

International Law: An Autopsy

Political Realism and The Next Global Legal Order

Course Summary

In an era where an increasing number of nations are brazenly flouting international law, Carl Schmitt's seminal work *The Nomos of the Earth* gains new relevance as we grapple with the implications of what more and more looks like the eve of a profound shift. Albeit radical, the idea that international law is dead, at least as we know it, cannot be characterized as fringe thinking anymore. Accordingly, participants will delve into the intricate interplay between Schmitt's political realism and contemporary challenges to the international legal framework. By scrutinizing Schmitt's insights through the lens of today's geopolitical landscape, participants will gain a deeper understanding of the complexities surrounding the advanced state of erosion of international law, and its potential replacement by a new paradigm.

Drawing from Schmitt's concept of the "Nomos," which presides over international law, this course explores how the global legal order has already gone through successive paradigm shifts. Key topics include the resurgence of nationalist ideologies, the return to the warring-states model in international relations, and the general decay of multilateral institutions. Participants will critically assess the implications of these developments on the future of international law and explore potential pathways towards a new global legal order. By confronting the challenges posed by Schmitt's provocative insights, participants will cultivate a nuanced understanding of the evolving dynamics of global governance and the imperatives of political realism in shaping the next age of geopolitics.

Tentative Flow

Week 01 | The Case for or against Political Realism — Part 1

Week 02 | The Case for or against Political Realism — Part 2

Week 03 | To Bind or not to Bind: Soft vs. Hard Law

Week 04 | *Quis custodiet ipsos custodes?* Who guards the guardians?

Week 05 | At the Root of the Political: Territory, Space, Borders Week

06 | What comes first: the Land or the Law?

Week 07 | Shifting fault lines: Rise and Fall of the *Jus Publicum Europaeum*

Week 08 | The Concept of a “Just War”

Week 09 | From the SDN to the UN: Twilight of the Dysfunctioning Idols

Week 10 | A New Nomos of the Earth

Core Bibliography

Carl Schmitt, *The Concept of the Political*, trans. George Schwab, The University of Chicago Press, 2007

Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, trans. G. L. Ulmen, Telos Press Publishing, 2006

David Miller, *On Nationality*, Oxford University Press, 1995

Jens Bartelson, *The Critique of the State*, Cambridge University Press, 2004

Raymond Geuss, *Philosophy and Real Politics*, Princeton University Press, 2008

