The Global East and the Promise of Reflexivity

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In 1999, David Kennedy famously affirmed that "international law is different in different places",[1] a reality that practitioners and scholars around the world had already long experienced.[2] From the Global South's imperial critique and rejection of international law,[3] to a religiously infused international law in the Arab World,[4] or the recent acknowledgement of European international law as a regional law,[5] one can argue that the "local" in international law is central to any inquiry on reflexivity.

These are indeed the premises. As the scholarship explains, any reflexive analysis of globalisation and international law must necessarily consider how historical narratives, inherited genealogies, and jurisdictional knowledge frameworks shape the legal order.[6] Deeply embedded in Global North–Global South debates, Philipp Dann and Florian Jeßberger have recently proposed the idea of reflexive globalisation, arguing that globalisation has entered a new phase and should no longer be understood as a unidirectional process of "Westernisation", but rather as a multidirectional renegotiation of concepts, vocabularies, and epistemic certainties.[7] In the area of public international law, Global South practitioners and scholars of the Third World Approaches to International Law (TWAIL) have already for some time diagnosed "what is wrong" with international law and have devised responses to its systemic injustices. In this endeavour, adopting a "local" lens has proved instrumental.[8]

Yet it is striking that, despite its own "history, historical genealogies and epistemic geography of international law",[9] marked by both participation in and, at times, resistance to the making of modern (liberal) international law, important exceptions notwithstanding,[10] the Global East remains largely absent from this debate. Understood as a liminal space between North and South, between empire and transition, it has often been overlooked. It is therefore plausible to ask what reflexive globalisation might learn from the perspective of, and the engagement with the Global East.

Global East and Its Liminality

Following Martin Müller's definition, the Global East here is understood as a liminal epistemic space in-between North and South, rather than a geographical delineation.[11] Its roots lie in the 20th-century communist project,[12] flourishing during the Cold War through the development of so-called socialist international law. The significance of this framework waned with the dissolution of the Soviet Union, as the world came to be viewed predominantly along the North–South divide. What remained was a shared condition of liminality among societies that could not be easily accommodated within this dominant paradigm, societies which, as Müller notes, "include both colonisers and colonies, aggressors and victims; some countries were both at the same time".[13]

The East is excluded from Global South debates and distanced from the Global North, which, through its civilisational mission, defined the East by its purported backwardness.[14] From this perspective, the East shares what Dipesh Chakrabarty famously termed

[1] David Kennedy, The Disciplines of International Law and Policy, Leiden Journal of International Law 12 (1999), p. 17, DOI: 10.1017/S0922156599000023.

[2] Think for instance about Japanese concept of *kenri* (right) that illustrates how Western legal categories acquire new meanings in non-Western contexts, or the invocation by Colombia of a regional or local custom in the *Asylum* case before the ICJ.

[3] Antony Anghie *et al.* (eds.), *Research Handbook on Third World Approaches to International Law (TWAIL)* (Edward Elgar Publishing, 2025), DOI: 10.4337/9781789901528.

[4] Said Mahmoudi, Islamic Approach to International Law, in: *Max Planck Encyclopedia of Public International Law* (2019).

the postcolonial condition of being relegated to the "waiting room of history".[15] This dual exclusion, North and South, is central. The Global North excludes the East through a civilisational logic that frames it as permanently belated. As for the Global South, the Global East's historical experiences do not fit the colonial/postcolonial framework, with many Eastern European states having been simultaneously colonisers and colonised, imperial powers and peripheral territories.[16] This is not to suggest an equivalence between, for instance, Soviet and Western colonial projects, which operated through distinct ideological and legal vocabularies;[17] rather, it is to highlight the structural ambiguity that results from being positioned on both sides of the imperial divide. The economic logic is similarly unsettled. The East is neither as impoverished as much of the Global South nor as prosperous as the Global North, yet parts of the South may, in reality, be considerably wealthier than parts of the East.[18] Thus, the East remains caught in a structural ambiguity, a distinct epistemic position of liminality caught between competing hegemonic projects, imperial legacies and ideological inheritances (in-between) and absent from the dominant frameworks.[19]

This condition of liminality explains not only the silence of the East and the ignorance of others about it, but also its current emancipation and return to knowledge production circuits. For international law, this does not entail the addition of yet another dividing line to the North–South binary. Rather, it calls for renewed attention to what the shared condition of liminality reveals about the Global East's encounters with international law, and for giving voice to the Global East's divisible college, i.e. practitioners, judges, and scholars whose engagements with international law rarely feature in the dominant Anglo-European or postcolonial canons,[20] that speaks in registers shaped by particular history, geographical settings and by the everyday practice of navigating multiple, overlapping legal orders.

