Teaching and (Un)learning International Law in Qatar

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I. INTRODUCTION

International law is experienced and taught in different ways.[1] There is a growing scholarship attentive to the needs of a 'global classroom' in universities based in the West and a considerable conversation on how critical approaches and other knowledge systems and epistemologies should inform our teaching (recently known as 'decolonializing the curriculum').[2] Interestingly, not much has been written on the experience of Western-trained international law scholars who have taught in non-Western institutions. It is not typical for (law) academics to have acquired teaching (or research) experience outside the West.[3] The present contribution reflects upon my personal experience (as a Western-trained international legal scholar) of having taught international law and human rights law for four years at Qatar University, Qatar. It argues for the possibility of co-producing non-conventional pedagogies which interrogate the Western and mainstream underpinnings of international law.

Section II explains why and how teaching in a non-Western institution may transform one's outlook and experience of international law. Section III discusses how fostering students' agency and establishing a co-creative and trusting learning environment paves the way for countering the 'parachuted' Western features of an international law course. Sections IV–VI analyse specific examples of how the teaching of international law was adapted to accommodate students' lived experiences and aspirations. Linking the legacy of (post)colonialism to the early making of international law, in connection to issues relevant to the country, and using learning tools contextually relevant to students' identities were of paramount significance. The discussion explores techniques that engaged with and harnessed students' inherent sense of distrustfulness towards international law. Moreover, the distinction between civilised and 'uncivilised' nations, and how it formed the foundations for the making of State sovereignty and international law, not only allowed the class to unpack international law's role in construing coloniality but also showed the enduring relevance of internalised perceptions of colonialism in the rest of the world. Finally, State creation was approached by

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[1] Eg special issue (2001) 5 SJICL. The International Law Association ran a Committee on the Teaching of International Law (1998–2010). See also the Teaching and Researching International Law – Global Perspectives Symposium held on Afronomicslaw, https://www.afronomicslaw.org/index.php/2020/09/14/symposium-introduction-teaching-and-researching-international-law-global-perspectives; and the Critical Pedagogy Symposium recently held on Opinio Juris, http://opiniojuris.org/2020/08/31/symposium-saving-critical-international-legal-pedagogy-from-formalists-reactionaries-and-pandemics/.

[2] But see E Tuk and KW Yang, 'Decolonization Is Not a Metaphor' (2012) 1 Decolonization: Indigeneity, Education & Society 1. Ironically, 'decolonializing the curriculum' has been developed mostly as a 'Eurocentric critique of Eurocentrism'; see M Al Attar, 'Must International Legal Pedagogy Remain Eurocentric?' (2021) 11 Asian JIL 176, 189.

[3] R Scoville and M Markovic, 'How Cosmopolitan Are International Law Professors?' (2016) 38 Mich J Int Law 119, 127–28.

reframing the *narrative* about the creation of Qatar as a State. In light of the fact that Qatar's history is essentially based on the written colonial archive – Lorimer's Gazetteer of the Persian Gulf –, students disrupted coloniality first by discovering and (re)telling relevant local oral storytelling (hi)stories and, second, by discovering and deconstructing Lorimer's Gazetteer.

II. TEACHING INTERNATIONAL LAW *THERE*: DISLOCATION AND THE SUDDEN EXPERIENCE OF UNKNOWING

Place matters. Where we are and what our viewpoint is contributes to, if not defines, how we see the world and construe and teach international law.[4] We are not necessarily aware of how much place matters until we dislocate, if ever. Anthea Roberts explains that her text, *Is International Law International?,* was motivated by a series of dislocations from Australia to the UK and the USA, which enabled her to experience international law from a different location.[5] David Kennedy argues that the professional experience of legal pluralism is a two-step process: first comes the encountering of the *other*, followed by a loss of confidence in the certainty of one's professional knowledge.[6] There is a moment of realisation in this process: the *sudden experience of unknowing*.[7] Although our default mode when encountering the unfamiliar is to (attempt to) align it with our existing experiences,[8] certain dislocations that cause substantial disorientation and discomfort force us to reconsider what we (think that we) know.[9]

