GOODNESS, YOU'RE FILTHY.
INTO THE TUB WITH YOU.

I OBEY THE LETTER OF
THE LAW, IF NOT THE
SPIRIT.

LET'S HEAR SOME
WATER RUNNING!

NUTS.
PEER INSTRUCTION

- What role do you think there is for international law in the international system? Is it a force for good, or for ill?
Neorealists: International Law is epiphenomenal

International law scholars: But it does matter!

International law: core international institution

Remember: Institution ≠ Organization
INTERNATIONAL INSTITUTIONS

- Three levels of institutions in international society
  - Deep or constitutive
  - Fundamental
  - Regimes

- Before the 19th century: Divine law

- Rise of liberalism and nationalism changed law → reciprocal
CHARACTERISTICS OF INTERNATIONAL LAW

- Multilateral
- Consent-based (remember ICJ?)
- Specific language
- Autonomous
IS INTERNATIONAL LAW CHANGING?

- Traditionally, international law ↔ international society
- Changes in the system have changed international law
  - Non-governmental actors
  - Transnational concerns
PEER INSTRUCTION

- Do you think international law regulates the initiation and conduct of war?
INTERNATIONAL LAW AND WAR

- The role of international law most obvious when it comes to regulating the initiation and conduct of war
  - Jus ad bellum
  - Jus in bello
WHAT DOES THEORY SAY ABOUT INTERNATIONAL LAW?

- **Realism**
  - Skeptical
  - Can you have law without a sovereign?

- **Neo-Lib Institutionalism**
  - International law underpinned by rational self-interest of states
  - Law is regulative (governs behavior)

- **Constructivism**
  - Underspecified
  - Could be that law is constitutive (shapes construction of self)
WHAT DOES THEORY SAY ABOUT INTERNATIONAL LAW?

- ‘New’ Liberalism
  - Individual is primary
  - Emphasizes the role of domestic politics
  - Law binds actors together
  - Human rights law at the ‘core’ of international law because primary law is that governing state-individual relations
WHAT DOES THEORY SAY ABOUT INTERNATIONAL LAW?

- Practice theory
  - Key question: why do states feel duty bound to observe international law?
  - Answer: Socially constructed through legal practices.
    - Commitment is internalized through participation in legal processes and practices.
WHAT DOES THEORY SAY ABOUT INTERNATIONAL LAW?

- Critical Legal Studies - How does law work to maintain the system rather than allow for meaningful change?
  - Argues the liberalism of modern international law produces unproductive duality between rationalization of existing order and belief that law can civilize international relations
- Four critiques
  - Int’l law is internally inconsistent: law based on particular values of individual states, but law as applied is application of objective and value neutral rules
  - Int’l law based on two pillars: liberal ideology and public international legal argument
  - Laws do not have singular and objective meaning; they can be used to justify multiple and competing outcomes
  - International law’s authority stems from its own internal rituals rather than an external source
INTERNATIONAL LEGAL ORGANIZATIONS

- International Court of Arbitration
- International Court of Justice
- International Criminal Court
- International Tribunal for the Law of the Sea
- UN and UNSC