Staging grounds: dialectics of the spectacular and the infrastructural in international conference-hosting

Daniel Ricardo Quiroga-Villamarín ⓘ *

For international lawyers, the international conference appears as a rather anodyne place. While attention has been paid to *who* partakes in the 'invisible college', scant scrutiny has been directed to *where* we sit. To counter this, I argue we should interrogate conference spaces as material stages for the dramas of global governance.

Conferences and congresses are therefore a mode of conciliation, which the law of nature recommends to nations [. . .] To afford the prospect of a happy issue of their deliberations, [they] should be formed and directed by a sincere desire of peace and concord. In the present century [ie the eighteenth], Europe has witnessed two general congresses[,] both tedious farces acted on the political theatre, in which the principal performers were less desirous of coming to an accommodation than of appearing to desire it.[1]

Every conference is just like the process of cooking a meal. It needs a good preparation in gathering the materials and building up the menu. The heat should be properly arranged. Instruments must be well sharpened, and a team of good cooks must be called up, attractive and active waitresses gathered and efficient stewards lined up in order to account for

---

1 E de Vattel, *The Law of Nations; or Principles of the Law of Nature applied to the Conduct and Affairs of Nations and Sovereigns* (J Chitty tr, 6th US edn, T & TW Johnson Law Booksellers 1884 [1758]), para 330 at 278.

meals consumed and expenses involved. And it's important to have a good atmosphere to enjoy the common meal.[2]

INTRODUCTION: READING THE ROOM

Unitedstateseans—to borrow a term of Duncan Kennedy's—might recall that the summer of 2020 was marked by the release of the controversial memoirs of the former bureaucrat John Bolton (with whom, to be sure, I share very little).[3] Unsurprisingly, the release of this book resonated well beyond the parochial US-centred debates in which it emerged. After all, it promised a damning indictment of the former Trump administration, revealing intimate secrets about its operations at home and abroad. As Bolton's choice of title clearly indicates, the power of this memoir lay in its capacity to bring the reader directly into 'the room where it happened'. Echoing a scene from the (likewise parochial) musical show *Hamilton*, Bolton reminds us of an essential and often overlooked fact: every international and domestic political decision can be traced to concrete rooms in which deliberation and decisions take place. It was in a room, *Hamilton* argues, that the decision as to where to establish the US capital was taken. It was in another room, Bolton insists, that the Trump administration carried out its machinations. Bolton reminds us that, despite our technological gadgets and virtual aspirations, the everyday of international politics and diplomacy still happens within the bounds of rooms here, there, and everywhere.[4]

The state of the art on the theory and history of international law, however, provides us no tools to *read those rooms*. For the international lawyer, the international conference room (which is, I argue, perhaps the most important room for processes of international law-making and contemporary inter-polity diplomacy) seems to be a rather anodyne and uninteresting place. While much time has been spent aiming to decipher *who* partakes in Schachter's 'invisible college of international lawyers', scant scrutiny has been devoted to *where* we are

---

2   M Mead, 'The Conference Process' in M Mead and P Byers (eds), *The Small Conference: An Innovation in Communication* (De Gruyter 1968) 53-4.

3   J Bolton, *The Room Where It Happened: A White House Memoir* (Simon & Schuster 2020). Like Kennedy, I prefer not to use the adjective 'American' to refer to the United States, for the Americas are two continents and the US is but a single country. See further DR Quiroga-Villamarín, '"Holding Fast to the Heritage of Freedom": The Grotian Moment(s) of the Universal Declaration of Human Rights and the Early United Nations (1941–1949)' (2023) 44 *Grotiana* 94, 95 at note 4.

4   JM Amaya-Castro, 'Teaching International Law: Both Everywhere and Somewhere', in JC Sainz Borgo et al. (eds), *Liber Amicorum in Honour of a Modern Renaissance Man: Gudmundur Eiríksson* (Universal Law Publishing 2017) 521.

placed.[5] In fact, both mainstream and critical approaches to the study of international conferences tend to focus merely on the discursive outputs of these meetings—such as verbatim records, *procès-verbaux*, treaties, or resolutions. Robbie Sabel's masterful study of the rules of procedure of the international conference delivers exactly that: an analysis of formal rules.[6] Yet, the material, infrastructural, and affective practices of conference-hosting have been regularly sidelined as epiphenomenal to the grandiose processes of law-making. Conversely, in this article, I suggest that our analysis of where international lawyer-diplomats *stand* has much to gain from the study of where they *sit*.[7] In this vein, I provide a general theory of conference *room-reading* for international legal theory. Nonetheless, due to limitations of space (pardon the pun) I will not deploy these theoretical insights to a specific international conference in this article. This intervention is an early output from a broader project studying the birth of permanent parliamentary conference halls—from Geneva and New York to Bogotá, Addis Ababa, and Vienna—in the twentieth century.[8] My hope is that this initial theoretical intervention might lay the groundwork for later empirical work on the complex material histories of some of the leading diplomatic conclaves built over the past century.

To be sure, my account is not the first exploration of the relationship between (international) law and the built environment. Domestic legal scholars, especially in the areas once ruled by the British Empire, have long explored the intimate connections between 'law, place, and space' in the domestic context.[9] Under the spell of a 'visual turn' in socio-legal studies,[10] scholars in the Anglo sphere of influence have placed legal emblems,[11] courtroom designs,[12] and

---

5   O Schachter, 'Invisible College of International Lawyers' (1977) 72 *Northwestern University Law Review* 217.

6   R Sabel, *Rules of procedure at the UN and at inter-governmental conferences* (3rd edn, Cambridge University Press 2018).

7   M Windsor, 'Consigliere or Conscience?: The Role of the Government Legal Adviser,' in J d'Aspremont et al. (eds), *International Law as a Profession* (Cambridge University Press 2017) 378.

8   See, for an overview, Quiroga-Villamarín (n 3); DR Quiroga-Villamarín, '"Suitable Palaces": Navigating Layers of World Ordering at the Centre William Rappard (1923–2013)' (2023) 27 *Architectural Theory Review* (advance copy online); DR Quiroga-Villamarín, 'Endroits of Planetary Ordering: Violence, Law, Space, & Capital in the Diplomatic History of 19th Century Europe' *German Law Journal* (forthcoming 2023).

9   L Mulcahy, *Legal Architecture: Justice, Due Process and the Place of Law* (Abingdon 2010) 4.

10   P Goodrich and V Hayaert (eds), *Genealogies of Legal Vision* (Routledge 2015); L Mulcahy, 'Eyes of the Law: A Visual Turn in Socio-Legal Studies?' (2017) 44 *Journal of Law and Society* S111.

11   P Goodrich, *Legal Emblems and the Art of Law: Obiter Depicta as the Vision of Governance* (Cambridge University Press 2014).

12   L Mulcahy, 'Architects of Justice: The Politics of Courtroom Design' (2007) 16(3) *Social & Legal Studies* (2007) 383.

even the aesthetics of judgement itself under the spotlight.[13] From high flying artistic images[14] to the mundane—'boundaries, walls, envelopes' and rooms[15]—every material element of the courtroom can be dissected in relation to its role in the operation of the law and its corresponding promise of justice. Architecture, and even design,[16] has increasingly fallen within the province of 'jurisprudence determined'.[17]

This literature, still, has often limited its purview to the study of courts and tribunals. If Pottage once noted that most 'new materialist' literature in law had remained 'too indulgent of the lawyer's sense of law',[18] one could raise a similar claim about this wave of UK-based law and architecture scholarship.[19] This isn't surprising, given the particularly salient role of judicial institutions in the Western legal imagination—and in the Common Law tradition in particular.[20] After all, Pottage's critique was mainly a response to Latour's famous study of the French *Conseil d'État*.[21] For better or worse, this first wave of interventions gave priority to high courts—and, to a lesser extent, constitutional buildings.[22] The alternative to these grandiose institutions was the street: the

13 C Douzinas, 'Sublime Law: On Legal and Aesthetic Judgements' (2008) 14(4) *Parallax* 18.

14 D Manderson and C Martinez, 'Justice and Art, Face to Face' (2016) 28(2) *Yale Journal of Law & the Humanities* 241; D Manderson, *Danse Macabre: Temporalities of Law in the Visual Arts* (Cambridge University Press 2019).

15 T Hyde, 'Boundaries, Walls, Envelopes, Rooms, and Other Spatialities of Law' in S Stern, M Del Mar, and B Meyler (eds), *The Oxford Handbook of Law and Humanities* (Oxford University Press 2019) 235; T Hyde, *Ugliness and Judgment: On Architecture in the Public Eye* (Princeton University Press 2019).

16 A Perry-Kessaris, *Doing Sociolegal Research in Design Mode* (Routledge 2021).

17 J Austin, *The Province of Jurisprudence Determined: And The Uses of the Study of Jurisprudence* (Hackett Publishing 1998). This, by the way, is the obligatory reference to traditional Anglo jurisprudence. There will be no others. With apologies to P Schlag, 'Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art)' (2008) 97 *The Georgetown Law Journal* 803, 820 at note 43.

