

International Law

Academic year 2026–2027

Re-imagining International Law: From Critique to Praxis

DI202 - Fall - 6 ECTS

Course Description

Unlike what the rhetoric of national-populist governments suggests, international law has never been the result of egalitarian globalists. Scholars and practitioners working in critical traditions have exposed it as an instrument that has been complicit in, and instrumental to, upholding the imperial world order, and have excavated how it is, at times, complicit in reproducing social hierarchies and capitalist and anthropocentric world orders.

In this course, we will revisit and discuss some of these critiques in order to reflect on how to make sense of international law in times of intensifying and intersecting crises, which undoubtedly call for coordinated global efforts. We will engage with different critical traditions, including post-colonial, queer, anti-racist and anti-capitalist approaches. We will then examine activist efforts to pursue decolonial, social and environmental objectives through critical praxis. In this process, we will engage with activism through judicial and expert processes, as well as proposals for radical change in specific subfields of international law, necessitated in part by developments such as the emergence of autonomous weapon systems and an increasing understanding of plenary processes.

> PROFESSOR

[Lys Kulamadayil](#)
[Office hours](#)

> ASSISTANT

Giacomo Bruno
[Office hours](#)

IMPORTANT

Regular attendance is compulsory, and any absence must be promptly communicated to the teacher. In the event of missing more than two sessions, students are expected to provide well-documented justifications for unforeseeable circumstances (e.g. illness, accident, death of a relative), directly to the Direction of Studies. Failure to justify absences beyond two sessions will result in the assignment of code N.

Students are also reminded of the following legal rules:

The teacher owns the copyright on the material they created for this course. As such, any reproduction or distribution of this document, in whole or in part, as well as of any other material created by the teacher for the course, is prohibited unless permission is granted by the author.

Recording (as video or audio) a course without the consent of the teacher and other participants is strictly forbidden.

A note on using generative AI:

Students are encouraged to use AI in a responsible manner. They must comply with the Institute's [Rules and Good Practices for Ethical Use of Artificial Intelligence in Academic Work](#).

Overview of the Course

This course will take place on Mondays, 16:15 – 18:00 hrs. For this course to succeed and for its learning objectives to be achieved, it is absolutely essential that you complete your compulsory reading assignments. Only then will you be able to participate meaningfully in the discussions we hope to have in this class. While this course is primarily intended for law students as a space for critical reflection on their discipline, the readings and assignments are designed to be accessible—and hopefully of interest—to students without a law background who are keen to explore international law through a critical political economy lens

Course Structure

This course is divided into four components:

1. **Conceptual Foundations:** Over the duration of this course, you will be exposed to readings written in various critical legal traditions including postcolonial and Third World approaches to international law, Marxism, feminism and critical legal studies.
2. **Application to Sub-fields of International Law:** Whereas this is not a course that foregrounds the study of doctrinal law, you will be expected to read up on, or have a grasp of some of the underlying doctrinal questions that we are critically engaging with.
3. **Critical Thinking:** This course requires a high degree of critical thinking about various sub-fields of international law, about its readings, and about their application and relevance to contemporary problems of legal praxis.
4. **Reviewing Books + Oral Presentation:** During a compulsory project day on Saturday, 31 October 2026: You will present your reflections on a monograph of your choosing from a list of options. This presentation is an opportunity for you to demonstrate your ability to critically reflect on, and engage with relevant scholarly literature in the field.

Teaching will conclude on 7 December 2026. You will then have time to review the compulsory readings before sitting an in-class exam on 14 December 2026. The exam will consist of a short essay chosen from a selection of questions relating to the compulsory course readings.

Evaluation

Your final grade for this course will be based on two assignments:

Book Presentation and Review – 40%

- Review of 2,000 words
- Presentation (use of visual material permitted, but not encouraged)
- Use of AI technology permitted

In-Class Exam – 60%

- Essay format
- Hand-written and closed-book
- Use of AI technology is not permitted

Readings

You will not be asked to do additional reading beyond the ones that you are assigned for each class and for your book review assignment. If you wish to deepen your understanding of a specific topic, you will find some suggestions for further readings on this syllabus.

