

MATERIAL WITNESS: A MATERIALIST ANALYSIS OF PER KROHG'S UN SECURITY
COUNCIL MURAL *UNTITLED* AND THE ENDURANCE OF CHRISTIAN IMAGINARIES

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ABSTRACT

The application of theoretical frameworks grounded in Actor-Network Theory and materialism to Norwegian painter Per Krohg's mural Untitled which hangs in the United Nations Security Council Chamber in New York City, reveals a palimpsest of two narratives. The first reflects the UN's aspirations for peace, security, and development while the second, which is "hidden in plain sight," exposes international law's theological pre-histories rooted in Christian civilizing missions and colonial expansionism. This thesis endeavours to present a different way of looking at legal institutional stagnation by offering insight into the praxis of materialist methodology and its application to visual culture. This in turn elucidates the persistent, antiquated architectures of international law. By "making seen what is seen," this thesis invites legal scholars and practitioners of international law to reconsider the role of materiality and how it shapes global governance.

DEDICATION

This thesis is dedicated to the scholars who have come before and have shown me that interdisciplinary approaches are not only valuable, but also necessary in the pursuit of knowledge. I also dedicate this thesis to those scholars who come after and continue to fearlessly pursue legal studies from these different, yet important perspectives outside of the traditional schemas found within the academic legal discourse, as it is through this pursuit that we may effect change for the better – for peace.

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CHAPTER ONE: INTRODUCTION

The United Nations Security Council (UNSC) and its need for reform has been a subject for debate since the establishment of the United Nations (UN) in 1945.² The UNSC was perceived as “[incompatible] with UN ideals of democracy,” as regards the veto power privileges held by the ‘permanent five’ members (P5) of the Council and membership inequity,³ especially in light of the increase in UN membership as a result of decolonization.⁴ In an attempt to address these issues, the UNSC underwent reform in 1965, adjusting its non-permanent membership to ten.⁵ However, criticism persisted; this adjustment did not adequately address the issue of representation within the non-permanent membership and particularly within permanent membership, which was afforded no change.⁶

These matters continue to endure and are viewed as responsible for the decrease in the UNSC’s legitimacy and its effectiveness as an international institution.⁷ For example, the UNSC’s legitimacy has been brought into question with issues including the use of veto power in

² Bjarke Zinck Winther, “A Review of the Academic Debate about United Nations Security Council Reform” (2020) 6:1 *Chinese J Global Gov* at 72, 90-91. 1945 predates the UNSC who held its first meeting in January of 1946, however, criticisms began as early as the San Francisco Conference, in 1945: *See* David L. Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (Oxford: Oxford University Press, 2009) at 35-37.

³ *Ibid* at 76-77. The permanent 5 (P5) include: Russia, China, USA, France and the UK.

⁴ *Ibid*; Peter Nadin, *UN Security Council Reform* (London: Routledge, 2016) at 46.

⁵ *Ibid* at 46. Non-permanent membership went from six to ten, bringing the total number of members in the UNSC up to fifteen.

⁶ Winther, *supra* note 2 at 90-91.

⁷ Madeleine O Hosli & Thomas Dörfler, “Why is Change So Slow? Assessing Prospects for United Nations Security Council Reform” (2019) 22:1 *J Econ Poli Reform* at 35; *See generally* Winther, *supra* note 1.

armed conflict, such as Russia and the Russian-Ukrainian war,⁸ the Palestine-Israel question,⁹ as well as continued unequal representation particularly as regards the Global South,¹⁰ and the clear imbalance between the composition of the UNSC and the current structures of global power.¹¹ Maintaining its legitimacy as an international institution is essential for the UNSC as it holds substantial powers regarding the maintenance of international peace and security, including the power to make binding decisions on all UN states under the UN Charter.¹² As such, significant scholarship¹³ and discussions¹⁴ on these matters have been produced using innovative frameworks¹⁵ in an attempt to provide new or revised methods of reform for the UNSC. However, this body of scholarship also acknowledges that UNSC reform has been proven difficult if not short of impossible.¹⁶ Why then, despite this abundance of insightful research on

⁸ United Nation, Department of Public Information, *Question of Veto Central to General Assembly's Debate on Security Council Reform, with Speakers Urging Its Limited Use as "Weapon of Hatred and War"* GA/12563 (17 November 2023) <https://press.un.org/en/2023/ga12563.doc.htm#:~:text=>; See also Vanessa Romo, "Russia Vetoes UN Security Council Resolution that Denounces its Invasion of Ukraine (25 February 2022) <https://www.npr.org/2022/02/25/1083252456/russia-vetoes-un-security-council-resolution-that-denounces-its-invasion-of-ukra>; Shelby Magid & Yulia Shalomov, "Russia's Veto Makes a Mockery of the United Nations Security Council" (15 March 2022) <https://www.atlanticcouncil.org/blogs/ukrainealert/russias-veto-makes-a-mockery-of-the-united-nations-security-council/>.

⁹ Susan M. Akram "The Failure of the UN in the Israel-Palestine Conflict" (22 January 2024) <https://www.openglobalrights.org/failures-un-israel-palestine-conflict/>.

¹⁰ Hosli & Dörfler, *supra* note 7 at 35-36.

¹¹ Kai Shaefer, "Reforming the United Nations Security Council: Feasibility or Utopia?" (2016) 22:1 Int Neg at 88-89; Hosli & Dörfler, *supra* note 7 at 35, 47.

¹² See *Charter of the United Nations UN Charter*, 26 June 1945, Can TS 1945 No 7 (entered into force 24 October 1945) [UN Charter] at Chapters V and VII. A full discussion on the UNSC and its responsibilities are beyond the scope of this project. However, it is important to provide some orientation regarding the implications of this project for international law as justification for its value and contribution to the discourse.

¹³ See generally Hosli & Dörfler, *supra* note 7 at 35-50; Shaefer, *supra* note 11 at 62-91; Ville Lättälä & Aleski Ylönen, "United Nations Security Council Reform Revisited: A Proposal" (2019) 30:1 Dip & Statecraft 164-186; Winther, *supra* note 2 at 71-101.

¹⁴ See for example United Nations, General Assembly of the United Nations, "Reform of the Security Council: Past Sessions" (General Assembly of the United Nations, 65-78th sessions) https://www.un.org/en/ga/screform/past_sessions.shtml; United Nations, General Assembly of the United Nations, "Reform of the Security Council: Intergovernmental Negotiations" (General Assembly of the United Nations, 79th session) <https://www.un.org/en/ga/screform/>.

¹⁵ The scholarship specific to the UNSC reform debate that I have engaged with for this project has utilizes the following innovative methodologies and frameworks: path dependency, veto player analysis, and social choice theory (Hosli & Dörfler); new institutionalist theory (Shaefer); historical (re)analysis (Winther); and two-layered regional models of reform (Lättälä & Ylönen).

¹⁶ Shaefer, *supra* note 11 at 62; Hosli & Dörfler, *supra* note 7 at 36; Lättälä & Ylönen, *supra* note 13 at 176; Winther, *supra* note 2 at 72.

UNSC reform, does the issue continue to stagnate? One possibility for this sustained deadlock on how the UNSC is unable to perform its intended function is the narrowed focus with which these methodologies and approaches largely orbit around, such as the internal issue regarding UNSC membership and its problematic representation.¹⁷ By retaining such a narrow perspective, the discourse has led to a kind of echo chamber, whereby the methodologies and approaches employed circle each other and have created a kind of standardized, normative discourse. While this discourse has produced a variety of prescriptive analyses, due to their normativity the results of these investigations have yielded solutions with limited purchase. As a counter to these limitations, the intention of this project is to raise awareness surrounding this stagnation by entering into the existing discussion by way of a completely different perspective, one that engages with the legal landscape not through doctrine but rather via the examination of material objects as mediated through the lens of materialist methodologies. Specifically, this thesis explores materialist methodologies through the engagement of one specific material object – the colossal 1952 mural *Untitled* painted by Norwegian artist Per Krohg which hangs on the east wall of the UNSC Chamber at the United Nations headquarters in New York. This term ‘material object’ in a legal context is reflective of Jessie Hohmann’s remarks on objects of international law, specifically in the context of Jane Bennett’s notion of the materiality of objects being tangible, concrete, and embodying agential vitality.¹⁸ In relation to international law, Hohmann also references Bruno Latour’s Actor Network Theory (ANT) borrowed from Science, Technology, and Society (STS), where he posits that objects (referred to as *actants*, a concept I

¹⁷ See Shaefer, *supra* note 11 at 69-71; Winther, *supra* note 2 at 94-95; Lättilä & Ylönen *supra* note 13 at 166-167, 171; Hosli & Dörfler, *supra* note 7 at 35.

¹⁸ Jessie Hohmann, “The Lives of Objects” in Jessie Hohmann & Daniel Joyce eds *International Law’s Objects* (Oxford: Oxford University Press, 2018) at 32.

flesh out in Chapter 2) have agency because they incite a response or re/action.¹⁹ Seeing these objects as actants and acknowledging their agency “can make us look anew at what familiar things such as international law *are*, consider differently the ways in which they *function* as institutions, discourses, and practices, and can help us understand the work that material things *do* in international law, and further, in the world.”²⁰ As such, this is a valuable scholarly process in the study of law as it brings to the foreground the realization as to how often seemingly passive objects, like that of *Untitled*, interact with other objects and subjects of law which when uncovered produce interesting, and likely unintentional results be them social, political, or legal.

In this thesis, I argue that an ANT/materialist analysis can show, in this context through the examination of ‘passive objects’, how the historical record of international law could very well persist, despite efforts to move away from such ideologies and beliefs. These considerations found within this mural can therefore be viewed through the lens of materialism as reflected in Bennett’s work, and show how such beliefs and ideologies are impressed upon those who conduct international legal business within its presence. It is also my suggestion that much like posthumanist Donna Haraway’s concept of the cyborg, the result of the collision yielded between the legal machine that is the UNSC, and this artwork with both its internal and external messaging, produces the emergence of a third actant – a realization – which reveals these implicit beliefs and that despite best efforts, they seemingly still persist. It is important to note that the intention of this project is not to discuss the issue of reform within the UNSC specifically. Rather, the central thrust of this thesis is to examine this different perspective which when applied can provide alternative, novel insights into these issues found within international

¹⁹ Bruno Latour, *Reassembling The Social: An Introduction to Actor-Network-Theory* (Oxford: Oxford University Press, 2005) at 53-55.

²⁰ Hohmann, *supra* note 18 at 42 [original emphasis].

law and its organizations in a cogent manner and one that can provide further groundwork for future investigations while contributing to the existing discourse. What this project does intend to do, by way of a materialist lens, is to ask legal scholars and practitioners of international law to perhaps look to the ‘writing’ on the wall, in this case in the form of a ‘passive’ work of art, as it may provide unique insights into the machinations of the UNSC, and that these seemingly passive objects may have a greater, more *active*, impact than perhaps initially realized.

In Chapter 2, I provide an insightful discussion on this cadre of materialist focused methodologies which includes engagement with scholarship produced by Bruno Latour (ANT), Jane Bennett (vibrant materialism) and Donna Haraway (posthumanism). As the central object of this project is a work of art, I also engage with critical visual methodologies which I contend embodies materialist philosophies. By applying such methodologies to *Untitled*, I demonstrate how their functions elucidate not only the mandates and aspirations put forth by the United Nations in terms of peace, security and development, but how their application also uncovers an alternative narrative present within the work of art which reveals international law’s foundations – foundations that are predicated on Christian ideologies including civilizing missions, empire expansionism and colonialism. Such a methodological approach brings to the fore immediate challenges: a work of art and the abstract notion of international law as mediated through the UN and the UNSC and its operations seemingly have very little by way of connection and as such, appear as incommensurable. ANT and materialist methodologies when used in this context demonstrate that this perceived incommensurability is simply that – a perception. Through their application with *Untitled* as the central, material object of investigation, these methodologies can subvert entrenched normative practices and approaches found within international law.

Following this discussion, I narrow the scope of these methodologies through an investigation into how ANT, materialist, and posthumanist methodologies are applied to the legal landscape, including ‘historical’ and ‘new’ materialism as discussed by scholars in this field, and the challenges inherent in interdisciplinary scholarship. Given that the central ‘object’ of this discussion is a work of art, I then engage with law and humanities scholars Desmond Manderson and Kate Miles, whose bodies of work operate within the specific constellation of visual culture and law. While both Manderson and Miles do not specifically discuss materialism *per se*, their investigations parallel much of a materialist analysis and provide insight into how to approach material objects like visual culture, including works of art. *Untitled* exists within this constellation and as such a materialist approach is warranted.

In so doing, *Untitled* persists two narratives. In Chapter 3, I discuss this first narrative by way of a descriptive and critical analysis of the visual lexicon found within *Untitled*, which I argue outlines the mandates and aspirations of the UN Charter. In Chapter 4, I take up the second narrative, which with the application of a deeper critical visual analysis, I contend conveys messages as to how religion plays a key role in international law and its processes. In essence, I argue that *Untitled* operates as a kind of palimpsest – that which is written ‘underneath’ is the religious narrative, with this universalizing enterprise as the overlay. As such, when understood through the lens of an ANT/materialist analysis, these messages elicit a response or precipitate action from the viewer/spectator. This line of reasoning develops into a greater point of interest when considering Fleur Johns’ observation that objects “under international legal auspices” can “[lead] people to engage in certain kinds of conduct towards others.”²¹

²¹ Fleur Johns, “Things to Make and Do” in Jessie Hohmann & Daniel Joyce eds *International Law’s Objects* (Oxford: Oxford University Press, 2018) at 53.

As I work with materialism and ANT methodologies as regards a work of art, it is worth noting briefly Anne Orford's discussion on 'critical redescription' due to its emphasis on description as legal writing.²² Orford promotes the importance of critical descriptive work by citing Michel Foucault's call to "make us see what is seen" and Ludwig Wittgenstein's statement that "[w]e must do away with all explanation, and description alone must take its place."²³ Both chapters 3 and 4 endeavour to 'make seen what is seen' by providing both a descriptive *and* critical visual analysis of *Untitled*. While at times this analysis may feel facile, Latour strongly advocates for what he refers to as a 'thick' description, and demands for a substantial archive of sources and materials to produce "[a] good ANT account." A good ANT account would be one that "is a narrative or a description [...] where all the actors *do something*" and that when "actors are treated as mediators, they render the movement of the social visible to the reader."²⁴ Orford also argues that descriptive legal writing can address complex legal and political developments, but through "new and productive ways [that make] those developments comprehensible."²⁵ Latour notes that ANT tests the writer to see how far a thorough process of description can be taken, with the view that such a test will facilitate new, refreshed perspectives on society.²⁶ Critical visual methodology in conjunction with an ANT analysis is also fitting, as "[i]nvestigating the role and impact of visuals may be a way to evaluate their real power, and how that power is concretely used by actors."²⁷ Michael Zell notes that art historical analyses are suited to ANT because art objects do not "merely reflect" society, they actively engage as

²² See generally Anne Orford, "In Praise of Description" (2012) 25:3 *Leiden J Intl L* 609-625.

²³ *Ibid* at 609.

²⁴ Latour, *supra* note 19 at 128 [original emphasis]. Latour defines 'mediator' as "[actors who] might have some *relations* with one another, relations of such a sort that they *make* others do unexpected things." [original emphasis] in Latour, *supra* note 19 at 106.

²⁵ Orford, *supra* note 22 at 622.

²⁶ Latour, *supra* note 19 at 128-29.

²⁷ Sarah Maire & Sébastien Liarte, "Building on Visuals: Taking Stock and Moving Ahead" (2018) 21:4 *M@n@gement* 1405-1423 at 1415.

“critical, mediating agents” thus invoking change.²⁸ As is shown in my discussion on international law and its religious underpinnings in Chapter 4, this exercise elucidates connections made as regards how the work of art functions as an active object (as opposed to a passive one) – and one that is imbued with the Christian pre-histories of modern international law.

The intention of this project is to provide an example of the *praxis* of a materialist methodology, and therefore is not to be considered a prescriptive analysis. This thesis presents an entry point into an opportunity to engage with the above noted methodologies, ones which are less considered in legal scholarship (although they are gaining traction). This is because these methodologies demand for a different way to examine long standing questions such as the UNSC and the challenges it faces in their operations, as suggested earlier. This is by no means a project which suggests that the work of art, and *only* the work of art is responsible for these challenges. The act of performing a careful assessment of the visual lexicon presented within *Untitled* through an ANT/materialist lens is what facilitates the understanding as to how these networks unfold and operate in a dance of reciprocity. Moreover, when read alongside the breadth of scholarship on the subject of international law, religion, and by extension – empire, this practice of ANT and materialist methodological study provides further evidence that these theological pre-histories to modern international law are still being conveyed. This analysis presents an opportunity through the use of an ANT/materialist methodology described above to consider how visual culture, including works of art, interpellate human actants into perpetuating the narratives that reside within these objects. In the subsequent chapters, I endeavour to demonstrate how to apply this methodology by engaging with and analyzing the UNSC chamber mural *Untitled*.

²⁸ Michael Zell, Rembrandt’s Gifts: A Case Study of Actor-Network-Theory” (2011) 3:2 JHNA 1-25 at 3.

CHAPTER TWO: LITERATURE REVIEW

Introduction

Known for its central maxim *cogito, ergo sum* or “I think therefore I am”, Cartesian dualism privileges the rational, human thinking mind over the physical world which can include material objects of science, technology, visual culture, and even law. As such, the aim of materiality as a methodology and theoretical framework is to collapse this narrative. Legal scholar Margaret Davies suggests that Cartesian dualism sees the thinking, rational, human as “active, subjective, and agential” whereas the physical, material object is separate, and seen as “dead, inert, and passive.”²⁹ This observation is evidenced even more clearly in a legal context, because “law seems so obviously to rely on a differentiation of its subjects and objects” whereby subjects (humans) are defined through the law by way of laws, rights, and privileges, whereas objects (the physical, material) are defined through legal terms such as ‘property’.³⁰ Davies further notes that “the framing system, *the law*, which defines these subjects and objects is itself seen essentially as the effect of social relations between natural human subjects. Human beings are the sole source of law while objects are simply objects – passive Cartesian matter.”³¹ Materialist thought confronts this Cartesian narrative and aims to disrupt and decentralize the human subject by elevating the non-, anti-, un-, and posthuman object, and as such flattening the relations between them. This flattening, particularly in the legal landscape can unfurl hidden assumptions and beliefs about how the law is constructed and how it persists.

My use of the term ‘material object’ is based on anthropologist and philosopher Bruno Latour’s use of the term in the methodological approach Actor Network Theory (ANT). Latour

²⁹ Margaret Davies, *Law Unlimited* (London: Routledge, 2017) at 63.

³⁰ *Ibid* at 67. Davies does acknowledge the slippage of objects into subjectiveness through legal fictions – such as corporations – which are afforded ‘personhood’.

³¹ *Ibid* [emphasis in original].

posits that objects, like subjects, have agency because they incite a response or re/action.³²

ANT's central philosophy examines the intersectionality of human and non-human entities and their greater implications in society. Other scholars, such as political theorist and philosopher Jane Bennett and posthumanist Donna Haraway also contribute to the discourse on materiality, however from a feminist perspective with the intention of breaking down binaries and dualist approaches that privilege the male/human over the feminine/nonhuman. Bennett's notion of the materiality is viewed through the lens of 'vibrant materialism' whereby objects are tangible, concrete, and embodying agential vitality,³³ whereas Haraway's approach is through the lens of the cyborg which springs forth from the intersection of the material (namely technological) and the human.³⁴ These scholars have provided much of the foundational work found in materiality as it relates to legal studies. As such, their contributions play a significant role in how I approach materiality, particularly when mediated through visual culture as a means of exploring the legal landscape. Legal scholars including Davies, Hyo Yoon Kang and Sara Kendall as well as posthumanist legal scholars Matilda Arvidsson and Emily Jones engage with these authors' theories and explore and challenge law through this materialist and posthumanist lens. Materialist and posthuman thought demands that law be looked at from beyond the four corners of the page whereupon law is written.³⁵ Moreover, materiality asks that *all* objects and *all* subjects be considered.

³² Latour, *supra* note 19 at 53-55.

³³ See generally Jane Bennett, *Vibrant Matter: A Political Ecology of Things* (Durham, NC: Duke University Press, 2010).

³⁴ See generally Donna J Haraway, "A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century," in Donna J Haraway & Cary Wolfe, eds, *Manifestly Haraway* (Minneapolis: University of Minnesota Press, 2016).

³⁵ This is an interesting turn of phrase when considering materiality – since the actual page, the actual four corners is to be considered a 'legal object' and as such, an actant.

This chapter is divided into three sections. To start, I will provide a high-level sketch of materiality and its framework, specifically referencing literature written by Bruno Latour on Actor Network Theory, Donna Haraway's posthumanism, and Jane Bennett's vital materialism and thing-power. This review includes clarificatory remarks on the common vernacular used in ANT, materiality and posthumanist discourse as a way to concretely establish definitions of terms as I have come to interpret them and of which I engage with throughout this project. Through this analysis I demonstrate how these authors' works when read together provide insight into the phenomenon that is produced via the 'collision' of subjects and object, which I refer to as a 'third actant' – one that can uncover hidden or implicit assumptions and/or beliefs embedded in the objects examined. I also acknowledge how this elucidation of terms highlights how materiality as a framework can be difficult to work with. While materialist thought intends to challenge long-standing binaries, including nature/culture, subject/object, human/non-human, in many cases materialist thought uses the same tools which establish those dichotomies in the first place. This line of reasoning justifies my incorporation of posthumanist thought as scholars in this field aim to dig deeper into the paradox of examining the material within the very system that segregates it.

In the second section, I will cover a discussion of relevant legal scholarship on materiality. This will include literature by a number of scholars, including Davies, Kang, Jones, as well as Alain Pottage whose work provides further insight on how materiality through the lenses constructed by Latour, Haraway and Bennett play a vital role in legal studies. I will tease out the differences between the two major approaches within materialist thought – historical and new materialism, as well as offer a brief discussion on legal materialism, as defined by Kang and Kendall. I also engage with work by Arvidsson and Jones, whose work sits within the realm of

international law and posthumanism. As noted, posthumanist theory (of which materialist thought is a part of) can yield further insights into how posthuman objects can affect the production and practice of law.

The final section of this chapter will look to literature written by legal scholars who use the materialist framework to analyse visual culture and the law. While much of the literature produced on ANT and materialism focuses on technology and society through Science, Technology, and Society (STS) studies, and the history and philosophy of science, materialism as a framework is an effective tool for examining visual culture. I contend that visual culture is another form of technology used to express ideologies and beliefs; the etymology of the word ‘technology’ originates from the Greek *techne* which translates as art, or craft. While there are a number of scholars who discuss various materialist aspects of the legal system/spaces/objects, particularly within the field of socio-legal studies, I engage specifically with legal scholars Kate Miles and Desmond Manderson as they work specifically with paintings, which is the ‘legal object’ of focus for this project. While Miles and Manderson do not explicitly discuss materiality as part of their framework, I do highlight arguments presented by both scholars which I feel are in alignment with materialist and even posthumanist thought. The chapter will then close out with concluding remarks.

Foundational Theory of Materiality: ANT, Posthumanism, and Vibrant Materialism

Legal scholarship has turned to the application of materialist methodologies and processes of analysis over the last number of decades, in particular within the field of socio-legal studies. However, legal scholar Hyo Yoon Kang suggests that there is a lack of “unity or

agreement” when it comes to the application of materiality to legal works.³⁶ This is due to an inconsistent definition of terms used within a materialist analysis. For example, as Kang notes, concepts of materiality, such as Latour’s *actant* which I define below, find little continuity in terms of its definition or application amongst various iterations of socio-legal scholarship.³⁷ *Actant* is an oft cited term used when applying or discussing subject/object entities within the ANT framework in different research fields, as well as the examination of their actions or implications.³⁸ In some instances, scholars such as Karen Barad whose work is rooted in materialist thought, opt to refrain from using terminology borrowed from ANT outright, as such terminology is perceived to “work against their relational ontology.”³⁹ For Kang, the term *actant* can be problematic as it is used to explain away an argument without any form of explanation or clarification;⁴⁰ conditions that Latour argues for as being a fundamental requirement of an ANT analysis.⁴¹ Kang’s observations raise my own awareness and concerns around the subjectivity regarding an ANT framework, its terminology and how it is applied. It is also a concern that these materialist frameworks are, in some instances, too speculative. For example, Latour stresses that “[i]n ANT, it is not permitted to say: ‘No one mentions it. I have no proof but I know there is some hidden actor at work here behind the scene.’ This is conspiracy theory, not social theory.”⁴² As such, it is my aim to clarify key terms relevant to this project so as to have a

³⁶ Hyo Yoon Kang, “Law’s Materiality: Between Concrete Matters and Abstract Forms, or How Matter Becomes Material” in Andreas Philippopoulos-Mihalopoulos, ed *Routledge Handbook of Law and Theory* (London: Routledge, 2019) at 460.

³⁷ *Ibid* at 460.

³⁸ *See generally* Hohmann, *supra* note 18; Bennett, *supra* note 33 at ix; Kang, *supra* note 36 at 460.

³⁹ Jessie Hohmann & Christine Schwöbel-Patel, “A Monument to E.G. Wakefield: New and Historical Materialist Dialogues for a Posthuman International Law” in Matilda Arvidsson & Emily Jones, eds *International Law and Posthuman Theory* (Routledge: London, 2024) at 146.

⁴⁰ Kang, *supra* note 36 at 460.

⁴¹ Latour, *supra* note 19 at 128-29. This is specifically in relation to the ‘network’ that actants create. It is necessary to do a thorough investigation into the network to see just how many actors/actants there are, and far they go, akin to a chain reaction.

⁴² *Ibid* at 53.

firm, working glossary. This in turn allows for me to be more consistent in my application of ANT and other materialist, posthumanist approaches, as well as fully engage with the scholarship that relies on such terms. I also endeavour to illustrate how each scholar's conception of materiality are interconnected. This is done through a discussion on the desire for materiality to unveil the privileging of the human entity over non-human entities, and the importance of recognizing and engaging with these non-human entities in an attempt to collapse persistent Cartesian dualist perspectives, thus providing opportunity for a deeper understanding of how non-human objects can influence and affect outcomes, particularly in the areas such as law.

Terminology

As suggested above, ANT finds its roots in STS studies, and is a complex, multivalent framework which examines materiality through human and non-human entities, or *actants*. This concept is in slight contrast to Latour's notion of *agency* which "[is] always presented in an account as *doing* something [...] making some difference to a state of affairs, transforming some As into Bs through trials with Cs."⁴³ That is to say, agency is the force that drives actants into action. Legal scholar Alain Pottage clarifies this point, stipulating that "Bruno Latour's notion of hybrid actants makes it clear that agency is not inherently either human or non-human; it is an emergent effect of the composition of humans and non-humans, or of their reciprocal engagement or co-variation as moments in the unfolding of an actor network."⁴⁴ To be considered an agency or agencies, they *must* produce a result. For Latour, "an invisible agency that makes no difference, produces no transformation, leaves no trace and enters no account is *not* an agency."⁴⁵ Actants, on the other hand are the operants of these 'doings' – they are the

⁴³ *Ibid* at 52-53 [emphasis in original].

⁴⁴ Alain Pottage, "The Materiality of What?" 39:1 *Journal of Law and Society* 2012 167-183 at 168.

⁴⁵ Latour, *supra* note 19 at 53 [emphasis in original]. Latour delightfully calls these inactive agencies 'conspiracy theories', while also mindful that this aspect of the framework can be challenging: "Agency is about the most difficult problem there is in philosophy." [at 53].

performers of an action found within a script, which in turn is a product of the agential-driven doingness. As such, these actants operate as the *source of activity*, or “something that acts or to which activity is granted by others.”⁴⁶ Actants can also embody more than one agency in that they can perform more than one operation.⁴⁷ Latour often utilizes the term *actor* and is commonly used interchangeably with *actant* when relating to object/subject entities. However, Latour openly admits that actor as a term is problematic; it tends to lead one to consider only human entities, which is counter to the central tenets of ANT.⁴⁸ As such, the term *actant* is typically used instead, as it is all-encompassing, whereas the term actor when used, operates as a placeholder or a sign (as in semiotics).⁴⁹ This is an important realization as regards actant versus actor; ANT as well as other works on materiality and posthumanism aim to uncover, confront and interrogate the anthropocentric privileging of the human subject over the non-human object.

The *agency/actant* operation brings to light interesting observations about how ANT can be applied as a methodology. If actants can embody several different agencies or ‘doings’ at any given time, then it would stand to reason that an agency – which is a social response – would vary from person to person depending on that socialization, including perception, understanding, and perspective, which in turn would affect how an actant is perceived. Thus, when conducting an ANT analysis, how we come to understand an actant is predicated on what is or is not considered a relevant agency to us in the course of our investigation. This raises a set of interesting questions: What is considered relevant, and how do we determine this relevance? How can it be ensured that bias is not part of the equation? Can ANT be truly unbiased? This is why ANT, while an effective methodology for a descriptive investigation of an issue, is not

⁴⁶ Bruno Latour, “On Actor-Network Theory: A Few Clarifications” 47:4 *Soziale Welt* 1996 369-381 at 373.

⁴⁷ See Latour, *supra* note 19 at 55.

⁴⁸ Latour, *supra* note 46 at 372.