My teaching in Qatar involved such a sudden, long-lasting and almost violent experience of un-knowing and un-learning. This was because of my own blind spots, biases and limitations—the acknowledgment and sharing of which is of essence for us as lecturers.[10] I set foot in Doha with no training in pedagogy (as is almost always the case in the discipline of law),[11] very little teaching experience and limited knowledge of very specific (positivist) corners of international law (I had just submitted my PhD thesis at the University of Nottingham and, similarly to the great majority of international lawyers, I had had a very positivist 'upbringing' throughout my studies). To make things worse, it took me roughly six months to become aware and acknowledge that I was suffering from a very common syndrome, yet one infrequently openly acknowledged in academic circles: 'white saviourism'. Although inadvertently fitting the profile of the all-knowing Western teacher who – consciously or otherwise – participates in the

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[4] BS Chimni, Teaching and Research of International Law in Asia: Some Reflections on the Way Forward, presentation in Conference on Teaching and Researching International Law in Asia (20–22 June 2018), 1, https://cil.nus.edu.sg/event/trila/. See also contributions mentioned above n 1.
[5] A Roberts, *Is International Law International?* (OUP 2017) xix.
[6] D Kennedy, 'One, Two, Three, Many Legal Orders: Legal Pluralism and the Cosmopolitan Dream' (2007) 31 NYU Rev L & Soc Change 641, 642.
[7] ibid 644–45 (emphases added).
[8] C Epstein, 'The Postcolonial Perspective: An Introduction' (2014) 6 *International Theory* 294, 297.
[9] Roberts (n 5) xix.
[10] JC Knechtle, 'Innovative Ways of Teaching International Law' (2003) 97 Proceedings 217, 218.
[11] DL Borman and C Haras, 'Something Borrowed: Interdisciplinary Strategies for Legal Education' (2019) 68 J Legal Educ 357.

unidirectional flow of knowledge from the West to the rest of the world (the ignorant students) was hardly surprising,[12] realising and processing this was difficult – personally and professionally.

The consequence of this was that my teaching followed a mostly intuitive path.[13] This path involved a lot of 'trial and error' and experimentation, which opened up novel, creative spaces to explore with students as to with *what* and *how* we would engage in class. Finally, it took a considerable period of time to metabolise my teaching experiences; to a great extent, they were conceptualised and theorised in the aftermath of my four-year stay in Doha.

A. *Here, in Doha*

Place matters, but this does not mean that I can speak of this place so as to describe it and represent it accurately. In *Le Livre d'Image*, Jean-Luc Godard sets out the main scene in a small fictitious State of the Persian Gulf and its capital, Dofa. The essay film is composed of fragments from other films, YouTube clips and artworks and examines the representation of the Middle East in Western eyes as an exotic place. Godard deconstructs this view and opposes it with film clips originating in the East. In so doing, he gives Arabs a voice. In the titles to the film, Godard quotes Bertolt Brecht: 'Only a fragment carries the mark of authenticity'. I believe that during my stay in Doha I became exposed to fragments of authenticity, but that I am not such a fragment. '*[L]a première coupure de presse est véridique, la seconde imaginaire*'.[14]

With this caveat in mind, Qatar is a *topos* of complex identities and histories. Qatar forms part of many geographical/social constructs and imaginaries, none of which can fully capture it if taken alone.[15] Qatar is one of seven States located on the Arabian Peninsula, also known as the Gulf region. The Gulf region is perpetually caught between Middle Eastern heritage debates, the ethnically framed regionalism(s) of the Arab world and the imagined religious boundaries of the Islamic world. However, it retains a distinctive historical, cultural and ethnographic identity which is far from monolithic and manifests itself in a constant (re)negotiation of national, nomadic and tribal structures.[16] Qatar's distinct social DNA is complemented by the fact that Qataris form only twenty per cent of its population. It is presently the richest country in the world per capita (due to the exploitation of its oil and natural gas resources) and at the same time a developing country (as is the case with all Gulf States).[17] Qatar is simultaneously traditional and very modern. To put it in perhaps oversimplifying terms, many may experience Qatar as a place bringing together the immediate heritage of the camel and the urgent present of the Lamborghini. Expats feel disappointed or surprised in their search for exotica among five-star hotels and five-star shopping malls, yet Qataris experience a different Qatar. Although

[12] OC Okafor and SC Agbakwa, 'Re-Imagining International Human Rights Education in Our Time: Beyond Three Constitutive Orthodoxies' (2001) 14 LJIL 563, 575–76.
[13] S Fish, *Doing What Comes Naturally* (Clarendon Press 1989).
[14] J Cortázar, *Nous l'aimons tant, Glenda et autres récits* (translation from Spanish L Bataillon and F Campo-Timal) (Gallimard 2014) 52 (The first newspaper clipping is true, the second imaginary; translation by the author).
[15] A Anghie, 'Identifying Regions in the History of International Law' in B Fassbender and A Peters (eds), *The Oxford Handbook of the History of International Law* (OUP 2012) 1058, 1059.
[16] K Exell and T Rico, 'There is No Heritage in Qatar': Orientalism, Colonialism and Other Problematic Histories, (2013) 45 World Archaeology 670, 672, 675.
[17] A Fromherz, *Qatar: A Modern History* (Georgetown University Press 2017) 4.

