



OÑATI INTERNATIONAL INSTITUTE
FOR THE SOCIOLOGY OF LAW

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"THE CONCEPTUAL FAULT LINES IN THE IDEAS OF "FAILED" AND "FRAGILE STATES"

by Raza Saeed
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In the last three decades, the discourse on fragile and failed states has gained significant importance in the fields of international law, development, socio-legal studies, securitisation, political science and international relations. The wider discourse plays a key role in guiding the policies of international community, investment organisations and multilateral institutions and has also generated a plethora of indicators to measure and categorise the weakness or instability of states. The state fragility idea is based on a number of key normative assumptions. First, that state fragility is actually the absence of stability which, if not addressed properly or immediately, will lead to state failure. Second, that state fragility is something that goes against the normality of intra-state relationships. And finally that this anomaly needs to be rectified, aided through state-building or even violently corrected.

While carrying socio-legal overtones (particularly in the usage of Weberian ideal-typical state as a model), this discourse nonetheless adopts an a-historical and a-political framework, in which the history and politics of the individual states is ignored. This paper furthers the assertion that colonialism's contribution towards state fragility should be recognised, and suggests that a deeper socio-legal analysis highlights the conceptual fault lines that challenge the underlying assumptions of the discourse.



Dr Raza Saeed is currently Assistant Professor of Law at the Warwick Law School, University of Warwick, UK. He has extensive experience of working with international organisations and public sector bodies as a project manager and researcher in the fields of international development, human rights and education. At Warwick Law School, he currently convenes and teaches undergraduate and postgraduate modules on Human Rights and Law & Development. He has also previously convened and taught courses on Socio-Legal Research Methods, International Law and Governance & Democratisation. His research interests span across human rights, public international law, law and colonialism, and state formation in developing countries, and his current research focuses on tracing the historical and conceptual links between sovereignty, international law and the colonial project.



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