⁴⁹ *Ibid.* For this project, I will use the term actant, unless the term actor is used in direct quotes.

necessarily beneficial for a prescriptive or normative one.⁵⁰ Furthermore, there is required a kind of reflexive responsibility when engaging with an ANT/materiality approach, which I contend includes an understanding and awareness of the investigator's biases, intentionalities, and beliefs, which may colour how certain actants are approached and discussed.

To further ensure that an anthropocentric approach to the analysis of objects/subjects is minimized, Latour also considers the term *figuration* whereby the actant is given some sort of flesh so as to add 'figure' to, and subsequently allow for the management of, abstractions "because it is essential to grasp that there exist[s] many more figures than anthropomorphic ones."⁵¹ This is because ANT looks not only to 'tangible' objects/subjects as actants but also those actants which could be construed as an abstraction-as-object, or *ideomorph*.⁵² Latour uses the example of the aggregate data from a statistical analysis to illustrate the necessity for 'figuration' whereby the data produces an abstraction of information of whatever it is that is being surveyed, and as such through this *figuration*, gives it shape which in turn results in an actant.⁵³ Latour does acknowledge the limitations of the term 'figuration' however, noting that it "endows [individuals, statistical data points] with a shape but not necessarily in the manner of a smooth portrait by a *figurative* painter."⁵⁴ That is to say, what the actant 'looks' like will not be as clearly defined as one would expect in a figurative painting. Instead, this figure will look more akin to an abstract or contemporary work of art, and therefore subject to interpretation.⁵⁵ I

⁵⁰ Latour, *supra* note 19 at 55. Latour argues that it is literary theory and philosophy which has opened the doors to understanding how actants and their many agencies can come to pass, and strongly advocates for "[r]ecording, not filtering out, *describing* not disciplining." [at 55].

⁵¹ *Ibid* at 53.

⁵² *Ibid*. While I am inclined to argue that *ideomorphs* are object as opposed to subject oriented; the "idea" of a subject, given that a subject is usually reserved for human entities, is not out of the realm of possibility. For example, artificial intelligence could be considered the idea of a subject as it lacks corporeality, yet still functions as a subject. Figuration in this instance would give the necessary 'flesh' to create it's subjectiveness.

⁵³ *Ibid* at 53-54.

⁵⁴ *Ibid* at 54 [emphasis in original].

⁵⁵ *Ibid*.

suggest that this realization loops back to the observations above on the subjectivity of determining what agencies are involved and what and how actants are perceived.

While I find the term *figuration* effective as an illustrative point, I contend that it must operate only as a placeholder – much like Latour’s use of the term *actor*. Latour’s term *figuration* is used to draw attention towards actants that are beyond the predictable anthropomorphic actants. It stands to reason then, that one of ANT’s aims is to point out and criticize the steadfast anthropocentric approach as regards actants and their agencies, and as such brings an increased awareness towards non-anthropomorphic actants. Unfortunately, the term *figuration* does persist in the anthropocentric narrative which ANT has been trying to move away from. In order to highlight these non-anthropomorphic actants, Latour employs a term that is decidedly anthropomorphic, and even clarifies the terminology with a connection made to figurative painting. However, I do think the term *figuration* offers an easily digestible way to concretize actants that are more nebulous in their conceptions. Certainly, figurative paintings are not of just human forms – subjects of figurative paintings include depictions of *real life* including still life, however the word ‘figure’ typically evokes the image of the human. It could be argued that this ‘anthropomorphizing’ or ‘realizing into the real’ (as opposed to the abstract) of non-anthropomorphic actants is the best way to bring them into clarity.

The Human, the Non-Human, and the ‘Third Actant’

As already suggested, it is necessary to recognize that ANT endeavours not to limit itself to the human actant. Moreover, ANT’s aim is not to privilege the human actant as special in terms of its motivation.⁵⁶ However, ANT is also a theory which does not consider that “objects do things ‘instead’ of human actors.”⁵⁷ Rather, it is a theory that asks us to examine the roles of

⁵⁶ Latour, *supra* note 46 at 373.

⁵⁷ *Ibid.*

both the human and non-human actant, and their participation in the activity in question.⁵⁸ Furthermore, ANT is not about reconciling the dualism between object and subject, nor should the material and the social duality be assessed with ‘relation’ as the driving impetus: “[t]here exists no relations whatsoever between ‘the material’ and ‘the social world[.]’”⁵⁹ This is because “it is the very division [between the material and social world] which is a complete artifact.”⁶⁰ Latour asks that we focus instead on the “redistribu[ti]on of] the whole assemblage from top to bottom and beginning to end” and to consider that “[t]here is no empirical case where the existence of *two* coherent and homogeneous aggregates, for instance technology ‘and’ society, could make any sense.”⁶¹ Latour also warns against using ANT in this way in conjunction with his notion of ‘symmetry’ noting that “readers concluded from [Latour’s use of the geometrical metaphor about symmetry] that nature and society had to be maintained together so as to study ‘symmetrically’ ‘objects’ *and* ‘subjects’, ‘non-humans’ *and* ‘humans’. [...] what I had in mind was not *and* but *neither*: a joint *dissolution of both collectors*.”⁶² Thus, Latour’s use of symmetry is not to examine human and non-human actants/entities from artificially constructed similarities so as to ‘find’ relations between the two. Rather, it is an examination of the phenomenon yielded from such a connection made of disparate components, whose symmetry is defined by the empirical approach of an equally weighted and executed set of methodological terms. Further, I contend that Latour’s use of the word *neither* as it relates to “dissolution” is not to be viewed as a complete collapse and subsequent negation of the existence of something. Instead, it is my interpretation that from this dissolution, a third entity or actant arises. This third actant is an

⁵⁸ Latour, *supra* note 19 at 72.

⁵⁹ *Ibid* at 76.

⁶⁰ *Ibid*.

⁶¹ *Ibid* [emphasis in original].

⁶² *Ibid* at fn 89 [emphasis in original].

entity which when perceived through a careful ANT/materialism driven analysis, can reveal deeply embedded and hidden assumptions, perspectives, and beliefs.

My line of reasoning on this point stems from Donna Haraway's posthumanist argument in "Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century."⁶³ Materiality as a framework is highly relevant to posthumanism, as Arvidsson and Jones suggest, and also state that materialism (more specifically *new* materialism, which is discussed in more depth in the next section) is a strand of posthumanities, from which posthumanism is derived.⁶⁴ Arvidsson and Jones, in citing feminist philosopher Rosi Braidotti, define posthuman theory "as being 'positioned between the convergence of posthumanism, based on post- and anti-humanist critiques of the subject on the one hand, and post-anthropocentrism on the other.'"⁶⁵ That is to say, posthumanist theory interrogates the intermediary location between the material and the rational. I suggest that this is a similar space wherein Latour's dissolution resides. Haraway approaches this iteration of materiality in a similar fashion through her posthumanist notion of the 'cyborg.' The 'cyborg' is described as "a cybernetic organism, a hybrid of machine and organism, a creature of social reality as well as a creature of fiction."⁶⁶ Haraway further suggests that "[t]he cyborg is a condensed image of both imagination and material reality, the two joined centers structuring any possibility of historical transformation."⁶⁷ 'Imagination' aligns with the Cartesian rational, thinking (human) being, whereas 'material reality' is that of the physical (non-human) being. As such, Haraway's cyborg is the manifestation which springs from the liminal space that exists between such beings, or actants.

⁶³ Haraway, *supra* note 34.

⁶⁴ Matilda Arvidsson & Emily Jones, "Introduction to International Law and Posthuman Theory" in Matilda Arvidsson & Emily Jones, eds *International Law and Posthuman Theory* (Routledge: London, 2024) at 6.

⁶⁵ *Ibid* at 6.

⁶⁶ Haraway, *supra* note 34 at 5.

⁶⁷ *Ibid* at 7.

This cyborg occupies the ‘in between spaces’ of the binaries that make up the world, that when viewed through a Latourian lens can delineate the problematic ‘*and*’ between such binaries, and as such the issue of ‘forced symmetry’. The cyborg, therefore, is the product of Latour’s dissolution. The ever changing and chimeric nature of this cyborg is also predicated on Latour’s recognition of the multiplicity of agencies that can cycle through an actant at any given time. As such, and as noted by Haraway, “the boundary between physical and nonphysical is very imprecise”, thus the liminal space wherein our cyborg or ‘third actant’ resides gestures towards the challenges that are invariably faced when examining this dissolution between actants.⁶⁸ This imprecision takes into account the subjectivity that is inherent within an ANT and related materiality approaches to object/subject relations and I contend these two approaches are essential for the examination of non-human/un-human objects and their agential power.

The challenge of delineating the material and imagination also stems from the anthropocentric approach to how actants are defined, and in what ways some are privileged over others. This further exacerbates Latour’s issue regarding symmetry, wherein we pull the object up to meet the subject on his terms, rather than acknowledging the inherent differences between the two and approaching that knowledge from a consensus of analysis and inquiry. According to Latour, it is important to acknowledge the challenging relations between actants, especially ones which appear incommensurable due to continually held beliefs that actants are to be observed through “traditionally conceived social ties.”⁶⁹ This belief in the incommensurable, which garners its shape from the Age of Reason and Enlightenment, asserts that the material and the social are distinct from each other. As such, there is an illusion created, whereby nothing

⁶⁸ *Ibid* at 12.

⁶⁹ Latour, *supra* note 19 at 74. Latour speaks generally about sociologists ‘of the social’ when referring to those who hold such beliefs.

meaningful can be yielded from such an observation unless manipulated in such a way to create symmetry; the connections between human and non-human are falsified, flattened and as a result, distorted and inaccurate. By confronting this incommensurability through an ANT or materialist analysis, this over-privileging and overt manipulation of the importance of the human actant can be revealed. In Jane Bennett's work, incommensurability and how it privileges the human actant is also acknowledged. Bennett suggests that the incommensurability perspective is reasoned so as to prevent the "authoriz[ation of] the treatment of people as mere things."⁷⁰ To elevate the human entity above and beyond the mere non-human object is "to prevent the instrumentalization of humans."⁷¹ Human actants are privileged so as to demonstrate their complexity and superiority in comparison to non-human and un-human actants.

These Latourian notions of the actant and agencies have been absorbed and modified by Bennett, which includes work on 'vital materiality' and 'thing-power'. Bennett defines vitality as "the capacity of things – edibles, commodities, storms, metals – not only to impede or block the will and designs of humans but also to act as quasi agents or forces with trajectories, propensities, or tendencies of their own."⁷² Although Bennett's approach to materiality is through the lens of political ecology and how non-human entities contribute to the creation, construction and destruction of the planet through their interactions with other actants (namely human ones), her claims are effective in understanding the potency of interrogating how inanimate actants can affect persons within its environs.⁷³ Moreover, Bennett in her work strives to examine and "theorize events [...] as encounters between ontologically diverse actants, some human, some

⁷⁰ Bennett, *supra* note 33 at 11-12.

⁷¹ *Ibid* at 12.

⁷² *Ibid* at viii.

⁷³ *See generally* Bennett, *supra* note 33.

not, though all thoroughly material.”⁷⁴ Bennett suggests that the Latourian notion of the actant “is neither an object nor a subject but an ‘intervener’.”⁷⁵ Like Haraway’s cyborg, this intervener “makes the difference, makes things happen, becomes the decisive force catalyzing an event” as it is related to its temporal and spatial localities and its occupants (other actants). As such, actants can modify other actants throughout the course of their interaction.⁷⁶ Bennett’s ‘ontologically diverse actants’ follow similar reasoning echoed in Latour’s approach to the perceived incommensurability of two (or more) entities. It is my assertion that these observations when interrogated can reveal new insights into the less obvious practices, beliefs and assumptions society creates and inadvertently expresses, which when viewed from a legal context can have profound impacts on legal mechanisms.

Like Latour, Bennett is also concerned with the preoccupation with the inherent anthropocentric positioning located within the historical materialist framework, which I discuss in more depth below. In recognizing how materiality has become a worthwhile matter to be examined in political theory, Bennett suggests that “politics is itself often construed as an exclusively human domain, what registers on it is a set of material constraints on or a context for human action.”⁷⁷ As such, Bennett asks for a greater fostering of a vitalist materiality approach, whereby non-human entities and their contributions are to be “overemphasized” so as to counter the persistent reliance on human agency as reflected through thought and language.⁷⁸ Bennett does suggest that in order to circumvent this “narcissistic reflex” we must anthropomorphize human agency: “the idea that human agency has some echoes in nonhuman nature – to counter

⁷⁴ *Ibid* at xiv.

⁷⁵ *Ibid* at 9.

⁷⁶ *Ibid*.

⁷⁷ *Ibid* at xvi.

⁷⁸ *Ibid*.

the narcissism of humans in charge of the world.”⁷⁹ This language on the surface is seemingly counter to Latour’s call for a reduction of the reliance on anthropomorphism, and could be construed as problematic. However, I suggest that Bennett is in actuality employing Latour’s concept of *figuration*. As indicated above, ‘humanizing’ non-human entities through figuration, despite its surface problematizations, can cultivate a better understanding of how they affect outcomes (whatever those may be) providing that we are cognizant to the fact that we are doing so.

To be clear, Bennett’s “material vibrancy is not a spiritual supplement or “life force” added to the matter said to house it. [...] [it] is not a vitalism in the traditional sense.”⁸⁰ Instead, Bennett claims that the vitalism of materiality is equated with what is referred to as ‘impersonal affect’.⁸¹ Bennett’s position on affect is drawn from Spinoza, whereby affect “refers broadly to the capacity of any body for activity and responsiveness.”⁸² However, impersonal affect is different from the human-centered “transpersonal or intersubjective” power, as impersonal affect focuses “on the catalyst [or actant] itself as it exists in nonhuman bodies.”⁸³ Further, materiality is inextricably interconnected with its vitality (or impersonal affect), and is not to be read as an external force (or as described by Bennett the “raw material for the creative activity of humans or God”) bestowed upon the material object.⁸⁴ For Bennett it is important to recognize that “[w]e *are* vital materiality and we are surrounded by it, though we do not always see it that way.”⁸⁵ As such, the purpose of a vital materialist examination is to be cognizant of non-human entities

⁷⁹ *Ibid.*

⁸⁰ *Ibid* at xiii.

⁸¹ *Ibid.*

⁸² *Ibid* at xii.

⁸³ *Ibid.*

⁸⁴ *Ibid* at xiii.

⁸⁵ *Ibid* at 14 [emphasis in original].

which participate in the world, and the power that they can inevitably exert over us.⁸⁶ Bennett's aim therefore is to "enhance receptivity to the impersonal life that surrounds and infuses us, [which] will generate a more subtle awareness of the complicated web of dissonant connections between bodies, and will enable wiser interventions into that ecology."⁸⁷ I suggest that Bennett's "dissonant connections" is reflective of Latour's notion of the incommensurability. Both Bennett and Latour remind us that through thoughtful, reflexive investigations into these seemingly incompatible relations, we become more aware of and garner a better understanding as to how non-human actants come to be imbued with power, and how these power structures operate within and influence society, just as much their human counterparts. Bennett's concept of 'dissonant connections' (along with Latour's notion of incommensurability) demands that we read these interactions between human and non-human entities in the horizontal. This in turn suggests that there is a kind of reciprocity between actants rather than in the vertical, which is indicative of a hierarchy.⁸⁸ It is this horizontal reading of objects and subjects which elucidates that which exists between them – the 'third actant' – which can subsequently assist in both breaking through and dismantling long-established anthropocentric, Cartesian dualisms.

Materiality in the Legal Landscape

The methodologies of materiality and posthumanist theory are but another set of vantage points to consider when critically evaluating the law, its histories, developments and its implications.⁸⁹ However, rather than considering solely human factors, materialist and posthumanist thought demands that all factors that influence and affect law, including those that are non-, anti-, or un-human also be considered. Davies has suggested that materiality as an

⁸⁶ *Ibid* at 14-16.

⁸⁷ *Ibid* at 4.

⁸⁸ *Ibid* at 10.

⁸⁹ Other approaches include feminist and critical legal theory, and Third World Applications of International Law (TWAAIL).

approach to analysing legal theory can be particularly challenging, as legal theory has resided within the conceptual space of positivism and natural law.⁹⁰ That is to say, positivism and natural law are both firmly situated in the rational, thinking and human realities as opposed to an “essentially abstract view of law” as illustrated through an examination of the material or physical realities as described in materialist thought.⁹¹ Legal positivism, natural law, and Cartesian dualism have persisted for so long and so effectively in the Western world that it seems near impossible to view the world through any other kind of perspective.⁹² Like Latour’s observations regarding the incommensurability between objects and subjects, these perspectives result in a narrow examination of law, which not only omits the non-human, or posthuman influence in its construction, but if included, results in a distorted understanding of materiality’s relevance and influence. This sentiment is also argued by Matilda Arvidsson and Emily Jones, who note that “[i]nternational law is [...] based upon a series of assumptions that work to reinforce ‘universalistic’ notions of ‘Man’ through exclusionary humanism [...] as well as anthropocentrism.”⁹³ Davies notes that legal theory and socio-legal thought, from which much scholarship on materiality and the law emanates from, has been developed to shed light on the law’s human-centrism.⁹⁴ For example, socio-legal studies attempts to “remind[] us that the law emerges from the agnostic and complex substratum of human interaction and that it is made concrete by iteration. It is solidified and often rendered in a highly abstract, immaterial, and *un-real* form (as state-based law) by institutional processes.”⁹⁵ That is to say, law is ‘flattened’ so as

⁹⁰ Davies, *supra* note 29 at 42.

⁹¹ *Ibid* at 42.

⁹² *Ibid* at 8.

⁹³ Arvidsson & Jones, *supra* note 64 at 2. While Arvidsson and Jones’ work is based on posthumanism, theory of materiality is a subset or one of the “multiple strands” of posthumanist frameworks [at 6].

⁹⁴ Davies, *supra* note 29 at 42.

⁹⁵ *Ibid* at 43 [emphasis in original].

to create a “generalised and unified idea of law” which in turn create legal fictions.⁹⁶ Davies also notes that the “purely conceptual approach to law relies upon *selective abstractions and therefore misrepresents whole sectors of social engagement* and [...] that it *attempts to erase the human elements involved in interpreting and applying abstract legal principles.*”⁹⁷ This line of reasoning, while not specifically materialist as it suggests the omission of specific *human subject* groups (a common topic argued from a legal feminism and TWAIL framework), it is in alignment; like legal feminism and TWAIL, materiality takes the necessary steps beyond the dominant, active ideologies to further include those actants whose existences are overlooked due to their ‘passivity’ in contrast. Moreover, Davies raises an interesting point as regards ‘selective abstractions’ which I interpret to mean that by opting to overlook certain groups/actants – including the material – there is a very specific narrative created, including the ‘generalization’ of law, or its reduction to its common denominator. To interrogate this phenomenon, Davies suggests that law be examined from “the presumption that law is connected and relational” because in actuality, the law is “mobile, plural and *material.*”⁹⁸ Furthermore, “material factors *produce* law as an effect; [...] there is a *dynamic relationship* between a discursively separated law and the social sphere; and that *law is essentially material.*”⁹⁹ Law as a ‘thinking’ process invariably has direct interconnections with the physical and therefore is material. Some of the most obvious material interconnections can be found in locations where law is ‘expressed’, be it in courtrooms, offices, corporations, hospitals, universities, or international organizations.¹⁰⁰ Materiality as a framework also endeavours to displace the centralized, rational, human entity,

⁹⁶ *Ibid* at 42-43.

⁹⁷ *Ibid* at 43 [emphasis added].

⁹⁸ *Ibid* at 1 [emphasis added].

⁹⁹ *Ibid* at 44 [emphasis in original].

¹⁰⁰ *Ibid* at 41.

and instead considers the human entity as part of a constellation of relationships between other humans, animals, plants, spaces, and objects.¹⁰¹ The law through its practice and thus its materiality is as Davies argues, inseparable from each other.¹⁰² Such an approach in a legal context presents an opportunity to examine not only the rational, human element of law, but also how law is constructed through the various non- and posthuman entities that law comes into contact with, including such material objects like visual culture, and more specifically, works of art.

Historical and New Materialism

Scholarship on materiality generally accepts that there are two, central methodological approaches: historical and new materialism, of which both are considered within legal scholarship. Predicated on Marxist theory, Dimitri Van Den Meerssche argues that historical materialism has been a crucial approach in critical international law, and has included “themes on international law’s structural indeterminacy, cultural hierarchies, or the political possibilities of its historical contingencies.”¹⁰³ These themes “are increasingly questioned by accounts that trace the discursive operations, dynamics of differences or patterns of (dis)continuity in international law to their material foundations.”¹⁰⁴ According to Davies, “the term ‘materialism’ was more or less identified with Marxism, and through Marxism, with forms of human society, human beings in economic relationships and the ways in which these material social conditions were reproduced.”¹⁰⁵ Moreover, “[t]he material world of Marxism is essentially about human economic realities, for instance that class is produced in part by the expropriation of labour and

¹⁰¹ *Ibid* at 9.

¹⁰² *Ibid* at 41.

¹⁰³ Dimitri Van Den Meerssche, “The Multiple Materialisms of International Law” (2023) 11:2 *London Rev Intl Law* 197-206 at 197.

¹⁰⁴ *Ibid*.

¹⁰⁵ Davies, *supra* note 29 at 56.

control of the labourer’s body.”¹⁰⁶ Further, historical materialism is a framework which largely identifies with neo-Marxist, post-modernist thought, and tends to focus primarily on the superstructures of law and culture as products of the economic sphere.¹⁰⁷ These superstructures are also applied to the means of social production, such as class – which arises out of the divisions of labour, as well as the material manifestations which arise from such divisions – including access to essentials such as food and shelter.¹⁰⁸ Although not arguing from a legal perspective, Bennett presents a similar observation, stating that the historical materialist perspective endeavours to “follow the trail of human power to expose social hegemonies (as historical materialists do),”¹⁰⁹ and that this approach “most often refers to human social structures or to the human meanings “embodied” in them and other objects.”¹¹⁰ For legal scholars Kang and Kendall, “[a]n account of materiality cannot neglect the important role of historical materialism in drawing attention to the relationships between concrete matters and immaterial ideas.”¹¹¹ Marxism, as a “strand of historical materialism” aims to “take[] “real” economic processes as causes of “unreal” forms of consciousness, such as law.”¹¹² However, Kang and Kendall suggest that “the material and real” when examined through an historical materialist approach as mediated through Marxist thought will tend to be economically deterministic.¹¹³ As such, materiality through such an aperture is limiting as it overlooks non-economic aspects of the production of labour and social order.¹¹⁴

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid* at 42.

¹⁰⁸ *Ibid* at 56.

¹⁰⁹ Bennett, *supra* note 33 at xiii-xvi.

¹¹⁰ *Ibid.*

¹¹¹ Hyo Yoon Kang & Sara Kendall “Legal Materiality” in Simon Stern, Maksymillian Del Mar, & Bernadette Meyler, eds *The Oxford Handbook of Law and Humanities* (London: Oxford University Press, 2019) at 25.

¹¹² *Ibid* at 26.

¹¹³ *Ibid* at 25.

¹¹⁴ *Ibid.*

Davies also criticizes historical materialism, suggesting that in its legal context, it focuses on the performative aspects of social production including culture and language.¹¹⁵ This fixation on culture and language is, according to Davies “decidedly ideational and non-material” in its aspects, and therefore counter to materialist thoughts’ intentions.¹¹⁶ As a response to these limitations found in historical materialism, materialist thought evolved into what is known as ‘new’ materialism. Davies summarizes new materialism as follows:

[new materialism] ... focus[es] on situating the human, including human meaning and human subjectivity, in a material world where all matter, living and non-living, is related, where objects have their own vitality and resistance, and where agency emerges in relation rather than as an existing quality.¹¹⁷

Further, the new materialist approach endeavours to critically assess the overutilization of language and culture production – which are decidedly non-material – and “shift towards thinking about objects and matter *in their physicality*, and as interactive.¹¹⁸ New materialism not only intends to engage with these “objects, matter, ontology and the outside world,” but it also aims to confront and question “these very distinctions: in particular subject-object, inner-outer, concept-fact, and epistemology-ontology.”¹¹⁹ Furthermore, “the new materialist theory grapples with these very distinctions and introduces new conceptualisations in an effort to move beyond them.”¹²⁰ Kang and Kendall illustrate this line of reasoning clearly, suggesting that new materialism within a legal context aims to “account for the complexity and “agencies” of human and non-human matters” with the endeavour to move beyond the limitations of a linguistic/textual lens.¹²¹

¹¹⁵ Davies, *supra* note 29 at 42.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid* at 66.

¹¹⁸ *Ibid* at 57.

¹¹⁹ *Ibid* at 42, 57.

¹²⁰ *Ibid* at 42.

¹²¹ Kang & Kendall, *supra* note 111 at 27.

For Jessie Hohmann and Christine Schwöbel-Patel, new materialism elucidates how “the meaning of the subject is intelligible only in relation to the object, not in the sense of a binary either/or, but through engagement or entanglement.”¹²² Hohmann and Schwöbel-Patel also note that these entangled actants, or ‘things’ as described by Bennett, “always have the capacity to exceed our understanding of them, to break free of their human-designated status, and in so doing, they ‘manifest traces of independence or aliveness.’”¹²³ Van Den Meerssche’s observations about new materialism and its intentions echo Hohmann and Schwöbel-Patel (and Bennett), suggesting that “it would be reductive to perceive new materialism merely as pointing to the power and vibrancy of things.”¹²⁴ Rather, new materialism endeavours to conduct deep and thoughtful examinations of how certain subjects are leveraged over others in their perceived importance, and the production and persistence of the agential power of non-human objects.¹²⁵ Van Den Meerssche makes these connections in relation to international law, in that new materialism is crucial in the interrogation of international law and its applications particularly as to how international law elevates the “liberal human subject.”¹²⁶ Hohmann and Schwöbel-Patel also suggest that new materialism unweaves existing entanglements, and therefore creates space wherein investigations can spring forth. In so doing, new materialism reveals not only these entanglements’ existences, but also the resulting ‘third actant’ or ‘cyborg’, ‘intervener’, or ‘dissolution’ which springs from these entangled relations. This allows for a more nuanced understanding of the implicit assumptions and beliefs which reside in these ‘passive’ objects. I contend that this would include works of art depicting legal endeavours or ideologies. It is

¹²² Hohmann & Schwöbel-Patel, *supra* note 39 at 145.

¹²³ *Ibid*, citing Bennett, *supra* note 33 at xvi.

¹²⁴ Van Den Meerssche, *supra* note 103 at 198.

¹²⁵ *Ibid* at 199.

¹²⁶ *Ibid*.

through these elucidations that these hidden assumptions and beliefs embedded within the legal apparatus are uncovered, thus giving greater insight into the various power dynamics therein.

Arvidsson's view on new materialism is taken through the lens of a posthuman feminist methodology of interrogating international law, a method which they argue is more encompassing than the new materialist approach. For Arvidsson, in citing Jones, posthuman theory is understood as "broadly call[ing] for an account of subjectivity that includes not-human entities, including a better understanding of agency of matter."¹²⁷ Further:

Posthuman theory, Jones explains, 'sits at the convergence between post-humanism and post-anthropocentrism', with not only an aim to 'dismantle hierarchies of privilege' between humans in terms of, for example, gender, race and class (the central idea of posthumanism) but also to dismantle human hierarchical supremacy over other subjects – including the environment and nonhumans (the central idea of post-anthropocentrism).¹²⁸

Materialism, however, is very much an important facet of posthumanism, whereby "new materialism(s) primarily builds on matter and materiality such as it has been considered in physics [...] philosophy of science, and philosophy broadly conceived."¹²⁹ Arvidsson argues that scholarship in international law needs to pay more attention to the "material and discursive-linguistic aspects of posthuman theory" suggesting that both materiality and posthumanism are useful, integral parts of the field of international law.¹³⁰ A new materialist methodology criticizes 'human-centered' considerations which occur in these overly conceptual approaches to law, subsequently exposing legal fictions, and therefore creating space for a deeper, critical analysis on how legal thought and its practices are generated, how such Cartesian-based legal ideologies

¹²⁷ Matilda Arvidsson, "Posthuman Feminism as a Theoretical and Methodological Approach to International Law" in Matilda Arvidsson and Emily Jones, eds *International Law and Posthuman Theory* (London: Routledge, 2024) at 32.

¹²⁸ *Ibid.*

¹²⁹ *Ibid* at 45.

¹³⁰ *Ibid* at 31-32.

persist, and how an examination of the materials, including objects of visual culture, that interact with these concepts inform or subvert.

It is imperative to understand that historical materialism is not the progenitor of new materialism. As noted by Van Den Meerssche in citing Arvidsson, ‘old’ materialism which precedes new materialism is not grounded in Marxism, but rather rises out of the “broader and ‘older’ field of physics and the philosophical question of matter as it is considered in for example, Aristotle, Spinoza, Nietzsche, Freud and not the least by Deleuze and Guattari.”¹³¹ For Kang and Kendall, this ‘old’ perspective is limiting, noting that “feminist new materialists have expressed concerns about the misrecognition of ‘bodies’ in particular through a Cartesian conception of personhood and social agency in law.”¹³² Van Den Meerssche also points out that scholars of international law are actively working with both historical and new ‘materialist modes of theory’ as it is clear that the socio-political and economic structures of power (as interrogated via historical materialism) are just as relevant as those critical evaluations of the persistent injustices and inequities which are rooted in the new materialist school of thought.¹³³ Both approaches resonate with each other as both a “focus on the political vitality of the material world, a critique of idealism, and an orientation towards understanding power structures and sparking social change.”¹³⁴ Jones and Arvidsson also argue that both new and historical materialism as methodologies need to be read in conjunction with each other.¹³⁵ Hohmann and Schwöbel-Patel also argue that “[b]oth historical and new materialism offer potential tools to

¹³¹ Van Den Meerssche, *supra* note 103 at 199. See also Arvidsson, *supra* note 126 at 45. Materialism as discussed by Jones and Arvidsson in their publication *International Law and Posthuman Theory* (London: Routledge, 2024) is in conjunction with posthumanism.