Qatar may not necessarily conform to the image of colonialism as perceived as the core, unifying experience for many Third-World States,[18] Qatar (and the Gulf region) was a place lying outside the international legal system, a place of pirates and nomads understood as primitive and denied the attributes of sovereignty.[19]

B. *Here, Teaching at Qatar University*

Modern formal education was introduced recently, in the fifties, and it disrupted the education which had been provided by small, mosque-based Quran schools and controlled by lineage groups.[20] Qatar University (QU), founded in 1973, is the public research university in Qatar. Qatar University should not be conflated with the Qatar Foundation for Education, Science and Community Development, a semi-private organisation that hosts many branch campuses of international universities (eg Georgetown, Virginia Commonwealth) or the home-grown Hamad Bin Khalifa University.[21] The Qatar Foundation is a liberal and experimental educational framework for specific expat students and a few elite Qatari students. The great majority of Qatari students and many others from the Arab region (eg Saudi Arabia, Kuwait, Jordan, Lebanon, Palestine, Syria and Egypt) are educated at Qatar University in accordance with largely traditional methods and in a conservative environment.[22] QU is gender segregated – I taught different classes for women and men. The QU College of Law was founded in 2004 as a splinter institution of the College of Sharia. Most courses in the QU College of Law are taught in Arabic. Roughly ten to fifteen per cent of its undergraduate three-year programme is offered in English, namely the legal skills courses (eg legal writing, advocacy skills) and international law-related courses (eg public international law, human rights law, oil and gas law and international investment law). I taught the public international law course—mandatory for third-year law students – and the human rights course – an elective offered to all QU students.

III. COUNTERING ALL FOREIGN ELEMENTS IMPORTED INTO THE CURRICULUM: CO-CREATION AND AGENCY IN CLASS

In Qatar, law and academia are, to a great extent, the product of imported knowledge and professional practices. The drafting of legislation may be outsourced to foreign law firms, and in academia, curricula and members of staff are regularly parachuted in. There is the presumption, often grounded in a sense of inferiority or a (misplaced) need for external

[18] ibid 4–6.
[19] D Kennedy, 'International Law and the Nineteenth Century: History of an Illusion' (1996) 65 Nord J Int Law 385, 412; A Anghie, *Imperialism, Sovereignty and the Making of International Law* (CUP 2005) 57.
[20] Fromherz (n 17) 156; J Crystal, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar* (CUP 1990) 128.
[21] Hamad Bin Khalifa University hosted Harvard Law School's Institute of Global Law and Policy Workshop for three consecutive years (2013–15).
[22] Fromherz (n 17) 13. cf insights on teaching at Qatar Foundation: N Vora, *Teach for Arabia* (Stanford University Press 2018); N Aboueldahab, 'A Classroom Without Borders – Globally Integrating Legal Education', OpinioJuris 2 September 2020, https://opiniojuris.org/2020/09/02/critical-pedagogy-symposium-a-classroom-without-borders-globally-integrating-legal-education/.

validation, that Western academics and curricula are better than home-grown ones.[23] The teaching of international law consists of mostly imported elements; lecturer(s), textbook(s) and language(s).

I was imported following the 'one-way-traffic' paradigm, whereby Western teachers are transplanted into other countries and programmes of studies.[24] The textbook and supplementary learning materials were in English and similarly imported. In the international law course, we used a relatively easy-to-read textbook by one of the leading Oxbridge publishers. In my experience, Arabic-language textbooks of international law, when available, are not of great quality, as is the case for many languages.[25] The use of a Western textbook meant that, in many instances, its content, analysis and examples were irrelevant to the region and Qatar. Furthermore, the continuing and exclusive use of positivist Western textbooks is 'baffling':[26] Western textbooks portray positivism as the only conceptual and epistemological framework, thereby epitomising coloniality. The use of conceptual frameworks, vocabularies and modes of reasoning and thinking that are not attuned to Qatar is further reinforced by the use of English as the language of instruction.[27] The QU College of Law teaches specific courses in English so as to improve students' use of legal English. There is merit in this choice. Admittedly, by the end of the course many students testified to feeling more confident discussing international law in English. Nonetheless, existing language barriers inhibited many students from actively participating in class.

