

# INTERNATIONAL LAW AND POLITICAL SCIENCE: A RETELLING

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## I. INTRODUCTION

International law and political science are deeply intertwined disciplines. At its core, international law studies the norms and institutions that form the international order. Political science—especially the sub-field of international relations—studies the behavior of various stakeholders in relation to those norms and institutions.<sup>1</sup> Both perspectives are essential for making sense of conflict, cooperation, compliance, governance, changes in the law, and much more. Yet international lawyers and political scientists have long struggled to define the relationship between the fields and realize the full potential of their synergies.

There were times in which the two disciplines were siloed within the academy, prompting high-profile calls—spearheaded by dually trained scholars—to break down the silos.<sup>2</sup> These calls obscured the fact that interdisciplinary international law and political science scholarship had long hidden in plain sight. Legal scholars routinely drew on political

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1. See Mark A. Pollack, *Political Science and International Adjudication*, in THE OXFORD HANDBOOK OF INTERNATIONAL ADJUDICATION 357, 358 (Cesare Romano et al. eds., 2013) (distinguishing “between law and political science as disciplines, with the former taking a largely—but not exclusively—doctrinal and ‘internalist’ approach to international law, while the latter generally adopts a positivist and ‘externalist’ approach.”).

2. See *infra* Part II.

science to study the law, and political scientists took interest in legal phenomena without the bells and whistles of high-profile efforts to focus attention on interdisciplinary scholarship.

This Essay traces the trajectory of interdisciplinary scholarship in international law and political science over time. Contrary to common perception, early U.S. international relations theorists from the realist school, like Hans Morgenthau, were preoccupied with the relationship between law and power.<sup>3</sup> Influential international law schools of thought, particularly the New Haven School, likewise focused on the interplay between power, politics, and law.<sup>4</sup> But it was not until the end of the Cold War that full-throated calls for better integration of international law and political science gained prominence within the international law community.

Over three decades ago, Kenneth Abbott called on international lawyers to study regime theory, now known as institutionalism.<sup>5</sup> Anne-Marie Slaughter developed an ambitious prospectus for scholarship at the intersection of international law and international relations.<sup>6</sup> Periodic reviews of the state of the emerging field of international law and international relations scholarship like this one began to appear with some regularity.<sup>7</sup>

These calls and subsequent work, however, largely focused on theory. I show that a newer, third generation of interdisciplinary scholarship has turned to sophisticated empirical analysis of relatively narrow questions with clear policy implications. That strand of scholarship gradually moved away from abstract debates among adherents of the three “isms”—realism, liberalism, and constructivism—the big paradigms that long reigned supreme in international relations theory. But it had its own shortcomings.

This third generation of interdisciplinary empirical scholarship has produced valuable insights on questions as diverse as what explains compliance with international norms and agreements?<sup>8</sup> What strategies

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3. See generally Carmen Chas, *Hans J. Morgenthau's Critique of Legal Positivism: Politics, Justice, and Ethics in International Law*, 5 JUS COGENS 59 (2023).

4. See *infra* Part II.

5. *Id.*

6. *Id.*

7. *Id.*

8. See, e.g., BETH A. SIMMONS, *MOBILIZING FOR HUMAN RIGHTS: INTERNATIONAL LAW IN DOMESTIC POLITICS* (Cambridge Univ. Press 2009); Rachel Brewster & Adam Chilton, *Supplying Compliance: Why and When the United States Complies with WTO Rulings*, 39 YALE J. INT'L L. 201 (2014); Joseph M. Grieco et al., *When Preferences and Commitments Collide: The Effect of Relative Partisan Shifts on International Treaty Compliance*, 63 INT'L ORG. 341 (2009); Emilie M. Hafner-Burton et al., *International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties*, 23 INT'L SOCIOLOGY 115

work best for engaging local communities in conflict areas?<sup>9</sup> Does international law reduce violence during conflict?<sup>10</sup> How to increase access to information about legal rights in refugee communities?<sup>11</sup> What specifically raises the likelihood of successful international cooperation?<sup>12</sup> How should the United States approach the International Criminal Court?<sup>13</sup> And many, many more questions. Yet, as work on the political science side became more empirically sophisticated and increasingly specialized, a new methodological barrier has formed that once again made it difficult for many legal scholars untrained in advanced empirical methods to communicate across disciplinary lines.<sup>14</sup> And political science's increasing preoccupation with empirical questions did not align well with many legal scholars' enduring focus on doctrine and big-picture normative questions about the nature, role, and legitimacy of law as an ordering element of international relations.<sup>15</sup>