¹³² Kang & Kendall, *supra* note 111 at 24-25.

¹³³ Van Den Meerssche, *supra* note 103 at 199.

¹³⁴ *Ibid.*

¹³⁵ Arvidsson & Jones, *supra* note 64 at 9.

critique the mythologizing of disciplines and people and to bring structural questions to the fore.”¹³⁶

Legal Materialism

Kang and Kendall argue that significant scholarship within the law and humanities field tends to focus on the language and textual elements of law.¹³⁷ For example, cultural artefacts are contextualized in such a way so as to interrogate the “background in which law acquires meaning. This background is regarded as linguistic, interpretive, and textual, comprised of elements such as litigation strategies, the statutory or constitutional text, legislative debates, and related political discussions.”¹³⁸ Such a language and text based approach fails to take into consideration the value of inanimate, non-human actants and that “there are other forms of communication than human language; human law cannot be fully separated from non-human forms of communication because these other forms condition both language and the law.”¹³⁹ Legal scholar Alain Pottage also raises this issue of language as materiality, with law as subject. Pottage argues that what matters in understanding materiality, particularly as described in Latour’s ANT, is not the ‘simple materiality’ which can be comprised of physical qualities like density and mass, “but rather ‘materiality’ as the kind of agency that is afforded by, elicited from, or ascribed to [the objects in question].”¹⁴⁰ Kang and Kendall clarify this point, noting that “[r]ather than designating the innate properties of a physical object or matter, materiality instead signifies the moment in which artefacts become “legalized” by acquiring legal meaning and force.”¹⁴¹ The artefact – which can, with a cursory glance, seem divorced from what is

¹³⁶ Hohmann & Schwöbel-Patel, *supra* note 39 at 144.

¹³⁷ Kang & Kendall, *supra* note 111 at 27.

¹³⁸ *Ibid* at 26.

¹³⁹ *Ibid* at 27.

¹⁴⁰ Pottage, *supra* note 44 at 168.

¹⁴¹ Kang & Kendall, *supra* note 111 at 30.

considered ‘law’ or ‘legal’ – becomes a ‘legal object’ when inscribed and imbued with legal forms. This more nuanced approach to materialism is referred to as *legal* materialism. This is an approach that while informed by both historical and new materialisms, is somewhat distinct.¹⁴²

Like Van Den Meerssche and Davies, Kang and Kendall suggest that the legacy of legal scholarship is firmly planted in an anthropocentric milieu.¹⁴³ Kang and Kendall intimate that this human-centered perspective arose out of the philosophies of Plato and the advent of Christian thought. Moreover, in light of these philosophical and religious approaches, “the material world and its matters were regarded as less “real” than a metaphysical world beyond, whether the Platonic realm of the forms or the Christian afterlife.”¹⁴⁴ Thus, the non-material, intellectual, Cartesian-centered ideologies took precedence over the non-human and tangible, material aspects, particularly in the field of law. This was due to the law’s relationship to notions of divine law, as well as *ius gentium*, or law of nations – “a law knowable through human reason.”¹⁴⁵ Kang and Kendall argue that “legal materiality interrogates the contribution of materials and things to the making of legal meaning.”¹⁴⁶ Legal materialism, like historical and new materialism (from which legal materialism is derived), elevates the ‘passive’ material actant, not only to the level of the human subject, but also the legal subject, and as such confronts not just human-centric roots of social powers, but specifically those embedded within law. Moreover, “[l]egal materiality is concerned with how things or practices bring to bear such a significance [...] and shape the meaning of “law.”¹⁴⁷ It is through these material interrogations where we can come to understand how law is informed. Further, “[l]egal materiality is concerned with the conditions of possibility

¹⁴² *Ibid* at 21-22.

¹⁴³ *Ibid* at 22.

¹⁴⁴ *Ibid*.

¹⁴⁵ *Ibid* at 22, 23.

¹⁴⁶ *Ibid* at 21.

¹⁴⁷ *Ibid* at 30.

in and through which law arises, rather than taking law's materiality to be self-evident, as when it is regarded as a form of material culture or when objects are taken as symbols of law."¹⁴⁸ Thus, there is a distinction between what are considered 'matters' of law, and its 'materials', whereby matters are defined not as non-physical, tangible objects but rather problems or issues; materials are the objects that intersect with and aid in interpretation of those issues.¹⁴⁹ As Kang and Kendall note, "legal materiality is concerned with how materials *come to matter* to law" which is achieved through the understanding as to how legal meaning is constructed "through interpretative and representational practices."¹⁵⁰

As regards new materialism and its influences on legal scholarship, Kang suggests that "[o]ne strand of legal scholarship's 'new' material turn may be tempted to treat law as a material culture so that the analytical focus falls on 'legal' objects."¹⁵¹ Kang voices certain reservations regarding how new materialism is used in this way, in part due to its inconsistent application, as has been suggested above. For Kang, this 'new materialist' turn within legal scholarship has arisen out of the "desire to let matters of the law 'speak for themselves' or 'seeing them as they are'" while noting that it is unclear as to what such an approach, given its "highly heterogenous" ways, "would entail."¹⁵² As such, "it would be helpful to pose the ontological question of what legal objects *are*, how they are associated with legality so to be defined and represented as legal – as some are held to be more legal than others – and what value their analysis would bring to the understanding of law."¹⁵³ Moreover, "an inquiry into legal materiality needs to be accompanied by ontological qualifications."¹⁵⁴ While Kang is highly critical towards how new materialism as

¹⁴⁸ *Ibid* at 21.

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ Kang, *supra* note 36 at 453.

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid* at 461-62.

a framework is applied when examining ‘law’s matters and materiality’, it is suggested that the use of such a framework is possible. However, Kang argues it is only possible if done through a careful, measured approach. When employing materiality as a framework, time must be taken to recognize how differently law is expressed from its various localities:

Different kinds of legal regimes, such as health law, environmental law and intellectual property law, attend to the specific properties of its matters in different ways. This difference is due to their very highly specific representational requirements that are not only politically or ethically, but also historically and structurally, shaped. It would therefore be of critical necessity to complicate the claim of the vitality or relevance of matters with a view towards their embeddedness and various articulations within different social and cultural meanings and practices (Haraway, 1991). Legal matters need to be situated.¹⁵⁵

Kang further argues against the “reductionists perspective of equating law’s materiality with its matters and of mistaking descriptions as law’s ontology.”¹⁵⁶ As such, materiality as a framework used to investigate the law “may be a disappointing instrument” as the central tenet of coming to understand “things as they are” is near impossible.¹⁵⁷ Kang also suggests that these legal scholars’ work which take on a ‘new materialist’ approach, are “awkward to categorize” as the scholarship produced does not live fully within the realm of law, despite the scholars’ being trained in the area of law.¹⁵⁸ This liminality of existence between law and ‘not law’ uncomfortably siloes these projects into disciplines that are of the ‘law *and*’ as opposed to ‘legal’ scholarship.¹⁵⁹ This is an interesting consideration when contemplating the concerns brought up by Latour and his contentions with a falsely acquired symmetry and the use of the conjunction ‘and’ between the study of subjects/objects as discussed above. Further, while I agree with Kang’s arguments in that the investigator must conduct a thorough and robust examination of the

¹⁵⁵ *Ibid* at 456.

¹⁵⁶ *Ibid* at 466.

¹⁵⁷ *Ibid*.

¹⁵⁸ *Ibid* at 459.

¹⁵⁹ *Ibid* at 459.

various subject/object relations one comes across in their analysis particularly within a legal context, Kang's concerns are addressed through Latour's suggestions regarding actants in that they can, and will, occupy many different iterations of agency. Because of this, Latour demands that a thorough analysis is conducted, with the full awareness that there are multiple interconnections between actants and agencies. Therefore, it stands to reason that these concerns regarding an ANT/materialist analysis and the issue of multi-localities are not relegated only to the realm of materiality and the law; in fact, a new materialist investigation into legal objects, or objects deemed 'legal' when done effectively would require such careful consideration. As such, I do not think that such a framework in a legal context would be deemed impossible to execute.¹⁶⁰ However, I do maintain that materialist thought as a framework is challenging, as ANT and its materiality kin are vexingly complex, requiring a concerted effort towards the careful appraisal of how the actant/agency operation is to be contended with, as well as being cognizant of any reductionist or biased conclusions that may result. This is especially relevant when assessing already highly subjective objects such as visual culture, including works of art.

Materiality in Law and Visual Culture

In their discussions on legal materiality, Kang and Kendall acknowledge that some legal theorists are trying to engage with materialist thought by moving beyond the textual, human-centered approach and examine objects of visual culture as localities of law:

A second set of approaches studies law *through* materials by reading law into them [such as visual cultural objects] [...] This approach produces associations between objects and law rather than establishing a distinction between the legal and the non-legal, and it suggests a material representation of "law as" or the embodiment of "law in" a particular object.

¹⁶⁰ I don't think Kang thinks it is impossible either. I do think that Kang's primary concern is ensuring that such an analysis is done with the utmost care and consideration for all factors involved, as would be expected of any legal analysis, and that materialist thought can, if executed incorrectly, or without due consideration, create these reductionist conclusions which Kang is rightly concerned about.

However, Kang and Kendall hold some concerns with such an approach, in that there is a potential for overlooking the distinct nature of law:

Drawing an analogy or a metaphor between a physical object and “the legal” can flatten distinctions between categories, however, producing “dedifferentiation,” without explaining why certain legal concepts exist, what sustains them, and how the attribute of “legal” arises in the first place.¹⁶¹

Thus, law must be held as a “distinct category” if a legal materialist approach is to be employed.

At the risk of misunderstanding the argument presented by Kang and Kendall, I do take small issue with this line of reasoning against visual objects as ‘legal objects’ analysed through a materialist lens. ‘Dedifferentiation’ as described by Brad West, is a term used in sociology referring to “the collapsing or meshing of the boundaries between cultural, political, and economic processes associated with the rise of the postindustrialized economy and as a consequence of cultural critiques of modernity.”¹⁶² Further:

The blurring of the aesthetic and the moral forms of judgment is one aspect of such dedifferentiation, a development that has brought an array of new popular cultural activities into the realm of sociological analysis that would previously have been seen as either not the domain of serious sociology or the principle subject matter of the humanities.¹⁶³

The concern regarding the flattening between actants, or as I have described as a reduction to a common denominator when examining actants, particularly as materialist thought does reside in the realm of subjectivity, through this use of dedifferentiation – is a valid one. However, the examination of ‘humanities’ based subjects like works of art as legal objects through a materialist lens does not necessarily omit the explanation for the existence, persistence and dissemination of

¹⁶¹ Kang & Kendall, *supra* note 111 at 28.

¹⁶² Brad West, “Dedifferentiation” in G. Ritzer, ed *The Blackwell Encyclopedia of Sociology* (19 November 2019) <https://doi.org/10.1002/9781405165518.wbeos1393>.

¹⁶³ *Ibid.*

legal concepts, nor does it reduce any seriousness of the study of such phenomenon.¹⁶⁴ Such an examination, while perhaps imperfect in comparison to the logical and analytical approaches found in other forms of legal scholarship (such as doctrinal), does have the potential to offer different and novel insights into law's matters and materiality. Kang's concern about law's multiple localities and the effects of a materialist examination as discussed above, is also a concern when examining works of art. Being cognizant of the biases and entry points an investigator takes up is not only an act of responsibility, but essential when engaging in any materialist examination of a work of art. Further, the desire to maintain law as a distinct or separate category is reminiscent of elevating the subject over others. If applying Latour's ANT, it is of the utmost concern for the analyst or investigator to ensure that the methods used to examine actants is the same (as is elucidated by Latour's intended symmetry), regardless of the perceived importance of the categories involved. By stipulating that law is to be distinct or separate can, without clarification, suggest that it is to be put above objects. As such, this approach reads as a continuation in the tradition found within legal positivism, natural law and Cartesian dualism. By approaching law and visual culture with the same methodology as requested by an ANT (and therefore a materialist or posthumanist) analysis, the impact of non-human or posthuman objects can be clearly delineated. If law is already perceived as distinct, then that bias can colour how the analysis is conducted and interpreted. Of course, it is much more challenging in practice than in theory due to the disparate nature of the actants. The liminal spaces that provide insight into the power dynamics between visual culture and law for example

¹⁶⁴ I do not think that Kang and Kendall believe that studies under the law and humanities umbrella do not produce serious legal scholarship. I mention this issue of seriousness because dedifferentiation as defined suggests the inclusion of the less "serious" subjects into sociology. I contend that this perceived 'lessened' seriousness is due to the subjectivity of the humanities – whereas sociology, law etc. deal predominantly within the realm of empirical evidence and data. This is an interesting consideration to grapple with as it actually validates the concern that law is overly concerned with its Cartesian, rational, human-centric roots.

can be fleeting in part due to the subjective nature of visual culture.¹⁶⁵ However, despite these challenges, examining visual culture and law through an ANT or materialist lens provides valuable insights into how the law affects the social, and vice versa as discussed below.

Visual Culture and the Legal Landscape

Materiality and the law, specifically as regards the intersection of law and visual culture, is becoming a prominent topic in legal and socio-legal scholarship. For example, Leslie J. Moran advocates for the importance of the study of visual art, as society is moving towards a “post-literate” world – a world that is centred on images.¹⁶⁶ Desmond Manderson argues that “we live in a world of ‘ocular epistemology’”¹⁶⁷ and contemplates the image as it relates to law and how they interconnect – not just as concepts but as material objects in the world.¹⁶⁸ Moreover, Manderson suggests that confronting an image is to confront its physical form, its ‘thingness’ in its expression, and that when examining them as scholars in the field of visual culture and law, “[w]e must inhabit [the images, works of art, etc.], engage with them: think and see the world *with* them both in their own time and ours. Only then will we really be taking these visual resources seriously.”¹⁶⁹ As argued by Kate Miles, international law is less “discernable” in visual culture, as it tends to not employ the specific iconography that we have come to typically associate law with (such as the blindfolded lady Justice and her scales).¹⁷⁰ To overcome this challenge, Miles engages with international law and its visual culture through an historical lens. Thus, and to Manderson’s point about the temporality of these visual objects, we then

¹⁶⁵ Art analysis is an incredibly subjective process, despite the application of critical methodologies which include social, historical, and political elements, and is something to be cognizant of.

¹⁶⁶ Les Moran, “Researching the Visual Culture of Law and Legal Institutions: Some Reflections on Methodology” (2021) 48:51 J Law & Soc 44-58 at 46.

¹⁶⁷ Desmond Manderson, *Danse Macabre: Temporalities of Law in the Visual Arts* (Cambridge: Cambridge University Press, 2019) at 16.

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid* at 17.

¹⁷⁰ Kate Miles, “Visuality of a Treaty: Reflection on Versailles” (2020) 8:1 Lond Rev Int Law 7-41 at 7.

specifically delineate moments in time through a careful examination of how international law is visually represented and what those representations can tell us about international law *at that time*. Moreover, we are then able to take these data and in turn see how that world continues to persist *in our own time*.

In citing Anne Gulick, Hilary Charlesworth notes that the visual is what shapes both the “institutional reality and the imaginative project.”¹⁷¹ That is to say, in the context of international law, its authority as an institution and how it functions is relational to its imagined project, and is reflected through visual works such as the architectural design of an international organization or a work or body of art that presents ideologies built up by such an organization. The employment of particular design elements, imagery, or iconography is used to highlight specific aspects of international law, so as to reflect a very specific, highly curated narrative. As Charlesworth notes, this is but one way the visual plays out in international law/legal settings and as such further highlights the relevance and importance of such a visual analysis.¹⁷² However, as noted by socio-legal scholar Linda Mulcahy, art as a subject for legal inquiry has predominantly been viewed through a doctrinal lens.¹⁷³ This includes for example copyright, property law or preservation and protection.¹⁷⁴ Or alternatively, the assessment of art is performed through the lens of legal moralism in relation to what can and cannot be produced, viewed or presented.¹⁷⁵ As such, law’s relationship with art has been largely about regulation.¹⁷⁶ In these instances, artworks are viewed as ‘passive things’ located within a dispute, and are largely distinct from the subject of law that

¹⁷¹ Hilary Charlesworth, “The Art of International Law” (2023) 116 *Proceeds of the ASIL Annual Meeting 2022* 7-24 at 7, *citing* Anne W. Gulick, *Literature, Law, and Rhetorical Performance in Anticolonial Atlantic* (Columbia: Ohio State University Press, 2016) at 2.

¹⁷² *Ibid* at 9-10.

¹⁷³ Linda Mulcahy, “Eyes of the Law: A Visual Turn in Socio-Legal Studies?” (2017) 41:1 *J Law Soc* 111 at 115.

¹⁷⁴ *Ibid*.

¹⁷⁵ *Ibid*.

¹⁷⁶ *Ibid*.

decides their fate.¹⁷⁷ By examining a work of art that is situated within a legal context (such as international law) through a materialist or posthumanist lens, we start to challenge this perception of passivity. When we confront the work's role and understand that it is in fact an actant as defined above, we are able to see how this 'passive' actant interconnects within relation to other actants. Such investigations can then yield insights into what could be construed as hidden or implicit assumptions and beliefs about the power of law and its imaginings.¹⁷⁸ As noted by Manderson, it is in images, particularly legal ones, where we can find hidden "ideological assumptions that create a whole unintended worldview" particularly as regards how law is perceived, created and practiced. Moreover, these images can "shape our response, unbeknownst to us."¹⁷⁹ Manderson further explains that "the image reveals not the logic of an event but the underlying ideology of life's illusion that governs its reception."¹⁸⁰ That is to say, what one sees when looking at an image is not wholly representative of what has occurred, but rather it is mediated in such a way to subtly express a specific belief about its subject. I suggest that these occulted assumptions appear to us as the third actant which I hypothesize above. This emerging third actant embodies a kind of cyborg-like existence – a resultant that resides in the liminal space between the rational in the form of the law and the physical materiality of a work of art or image.

¹⁷⁷ *Ibid.*

¹⁷⁸ These 'hidden' assumptions are hiding 'in plain sight' in actuality. An ANT, materialist, or posthumanist examination is what facilitates this 'uncovering'. I argue that such a methodology provides newer ways of looking at objects/actants that we tend to gloss over due to our perceiving them as 'passive' or unimportant.

¹⁷⁹ Desmond Manderson, "Not Drowning, Waving: Images, History, and the Representation of Asylum Seekers" in Marianne Dickie, Dorota Gozdecka & Sudrishti Reich, eds *Unintended Consequences: The Impact of Migration Law and Policy* (Canberra: Australian National Press, 2016) at 162.

¹⁸⁰ *Ibid.* At 166, Manderson continues his discussion on this duality using J M W Turner's *The Slave Ship* as example of a legal image, noting that Turner successfully demonstrates this dual perspective: "So the brilliance of Turner's masterpiece lies in his ability to intentionally reveal the story of British slavery, while at the same time unintentionally revealing the mindset of British colonialism." Further discussion on this notion is found in Chapter 3 of this thesis.

Manderson also notes that images are not separate from their functionality, such as “an independent legal idea or event” as “they are objects that partake in the same reality.”¹⁸¹ This suggests that images operate *as* a legal idea or event.¹⁸² To bring clarity to this line of reasoning, Manderson references Chiara Bottici’s notion of “the imaginal” which occupies the liminal space between the imaginary as manifested by a person (which can be presented through a creative process like image-making) and the imaginary of the social – or that which constructs the social through the political, religious and cultural phenomena, thus arguing that images which aim to represent and the subject represented (such as law) are not separate from each other as one reflects the other as a kind of “visual evidence.” They are instead “a visual *discourse*, a network of the symbolic expression of values, ideas and feelings, in which we are always already enmeshed.”¹⁸³ Manderson warns of the possibility of being insufficiently clear on the discourse that is attempted in the analysis of the intersection between visual culture and the law, and asks for attention to be paid to “the granular connections, influences, and mutual imbrication of the discourse” which includes detailed analyses of the works of art.¹⁸⁴ This is similar to the concerns outlined by Kang regarding ‘new’ materialist approaches in legal scholarship. It is also an echo of Latour’s argument for the same approach regarding an ANT analysis.

Moreover, Manderson points out that we are to consider the visual media beyond its conceptual power, and acknowledge the physical, material impact these visual objects can embody.¹⁸⁵ Using the stele of Hammurabi as an example, Manderson suggests that law is not “imagined” through the stele as a way to inform or educate, but *is* the image, in this instance the

¹⁸¹ Desmond Manderson, “Imaginal Law” in Desmond Manderson, ed *Law and the Visual* (Toronto: University of Toronto Press, 2018) at 3-4.

¹⁸² *Ibid.*

¹⁸³ *Ibid* at 4 [emphasis in original].

¹⁸⁴ Manderson, *supra* note 181 at 7.

¹⁸⁵ *Ibid* at 4.

personification Justice through the representation of the Babylonian sun god Shamash and the use of light as signifier of the legal system.¹⁸⁶ Manderson clarifies this realization further through other examples such as Louis Marin's *Portrait of the King*. Marin argues how the image of the king functions as the king himself, replete with his authority: "*only* as the embodiment of a tradition, and *only* through the material, visible forms that that embodiment must take, can the king transform his will into other people's actions."¹⁸⁷ It is the materiality of these objects that reinforces and signifies to their power. I am of the mind that if we held the law as distinct, or separate as a category, as legal materialism asks of us, such an examination and realization about how law and power is produced and expressed within the social would have been overlooked, or at the very least, not considered very seriously.

Visual Culture and Legal 'Authority'

Miles suggests that visual culture and how it intersects with law and its various locales can create a transformative experience. That is to say, the law can experience the creation of its meaning through the use of visual culture and objects.¹⁸⁸ That creative process through the use of visual objects can exert substantial power particularly when used to telegraph the law's legitimacy and authority.¹⁸⁹ Miles specifically explores the narratives international law conveys via an iconographical analysis mediated through visual data of a map titled *Insulae Moluccae*. Maps give meaning to international law, not only in concrete or conceptual terms, but also perceptively – maps are a tool that international law readily relies on to justify its existence. Legal geography as noted by Davies, is prominent in materialist thought, stating that "[l]aw can easily be seen as shaping or influencing spatial environments, as in property, planning, and

¹⁸⁶ Manderson, *supra* note 181 at 4-5

¹⁸⁷ *Ibid* at 6 [emphasis in original]

¹⁸⁸ Miles, *supra* note 170 at 9.

¹⁸⁹ *Ibid*.

environmental law. [...] Universalised conceptions of law have often been responsible for displacing or erasing placed-based law, for instance in the enclosure movement and in colonial expansion.”¹⁹⁰ As expressed by Miles, maps also operate as a historical document expressed visually, assisting in understanding the functions of international law in the context of imperialism and commerce.¹⁹¹

Although Miles uses a critical visual methodology (CVM) with her works,¹⁹² there are notable similarities to a materialist approach. Miles describes how employing a CVM elucidates “the agency and materiality of an image, the site of its production, its context, the power relations in which it is situated, and its social, political, cultural impact.”¹⁹³ Miles further suggests that images “can engage with the materiality of representation” meaning that it operates as both an image in and of itself (a ‘thing’) as well as a manifestation and site for production of meaning. In this instance, Miles acknowledges that production of meaning is not done in isolation, but rather are interpolated into their meanings as a direct result of “the discourses specifically built up around them” which in turn convey meaning – both seen and unseen – to the viewer.¹⁹⁴ For example, Miles examines visual culture of the Treaty of Versailles, which includes substantial historical paintings, as a means to determine how such ‘historical’ images can create meaning in the context of international law. Miles argues that these various iterations of the Treaty of Versailles act as representatives of “a visual vindication of the nineteenth century

¹⁹⁰ Davies, *supra* note 29 at 58.

¹⁹¹ Kate Miles, “Insulae Moluccae: Map of the Spice Islands, 1594” in Jessie Hohmann & Daniel Joyce, eds *International Law’s Objects* (Oxford: Oxford University Press, 2018) at 248-49.

¹⁹² See generally Miles, *supra* note 170.

¹⁹³ *Ibid* at 10. For a comprehensive understanding of critical visual methodology see Gillian Rose, *Visual Methodologies: An Introduction to Researching with Visual Materials* 5th ed (London: SAGE, 2023), in particular at 46-69.

¹⁹⁴ *Ibid*.

narrative of ‘peace through law’.”¹⁹⁵ Again, this is akin to the third actant, the resultant which emerged from the meeting of actants examined through a materialist framework. The third actant is the manifestation of the interactions between law and its histories, and the visual culture in question, which can, as I demonstrate in later chapters, elucidate the hidden meanings within both the works of art and legal praxis that are then expressed through this interaction.

For Miles, visual culture, such as maps and historical paintings, provide an interesting connection to the notion of seen versus unseen, since maps are ‘miniatures’ of vast expanses of land and as such maps are not ever truly neutral in their representation.¹⁹⁶ Miles notes that the map is indicative of the false claims regarding neutrality in law and geography due to their intended purpose to “organize space and territory according to the political and commercial objectives of European trading companies and their nations.”¹⁹⁷ This observation is in alignment with the concept of value laden versus value neutral as it is found within STS, philosophy of science and technology studies, and materialism discourse. I believe the value laden/value neutral concept underlines ANT’s intentions through examining various networks between actants. Philosopher Michael Klenk describes value laden-ness as the “development and deployment of technology [which] can plausibly undermine or promote specific values. Moreover, beyond mere influencing what people value, technological artefacts might themselves embody values.”¹⁹⁸ While Klenk engages specifically with technological materials that facilitate how we come to understand technology (scientific objects, war machines, etc.), in theory, all objects can be (erroneously) seen as passively existing within our spaces, either providing us

¹⁹⁵ *Ibid* at 9.

¹⁹⁶ Miles, *supra* note 192 at 250.

¹⁹⁷ *Ibid* at 258.

¹⁹⁸ Michael Klenk, “How Do Technological Artefacts Embody Moral Values?” (2021) 34:3 *Phil & Tech* 525-544 at 525.

with something to simply look at (such as paintings) or something so use (such as a map) as a tool. The actions taken up upon an interaction with these objects are of a human response, rather than the perceived moral/value systems directly embedded into the object. This perceived ‘human response’ towards these objects can seem to render said objects to a neutral value. This is because the human actant assumes the position of subject with agency, whereas the object is designed to be seen as passive; it is created for specific, intentional uses as established by the human actant. However, through a deeper analysis of these ‘passive’ objects, particularly through an ANT/materialist/posthumanist lens, we are able to determine that the object has significant agency, and therefore is ‘value laden’. These objects operate in *relation* to us.

This relationship has an affect on how we operate within this system of objects and subjects, whether known to us or not. Regarding maps and international law, Miles suggests that “[a] part of that story of international law through image and object is seeing the act of mapping as a mode of constructing orders and of a particular kind of order.”¹⁹⁹ Miles further notes that the map is an image that represents “geographical fact” which “in so doing, maintain[s] particular interests or power relations and obscuring those very interests from view through a ‘naturalizing’ of the map.”²⁰⁰ They are *constructions*, presenting a very specific, desired, narrative.²⁰¹ As such, maps, as well as other visual media, including works of art are not objective, nor value-neutral. Moreover, maps and other visio-legal representations are an intrinsic part of how international law is quite literally seen, which in turn suggests that international law too, is not objective.²⁰² Maps are subjective creations carefully crafted and reflecting the specific narrative the cartographer is intending to convey. Paintings, like maps, also function as visual stories which

¹⁹⁹ Miles, *supra* note 192 at 251.

²⁰⁰ *Ibid* at 250

²⁰¹ *Ibid* at 251.

²⁰² *Ibid*.

tell us specifically constructed narratives about international law. Miles argues this using the visual culture which arose out of the signing of the Treaty of Versailles, which “was itself a site of meaning and argument of and about international law and that it constituted a significant channel through which international law and its stories were communicated. It was engaging in legal discourse; it was promoting specific legal arguments; and it was constructing international legal reality through the visual.”²⁰³ Moreover, maps and other visual representations of legal ‘activities’ like the art works depicting the Treaty of Versailles, “present an image of ‘settled’ international law, ... and form part of the visual portrayals of international law unfolding in a smooth and uncontested fashion.”²⁰⁴ Further to this, “the visual discourse of international law as an instrument of empire and as a form of propaganda” whose endeavours were to precipitate the narrative that international law is a “universalizing force for good.”²⁰⁵ International law is seen then as a successful, uncontested civilizing endeavour and the representing visual culture further perpetuates that particular narrative.²⁰⁶ Moreover, images of international law endeavour to relay these notions of ‘settled-ness’ in its practice through its authority, which in essence produces the sense of the universal, as international law was facilitated by those who truly believed in the ‘greater good’ – mind you the greater good as viewed through their particular lens.²⁰⁷ Miles argues that international law was not only a tool for colonialism, but it also operated as a means for expanding empire, and this narrative in conjunction with the intention of having the face of international law be viewed as efficient and universal in its production is expressed through various works of art. This also includes conferences and congresses, which took place in Europe

²⁰³ Miles, *supra* note 170 at 9.