Syllabus

Class 1: 21 September 2026: Imagining, and Re-imagining International Law

Required Reading:

- Charlesworth, Hilary. "International Law: A Discipline of Crisis." *Modern Law Review* 65, no. 3 (2002): 377-92. Available [here](#).
- Marks, Susan. "False Contingency." *Current Legal Problems* 62 (2009): 1-21. Available [here](#).
- Kulamadayil, Lys, Tor Krever, and Praggya Surana. "Introduction." In *Social Hierarchies in Catastrophic Times: International Law, Critique, and Structural Change*, edited by Lys Kulamadayil, Tor Kreve and Praggya Surana, 3-16. Oxford: Hart Publishing, 2026. Sec. I-IV. Available [here](#).

Optional Reading:

- Orford, Anne. "A Jurisprudence of the Limit." Chapter. In *International Law and Its Others*, edited by Anne Orford, 1-32. Cambridge: Cambridge University Press, 2006.
- Eslava, Luis. "Istanbul Vignettes: Observing the Everyday Operation of International Law." *London Review of International Law* 2, no. 1 (2014): 3-47. Available [here](#).
- Otto, Dianne. "Decoding Crisis in International Law: A Queer Feminist Perspective." In *International Law and Its Discontents: Confronting Crises*, edited by Barbara Stark, 115-36. Cambridge University Press, 2015.

No class: 28 September 2026:

Selection of Book for Book Review Assignment to be completed by 1 October 2026

Class 2: 5 October 2026: International Law and Coloniality

Required Reading:

- Anghie, Antony. "The Evolution of International Law: Colonial and Postcolonial Realities." *Third World Quarterly* 27, no. 5 (2006): 739-53. Available [here](#).
- Chimni, B. S. "Customary International Law: A Third World Perspective." *American Journal of International Law* 112, no. 1 (2018): 1-46. Available [here](#).
- Gathii, James Thuo. "Promise of International Law: A Third World View (Including a TWAIL Bibliography 1996-2019 as an Appendix)." *Proceedings of the Annual Meeting (American Society of International Law)* 114 (2020): 165-87. Available [here](#) or on [YouTube](#)

Optional Reading:

- Abi-Saab, Georges. "The Newly Independent States and the Rules of International Law: An Outline." *Howard Law Journal* 8 (1962): 95-131.
- Anghie, Antony. "Rethinking International Law: A TWAIL Retrospective." *European Journal of International Law* 34, no. 1 (2023): 7-112. Available [here](#).
- Nesiah, Vasuki. "Placing International Law: White Spaces on a Map." *Leiden Journal of International Law* 16, no. 1 (2003): 1-35. Available [here](#).
- Mickelson, Karin. "Hope in a TWAIL Register." *TWAIL Review* 1, no. 1 (2020): 14-27.
- Burra, Srinivas. 'TWAIL's Others: A Caste Critique of TWAILers and Their Field of Analysis.' *Windsor Yearbook of Access to Justice* 33 (2016): 111-28. Available [here](#)

Class 3: 12 October 2026: International Law and Capitalism

Required Reading:

- Miéville, China. "The Commodity-Form Theory of International Law: An Introduction." *Leiden Journal of International Law* 17, no. 2 (2004): 271-302. Available [here](#).
- Thomas, Chantal. "Race as a Technology of Global Economic Governance." *UCLA Law Review* 67, no. 6 (2020): 1860-96. Available [here](#).

