The Final Oral Examination
for the Degree of
DOCTOR OF PHILOSOPHY
(Department of Political Science)

Maria Koblanck Della Santina

2003 University of Padua EMA
2002 London School of Economics BSc

“Claims to Modernity and the Politics of International Law”

Thursday, December 19, 2013
9 AM
David Turpin Building, A136

Supervisory Committee:
Dr. R B J Walker, Department of Political Science, UVic (Supervisor)
Dr. Warren Magnuson, Department of Political Science, UVic (Member)
Dr. James Tully, Department of Political Science, UVic (Member)
Prof. Jeremy Webber, Faculty of Law, UVic (Outside Member)

External Examiner:
Professor Emeritus Nicholas Onuf, Department of Politics and International Relations, Florida International University

Chair of Oral Examination:
Dr. Simon Springer, Department of Geography, UVic
Abstract

Many scholars have attempted reframe our understanding of international law in order to re-establish the credibility of international norms in an age of widespread doubt about its powers. This study seeks to contribute to this project by looking at how an acceptance of a teleological view of modernity coupled with a conviction that the modern state is the only proper location of politics results in a discipline that is built on idealized categories framing active agency in relation to modern politics.

The specific example investigated is that of the Sami, the indigenous and transnationally nomadic people of Fennoscandia. Looking not only at how the Sami have made use of supranational avenues to challenge the sovereignty of the Swedish state (especially in the European Court of Human Rights), in the name of individual human rights, this case suggests that human rights are best understood as a political practice among other political practices, rather than as a system of idealized, legal abstractions. In the course of this analysis it will become clear that one of the common assumptions shared by all the texts and writers discussed involves an understanding of modernity as a structured and ordered teleological process towards the realization of man’s enlightened freedom. If we want to re-imagine what we take international law to be then we must begin with engaging alternative understandings of modernity; more precisely, we must acknowledge the heterogeneity of modern experiences.

By so doing, I will develop a reading of international law as one of many modern political tools that may be used in order to engage political problems of modernity, just as, in other circumstances, we may think about political tools in terms of the possibilities of political contestation about the common interests of a society. My exploration of the joint implications of the work of Marshall Berman and Dipesh Chakrabarty
concludes with a call to avoid reductionist accounts of international law and to think about the modern world as a dynamic, ever-changing and always malleable place, a place in which human experiences continuously alter the political orders within which we operate.

**Awards, Scholarships, Fellowships**

2002  Full scholarship, European Master in Human Rights and Democratization, University of Padua.
2008  Andy Farquharson Award for Excellence in Graduate Student Teaching, UVic.
2012  Graduate Award, UVic.

**Presentations (selection)**

1. Koblanck, Maria *Legal Modernities – human rights as the immanent critique of International Law.* ISA Annual Meeting, San Diego, the US, April 2012. (oral)
2. Koblanck, Maria. *Against Sofa-tables – the normative aspects of design education.* Design Principles and Practices, UCLA, Los Angeles, the US, Jan 2012. (oral)
6. Koblanck, Maria. *For the benefit of indigenous peoples and all of Humanity - the people, the state and the EU.*

**Publications**