²⁰⁴ Miles, *supra* note 192 at 251-52

²⁰⁵ Kate Miles, “Painting International Law as Universal: Imperialism and the Co-opting of Image and Art” (2021) 8:3 *London Rev Intl Law*, 367-398 at 367.

²⁰⁶ *Ibid* at 367-8.

²⁰⁷ *Ibid* at 368.

and are presented in visual culture.²⁰⁸ These portrayals act as narrations of how European law operates as international law, and along with it all the trappings that suggest its universality and success as an enterprise.²⁰⁹ Further, as noted by Arvidsson and Jones, “assumptions that underpin international law have changed over time, driven primarily by the ‘truths’ of their own time before times and trends have changed by which international law is said to have ‘overcome’ its own past. The result, however, remains the same, that is, an unequal, violent and often unruly global order of the past and present.”²¹⁰ Miles also makes an important note on how conferences and congresses, which took place in Europe, are presented in visual culture.²¹¹ These portrayals act as narrations of how European law operates as international law, and along with it all the trappings that suggest its universality and success as an enterprise.²¹²

Miles’ scholarship goes through various works of art, arguing how these works reinforce the narrative which the practice of international law particularly through treaty making wanted to portray – such as being universal and successful in its application. The works of art present an idealized version of events, particularly as regards how the treaties came to pass – in their clinical application – suggesting that there was no contestation, and exuded a sense of “political harmony”.²¹³ Miles’ analysis of Benjamin West’s “Treaty at Penn” (also called “Penn’s Treaty with the Indians” (1771)),²¹⁴ suggests the presence of an undercurrent: the West painting has an undercurrent of violence.²¹⁵ This is largely realized through an understanding of the historical positioning of this art work, as well as an understanding of how colonialism operated.

²⁰⁸ *Ibid* at 392. See also fig 7 at 393 and fig 9 at 396.

²⁰⁹ *Ibid*.

²¹⁰ Arvidsson & Jones, *supra* note 64 at 2.

²¹¹ Miles, *supra* note 206 at 392.

²¹² *Ibid*.

²¹³ *Ibid* at 374. See also generally Miles, *supra* note 205.

²¹⁴ See Miles, *supra* note 206, fig 2 at 375.

²¹⁵ *Ibid* at 376.

The Objective, Subjective, and Critical Approach to Visual Culture in Law

While Miles' observations noted above are certainly the product of a critical visual methodology, a materialist analysis can also elucidate such realizations through a considered and measured visual analysis. For example, Manderson has us consider different ways in which visual culture can be appraised by the viewer through two approaches: the work of art a) tells us a story about its purpose (objective), and b) it tells us a story about ourselves (subjective). This subjective narrative presents itself as a kind of internal review of our beliefs; it is comprised of the stories we tell about ourselves, and the identities that arise from such tellings. However, Manderson also argues for a third approach as devised by art historian Meike Bal where the analyst looks at the spaces *in between* the objective and subjective stories. Manderson refers to this third approach as a 'critical' mode, and suggests that by pitting the objective and subjective narratives against each other, we can uncover deeper, hidden meanings that an artwork is trying to convey, notably when taking into consideration the factor of atemporality.²¹⁶ While not explicitly stated, this line of reasoning echoes the materialist approach I suggest, in particular the third actant/chimera which is the result of the collapsing of two actants; in this case the subjective and objective modes are the two 'actants' which produce the chimeric *in between* actant, or critical mode. In Latourian terms, Manderson gives *figure* to this concept through his examination of M.J.W Turner's *Slave Ship*.²¹⁷ Here, Manderson's 'critical mode' uncovers the role of the spectator when viewing the work, whereby "the colonial gaze that troubles Turner's painting remains as pertinent as ever."²¹⁸ That is to suggest that with Turner's painting, and by taking into consideration its objective and subjective role, the message the spectator is

²¹⁶ Manderson, *supra* note 167 at 108.

²¹⁷ See Manderson, *supra* note 167 fig 4.1 at 109.

²¹⁸ *Ibid* at 118.

confronted with is: “what is *your* role in all this?” While the work is that of the nineteenth century, the issue depicted by Turner is as relevant today as it was then. Manderson uses *Slave Ship* as a springboard to launch into a discussion that uncovers deeper hidden meanings within *other* images, such as ones relating to the crises of asylum seekers arriving by boat throughout contemporary Australia and Europe. Images are curated and produced through the lens of government with a very specific intention in mind – or as Manderson argues “[t]he visual images that teach us how to see the world are symptoms of broader relations of objectivity and subjectivity, feeling and knowing, cause and effect. What we see is what we get.”²¹⁹ Manderson uses Turner’s *Slave Ship* as a north-star to guide us into seeing further, past a nineteenth century painting which depicts the death of slaves thrown overboard a ship as a passive or “impartial spectator” towards the current issue of asylum seekers, whereby we become critically aware of our position as regards the events unfolding.²²⁰ Manderson demonstrates that in so doing, and in particular with *Slave Ship*, we begin to see how *we* participate in the deaths of the slaves, despite the objective and subjective narration being that of the past. By collapsing time and space (another set of actants), and bringing into the equation images of contemporary, congruous [legal] imagery, we are able to use *Slave Ship* as a means to fully understand a government’s and by extension our own culpability as it pertains to such events.²²¹ Thus, we are able to cultivate a deeper, more nuanced understanding of legal instruments and their execution, be it by governments or international organizations, through the use of analysis of visual culture.

²¹⁹ *Ibid* at 122.

²²⁰ *Ibid* at 124.

²²¹ *Ibid* at 125.

Concluding Remarks

The aim of this chapter was to provide a thorough overview of ANT and adjacent materialist/posthumanist methodologies within a limited space. By examining some of the foundational arguments posed by Bruno Latour, Donna Haraway, and Jane Bennett, I have traced the lineage of how these scholars have influenced and contributed to the legal discourse on the application of materiality in law. Legal scholarship has further examined materiality from both Marxist based historical materialism as well as ‘new’ materialism. However, due to the complexity of materiality as a theoretical framework, some scholarship have endeavoured to examine materiality from a very specific ‘legal’ perspective, thus creating ‘legal materialism’ as a possible avenue for applying materiality to law. While ANT and materiality as methodology may face some criticism, its application to visual culture, whereby the art object functions as the ‘material’ to be engaged with in the legal sphere, has much insight to offer. Manderson and Miles, who specifically engage with law and visual culture, have both shown how such an investigation can elucidate implicit or hidden assumptions and beliefs. It is the collision of these two actants (law and visual culture) which produces this elucidation, or what I refer to as the ‘third actant’. I contend that what this collision of these two actants produces is the mural located in the UNSC chamber, which in turn reveals to us implicit assumptions and beliefs about international law and its functions.

CHAPTER THREE: PRIMARY ANALYSIS OF PER KROHG'S *UNTITLED*

Introduction

As noted at the close of the previous chapter, the central object of this project is *Untitled*, a solitary mural located in the UNSC chamber. I argue that by examining *Untitled* through a materialist lens, we are able to see into this work of art and recognize its agency. I contend that this examination of *Untitled* reveals not only messages that are central to the UN's mandates and operates as a visual aid or didactic tool reflecting the tenets of the UN Charter Preamble, but also elucidates persistent assumptions and ideologies hidden in plain sight about international law and as such the United Nations and UNSC more specifically. As such, to demonstrate how *Untitled* operates as a powerful actant, this work of art must undergo a substantive, ANT/materialist interrogation – which I argue requires both a formal *and* critical art analysis. To guide the execution of these analyses, I consider the following questions: What does this work of art tell us upon first reflection? Following this, and with a more critical assessment, what other messages and perspectives are we able to excavate and elucidate?

As I note in the previous chapter, materialist frameworks like ANT, new and historical materialism and posthumanism are innovative yet complex approaches, and are as such in particular when examining the relations between actants within the legal space. Moreover, as I have indicated, scholarship on these frameworks posits that objects-as-actants, which includes visual culture, are consistently overlooked in our rational, human-centric society. In the few instances where visual cultural objects *are* 'noticed', they are usually objectified in such a way where they are read through the lens of a dominant or persistent ideology, thus eclipsing their more implicit contributions to the events and experiences that unfold before them. As such, an ANT/materialist analysis of cultural objects aids in uncovering and validating these other values and can elucidate their influences and practices, and may even provide clarity as to why or how

events and situations continue to persist. By turning our gaze towards these objects with a critical eye, these frameworks can yield interesting insights into how objects can instigate or affect action. With this perspective as presented through the application of a materialist framework, it is my contention that such visual cultural objects hold more power and sway than is realized, and within the legal sphere in particular. This notion of art objects holding power is obviously not a new realization as is indicated by the scholarship discussed in the previous chapter; other areas of study such as art history and cultural studies too endeavour to discuss the influence and power of art objects as well as their meaning and purpose, and often through a critical lens.²²² These analyses would not only consist of, but would also extend beyond that of a formal art historical analysis.

Generally speaking, a ‘formal’ art historical analysis will consist of the elements of the artwork including colour, value, shape, line and use of the space as part of the artist’s overall execution of what the work of art intends to ‘do’. This formal analysis of a work of art, while seemingly simplistic due to its descriptive nature in comparison to a more critical assessment, is an integral step when examining the overall influence that work of art may be intending to exert. Moreover, it should be considered one of the essential steps in a materialist investigation when choosing to interrogate art and cultural objects and their roles as actants. As already noted in the previous chapter, this exploratory step is deemed necessary by Latour as part of the investigatory processes beholden to an ANT analyst. As well, Kang’s critical view on the subjective nature of a materialist framework to legal objects calls for the clarification of the actant in order to execute a full, robust analysis of actants and their interrelationships. I contend that this clarification as to

²²² As examples, See generally Gillian Rose *Visual Methodologies: An Introduction to Researching with Visual Materials* 5th ed (London: SAGE, 2023); Mieke Bal, *Reading Rembrandt: Beyond the Word-Image Opposition* (Amsterdam: Amsterdam University Press, 2006); Georges Didi-Huberman, *Confronting Images: Questioning the Ends of a Certain History of Art* (University Park, PA: Pennsylvania State University Press, 2005).

what an actant is can be achieved through the practice of an in-depth analysis of the object.

However, it is essential to note that in this project, the formal, descriptive analysis is embedded within a critical one, as they are in many ways deeply intertwined.

As already indicated, my art historical analysis will be grounded in critical visual methodologies (CVM), and I discuss CVM briefly in the Chapter 2 when describing Kate Miles' approach to examining visual culture and its implications in international law; Miles' engagement with CVM embodies very similar intentions to ANT/materialist and posthumanist methodologies. In fact, I would argue that CVM *is* a materialist methodology developed specifically for the unique needs of examining visual cultural objects. My own engagement with CVM as a materialist methodological approach adheres to Latour's demand that the *actants* in question are interrogated through a symmetry of methodology. This is an integral part, as noted above and in the previous chapter, to what Latour demands of his interrogator: a *thorough* investigation. This thorough examination of *Untitled* addresses the valid concerns posed by Kang, who notes that one of the failings of a materialist analysis, particularly in a legal context, is the lack of consistency. As such, I consider that with this multivalent approach, meaning the application of a variety of materialist methodologies applied to *Untitled*, is necessary in order to fully comprehend not only how far such an actant can go, but also how deep. Such an examination will (hopefully) eliminate any reductionist and biased conclusions, as all elements have been laid out for interrogation.

My ANT/materialist analysis in conjunction with a CVM assessment of *Untitled* will unfold over the course of the following two chapters. In this chapter, I will provide a descriptive analysis of *Untitled* based on a single viewing of the painting in situ as well as extended

examination of digital reproductions.²²³ This will include an analysis on the context of *Untitled* in relation to the location of the work and the artist who created it. Following this, I will provide an art historical analysis of *Untitled* which include a blend of formal and critical analysis of the narratives therein, and how they relate to the mandates devised by the United Nations, particularly at the time of its creation, and at the close of WWII. This chapter will elucidate what I would refer to as the ‘passive’ viewing of *Untitled* and its messages: notably those that reflect the central tenets of the UN via the UN Charter Preamble, as well as the UNSC. The primary purpose of this analysis is to examine the intention of the artist, and how *Untitled* effectively conveys the *ideal* messages of the United Nations and the UNSC. In the following chapter, I will continue my materialist analysis by pulling into the foreground aspects of the work which reflect, or highlight the relations between international law, its histories, and the persistence of that narrative as reflected through *Untitled’s* iconography. I suggest that *Untitled* does not only visually represent the oppressive nature of war and the aspirations of the UN and its security council and by extension the international community, it also has hidden within it historical baggage. This problematic history of international law comes in the form of imperialist and colonial ideologies, as expressed through Christianity. This secondary analysis which I undertake in Chapter 4 then, will be more in alignment with what could be considered a ‘materialist’ analysis, by delving deeper into this work’s iconography so as to peel back the veneer that covers these alternative messages which reside therein, including iconography that belies international law’s historical underpinnings as it relates to Christian ideologies, colonialism, and imperialism. I will then present a brief discussion on the history of international law, and how with that understanding, helps elucidate the deeper meanings embedded within the mural. I conclude with

²²³ I had the privilege of seeing this work of art in person at the UN in New York City, on July 11, 2024.

a discussion on how the practice of an ANT/materialist analysis led me to these discoveries, and how that contributes to the discourse in law and humanities.

Untitled or “The Mural For Peace”: A Formal and Critical Visual Analysis

Overview:

In 1945, the United Nations came into being as a response to the horrors of both World War One (WWI), and World War Two (WWII). This desire to establish an international community of nations with a mandate focused on global peace and security saw to the creation of six main UN organs, one of which includes the United Nations Security Council (UNSC).²²⁴ The UNSC is comprised of 15 members which includes the permanent five members,²²⁵ while the remaining ten are referred to as “non-permanent members”. These ten members are elected by the General Assembly and each serve two-year terms.²²⁶ As Peter Nadin notes, “the [UN security] council was expected to operate as the custodian of international order in the postwar era.”²²⁷ As such, these important endeavours were to be conducted in a space that was to be both “inspiring” and “practical”.²²⁸ According to George A. Dudley, the UNSC chamber, along with two others (the Trustee Chamber, whose council has not been in operation since 1994, as well as the Economic and Social Chamber) were to be designed by three Scandinavian architects. While not overtly clear regarding the intentions for employing Scandinavian architects specifically, this decision may have been influenced by the presence of Scandinavia’s political positioning. The

²²⁴ The other five are: The General Assembly, the Economic and Social Council, Trustee Council, the Secretariat, and the International Court of Justice, which is located at the Hague.

²²⁵ As noted in the Introduction of this thesis, the permanent five or P5 are the United States, France, Russia, the United Kingdom and China.

²²⁶ The current non-permanent members at the time of writing are Algeria, Denmark, Greece, Guyana, Pakistan, Panama, Republic of Korea, Sierra Leone, Slovenia, and Somalia (*see*: United Nations Security Council “Permanent and Non-Permanent Members” <https://main.un.org/securitycouncil/en/content/current-members>.)

²²⁷ Nadin, *supra* note 4 at 1.

²²⁸ George A. Dudley, *A Workshop for Peace: Designing the United Nations Headquarters* (Cambridge, MA: MIT Press, 1994) at 3. *See generally* for a historical overview as to how the UN Headquarters was designed and built.

first two Secretaries General were from Norway (Trygve Lie) and Sweden (Dag Hammarskjöld) respectively.²²⁹ The UNSC chamber was designed specifically by highly regarded Norwegian architect Arnstein Arneberg, which further supports the notion that the Secretary General Lie likely have had some influence over which nation would be entrusted with the design of what would be considered to be “the world’s most important room.”²³⁰

The UNSC chamber is minimalist in design, a familiar aesthetic of Scandinavia, with its now-iconic ‘C’-shaped table at which the 15 members sit when council is in session. Behind this table resides a giant, silent messenger of peace, security, and unity. Painted by Norwegian artist Per Krohg (b.1889 – d.1965), *Untitled* (1950-1952, also referred to as *The Mural for Peace by the United Nations*)²³¹ looms large along the east wall. It is substantial in size, spanning a near nine meters across by five meters high. The mural hangs, as most artworks tend to do, in a seemingly passive state, occupying the background while quietly overseeing the actions of the security council; an action *Untitled* has performed since its installation in 1952. However, even with just a cursory glance, it is evident that *Untitled* is home to a cacophony of various narratives, and ones that the UN aims to embody, with its clear, overarching message that “give[s] an impression of light, security, and joy.”²³² *Untitled* figures, to use Latour’s term, abstract concepts that represent the goals and expectations of the United Nations as outlined in the UN Charter.

²²⁹ Ingeborg Glambek, “The Council Chambers in the UN Building in New York” (2005) *Scand J Des Hist* at 1, 8 EBSCOhost <https://research-ebsco-com.ezproxy.library.yorku.ca/c/vacsme/viewer/html/ytobqjlc2b>.

²³⁰ *Ibid* at 8; The Royal House of Norway, “Norwegian Innovation in New York” 9 October 2015, <https://www.royalcourt.no/nyhet.html?tid=129891&sek=27262>. The intrigue regarding the influences of the various Secretaries General is an interesting line of inquiry however is beyond the scope of this project.

²³¹ Figure 1.

²³² United Nations Gifts, “Untitled (Mural for Peace) (n.d.) <https://www.un.org/ungifts/untitled-mural-peace> [Mural].

To effectively convey these messages, Krohg divides his canvas into a number of different planes on both the horizontal as well as the vertical axes. Through the use of light and dark values, the viewer is immediately made aware of two distinct sections on the horizontal axis, one that is of the light, or peace while the other is of the darkness, or war.²³³ With an even more discerning eye, we can see that Krohg divides this darkness into three distinct sections through the depiction of earthworks, or mounds, that are reminiscent of military trenches, or perhaps coal mines, of which were sites of labour for prisoners of war (POWs) during the course of both world wars. The UN, as represented by the light, rises out of this darkness as victor. This particular section is bathed in light and divided into five, distinct sections which is further dissected into a series of eight distinct ‘frames’ or ‘windows’.²³⁴ The central section, or column, encompasses not only the lighter portions of the mural, but also seem to include the central earthen mound, and is, as will be discussed, home to the most visually intriguing narratives.

Unlike the lower portion of the mural with its cohesive message of darkness and oppression, the windows in the upper portion of the mural contains a multitude of narratives. If we gaze upon *Untitled* for a little while longer, it also apparent that Krohg created a visual lexicon that reflects the UN as the seat of the international community whose achievements are reflected through various motifs including visual elements reflecting other organizations of the United Nations, including the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations (FAO), and United Nations Children Fund (UNICEF). While these narratives embedded within these windows seem to provide visual representations of these various organs within the UN, *Untitled* also acts as a visual aide, a didactic tool that effectively conveys the major messages found within the UN

²³³ Figure 2.

²³⁴ Figure 3.

Charter's preamble. *Untitled* provides a visual narrative of a socially and economically productive society – an ideal that was sought (and one which is continually pursued) in the post-war era by the United Nations.

In an effort to address the nuances found within *Untitled's* many sections, I will begin my analysis with the lower portion, starting from the right, and moving my way across the darkened spaces. I will then examine the upper portions starting with the far-right arched window. Moving counterclockwise, I will address the set of windows which span across the top, followed by far-left arched window. Moving from there, I will examine the pair of windows which depict acts of celebration.

Untitled and the Scourge of War

*We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, [...]*²³⁵

Within the bowels of this mural, Krohg presents to his viewer that which looks to be three mounds, or earthworks. These earthworks are presented to the viewer in an ambiguous state as they can be read in one of two ways: as military trenches, or as coal mines. Trench warfare is a well known horror of WWI, whereas coal mines were worked in by prisoners of war (POWs) during both WWI and WWII.²³⁶ As such, either of these readings of the lower portion of *Untitled* would be an appropriate interpretation, as their narratives reflect the perils of both world wars. I

²³⁵ *Charter of the United Nations UN Charter*, Preamble 26 June 1945, Can TS 1945 No 7 (entered into force 24 October 1945) [*UN Charter*] [emphasis added].

²³⁶ See for example, John Boileau, "Trench Warfare" (29 June 2021)

<https://www.thecanadianencyclopedia.ca/en/article/trench-warfare>; Tobias A. Jopp, "War, Coal, and Forced Labor: Assessing the Impact of Prisoner-of-War Employment on Coal Mine Productivity in World War I Germany" 2021 81:3 *Journal of Economic History* 763-791; National WWII Museum New Orleans, "The Experience of Eastern European Forced Laborers in Germany" (March 21, 2022)

<https://www.nationalww2museum.org/war/articles/eastern-european-forced-laborers-germany>; United States Holocaust Memorial Museum, "Forced Labor: Soviet POWs January 1942 Through May 1945" (n.d.) <https://encyclopedia.ushmm.org/content/en/article/forced-labor-soviet-pows-january-1942-through-may-1945>.

contend Krohg's incorporation of both trenches and coal mines is intentional and creates a kind of historical palimpsest. That is to say, the decision to depict both perspectives simultaneously maximizes Krohg's messaging about the horrors faced by both prisoners of war (through their forced labour in camps, which included coal mines) during both WWI and WWII, and soldiers who participated in trench warfare which as noted above, predominantly occurred during the course of WWI. The imagery located in the lower portion of *Untitled* oscillates between these realities, thus forcing us to consider both experiences: the experience of the POWs, as well as the experience of those who fought in the trenches during the two world wars. The argument that these earthworks perform a kind of double duty can be further supported when considering Krohg's personal experience with both world wars. Krohg served as a member of the Foreign Legion during WWI as a member of the Norwegian Red Cross alpine patrol, while close acquaintances fought in the trenches.²³⁷ With such close proximity, Krohg could have likely been provided with insights of the treacherousness that soldiers faced while fighting from the trenches. Further, during WWII, Krohg was a prisoner of war at the Norwegian internment camp, Grini.²³⁸ Armed with this intimate, firsthand knowledge of the perils of war, Krohg effectively conveys this experience through the use of moody shades of browns, greys, and blacks which force the viewer to confront the dark, oppressive, and foreboding environment that is trench warfare. The use of these colours also creates a weightiness to the work and thus grounds the painting, thus creating a sense of counterbalance to the light section. This in turn gives the light an opportunity to soar.

²³⁷ Ingrid Junillon, "Deux Ragnarök du XXe Siècle: Une Série Graphique d'Edvard Munch (1915-1916) et Une Fresque de Per Krohg (1933)" (2006) 51:1 Cahiers d'Études Germaniques 21-41 at 36.

²³⁸ *Ibid*; See also generally Timothy J. Boyce, "The Grini Circle Artists" (2021) 108:1 Scand Rev 56-70.

Reading these earthworks as trenches is possible due to their accuracy in representation: traditional trench design is done in triplicate, with each row designated with a specific task including fire, support, and reserve.²³⁹ As suggested by Anthony Saunders, WWI set the stage wherein revolutionary approaches to warfare were engaged, which included the use of trench warfare due to deadlock and stalemates.²⁴⁰ Saunders points out that despite these stalemates, there was an increased reliance on trenches during WWI. This seems counterintuitive due to the nature of ‘entrenchments’, however the “deep battle, or three-dimensional” approach to warfare found trenches to be necessary.²⁴¹ Trench warfare according to Saunders, is described as “military operations between two entrenched armies” which results in a “form of stalemate in which neither side can breach or outflank the defences of the other [...]”²⁴² John Boileau also notes that these ‘entrenchments’ persisted for the duration of WWI, and that trenches are often relayed as the sites of significant horrors.²⁴³ Further, the use of trenches during the course of a war or siege increased with the rise of gunpowder and development of artillery, and found its foothold during WWI, of which we see evidence of in *Untitled* with the inclusion of various forms of artillery.²⁴⁴ However, the advancements made in weapons technology did see to a diminished use of trench warfare throughout WWII.²⁴⁵ Thus, when looking at *Untitled*, and considering the timing of its creation – Krohg created *Untitled* for the United Nations post WWII – it may seem that the employment of trenches are out of place due to their waning use during WWII. However, if the line of reasoning to be followed is that Krohg’s depiction of these

²³⁹ Boileau, *supra* note 236.

²⁴⁰ Anthony Saunders, *Trench Warfare 1850-1950* (Barnsley: Pen & Sword Military, 2010) at 7. Accessed through Internet Archive <https://archive.org/details/trenchwarfare1850000saun>.

²⁴¹ *Ibid.*

²⁴² *Ibid* at 8.

²⁴³ Boileau, *supra* note 236.

²⁴⁴ *Ibid.*

²⁴⁵ Saunders, *supra* note 240 at 7.

trenches function as part of the UN's visual 'reminder' – one that represents their endeavours for world peace – the incorporation of trenches may be a visual acknowledgement to WWI and the earlier attempts to create a global community between states, thus signaling to the viewer the creation arc that led to the formation of the UN. The 'global community' at this particular time in history was presented in the form of the League of Nations, which came into being as a response to the atrocities committed during the course of WWI.²⁴⁶ The League of Nations is considered to be the progenitor of the UN; the organization was in operation during the inter-war years between 1920 and 1946.²⁴⁷ However, and as noted above, the ambiguous nature of these earthworks leads to a possible reading of the lower portion of *Untitled* as a representation of coal mines. Coal mines were sites of forced labour and of which some of the more notable ones were located in Germany,²⁴⁸ and POWs were often sent to these sites during both WWI and WWII.²⁴⁹

Starting at the righthand portion of the work, we see a man holding a shovel in one hand and a pickaxe is slung over the shoulder opposite.²⁵⁰ Initially, I had read this figure as a soldier.²⁵¹ It would not be out of the realm of possibility for a soldier to have such tools as part of the construction and maintenance of the trenches that he would invariably end up fighting in. However, it is also possible to read this individual as a newly freed POW who emerges out of the

²⁴⁶ United Nations Office at Geneva, "The League of Nations" (n.d.) <https://www.un Geneva.org/en/about/league-of-nations/overview>.

²⁴⁷ *Ibid.*

²⁴⁸ See generally Joseph Zeller, "Coal: A Significant Factor in Germany's Defeat in WWI" (2018) 27:1 *Can Mil Hist*, 1-22. See also, Patricia Treble, "Newly Discovered Letters Show Darkness of WWI POW Camp" (22 October 2016) <https://macleans.ca/society/newly-discovered-letters-show-darkness-of-wwi-pow-camp/>.

²⁴⁹ See for example Memorial and Museum "Auschwitz-Birkenau: Former German Nazi Concentration and Extermination Camp - Charlottegrube" (n.d.) <https://www.auschwitz.org/en/history/auschwitz-sub-camps/charlottegrube/>; Memorial and Museum "Auschwitz-Birkenau: Former German Nazi Concentration and Extermination Camp – Fürstengrube" (n.d.) <https://www.auschwitz.org/en/history/auschwitz-sub-camps/frstengrube/>.

²⁵⁰ Figure 5.

²⁵¹ This is an interesting observation to make from a position of reflexivity. As an individual who has studied international humanitarian law and military law specifically, I find my inclination is to read this image through that lens. This is an excellent example as to how bias can play a role in the ANT/materialist analysis, and why it is important to suspend one's assumptions to ensure as complete a reading of an actant as possible.

darkness – literally out of the earth, and metaphorically out of the war.²⁵² Krohg figures this man in sooty shades of browns and greys, and provides him with a sense of fatigue as he lingers at the top of a flight of stairs which seem to emanate from behind one of the sooty mounds of earth. Guiding this man out of the blackened earthwork, these steps take him into the light of the far-right arched window; the static nature of this figure gives off an aura of finality to the labour he likely endured. One particular factor which suggests this man is a coal mine labourer comes to light when we follow his gaze which is fixated on the first of three male figures who seem to emerge from the same mine. Emerging from this blackened mine, these men are shackled together in a kind of chain gang, thus resembling captives in tattered clothing which clad their weary and sooty bodies; it is unlikely that these figures would be read as soldiers who are returning from war. The first of the three is on his knees, his shoeless, bandaged feet dangling beyond a window frame. This action gives the impression that while these windows are ‘separate’ – and are depicted as being separated by walls of marble – they are not inaccessible; peace is available to everyone. This prisoner is welcomed into the light and into the arms of a shirtless man in a conical hat.²⁵³ Next to this figure we see a woman in a collared dress, kneeling down and reaching out to the second male figure. This male figure raises his arms in anticipation of being pulled out of the mine by her, his head hanging wearily. Meanwhile, the third male figure patiently looks on, his left hand to his heart, his right to his forehead, reflecting a sense of

²⁵² This assessment is also applicable to a soldier of war. The ambiguity of how these figures signal to the viewer creates in my opinion an incredibly rich and complex visual experience. We are confronted not only with the notion of fatigue as a POW, but also the physical and emotional labour that soldiers of war undertake.