18 A Pottage, 'The Materiality of What?' (2012) 39(1) *Journal of Law and Society* 167, 170.

19 On the notion of 'new' (or renewed) materialisms and their promises and limitations for international legal history, see DR Quiroga-Villamarín, 'Domains of Objects, Rituals of Truth: Mapping Intersections between International Legal History and the New Materialisms' (2020) 8 *International Politics Reviews* 129; J Hohmann, 'Diffuse subjects and dispersed power: New materialist insights and cautionary lessons for international law' (2021) 34 *Leiden Journal of International Law* 585.

20 S Romano, *The Legal Order* (M Croce tr, Routledge 2017) 4.

21 B Latour, *The Making of Law: An Ethnography of the Conseil d'État* (M Brilman and A Pottage tr, Cambridge University Press 2010). See further K McGee (ed), *Latour and the Passage of Law* (Edinburgh University Press, 2015).

22 P Minkkinen, '"The Nude Man's City": Flávio de Carvalho's Anthropophagic Architecture as Cultural Criticism' (2021) 15(1) *Pólemos* 91.

intersection of law, space, and the (repression of) protests.[23] This same fixation
with the judiciary is also latent in international law where, as Zarbiyev noted,
judicial centrism is deeply embedded in the DNA of the discipline.[24] With few
exceptions,[25] the literature on the architecture of international law has (master-
fully, to be sure) gravitated exclusively around international tribunals: from the
early twentieth century Hague-based Peace Palace,[26] passing through the mid-
century Nuremberg courtroom,[27] to the more recent African Court on Human
and Peoples' Rights in Arusha.[28] For better or worse, the design of the windows
of the International Criminal Court became a trending topic in the invisible
Twitter echo chamber of international lawyers in 2021.[29]

This focus on judicial institutions is indeed understandable in the after-
math of uneven and combined hyper-judicialisation of the international sphere
of the last decades.[30] But these are not the only temples of (international) law.
And the concern for the extraordinary moments of adjudication has not been

---

23 L Finchett-Maddock, *Protest, Property and the Commons: Performances of Law and Resistance*
    (Abingdon 2017); I R Wall, *Law and Disorder: Sovereignty, Protest, Atmosphere* (Abingdon 2021).
    On the importance of the mundane and not only the magnificent in legal spaces, see Mulcahy,
    Legal architecture (n 12) 5.

24 F Zarbiyev, 'On the Judge Centredness of the International Legal Self' *European Journal of
    International Law* 32 (2021), 1139.

25 R Vos and S Stolk, 'Law in Concrete: Institutional Architecture in Brussels and The Hague' (2020)
    14(1) *Law and Humanities* 57; S Stolk and R Vos, 'Brutal International Law: A Walk through
    Marcel Breuer's Former American Embassy in The Hague,' (2020) 28(1) *New Perspectives*12; M
    Bak McKenna, 'Designing for International Law: The Architecture of International Organizations
    1922–1952' (2021) 34(1) *Leiden Journal of International Law* 1.

26 M Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics,
    and the Origins of the European Convention* (Oxford University Press 2017). See chapter 1, 'The
    Romance of International Law,' 13-48. See also D Litwin, 'Stained Glass Windows, the Great Hall
    of Justice of the Peace Palace' in J Hohmann and D Joyce (eds), *International Law's Objects*
    (Oxford University Press 2018) 463; T Aalberts and S Stolk, 'The Peace Palace: Building (of) The
    International Community' (2020) 114 *AJIL Unbound* 117; T Aalberts and S Stolk, 'Building (of)
    the international community: a history of the Peace Palace through transnational gifts and local
    bureaucracy' (2022) 10 *London Review of International Law* 169.

27 M Somos and M Gostwyck-Lewis, 'A New Architecture of Justice: Dan Kiley's Design for the
    Nuremberg Trials' (2019) 21(1) *Journal of the History of International Law* 104; R Schäfer and M
    Körsmeier, 'Spotlight-Interview with Mark Somos' (2021) 23(2) *Journal of the History of
    International Law* 243.

28 N de Silva, 'African Court on Human and Peoples' Rights' in J Hohmann and D Joyce (eds),
    International Law's Objects (Oxford University Press 2018) 95.

29 See the responses to @IntlCrimCourt, Tweet of 18 January 2021, at <https://twitter.com/
    IntlCrimCourt/status/1351226875792777217> accessed on 23 August 2021. See also A Jeffrey, *The
    Edge of Law: Legal Geographies of a War Crimes Court* (Cambridge University Press 2020).

30 B Kingsbury, 'International Courts: Uneven Judicialisation in Global Order' in J Crawford and M
    Koskenniemi (eds), *The Cambridge Companion to International Law* (Cambridge University Press
    2012) 203.

accompanied with attention to the more routine everyday spaces of international diplomacy.[31] Hence, a promising direction for new waves of scholarship on the materiality of international law is to go beyond these judicial commonplaces. In this vein, in this article, I focus on international conference spaces as venues for law-making conclaves through multilateral diplomacy, rather than looking at venues of bilateral adjudication. I suggest that we interrogate these places as *stages*—as scenarios created for the execution of highly scripted performances of the 'theatre of the rule of law'.[32] As Vattel reminds us, quoted in the epigraph to this article, the *conference-as-stage* metaphor has had a long and productive history in the Western legal imagination.[33]

In fact, like a fish who cannot realize it is surrounded by water, perhaps, our discipline dwells within conference rooms to the point that we have come to see them as natural and self-evident environments of inter-polity interaction.[34] And yet, these spaces are pregnant with meaning—and a careful archaeology of their material politics might uncover the ways they embody a particular vision of world order.[35] Take, just to provide a cursory example, the famous 'Human Rights and Alliance of Civilizations Room'—perhaps one of the most photographed conference rooms in Geneva's rather photogenic diplomatic landscape. Due to its spectacular aesthetics and sophisticated infrastructure, it offers an interesting entry point into the material politics of conference-hosting. In fact, readers who are actively engaged with the work of the UN's human rights machinery might be able to quickly conjure a mental image of this distinctive hall—especially those who visit it often to follow the work of the UN's Human Rights Council, which meets in *Bâtiment E* (Building E) in the UN's complex in Geneva, Switzerland.[36] While the room (originally given the less ceremonious name '*Salle XX*') was built in 1973 along with the rest of the building, its current

---

31 Zarbiyev (n 24). See also M Marsden, D Ibañez-Tirado, and D Henig, 'Everyday Diplomacy' (2016) 34(2) *The Cambridge Journal of Anthropology* 2.

32 To paraphrase S Humphreys, *Theatre of the Rule of Law: Transnational Legal Intervention in Theory and Practice* (Cambridge University Press 2010). See also D Desai and M Schomerus, '"There Was A Third Man...": Tales from a Global Policy Consultation on Indicators for the Sustainable Development Goals: Indicators and the SDGs' (2018) 49 *Development and Change* 89, 94.

33 On 'theatrical practice[s] in politics' as a mode of manifestation of public authority, see M Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78* (G Burchell tr, Palgrave Macmillan 2007) 347. See also J Rancière, *The Politics of Aesthetics: The Distribution of the Sensible* (G Rockhill tr, Continuum 2006) 17.

34 With apologies to A Bianchi, *International Law Theories: An Inquiry into Different Ways of Thinking* (Oxford University Press 2016) 1.

35 Quiroga-Villamarín, 'Suitable Palaces' (n 8).

36 For a more detailed engagement with this particular space, see F McConnell, 'Tracing Modes of Politics at the United Nations: Spatial Scripting, Intimidation and Subversion at the Forum on Minority Issues' (2020) 38 *Environment and Planning C: Politics and Space* 1017.

form responds to an expansive renovation funded by the Spanish state in 2008.[37] The room thus provided a fitting home for the UN's Human Rights Council—which also underwent a thorough renovation when the UN transformed its discredited Commission on Human Rights into this new organ in 2006.[38] Its modular system of chairs allows for a rapid reorganization of the Room depending on the needs of the conclave at hand, allowing for a maximum capacity of 754 seated occupants.[39] Its centripetal structure, which consists of a spiral of concentric circles, gives participants a sense of horizontality. And yet, on a closer look, one notices how this seemingly non-hierarchical seating organization hides its own partitions and stratified logics of participation—dividing, for instance, the chamber into areas reserved for member-state delegates, UN secretariat staff, and translators. In fact, only 49 seats are reserved for the press, as against 45 for the general public, showing that the room was built with the needs of a specific constituency in mind (Figure 1).

Figure 1. Conferring in the 'Human Rights and Alliance of Civilizations' Room. UN Multimedia/Elma Okic (2017). Permission to reuse granted on 5 September 2023 by Ariana Lindquist, Information Management Officer, UN Photo Library, DGC [ID: UN7141156].

---

37   See UN Doc. A/C.5/1076, 'Report of the Secretary-General: Budget Estimates for the Financial Year 1967 – Extension of Conferences Facilities at the Palais des Nations,' 28 October 1966.

38   N Ghanea, 'From UN Commission on Human Rights to UN Human Rights Council: One Step Forwards or Two Steps Sideways?' (2006) 55 *The International and Comparative Law Quarterly* 695.

39   Offices des Nations Unies à Genève, 'Les Salles de Conférence,' (2018) <https://www.ungeneva.org/sites/default/files/2020-07/ungeneva-conference-rooms-guide.pdf> accessed 14 August 2023, 96-7.