Despite its promise, then, the place of international law and political science scholarship within the legal academy today is still uncertain. Political science has long been ingrained in international law scholarship in subtle ways, but the prominence of interdisciplinary work in international law and political science has fluctuated. As interest among international law scholars in how law operates on the ground, the political economy of law, and the implications of global power dynamics grows, so too does the incentive to look to disciplines that have similarly grappled with these problems. A cursory look at recent

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(2008); Xinyuan Dai, *Why Comply? The Domestic Constituency Mechanism*, 59 INT'L ORG. 363 (2005); Jana von Stein, *Do Treaties Constrain or Screen? Selection Bias and Treaty Compliance*, 99 AM. POL. SCI. REV. 611 (2005); Kal Raustiala & Anne-Marie Slaughter, *International Law, International Relations and Compliance*, in HANDBOOK OF INTERNATIONAL RELATIONS 538 (Walter Carlsnaes et al. eds., 2002); Oona Hathaway, *Do Human Rights Treaties Make A Difference?*, 111 YALE L. J. 1935 (2002).

9. See, e.g., Jason Lyall et al., *Explaining Support for Combatants during Wartime: A Survey Experiment in Afghanistan*, 107 AM. POL. SCI. REV. 679 (2013).

10. See, e.g., JESSICA A. STANTON, *VIOLENCE AND RESTRAINT IN CIVIL WAR: CIVILIAN TARGETING IN THE SHADOW OF INTERNATIONAL LAW* (Cambridge Univ. Press 2016); Benjamin A. Valentino et al., *Covenants Without the Sword: International Law and the Protection of Civilians in Times of War*, 58 WORLD POL. 339 (2006).

11. See Melissa Carlson et al., *Rumors and Refugees: How Government-Created Information Vacuums Undermine Effective Crisis Management*, 62 INT'L STUD. Q. 671 (2018).

12. See, e.g., Emilie Hafner-Burton et al., *Decision Maker Preferences for International Legal Cooperation*, 68 INT'L ORG. 845 (2014); Richard A. Nielsen & Beth A. Simmons, *Rewards for Ratification: Payoffs for Participating in the International Human Rights Regime?*, 59 INT'L STUD. Q. 197 (2015).

13. See, e.g., Daniel Krmaric, *Does the International Criminal Court Target the American Military?*, 117 AM. POL. SCI. REV. 325 (2023).

14. See *infra* Part IV.

15. *Id.*

international law scholarship reveals a wealth of fundamentally interdisciplinary projects, even if they do not declare themselves as such.<sup>16</sup>

At the same time, there is still a methodological chasm between the fields that hinders collaboration. I assess the reasons for this predicament. I then consider strategies for making the most recent generation of empirical political science scholarship more prominent and accessible within mainstream legal scholarship, not just among a select group of scholars with a political science orientation and empirical methods literacy. Insights from this strand of interdisciplinary scholarship can advance traditional legal scholarship, pave new paths for exploration, and increase the methodological rigor of international law scholarship.

This Essay tells the story of international law and political science scholarship in three parts, focusing on the post-Cold War era. Part II shows that like any other burgeoning relationship, the post-Cold War dynamic between political scientists and international lawyers was akin to a courtship. Although the interdisciplinary lines had already been quite blurred, the two disciplines were formally introducing themselves to one another and sharing their main assumptions and approaches to subjects of mutual interest to explore avenues for collaboration.

As the international landscape changed at the turn of the twenty-first century, so too did international law and political science scholarship. Part III argues that international law and political science scholarship entered a honeymoon phase of more mature and deliberate exchanges of insights across disciplinary lines. Those exchanges were still largely confined to the realm of theory in the shadow of international relations' major intellectual paradigms. Part IV turns to the third era, which marked a distinctive empirical turn and an increasingly specialized