²⁵³ The specific nationality of this man is near impossible to determine. This raises interesting questions which I address in chapter four about the colonialist and imperialist trajectories of international law, as well as questions regarding generalizations that often occur regarding nationalities of Global South and Asian peoples. The conical hat, which reads as ‘Asian’ is so non-descript, and given the vast cultural differences in terms of names, styles, and functions of these ‘conical’ hats – I as a viewer are reduced to labeling this figure as an ‘Asian’ man. It is clear that Krohg’s intention was to present a multicultural image, however his over-generic depiction creates a ‘generic’ Asian national – thus reducing a diverse breadth of cultures into a single, near stereotypical image.

relief and signifying gratitude towards his earthly saviours. As the eye travels down from this third captive we see far beneath the rock what looks to be an individual carting a bald, emaciated individual in a container of sorts, suggesting that the figure depicted is too weak or too ill to walk out of the darkness on their own.²⁵⁴ This presents a strong signal to my interpretation that these earthworks are also coal mines, as the cart reads as a typical rendition of those carts used to haul coal out of the mines. However, if we pursue the assumption that these earthworks represent trenches, then this motif does reflect a reality of trench life. Continued presence of soldiers in trenches resulted in a number of specific illnesses due to lack of hygiene and damp conditions, including trench foot.²⁵⁵ There were other illnesses borne from the trenches which caused serious damage to the body. These included trench mouth, which resulted in the loss of all teeth, and trench fever – also referred to as “pyrexia of unknown origin” – an illness that was discovered to be transmitted by lice in 1918.²⁵⁶ Regular visits by medical staff to the soldiers in the trenches were referred to as ‘sick parade’ and was considered part of daily trench life.²⁵⁷ As such, a soldier unable to physically remove himself from the trenches may be carted out by his fellow combatants.

Shifting the gaze from the right to the left side of *Untitled* reveals similar narratives to that of the right: At the bottom left hand corner we are confronted with the presence of a lone, isolated individual, trapped within darkness and who appears to be in a pensive state of sorrow – a direct reflection of the first line of the UN Charter’s preamble.²⁵⁸ Barely discernible, this individual is located deep underneath the blackened rock. We are invited to experience – albeit

²⁵⁴ Figure 6.

²⁵⁵ Boileau, *supra* note 236.

²⁵⁶ *Ibid.*

²⁵⁷ *Ibid.*

²⁵⁸ Figure 7.

only a modicum of such an experience – of both the physiological and psychological oppression endured throughout the course of war. As the eye travels just beyond the confines of this rock, a woman is seen grasping onto the jagged sides of the blackened earthwork in what can be read as a sense of staid urgency: she is suspended in time, yet Krohg has captured a sense of movement towards freedom. It is in this dichotomy where she simultaneously clings to the rock in utter stillness, while exuding a palpable sense of earnestness as she looks out to the barefoot woman above her;²⁵⁹ this figure grasps at a rope as she is pulled to safety. Just to her right, we see a war-weary soldier looking on from above as he removes his head-covering in what is depicted as a tangible sense of exhaustion; his rifle strap hangs loosely in his hand, while another firearm lays abandoned at his feet.²⁶⁰ Behind him is another weapon resembling an anti-aircraft cannon,²⁶¹ perhaps abandoned by the man who with a burst of energy steps away from this dark world and makes his way towards the scene of peace as figured by the celebratory crowd above.

While the inclusion of artillery supports the view that these earthworks are indeed trenches, Krohg's inclusion of women defies the known reality that women were not allowed on the frontlines. That is to say, women were forbidden to participate in trench warfare during WWI.²⁶² This historical fact does lend greater credence to the possibility that the earthworks of *Untitled* can be read as coal mines. This line of reasoning is further supported when it is understood that women did make up the body of the POW workforce whose labour was utilized within the coal mines, especially during WWII.²⁶³ However, Krohg's depiction of women does

²⁵⁹ Figure 7.

²⁶⁰ Figure 7.

²⁶¹ This cannon could be from either WWI or WWII; the figuration of this object lacks enough detail where it is not possible to definitively determine which war this weapon is from. *See* figure 7.

²⁶² National WWI Museum and Memorial "Women in WWI" (n.d.) <https://www.theworldwar.org/learn/women>.

²⁶³ *See* Elizabeth Harvey, "Last Resource or Key Resource? Women Workers from the Nazi-Occupied Soviet Territories, the Reich Labour Administration and the German War Effort" (2016) 26 *Trans Royal Hist Soc*, 149-173 at 165-166. Harvey does note that while there were women who worked in the coal mines, in particular in Donbass (at 166), it was deemed inappropriate for women to do such labour as it was viewed as a more 'masculine' form of

not entirely eliminate the possibility of the lower half of the mural being read as a set of trenches, but function also a set of coal mines. As noted above, my dual reading of *Untitled* as both trenches and coal mines offers an interpretation which resembles as a kind of visio-historical palimpsest. These two historical aspects, trench warfare and forced labour in coal mines which spanned across both world wars can both be feasibly taken into consideration within the limited amount of space on the canvas. The telegraphing of both historical narratives to the viewer maximizes the visual field, thus conveying the horrors of both world wars endured by those who experienced it firsthand, either as a soldier, or a POW. Further, it could be argued that Krohg's dual application is an attempt to recognize both the men and women who served throughout the course of both WWI and WWII both at home and abroad, thus highlighting that women were impacted just as much as men by the horrors of these wars.

Finally, we arrive to the central earthwork which is arguably the most visually intriguing.²⁶⁴ Here, we leave the realm of reality and enter into a monstrous underworld, occupied by an otherworldly, chimeric creature who has been styled in a such a way so as to resemble a kind of horrifying machine; its colouring matches the metal of the sword the creature seems desperate to remove, as it pierces its coiled body. A hybrid of both serpent and wingless dragon (or wyrm), this monster seems to be confined to the cave-like structure whose architecture is reminiscent of the supports found inside mines, its winding tail escaping the cavern but pinned down by the foot of one of the figures above.²⁶⁵ The reptilian chimera with its giant, human-like hands grasps onto the set of pillars which also bear a similar a mechanical

work. Thus, given that there is evidence to suggest women did work in mines, as opposed to an outright denial of women fighting on the front lines, particularly in WWI when trenches were used more readily, it stands to reason that the reading of this particular element of *Untitled* as a coal mine is more probable.

²⁶⁴ Figure 8.

²⁶⁵ Figure 8.

motif to the creature. This mechanic-esque quality perhaps harkens to Krohg's interest in the mechanisation of war, evidence of which is also reflected in his mural work located at the University Library in Oslo, entitled *Ragnarök* (1933).²⁶⁶ Ragnarök is a saga within Norse mythology which describes the apocalyptic end to the world which resulted in the deaths of various significant Norse gods.²⁶⁷ However, despite the world succumbing to forces of evil which leads to its invariable end, a rebirth of the earth occurs, and gives way to a new beginning.²⁶⁸ Ingrid Junillon argues that Krohg's visual narrative in *Ragnarök* is one rooted in a modernist, mechanistic style, replacing the "gods and monsters with machines and armaments."²⁶⁹ This replacement reflects Krohg's sentiments towards the machine, particularly in the realm of war, whereby "the triumph of the machine and its long term consequences eradicates the individual" and that "humanity, like in the myth of Ragnarök, is exterminated by greater forces, except in this instance these greater forces are those of man."²⁷⁰ It is conceivable then, that Krohg furthers this perception by incorporating a mechanic-esque looking serpent whose purpose is to represent the evils of war, which include war machines and armaments. Further, the inclusion of the vanquished machine-like creature is also reflective of Krohg's perceptions towards the unification of nations in the name of peace, and like rebirth of the earth that arose out of *Ragnarök*, attributes the UN to this global resurrection into an era of peace and security.

²⁶⁶ Junillon, *supra* note 237 at 36-37.

²⁶⁷ *Ibid.*

²⁶⁸ *Ibid* at 22.

²⁶⁹ *Ibid* at 39, translation my own from French to English.

²⁷⁰ *Ibid* at 39-40.

Untitled and the United Nations: Letting in the Light

[...] and, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligation arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom,

And for these ends

*to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by acceptance of principles and the institutions of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples, [...]*²⁷¹

As the eye travels up from the three earthworks, the mural breaks away from its dark prison of war and, opening up with a blaze of sunlight, the top two-thirds of *Untitled* bursts forth into a kaleidoscope of colour and action. At first glance, we are invited to take in the many different motifs, including ones of industry, creativity, collaboration and equality, and celebration. In this substantial portion of the mural, Krohg offers us the opportunity to peer into a post-war world, available to us through a set of eight ‘portals’ or windows. Within these windows, we begin to see more clearly how Krohg continues to figure the principles listed within the UN Charter preamble through the use of a visual lexicon, including equal rights, the promotion of social progress, better standards of life, and more centrally, living in an era of peace. Further, Krohg’s visual lexicon performs a kind of double duty as it also presents elements that are representational of the various organizations of the UN, including UNESCO, FAO and UNICEF. These three organizations were brought into being shortly after the close of WWII in later months of 1945 and in early 1946 respectively,²⁷² with each having been created with the

²⁷¹ *UN Charter*, *supra* note 235.

²⁷² UNESCO in November, 1945, FAO in October 1945 and UNICEF in December 1946. A full analysis of these organizations is well beyond the scope of this project. See also Ralph W. Philips, *FAO: Its Origins, Formation and Evolution 1945-1981* (Rome: FAO of the UN), accessed at <https://www.fao.org/4/p4228e/p4228e.pdf>. For

presupposition that such organizations would not only foster the protection of and proliferation of culture, science and education, agriculture, and the welfare of children respectively, but also conduct such activities under the auspices of peace; the UN and these organizations (among many others) were created with peace as the driving purpose for their existence.

There are three ‘pairs’ of windows which creates a sense of balance despite the numerous accounts reflected within each of these windows, and perhaps this adherence to symmetry is a reflection of the equality and equity sought between the various stories illustrated therein.²⁷³ Two sets of these windows, which display a continued narrative that spans across the mural, are interrupted by a bisecting pair of windows,²⁷⁴ while the outer, arched windows present their own independent storylines. This visual play used between the balance elicited through the use of same-shaped windows and the windows placed in such a way so as to disrupt this balance augments the kind of “multi-dimensional” layering Krohg seems to have created. The purpose of this layering can be read as a view into the multiple worlds the UN has to offer: the creative, industrial, peaceful, and secure.

However, this play on perspective as well as the bisection of the mural forces the eye to rest on the central almond-shaped window, or mandorla, which contains the image of a family. This almond-shaped window, as well as the second, star-filled window located below it, disrupts the two sets of windows which contain a continued narrative spanning across the central portion of the mural, which suggests that these central depictions, despite their simpler motifs, are somehow more important, or more valuable.²⁷⁵ I argue that the contents of these central

information on the history of UNESCO *see* UNESCO, “Our History” (n.d.) <https://www.unesco.org/en/brief/history> [UNESCO]; for information on the history of UNICEF *see* UNICEF, “UNICEF History: Reimagining the Future for Every Child Since 1946” (n.d.) <https://www.unicef.org/history> [UNICEF].

²⁷³ Figure 9.

²⁷⁴ Figure 10.

²⁷⁵ Figure 11.

windows, as well as the various figures that surround it, a large bird which is figured in such a way to resemble a phoenix, and even the aforementioned serpent-worm, is distinctive from the rest of the mural. While the images presented create a visually stunning cohesion with the rest of the mural, it is evident that here is where much of the alternative or secondary messaging resides. These messages will be examined in more detail in Chapter 4.

The Far Right Window

When examining the arched window at the far right,²⁷⁶ we are introduced to various narratives, with the most obvious being the industry of science. Located at the top of the window, Krohg presents to us a figure who is in the process of peering through a telescope. Krohg uses the round arch of the window to emulate the roundness of observatory roofs, with the lens of the telescope jutting out, yet it is just beyond our view. This creates a sense of expanded space and suggests the presence of a distinct interior/exterior beyond the marbled framing that surrounds the window.²⁷⁷ Such a manipulation of space further iterates the notion that we as viewer have been given a selected, framed look into what the artist wants us to see. With the telescope is pointed towards the heavens, a notebook is balanced by the man's left hand, while his right arm is off to the side, perhaps noting what he is observing. Meanwhile, just below the astronomer in the midground of the window Krohg depicts a woman in a collared white dress. Her hem sways in a way that suggests movement or energy, thus bringing attention to her as she manipulates a microscope, intently focused on her work. Behind the scientist we see a cabinet of various non-descript objects that could be described as vaguely scientific. The cabinets are drawn in strange perspective compared to the figures and their working surfaces, creating a sense of surreality. Neither scientist is aware of the viewer; they are both focused on their tasks at hand, which

²⁷⁶ Figure 12.

²⁷⁷ Top of figure 12.

further augments the energy of industry and work. It is noteworthy that the scientist and the astronomer bear little by way of detail beyond the broad actions they undertake. Rather, Krohg relies on larger signifiers including instruments of science to create the narrative for these two figures. These instruments are combined with a sense of importance these scientists evoke through their industrious actions. The lack of individualizing details can be interpreted as a way to bring focus onto science in action rather than specific individuals performing such tasks. Further, such a lack of descriptors invite the perspective that scientific activities can be undertaken by any one person, man or woman.

As our eyes travel down the window, it becomes apparent that the spaces are presented to the viewer in such a way that reads like how one can take in the many levels of a dollhouse at once. That is to say, floors, rooms and planes can be visible simultaneously by the viewer. For example, the woman seems to be standing on top of what looks to be a building with an arched window, while the male figure with the telescope appears to simultaneously be in the same space as she, yet distinctly elevated, perhaps on a different 'floor'. In the foreground below, and what appears to be outside the building, a man and a horse are before two window-like openings, one that is clearly signifying a window, while the other inside a wall of blue, less so. This particular 'opening' is likely to be a window as opposed to a light source such as the sun or moon, as we see on the opposite side of the mural a similar motif with a blue porticoed window being opened by a woman, letting light to stream in. The rearing white horse engages with the man who is perhaps his rider, while his hand grasps onto what could be construed as a bridle. What is unclear is whether the man is trying to tame or set the horse free. One interpretation that can be contemplated is the horse operates as a symbol for the less 'technological' forms of industry, in terms of literal horsepower. By positioning the more 'technologically advanced' scientific

activities above these particular figures may be a demonstration of the belief in a scientific evolution. While this is an interesting consideration, it does not align fully with Krohg's sentiments towards industrial evolution, as reflected in *Ragnarök* at University Library in Oslo. However, Krohg's inclusion of such an 'evolutionary arc' of science and industry (albeit a modest one) is likely to pay homage to the mandates of UNSECO. whose purpose arose "[a]s early as 1942" whereby "global leaders began imagining an organization that would use education, culture, science and information to build lasting peace."²⁷⁸ While Krohg may have depicted apocalyptic events like *Ragnarök* through the use of iconography reflecting war and military power, there is a gentler, more progressive aura present in *Untitled*, an aura that is embodied by these scientists and their scientific inquiries. Further, this assessment of UNESCO as a source of inspiration is supported when we observe the activities in the two windows that span across the top of the mural.

A Pair of Windows Span Across

As the eye travels up and counterclockwise from the scientific endeavours and to the top of the mural, we are invited to gaze upon a mele of scenes spanning across two oddly shaped windows.²⁷⁹ Unlike the far-right, arched window, these depicted activities are very much in the realm of creative pursuits. These activities can be immediately attributed to UNESCO, in particular with UNESCO's promotion for the protection of cultural heritage and practices. Starting from the right, a pair of players or dancers are posed in animation next to a man situated at a writing desk. In the midground, a pianist is at the grand piano, accompanying a soloist behind him. Just to their left and in the background is a fiddler and a sculptor. The left panel continues on with the themes of creative works: a man sits at what looks to be a drafting table,

²⁷⁸ UNESCO, *supra* note 271.

²⁷⁹ Figure 13.

with blueprints unfurled across the surface. To his right are a pair of individuals working on a large-scale model of a building, which according to art historian Maria Veie Sandvik, appears to be a representation of the Oslo City Hall.²⁸⁰ The inclusion of Oslo's City Hall makes sense given Krohg's Norwegian nationality, as well as Norway's connections to the UN via the first Secretary General Lie, and that the Chamber was a gift from Norway. Moreover, the murals depicted in the East Room in Oslo's City Hall were painted by Krohg himself; a substantial work of art bearing similar motifs to *Untitled* which I further touch on below.²⁸¹ Moving along to the left, we see a man holding a palette standing in front of an easel supporting a blank canvas. In the midground, a man in green is crouched holding something in his hand – perhaps a clipboard or notebook, and seems to be in the process of surveying the landscape before him.

Along with a litany of trees and shrubs presented in the foreground, there is also a cityscape which can be seen off in the distance. However, as the eye focuses on the background, it is forced to rest on flame-like projections. These projections can be initially read as the rays emitted from a kind of sunrise or sunset.²⁸² A closer examination yields a distinction in the saturation between that which is within the arc as opposed to that which is outside of it. This perhaps suggests the sun, with its light, illuminates and brings vitality to those subjects occupying this space. The sun is a symbol featured in other works by Norwegian artists, including Edvard Munch, whose famous suite of murals entitled *The Sun*,²⁸³ depict a dazzling

²⁸⁰ Maria Veie Sandvik, "Iconology of a New World Order. Per Krohg's Painting in the United Nations Security Chamber in New York" (n.d.) Maria Veie Sandvik, "Iconology of a New World Order. Per Krohg's Painting in the United Nations Security Chamber in New York" (n.d.) https://www.academia.edu/15751452/Iconology_of_a_New_World_Order_Per_Krohg_s_Painting_in_the_United_Nations_Security_Chamber_in_New_York 15-55 at 49.

²⁸¹ It is also worth noting that the architect of the chamber, Arnstein Arneberg, was also one of the City Hall architects.

²⁸² Figure 14. The mural is along the east wall, thus it could be argued that the sun is 'rising' in this instance.

²⁸³ Figure 15. There are many iterations of "The Sun" this one is specifically the mural titled "The Sun (1910-1913)" and is located at the Munch Museum in Oslo, Norway.

display of the sun's vitality and energy. These murals are in stark opposition to the darker works Munch is most famous for including *The Scream*.²⁸⁴ Krohg's abstraction of the sun shines brightly upon these creative, cultural endeavours, which in turn bring about their own energy and vitality. However, if the eye traces the line of this arc, the line continues through into the two windows below, creating a kind of circle. This shape is also present in other works by Krohg, specifically in his East Hall murals at Oslo City Hall.²⁸⁵ This brings about a different interpretation when taking this realization into consideration, a realization which will be discussed more fully in the following chapter.

The Far-Left Window

As the eye moves along the upper echelons of the canvas and down to the left, we arrive to the far-left arched window.²⁸⁶ Like the far-right arched window, this scene does not seem to be a part of the two upper windows, rather it holds a narrative in its own right. In a similar tone to the right arched window, we see a group of people engaging in a form of industry; four figures are standing together in a group in what appears to be a street, while two masculine figures bear the weight of what looks to be a Roman-style steelyard scale. Meanwhile, another masculine figure pours a golden substance that reads as grain out of a large sack into a smaller sack. As the eye moves out of the scene, there is evidence that this weighing of grain has been underway for a moment, as there are other sacks, some full, while one still waiting for the remainder of its portion. A woman stands in the foreground of this activity with her hand upon her chest as she waits patiently. In the background is a spired building with a pointed-arched, gothic window which evokes a sense of importance and organization; the building can be read as either a church,

²⁸⁴ Figure 16.

²⁸⁵ Figure 17.

²⁸⁶ Figure 18.

or an administrative building. This activity of dividing provisions can be interpreted as a nod towards the UN's FAO and its intentions, which include "international efforts" so as to "defeat hunger [...] achieve food security for all and make sure that people have regular access to enough high-quality food [...]."²⁸⁷

As the eye travels down the window, it is evident that the narrative unfolds in a more disjointed way similar to those scenes in the far-right window. To the right in the midground, we see the figure of a woman throwing open a large window that has no connection to any architecture in the space; again, the perspective of different spaces and planes are akin to an opened dollhouse. We are privy again to multiple spaces at the same time. Krohg furnishes this window with a large lunette painted in the same shade of blue as the non-descript wall in the far-right window, while mimicking the same yellowed arc therein, creating a further sense of balance and cohesion across the mural. The perspective of woman suggests that the window may open up onto the activity taking place in what looks to be a town square. Light streams in, bathing the woman in a warm, inviting glow, further suggesting that the window opens out onto an event that exudes positivity, a stark contrast to the darkness the world experienced across the decades of world wars. The foreground of this window depicts three men. The man furthest in the background looks to be assisting the man in front of him as they pull the woman in the mines/trenches out of the darkness and into the light. Next to them, another man is seen calling out to someone. While it is not clear exactly why this man is calling out, taking the whole scene into account, it could be suggested that upon realizing what the woman sees through the open window, this man is trying to reach out to the lone soldier so as to let him know that war is over

²⁸⁷ Food and Agriculture Organization of the United Nations, "About FAO" (n.d.) <https://www.fao.org/about/about-fao/en/>.

and that he can lay down his arms, and perhaps follow the other figure who makes their way into the town square.

The Two Windows of the Town Square

This town square, as I describe it, spans across the two rectangular windows of the mural. Krohg's colour palette is one of cheerful, bright colours which matches the vibrant energy he aims to capture.²⁸⁸ Far off into the background, we see a garland of sorts strung across both windows, creating a sense of cohesiveness; we are invited to read the activity as continuing behind the almond-shaped window, thus further creating a sense of multi-dimensionality within the two dimensional space. The garland motif is echoed in the midground through the use of a ribbon or sash which is held by a number of individuals, and like the garlands, we are able to extrapolate the continued action despite its obscuration by the central bisecting windows. As the eye travels around these two windows, we see that Krohg figures the surrounding buildings using an almost childlike perspective, creating an oddly flat environment. This flattened style is reminiscent of Krohg's murals in Oslo City Hall's East Hall.²⁸⁹ Like his murals in the East Hall, Krohg uses every space available in *Untitled*, and this is most evident when looking at these two windows. Looking to the upper portion of the left-side rectangular window, we see individuals leaning out of their own windows, waving flags. While it is not clear if these flags are of the UN, a figure on the far right-hand side is seen flying a flag coloured in the distinctive shade of blue which also bears the UN emblem. This shade of 'UN blue'²⁹⁰ is echoed in these other flags, as well as the sash. This signifies a sense of unity; these individuals are celebrating the success of

²⁸⁸ Figure 19.

²⁸⁹ Figure 20.

²⁹⁰ This shade of blue called "UN Blue" is Pantone 2925. According to the UN website on its logo, "[b]lue represents peace in opposition to red, for war." See United Nations, "United Nations Emblem and Flag" (n.d.) <https://www.un.org/en/about-us/un-emblem-and-flag#>; see also United Nations, "UN Brand and Identity" (n.d.) https://www.un.org/styleguide/pdf/UN_brand_identity_quick_guide_2020.pdf

the UN, and their induction into a post-war era of peace. Although subtle, these actions and the use of this distinctive blue shade validates the interpretation of the woman in the left-hand arched window opening her own window onto the town square; Krohg creates a golden thread that follows through these various scenes, thus connecting them to this aura of celebration.

In the midground, Krohg presents a throng of figures drawn in a highly impressionist style; only a select number of people are given distinctive characteristics, including those individuals holding the aforementioned sash. Other individuals who look on, and are sketched out in enough detail to signify cultural differences through cultural garb or skin tone. This artistic choice clearly aims to reflect the UN's 'universality' and the blending of nations coming together with the singular intention of peace and security. Krohg amplifies this sense of security by carefully including a number of children in the throng. While not an unreasonable choice to include as Krohg was also a father himself, it may be considered a conscious nod to one of the central organizations created by the UN in the wake of WWII. Created in 1946, UNICEF was created so as "to help children and young people whose lives and futures were at risk – no matter what role their country had played in [WWII]," and continues to operate today, noting that "[f]rom the ashes of war to the global challenges that affect millions today [...] UNICEF has consistently worked to protect the rights and well-being of all children. Whoever they are. Wherever they live."²⁹¹ Like the adults depicted, Krohg presents these children in a way that is representational of different nations from all around the world. One such child is featured in the foreground. He is playing a drum, and dances amongst flowers that have been strewn by another child. The jubilation that Krohg captures in the bodies of these children further emphasizes the nature of celebration. The little girl, fitted with a basket filled with flowers, grasps onto the small

²⁹¹ *UNICEF, supra* note 272.

bouquets. If we follow the line of her gaze, we can make a reasonable argument that she is running towards the soldier who waves towards the throng of people, thus creating again that connection between the two sections of light and dark, emphasizing the safety and security that the UN, through this figuration of celebration and light brings to the world at the onset of the post-war era.

Concluding Remarks

Untitled with all its many stories and layers, endeavours to reflect the United Nations' lofty goals for global peace and security. As we have seen, Per Krohg takes us through a metamorphic journey, starting in the deep recesses of armed conflict, where untold horrors, oppression, and desolation occurred, plaguing the world across the span of two great wars. Krohg demonstrates, through the use of a stunning and cacophonous visual lexicon, how the UN bursts forth, and like the great saviour and purveyor of peace and security, fashions the world with light, colour and celebration. Krohg captures through the use of imagery the multiple 'worlds' the UN embodies, including industry, creativity, and welfare. The sun shines down brightly upon both the world, and the viewer of *Untitled*, filling them both with a sense that they are protected under the wise council of not only the UN, but also the residents who occupy this space: the UNSC.

However, *Untitled* has much more to say. In following chapter, I will delve into these secondary messages which are present within *Untitled* – ones that become immediately apparent when taking into consideration international law's history of colonialism and imperialism. These aspects of international law, when examined more closely, reveal an underpinning grounded in early Christian ideology. Through this particular investigation, these secondary messages within *Untitled* becomes clearer. As noted above, while *Untitled* is a visual representation of the UN Charter Preamble, as well as the various mandates and organizations which operate under the UN

banner, this mural embodies iconography that is reflective of international law's, (and thus by extension the UN) more troubled past.