Optional Reading:

- Singh Grewal, David. "The Laws of Capitalism: Capitalism Is a Legal Order, Not a Statistical Regularity." *Harvard Law Review* 18, no. 2 (2014): 626-67.
- Koskeniemi, Martti. "The Laws That Rule Us." *New Left Review* 11, no. 154 (2025): 15-48.
- Knox, Robert. "Valuing Race? Stretched Marxism and the Logic of Imperialism." *London Review of International Law* 4, no. 1 (2016): 81-126.
- Schneiderman, David. "Hayek's Dream: International Investment Law and the Denigration of Politics." *Leiden Journal of International Law* 35, no. 4 (2022): 743-59.
- Gathii, James Thuo, and Ntina Tzouvala. "Racial Capitalism and International Economic Law: Introduction." *Journal of International Economic Law* 25, no. 2 (2022): 199-206.
- Marks, Susan. "Human Rights and Root Causes." *Modern Law Review* 74, no. 1 (2011): 57-78.
- Krever, Tor. "Quantifying Law: Legal Indicator Projects and the Reproduction of Neoliberal Common Sense." *Third World Quarterly* 34, no. 1 (2013): 131-50.
- Franzki, Hannah, and Angela Sánchez-Alfonso. "From Business and Human Rights to Entangled Accumulation: Making Sense of Violence Along Global Value Chains." *Leiden Journal of International Law* 38, no. 3 (2025): 433-54.
- Schwöbel-Patel, Christine. "Real (E)State." In *Constitutions of Value*, edited by Isabel Feichtner and Geoff Gordon, 68-85. London: Routledge, 2023.

Class 4: 19 October 2026: International Law and Social Hierarchies

Required Readings:

- Kapur, Ratna. "In the Aftermath of Critique We Are Not in Epistemic Free Fall: Human Rights, the Subaltern Subject, and Non-Liberal Search for Freedom and Happiness." *Law and Critique* 25, no. 1 (2014): 25-45. Available [here](#).
- Grear, Anna. "Deconstructing Anthropos: A Critical Legal Reflection on 'Anthropocentric' Law and Anthropocene 'Humanity'." *Law and Critique* 26, no. 3 (2015): 225-49. Available [here](#).
- Atrey, Shreya. "The Intersectional Case of Poverty in Discrimination Law." *Human Rights Law Review* 18, no. 3 (2018): 411-40. Available [here](#).

Optional Readings

- Bajoria, Rishabh. "Caste Discrimination, International Human Rights, and Hinduism." *Leiden Journal of International Law* (2025): 1-24.
- Venkatesh, Vasanthi. "International Casteist Governance and the Dalit Radical Tradition: Reimagining a Counter-Hegemonic Transnational Legal Order." *TWAIL Review* 3 (2022): 171-203.
- Megret, Frederic. "From 'Savages' to 'Unlawful Combatants': A Postcolonial Look at International Humanitarian Law's 'Other'." In *International Law and Its 'Others'*, edited by Anne Oxford, 265-317. Cambridge: Cambridge University Press, 2006. Available [here](#).
- Clarke, Kamari Maxine. "The Rule of Law through Its Economies of Appearances: The Making of the African Warlord." *Indiana Journal of Global Legal Studies* 18, no. 1 (2011): 7-40.
- Orford, Anne. "Muscular Humanitarianism: Reading the Narratives of the New Interventionism." *European Journal of International Law* 10, no. 4 (1999): 679-711.

Class 5: 26 October 2026: International Law in the Public

Required Reading:

- Abi-Saab, Georges. "The Third World Intellectual in Praxis: Confrontation, Participation, or Operation Behind Enemy Lines?". *Third World Quarterly* 37(11), 2016, 1957-71. Available [here](#).
- Public Statement: Scholars Warn of Potential Genocide in Gaza, 17 October 2023, available [here](#).
- Craven, Matthew, Simpson Gerry, Susan Marks, and Ralph Wilde. "We Are Teachers of International Law." *Leiden Journal of International Law* 17, no. 2 (2004): 363-74. Available [here](#).
- Knox, Robert. "Strategy and Tactics." *Finch Yearbook of International Law* 21 (2011): 193-229. Available [here](#).