Towering above the diplomatic deliberations and human rights recriminations, lies the Room's crown jewel: the sculpture roof elaborated by the Spanish artist Miquel Barceló. Funded with the support of a private-public partnership between the Spanish government, the UN, and the Barcelona-based foundation ONUART,[40] the Human Rights and Alliance of Civilizations ceiling has been read as the material embodiment of a broader political coalition that began in 2005 and is led by the UN Secretariat, Spain, Türkiye and has the support of a plethora of UN member states.[41] In its multi-coloured celling, the UN Secretary-General Ban Ki-moon argued he saw a clear parallel to multilateralism—as '[c]ountries and people have different perspectives' for 'where you stand depends on where you sit.'[42] Accordingly, diplomats 'might need to spend some time in this room, and look at the design from different angles in order to see it completely', as a metaphor for the ways in which 'we must have a full range of views if we are to properly address global challenges.'[43]

Now, my argument is not that we should disagree with Ban Ki-moon's lofty framing of the relationship between multilateralism and the particular layout of this room—though I am sure some readers might. Rather, my more modest point is to insist that multilateral conference spaces, as technological artefacts of global governance, have politics.[44] How else can we explain the enormous resources that international actors—such as the UN secretariat or, in this case, the Spanish government—invested in the making of this specific conference room? The specific modes of meaning of these spaces might vary depending on the political economy and ideological projects that led to their creation and adoption throughout the twentieth century, but it is clear that they are not simple empty vessels where diplomatic encounters happen without friction. Above all, I argue that their function and symbolism is entirely different from that of the international court—a space created for the bilateral settlement of disputes through the intervention of a neutral third-party

---

40   For a longer history of Spanish engagement with the interior decoration of Geneva's international organizations as a foreign policy strategy, see DR Quiroga-Villamarín, 'Within International Law's Sistine Chapel: José María Sert y Badia's "The Lesson of Salamanca" in, and as, International Legal History (1936)' (2023) 2023-03 *MPILHLT Research Paper Series*.

41   Hence the rather awkward or old-fashioned name. See Ban Ki-Moon, 'Remarks at the inauguration of Human Rights and Alliance of Civilizations Room at Palais des Nations,' 18 November 2008 <https://www.un.org/sg/en/content/sg/speeches/2008-11-18/remarks-inauguration-human-rights-and-alliance-civilizations-room> accessed 15August 2023.

42   ibid.

43   ibid.

44   L Winner, *The Whale and the Reactor: A Search for Limits in an Age of High Technology* (2nd edn, University of Chicago Press 2020) 19-39.

drawing from a long tradition of municipal adjudication. Conversely, conference rooms—I suggest—attempt to reimagine the architectural form and technological layout of the domestic parliament, a central institution for aspirations of 'liberal democracy'. While courts and parliaments have both been central to this project of the 'rule of law,' their spatial and political operations are thoroughly dissimilar. Accordingly, if we are to understand their 'material powers',[45] we ought to have a theory that does not simply extend our analysis of international courts into inter-polity conferences. I hope this article constitutes a first step in this direction.

For this reason, in this article I suggest we interrogate the ways in which a multilateral conference venue might act as—to paraphrase Winner—a de facto 'constitution of sorts, the constitution of a sociotechnical order'.[46] Drawing from the fields of science and technology studies (STS), Goffman's dramaturgical sociology, the so-called 'new materialisms', and the anthropology of infrastructures, I argue that we tackle these constitutional stages through a dialectic analysis of the infrastructural (setting) and performative (frontstage) elements involved in assembling an international conference.[47] In this sense, I focus more on the material assemblages that underpin the frontstage ('furniture, décor, physical layout, and other background items')[48] than on the articulation of what Goffman understood as the backstage—a space that has been recently been productively explored by scholarship on the 'unseen' actors and processes of international and transnational law.[49] If David Kennedy urged international legal scholars to pay heed to the 'background norms, ideas, aspirations, and work' of international expertise,[50] in my work I want to radicalise this call through an engagement with the materiality of background settings.[51] Perhaps,

---

45   T Bennett and P Joyce (eds), *Material Powers: Cultural Studies, History and the Material Turn* (Routledge 2010).

46   ibid 47.

47   E Goffman, *The Presentation of Self in Everyday Life* (rev edn, New York 1990) 107.

48   ibid 22.

49   F Baetens (ed), *Legitimacy of Unseen Actors in International Adjudication* (Cambridge University Press 2019); LJM Boer and S Stolk (eds), *Backstage Practices of Transnational Law* (Routledge 2019).

50   D Kennedy, *A World of Struggle: How Power, Law, and Expertise Shape Global Political Economy* (Princeton University Press 2016) 7-8.

51   DR Quiroga-Villamarín, 'Beyond Texts? Towards a Material Turn in the Theory and History of International Law' (2021) 23(3) *Journal of the History of International Law* 466. See further A Riles, 'Infinity within the Brackets' (1998) 25(3) *American Ethnologist* 378; A Riles, *The Network Inside Out* (University of Michigan Press 2000); A Riles (ed), *Documents: Artifacts of Modern Knowledge* (University of Michigan Press 2006); A Riles, 'Introduction to the Symposium on The Anthropology of International Law' (2021) 115 *AJIL Unbound* 268; E Adler and V Pouliot (eds), *International Practices* (Cambridge University Press 2011); N Rajkovic, TE Aalberts, and T Gammeltoft-Hansen (eds), *The Power of Legality: Practices of International Law and Their Politics*

in our quest to interrogate the discursive and ideological settings of international negotiations, '[w]e have given insufficient attention to the assemblages of sign-equipment which large numbers of person can call their own for short periods of time'.[52] This setting, I argue, is interesting precisely because it mediates the distinction between the 'frontstage' and the 'backstage'; between what is hyper-visible and what is rendered inconspicuous; between the performative and the infrastructural.[53]

To make my argument, after the introduction already presented to the reader, I take an uneasy Foucauldian and Marxist approach to the tension between material determinism and irrelevance in the literature on architecture and 'the political'.[54] To chart a *via media* between these two poles, I argue that conference infrastructures can have at least two political functions. On the one hand, I suggest that conference rooms, at the macro level, work as sociotechnical anchors for prefigurative visions of world-ordering. In this vein, I pay particular attention to how overarching political projects are embedded within the palaces of the so-called international community. On the other hand, I take a micro perspective to show how these spaces materially erect barriers and supply tools that are evenly distributed amongst the performers that toil within their staging grounds. Such spatial perspective on freedom of performers, I hope, can provide a different framing to the debates on structure versus contingency that have been raging in international legal history.[55] With micro and macro, I understand different scales of spatial analysis. An analysis of the macro plane attempts to make sense of the meanings that these places exude, while a micro perspective focuses on the disciplinary conditions imposed upon those who dwell and toil within them. [56] As we will see with more detail below, while Marxist perspectives has tended to privilege the macro-physics of power, Foucauldian insights focus on the 'micro-physics of power'.[57] By

---

(Cambridge University Press 2018); TE Aalberts and T Gammeltoft-Hansen (eds), *The Changing Practices of International Law* (Cambridge University Press 2019); MM Payk and K Christian Priemel (eds), *Crafting the International Order: Practitioners and Practices of International Law since c.1800* (Oxford University Press 2021).

52 Goffman (n 47) 22-23.

53 I thank one of the reviewers for their helpful comments in this regard.

54 S Moyn, 'Concepts of the Political in Twentieth-Century European Thought,' in J Meierhenrich and O Simons (eds), *The Oxford Handbook of Carl Schmitt* (Oxford University Press 2014) 291.

55 See broadly I Venzke and KJ Heller (eds), *Contingency in International Law: on the Possibility of Different Legal Histories* (Oxford University Press 2021).

56 S Stewart, *On Longing: Narratives of the Miniature, the Gigantic, the Souvenir, the Collection* (Duke University Press 1993) xiii. I am indebted to Carolyn Biltoft for this reference.

57 See generally, B Jessop, 'Pouvoir et stratégies chez Poulantzas et Foucault' (2004) 36(2) *Actuel Marx* 89 (L Benoît tr); W Walters, 'The Microphysics of Power Redux,' in P Bonditti, D Bigo, and F Gros (eds), *Foucault and the Modern International* (Palgrave Macmillan 2017) 57.

putting these two scales into conversation, I conclude with some remarks on what Goffman diagnosed as the 'bureaucratisation of the spirit' that is expected for 'perfectly homogenous performance[s]' in relation to 'modern' inter-polity diplomacy.[58]

CONSTITUTIONAL TECHNOLOGIES OF SPATIAL ORDERING: INTERNATIONAL CONFERENCE HALLS AND THE 'MATERIALISM OF THE INCORPOREAL'

How can (international) legal theory make sense of space? As the human geographer Nigel Thrift noted (citing the anthropologist Edward Hall), space in social theory is often treated as Western mores deal with sex—'[i]t is there, but we don't talk about it. And if we do, we certainly are not expected to get technical or serious about it.'[59] In what follows, I provide a somewhat technical and serious account of space and its relationship with power following what I have called with more detail elsewhere a perspective that engages with the 'materialism of the incorporeal'.[60] My eclectic approach puts forward what could be understood as a hybrid perspective between a 'Foucauldian political economy and Marxian poststructuralism', which I see as a novel perspective for the theory and history of international law.[61] While my overall approach draws extensively from Foucault's work, in this article I am particularly interested in his interventions of the mid-to-late seventies. As Elden has extensively noted, this was a pivotal moment in his engagement with questions of 'political economy, strategy [and] politics',[62] which led Foucault to rethink his approach to the writing of history—following a transition from an early 'archaeological' phase to his 'genealogical' work. This was also a period where he foregrounded the theorisation of power and repression (inflected by a rather heterodox reading of industrial discipline in Marx's capital vol. II) and reflected on the role of and spatial material infrastructures in the development of Western disciplinary constellations.[63] This approach attempts to bring together a 'new

---

58   Goffman (n 47) 56.

59   N Thrift, 'Space: The Fundamental Stuff of Geography', in NJ Clifford et al. (eds), *Key Concepts in Geography* (Sage 2009) 85.