Overall, the above-mentioned features of teaching international law, coupled with the traditional method of formal and didactic lectures that students were accustomed to and the consequent very powerful status that lecturers enjoyed in class, made me realise that I needed a radically different form of intervention in the classroom if I wished to truly engage with students. The syllabus of a general course on international law for undergraduate law students meant that specific course units needed to be covered. However, there was a certain flexibility as to the specific course content, examples and case studies to be addressed in class and the learning methods that could be pursued. I set out two main priorities: fostering students' agency and trying to establish a co-creative and trusting learning environment.

Fostering students' agency was of paramount importance, and had two main facets. The first facet consisted of discussing international law, not as something remote and 'out there', but by exemplifying its relevance to domestic and international policy and lawmaking. Many of these students will become government officials in the near future (and some now are). Crucially, the teaching of international law becomes relevant when it accommodates students' lived

[23] BS Chimni, 'Teaching, Research and Promotion of International Law in India: Past, Present and Future' (2001) 5 SJICL 368, 384. Different variations of this perception also apply within the West; see RA MacDonald and TB McMorrow, 'Decolonizing Law School' (2014) 51 Alberta Law Review 717, 720–21.
[24] N Noori, 'The Political Economy of International Higher Education and Academic Labor in the Persian Gulf' in M-H Chou, I Kamola and T Pietsch, *The Transnational Politics of Higher Education* (Routledge 2016) 63.
[25] Chimni (n 4) 7; Chimni (n 23) 382.
[26] Chimni (n 23) 371.
[27] On the relationship between English and the colonial processes that it brings with it, see EW Said, *Culture and Imperialism* (Alfred Knopf 1993) 304–6.

experiences, interests and aspirations.[28] We discussed, as much as possible, issues of particular importance to the country/region (see sections V and VI)[29] and used learning methods that were more attuned to students' identities. This brings me to the second main facet of agency.

Agency is a *praxis* in the classroom. Understanding and critically engaging with international law means making room for students to inform and drive the learning process in an active way. Co-creating in class entails removing oneself from the power-inducing podium and nurturing an atmosphere in which we are able to learn from one another, think together, challenge and interrogate one another. Yet one needs to acknowledge that pursuing co-creation and fostering agency is always subject to the caveat that critical pedagogy also suffers from reproducing relations of domination in the classroom.[30] With that being said, our different viewpoints and even our blind spots can be turned into an advantage, if learning is treated as a process in which all parties transform their experiences.[31] In our teaching practice, not only did I learn to value students' local knowledge and understanding of international law but I also became eager to use unconventional learning tools and skills more contextually relevant to the region.[32] We used creative play, namely open-ended play constrained with as less rules as possible, thereby giving considerable space to communicating and sharing ideas in a variety of media that were chosen by students.[33] I strongly encouraged students to bring in traditional poems and share Bedouin oral storytelling traditions.[34] This material proved invaluable when discussing the creation of States (see section VI). In class, we used objects (eg miniatures of traditional fishing boats (*dhow*) when discussing different cultural understandings of piracy during the British protectionism era),[35] photos, archives and maps (see section VI). These culturally relevant learning tools made the inner workings of international law more visible and relevant to us.[36]