Figures:

Figure 1:



Figure 2:



Figure 3:



Figure 4:



Figure 5:

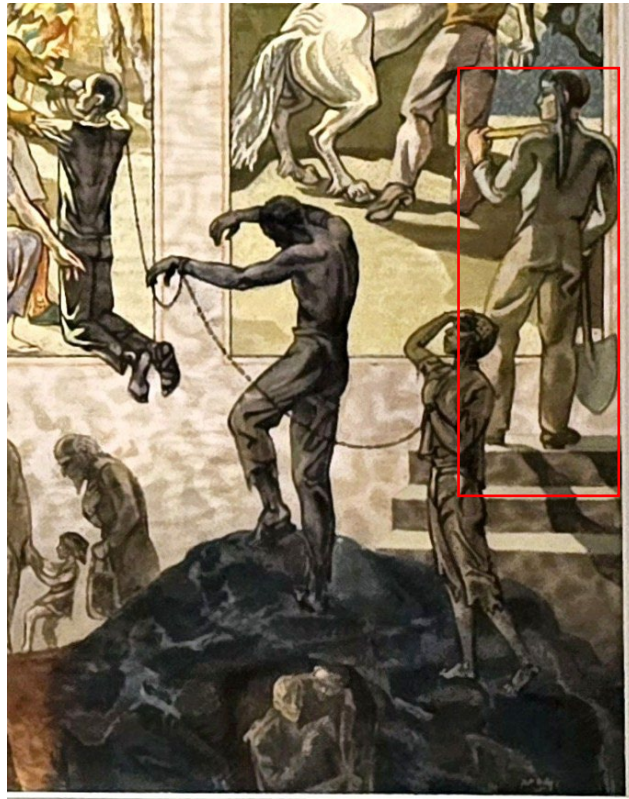


Figure 6:

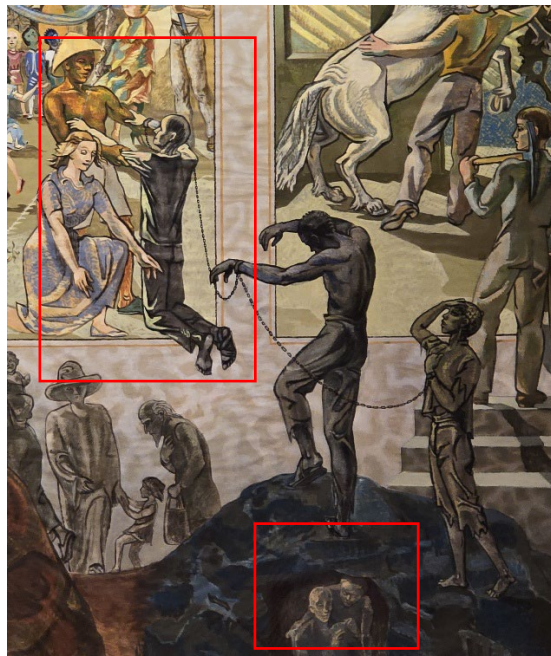


Figure 7:

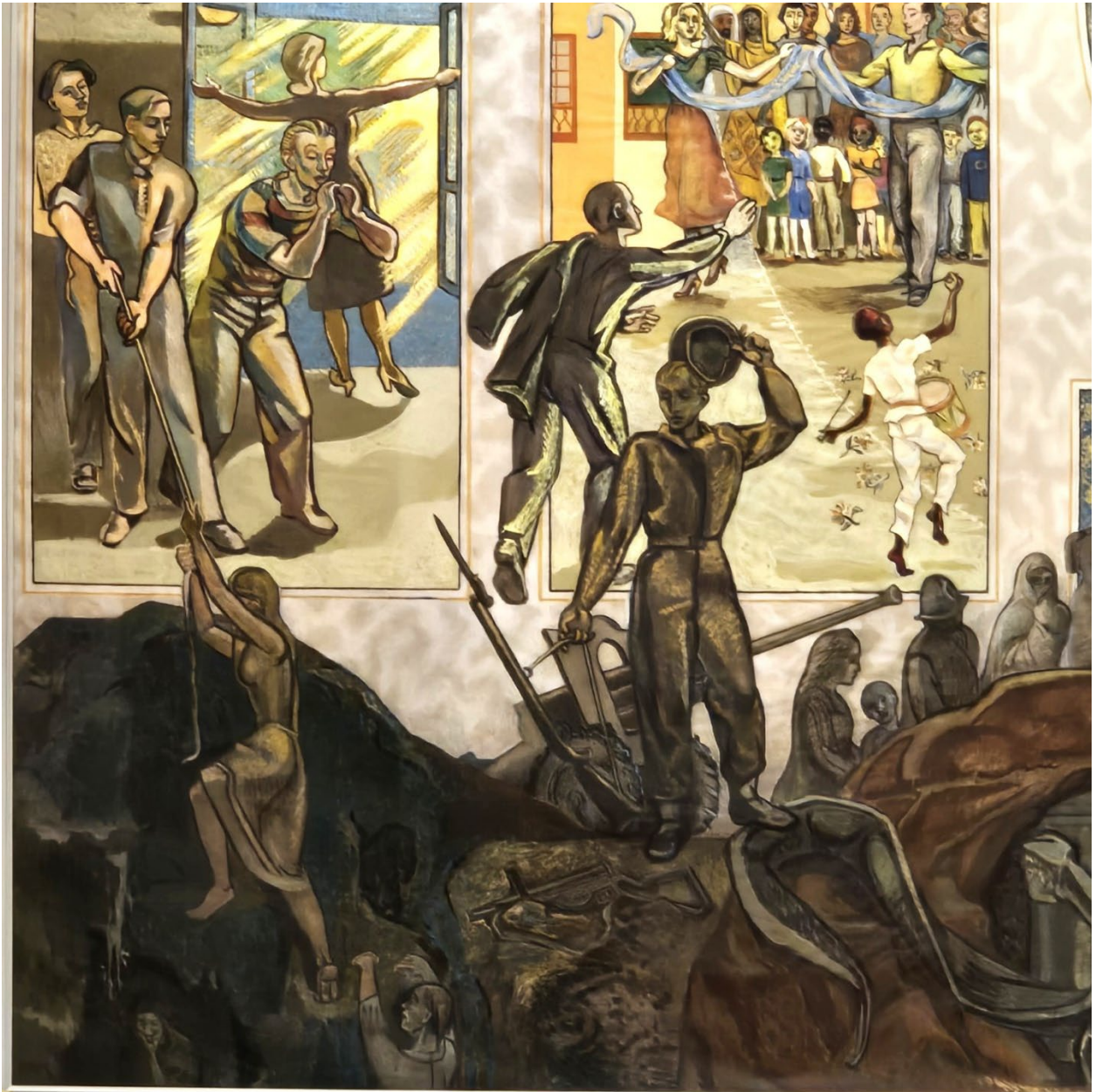


Figure 8:



Figure 9:



Figure 10:

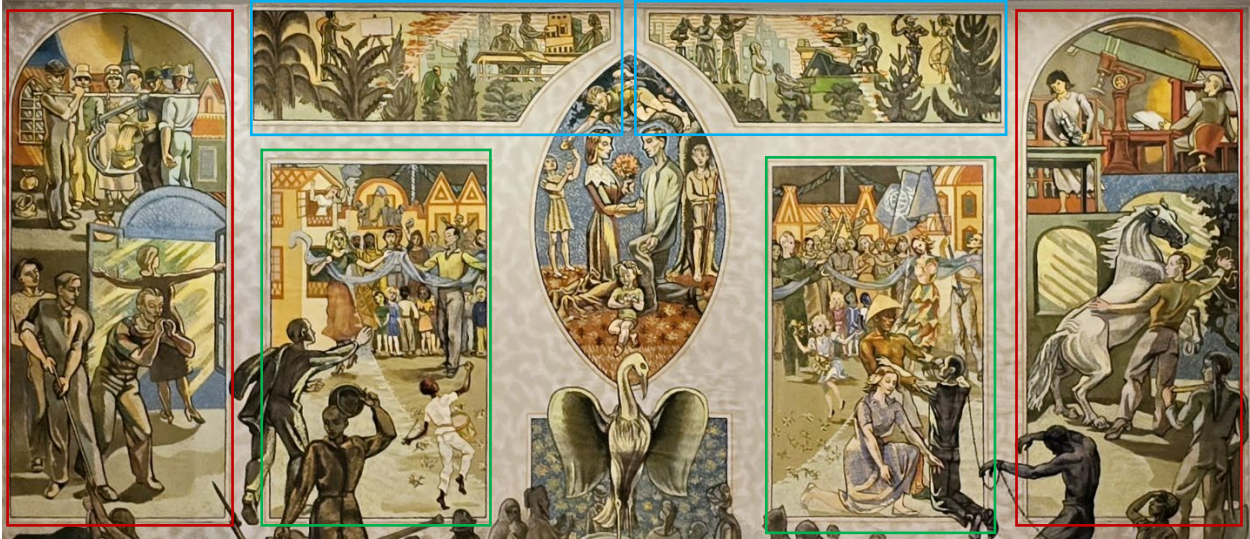


Figure 11:



Figure 12:



Figure 13:

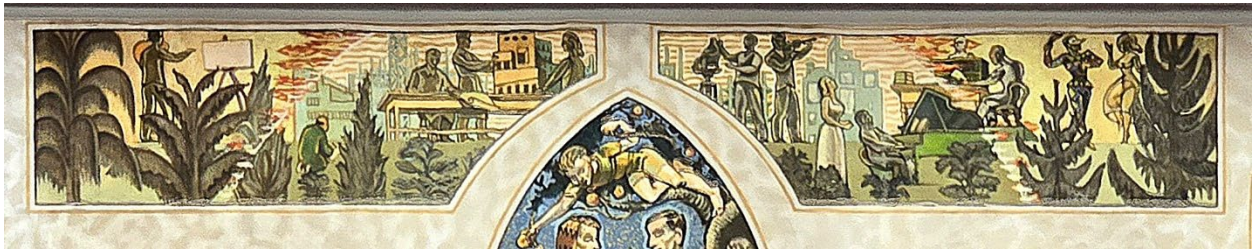


Figure 14:

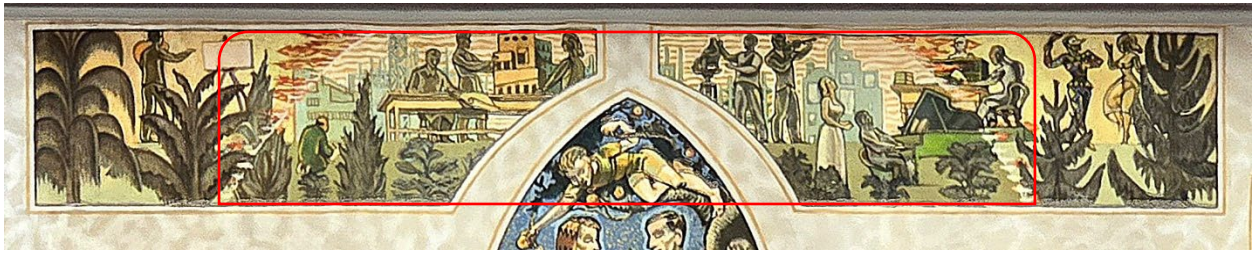


Figure 15:



Figure 16:



Figure 17:

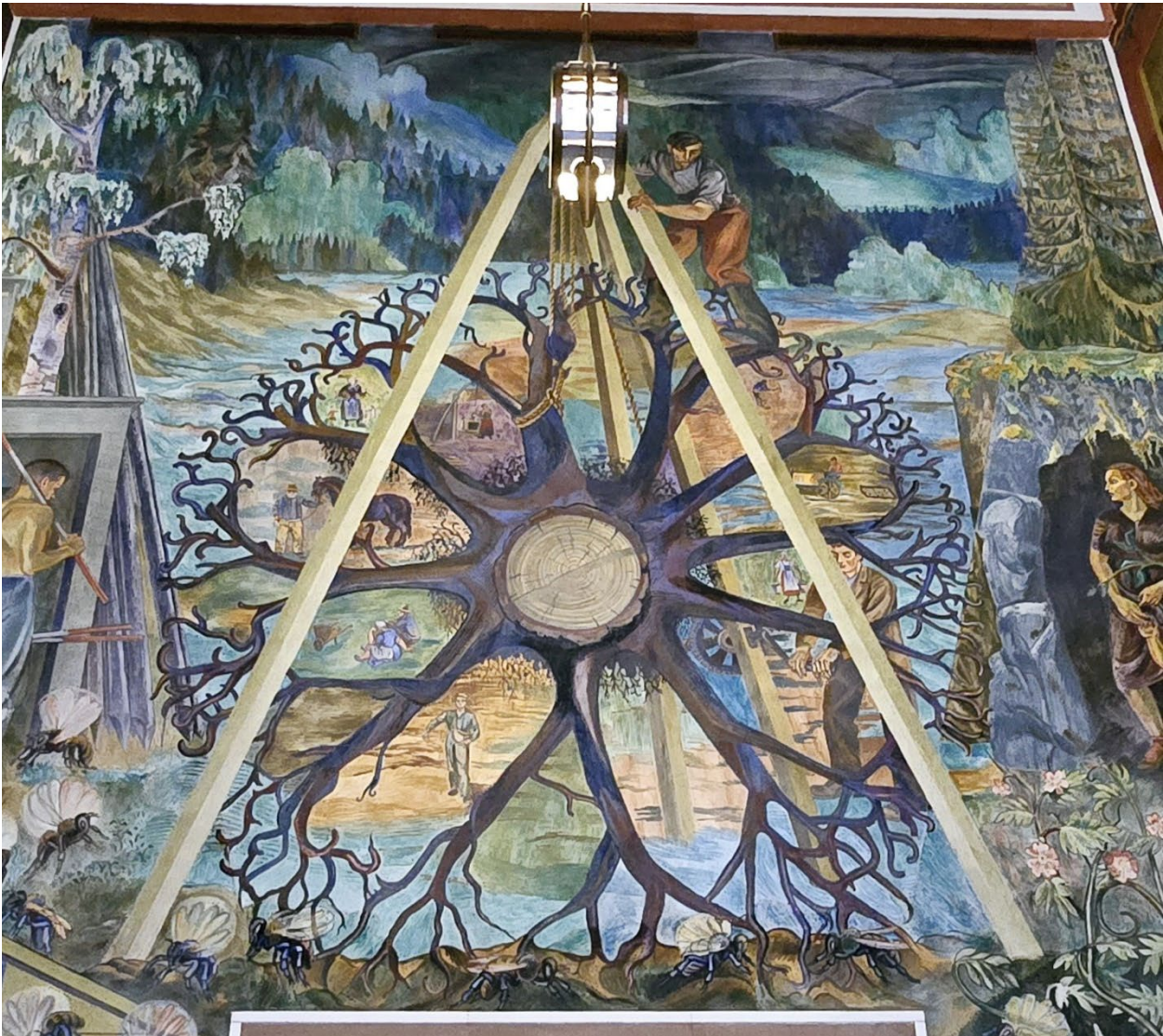


Figure 18:



Figure 19:



Figure 20:



CHAPTER FOUR: SECONDARY ANALYSIS OF PER KROGH'S *UNTITLED*

Introduction

As briefly noted in the initial examination of this colossal mural in the previous chapter, I suggest that the work does not only operate as a visual representation of the mandates and commitments of the United Nations, including its Charter. *Untitled* does not only visually present the vanquishing of the oppressive nature of war and the UN's aspirations of peace and security as executed by its security council and by extension the international community, it also has hidden within it signifiers that I argue reflect Christian influences found within international law and its histories. As such, the intention of this chapter is to conduct a secondary analysis so as to delve deeper into this work's iconography. As John D. Haskell and Pamela Slotte note, "[t]he terms 'Christianity' and 'international law' as well as their relationship to each other, are not easy to understand."²⁹² This challenge, argue Haskell and Slotte, is predicated on various issues including the biases and prioritizations of the investigating scholar as to what position and at what point in history one takes when examining the interplay between these two disciplines.²⁹³ Moreover, when engaging with these terms, either on their own or in full as 'Christianity and international law' they are "subject to feedback loops, whereby whatever is said not only "means what it says" but is related to previous reactions. [...] [w]e see the world through our pre-scripted lexicons, professional or otherwise."²⁹⁴ That is to say, not only are our biases influential in how we approach the subject, but despite best efforts to examine these ideas in new ways, they are investigated through the lenses already established and rooted with these same ideologies themselves. The aim of this materialist exercise is to reveal that which is 'hidden' in plain sight:

²⁹² John D. Haskell & Pamela Slotte "Christianity and International Law: An Introduction" in John D. Haskell & Pamela Slotte eds *Christianity and International Law: An Introduction* (Cambridge: Cambridge University Press, 2021) at 1.

²⁹³ *Ibid* at 5-8.

²⁹⁴ *Ibid* at 11.

iconography that is imbued with international law's problematic histories. By examining *Untitled* through an ANT/materialist lens, I bring to light this historical baggage – a baggage that is steeped in imperialist and colonial ideologies, as expressed through Christian civilising missions. I achieve this through a more nuanced, critical reading of the iconography of *Untitled* through this ANT/materialist lens. In so doing, it is revealed that the painting affirms the entanglement of Christian ideologies and the colonial, imperial and expansionist histories of the international legal order.

In his analysis of visual materials that speak to the refugee crisis in Australia, Desmond Manderson brings to light the importance of recognizing these occulted assumptions. Manderson argues that such images hold immense power; they function as a kind of lens to project a specific worldview, one which is crafted through said ideological assumptions.²⁹⁵ Further, Manderson suggests that “[i]deology – our unconscious government – sits below the level of justification, at the level of perspective or ‘common sense’. It just *is*.” That is to say, ideology – regardless of its lack of reason or rationality – persists. It is the image that aids in this persistence of ideology, and that “[w]e will instead find this framework of meaning not in texts but in images, and in the feelings and responses that they evoke. It is these images that shape our response, unbeknownst to us.”²⁹⁶ Manderson uses J.M.W. Turner's famous painting titled *Slave Ship* as an example of a work of art that contains this dualist identity, stating that “[...] the brilliance of Turner's masterpiece lies in his ability to intentionally reveal the story of British slavery, while at the same time unintentionally revealing the mindset of British colonialism. [...] We are always in the presence of not one but *two* perspectives: the object that is pictured and the gaze that pictures

²⁹⁵ Manderson, *supra* note 179 at 162.

²⁹⁶ *Ibid.*

it.”²⁹⁷ This line of reasoning is one which I argue is also present in Krohg’s *Untitled. Untitled* while deceptive in its simplicity, operates as both a work of art reflecting the mandates and obligations of the UN, while also functioning as a work of art that brings to light the persisting religious ideologies and narratives; these realizations are brought to the fore when international law’s Christian underpinnings is fully understood.

By examining *Untitled* thoroughly through a critical visual lens and colliding that analysis with the understanding of the historical religious underpinnings of international law – what I refer to as the third actant, or the result of the said collision, appears. Through my analyses, it becomes immediately apparent that *Untitled* can be ‘read’ not only as a form of UN ‘propaganda’; *Untitled* is also a work of art with strong religious undertones. This mural emerges as an actant who straddles the liminal space between operating as a painting whose purpose is to convey concrete ideas of peace and security in a post war era as described in the previous chapter, and those assumptions as conveyed through Christian ideologies that problematizes international law. As such, whether done with intentionality or not, *Untitled* is not a passive object of art – it is an active participant whose presence continues to inform and reinforce these antiquated notions, and as such participates in keeping international law – as conducted in the UNSC chamber – firmly rooted in this past. *Untitled* has agency and it is powerful.

To understand this argument further, this chapter will provide a second reading of *Untitled*. This secondary reading will involve revisiting some of the visual elements discussed in the previous chapter, that when viewed through this lens of religious, specifically Christian iconography and imagery, shows a different kind of narrative. This more nuanced analysis of *Untitled* shows how the mural not only functions as a visual representation of the UN’s mandates

²⁹⁷ *Ibid.*

and aspirations, but how it also operates as a kind of didactic tool,²⁹⁸ much like how works of religious art function. Religious works as didactic tools function with the intention to convey specific religious ideologies and expectations; these objects' purposes are to educate or remind the viewer of their faithful obligations. Following this analysis, I will then provide a brief historical discussion on the religious underpinnings of international law, underpinnings that invariably inform its colonialist and imperialist nature.²⁹⁹ It is this discussion that functions as the next layer or next node within an ANT perspective. That is to say, such discussions 'extend' the network, and therefore demand that the ANT analyst uncover further the lineage of how this actant operates within the spaces it occupies. This examination endeavours to bring clarity to how such an actant which, while on its own may seem benign, can actually be quite potent in its messaging, and how such an analysis can bring further lucidity to international law's imperialist and colonial histories as informed through Christian ideologies. The chapter will close with a discussion and concluding remarks on how a materialist analysis enabled such an examination of *Untitled*, illustrating the value of a careful, measured investigation as outlined by Latour in his ANT methodology can provide new, interesting insights into how material objects, including works of art, can exert more power and influence than initially assumed.

²⁹⁸ Didactic is a term which can be applied to something – often an object such as a book or work of art with the intention of educating or teaching. In this instance, the term didactic is used in reference to visual objects whose purposes were to convey complex religious rules and ideologies to those who were either illiterate or could not read Latin. For example, tympanum located above portals of medieval cathedrals would often depict religious narratives, including the last judgment.

²⁹⁹ This work is not a legal historical analysis of international law, and as such, a deep analysis of said history is beyond the scope of this project. However, the history of international law is but one of the many points in the constellation which makes up this materialist analysis of *Untitled* and, as I argue, facilitates the uncovering of our third actant: the hidden assumptions and ideals that *Untitled* possesses. Therefore, I have provided in this chapter references for the reader should they wish to investigate further.

Untitled Analysis II: Redux in Religiō

Art historian Maria Veie Sandvik argues that *Untitled* is presented to the viewer in the form of a triptych, or a painting divided into three distinct sections.³⁰⁰ Triptychs are not relegated to the realm of religious artwork *per se*, however it is a considerably common way to present religious narratives. Often featured in prominent places such as a church or cathedral altar, triptychs depict important religious narratives, with the central panel often presenting a significant Christian narrative such as the virgin Mary with Christ as child, or last judgment of Christ, while the other two offer either related themes or themes that augment the importance of the central panel.³⁰¹ While I agree with Sandvik's observation that *Untitled* is a triptych, I only do so in part. I argue that it is through the use of the three earthworks or trenches, which I note in the previous chapter, operate as a visual palimpsest by presenting simultaneously both WWI and WWII, and it is here where Krohg creates a kind of triptych. However, I interpret the layout of the upper portion of *Untitled* to be more representational of stained-glass windows found in cathedrals, particularly those that present many different narratives, across numerous planes, as opposed to reading the mural as a triptych in its entirety. Moreover, it is my contention that light plays a significant role in the upper portion of the mural, like one would experience with stained-glass windows, and contributes heavily to the religious undertones of *Untitled*. This is a notion that I expand on in more detail further below.

Visually, the portion of *Untitled* which I define as a triptych is comprised entirely of war and conflict, a subject matter that is not especially common in religious art contexts. However, examining this portion of the mural through a religious iconographical lens does present a very different reading of what this darkness holds, especially as it relates to the UN and its mandates

³⁰⁰ The term triptych references trifold works of art.

³⁰¹ Figure 21.

and expectations, as well as the histories of international law. Moreover, by reading the lower portion of the painting as a triptych, and thus a religious narrative, it allows for the inclusion of the other visual elements that do not necessarily adhere to the more obvious narratives fitted within *Untitled*; these seemingly orphaned elements are brought into focus. These elements include the two lines of individuals who move towards a window of stars, the image of a magnificent bird who stands firm above the slain dragon with the remnants of its former self at its feet, and the almond-shaped portal containing the depiction of a young family.³⁰² I discuss this analysis further below following the a discussion on the use of darkness and lightness, and what that represents through a religious iconographical lens.

The Light versus The Dark: An Initial Assessment

As discussed in the previous chapter, the delineation of *Untitled* through the use of light and dark creates the distinction between the dark scourge of war, and the light as represented through the concerted efforts of the United Nations as regards their desire for global peace and security. It is clear that these notions of peace, security and war are, to use Latour's terminology, *figured* by Krohg in such a way so as to concretize these abstract concepts. As Krohg notes: "the essence of [*Untitled*] is to give an impression of light, security and joy. The world we see in the foreground is collapsing, while the new world based on clarity and harmony can be built up."³⁰³ However, when examined more closely, this figuration can be taken one step further when compared to other visual elements reflected in significant numbers of religious works of art and architecture, especially when armed with an understanding of international law's Christian underpinnings.³⁰⁴ When viewed through the lens of religious iconography and symbolism –

³⁰² Figure 22.

³⁰³ *Mural*, *supra* note 232.

³⁰⁴ I expand on these Christian foundations within international law further later in this chapter.

Untitled is then transposed; the visual narratives of peace and security set out by the UN, and thus international law, shift from a secular place to one that is sacred.

There are a number of visual correlations which can be made between religious works of art and architecture and that of *Untitled*, most notably from Western history of art, including Byzantine through to the early Renaissance periods. One of the more striking similarities includes the division of the canvas through the use of light and dark values on the horizontal axis. These distinct light and dark spaces create a similar visual motif often found in many allegorical works; more specifically, in such works that depict the division between Heaven (light) and Hell (dark). One such example is the Duomo's cupola (also referred to as *Brunelleschi's Cupola*) located at the Cattedrale di Santa Maria del Fiore, in Florence, Italy. Painted by Giorgio Vasari and Federico Zuccari over the course of seven years (1572-1579), the cupola features a massive fresco narrating the Last Judgment which includes strong visual narratives of Heaven and Hell as executed through both the use of iconography and of colour.³⁰⁵ Other examples of these didactic tools, or "visual sermons" can be seen in the architectural features located above Romanesque and Gothic cathedral portals (doorways), called tympana which often feature narratives of "light over dark."³⁰⁶ A notable example is the tympanum of Saint-Lazare, a twelfth century French Romanesque cathedral, located in Autun, France.³⁰⁷ Much like the cupola in Florence, Ste. Lazare's tympanum, whose sculptures are attributed to French sculptor Gislebertus, displays a cacophony of activity also outlining the narrative of the Last Judgment. Here, Jesus is presented in the centre, ensconced within an almond-shaped space, called a mandorla, a highly sacred shape often containing the image of Christ or the Virgin

³⁰⁵ Figure 23.

³⁰⁶ Tympana are spaces located above major portals of cathedrals and often feature significant biblical narratives such as the last judgment.

³⁰⁷ Figure 24.

Mary,³⁰⁸ while the psychostasis, or weighing of souls, is conducted by archangel Michael. Those who are not successful in demonstrating they lived a pious life, are cast into Hell located at the bottom of the tympanum.³⁰⁹ These decorative features of the cupola and tympanum were designed to produce a visual representation of these major biblical narratives as a didactic tool so as to remind those who enter the church of their obligations to their faith, and the consequences should those obligations not be adhered to. Krohg's division of *Untitled's* canvas between light and dark elevates *Untitled* from a work that is of a pastiche of the mandates and endeavours of the UN to that of a formidable, deeply spiritual work of art. Like *Brunelleschi's Cupola* or the tympanum of Saint-Lazare Cathedral, *Untitled* provides to its viewer a visual sermon, where the viewer witnesses not only the end of two great wars and the coming together of nations under the UN flag, but the viewer is also witness to the salvation of humanity as enacted by the creation of the UN. The UN in this reading of *Untitled* springs forth from the darkness, bathing the viewer in both light and hope for a greater tomorrow. Krohg's use of the dark creates a foreboding and oppressive environment, echoing the horrors of war, while the upper echelons of the mural are imbued with light, presenting hopeful narratives of peace and productivity.

And Then There Was Light

When taking into consideration the visual elements of religious works, including stained-glass windows as found in Romanesque and Gothic cathedrals, it becomes apparent that the upper portion of *Untitled* borrows heavily on similar visual motifs. One such example is the two outer windows, which are shaped in the style of Romanesque cathedral architecture, which feature rounded, arched tops unlike the pointed arch found in Gothic and neo-Gothic architecture

³⁰⁸ This shape is relevant to *Untitled*, and is actually one of the first instances that made me realise this was not just a painting promoting the UN, but also a religious one. I expand on the importance of this shape as it relates to *Untitled*, further below.

³⁰⁹ Figures 25, 26.

(an example of such a window can be seen in the scene involving the division and weighing of grain in the far left window at the top) or the two inner rectangular windows.³¹⁰ Moreover, there are strong similarities found between Krohg's 'windows' and many cathedral stained-glass windows as they both reflect multiple planes and narratives.³¹¹

If we return to the various narratives found within *Untitled* as discussed in the previous chapter, and view them through this religious iconographical framing, different elements begin to stand out. On the left side of the mural, we revisit the woman throwing open a window, and as such allows light to enter into the space. In medieval cathedral architecture, particularly Gothic cathedrals, light streaming through the stain-glassed windows was viewed as highly symbolic. As argued by Doman Kušar, "[t]he mystical light flooding through the stained glass windows onto believers made them a part of the story of redemption."³¹² Moreover, these cathedral windows whose designs often depict biblical narratives, also operate as a didactic tool for the viewer, much like tympana. Krohg's use of 'windows' within his mural suggests that there are deeper messages contained through the use of light as a reminder of that didactic function, and it's greater meaning. As noted in the previous chapter, I argue that the woman depicted appears to be opening a window to look out onto the festivities occurring within what looks to be a town square. This window, with its streaming light, also has an almost tactile sense to it as it descends down from the heavens and fills the space. In the context of Christian iconography, light can be interpreted as a powerful signifier of the divine and operates as a mystical event.³¹³ This mystical event bridges the gap between heaven and the earthly realm.³¹⁴ Extending this further, it can be

³¹⁰ Sandvik, *supra* note 280 at 47.

³¹¹ See figure 27 as example of stained glass window 'narratives'.

³¹² Doman Kušar, "Rose Windows in Gothic Cathedrals: A Compositional Challenge for Church Builders" (2021) 2021:9 Igra Ustvarjalnosti 58-64 at 59.

³¹³ Sharon E.J. Gerstel and Michael Cothren, "The Iconography of Light" in Colum Hourihane ed *The Routledge Companion to Medieval Iconography* (London: Routledge, 2017) at 465.

³¹⁴ *Ibid.*

suggested that this light is operating with a kind of double duty: the light is coming in from the festivities below, as inspired by the UN's endeavours for peace and security, but it also acts as a kind of promise. This light acts as a divine purifier, bathing the recipient in a baptismal glow of God's light and absolving them of their earthly sins.³¹⁵ In this instance, this earthly sin is reflected in the act of war; the absolution comes in the form of peace as enacted through the endeavours of the United Nations.

This utilization of light as religious motif is found in other areas of *Untitled*. As briefly touched on in the previous chapter, Krohg superimposes a circular shape through the use of subtle line and shade that takes up a significant portion of the mural. Across the top of the mural where the images of what I consider to be representations of UNESCO are located, Krohg's circle seems to be emitting flame-like rays of light. Following the line of the circle, the light become wisps of white.³¹⁶ By interpreting the emissions from this circle as flames, it could be read as a representation of the sun which as argued in the previous chapter is not an uncommon theme within Norwegian artworks. Further, this sun-like depiction invokes an image which could represent the rising of the sun, thus heralding a new day. This is fitting when taking into consideration the mural's location on the east wall of the Security Council chamber. However, Krohg has incorporated a similar use of the circular shape in his other works, notably in his Oslo City Hall murals. In this instance, the circular 'portal' is represented by the roots of a tree on its side, being hoisted by a makeshift crane, and therefore is more apparent, unlike that of the circle in *Untitled*.³¹⁷ This particular image raises the distinct possibility that this tree root is more obviously representative of a cathedral's rose window when viewed through a Christian lens, and

³¹⁵ *Ibid.*

³¹⁶ Figure 28.

³¹⁷ Figure 29.

in particular in relation to Christian architecture.³¹⁸ The term “rose” is used due to the petal-like detailing of these circular windows, and are often incorporated in Gothic Cathedral architecture.³¹⁹ While these petal-like features are echoed in the sprawling roots of the tree, this specific element is not reflected in the circular portal located within *Untitled*. However, the petals of a rose window can also be interpreted as representing rays of light, as discussed by Helen J. Dow, who suggests that rose windows are “reminiscent of ancient sun-wheels, [...] symbols which, like both vertical rose-window and the horizontal polycandelon, are connected with light.”³²⁰ Further, Dow astutely points out that “[a] light-symbol [like a rose-window or polycandelon] could conceivably be involved in any radiating circle.”³²¹ As regards *Untitled* it is not outside the realm of possibility that the decision to put the subtle circular ‘window’ in the mural is meant to represent a kind of rose window, especially when taking into consideration its similar use in previous works (specifically the motif of a round portal), and its importance in Christian architecture. Moreover, this “rose window” also encompasses the mandorla, thus elevating its status even further.

Triptych Analysis

In this section, I analyse the various elements located within what I define as the triptych of *Untitled*. Specifically, I examine the dragon-serpent creature, the majestic bird (read as a phoenix), and the individuals queued towards a window of stars behind it, and the central almond-shaped portal containing the depiction of a family in peaceful repose.

³¹⁸ Figure 30.