60   Quiroga Villamarín (n 52) 488.

61   S Springer, 'Neoliberalism as Discourse: Between Foucauldian Political Economy and Marxian Poststructuralism' (2012) 9(2) *Critical Discourse Studies* 133.

62   S Elden, 'Strategy, Medicine and Habitat: Foucault in 1976' in JW Crampton and S Elden (eds), *Space, Knowledge and Power: Foucault and Geography* (Abingdon 2007) 67, 69.

63   S Elden, *Foucault's Last Decade* (Polity Press 2016) 1-111. For better or worse, Foucault's later work on antiquity and the care of the self resonates less with my own intellectual commitments.

materialist' preoccupation for the concrete and tangible everyday operations of power with an 'old materialist' concern with the role of structures in social critical theory.

I will, nevertheless, not provide a general overview of the so-called spatial turn or of the new materialisms in history, (international) law, or social theory.[64] Furthermore, I am ready to concede that other thinkers of the spatial might more easily reconcile Marxist and poststructuralist sensibilities—from the historical materialist interventions of Lefebvre, Soja, or Harvey to the phenomenologically inflected work of Bachelard or Merleau-Ponty.[65] I draw from Foucault not necessarily because of his account of space (which, as many have noted, can be quite narrow and limited)[66] but rather due to his challenge to the 'juridical' and 'repressive' understandings of power, which he then integrates into an analysis of space and architecture.[67] While some of his contemporaries saw Foucault's *Discipline and Punish* (published originally in 1975, translated into English in 1977) as the antithesis of Marxist approaches to a general theory of the state and the law—chief among them, Poulantzas's *State, Power, Socialism* of 1978. Recent interventions, however, have reread these contributions as narrowing the gap between the two traditions.[68] Tellingly, Foucault himself, when questioned about his distance from Marxism across this period, confessed that:

> there is also a sort of game that I play with this. I often quote concepts, texts, and phrases from Marx but without feeling obligated to add the

64 See, respectively, S Arias, 'Rethinking Space: An Outsider's View of the Spatial Turn' (2010) 75(1) *GeoJournal* 29; R Bavaj, K Lawson, and B Struck (eds), *Doing Spatial History* (Routledge 2021); Y Blank and I Rosen-Zvi, 'Introduction: The Spatial Turn in Legal Theory' (2010) 10(1) *Hagar* 1; A Philippopoulos-Mihalopoulos, 'Law's Spatial Turn: Geography, Justice and a Certain Fear of Space' (2011) 7(2) *Law, Culture and the Humanities* 187; C Landauer, 'Regionalism, Geography, and the International Legal Imagination' (2011) 11(2) *Chicago Journal of International Law* 557. For a general account of the encounters between the (re)new(ed) materialisms and international law, see Quiroga-Villamarín (n 19); J Hohmann (n 19).

65 H Lefebvre, *The Production of Space* (D Nicholson-Smith tr, Blackwell 1991); EW Soja, *Postmodern Geographies: the Reassertion of Space in Critical Social Theory* (2nd edn, Verso 2011); D Harvey, *Social Justice and the City* (rev edn, University of Georgia Press 2009); G Bachelard, *The Poetics of Space* (M Jolas tr, Penguin Books 2014); M Merleau-Ponty, *Phenomenology of Perception* (D A Landes tr, Abingdon 2012).

66 N Thrift, 'Overcome by Space: Reworking Foucault', in Crampton and Elden (n 63), 53; S Legg, 'Beyond the European Province: Foucault and Postcolonialism', in Crampton and Elden (n 63) 265.

67 M Foucault, 'The Meshes of Power', in Crampton and Elden (n 63) 153.

68 B Jessop, 'From Micro-Powers to Governmentality: Foucault's Work on Statehood, State Formation, Statecraft and State Power' (2007) 26(1) *Political Geography* 34. See M Foucault, *Discipline and Punish: The Birth of the Prison* (A Sheridan tr, Vintage Books 1977); N Poulantzas, *State, Power, Socialism* (Verso 2014 [1978]).

> authenticating label of a footnote with a laudatory phrase to accom-
> pany the quotation [...] I quote Marx without saying so, without
> quotation marks, and because people are incapable of recognizing
> Marx's texts I am thought to be someone who doesn't quote Marx
> [...] It is impossible at the present time to write history without using
> a whole range of concepts directly or indirectly linked to Marx's
> thought and situating oneself within a horizon of thought which has
> been defined and described by Marx. One might even wonder what
> difference there could ultimately be between being a historian and
> being a Marxist.[69]

Hence, instead of putting forward a purely Marxist theory of 'macro' state power and fleshing out its connections to international law (as Özsu illuminatingly did recently),[70] I instead work within Foucault's register of a heterodox Marxian theory of power that doesn't revolve around state power but rather interrogates 'micro' forms of disciplinary regulation. My starting point, then, is Foucault's critique of what he called a 'juridical conception of power.'[71] This critique stems from his work on the mid-to-late seventies, after he had just published *Discipline and Punish* and was finishing the first volume of his *The History of Sexuality*. At the same time, in his lectures at the *Collège de France*, he was testing some of the early ideas that we would come to read as the basis for his later work on governmentality and biopolitics—from *Abnormal* in 1974-5; *Society Must be Defended* in 1975-6; *Security, Territory, Population* in 1977-78; and the *Birth of Biopolitics* in 1978-79.[72] A common thread of this era, in my view, is Foucault's critique of the so-called 'repressive hypothesis' in the field of human sexuality and its general extrapolation to political economy and social theory.[73] As Foucault puts it in his lecture 'The Meshes of Power' (first delivered in Brazil in 1976, published in French in 1981-2 and in English in 2007), one of the limitations of mainstream Marxist

---

69   M Foucault, 'Prison Talk', in C Gordon (ed), *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (Pantheon Books 1980) 37, 53-53.

70   U Özsu, 'The Necessity of Contingency' in Heller and Venzke (n 56) 60.

71   Foucault (n 68) 153 and 156.

72   Foucault (n 69); M Foucault, *The History of Sexuality. Volume I: An Introduction* (R Hurley tr, Pantheon Books, 1978); M Foucault, *Abnormal: Lectures at the Collège de France 1974 – 1975* (G Burchell tr, Picador 2003); M Foucault, *Society must be defended: lectures at the Collège de France, 1975-76* (D Macey tr, Picador 2003); Foucault, *Security, Territory, Population* (n 33); M Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-79* (M Senellart tr, Palgrave Macmillan 2008). For an overview, see M Valverde, *Michel Foucault* (Routledge 2017) 21-31.

73   M Philp, 'Foucault on Power: A Problem in Radical Translation?' (1983) 11 *Political Theory* 29.

and Freudian theories of power was their medieval 'juridical conception of power'—in their view, power came in the formula *you must not*.[74]

In Foucault's view, the history of western political thought and the transition from feudal discourses of judicial kingship to bourgeois practices of governmentality (an issue he would later explore at length in *Security, Territory, Population*) have limited our understanding of power in 'a poor and negative way.'[75] He asked, 'why do we always conceive power as a law and as prohibition?'[76] While the questions of sovereignty and judicial rules were important, Foucault saw them as mechanisms of the 'representation of power' that could obscure the 'real functioning of power'—hence the theatrical dimensions of state-craft.[77] Instead, he attempted to 'analyze power in its positive mechanisms.'[78] As some readers might recognise, this is the idea that eventually would evolve into an analysis of power as the 'conduct of conduct': governmentality.[79] But at this early stage, Foucault (following Marx's vol. II of *Capital*) limits himself to a more modest undertaking: an exploration of the political technologies of power that did not express themselves merely in the formula *you must not*, but rather actively tried to *positively* shape the conduct of individuals (and later, whole human populations), in what he famously called bio-political forms of the conduct of conduct.[80] At this early phase, his chief examples are the industrial factory, the apparatus of 'normal' sexual conduct, and the early modern standing army—examples he will return to in more depth in his lectures of the late seventies. In other words, his point is that if we focus only on how the Western state *negatively* outlaws certain conducts via formal legal mandates of permission/prohibition, we are missing half of the picture. One must also see how certain decentralised *dispositifs* (apparatuses)—which might be public or private—*positively* encourage the adoption of certain practices through disciplinary mechanisms that are not only repressive in nature.[81] By *dispostifs*, as we will see later in more detail, Foucault

---

74 Foucault (n 68) 153.

75 ibid 154. See also DR Quiroga-Villamarín, 'L'État, C'est Moi?: Towards an Archaeology of Sovereignty in the Western Episteme(s)' (2022) 12 *Transversal: International Journal for the Historiography of Science* (2022) 1.

76 Foucault (n 68) 153.

77 Foucault (n 68) 156.

78 ibid.