Global East, SWAIL and the Challenge of Reflexivity

The liminality of the Global East serves as a catalyst for advancing long-overdue inquiries into the encounters between liminal societies and international law. Recently, and especially after the Russian invasion of Ukraine, international legal scholarship has become increasingly interested in analysing and understanding Eastern Europe, and the Global East more broadly, and its encounters with international law. Knowledge production in this regard falls under the umbrella of Second World Approaches to International Law (SWAIL), which aims to engage with the double exclusion condition that characterises the Global East, and to bring different visions of international law into conversation, not with the aim of furthering fragmentation and division, but rather to better understand, and perhaps even complete, the puzzles of an international law predominantly seen in binary terms.[21] As the editorial to a recent special issue notes, SWAIL can be understood as "a complex set of practices and ideas, as well as interpretations of those practices and ideas".[22] It is foregrounded in both mainstream views and critical approaches. In this sense, by problematising "concepts, methods, maps, histories, agendas, and even normative definitions of international law that have long been taken for granted as objects of inquiry",[23] SWAIL enters international law debates to give voice to the long-silenced and overlooked Global East, much as TWAIL has done for the Global South.

However, the story to be told is not necessarily centred around colonialism and colonial justice, but on the condition of liminality that created exclusion or a camouflaged inclusion. By camouflaged inclusion, I mean a semblance of belonging which might vanish or oscillate depending on the power projection. In this

[5] Janina Barkholdt, Unwritten European Rules in International Law: From Eurocentric to Regional International Law, Leiden Journal of International Law 39 (2026), DOI: 10.1017/S0922156525100617.

[6] Oumar Ba, International Law and the Imperial Ordering of the International, Verfassungsblog, 11.02.2026, https://verfassungsblog.de/international-law-imperialism-global-south/, last accessed 23.09.2026, DOI: 10.59704/e0bcf59a67054468.

[7] Philipp Dann and Florian Jeßberger, Reflexive Globalisation, Law and Placemaking, Verfassungsblog, 05.02.2026, https://verfassungsblog.de/reflexive-globalisation-law-and-placemaking/, last accessed 23.09.2026, DOI: 10.59704/f8e7edc0c8a2351b.

[8] Think for instance about the regional customary rules developed in Latin America, see, e.g., ICJ, *Asylum* (Colombia v. Peru), 20.11.1950.

[9] Ba, *ibid.*

sense, what SWAIL may centre is the politics of positionality, how law's meaning shifts depending on where one stands in relation to overlapping hierarchies of power. As such, the issue is not necessarily about who was wronged by colonialism and how this should be remedied, although this may be relevant in specific cases. The inquiry is rather about how liminal actors navigate international law when they are neither clear victims nor clear beneficiaries of the existing order; what strategies of engagement, appropriation, and reinterpretation emerge from this condition. The post-Soviet space exemplifies precisely this. It has undergone successive waves of legal transplantation, from socialist international law to post-1991 Westernisation, reflecting its historical reorientation between competing hegemonic projects. [24] These shifts, driven first by integration into the Soviet system and later by the West's "mission civilisatrice", ultimately shaped how international law is articulated across the region.[25] This condition of "in-betweenness", which shapes the current fragmented landscape, adds to the liminality and dual exclusion that SWAIL seeks to capture and exposes how international law's binary framing fails to accommodate the region's positional complexity. This in-betweenness also unveils that the region's legal engagement is geopolitically positioned; states oscillate between West and Russia not necessarily from doctrinal conviction but in response to shifting power dynamics and security concerns. This reveals how law's meaning is always situated, a key insight of reflexivity.[26]

Moreover, legal language functions as an instrument with world-making effects,[27] as seen in the post-Soviet space where states selectively incorporate international norms without fully absorbing them, reinterpreting them through distinct geopolitical and historical lenses. This adaptation and resistance challenge linear progress narratives, embodying reflexive globalisation's core concern with how norms are remade through local practice rather than whether they are "correctly" applied.[28]

What Reflexive Globalisation Might Learn from the Global East

This is where reflexive globalisation becomes analytically powerful. Rather than forcing the region into pre-existing binaries, North/South, West/East, coloniser/colonised, it invites us to consider what happens when we take the Global East's liminality seriously as a source of insight rather than as a deficit. In doing so, reflexive globalisation may be approached both substantially and procedurally.[29]

Procedurally, it can start by taking liminality as a resource for inclusivity. Rather than viewing liminality as a deficit, SWAIL treats it as a productive position from which to question settled categories. The Global East's experience of being simultaneously inside and outside dominant legal frameworks can reveal what is obscured by binary oppositions. In this sense, international law becomes more inclusive, a "historically situated structure shaped by dominant discourses and their blind spots".[30]

Reflexive globalisation emphasises dialogue and iterative conversation as crucial to rethinking legal concepts.[31] The SWAIL framework seeks precisely this: inclusion, dialogue, and the problematisation of dominant narratives. For the Global East, this dual imperative, self-reflexivity and reflexive globalisation, takes