Optional Reading:

- Akbar, Amna A, Sameer M Ashar, and Jocelyn Simonson. "Movement Law." *Stanford Law Review* 73, no. 4 (2021): 821-84.
- Akbar, Amna A. "Non-Reformist Reforms and Struggles over Life, Death, and Democracy." *Yale Law Journal* 132, no. 8 (2023): 2497-577.
- Tendayi Achiume, Tor Krever and Lys Kulamadayil Critical Praxis in Catastrophic Times: Reflections of a Former UN Special Rapporteur, *Social Hierarchies in Catastrophic Times, International Law, Critique and Structural Change*, Kulamadayil, Krever & Surana (eds.), Hart Publishing, in press.
- Krever, Tor, Marina Veličković, Frédéric Mégret, Karen Engle, Fionnuala Ní Aoláin, Robert Knox, Shahd Hammouri, *et al.* "On International Law and Gaza: Critical Reflections." *London Review of International Law* (2024): 1-58.
- Krever, Tor, Carl Lisberger, and Max Utzschneider. "A Conversation with Duncan Kennedy." In *Critical Legal Thinking*, 2015.

Project Day: 31 October 2026

This mandatory project day falls on a Saturday and will take place in room S11. PPP presentations are permitted, but not encouraged. Please remember that the cafeteria will be closed on this day.

No class: 2 November 2026:

Assignments are due on Friday, 6 November 2026 (18:00 hrs Central European Time) and must be submitted in PDF format through Moodle.

Class 6: 9 November 2025: Re-imagining the Environment

Required Reading:

- Paiement, Phillip, and Juan Auz. "Decolonial Climate Litigation." *Transnational Environmental Law*, 2026, 1-35. Available [here](#).
- Jones, Emily, Cristian van Eijk, and Gina Heathcote. "The Common Heritage of Kin-Kind." In *International Law and Posthuman Theory*, 105-35. London: Routledge, 2024. Available [here](#).
- Dzah, Godwin E. K. "Theorising the Right to Environment: An Africological Typology." *African Journal of International and Comparative Law* 27, no. 1 (2019): 25-49. Available [here](#).

Optional Reading

- Chipato, Farai, and David Chandler. "After the End of the World? Rethinking Temporalities of Critique and Affirmation in the Anthropocene." *International Relations* 39, no. 3 (2023): 343–64.
- Natarajan, Usha. "Who Do We Think We Are?: Human Rights in a Time of Ecological Change." In *Locating Nature: Making and Unmaking International Law*, edited by Julia Dehm and Usha Natarajan, 200–28. Cambridge: Cambridge University Press, 2022.
- Dehm, Julia. "The Temporalities of Environmental Human Rights." In *The Times and Temporalities of International Human Rights Law*, edited by Kathryn McNeilly and Ben Warwick, 33–65. Oxford: Hart Publishing, 2022.
- Jones, Emily. "No Future for Future Generations: Who Is International Environmental Law For?." *Journal of Human Rights and the Environment* 16, no. 1 (2025): 4–48.
- Grear, Anna. "'Anthropocene, Capitalocene, Chthulucene': Re-Encountering Environmental Law and Its 'Subject' with Haraway and New Materialism". In *Environmental Law and Governance for the Anthropocene*, edited by Louis J Kotzé, 77–96. Oxford: Hart Publishing, 2017.

Class 7: 16 November 2026: Re-imagining Markets

Required Reading:

- Vereniging Milieudefensie and others v Royal Dutch Shell, (The Hague District Court 26 May 2021).
- Fakhri, Michael. "Markets, Sovereignty, and Racialization." *Journal of International Economic Law* 25, no. 2 (2022): 242–58. Available [here](#).
- Cutler, A. Claire, and David Lark. "The Hidden Costs of Law in the Governance of Global Supply Chains: The Turn to Arbitration." *Review of International Political Economy* (2020): 1–30. Available [here](#).

Optional Reading :

- Santos, Álvaro. "International Investment Law in the Shadow of Populism: Between Redomestication and Liberalism Re-Embedded." *Politics and Governance* 11, no. 2 (2023): 203–13.
- Desautels-Stein, Justin. "The Market as a Legal Concept." *Buffalo Law Review* 60 (2012): 387–492.

