



Interview

# Valentin Jeutner

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**Anne Saab (AS):**

*Thank you so much for taking the time for this interview. The first question: could you tell us a little bit about yourself and your research?*

**Valentin Jeutner (VJ):**

Yes, thank you for having me. My research concerns foundational questions of international law, or law in general, but mostly international law. That means questions that go to the very heart or the core of international law, and that relate across different fields of international law, like where international law comes from, why it is obligatory, is it obligatory, who are international law subjects? These are the kinds of questions I look at.

And many of those engage also questions of relevance for emotions and law, I think. One recent example is the article I wrote concerning the function of ritual in the Peace Palace in The Hague, in the way in which the distinct ritual of oral hearings before the ICJ instills in the participants of those hearings a sense of maybe somberness or respect for the court and for the court's authority. Since the court has very few means of enforcing its judgments, this sensation, the emotion you get when being in the courtroom and standing up when the judges come in is playing a very important part, I think, in international law. So that's one example of a recent project about emotions in international law.

Maybe also another one I could mention relates to some experiments I am doing with technology. I'm using technology, artificial intelligence, but also ordinary technological tools to manipulate international legal texts and to estrange them from us in a way that lets us see these texts in a new light. Many of the texts we deal with, like the Vienna Convention, UN Charter, or ICJ judgments, we get very familiar with them. I think sometimes so familiar that we forget the uniqueness of them, or that they are actually intentionally crafted legal documents that give expression to a specific maybe emotion or objective. And to see what that objective is, I'm distorting them in different means. So for example, I'm redrafting them as poems or as a very technical binary statements. And that creates some cognitive dissonance, I think, in the reader. Or an

emotion of oddness. You see the text, it seems familiar, but it's not really familiar. I think that helps us see it in a slightly clearer light.

**AS:**

*Great, thank you very much. Could you also now tell us a little bit about your book titled **The Reasonable Person** that has just been published by Cambridge University Press?*

**VJ:**

*The Reasonable Person* book is also a book or a project that engages with emotions and law. Here, law more generally, not necessarily international law, but also international law. The book is a biography of the common law's most famous and controversial imaginary figure: the 'reasonable person'. The reasonable person exists also in civil law jurisdictions in certain forms, not as all encompassing, but there's the bonus part of familias, also in German or French law. But in English law, it's really ubiquitous, this person. And the book tries to tell the story of this figure, and it argues that the point of this concept of the reasonable person is to invite those who apply it. Those who ask when assessing the behavior of a person, those who ask, did that person behave like a reasonable person would have? These people who ask this question are invited to take the perspective of another person. So instead of going through an objective notion of reasonableness or truth or rightness or wrongness, asking what would a reasonable person have done, ask us to step outside our perspective into the shoes of an imaginary other human being. And not just that, but to also feel into what that person might feel.

So that's how empathy comes in. It asks us to take the perspective of another, to empathize with them, and to feel what they might feel. Then that needs to be calibrated, of course, with respect to legal norms. But that's what the core argument is of the book, that this common law concept taps into some common sense idea of justice. Common sense meaning the co-owned idea of justice. In order to get an idea of justice, we have to connect to the common, to the people, and their different emotions and feelings about it.

**AS:**

*Thank you so much. Since your work is dealing with emotions in various ways, could you tell us why you think engaging with emotions in international law or in law in general is important?*

**VJ:**

I think maybe there are two reasons. One reason is that emotions are a very important dimension of our existence as human beings. International law deals primarily, of course, with states and international organizations, but eventually it is always human

beings that it deals with or whose lives it affects. So that if the emotions are an important dimension of our individual human existence and experience, it must also be an important dimension of international law, because ultimately it's all about humans, regardless of international laws insistence on being focused on groups or on legal subjects rather than for humans.

But the second and more concrete reason, maybe a slightly more concrete reason, is that international law, like any legal system, really, is an image of reality. So it's not reality as such. Law always tries to map or project itself onto a social human reality to create an abstract level, which then allows us to harness the many benefits of legal analysis, which strip discussions and debates from these two human aspects. But it remains an image. It remains abstract to some extent. And that is all right, and that is important. But I think it is also important to make sure that the discrepancy between law's image of what the world looks like and what the world actually looks like, that it doesn't get too big. Because if it does, international law will lose a lot of its authority, I think.

If we forget that a term like collateral damage, for instance, represents severe human suffering, and death, and pain, and despair, then I think we risk losing touch with reality, and we risk that international law degenerates into some cold, clinical, quite violent and harsh discourse about reality, which ultimately, I think, will mean, first of all, maybe more suffering and pain, but ultimately also that people stop caring about it. Because if international law justifies pain and suffering to a disproportionate extent or an unjustifiable extent, then people will just stop caring, take maybe matters into their own hands, which will then again lead to more pain, suffering. So I think we have to remember, especially when it comes to the law of war, the law of armed conflict, a law relating to basic human needs like health, like food, like water, that there's always a very human existence that we must relate to and that exists.