[10] Lauri Mälksoo, *Russia, the Soviet Union, and Imperial Continuity in International Law* (Oxford University Press, 2025), DOI: 10.1093/9780198955962.001.0001.
[11] Martin Müller, In Search of the Global East: Thinking between North and South, Geopolitics 25 (2020), p. 735, DOI: 10.1080/14650045.2018.1477757.
[12] Müller, *ibid.*, p. 734.
[13] Müller, *ibid.*, p. 736; Madina Tlostanova, The Janus-Faced Empire Distorting Orientalist Discourses: Gender, Race and Religion in the Russian/(Post) Soviet Constructions of the "Orient", Worlds and Knowledges Otherwise 2 (2008), p. 1-11.
[14] Müller, *ibid.*, p. 736.
[15] Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton University Press, 2nd ed., 2007), p. 8.
[16] Tlostanova, *ibid.*
[17] On the distinctiveness of the Soviet imperial legal project, see Mälksoo, *ibid.*, p. 9-18.
[18] Müller, *ibid.*, p. 738.
[19] Müller, *ibid.*, p. 736.

on a distinctive character. Self-reflexivity demands confronting layered and entangled legacies that resist binary North-South framings, while reflexive globalisation requires that these liminal experiences be fully integrated into the broader renegotiation of legal concepts, lest the dialogue remain incomplete.

Substantially, it is important to highlight that legal concepts are never simply transplanted; they are remade through translation, vernacularisation, and local practice. Reflexive globalisation must attend to these processes if it is to avoid reproducing the very hierarchies it seeks to unsettle, including, in its dynamics, not only North–South framings but also the East. The Global East's experience of translation is distinctive in at least two respects. First, it has been a site of repeated transplantation, from socialist international law to Western liberal frameworks, and now to a fragmented landscape of competing hegemonic projects. This is not a single moment of translation but a continuous process of reorientation, where each layer of legal meaning remains sedimented beneath the next, available for reactivation when geopolitical conditions shift. Second, the Global East's translations have often occurred under conditions of imposed inclusion through occupation, sphere-of-influence politics, and the coercive export of legal models. This means that the "local" in the Global East is not a pristine site of authentic meaning but itself a product of prior translations.

Reflexive globalisation, attentive to these dynamics, must therefore ask not only how norms are translated but also under what conditions of power translation occurs, and what residues previous translations leave behind. As Müller argues, "recovering the Global East means thinking from the interstices of the North and the South – not just for the East, but also for the North and the South".[32]

Conclusion

Reflexive globalisation offers a valuable framework for understanding the contemporary renegotiation of legal concepts in a multipolar world. It moves beyond the polarising choice between rejection and adaptation, recognising the entangled character of South-North relations. The Global East, with its history of liminality and dual exclusion, serves as an important testing ground for this framework. It allows us to think beyond binaries, whether North/South, West/East, or universal/particular.

The aim is to broaden the conversation and remind us that the predominant divide was never as stable as assumed. As SWAIL suggests, the most productive insights often come from those who fit nowhere because their positionality reveals what dominant frameworks cannot see.

Reflexive globalisation, in this sense, is not a neutral description of contemporary trends but a call to engage with the politics of legal knowledge. The Global East's liminality reveals that international law is always practiced from somewhere,[33] shaped by situated histories, geopolitical pressures, and strategic calculations. To take reflexive globalisation seriously is

[20] Artur Simonyan, International Lawyers in Post-Soviet Eurasia: Decoding the Divisibility, European Journal of International Law 35 (2024), DOI: 10.1093/ejil/chae014.
[21] Marek Wasiński and Patryk Labuda, Special Issue Editorial: Second World Approaches to International Law, International Community Law Review 28 (2026), p. 91, DOI: 10.1163/18719732-bja10172.
[22] Wasiński and Labuda, *ibid.*, p. 93.
[23] Wasiński and Labuda, *ibid.*, p. 104.
[24] Artur Simonyan, Regional International Law Revisited: A Eurasian International Law, Michigan State International Law Review 31 (2023), DOI: 10.17613/emhf-pm18.
[25] Müller, *ibid.*, p. 736.
[26] Wasiński and Labuda, *ibid.*
[27] Wasiński and Labuda, *ibid.*, p. 95.
[28] Dann and Jeßberger, *ibid.*
[29] Dann and Jeßberger, *ibid.*
[30] Wasiński and Labuda, *ibid.*, p. 103.
[31] Dann and Jeßberger, *ibid.*
[32] Müller, *ibid.*, p. 737.

to ask, with SWAIL, not simply about *who is included* but also about *whose experiences, whose vocabularies,* and *whose futures are rendered visible or invisible in international law's ongoing transformations*. And this is precisely what taking seriously the Global East's liminality brings to reflexivity.

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[33] International law is built on a "view from somewhere", see Anthea Roberts, *Is International Law International?* (Oxford University Press, 2017), DOI: 10.1093/oso/9780190696412.001.0001.