Class 8: 23 November 2026: Re-imagining Borders

Required Reading:

- Achiume, E. Tendayi. "Migration as Decolonization." *Stanford Law Review* 71, no. 6 (2019): 1509–74. Available [here](#)
- Mégret, Frédéric, and Moushita Dutta. "Transnational Discrimination: The Case of Casteism and the Indian Diaspora." *Transnational Legal Theory* 13, no. 4 (2022): 391–430. Available [here](#)
- Otto, Dianne. "Resisting the Heteronormative Imaginary of the Nation-State: Rethinking Kinship and Border Protection." In *Queering International Law: Possibilities, Alliances, Complicities, Risks*, edited by Dianne Otto, 236–57: Routledge, 2017. Available [here](#).

Optional Reading

- Soomro, Anam. "People, Paper and Power: The Birth of the Passport in International Law." *Asian Journal of International Law*, 2023, 1–28.
- Gonzalez, Carmen. "Climate Change, Race and Migration." *Journal of Law and Political Economy* 1, no. 1 (2020): 109–46.

- Van Den Meerssche, Dimitri. "Virtual Borders: International Law and the Elusive Inequalities of Algorithmic Association." *European Journal of International Law* 33, no. 1 (2022): 171-204. Available [here](#).

Class 9: 30 November 2026: Re-imagining Reparations

Required Reading

- Arcuri, Alessandra. "On How the ECT Fuels the Fossil Fuel Economy: Rockhopper v Italy as a Case Study." *Europe and the World* 7, no. 1 (2023): 1-20. Available [here](#).
- Nesiah, Vasuki. "A Double Take on Debt: Reparations Claims and Regimes of Visibility in Politics of Refusal Special Issue: Visualizing Law and Development." *Osgoode Hall Law Journal* 59, no. 1 (2022): 153-88. Available [here](#).
- Riley Case, Sarah. "Looking to the Horizon: The Meanings of Reparations for Unbearable Crises." *AJIL Unbound* 117 (2023): 49-54. Available [here](#).

Optional Reading:

- Tladi, Dire. "Jus Cogens and Reparations: Can We Just End the Separation?". *American Journal of International Law* 119, no. 3 (2025): 530-49.
- Anghie, Antony. "The Injustices of Reparations." *American Journal of International Law* 119, no. 3 (2025): 423-51.

Class 10: 7 December 2026: Re-imagining the Law School

Required Reading:

- Kennedy, Duncan. "Legal Education and the Reproduction of Hierarchy." *Journal of Legal Education* 32, no. 4 (1982): 591-615. Available [here](#)
- Burgis-Kasthala, Michelle, and Christine Schwobel-Patel. "Against Coloniality in the International Law Curriculum: Examining Decoloniality." *The Law Teacher* 56, no. 4 (2022): 485-506. Available [here](#)
- Kulamadayil, Lys. "Ableism in the College of International Lawyers: On Disabling Differences in the Professional Field." *Leiden Journal of International Law* 36, no. 3 (2023): 549-63. Available [here](#).

Optional Reading:

- Farooqi, Irfanullah. "Re-Envisioning Academic Freedom: Reflections of an Early Career Professional." In *The Idea of a University*, edited by Apoorvanand, 242-52. Chennai: Westland Publications, 2018.
- Luíza Leão Soares Pereira, Fabio Costa Morosini, Textbooks as Markers and Makers of International Law: A Brazilian Case Study, *European Journal of International Law*, 2024;, chae007. Available [here](#)
- Tzouvala, Ntina. "The Future of Feminist International Legal Scholarship in a Neoliberal University: Doing Law Differently?". In *Research Handbook on Feminist Engagement with International Law*, edited by Susan Harris Rimmer and Kate Ogg, 269-85 Edward Elgar Publishing, 2019. Available [here](#)

Exam: 14 December 2026