79 M Dean, *Governmentality: Power and Rule in Modern Society* (2nd edn, Sage 2010).

80 Foucault (n 68) 158. This shift from 'power as juridical prohibition' to 'power as technology of social intervention' is crucial for my argument.

81 C Pollis, 'The Apparatus of Sexuality: Reflections on Foucault's Contributions to the Study of Sex in History' (1987) 23(3) *The Journal of Sex Research* 401.

referred to an assemblage of heterogenous elements (both concrete and intangible) that both enable and constrain human practices and imaginaries.[82]

But what does space, a reader might wonder, have to do with all of this? Foucault's critique of juridical conceptions of power allows him—willingly or unwillingly, as he awkwardly noted in an interview, 'Questions on Geography'[83]—to analyse how the disciplinary effects of spatial technologies—an 'archipelago of different powers'—is imposed on the self.[84] For him, all these positive apparatuses had a particular 'historical and geographical specificity' that was not reducible to the general form of the nation-state.[85] On the contrary, 'the unity of the State is essentially secondary in relation to these specific and regional powers, which come in the first place.'[86] To give the juridical state primacy would be, in his view, to 'Rousseau-ize Marx'—to settle within the boundaries of a pre-given bourgeois theory of the juridical system.[87] Instead, Foucault privileged the fragmented, geographically-constrained, and historically-contingent regimes of power that—like a mesh—positively shape the conducts, imaginaries, and practices of those who are trapped within such social nets.[88] While our field has been drawing from Foucault's insights in very productive ways for many years now,[89] my contribution seeks to foreground the material and spatial elements of Foucault's decentralised disciplinary assemblages.

Indeed, as I argue in more detail elsewhere,[90] while Foucault is best-known for his archaeological accounts of systems of thought, his preoccupation with these meshes of power also encompassed material infrastructures

---

82   M Foucault, 'The Confession of the Flesh' in C Gordon (ed), *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (Pantheon Books 1980) 194. See further A Pottage, 'Review: Foucault's Law by Ben Golder and Peter Fitzpatrick' (2011) 74 *Modern Law Review* 159, 164.

83   M Foucault, 'Questions on Geography', in Crampton and Elden (n 63) 173.

84   Foucault (n 68) 156.

85   ibid.

86   ibid 157.

87   ibid 158.

88   ibid.

89   *Inter alia*, D Kennedy, 'The Stakes of Law, or Hale and Foucault!' (1991) XV(4) *Legal Studies Forum* 327; T Aalberts and B Golder, 'On the Uses of Foucault for International Law' (2012) 25(3) *Leiden Journal of International Law* 603; R Urueña, *No Citizens Here: Global Subjects and Participation in International Law* (Brill 2012) 11-52. See also A Bianchi, 'Knowledge Production in International Law: Forces and Processes', in A Bianchi and M Hirsch (eds), *International Law's Invisible Frames: Social Cognition and Knowledge Production in International Legal Processes* (Oxford University Press 2021) 155, 158-162.

90   DR Quiroga-Villamarín, 'All's Fair in Love and War: Imperial Gazes and Glaring Omissions at the Expositions Universelles (1851–1915)' (2021) 2021/1 *Cognitio* 1, 7-11.

and concrete technologies.[91] In his 'Meshes' lecture, he argues that aimable rifles were fundamental to the creation of the early modern standing army as a positive *dispositif* of military training, while primary schools were an essential part of the infrastructures for the disciplinary formation (sexual or otherwise) of children.[92] In his history of the prison system, moreover, he focused on the 'material elements and techniques that serve as weapons, relays, communications routes and supports for [. . .] power and knowledge relations'.[93] Not in vain, he clarified that his history of sexuality was not a 'history of mentalities' but rather a 'history of bodies' that analysed their material investments.[94] Some of his most famous analyses of these 'material powers' are,[95] perhaps, the panopticon,[96] the guillotine,[97] the clinic,[98] the hospital,[99] the court-room,[100] and the confessional furniture.[101] One need only remember that Foucault himself defined a *dispositif* as 'a thoroughly heterogeneous ensemble consisting of discourses, institutions, *architectural forms*, regulatory decisions, laws, administrative measures, scientific statements, philosophical and moral propositions—in short, the said as much as the unsaid.'[102] In fact, as Elden shows, Foucault only came to the study of governmentality after a long phase of (unpublished or untranslated) work on 'urban infrastructures, public utilities, and related themes',[103] under the umbrella of a collective research project entitled *Généalogie des équipements collectifs*. While he never published his 1975

---

91 T Lemke, 'New Materialisms: Foucault and the 'Government of Things'' (2015) 32(4) *Theory, Culture & Society* 3; T Lemke, 'Rethinking Biopolitics: The New Materialism and the Political Economy of Life,' in E Wilmer and A Žukauskaitė (eds), *Resisting Biopolitics: Philosophical, Political, and Performative Strategies* (Routledge 2016) 57.

92 Foucault (n 68) 157 and 160, respectively.

93 Foucault (n 69).

94 Foucault, *The History of Sexuality* (n 73) 152.

95 T Bennett and P Joyce, *Material Powers* (n 46).

96 Foucault (n 69) 195.

97 ibid 13.

98 M Foucault, *The Birth of the Clinic: An Archeology of Medical Perception* (A Sheridan tr, Routledge 1991).

99 M Foucault, 'The Incorporation of the Hospital into Modern Technology', in Crampton and Elden (n 63) 141.

100 M Foucault, 'On Popular Justice: A Discussion with the Maoists' in C Gordon (ed), *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (Pantheon Books 1980) 1, 8.

101 Foucault *Abnormal* (n 73) 181.

102 Foucault (n 83) 194 (italics added).

103 Elden (n 64) 83. See further 82-111.

draft *L'Architecture de Surveillance*, many of its insights would continue to haunt his later works.[104]

Despite the limits of Foucault's understandings of space, I find this nexus between concrete spatial and infrastructural devices with broader technologies of power to be a productive notion for international lawyers—especially given that our field has increasingly began to reflect on questions of technology and infrastructure.[105] Indeed, they have been the point of departure for a whole tradition of Foucauldian geographies,[106] analyses of other material institutions and projects of state-making and world ordering (like museums),[107] and the recent wave of work on the anthropology of infrastructures.[108]

And yet, architecture on its own did not, for Foucault, determine the outcome of the power struggles that would unfold within such spatial and material institutions.[109] In his view, no 'abstract architectural plan can offer a formula for a good hospital'.[110] While the 'very architectural layout of the panopticon offers various techniques of control',[111] it does not overdetermine the ways in which the dwellers of these spaces might resist or reinvent the conduct of conducts. As he noted in a later interview, 'it can never be inherent in the structure of things to guarantee the exercise of freedom [or domination]'.[112] This allowed him to navigate the *via media* between perilous the Scylla of material determinism and the Charybdis of architectural insignificance—which, as Bell and Zacka recently noted, has been one of the most salient challenges for interventions that inhabit the intersection of social theory and architecture.[113] For that reason, he clarified that his work tackled not only the architecture of the hospital itself, but the 'medical-hospital' complex that

---

104 ibid, 87.

105 B Kingsbury, 'Infrastructure and InfraReg: On Rousing the International Law "Wizards of Is"' (2019) 8(2) *Cambridge International Law Journal* 171.

106 T Cresswell, *Geographic Thought: A Critical Introduction* (Wiley-Blackwell 2013), 209-214.

107 T Bennett, *The Birth of the Museum: History, Theory, Politics* (Routledge 1995).

108 B Larkin, 'The Politics and Poetics of Infrastructure,' (2013) 42(1) *Annual Review of Anthropology* 327; N Anand, A Gupta, and H Appel (eds), *The Promise of Infrastructure* (Duke University Press 2018).

109 On Foucault and architecture, see J M Piro, 'Foucault and the Architecture of Surveillance: Creating Regimes of Power in Schools, Shrines, and Society' (2008) 44(1) *Educational Studies* 30; G Fontana-Giusti, *Foucault for Architects* (Routledge, 2013).

110 Foucault (n 68) 141-42.

111 N Leach (ed), *Rethinking Architecture: A Reader in Cultural Theory* (Routledge 1997) 329.

112 M Foucault, 'Space, Knowledge, and Power' in P Rabinow (ed), *The Foucault Reader* (Pantheon Books 1984) 239, 245.

113 D Bell and B Zacka, 'Introduction', in D Bell and B Zacka (eds), *Political Theory and Architecture* (Bloomsbury 2021) 1, 2-3.

emerged out of the assemblage of such spatial forms with regimes of veridiction and jurisdiction.[114]

   In what follows, I flesh out two ways in which we can, following Foucault's insights, interrogate the birth of the international conference as a political and spatial technology for global governance. First, at the macro level, I draw from the field of STS to understand conference complexes as material embodiments of prefigurative visions of world-ordering anchored in the development of concrete spatial technologies. At the micro level, I focus on the ways such conference complexes enact a very particular 'distribution of the sensible' within them, creating mobile spatial boundaries of inclusion and exclusion.[115] This permits the slicing of time and space—what Foucault understood as the *heterotopias* and *heterochronies* of the Western imagination in his later essay *Of Other Spaces* of 1986.[116] I argue that Goffman's dramaturgically-inflected sociology allows us to the understand the how such partitions are enacted through infrastructural and invisible material and spatial 'settings' that allow for a constitution of a hyper-visible 'frontstage'. We turn to the macro now.