³¹⁹ Some of the more striking representations of rose windows can also be found in French Gothic Cathedrals including Notre Dame in Paris, and Reims Cathedral.

³²⁰ Helen J. Dow, “The Rose Window” (1957) 20:3/4 *J Warburg Courtauld Inst* 248-297 at 267.

³²¹ *Ibid* at 266.

The Dragon-as-Satan and the Legend of St. George

In the previous chapter, I argue that the central mound containing the image of the slain dragon-like creature functions as a signifier of the evils of war. However, when viewed through a religious context, this motif suddenly echoes elements of the hagiographical narrative of Saint George. Described in the thirteenth century story entitled *The Golden Legend* by Dominican Bishop of Genoa, Jacobus de Voragine,³²² Saint George vows to kill the dragon responsible for terrorizing the ancient Libyan city Selena, on the promise that its citizens will relinquish their pagan ways and convert to Christianity.³²³ The icon of the dragon, as suggested by Lorinda Fraser, operates as a variant to the serpent, which symbolizes the devil in the *Book of Genesis*,³²⁴ and therefore is the signifier for evil; Krohg's dragon creature is therefore both a *figuration* of Satan, and the evils of war. Initially, the parallels I draw here might seem tenuous at best, as the dragon slain in Krohg's central panel is alone, with Saint George nowhere to be found, unlike many of the depictions of Saint George which show him either in the process of killing the dragon, or having just done so.³²⁵ However, according to Michael Singleton, Saint George is but one soldier of God, as there are many thousands of "saintly soldiers" that historians of Christianity have uncovered, and but one of some eighty who slayed dragons.³²⁶ Despite this discovery of an "army of military devil slayers," Saint George somehow happens to be the one most widely known.³²⁷ Thus, and based on Singleton's observation, it is possible to extrapolate that the figure of Saint George operates as the signifier for that which represents the vanquisher of dragons – in this case, the soldiers who fought throughout the course of both world wars. With

³²² Michael Singleton, "St. George and the Dragon: The Self and the Other" (2020) 2020:115 *Anthropos* 63-84 at 65.

³²³ Lorinda Fraser "Saint George and the Dragon: Saintly and Othered Bodies" (2017) 4:1 *The Corvette* 85-97 at 87.

³²⁴ *Ibid* at 89.

³²⁵ Figure 31.

³²⁶ Singleton, *supra* note 322 at 64.

³²⁷ *Ibid*.

this in mind, it is plausible then to consider that the figures of soldiers scattered about within the lower portion of this mural who fought against the evil regime throughout the two World Wars are the collective embodiment of Saint George in God's army. Another clue that suggests this narrative is plausible is the presence of the riderless white horse located just above the right side of the earthworks. As noted by Fraser, images of Saint George are fairly standardized, and is often depicted as 'slaying the dragon' whilst riding a white charger.³²⁸ When reading the soldiers as a collective Saint George, this majestic horse's purpose comes into focus. It stands to reason this great white horse would be depicted as riderless, as its services are no longer needed – the war is won, the dragon is slayed.

Rise of the Phoenix and Ascending Souls

Foregrounding this spectacle is a symbol of renewal in the form of a newly reborn phoenix, with the ashen husk of its body at its feet.³²⁹ This depiction suggests that the phoenix, whose story is that of a bird who can self-combust only to resurrect itself from its own ashes, is a figuration of the world rising from the ashes of war. With wings unfurled, it stands with a sense of pride atop the mound housing the slayed, wingless dragon. While the phoenix is not specifically referenced in the bible, John Spencer Hill notes parallels can be drawn between that of the phoenix and various religious narratives, including the phoenix's ability to self-reproduce and the Virgin Mary's immaculate conception and birthing of Christ.³³⁰ Another interpretation which can be made regarding the mythic bird is not only of resurrection in general, but resurrection of Christ himself.³³¹ Hill also notes the importance of the phoenix in Jewish apocalyptic literature, "notably in [chapters] 6-8 of the *Greek Apocalypse of Baruch*, where the

³²⁸ Fraser, *supra* note 323 at 88.

³²⁹ Figure 32.

³³⁰ John Spencer Hill "The Phoenix" (1984) 16:2 Rel & Lit 61-66 at 63.

³³¹ *Ibid* at 62-63.

cosmic phoenix, symbolizing God's mercy, spread its protective wings to shield the earth from the sun's consuming fire, symbolizing God's just wrath."³³² Chapter six, in part, states:

And [the angel] took me and led me where the sun goes forth; and he showed me a chariot and four, under which burnt a fire, and in the chariot was sitting a man, wearing a crown of fire, the chariot drawn by forty angels. And behold a bird circling before the sun about nine cubits away. And I said to the angel, What is this bird? And he said to me, this is the guardian of the earth. And I said, Lord, how is he the guardian of the earth? Teach me. And the angel said to me, The bird flies alongside the sun, and expanding its wings receives its six fiery rays. For if he were not receiving them, the human race would not be preserved, nor any other living creature. But God appointed me this bird thereto. And he expanded his wings, and I saw on his right wing very large letters [...] and the letters were of gold. And the angel said to me, Read them. And I read them and they ran thus: Neither earth nor heaven bring me forth, but wings of fire bring me forth. And I said, Lord, what is this bird what is his name? And the angel said His name is called Phoenix.³³³

In the context of the mural and in the United Nations' endeavours, it can be argued that the phoenix figures as the resurrection of the global community after the horrors that ensued during the course of the world wars. Like the phoenix, the United Nations offers itself to the world as the guardian of international peace and security.

The phoenix's location within the layout of *Untitled* is worthy of note. Not only is the phoenix standing atop the slain dragon-creature, but it also stands, almost in a protective stance, before a scene of monochromatic souls who seem to queue out from behind the trenches, and walk through a window of blue sky dotted only with what looks to be yellow stars.³³⁴ This star motif is reminiscent of the tiled or painted stars on the vaulted ceilings of Byzantine, Medieval and Gothic cathedrals.³³⁵ In general terms, stars strewn across the vaulted ceilings could be interpreted as depicting the night sky, or heavens. However, in Christian iconography, the stars

³³² *Ibid* at 62.

³³³ Northwest Nazarene University, "The Greek Apocalypse of Baruch or 3 Baruch" Wesley Caspers, ed (2000) <http://www.pseudepigrapha.com/pseudepigrapha/3Baruch.html>.

³³⁴ Figure 32.

³³⁵ See figure 33 for an examples of Byzantine era star motifs, located in the Mausoleum di Galla Placida, Ravenna, Italy.

can represent more complex notions of the cosmos. As argued by Karl Lehmann, the starry vaults within these grand houses of God “reflect the basic experience of man in visualizing the physical as well as the transcendental celestial realm.”³³⁶ While starry ceilings are often couched with other Christian iconography, such as the Christogram “ΧΡ” [“χ ρ” or chi rho] which depicts the first two letters of Christ in Greek script,³³⁷ a number of cathedrals of the Romanesque, Gothic, and Neo-Gothic periods incorporated a simple ‘carpet’ of yellow stars across a blue canopy.³³⁸ This creates a sense of openness ‘to the heavens’ which connects the earthly realm to the heavenly; the earth-bound parishioner is connected to his heavenly saviour.

Along with employing paler shades of greys and browns for the queued figures moving their way towards the starry window in comparison to the figures in the foreground, Krohg’s use of the starry sky motif seen on cathedral ceilings sparks the realization that these figures are moving towards some kind of ascension. Of note is how the existence of these ascending figures are not acknowledged by any other figures depicted. This group of individuals seems to break out of the dark hell of war and stream through their own starry window, whereas the soldiers whose ascension out of the hell of war is into the realm of the utopian, heaven-on-earth the UN has endeavoured to create. What is realized here is that these individuals are dead, their ascension is into the heavenly realm. As such, this transition into the heavenly realm elevates their death. These deaths are to be viewed as ‘not in vain’ as those who have passed are walking towards the embrace of salvation, peace, and eternal life. As such, even in death hope still prevails. The phoenix then, stands in a triumph not only for the living above, but also stands as

³³⁶ Karl Lehmann, “The Dome of Heaven” (1945) 27:1 Art Bulletin 1-27 at 27. Stars have been used in ‘holy’ places since antiquity – and thus pre-Christian times.

³³⁷ See generally Ellen Swift & Anne Alwis, *The Role of Late Antique Art in Early Christian Worship: A Reconsideration of the Iconography of the ‘Starry Sky’ in the ‘Mausoleum’ of Galla Placidia* (2010) 78 *Papers of the British School at Rome* 193-217.

³³⁸ See figure 34 as an example of this motif from the Gothic period.

protector to those who perished, as they make their final journey into the heavenly realm.

However, unlike the tympanum of Ste. Lazare or the *Brunelleschi's* cupola, there is no psychostasis for these individuals. They are spared that act of judgment, suggesting that these individuals are nothing but innocents. They are victims claimed by the scourges of war. As such, this visual narrative perhaps serves as a reminder that it is those who wage war who should be reserved judgment.

The Mandorla

Above the starry window and the majestic phoenix, Krohg includes the most overt of religious iconographical symbols. The almond-shaped mandorla is a common feature in religious works, especially in Romanesque and Gothic cathedral tympana and artworks and is a designated “sacred space” which typically houses Christ or other highly sacred narratives/images, such as the virgin Mary or the Holy Trinity.³³⁹ Krohg not only employs this shape, but places within it a family.³⁴⁰ Modeled after his 1940 work entitled *Peace, the Artist With His Family (Peace)*, the subjects are those of himself, his wife, and four children.³⁴¹ Borrowing heavily from *Peace*, Krohg presents to the viewer in *Untitled* a pastoral scene of a family which exudes an idealism of safety and unity. Three of the children play in the background: one is propped against the trunk of a fruit tree, while another who is in the fruit-bearing tree is seemingly trying to entice the third child with a piece of fruit; the fourth lays at their parents’ feet. Sandvik suggests that the fruit is from an apple tree, which in the context of Christian iconography, does raise some eyebrows.³⁴²

³³⁹ Rostislava Georgieva Todorova, “The Mandorla Symbol in Byzantine and Post-Byzantine Iconography of the Dormition: Function and Meaning” (2023) 14:4 Religions 1-27 at 1.

³⁴⁰ Figure 22.

³⁴¹ Sandvik, *supra* note 280 at 51. *See also* Per Krohg, *Peace, the Artist with his Family* (1940). Located at the Nasjonal Museet (National Museum), Oslo, Norway. Not currently on display.

<https://www.nasjonalmuseet.no/en/collection/object/NG.M.01998>. The inclusion of the artist in this work is fascinating, however a full discussion on this and what that symbolizes is well beyond the scope of this project.

³⁴² Sandvik, *supra* note 280 at 51.

When viewed through this lens, the child is seen passing a piece of fruit to another child, which can be interpreted as the moment when the serpent-as-Satan passes the fruit of knowledge to Eve in the Garden of Eden.³⁴³ Upon Eve's acceptance and consumption of the fruit, and her passing the apple to Adam, both her and Adam's fate is sealed; they are banished from Eden. However, I am inclined to argue that the image is more representational of a pastoral scene involving a loving couple and their playful children. Moreover, the Adam-Eve narrative is incongruous with the overall messaging that *Untitled* aims to impart. According to Todorova, the mandorla delineates the space which "can be interpreted as a representation of heaven, or the "other world", as a metaphysical realm where sacred events occur, and as a symbol of the resplendent Divine Light of the Glory of God".³⁴⁴ Typically containing images of sacred events including figures of Christ and the Virgin Mary, the application of the mandorla in *Untitled* is telling. Thus, I contend that by using the mandorla to house the facsimile of his family portrait, Krohg elevates the concept of "family" to the sacred. This utilization of the image of "family" can be further extrapolated to include the 'family of nations' the 'union of nation' – thus the United Nations.

International Law and Religion: A Brief Discussion

As already discussed in the previous chapter, *Untitled* reiterates through its visual lexicon, that which the UN privileges including mandates around peace, security and development within the context of international law. Further, this analysis of *Untitled* discloses a visual lexicon that serves as a salient representation of the desired outcome should these mandates be achieved in the post-war era. However, as indicated, the secondary analysis of *Untitled* discussed in this chapter also reveals through its visual language an alternative set of messages that with careful consideration can present to the viewer insight into international law's

³⁴³ *Ibid* at 51.

³⁴⁴ Todorova, *supra* note 339 at 1.

religious foundations. While the iconography itself at first glance may not speak directly to a specific religious event, or an event whose impetus was brought on by a religious mandate,³⁴⁵ the presence of this visual lexicon requires the ANT analyst to consider why such nodes exist. As such, in order to understand the value of this particular analysis of *Untitled*, especially when viewed through an ANT or materialist framework, there is a need to extend the network so as to include a discussion on international law and religion, specifically that of Christianity.³⁴⁶ Such an examination of a work of art through the use of such frameworks offers us insight, in this case into the deeper histories of international law, while also providing a more nuanced understanding of the power that a work of art-as-actant may hold, despite its seemingly ‘passive’ state. Engaging with *Untitled’s* religious iconography, specifically through the ANT/materialist perspectives, opens pathways to different ways of seeing how international law is affected by the influences exerted by religious thought as expressed through Christianity, and how those ideologies can persist by the very existence of such an actant. It is in this realization where we become *aware* of the third actant – one which is given *figure* through the collision between the visual lexicon and the concepts and histories of international law.

It is during the Age of Enlightenment of the eighteenth century and into the peak of expansion of the British empire during the course of the nineteenth century where we see significant shifts occur regarding empires as being guided by the hand of God (as in the notion of

³⁴⁵ See for example Miles, *supra* note 170.

³⁴⁶ It is important to note here that a complete discussion on international law and religion as it relates to this work of art is well beyond the limits of this project. This is largely due to the complexity of the topic, as religion also embodies other salient subjects including colonialism, imperialism, empire expansionism and civilizing missions. The intention with this project is to illustrate how an ANT/materialist approach can be used in legal scholarship and how such interrogations of the various actants within this network can help uncover and elucidate persisting, hidden assumptions that upon their reflection, may contribute to persisting inequities found within law or more specifically, international law. *Untitled* is the vehicle which this project drives so as to demonstrate how such an analysis can unfold. This is, arguably one of the criticisms of ANT, as questions arise including ‘at what point is it far enough in terms of examining a network.’ I contend it is up to the analyst to make that decision, while fully acknowledging how that decision can be influenced by bias – that is – what nodes within the network received greater attention.

the divine right of kings) evolve into the more secular, rational, and reason-focused approach to the governance of a state's citizens as well as what roles these states play within the greater global community. However, the evolution of law, and in this instance international law, underwent this progression from religious to secular over the course of these centuries by way of individuals who were both jurists *and* theologians. As Janne E. Nijman argues, when contemplating religion and its impacts on international law, it is generally held that seventeenth century Dutch legal scholar Hugo Grotius “secularized natural law and therewith international law [...]” and “provided the law of nations with a foundation independent from religion and theology.”³⁴⁷ As Nijman suggests, the reason for this move towards the secularization of law was derived from the desire to “end the religious wars raging at the time.”³⁴⁸ However, while viewed as ‘the great Emancipator’, Grotius’ status as theologian is often disregarded or overlooked as well as his theological writings on the subjects of natural law and nations.³⁴⁹ The perspectives that Grotius held would certainly colour how he perceived what an international legal system would look like. As such, while international law was being developed with secularity in mind, this foundational work was being created by those who were proponents and practitioners of Christian moral rhetoric, like that of Grotius. It stands to reason then that with these foundations in place, these ‘secular’ international laws still embody Christian values and ideologies. Reut Yael Paz argues that “[international law’s] inauguration as a liberal profession depended on a

³⁴⁷ Janne E. Nijman, “Grotius Imago Dei Anthropology: Grounding Ius Naturae et Gentium” in Martti Koskenniemi, Mónica García-Salmones Rovira & Paolo Amorosa eds *International Law and Religion: Historical and Contemporary Perspectives* (Oxford: Oxford University Press, 2017) at 87-88. Certainly, Grotius is not the only scholar to be attributed to the development of what would become international law. Substantial scholarship on law and religion also discusses sixteenth century Spanish theologian and jurist Francisco de Vitoria. *See for example*, Antony Anghie, “Francisco de Vitoria and the Colonial Origins of International Law” in *Imperialism Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005) at 13-31. This is also an example as to how the subjects of religion and empire, colonialism and imperialism in an international law context are deeply intertwined.

³⁴⁸ Nijman, *supra* note 347 at 88.

³⁴⁹ *Ibid.*

group of men who shared a particular universal intuition and cultural agenda that mirrored their Western Christian European and cosmopolitan backgrounds at the end of the nineteenth century.”³⁵⁰ This important observation is further elucidated by Paz, who notes the importance of recognizing that “the reality of the international legal discipline (that is, its knowledge) is socially and historically constructed[.]”³⁵¹

Although international law as we know it today is presented as secular and decidedly ‘non-religious’ – the lens with which we view modern international law through is very much coloured with this Christian, theological foundation. This is also noted by Peter Fitzpatrick who states that “[t]he sacred [...], can be taken as perfected *and* negated in modernity [and] law could perhaps be taken as a pointed concentration of that opposition.” Law ““tak[es] the place” of the sacred in modernity yet in so doing in a “secular” way that obviates any determinate and determinant reference beyond the existent world.”³⁵² Further,

What was once determination beyond is taken with-in law – with-in but nonetheless now illimitably because the surpassing constraints provided by the gods or nature are no more. Even though modern law assumed the demonic ability to come from beyond an existent world and to possess and determine what is brought within, it can do this only from within that world. This determining by law from within entails the constituent denial by law of a determinate realm beyond. Since law is nonetheless of a realm beyond, for law itself both that realm and law’s being of it cannot be determinate. Law assumes the sacral efficacy of bringing this non-determinate, this pure determinate, into determination. To produce and maintain such determination, law cannot be simply of the indeterminate. It must itself have determinate and determinant existence within. Law thence brings the indeterminate and the determinate together in various sacral modes.³⁵³

³⁵⁰ Reut Yael Paz, “Religion, Secularism, and International Law” in Anne Orford & Florian Hoffmann eds *The Oxford Handbook of the Theory of International Law* (Oxford: Oxford University Press, 2016) 923-938 at 924.

³⁵¹ *Ibid* at 925.

³⁵² Peter Fitzpatrick, “The Triumph of a Departed World: Modernity, and the Sacred” in Austin Sarat, Lawrence Douglas & Martha Merrill Umphrey eds *Law and the Sacred* (Stanford: Stanford University Press, 2022) 155-184 at 156.

³⁵³ *Ibid*.

That is to say, law's sacred origins are absorbed in such a way that it perpetuates an air of secularity. However, law's origins are, according to Fitzpatrick, situated within the sacred; it can only know the secular through the lens of the sacred. Thus, law is not *a priori* its sacred self: "the sacred shapes and constrains, even constitutes, the ways in which we perceive and experience, or fail to perceive and experience, modern law [...] the combined presence and denial of the sacred go to form modern law operatively." Fitzpatrick also points out that philosophers of the Enlightenment intimate to this connection, despite their being grounded in secularism. For example, "the imperative that law have transcendent purchase was almost obsessively emphasized by Rousseau" and that "[g]ods would be needed to give men laws and for whom the primal lawgiver needed a transcendent "great soul" so as to generate acceptance of his laws."³⁵⁴ Therefore, while developing into the rational, human-centered practice that we have come to know today, law is still very much viewed through the lens of the sacred.

As noted, international law's foundation is predicated on the division between Christian and non-Christians. Moreover, these religious 'underpinnings' found within international law follow the Christian notions of charity and duty which historically are wrapped up in imperialism, civilizing missions and colonialism as part of the European concept of 'development'. These endeavours were largely enacted through missionary and charitable works. Anna Johnstone argues that "[missionary activity] sought to transform indigenous [*sic*] communities into imperial archetypes of civility and modernity by remodelling the individual, the community and the state through Christian philosophies."³⁵⁵ Moreover, "missionary activity was frequently involved with the initial steps of imperial expansion."³⁵⁶ Arguably, socio-

³⁵⁴ *Ibid* at 157.

³⁵⁵ Anna Johnston, *Missionary Writing and Empire, 1800-1860* (Cambridge: Cambridge University Press, 2003) at 13.

³⁵⁶ *Ibid*.

economic development and ‘human rights’ are part of this sacred/secular equation.³⁵⁷

International law and development scholar Jennifer Beard suggests that “[p]ublic international law and socio-economic development both rest on the belief that individuals, and more belatedly, peoples, are meant to live in circumstances that grant them certain rights and freedoms fundamental to their humanity.”³⁵⁸ Moreover, “[...] international law seeks to provide peace and security, mechanisms of good governance and the protection of human rights” and that the notion of development is one of the many tools to help achieve these ends.³⁵⁹ However, “[d]evelopment names the peoples of ‘the West’ and thereby separates them from ‘most of the world.’”³⁶⁰ For Beard, the term development is part of a set of powerful binaries: “To assign the concept of development to history – that is to abandon or renounce the concept and what it represents – would strip the West of its current identity qua development and cause a break in a long chain of binary differences to which it is linked: namely, Christian/pagan, modern/primitive, civilized/barbaric, First World/Third World, North/South and west/oriental [...]”³⁶¹ With its discovery and colonization, the ‘New World’ which was seen as “a space of irrationality, femininity, primitivism and physicality” was in stark contrast to the rational ‘Old World’ and as such, “the New World had to incorporate themselves into the Old World by accepting the framework of justice imposed on them by the international laws of the family of civilised nations

³⁵⁷ The UN mandates numerous development mandates including the FOA and UNICEF, as well as the UN Development Programme (<https://www.undp.org/about-us>). Human rights is in quotes as it is understood that the notion of what constitutes as human, when viewed through an imperialist lens, sees the ‘other’ as just that – other – as in not human. Human rights then when regarded through this rhetoric could be considered as an endeavour to enact civilizing missions to ‘save’ the ‘other’ from themselves, as well as an eternal life of damnation.

³⁵⁸ Jennifer Beard, *The Political Economy of Desire: International Law, Development and the Nation State* (London: Routledge-Cavendish, 2007) at 1.

³⁵⁹ *Ibid* at 1-2.

³⁶⁰ *Ibid*.

³⁶¹ *Ibid* at 2.

(the Old World), thus becoming confessional subjects that negotiated a space of becoming in accordance with the law.”³⁶² Further,

[w]ithout the law of civilised nations the New World could not redeem itself [...]. International lawyers were thus compelled to turn their ordering processes to the outlaw. They did so using the racist discourses developing in the social and natural sciences of the late eighteenth century. Thus ‘the scientific method’ of international law continued the Christian desire to name in a way that made ‘definitions stick’. In effect, the savage entered into law and humanity when it had altered itself to such an extent that it was no longer recognisable as anything but a subject of international law.³⁶³

That is to say imperialism and colonialism persisted under the auspices of Christianity, however these activities were renamed as ‘international law.’ Antiquated assumptions of the West needing to save the ‘New World’ have been redressed via ‘new and improved’ mandates created by international organizations like that of the UN and the UNSC. For example, this can be and has been achieved through the guise of ‘protection’ (rather than domination).

Beard also suggests that “[a]s a Christian virtue, charity drove the imperial exploits of Christian missions during the Age of Discovery in the sixteenth and seventeenth centuries.”³⁶⁴ Moreover, it was believed that such charity “offered non-Christian peoples of the “New World” eternal salvation, and it became the prime justification for the universalization of a European international law” which in citing Antony Anghie resulted in the non-European world to be colonized.³⁶⁵ While these endeavours occurred centuries ago, these expansionist endeavours continue to be expressed through the mandates put forth by international organizations (IOs) such as the UN.³⁶⁶ As noted by Guy Fiti Sinclair, “IOs frequently fail to act in accordance with

³⁶² *Ibid* at 12.

³⁶³ *Ibid* at 132.

³⁶⁴ Jennifer Beard, “The Significance of Christian Charity to International Law” in Pamela Slotte & John D. Haskell eds *Christianity and International Law: An Introduction* (Cambridge: Cambridge University Press, 2021) at 115.

³⁶⁵ *Ibid* at 115-116.

³⁶⁶ That is not to say that there is no attempt to reconcile and rectify these concerns that international law and its organizations tend to embody (see for example the UN’s 30 goals by 2030)– however, as with much scholarship, critical analyses of the inner mechanizations of these organizations are essential to hold international organizations

the principles they espouse and that many of their activities have had far-reaching, negative effects on the states and populations in which they intervene.”³⁶⁷ Sinclair further notes,

[...] these organizations have often ended up promoting forms of international intervention that look a lot like the extension of deep-rooted relationships of colonial domination. The proliferation of IOs and the expansion of their legal powers accordingly raises the troubling possibility that international law’s impulse to reform is indistinguishable from its originary ‘civilizing mission’, which supplied a pretext and justification for violent intervention in the colonial encounter between different peoples and cultures.³⁶⁸

A notable example of this civilizing mission in modern international law is the idea of the ‘Responsibility to Protect’ (R2P).³⁶⁹ R2P is a concept that was drawn up in a report by the International Commission on Intervention and State Sovereignty (ICISS) in 2001. The foundation of this report is premised on the notion that “... every state is to protect its population. If a state ‘manifestly’ fails to protect its population, the responsibility to do so shifts to the international community.”³⁷⁰ This shift towards the international community for protection, while seemingly a benevolent act of bringing aid to a nation who is suffering, contains the echoes of past civilizing missions. As noted by Siddharth Mallavarapu, “R2P has not been able to circumvent in any fashion the more generic ‘paternalism’ of the powerful that has long characterized the dominant framings of contemporary international relations practice. [...] R2P represents ‘old wine in a new bottle’[.]”³⁷¹ Moreover, “[w]hile [R2P] appears to transform

like the UN accountable to their historical actions and help further rectify implicit biases and hidden modes of colonialist approaches. This kind of work within legal scholarship can be found in subject areas such as Third World Applications of International Law (TWAAIL). This type of analyses is also found within the interdisciplinary subject of law and humanities, which offers a different lens by which to examine embedded inequities that persist in international law.

³⁶⁷ Guy Fiti Sinclair, “State Formation, Liberal Reform and the Growth of International Organizations” (2015) 26:2 EJIL 445-469 at 446-447.

³⁶⁸ *Ibid.*

³⁶⁹ See generally Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge: Cambridge University Press, 2011).

³⁷⁰ *Ibid* at 1.

³⁷¹ Siddharth Mallavarapu, “Colonialism and Responsibility to Protect” in Ramesh Thakur & William Maley eds *Theorising the Responsibility to Protect* (Cambridge: Cambridge University Press, 2015) 305-332 at 306.

the external façade, it continues to embody colonial path-dependencies” and that it does not “inspire much confidence either as doctrine or as policy, especially among those in the global South, often touted as the principal beneficiaries of this largesse.”³⁷² Returning to Beard’s comment on international law’s ‘scientific method’ to make ‘definitions stick’, R2P operates as mechanism whose broad strokes ‘paint’ nations who are viewed as ‘behaving badly’ (read: savage) and as such are seen as ineffective, incapable and unwilling to operate to the standards set forth by the international community – a standard dictated by the established IOs. Redemption from such an unsavory description can only be assuaged through the willingness to become what Beard refers to as a ‘subject of international law.’

Concluding Remarks

In essence, what these arguments demonstrate is how the Christian laden histories of international law and relations endure. They endure because ‘new and improved’ attempts at peace and security are developed and enacted while remaining fixed on these historical foundations created within these harmful ideologies. As such, these histories are ‘atemporal’ in that they are enduring and sustained through the interpellation of ideologies – and in this instance, ones transferred through works of art like that of *Untitled*. As Paz notes in citing William Faulkner, “the history of international law [...] ‘is not dead, it isn’t even in the past’ [...] whatever the nineteenth-century developments are, they go back to previous generations of scholarly contributions and historical moments.”³⁷³ Likewise, current developments in policy and mandates including R2P and socio-economic development inadvertently rely on the vestiges of a colonialist, imperialist and civilizing rhetoric of the past, and as such bring these said pasts right into the present, and will, invariably carry them forward into the future, if not faced with

³⁷² *Ibid* at 306-07.

³⁷³ Paz, *supra* note 350 at 925.

intervention. The thorough and thoughtful visual analysis of *Untitled* as part of an ANT or materialist framework is but one way to enact such an intervention, and bring forward these realizations. Undoubtedly, *Untitled* shows the viewer a well and truly faithful rendition of the beliefs of international law and the UN's global position regarding peace and security. However, it also whispers to the viewer these past ideologies, thus creating a feedback loop of permission that such ideologies are considered valid, relevant, and current.

Manderson refers extensively to this notion of anachronism and atemporality as it relates to visual culture and law. Manderson's perspectives can help navigate the viewer to a better understanding as to how reading *Untitled* through an ANT/materialist framework is such a powerful act to undertake, especially when confronted with the religious and colonialist histories of international law. These concepts of time as they relate to art and law assist in further validating the recognition as to how these narratives and ideologies continue to persist, despite their 'antiquated' legacy. For example, Manderson correctly argues that "[w]e cannot paint the present"³⁷⁴ – that is to say that what is typically a subject of a painting is either a recollection of a past event, or a work of art that is reflective of an aspirational (or condemnable) future.³⁷⁵ The object or subject/idea that is being depicted has either come and gone, or is yet to be realized. Manderson also notes that:

[l]aw is always in dialogue with the past, reinterpreting and rereading prior texts whose temporal distance is a stamp of their authority and their authenticity – texts which 'shall be considered as always speaking', and without whose support and apparatus the law would find itself struck dumb. And law at the same time harbours ambitions for a future it cannot foresee. [...] On the one hand, painting and lawmaking are always behind the times, late for their rendezvous with a world that has turned without them. On the other hand, they strive to shape a future that they will never live to see. Anachronism, in short,

³⁷⁴ Manderson, *supra* note 167 at 13.