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[28] Knechtle (n 10).
[29] Chimni (n 4) 8–9.
[30] G Ladson-Billings, 'Why Doesn't This Feel Empowering: Working Through the Repressive Myths of Critical Pedagogy' (1989) 59 Harvard Educational Review 297.
[31] See also how Amritha Shenoy, an Indian national teaching in Nepal, describes teaching as a mutual learning experience: AV Shenoy, 'Teaching PIL in Nepal: A Personal Experience', Afronomicslaw, 24 September 2020, https://www.afronomicslaw.org/2020/09/24/teaching-pil-in-nepal-a-personal-experience/.
[32] Okafor and Agbakwa (n 12) 575–76.
[33] Creative play may be distinguished from game-playing in class. The latter is not necessarily a precursor to creativity because it is constrained by rules and reality that one can only react to and not control/change. Moreover, rule-bound games are not spontaneous and are predictable. In contrast, in open-ended games and creative play one may 'share a piece of their internal fantasying about international law' without following or rehearsing a familiar script. For discussion see I Roele, 'The Making of International Lawyers: Winnicott's Transitional Objects' in J Hofmann and D Joyce (eds), *International Law's Objects* (OUP 2018) 72, 88.
[34] N Mendis, 'Thoughts on Teaching International Law in Colombo, Sri Lanka: A Poem', Think-piece presented at the Conference on Teaching and Researching International Law in Asia, 21–22 June 2018, https://cil.nus.edu.sg/event/trila/.
[35] See discussion in P Risso, 'Cross-Cultural Perceptions of Piracy: Maritime Violence in the Western Indian Ocean and Persian Gulf Region during a Long Eighteenth Century' (2011) 12 Journal of World History 293; ML Burgis, '(De)Limiting the Past for Future Gain: The Relationship between Sovereignty, Colonialism and Oil in the Qatar v Bahrain Territorial Dispute' (2005) 12 Yearbook of Islamic and Middle Eastern Law 557, 559.
[36] G Simpson, 'The Sentimental Life of International Law (2015) 3 London Review of International Law 3, 7; J Boyle, 'Ideals and Things: International Legal Scholarship and the Prison-house of Language' (1985) 26 Harv Int'l L J 327, 358.

It should not go unremarked that co-creation also nurtured a more trusting relationship between myself and students. It is rather striking that many QU students experienced international law not only as a conceptual and intellectual space but also as a personal and even emotional space. To give an example, a few times students enquired whether it would be possible not to have exam questions concerning specific topics (eg the Palestinian issue) because they felt very emotional towards them. Personal is not always delineated from scientific and intellectual in a rigid and sanitised way, and emotion should be acknowledged as part of cognition.[37] Knowledge is also to be understood in the context of relationships.[38] This relationship of trust contributed significantly to harnessing the students' distrust of international law in a productive way, as will be explained in the next section.

IV. HARNESSING DISTRUSTFULLNESS TOWARDS INTERNATIONAL LAW: READING PHILIP ALLOTT IN THE DESERT

There is a deep sense of distrust of the international community, international law and institutions in Arab societies.[39] The roots of this distrust can be traced back to centuries of Ottoman domination and British protectionism and decades of post-colonial Western hegemony, including, more recently, the Arab–Israeli conflict.[40] The legacy of (post)colonialism was a constant recurring theme brought up by students in our lectures. A characteristic and funny anecdote from class took place as follows. In the context of a series of group presentations, one of the groups arrived in class to present on the International Criminal Court (ICC) bearing a box of cupcakes. The cupcakes were a special order decorated with the ICC logo. When I asked the students what this meant, they replied that 'today, we will eat the ICC'. This incident best encapsulates the inherent distrust towards international law institutions (and Qataris' love for cupcakes!). Although the legacy of colonialism was a given in our conversations, students had difficulty linking this legacy with the making and application of international law. The question and the challenge, then, (for students and myself alike) was how to harness this distrust so as to unpack the relevance of this legacy to Qatar and the region.

After much 'trial and error' and experimentation, I found a few scholars whose writings resonated with students. One of those scholars was Philip Allott. His imagined first lecture to a class of law students in the year 20–[41] seemed like an appropriate text with which to start the course.

> Well, one of my main contractual duties is to make sure that you find International Law as boring as all other law subjects. You may have come here with certain high-flown ideas about intellectual stimulation, or improving the world, or unravelling

[37] Roele (n 33) 84.
[38] Knechtle (n 10).
[39] See eg AA An-Na'im, 'Human Rights in the Arab World: A Regional Perspective' (2001) 23 HRQ 701, 725–26; Aboueldahab (n 22).
[40] Eg An-Na'im (n 39) 725–26.
[41] P Allott, 'New International Law: The First Lecture of the Academic Year 20–' in British Institute of International and Comparative Law (ed), *Theory and International Law: An Introduction* (BIICL 1991) 107, 107.