Conference halls as dream-machines: socio-technical imaginaries of international ordering

Just as Foucault was delving into questions of classical ethics and the government of the self in the early eighties, Winner raised a deceptively simple question that has since become foundational for the field of STS: *do artifacts have politics?*[117] Drawing from a long tradition of critical social theory that has attempted to understand the effects of industrial development (and the rise of the machine) in the Western imagination,[118] Winner dismissed arguments that posited that technologies were merely neutral tools that whose effects were determined by 'the social and econom[ic] system in which [they are] embedded.'[119] On the contrary, he wanted to interrogate how *the technological things themselves* could have political properties—navigating carefully,

---

114 Foucault (n 68) 141-42.

115 Rancière, *The Politics of Aesthetics* (n 33). See also C Biltoft, 'Sundry Worlds within the World: Decentered Histories and Institutional Archives' (2020) 31(4) *Journal of World History* 729.

116 M Foucault, 'Of Other Spaces' (1986) 16(1) *Diacritics* 22 (J Miskowiec tr), 26.

117 L Winner, 'Do Artifacts Have Politics?' (1980) 109 *Daedalus* 121. Reprinted and updated in Winner (n 45) 19-39.

118 Chief among that tradition, L Mumford, *Technics and Civilization* (University of Chicago Press 2010).

119 Winner (n 45) 20.

unsurprisingly, between the extremes of socio-technical determinism and arte-factual irrelevance.[120] Like Foucault, Winner took an expansive view of the Greek work *techne* and its contemporary afterlives. Their work didn't only think of technology as 'fire' or 'electricity' but encompassed a wider notion of *techne* as 'a practical rationality governed by a conscious goal' which could in-clude the technologies for the government 'of individuals, of souls, the govern-ment of the self by the self, the government of families, the government of children, and so on.'[121] This allowed Winner to conclude that there were at least two ways in which technological devices were political. On one hand, there were technologies invented, designed, or arranged to intervene to settle disputes or distribute resources in any given human community. On the other, there were certain socio-technical assemblages that seemed to require certain political arrangements. His chief examples were racially segregated systems of public transport (for the first instance) and the human hierarchy that allows the non-human boat to traverse the sea (for the second), following a hetero-dox reading of Engels's work on industrial factory discipline.[122]

Another interesting point of entry is offered by Bennett, who draws from Foucault's analysis of disciplinary power to theorise the 'birth' of the material and spatial technology we now call the museum in the nineteenth century. In his view, this period of European history gave rise to the expansion of an 'exhibitionary complex' which encompassed

> museums of art, history and natural science; dioramas and panora-mas; national and international exhibitions; arcades and departments stores, serving as linked sites for the development and articulation of new disciplines (history, biology, art history, anthropology) and their discursive formations (the past, evolution, aesthetics, man) as well as for the development of new technologies of vision.[123]

Berger famously analysed another space that would merit inclusion into Bennett's idiom: the public zoo.[124] What might appear to be a simple oper-ation (looking at the animal) is rather a complex exercise of *seeing* animals through the institutional framework of a nineteenth century public institution with deep connections to empire, enlightenment, and aspirations of civilisa-tion. I have, in turn, argued for a similar analysis of international exhibitions

---

120 ibid 22.

121 Foucault (n 113) 255-56.

122 Winner (n 45) 22-23 and 29-31, respectively.

123 Bennett (n 108) 59.

124 J Berger, 'Why Look at Animals?', in *About Looking* (Vintage International 1991).

and world fairs, a pressing research agenda for international lawyers given the salient role of these venues in the creation of an international imagination which was eventually claimed by legal and institutional projects.[125] Indeed, this reaffirms Berger's most famous claim: what we see is quite influenced by *where* and *how* we stare. Another powerful example can be found in Weizman's analysis of 'Israel's architecture of occupation'.[126] Instead of seeing architecture as 'political', Weizman sees spatial, socio-technical, and infrastructural emplacements as 'politics in matter'.[127]

Jasanoff has taken this point further, in her studies of the intersections between science, technology, and governmental power.[128] Aiming to strike a balance between the material and the discursive, she suggests STS scholars adopt the 'idiom of co-production', in order to 'avoid both social and technoscientific determinism'.[129] Hence, she argues we approach Foucault's panopticon neither as the material embodiment of an ideological punitive project nor as the categorial physical determinant that freezes social thought, but rather interrogate the dialectical middle ground between the material and the discursive, the real and the possible, the built and the imagined. Along these lines, she later coined the term 'sociotechnical imaginaries' to refer to the 'collectively imagined forms of social life and order reflected the design and fulfilment of nation-specific and/or technological projects'.[130] In her words,

> [o]bjects as humble as tables and chairs or as sophisticated as mobile phones and laptops, visible like the lights in a lecture theatre or invisible like the software driving the presenter's slides, enable groups to come together, but they also constrain the terms on which people can do so. King Arthur's round-table famously tolerated neither head nor hierarchy, nor any positions 'below the salt.' Its material form

125 As I've argued more extensively elsewhere. See Quiroga-Villamarín (n 91); see also DR Quiroga-Villamarín, 'Book Review: International Law's Objects' (2021) 21 *Melbourne Journal of International Law* 236.

126 E Weizman, *Hollow Land: Israel's Architecture of Occupation* (new edn, Verso 2017).

127 ibid.

128 S Jasanoff, 'Ordering Knowledge, Ordering Society', in S Jasanoff (ed), *States of Knowledge: The Co-Production of Science and Social Order* (Routledge 2004) 13.

129 J Berger, *Ways of Seeing* (Penguin Books 1972).

130 S Jasanoff and S-H Kim, 'Containing the Atom: Sociotechnical Imaginaries and Nuclear Power in the United States and South Korea' (2009) 47 *Minerva* 119, 120; S Jasanoff, 'Future Imperfect: Science, Technology, and the Imaginations of Modernity' in S Jasanoff and S-H Kim (eds), *Dreamscapes of Modernity: Sociotechnical Imaginaries and the Fabrication of Power* (University of Chicago Press 2015) 1. See also M Craven, '"Other Spaces": Constructing the Legal Architecture of a Cold War Commons and the Scientific-Technical Imaginary of Outer Space' (2019) 30(2) *European Journal of International Law* 547.

embodied an ideal of equality. Modern human collectives are similarly subjects of their scientific and legal ingenuity, as toolmakers and as rule-makers – and, increasingly, the boundaries between rules and tools cannot be cleanly drawn.[131]

With this in mind, we can ask, *do international conference rooms have politics? Or to paraphrase Weizman, what are the 'politics in matter' of international conference halls?* While some STS scholars have used these concepts to interrogate the role of specific international organisations in the creation of global imaginaries of authority,[132] none have explored the international conference complex *itself* as a sociotechnical infrastructure. Following Winner, Bennet, Weizman, and Jasanoff, I argue we can see conference centres as specifically designed technologies of multilateral negotiation, which attempt to globalise the more parochial institution of the 'liberal-parliamentary complex.'[133] After all, international conferences—especially those hosted by international organisations aspirations of universal representation—have often been called 'parliaments of humankind' in the secondary literature.[134]

As such, at the macro level, the international conference room enacts a prefigurative imaginary of the world-ordering in the same way as domestic legislatures stand in for the aspirations of an ethno-national 'imagined community'.[135] While Anderson coined this term to refer to the processes through which a group of people came to see themselves as part of a single 'nation'—and in which, to be sure, material and communication technologies played a crucial role[136]—I suggest we can redeploy it to think of the ways through which the project of an 'international society' comes

---

131 S Jasanoff, 'Subjects of Reason: Goods, Markets and Competing Imaginaries of Global Governance' (2016) 4(3) *London Review of International Law* 361, 370.

132 C Miller, 'Globalizing Security: Science and the Transformation of Contemporary Political Imagination', in S Jasanoff and S-H Kim (eds), *Dreamscapes of Modernity: Sociotechnical Imaginaries and the Fabrication of Power* (University of Chicago Press 2015) 277.

133 J B Henneman, 'Editor's Introduction: Studies in the History of Parliaments' (1982) 7 *Legislative Studies Quarterly* 161.

134 See, for example, A Eyffinger and P Koojimans, *The 1899 Hague Peace Conference: 'the parliament of man, the federation of the world'* (Kluwer Law International 1999), in relation to the first Hague conference; R B Henig, *Peace That Never Was: A History of the League of Nations* (Haus Publishing 2019), chapter 8 in relation to the League of Nations in Geneva; P Kennedy, *The Parliament of Man: the Past, Present, and Future of the United Nations* (Vintage Books 2007), in relation to the United Nations in New York City.

135 B Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (rev edn, Verso 2016) 167-191. This chapter ('Census, Map, Museum') was added to the revised version precisely because Anderson wanted to give a better sense of 'institutions of power' (such as conference complexes) in this story.