³⁷⁵ Certainly, still life is a work that is 'present' however from a philosophical perspective, nothing is ever static – something will always change and the artist will have to adapt in some fashion – for example the lighting may change, the facial features of the sitter may adjust or the object may change shape over time.

the complicated temporal topology of law, is its very condition of possibility. Art and law share the same obsession with time, the same paradox, the same predicament.³⁷⁶

Untitled operates as an actant of both art and law. It is, of course a colossal mural, while at the same time, as I argue in the previous chapter's analysis, a visual representation of the UN Charter, its aspirations, as well as its mandates. In light of Manderson's observations, my analysis of *Untitled* becomes more salient with its deeper realizations. A cursory look at *Untitled* tells us the story of a fixed moment in time wherein the UN came into being as the world pulls itself out of hell that is war. It is a celebration of what the UN believes of itself and its abilities as an international organization. My first reading suspends the viewer in a moment of time operating as a fixed set of aspirations set out by the UN in the post-war era through its various mandates of peace, security, and development. However, with a twist of contradiction, the work of art also shows the viewer 'what could be'. With its deceptively simplistic visual lexicon, *Untitled* does a powerful job presenting to the viewer a snapshot in time of this potential the international community could come to possess in the post-war era and the advent of the United Nations. *Untitled* does not represent the current affairs that took place at its inception in 1952. It is the visual representation of a persistent dream, a hope, a wish in the face of atrocities that had taken place in the past. It is the visual representation of the continued endeavours and aspirations written within the Charter of the UN, written in the language of icons. *Untitled* operates as a redemptive message for the future, and it is a visual legal eschatology. That is to say, *Untitled* presents to the viewer international law's endeavour to achieve its end, its own secular 'last judgment' in the form of ultimate global peace and security. These realizations feed directly into the secondary reading of *Untitled* with its incorporation of elements of religiosity. Here, through

³⁷⁶ Manderson, *supra* note 167 at 12-13

this religious lens, we also witness the collapse of this notion of fixed time. However, as this particular visual lexicon is more complex and more nuanced, its narratives are also more occulted, making it more difficult to see at first glance the powerful messages telegraphed to the viewer. Yet, through the application of an ANT/materialist approach and framework, this occlusion is broken open when armed with even just a surface level understanding of the histories of international law. As a result, an ANT and materialist investigation of *Untitled* brings international law's imperialist past firmly into the present. In so doing, this 'old' narrative of international law – an international law that saw to colonialist and imperialist ideologies along with civilizing missions as part of its purpose, remains fixed as part of the UN. 'Antiquated' notions of religiosity are embedded within the literal framework of the work of art and given its locality, international law. As such, these notions persist.³⁷⁷ Moreover, as Manderson suggests, "time bleeds not just across the pages of the past but seeps into the future."³⁷⁸ Thus, the presence of an iconography found within *Untitled* which perpetuates a past narrative that is problematic as regards the progress of decolonization and pursuit of peace and security among nations, will not only integrate itself into our present, but will persist, *without question* into our future as we continue to engage with it. Further, law as noted by Manderson is not fixed in time, it is *before* time; it is always in action and as such is not ever dead.³⁷⁹ Paired with a powerful work of art whose seen and unseen messages persist, the law that is enacted within the UNSC chamber cannot escape its sordid past – and thus is continually expressed in its present and will forge

³⁷⁷ There is an interesting sort of counter argument that can happen here. Legal eschatology as I have suggested is a kind of secular 'final judgment' in that ultimate salvation is achieved, and would result in the literal end of the need for an international law, or the interventions that international law puts forth. This seems unlikely, as no thing truly wants to see to its own demise. I am inclined to argue that such a utopian end could never be achieved because of this very perspective. Manderson's observations about how law is never dead also supports this line of reasoning. If it is never dead, then there can never be a final end where peace and security are fully realized.

³⁷⁸ Manderson, *supra* note 167 at 9.

³⁷⁹ *Ibid* at 12.

ahead into its future. With this in mind, and understanding how materiality operates – it is not out of the realm of possibility to suggest that an artwork like *Untitled*, a work that is seemingly unobtrusive and silent, can exert influence over international law as is created by the UNSC in ways that is counter to the existing mandates held by the UN.

These challenges are also raised as it relates to ANT, as I had noted above. I contend that this occurs with the issue of ‘expanding’ the network; these feedback loops are a natural occurrence which result from the simple act of analysing an actant and tracing its lineage of power and subsequent effects. Latour notes that “[o]ne does not jump outside a network to add an explanation – a cause, a factor, a set of factors, a series of co-occurrences; one simply *extends* the network further. [...] There is no way to provide an explanation if the network does not extend itself.”³⁸⁰ As an analyst of actants, and in particular ones that are non/un/anti-human, we too, become a part of that extension of lineage; we are not external to the investigative process. Thus, our perspectives, cultivated through our academic training, which in and of itself is also part of its own network, will influence how the networks in question are approached, and as well will influence how we dissect and describe them. Yet, the expansion of the various networks we fix our gaze upon is necessary so as to elucidate hidden assumptions and ideologies. The benefit of this kind of contribution to the discourse, which if done with consideration and reflexivity, is the facilitation of acquiring knowledge which in turn can provide greater understanding as to how actants covertly influence and exert control.

This and the previous chapters’ visual analyses of Per Krohg’s *Untitled* aim to integrate the complexities that is the ANT and materialist methodologies which endeavour to expound on how ‘passive’ objects are agential; how certain works of art, like *Untitled* when viewed through

³⁸⁰ Latour, *supra* note 46 at 376.

this framework, are shown to produce influential meaning within the space it occupies, while raising the possibility that such an actant can have potential influence on law, and international law more specifically. Without an ANT or materialist intervention, *Untitled* functions as a celebratory representation of the UN's intentions as, and expectations of, an international community. This perspective fits well into this notion of mundanity: the work is 'decoration', it is not engaged with as a tool which tells us anything specific about international law – it simply reflects the aspirations of international law through a series of laudatory images and icons. However, this mundane celebration when paired with this inconspicuous use of the imagery imbued with religiosity is what makes *Untitled* so powerful; *Untitled* looms in the background, silently conveying its multitude of messages to anyone who catches sight of it, while easily dismissed as a work of art contributed by a nation who participated in the design of the space wherein the UNSC conducts its business. It is through these thoughtful yet seemingly mundane analyses that we are ushered into a space where a different kind of discussion on international law can be facilitated. This is the nature of an ANT/materialist investigation: to dig deep into all facets available so as to understand the breadth of agency these objects hold. This 'digging' allows for the exploration of their deeper connections, ones that when uncovered will reveal whatever constellations they reside within. It is through this process of elucidation that we achieve the ultimate goal of bringing to light the hidden assumptions buried within these constellations; assumptions that by their very occulted nature persist in their narratives, and make attempts to influence and control. This examination of *Untitled* not only tells us a story about international law's histories, ideologies, and beliefs as it relates to the United Nations and their endeavors at the close of WWII, the work also provides insights into the persistent covert narratives that it still embodies, particularly those related to its foundational ideologies rooted in

Christianity. By conducting such an examination in this scenario, we confront the reality that while international law and its various legal organizations such as the United Nations are making efforts to address various inequities, they still exist. Their existence and subsequent persistence may well facilitate in the prevention of growth and change.

Figures:

Figure 21:



Figure 22:



Figure 23:



Figure 24:



Figure 25:



Figure 26:



Figure 27:



Figure 28:



Figure 29:

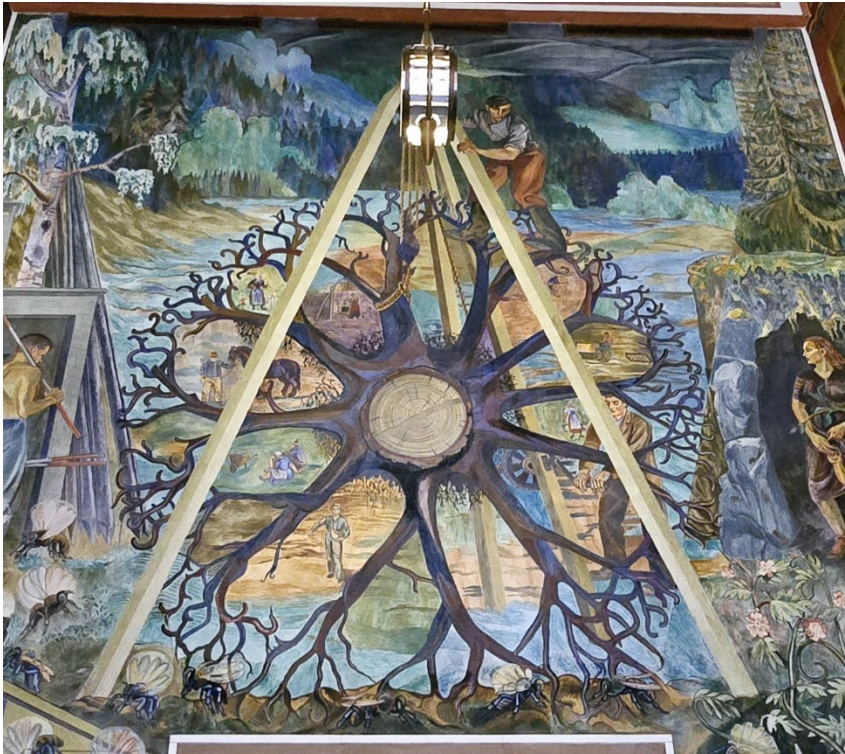


Figure 30:



Figure 31:



Figure 32:



Figure 33:



Figure 34:



CHAPTER 5: CONCLUDING REMARKS

It is important here to revisit a comment made by Latour whereby we are reminded that we should refrain from engaging in conspiracy theories, ones that argue the presence of a hidden actor, but with no proof. This argument is one that I hold in close proximity to my analysis of *Untitled*, in particular its more insidious messaging. It is most certainly valid, if not necessary to ask: is this analysis not simply an enactment of a conspiracy theory? That is to say, this work of art is a visual representation of insidious aspects of international law which in turn persist these narratives? The examination of art, like any subject in a descriptive manner is ostensibly biased. However, as previously noted, it is not my intention to create a project that offers a prescription on how to address the lack of progress as is argued frequently of the UNSC, or the UN in general. Instead, this project offers a *praxis*; an insight into new ways of looking, of seeing how seemingly passive objects are in fact imbued with power and persuasion. This project thus asks international legal scholars and practitioners of international law to become more cognizant of not only who, but also *what* occupies the spaces wherein such important legal decisions are being made. *Untitled* is well and truly an actant, whose agency is multifaceted. As the previous chapters have described, *Untitled* operates with two agencies. The first is the visual representation of the UN's aspirations and mandates, as well as a provide a visual lexicon that reflects the tenets laid out in the UN Charter. The second is one of a visual representation of the vestiges of international law, including its imperialist, religious past. It is with this second agency held by *Untitled* that results in what I refer to as a *third actant*, one that emerges from this close, critical visual analysis of the work of art when pitted against the histories and actions of international law and by extension the UNSC. Much like Haraway's cyborg, these implicit messages spring forth, both from the imagination-as-rational whereby the work of art operates to teach the viewer specific insights into the practice of international law (both overtly and

covertly), and the material, which is the very nature of the work of art itself. It is the materiality of this object that renders it to be viewed as ‘passive’ but when the collision between imagination and materiality occurs, the resulting spark is illuminating, bringing awareness to these narratives that persists despite the efforts made to overcome such narratives. This project has endeavoured to illustrate how through the use of an ANT/materialist/posthumanist methodology, seemingly passive objects such as the 1952 mural *Untitled* located in the United Nations Security Council chamber at the United Nations headquarters in New York is more than just a painting.

In Chapter 2, I have provided an in depth discussion on the methodologies of ANT and materialism, as well as posthumanism, and how its application to legal scholarship is both helpful and challenging. I also provide discussion on how these methodologies appear specifically in legal scholarship as provided by Manderson and Miles as regards visual culture. I then took up this roadmap and engaged in a *praxis* of this methodology, applying it to a specific material object: the *Untitled* mural. I have argued that *Untitled* operates as a kind of palimpsest – telegraphing not one but two narratives, both of which speak to how international law, and its organizations like the United Nations function. Specifically in Chapter 3, I provided a descriptive and critical visual analysis of *Untitled*, arguing that the messages specifically represent a new world in a post-war era and promotes the aspirations and mandates of the UN as dictated through its Charter. I then turned to the more critical secondary reading in Chapter 4, where I discussed how these secondary messages reflect the Christian pre-histories which persist in modern international law. This is where I demonstrated how ANT and materialist/posthumanist methodologies can be effective frameworks for critically analysing international law. It is through these critical analyses that these messages come to light. By taking up an ANT/Materialist/posthumanist approach to this actant, I uncovered and examined the origins of

these “hidden in plain sight” messages within the context of my understanding of what this painting is aiming to represent within the context of international law and the United Nations and UNSC more specifically. This resulted in, through patience and meaningful engagement with *Untitled*, a rewarding realization that when allowed to speak on their own terms, we can see how these seemingly passive objects, like works of art, as fully functioning actants – ones replete with its own agency and power.

BIBLIOGRAPHY

LEGISLATION

Charter of the United Nations UN Charter, 26 June 1945, Can TS 1945 No 7 (entered into force 24 October 1945).

SECONDARY MATERIALS

Books and Book Chapters:

- Anghie, Antony. “Francisco de Vitoria and the Colonial Origins of International Law” in *Imperialism Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005).
- Arvidsson, Matilda. “Post Feminism as Theoretical and Methodological Approach to International Law” in Matilda Arvidsson and Emily Jones, eds *International Law and Posthuman Theory* (London: Routledge, 2024).
- Arvidsson, Matilda & Emily Jones. “Introduction to International Law and Posthuman Theory” in Matilda Arvidsson & Emily Jones, eds *International Law and Posthuman Theory* (Routledge: London, 2024).
- Bal, Mieke. *Reading Rembrandt: Beyond the Word-Image Opposition* (Amsterdam: Amsterdam University Press, 2006).
- Beard, Jennifer. “The Significance of Christian Charity to International Law” in Pamela Slotte & John D. Haskell eds *Christianity and International Law: An Introduction* (Cambridge: Cambridge University Press, 2021).
- Beard, Jennifer. *The Political Economy of Desire: International Law, Development and the Nation State* (London: Routledge-Cavendish, 2007).
- Bennett, Jane. *Vibrant Matter: A Political Ecology of Things* (Durham, NC: Duke University Press, 2010).
- Bosco, David L. *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (Oxford: Oxford University Press, 2009).
- Davies, Margaret. *Law Unlimited* (London: Routledge, 2017).
- Didi-Huberman, Georges. *Confronting Images: Questioning the Ends of a Certain History of Art* (University Park, PA: Pennsylvania State University Press, 2005).

- Donna J Haraway, “A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century, in Donna J Haraway & Cary Wolfe, eds, *Manifestly Haraway* (Minneapolis: University of Minnesota Press, 2016).
- Dudley, George A. *A Workshop for Peace: Designing the United Nations Headquarters* (Cambridge, MA: MIT Press, 1994).
- Fitzpatrick, Peter. “The Triumph of a Departed World: Modernity, and the Sacred” in Austin Sarat, Lawrence Douglas & Martha Merrill Umphrey eds *Law and the Sacred* (Stanford: Stanford University Press, 2022).
- Gerstel, Sharon E.J. & Michael Cothren. “The Iconography of Light” in Colum Hourihane ed *The Routledge Companion to Medieval Iconography* (London: Routledge, 2017).
- Gulick, Anne W. *Literature, Law, and Rhetorical Performance in Anticolonial Atlantic* (Columbia: Ohio State University Press, 2016).
- Haskell, John D. & Pamela Slotte. “Christianity and International Law: An Introduction” in Pamela Slotte & John D. Haskell eds *Christianity and International Law: An Introduction* (Cambridge: Cambridge University Press, 2021).
- Hohmann, Jessie & Christine Schwöbel-Patel. “A Monument to E.G. Wakefield: New and Historical Materialist Dialogues for a Posthuman International Law” in Matilda Arvidsson & Emily Jones, eds *International Law and Posthuman Theory* (Routledge: London, 2024).
- Hohmann, Jessie. “The Lives of Objects” in Jessie Hohmann & Daniel Joyce eds *International Law’s Objects* (Oxford: Oxford University Press, 2018).
- Johns, Fleur. “Things to Make and Do” in Jessie Hohmann & Daniel Joyce eds *International Law’s Objects* (Oxford: Oxford University Press, 2018)
- Johnston, Anna. *Missionary Writing and Empire, 1800-1860* (Cambridge: Cambridge University Press, 2003).
- Kang, Hyo Yoon & Sara Kendall. “Legal Materiality” in Simon Stern, Maksymillian Del Mar, & Bernadette Meyler, eds *The Oxford Handbook of Law and Humanities* (London: Oxford University Press, 2019).
- Kang, Hyo Yoon. “Law’s Materiality: Between Concrete Matters and Abstract Forms, or How Matter Becomes Material” in Andreas Philippopoulos-Mihalopoulos, ed *Routledge Handbook of Law and Theory* (London: Routledge, 2019).
- Latour, Bruno. *Reassembling The Social: An Introduction to Actor-Network-Theory* (Oxford: Oxford University Press, 2005).

- Mallavarapu, Siddharth. “Colonialism and Responsibility to Protect” in Ramesh Thakur & William Maley eds *Theorising the Responsibility to Protect* (Cambridge: Cambridge University Press, 2015).
- Manderson, Desmond. “Imaginal Law” in Desmond Manderson, ed *Law and the Visual* (Toronto: University of Toronto Press, 2018).
- Manderson, Desmond. “Not Drowning, Waving: Images, History, and the Representation of Asylum Seekers” in Marianne Dickie, Dorota Gozdecka & Sudrishti Reich, eds *Unintended Consequences: The Impact of Migration Law and Policy* (Canberra: Australian National Press, 2016).
- Manderson, Desmond. *Danse Macabre: Temporalities of Law in the Visual Arts* (Cambridge: Cambridge University Press, 2019).
- Miles, Kate. “Insulae Moluccae: Map of the Spice Islands, 1594” in Jessie Hohmann & Daniel Joyce, eds *International Law’s Objects* (Oxford: Oxford University Press, 2018).
- Nadin, Peter. *UN Security Council Reform* (London: Routledge, 2016).
- Nijman, Janne E. “Grotius Imago Dei Anthropology: Grounding Ius Naturae et Gentium” in Martti Koskenniemi, Mónica García-Salmones Rovira & Paolo Amorosa eds *International Law and Religion: Historical and Contemporary Perspectives* (Oxford: Oxford University Press, 2017).
- Orford, Anne. *International Authority and the Responsibility to Protect* (Cambridge: Cambridge University Press, 2011).
- Paz, Reut Yael. “Religion, Secularism, and International Law” in Anne Orford & Florian Hoffmann eds *The Oxford Handbook of the Theory of International Law* (Oxford: Oxford University Press, 2016).
- Philips, Ralph W. *FAO: It’s Origins, Formation and Evolution 1945-1981* (Rome: FAO of the UN).
- Rose, Gillian. *Visual Methodologies: An Introduction to Researching with Visual Materials* 5th ed (London: SAGE, 2023).
- Saunders, Anthony. *Trench Warfare 1850-1950* (Barnsley: Pen & Sword Military, 2010).

Journal Articles:

- Boyce, Timothy J. “The Grini Circle Artists” (2021) 108:1 *Scandinavian Review*.
- Charlesworth, Hilary. “The Art of International Law” (2023) 116 *Proceeds of the ASIL Annual Meeting* 2022.

- Dow, Helen J. "The Rose Window" (1957) 20:3/4 *Journal of the Warburg Courtauld Institutes*.
- Fraser, Lorinda. "Saint George and the Dragon: Sainly and Othered Bodies" (2017) 4:1 *The Corvette*.
- Glambek, Ingeborg. "The Council Chambers in the UN Building in New York" (2005) 15 *Scandinavian Journal of Design History* EBSCOhost <https://research-ebSCO-com.ezproxy.library.yorku.ca/c/vacsme/viewer/html/ytobqjlc2b>.
- Harvey, Elizabeth. "Last Resource or Key Resource? Women Workers from the Nazi-Occupied Soviet Territories, the Reich Labour Administration and the German War Effort" (2016) 26 *Transactions of the Royal Historical Society*.
- Hill, John Spencer. "The Phoenix" (1984) 16:2 *Religion & Literature*.
- Hosli, Madeleine O & Thomas Dörfler. "Why is Change So Slow? Assessing Prospects for United Nations Security Council Reform" (2019) 22:1 *Journal of Economic Political Reform*.
- Jopp, Tobias A. "War, Coal, and Forced Labor: Assessing the Impact of Prisoner-of-War Employment on Coal Mine Productivity in World War I Germany" 2021 81:3 *Journal of Economic History*.
- Junillon, Ingrid. "Deux Ragnarök du XXe Siècle: Une Série Graphique d'Edvard Munch (1915-1916) et Une Fresque de Per Krohg (1933)" (2006) 51:1 *Cahiers d'Études Germaniques*.
- Klenk, Michael. "How Do Technological Artefacts Embody Moral Values?" (2021) 34:3 *Philosophy & Technology*.
- Kušar, Domen. "Rose Windows in Gothic Cathedrals: A Compositional Challenge for Church Builders" (2021) 2021:9 *Igra Ustvarjalnosti*.
- Latour, Bruno. "On Actor-Network Theory: A Few Clarifications" (1996) 47:4 *Soziale Welt*.
- Lättilä, Ville & Aleski Ylönen. "United Nations Security Council Reform Revisited: A Proposal" (2019) 30:1 *Diplomacy & Statecraft*.
- Lehmann, Karl. "The Dome of Heaven" (1945) 27:1 *Art Bulletin*.
- Maire, Sarah & Sébastien Liarte. "Building on Visuals: Taking Stock and Moving Ahead" (2018) 21:4 *M@n@gment*.
- Miles, Kate. "Painting International Law as Universal: Imperialism and the Co-opting of Image and Art" (2021) 8:3 *London Review of International Law*.

- Miles, Kate. "Visuality of a Treaty: Reflection on Versailles" (2020) 8:1 London Review of International Law.
- Moran, Les. "Researching the Visual Culture of Law and Legal Institutions: Some Reflections on Methodology" (2021) 48:S1 Journal of Law & Society.
- Mulcahy, Linda. "Eyes of the Law: A Visual Turn in Socio-Legal Studies?" (2017) 41:1 Journal of Law & Society.
- Orford, Anne. "In Praise of Description" (2012) 25:3 Leiden Journal of International Law.
- Pottage, Alain. "The Materiality of What?" (2012) 39:1 Journal of Law & Society.
- Sandvik, Maria Veie. "Iconology of a New World Order. Per Krohg's Painting in the United Nations Security Chamber in New York" (n.d.) Maria Veie Sandvik, "Iconology of a New World Order. Per Krohg's Painting in the United Nations Security Chamber in New York" (n.d.)
https://www.academia.edu/15751452/Iconology_of_a_New_World_Order_Per_Krohg_s_Painting_in_the_United_Nations_Security_Chamber_in_New_York.
- Shaefer, Kai. "Reforming the United Nations Security Council: Feasibility or Utopia?" (2016) 22:1 International Negotiations.
- Sinclair, Guy Fiti. "State Formation, Liberal Reform and the Growth of International Organizations" (2015) 26:2 European Journal of International Law.
- Singleton, Michael. "St. George and the Dragon: The Self and the Other" (2020) 2020:115 Anthropos.
- Swift, Ellen & Anne Alwis. "The Role of Late Antique Art in Early Christian Worship: A Reconsideration of the Iconography of the 'Starry Sky' in the 'Mausoleum' of Galla Placidia" (2010) 78 Papers of the British School at Rome.
- Van Den Meerssche, Dimitri. "The Multiple Materialisms of International Law" (2023) 11:2 London Review of International Law.
- Winther, Bjarke Zinck. "A Review of the Academic Debate about United Nations Security Council Reform" (2020) 6:1 Chinese Journal of Global Governance.
- Zell, Michael. "Rembrandt's Gifts: A Case Study of Actor-Network-Theory" (2011) 3:2 Journal of Historians of Netherlandish Art.
- Zeller, Joseph. "Coal: A Significant Factor in Germany's Defeat in WWI" (2018) 27:1 Canadian Military History.

Websites:

Akram, Susan M. “The Failure of the UN in the Israel-Palestine Conflict” (22 January 2024), online: <<https://www.openglobalrights.org/failures-un-israel-palestine-conflict/>>.

Boileau, John. “Trench Warfare” (29 June 2021), online: <<https://www.thecanadianencyclopedia.ca/en/article/trench-warfare>>.

Food and Agriculture Organization of the United Nations, “About FAO” (n.d.), online: <<https://www.fao.org/about/about-fao/en/>>

Krohg, Per. *Peace, the Artist with his Family* (1940). Located at the Nasjonal Museet (National Museum), Oslo, Norway. Not currently on display <<https://www.nasjonalmuseet.no/en/collection/object/NG.M.01998>>.

Magid, Shelby & Yulia Shalomov. “Russia’s Veto Makes a Mockery of the United Nations Security Council” (15 March 2022), online: <<https://www.atlanticcouncil.org/blogs/ukrainealert/russias-veto-makes-a-mockery-of-the-united-nations-security-council/>>.

Memorial and Museum “Auschwitz-Birkenau: Former German Nazi Concentration and Extermination Camp - Charlottegrube” (n.d.), online: <<https://www.auschwitz.org/en/history/auschwitz-sub-camps/charlottegrube/>>.

Memorial and Museum “Auschwitz-Birkenau: Former German Nazi Concentration and Extermination Camp – Fürstengrube” (n.d.), online: <<https://www.auschwitz.org/en/history/auschwitz-sub-camps/frstengrube/>>.

National WWI Museum and Memorial “Women in WWI” (n.d.), online: <<https://www.theworldwar.org/learn/women>>.

National WWII Museum, New Orleans, “The Experience of Eastern European Forced Laborers in Germany” (March 21, 2022), online: <<https://www.nationalww2museum.org/war/articles/eastern-european-forced-laborers-germany>>.

Northwest Nazarene University, “The Greek Apocalypse of Baruch or 3 Baruch” Wesley Caspers, ed (2000), online: <<http://www.pseudepigrapha.com/pseudepigrapha/3Baruch.html>>.

Romo, Vanessa. “Russia Vetoes UN Security Council Resolution that Denounces its Invasion of Ukraine (25 February 2022), online: <<https://www.npr.org/2022/02/25/1083252456/russia-vetoes-un-security-council-resolution-that-denounces-its-invasion-of-ukra>>.

The Royal House of Norway, “Norwegian Innovation in New York” (9 October 2015), online: <<https://www.royalcourt.no/nyhet.html?tid=129891&sek=27262>>.

Treble, Patricia. “Newly Discovered Letters Show Darkness of WWI POW Camp” (22 October 2016), online: <<https://macleans.ca/society/newly-discovered-letters-show-darkness-of-wwi-pow-camp/>>.

UNESCO, “Our History” (n.d.), online: <<https://www.unesco.org/en/brief/history>>.

UNICEF, “UNICEF History: Reimagining the Future for Every Child Since 1946” (n.d.), online: <<https://www.unicef.org/history>>.

United Nations, Department of Public Information, *Question of Veto Central to General Assembly’s Debate on Security Council Reform, with Speakers Urging Its Limited Use as “Weapon of Hatred and War”* GA/12563 (17 November 2023), online: <<https://press.un.org/en/2023/ga12563.doc.htm#:~:text=>>.

United Nations, General Assembly of the United Nations, “Reform of the Security Council: Past Sessions” (General Assembly of the United Nations, 65-78th sessions) <https://www.un.org/en/ga/screform/past_sessions.shtml>.

United Nations, General Assembly of the United Nations, “Reform of the Security Council: Intergovernmental Negotiations” (General Assembly of the United Nations, 79th session) <<https://www.un.org/en/ga/screform/>>.

United Nations Gifts, “Untitled (Mural for Peace) (n.d.), online: <<https://www.un.org/ungifts/untitled-mural-peace>>.

United Nations Office at Geneva, “The League of Nations” (n.d.), online: <<https://www.ungeneva.org/en/about/league-of-nations/overview>>.

United Nations Security Council “Permanent and Non-Permanent Members” (n.d.), online: <<https://main.un.org/securitycouncil/en/content/current-members>>.

United Nations, “UN Brand and Identity” (n.d.), online: <https://www.un.org/styleguide/pdf/UN_brand_identity_quick_guide_2020.pdf>.

United Nations, “United Nations Emblem and Flag” (n.d.), online: <<https://www.un.org/en/about-us/un-emblem-and-flag#>>.

United States Holocaust Memorial Museum, “Forced Labor: Soviet POWS January 1942 Through May 1945” (n.d.), online: <<https://encyclopedia.ushmm.org/content/en/article/forced-labor-soviet-pows-january-1942-through-may-1945>>.

West, Brad. “Dedifferentiation” in G. Ritzer, ed *The Blackwell Encyclopedia of Sociology* (19 November 2019), online: <<https://doi.org/10.1002/9781405165518.wbeos1393>>.