> the enigma of history. We'll make sure you clear your mind of any such silly ideas.[42]

The immediate effect of reading this extract was disorientating for students. The text undermines the original expectations of the self-justified importance of studying international law, as well as the role of the Western lecturer in coming to defend and/or apologise for international law. Allott's ironic and/or cynical tone[43] and the underlying sense of frustration and resentment towards international law resonated with them. This initial reaction was followed by a keen interest in reading more:

> Society is like a poem because it's a creation *of* human consciousness, *for* human consciousness. Society is a work of the imagination, like literature. … one input into society is the activity of individual human consciousness, imagination and reason. … International law is, simply, the law of international society. You have to set human existence in a chain of being stretching from a grain of sand to the universe of all-that-is. The actual is the possible. The function of the international lawyer is to change the course of human history.[44]

Allott's work 'is both easy and hard'[45] and this rare quality appealed to students. The aesthetics of the writing and the metaphors used captured their imaginations.[46] It was the poetics of Allott's legal language[47] that won their trust. By placing international law within society, Allott not only grounds misgivings of the workings of international law but also fosters people's agency. This agency concerns both individual and collective action and requires vision and imagination, which both creates and is sustained by the possibility of (re)telling histories of the past and the future. The role of human consciousness – an individual and collective endeavor – in creating change aligned with the Arab experience and aspirations. Individuality goes hand in hand with collectivity in a prominent fashion, especially in the Gulf region and Qatar. The continuously transforming collective mind and communal memory of social orderings – family, extended family, tribe, nation – informs everything.[48]

V. INTERNATIONAL LAW *FOR* CONSTRUING COLONIALITY: UNPACKING 'CIIVILIZED' HUMANITY AND 'PRIMITIVE' LAW

In the effort to unpack and make more visible the enduring relevance of the legacy of (post)colonial policies to the region and Qatar, we engaged with the concept of 'civilised nations'. This opened the door, first, to making visible how the distinction between 'civilised' and 'uncivilised' nations formed a foundation for the making of State sovereignty and

[42] ibid 107.
[43] cf M Koskenniemi, 'International Law as Therapy: Reading The Health of Nations' (2005) 16 EJIL 329, 330.
[44] Allott (n 41) 109, 111, 115.
[45] Koskenniemi (n 43) 329.
[46] ibid 331.
[47] Simpson (n 36) 19.
[48] M Kurpershoek, *Arabia of the Bedouins* (translated by P Vincent) (Saqi Books 2001) 45, 334.

international law and, second, to interrogating the role of general principles of law in international law's claim to universality. The conversations in class, which could unfold in different lectures (eg sources or subjects of international law), would always start by exploring students' understanding of the notion of civilised nations, before bringing in critical scholarship and ideas to question internalised perceptions of colonialism.

When confronted with the question of the meaning of *civilised* nations, under Article 38(1)(c) ICJ Statute, almost all students referred to an advanced stage of social, cultural and moral development. They regularly gave Canada, the United States of America, Japan and Europe, especially Scandinavian countries, as examples of prototypical civilised States. Education and Gross National Income were the main criteria for drawing these distinctions. Cleanliness was a recurring theme (Japan was repeatedly raised as an example to aspire to). Some students initially felt that thinking about civilised nations in the context of colonialisation did not directly concern Qatar and the region; they would refer instead to colonised or native peoples in Africa, Asia and South America. Most students, though, saw the relevance to Qatar. Many of them portrayed Qatar as *climbing the ladder of civilisation* and explained that, since the fifties and the exploitation of its oil and natural gas resources, Qatar had developed economically and ensured a comfortable life for its citizens by providing healthcare and formal education. The most difficult question to address was whether, in their view, their parents and grandparents had been members of civilised nations. The conversations revealed that students experienced an intense struggle revolving around the *tent* as simultaneously a sign of parochialism and part of a heritage to be proud of.

These conversations were followed by the introduction of scholarly work elaborating on how specific ideas of progress have been imprinted on and internalised by all of us and the rest of the world. Our previous discussions had made clear that the market was associated with the narratives of modernity, (economic) progress and individualism, whereas the tent and indigenous culture were associated with backwardness and tribalism.[49] It needs to be noted, however, that culture also took on a positive connotation through an aspiration to honour national and local heritage. Moreover, Qataris' obsession with cleanliness as a marker of civilisation was juxtaposed with the psycho-politics of the *unclean* and the Western puritanical obsession with order and cleanliness vis-à-vis other lifestyles and cosmovisions.[50] Qatar's portrayal as *climbing the ladder of civilisation* was brought together with James Lorimer's nineteenth-century thesis distinguishing between 'savage' humanity, 'barbarous' humanity and 'civilised' humanity. This distinction was, in his view, a consequence of the different degrees of development of States and peoples, and it led proponents to deny the equality of rights of States and question the applicability of the law of nations to different groups according to this distinction.[51] Realizing the existence of an internalised narrative of the progress of civilisation was uncomfortable but gave a lot of food for thought. The fact that James Lorimer was a well-

