I'm parodying it, of course, and not nearly as well as Laurence Sterne did over 200 years ago.

But there are many other dangers – I direct your reader to Chapter Two.

In the end, I wanted to find a sentimentality (maybe ironic, maybe hard-bitten, maybe fully earned) that could motivate and mobilise the rights sorts of international lawyering, a way of being that (quoting myself) 'keeps an eye on its own emotional life and one that adopts a form of life that resists tears but stays close to them'. It does sound a bit Presbyterian but there you go.

**At one point you call your book 'the most useless (...) in the history of international law' (p. 6). Not exactly what one would call a good marketing**

**strategy (or is it?). But why is ‘uselessness’ not a flaw in your ‘plea for new international laws’ (p. 1)?**

Not a good marketing strategy but on the other hand, it has a certain perversely appealing quality, doesn't it? I have just returned from a trip with my daughter, Hannah Cass, to Little Gidding where TS Eliot wrote the fourth of his *Four Quartets*. He writes at one point – to visitors such as I – ‘You are not here to verify, instruct yourself, or...carry report’.

Likewise, this book is not intended to verify. It is anti-Popperian, if you like. I recount in the opening chapter, the story about the 2004 public lecture I delivered in Melbourne on the Iraq War (arguing against it, declaring it illegal, providing illustrative examples, suggesting a peaceful solution, warning about the fragmentation of the Baathist state). After the speech, people gathered round me with various words of encouragement and praise while I ran through an itinerary of self-effacing gestures. A former Prime Minister approached me and said that he had found my lecture... ‘relevant’. A little bit of me died in that moment. And yet, this book was born. ‘Away with relevance and utility!’ as Nietzsche might have said. A few years later, the editors of a book for which I was writing a chapter came back to me with tremendously useful comments. In my chapter was a passage that I was especially proud of. Beside it, one of the editors had written, ‘Beautifully written, but is it necessary?’.

The idea of necessity and usefulness, then, is at last one target of the book. Anyone who has ever filled in a university promotion application requiring her to account for the ‘impact’ of her ‘outputs’ will know what a corrosive effect this utilitarian way of thinking has had on scholarly struggle. And international law, I felt, had to work out how to be useless in the right way instead of useful in the wrong way.

**Studies on emotions such as fear or trust have experienced an upswing in the social sciences and humanities. In contrast to this turn, you attest that an ‘absence of life’ prevails in the discipline of international law. International lawyers, you observe, position themselves as a ‘person from nowhere’ (p. 31). Is international law a particularly unemotional discipline?**

Is international law especially unemotional? Probably not. How do you rate modes of being or fields or sub-fields on this scale in the first place? Would computer science lie somewhere near the bottom, literary studies at the top? Are students of the emotions cold as fish at home or tempestuous hearts-on-their-sleeves types? How about property lawyers or conveyancers? As I say in the book though, solemnity is one of international law's default postures. So maybe international lawyers come across as affectless, temperate. At one point, I present an image of an international lawyer going from town to town burdened only with a tiny amount of hand luggage, accumulating points for family holidays, and cooling the temperature among rival warlords or angry diplomats. On the other hand, international law is used at least as (or has displaced) a language of condemnation or anger or hurt. I've been very struck recently by the way in which international legal language has been allied to – or substituted for – some of this fury and vengeance. The straining at the bit to call Putin ‘a war criminal’, the usually genuine but sometimes opportunistic

horror at the discovery of mass graves at Bucha (and the uncanny reappearance of 'butcher' as an epithet at exactly the same time), the passion invested in words like 'territorial integrity' and 'political sovereignty', the righteous rage attached to the idea of sanctions.

**All this points us to the politicisation of law. So, to what extent is your literary presentation of international law a contribution to the discourse on the politics of international law? Is it also a political argument in itself?**

All books about international law are a politics of international law, no? Even the most doctrinal of doctrinalists is writing a politics of international law whether speaking before the ICJ or writing a student essay. The decision to write an international law essay is, in the first place, a kind of politics: 'I will write about Article 2(4) of the UN Charter instead of the sickening distributions of wealth and poverty in the world'.

So, international law is *already* a politics (trade over protection, territorial integrity over the just distribution of territory, war crimes trials over mercy). I sometimes wonder, too, if the 'politics of international law' – in some hands at least – becomes the least political of international law's politics. I say something about this in the book. But of course, my aestheticized approach is a politics – maybe a micropolitics, maybe a language politics – of the field. It's not as if I have much to say about High Politics. There is little that could be described as a direct approach to the problem of the boiling planet, or intervention or global trade. But why take the direct approach in the first place? It hasn't worked terribly well so far and it's the exploration that counts.

*Note from the editors: The interview was conducted in written form. In individual passages, it contains text from the book discussed here.*