136 ibid.

together.[137] If such enormous efforts were required to make 'peasants into Frenchmen',[138] then it only stands to reason that international conclaves were but one of the institutions which were created to cement claims of international unity. Indeed, despite the many hierarchies and social stratifications that segment humans into different classes, races, and genders, international conference centres promise a 'formal' equality between participants—again, following the model of the domestic 'liberal' parliament.[139] Of course, they can do so only because they envision one particular human form of interaction to be universal. In this, they embody a seemingly horizontal and equal playing field for human deliberation—in a highly unequal global order. Moreover, they enforce a strict separation between those who are entitled to be in those spaces in their capacity as *representatives* (of a whole nation-state; or of a field of knowledge in their capacity as *experts*) and those whose work is merely accessory to the order of business—like journalists, lobbyists, or activists. They produce 'thresholds' of inclusion and exclusion through 'a dynamic interplay of barriers and passages'.[140] This is not to say that, at the macro level, conferences and international parliamentary encounters always produce 'liberal' outcomes. Only a micro-physics of power can reveal the way outcomes can be shaped in these complex assemblages. At the same time, I conclude that conferences centres, at the macro level, are *themselves* representative of a particular series of technological processes—ie which have to do with developments in the design of seating arrangements, acoustic engineering, simultaneous translation, agenda-setting, time-keeping mechanisms, inter alia—that co-produce, and are co-produced by, concrete and contested imaginaries of how 'democracy' should be organised at the international scale.

If we return to Geneva, we can see how the immodestly named 'Human Rights and Alliance of Civilizations Room' is not at all shy about its claims to the prefigurative enactment of world order. In fact, the design and operation of this room already presumes that there is a world divided into competing civilizations. And yet, despite their inherent differences, their commitment to common project of world ordering can bring them together through an

---

137 E Manela, 'International Society as a Historical Subject' (2020) 44 *Diplomatic History* 184.

138 E Weber, *Peasants into Frenchmen: The Modernization of Rural France: 1870 - 1914* (Stanford University Press 2007).

139 Mead (n 2) 11.

140 Mulcahy (n 12) 22 (in relation to how courts segregate participants in space and time. While the conference room follows a different logic, both institutions claim to rationally organize participants according to their rank and function in relation to a broader bureaucratical process.). See also Biltoft (n 117) 729.

'alliance'—like the maritime waves that Barceló sought to emulate with his ceiling art installation. Moreover, by making sure that the 'coloured paints composed by pigments [were sourced] from across the globe', the artist sought to create a monument that would represent 'the themes of multiculturalism, mutual tolerance, and understanding between cultures'.[141] From a macro perspective, it seems clear that the materiality of this room is itself loaded with a strong narrative about the state of international cooperation and the need for further friendship amongst 'civilised' polities. My point here is not to dispel or to question such a narrative, but to trace the ways it is anchored in the specific aesthetic and socio-technical dimensions of this room. But such elements also have consequences for those normatively engaged in these spaces—as they create a disciplined pattern of conduct for those who are subjected to its 'micro' powers. We turn to this aspect of conference rooms now.

Practices of freedom and constraint in international conference settings

In her rarely explored study of the 'small conference' of 1968, the anthropologist Margaret Mead also shared with Foucault and Winner an expansive view of the Greek *techne*.[142] For her, the consolidation of the face-to-face conference (whose rise was 'intensely related to the United Nations struggle between the demands for representativeness and [the need for] authoritative materials'[143]) was a true mid-century social innovation in human communication. This didn't mean that conferences emerged out of the blue—indeed, they were preceded by many forms of human interaction that can perhaps be traced all the way to millenarian religious conclaves.[144] But Mead (like many of her contemporaries, as we will see in the concluding section) saw that, since the end of the first world war, there had been an acceleration not only in the hosting of domestic and international conferences, but also in the rise of technologies related to the such practices. With this in mind, her 1968 study attempted to provide social theorists and scientists with new tools to allow them to *read* those increasingly frequent conclaves of human interactions, to map out which were the social structures of *confer*-encing. For Mead, what was distinctive about these 'small conferences' was that they were relatively modest in terms of the space they used or the number of participants (compared, for instance, to a protest or rally). But, at the same time, they were thoroughly demanding

---

141 Offices des Nations Unies à Geneve, 'Les Salles de Conférence,' (2018) 96-97.

142 Mead (n 2) 1.

143 Mead (n 2) 5.

144 Mead (n 2) 9-22. See also C Tapia, *Colloques et Sociétés: La Régulation Sociale* (Sorbonne 1980) 19-75.

in relation to the intensity of commitment they demanded from participants. In them, professionals—for only card-carrying experts were invited to such encounters on the basis of what they could bring to the table or the constituency they represented—were expected to devote a large amount of energy to a single task (usually deliberation or discussion) for a short amount of time. Long gone are the days when diplomatic encounters were marked by aristocratic and ceremonial rites likes balls or coronations in the style of a royal court.[145] Of course, coffee breaks still existed here and there, but the expectation was that participants would stick to a ruthless pre-established schedule of work—often under the supervision of a neutral secretariat—to achieve a common scientific or diplomatic goal. For Mead, it was only in the second half of the twentieth century that these 'small conferences' exploded as a form of human sociability. To make this point, she accompanied her (self-ethnographic) analysis of bureaucratic conferences with a photographical essay by Paul Byers.[146]

Put together, Mead's ethnographical materials and Byers's photographic study offer a rich analysis of the class-based, racialised, and gendered patterns of interactions that unfolded in a series of small conferences of the sixties. Unsurprisingly, they resonate with Goffman's dramaturgical sociology of 1959, which also attempted to make sense of the ever-complex worlds of human interactions of the second half of the twentieth century, paying special heed (even if involuntarily) to questions of gender and class. In his work, Goffman tried to make sense of how everyday social life unfolded in the very micro confines of a single 'building or plant.'[147] To do so, he deployed the perspective of theatrical performance—viewing spaces of human interactions as *stages* in which *performers* must communicate (individually or in teams) *in character* to manage the *impressions* they inflict on themselves on others. Xifaras, in his recent analysis of the French Constitutional Council, and Rossi, in his study of the International Court of Justice, have applied dramaturgical lenses to (international) legal interactions. And yet, they have, like the literature on legal architecture reviewed above, limited their purview to judicial disputes.[148] Instead, I suggest that Goffman's considerations on the

---

145 Quiroga-Villamarín (n 8).

146 P Byers, 'Still Photography as a Method of Conference Analysis,' in Mead and Byers (n 2) 55–108.

147 Goffman (n 47) xi.

148 M Xifaras, 'The Theory of Legal Characters' (2021) 92 *University of Colorado Law Review* 1189; CR Rossi, *Remoteness Reconsidered: the Atacama Desert and International Law* (University of Michigan Press 2021) 135–48. See further F Schimmelfennig, 'Goffman Meets IR: Dramaturgical Action in International Community' (2002) 12(3) *International Review of Sociology* 417.

geographies of staging can enrich our micro-physics of power of conference spaces too.

Famously, Goffman posits that performances occur in a front area or frontstage: an area that is general observable for all audience members. The opposite, then, is the backstage—the place where performers are generally out of view of the audience and can either prepare for performing or carry out activities which are generally seen as undignified for the public view.[149] (Interestingly, Goffman's examples are distinctively gendered, falling into a dichotomy of male performative spaces vis-à-vis intimate female spaces, following the feminist identification of the public/private divide in the Western imagination;[150] but that is for another time.) I wish here to focus on what Goffman called the 'setting' as against the 'backstage'. In his view, the setting is composed of the material elements that partition the frontstage into different manageable chunks of performance.[151] His examples, while still highly gendered, are eminently concrete—from the walls that separate the living room from the kitchen, passing through the luxurious décor of the high class London clubs, all the way to the costumes that each performer needs to wear to express his or her sexual, class, or racial status.[152] The setting, Goffman concludes, create 'the whole atmosphere' that grounds a performative intervention. This resonates with some of my own empirical work on the history of human rights, where sources show that lawyer-diplomats participating in international conferences actively relied on 'atmospherics' to push forward their own visions of the international legal order.[153] As Illan Wall shows (albeit in a different context, that of street protest), governing is as much about the creation of 'atmospheres of sovereignty' as it is about 'rules' or 'juridical conceptions of power.'[154] Indeed, as Philippopoulos-Mihalopoulos has argued, an atmosphere can be understood as a place so pervasively regulated that the law dissipates—almost invisibly—into the background.[155]

Centring the 'settings' or 'atmosphere' of international conferencing, I hope, might reframe the terms of the broader debate on structure vis-à-vis

---

149 Goffman (n 47) 112-138.

150 See generally JW Scott, *Sex and Secularism* (Princeton University Press, 2018).

151 Goffman (n 47) 22-23.

152 Goffman (n 47) 24.

153 DR Quiroga-Villamarín, '"An Atmosphere of Genuine Solidarity and Brotherhood": Hernán Santa-Cruz and a Forgotten Latin American Contribution to Social Rights,' (2019) 21(1) *Journal of the History of International Law* 72.

154 Wall (n 23) 23-31.

155 A Philippopoulos-Mihalopoulos, *Spatial Justice: Body, Lawscape, Atmosphere* (Routledge 2015) 107.

contingency in which international legal history has unfolded—which, unsurprisingly, follows the broader tension between material or socio-technical determination versus human agency in social theory that I've alluded to in the present article.[156] As I have argued elsewhere, since the late eighties, international lawyers—especially those influenced by the so-called Critical Legal Studies (CLS) movement in US domestic law and the New Stream in international law—have been enchanted by the spell of contingency and indeterminacy.[157] Instead, like others, I am trying to explore a route that can avoid the twin perils of 'false necessity' and 'false contingency,'[158] but can, at the same time, provide a 'thicker', more 'structural', and decidedly more Marxist perspective than the CLS-adjacent generation that preceded me. The challenge, of course, is to do so without jumping to the beat of a reductionist twentieth century party line in Marxist thought.[159] My solution (however tentative) has been to materialise and take literally two of the metaphors used in this debate: *site* and *situating*.