[49] Anghie (n 19) 229.
[50] B Rajagopal, 'Locating the Third World in Cultural Geography' (2000) 15 Third World Legal Studies 8.
[51] J Lorimer, *The Institutes of the Law of Nations*, vol I (William Blackwood and Sons 1883) 101–2. See also O Hisashi, 'Asia and International Law' (2011) 1 Asian JIL 3, 6; M Lachs, *The Teacher in International Law* (Martinus Nijhoff Publishers 1982) 76–77, 192.

known authority on international law and one of the eleven founding members of the Institut de Droit International exemplified in class how these theories were cemented into the early making of international law and its institutions, which retain an enduring relevance today.[52]

This discussion would continue, in the same or a subsequent lecture, with how State sovereignty—the concept underlying the infrastructure of international law—was forged precisely on the basis of qualifying societies and peoples living different lifestyles (eg nomadic) as backward and 'primitive'. These societies were excluded from the attributes of sovereignty, lacking 'civilisation' and the Western requirements of social ordering (eg a well-defined, fixed population controlling a specific territory). In this sense, sovereignty can be seen as a legal innovation, translating cultural difference into law.[53]

The innovations that international law provided for articulating and supporting the distinction between 'civilised' and 'uncivilised' nations are also visible in how general principles of law, as a source of law, came to replace unsuitable, local 'primitive law'. Landmark arbitration cases that took place in the Gulf region between the early fifties and mid-eighties are excellent examples in this regard. *In the Matter of Arbitration between Petroleum Development and the Sheikh of Abu Dhadi*, Lord Asquith had to answer the question of what law was applicable to the concession, in the absence of a specific clause.[54] Lord Asquith dismissed the argument that the law of Abu Dhabi was applicable on the following basis:

> If any municipal system of law were applicable, it would prima facie be that of Abu Dhabi. But no such law can reasonably be said to exist. … it would be fanciful to suggest that in this very primitive region there is any settled body of legal principles applicable to the construction of modern commercial instruments.[55]

Lord Asquith found it appropriate (and the parties did not object) to apply 'principles rooted in the good sense and common practice of the generality of civilised nations'.[56] Lord Asquith's reasoning is disconcerting. Subsequently, international law practice used the general principles of law as a source of law to assert its illusive aspiration to and normative claim of universality. Yet, universality never materialised, since Third-World law and jurisprudence were never given space to contribute to the content of general principles of law.[57]

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[52] Anghie (n 19) 112.
[53] ibid 3–4, 56–57.
[54] *In the Matter of Arbitration between Petroleum Development (Trucial Coast) and the Sheikh of Abu Dhabi*, Award of Lord Asquith of Bishopstone, (1952) 1 ICLQ 247.
[55] ibid 250–51.
[56] ibid. For a (seemingly) more nuanced approach, see *Ruler of Qatar v International Marine Oil Company Ltd*, Sir Alfred Bucknill (Referee), Arbitral Award of June 1953 (1953) 20 ILR 534, 545.
[57] Anghie (n 19) 199, 229, 237; BVA Röling, *International Law in an Expanded World* (Djambatan 1960) 10.

VI. STATE CREATION: DISRUPTING THE OFFICIAL HISTORY AND THE COLONIAL ARCHIVE (*LORIMER*)

While teaching the topic of the creation of States, I came to realize the illusiveness of the official historical archive for Qatar and the diversity of local histories about how the peoples in Qatar formed a nation and sovereign State. We devoted a considerable part of the respective lecture (and sometimes a separate lecture) bringing to the surface the plurality of histories of Qatar and, at the same time, disrupting the colonial record of its history. The overall learning objective was to reframe and retell the *narrative* about the creation of Qatar as a State.[58] This meant that, first, space was given for multiple stories to be discovered and told; second, these stories were both 'official' and 'unofficial'; and third, the students would choose which stories to tell, how to tell them and how to make sense of them. My role was to direct the conversation and give certain insights, where appropriate.

The exercise was twofold in practice. First, I invited students to bring in any accounts of local histories from their families/tribes. Many students of Bedouin origin brought traditional poems and oral storytelling accounts. These were remarkable moments, incorporating into the classroom setting not only local histories but also local modes of reasoning and narration which displayed their own style and aesthetics.[59] State discourse(s) on citizenship, territory and national history may be in divergence or tension with the narratives of differential tribal identities. We alleviated any possible tensions in class by focusing on the importance of listening and telling local histories.