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16. For recent examples of interdisciplinary scholarship that does not declare itself as such, see, e.g., Monica Hakimi, *The Jus ad Bellum's Regulatory Form*, 112 AM. J. INT'L L. 151 (2018) (bringing insights from state and international institutions' behavior to illuminate mechanisms of informal regulation of use of force); Curtis A. Bradley et al., *The Rise of Nonbinding International Agreements: An Empirical, Comparative, and Normative Analysis*, 90 U. CHI. L. REV. 1281 (2023); J. Benton Heath, *Making Sense of Security*, 116 AM. J. INT'L L. 289 (2022); Samuel L. Aber, *Worldmaking at the End of History: The Gulf Crisis of 1990-91 and International Law*, 117 AM. J. INT'L L. 201 (2023); Frederick R. Chen & Jian Xu, *Partners with Benefits: When Multinational Corporations Succeed in Authoritarian Courts*, 77 INT'L ORG. 144 (2023); Eddy S.F. Yeung & Kai Quek, *Relative Gains in the Shadow of a Trade War*, 76 INT'L ORG. 741 (2022); Haillie Na-Kyung Lee & Yu-Ming Liou, *Where You Work Is Where You Stand: A Firm-Based Framework for Understanding Trade Opinion*, 76 INT'L ORG. 713 (2022); Johan Horst, *Inequality, Law and Distribution in Transnational Financial Markets*, 33 EUR. J. INT'L L. 97 (2022); Laurence R. Helfer & Erik Voeten, *Walking Back Human Rights in Europe?*, 31 EUR. J. INT'L L. 797 (2020); E. Tendayi Achiume & Asli Bâli, *Race and Empire: Legal Theory within, through and across National Borders*, 67 UCLA L. REV. 1386 (2021); Tom Ginsburg, *Authoritarian International Law?*, 114 AM. J. INT'L L. 221 (2020).

focus. Part V assesses the space that international law and political science scholarship occupies in mainstream legal scholarship today and explores pathways for better integration in the future.

## II. THE FORMAL IL-IR COURTSHIP

Political science and international law needed no introduction by the time the Cold War ended. As early as the 1930s, Hans Morgenthau, one of the deans of the realist school of American political science and a jurist by training and profession, devoted a great deal of his scholarship to the relationship between law and power.<sup>17</sup> Realist theorists are often associated with a disdain for law. Many influential scholars and writers in that tradition reject the notion that law can or should be a meaningful driver or constraint on politics.<sup>18</sup> The conventional wisdom maintains that realists view law as epiphenomenal to international relations, which they argue are fundamentally motivated by self-interest and power distribution in the anarchic international system.<sup>19</sup> As Stephen Krasner observed, “[f]or many years most political scientists who studied international politics regarded international law as an oxymoron.”<sup>20</sup>

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17. See Chas, *supra* note 3; HANS J. MORGENTHAU, LA NOTION DU “POLITIQUE” ET LA THÉORIE DES DIFFÉRENDS INTERNATIONAUX (1933); HANS J. MORGENTHAU, LA RÉALITÉ DES NORMES, EN PARTICULIER DES NORMES DU DROIT INTERNATIONAL, FONDEMENTS D’UNE THÉORIE DES NORMES (Librairie Félix Alcan, 1934); Hans J. Morgenthau, *Théorie des Sanctions Internationales*, 16 *Revue De Droit International Et De Législation Compare* 474 (1935); Hans J. Morgenthau, *Positivism mal Compris et Théorie Réaliste du droit International*, COLECCIÓN DE ESTUDIOS HISTÓRICOS, JURÍDICOS, PEDAGÓGICOS Y LITERARIOS, OFRECIDAS A D. RAFAEL ALTAMIRA Y CREVEA 1 (1936); Hans J. Morgenthau, *The Evil of Politics and the Ethics of Evil*, 56 *ETHICS* 1 (1945); Hans J. Morgenthau, *The Escape from Power*, in *THE DECLINE OF DEMOCRATIC POLITICS* 311 (Hans J. Morgenthau ed. 1962); HANS J. MORGENTHAU, TRUTH AND POWER: ESSAYS OF A DECADE, 1960-70 (1970); Hans J. Morgenthau, *Justice and Power*, 41 *SOC. RSCH.* 163 (1974).

18. See, e.g., KENNETH WALTZ, *THEORY OF INTERNATIONAL POLITICS* (1979); Gordon A. Christenson, *Kennan and Human Rights*, 8 *HUM. RTS. Q.* 345 (1986) (discussing realist scholar and diplomat George Kennan’s “assault against dangers from what he saw as the ‘legalistic-moralistic’ approach to the United States foreign policy”); John J. Mearsheimer, *The False Promise of International Institutions*, 19 *INT’L SEC.* 5, 7 (1994) (“institutions have minimal influence on state behavior”). See also *infra* note 19.