Ingo Venzke, in his introduction to a recent edited volume on 'contingency', invites us to 'situate' 'sites of struggle.'[160] Only in this way, he argues, can we really understand 'what else could plausibly have happened' in international legal history. Moyn, in turn, goes even further, pleading for a view of freedom that is situated—'which forbids some simple choice between causation and freedom'.[161] Hence, he argues that any reconciliation between 'the contingency of action with the determinative pressures of structures depends on a precise account of situational possibility.'[162] My heterodox historical materialist reply to their arguments would ask further: *situated where? At which site?* Venzke and Moyn, like many others in our field, seem to be using these spatial and geographical notions as metaphorical devices. My intention is to

---

156 For an overview, see J Nijman, *Seeking Change by Doing History* (University of Amsterdam - Inaugural Lecture 591 2017); G Renard Painter, 'Contingency in International Legal History: Why Now?' in Heller and Venzke (n 56) 44.

157 Quiroga-Villamarín, 'Beyond Texts?' (n 52). See also J Desautels-Stein and S Moyn, 'On the Domestication of Critical Legal History' (2021) 60(2) *History and Theory* 296.

158 R Mangabeira Unger, *False Necessity: Anti-Necessitarian Social Theory in the Service of Radical Democracy:* (Verso 2001); S Marks, 'False Contingency' (2009) 61(1) *Current Legal Problems* 1.

159 I made this intergenerational argument more explicitly at DR Quiroga-Villamarín, 'Victorian Antics: The Persistence of the "Law as Craft" Mindset in the Critical Legal Imagination' (2021) 13(1) *European Journal of Legal Studies* 101. With apologies, of course, to Belle and Sebastian.

160 I Venzke, 'Situating Contingency in the Path of International Law' in Heller and Venzke (n 56) 3, 5.

161 S Moyn, 'From Situated Freedom to Plausible Worlds' in Heller and Venzke (n 56) 517, 520.

162 ibid 523-4.

make use of them for a concrete analysis of a concrete situation.[163] In this vein, I interrogate freedom as a spatial category—as a patterned series of practices that must be constantly performed time and time again in and endless series of rooms.[164] It is telling, as Foucault well shows, that questions related to punishment and freedom in the Western legal imagination have shifted since the early modern period from notions of bodily harm to the spatial restrictions imposed by disciplinary constellations.[165]

By placing Foucault's careful analysis of the spatial micro-physics of discipline within a broader Marxist understanding of the macro-politics of socio-technical arrangements, I do not want to ask what freedom means in the abstract but rather engage with freedom as a structured pattern of conduct that unfolds in determinate stages. In this way, I ask what Goffman's sociology of settings and Mead's ethnography of meetings can tell us about the sort of 'freedom' a lawyer-diplomat might have, sitting in a conference hall that is 'poor lighted, innocent of ventilation, with abominable acoustics, and seating about as many as an ordinary [...] Church'.[166] In relation to the aforementioned 'Human Rights and Alliance of Civilization Room' in Geneva, McConnell offers a good overview of the ways in which representatives of minority groups who appear before the Human Rights Council experience 'spatial scripting, intimidation and subversion' in Geneva.[167] As her interviews with minority leaders show, the sublime décor of the room makes it 'an imposing and daunting space' due to its '*experience* of overwhelming grandeur and dislocation from the everyday.'[168] Moreover, the way the space—and the broader UN bureaucracy—creates a partition between insiders (statespeople and experts) and outsiders (minority representatives and civil society advocates), has important consequences for the latter group—even when it comes to minute things like where to go during lunchtime.[169] One could question or justify these spatial practices of segregation or ordering, but for the purposes

---

163 And yet, as I've noted above, I will not have the space to do so in this article. Rather, I hope this intervention lays the groundwork for a series of later empirical oriented contributions, which—drawing from the archives of international organisations and conferences—highlight the role of infrastructural settings in the performances of international law-making.

164 Foucault (n 113) 239.

165 Foucault (n 69).

166 A Call, 'The Fifth Assembly of the League of Nations' (1924) 86 *Advocate of Peace through Justice* 600 (referring to the *Salle de la Réformation* in Geneva, where the first League Assembly took place back in the so-called interwar period).

167 F McConnell (n 36).

168 ibid 1024.

169 ibid 1025.

of this article I just want to note that they effectively constitute constitutional boundaries that empower or limit the ways international actors 'stand' on certain geopolitical issues on the basis of—literally—where they 'sit'. In sum, my approach to the ever-present question of 'freedom and constraint' puts at the forefront not only the discursive structures of legal argument or the sociological communities of legal practice, but also the material, institutional, and spatial elements that enact a distribution of the sensible and constitute the boundaries of human interaction.[170] For such are the settings of freedom.

CONCLUDING REMARKS: THE MANAGEMENT OF SELF IN BOURGEOIS DIPLOMATIC PRACTICES

If conferences are stages, then it is clear from reading Goffman and Mead that their age saw an increasingly professionalisation of human interaction. Time was running out for 'amateur' actors. Mead, in fact, is writing in the aftermath of the first meta-conference: the meeting 'communication or conflict: conferences, their dynamics, and planning'.[171] Goffman, whose ethnographical material came from the study of a remote subsistence farming community in the Shetland islands at a time of increasing integration within the main British isles, also noted a rising sophistication in practices of performativity, which he associated with middle-class mores of 'cleanliness, modernity, competence, and integrity'.[172] As the Shetlands became more and more integrated with the rest of the country, and with global circuits of capital circulation, Goffman noted that a 'certain bureaucratisation of the spirit' was now expected of all islanders so they can be relied to provide 'a perfectly homogenous performance at every appointed time.'[173] Contemporary spectators also saw, and not only in the realm of diplomatic conferences, an increased rationalisation and industrialisation of human experience.[174] Indeed, conference rooms were but one of the many spaces that were increasingly distributed and dissected to

---

170 See, respectively, D Kennedy, 'Freedom and Constraint in Adjudication: A Critical Phenomenology' in *Legal Reasoning: Collected Essays* (Davies 2008), 11–86; A Bianchi, 'Epistemic Communities' in J d'Aspremont and S Singh (eds), (Edward Elgar Publishing 2019) 251.

171 M Capes, *Communication or Conflict: Conferences: Their Nature, Dynamics, and Planning* (reprint edn, Routledge, 2013 [1960]).

172 Goffman (n 47) 26.

173 ibid 56.

174 As I have argued elsewhere, see DR Quiroga-Villamarín, 'Normalising Global Commerce: Containerisation, Materiality, and Transnational Regulation (1956–68)' (2020) 8(3) *London Review of International Law* 457, 476.

accommodate the rhythms of increasingly global processes of capital accumu-lation and the patterns of a distinctively bourgeois way of being in the world.[175]

An analysis of the 'micro-physics', in other words, of the quotidian oper-ations of international conference rooms is not anathema to a macro perspec-tive that tackles broad transformations in the means of international diplomacy. Instead, my article has tried to bring them together, pleading for an expansive understanding of what our shared tradition of 'historical materi-alism' can look like in, and beyond, international law. While I share the 'new materialist' concern about the concreteness and materiality of our contempor-ary networks of power, I retain from the 'old materialist' perspective a com-mitment to the analysis and exposure of the structures and causes of injustice and domination. This allows me to shy away from the excessive influence that some phenomenological ways of thinking have had on certain 'new material-ist' traditions—which might have made them embrace the contingency of 'flat ontologies' and lose sight of human and more-than-human power relations and hierarchies.[176] But at the same time, I do take from the 'new' traditions the importance of the interrogation of the concrete relays that mediate human interaction, rather than merely reproducing what Duncan Kennedy has called—in another context—'a Marxist-theft-of-wood-anticipates-everything-that-the-modern-leftist-can-think-of-and-it-is-really-the-working-class-that-counts speech.'[177] For there is no reason for the Marxist tradition to stay aloft of the new debates that have reshaped the contours of critical social theory. The in-terrogation of space and materiality, I conclude, can—and should—bring these dimensions of historical materialist thinking together. Only in this way can we question the plethora of spatially bound mechanisms of jurisdiction and veridiction that shape our daily lives—from the scale of the 'micro' and the 'local' all the way to the 'international' and the 'global'. For, to paraphrase Marx, we all make our own history but not in settings of our own making.[178] The settings of our freedom are always already given and transmitted to us—and it is within them that the dramas of human liberation take place.

---

175 Rancière (n 33) 18. I am paraphrasing this phrase from A Srinivasan, *The Right to Sex* (Bloomsbury 2021) 110.

176 S Jasanoff (n 131) 17. See also Quiroga-Villamarín (n 19) 134.

177 T Krever et al., 'Law on the Left: a Conversation with Duncan Kennedy' (2015) X *Unbound: Harvard Journal of the Legal Left* 1, 23

178 K Marx and F Engels, 'The Eighteenth Brumaire of Louis Bonaparte', in *Collected Works*, vol 11 (Lawrence & Wishart 2010), 99.