Second, students were encouraged to explore Lorimer's Gazetteer of the Persian Gulf, Oman and Central Arabia, available online via Qatar Digital Library.[60] Their assignment was to find anything that they considered meaningful from the archive (eg photos, records or maps) and share it in class. Searching through Lorimer's Gazetteer essentially constitutes a direct encounter and critical engagement with the colonial record of the British empire and the East India Company, which eventually became the official history of Qatar. Official historical narratives of Qatar (and other States) are often uncritical in their reliance on British imperial sources.[61] The International Court of Justice also references the British archives and Lorimer's Gazetteer as the primary authoritative sources on the history of the region.[62] In 1903, Lorimer, who served as a colonial administrator in India before his transfer to Baghdad and then the Gulf, was commissioned to produce a convenient and portable handbook for British diplomats. This was supposed to be a six-month project, but Lorimer's Gazetteer emerged twelve years

[58] A Bianchi, *International Law Theories* (OUP 2016) 292–95.
[59] ibid 298; DP Cole, 'Where Have the Bedouin Gone?' (2003) 76 Anthropological Quarterly 235, 235.
[60] JG Lorimer, *Gazetteer of the Persian Gulf, Oman, and Central Arabia* (Superintendent Government Printing, 1908–15), 2 vols, available at https://www.qdl.qa/en/colonial-knowledge-lorimer%E2%80%99s-gazetteer-persian-gulf-oman-and-central-arabia.
[61] Burgis (n 35) 570.
[62] *Maritime Delimitation and Territorial Questions between Qatar and Bahrain*, Merits, Judgment, ICJ Reports 2001, 40, paras 108–9.

later, covering five thousand pages.[63] The Gazetteer was immediately classified as secret and was circulated only among British officials. It provided an obsessively detailed listing of towns and villages that recorded everything from topography to demography. Since then, *Lorimer* has been reproduced so frequently in official records that it qualifies as the official written history of the region.[64] Consequently, *Lorimer* is not merely a historical account of the colonial past; it *is* the present and it defines the history and (self)representation of Qatar. Ironically, when the British Library, in collaboration with Qatar Digital Library, digitalized *Lorimer* and made it publicly available, it was announced that this would 'enabl[e] Qatar and the Gulf to discover their own history';[65] in other words, the colonial archive is now made available to Qatar's peoples so they can discover – once again – their own history as written for them by others.

Overall, engaging with *Lorimer* and our attempt to deconstruct aspects of the historical colonial archive made the inner workings of international law more visible. Students realised their agency by searching, discovering and (re)telling local histories and trying to make sense of Qatar's unwritten history. (Hi)stories had a pervasive role in the learning process.[66]

VII. CONCLUSION

Place matters. I am currently back teaching international law in the West, in the Netherlands, at the University of Groningen. This is the country in which the Dutch East India Company's operations were based. Coloniality is mostly treated *here* as an archive-able historical fact; exhibits on the Dutch East India Company can be seen in museums. International law has moved on. This is far from being true, of course. The legacy and ongoing practices of (post)colonialism present a challenge to be taken up in every single lecture on international law – when and where there is the space and time to do so, and this is rather limited. Cynicism and frustration have grown in me – I now better understand Allott's imaginary lecture. This is a luxury I can afford. Qatar University students changed how I experience the world and my outlook on teaching and research. Perhaps the most important lesson I received is the *urgency* of a different international law, an urgency that cannot be fully captured and experienced in the West. So, most days I choose to trust this lesson – the lesson that a different international law urgently matters – and leave my cynicism aside.

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[63] M Teller, *The diplomat's portable handbook (wheelbarrow required)*, BBC News, 6 December 2014, https://www.bbc.com/news/blogs-magazine-monitor-30344377.

[64] D Lowe, *Colonial Knowledge: Lorimer's Gazetteer of the Persian Gulf, Oman and Central Arabia*, BBC News, 28 January 2015, https://britishlibrary.typepad.co.uk/untoldlives/2015/01/colonial-knowledge-lorimers-gazetteer-of-the-persian-gulf-oman-and-central-arabia.html.

[65] M Teller, *Tales from the India Office – Qatar*, BBC News, 22 October 2014, https://www.bbc.com/news/magazine-29702694.

[66] Borman and Haras (n 11) 369–70; CE Abrahamson, 'Storytelling as a Pedagogical Tool in Higher Education' 118 (1998) Education 440.