19. See, e.g., Stephen D. Krasner, *Realist Views of International Law*, 96 *AM. SOC’Y INT’L L. PROC.* 265, 265 (2002) (“The realist view of international law differs from that of both international lawyers and liberal institutionalists. For realists, the defining characteristic of the international system is anarchy, and the most important empirical reality is that of national power[.]”); see generally William C. Wohlforth, *Realism*, in *THE OXFORD HANDBOOK OF INT’L RELATIONS* 131 (2009).

20. Krasner, *supra* note 19, at 265.

Yet, despite this perceived contempt toward law, realism has long engaged with it. In Richard Steinberg's words, "[m]any international law articles perpetuate a common misperception that realism is a monolithic approach that denies any role for law."<sup>21</sup> Steinberg calls those claims "[a] straw-man['s] version of realism."<sup>22</sup> Works like Morgenthau's, as well as later writings that seriously contemplate the impact of legal and ethical constraints on international politics, illustrate that law was far from absent or meaningless even in the early incarnation of the realist intellectual project.<sup>23</sup>

If the realist project was in some versions dismissive of law, the English School of international relations embraced it. What unified scholars associated with this approach, which emerged shortly after the conclusion of World War II, was the idea that "the practice of states is shaped by international norms, regulated by international institutions, and guided by moral purposes[.]"<sup>24</sup> At the core of the English school is the concept of an international society. The international system does not merely consist of a self-interested group of states. It also consists of common rules and institutions that states have developed through dialogue to govern the conduct of international relations. States share a common interest in maintaining those rules and institutions.<sup>25</sup> The English School was thus saturated with ideas about law and norms.

Within the legal academy, certain international law traditions that rejected legal formalism and positivism in favor of a more policy-oriented approach similarly trace their roots to much earlier times than the end of the Cold War. The origins of the influential New Haven School trace to the beginning of the twentieth-century.<sup>26</sup> Prominent scholars like Myers McDougal, Harold Lasswell, and W. Michael Reisman authored key works in this tradition throughout the Cold

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21. See Richard H. Steinberg, *Overview: Realism in International Law*, 96 PROC. ANN. MEETING AM. SOC'Y INT'L L. 260, 261 (Mar. 15, 2002).

22. See *id.*

23. See *id.*

24. Tim Dunne, *The English School*, in THE OXFORD HANDBOOK OF POLITICAL SCIENCE 730, 731 (Robert E. Goodin ed., 2009).

25. See Hedley Bull & Adam Watson, *Introduction*, in THE EXPANSION OF INTERNATIONAL SOCIETY 1 (1984).

26. See Harold Hongju Koh, *Is There a "New" New Haven School of International Law?*, 32 YALE J. INT'L L. 559, 559-60 (2007); see also Laura A. Dickinson, *Toward a "New" New Haven School of International Law?*, 32 YALE J. INT'L L. 547, 547 (2007); Andrea Bianchi, *The New Haven School*, in INTERNATIONAL LAW THEORIES: AN INQUIRY INTO DIFFERENT WAYS OF THINKING 91 (Oxford Univ. Press ed., 2016).

War.<sup>27</sup> A strong motivation of the New Haven project was to resist realism's chokehold on the study of international relations during the Cold War and its attack on law.<sup>28</sup>

Although the New Haven School and its progeny consist of an intellectually diverse group of scholars with varying commitments, its adherents generally conceive of law as fundamentally a decision-making process, not a preordained set of rules to be applied.<sup>29</sup> Law is embedded in society. And the legal process aims to promote social values derived from human dignity and public order.<sup>30</sup> The New Haven School studies policy and politics as both drivers and products of law. Related scholarship is laden with concepts grounded in the social sciences, and particularly political science.<sup>31</sup>

These earlier interdisciplinary exchanges were organic and decentralized. Some began when there was not much of a political science academic field to speak of in the United States.<sup>32</sup> Those exchanges revolved around substance, not so much the methodological need for a better marriage between the study of law and political science as such.

This began to change after the end of the Cold War. A new effort to formally introduce the disciplines to one another gained traction among scholars from both disciplines. Those who led the effort had a strong footing in both. Early calls urging international lawyers to look to political science and specifically international relations appeared in the late 1980s. In a 1989 article, Kenneth Abbott invited scholars to work toward the creation of a joint international law-international relations (IL-IR) discipline that would build on the multiple ways in which the fields intersect.<sup>33</sup>

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27. See Bianchi, *supra* note 26. For some of the major works in this scholarly tradition, see INTERNATIONAL LAW IN CONTEMPORARY PERSPECTIVE: THE PUBLIC ORDER OF THE WORLD COMMUNITY (Myres S. McDougal & W. Michael Riesman eds., 1981); W. MICHAEL RIESMAN & BURNS H. WESTON, TOWARD WORLD ORDER AND HUMAN DIGNITY (1976); W. Michael Reisman, *The Democratization of Contemporary International Law-Making Processes and the Differentiation of Their Application*, in DEVELOPMENTS OF INTERNATIONAL LAW IN TREATY MAKING 15 (Rudiger Wolfrum & Volker Rothen eds., 2005); Myres S. McDougal & W. Michael Reisman, *The Prescribing Function in World Constitutive Process: How International Law Is Made*, in YALE STUDIES IN WORLD PUBLIC ORDER 6.2, 249 (1980); Myres S. McDougal & W. Michael Riesman, *The Changing Structure of International Law: Unchanging Theory for Inquiry*, 65 COLUM. L. REV. 810 (1965).

28. See Dickinson, *supra* note 26, at 551.

29. See Bianchi, *supra* note 26, at 94.

30. See *id.* at 95.

31. *Id.*

32. See, e.g., David Easton, *Political Science in the United States, Past and Present*, 6 INT'L POL. SCI. REV. 133, 134-37 (1985).

33. Kenneth W. Abbott, *Modern International Relations Theory: A Prospectus for International Lawyers*, 14 YALE J. INT'L L. 335 (1989).



At the time, what Abbot had in mind in speaking of international relations theory was a common schematic categorization of the main traditions in that field on the question of what best explains interstate dynamics. Realism analyzed relations among states in an anarchic international system through the prism of hard power and self-help.<sup>34</sup> Liberal theories look inside the black box of the state and consider how domestic groups and regime types shape state behavior.<sup>35</sup> A distinct but related strand of theory highlighted the role of international institutions in explaining international cooperation and peace.<sup>36</sup> Unlike these ultimately rationalist theoretical traditions, a third family of theories under the banner of constructivism rejected the idea that states and other international actors have objectively pre-determined interests that they advance through various strategies.<sup>37</sup> Rather, states operate in a shared social context and under a set of dynamic norms that construct their interests and identities through constant discourse.<sup>38</sup>

Scholars heeded Abbott's call. Several years later, Anne-Marie Slaughter—dually trained in law and international relations—charted out an ambitious agenda for interdisciplinary IL-IR scholarship.<sup>39</sup> She attributed what she described as the scarcity of such scholarship at the time to international law's prolonged existential struggles against criticism that denied its existence as a meaningful field in the law.<sup>40</sup> Slaughter argued that international law had extricated itself from that "existential limbo" by the early 1990s, but not without cost.<sup>41</sup> "A particular casualty," she maintained, "was the opportunities and prospects for sustained interdisciplinary collaboration with international relations scholars in political science."<sup>42</sup>

According to Slaughter, the prolonged dominance in international relations studies of realists like Morgenthau, George Kennan, and Kenneth Waltz exacerbated the sidelining of international law in political

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34. See Anne-Marie Slaughter-Burley, *International Law and International Relations Theory: A Dual Agenda*, 87 AM. J. INT'L L. 205, 217 (1993).

35. *Id.* at 207.

36. *Id.* at 217-19; see also ROBERT KEOHANE, *AFTER HEGEMONY* (1984).

37. Slaughter-Burley, *supra* note 34, at 222; see also Alexander Wendt, *Anarchy is What States Make of It*, 46 INT'L ORG. 391 (1992).

38. For an introduction to international relations theory and its three main strands, see, e.g., Beth Simmons, *International Law and International Relations*, in *THE OXFORD HANDBOOK OF LAW AND POLITICS* 187 (Gregory A. Caldeira et al. eds., 2008).

39. See generally Slaughter-Burley, *supra* note 34.

40. See *id.* at 205.

41. *Id.*

42. *Id.*



science.<sup>43</sup> Slaughter articulated the common but imprecise view that realists perceive international law as a veneer for state interests.<sup>44</sup> As the Cold War gave way to a new era, realists were no longer as dominant, and the ascent of liberalism and institutionalism created more space for integration with legal scholarship.<sup>45</sup>

Slaughter argued that if international relations theory is valuable for explaining how international actors behave, international law should use its observations as the basis for regulating state and individual behavior.<sup>46</sup> For instance, if international relations theory prescribes that great power dominance is the best way to maintain international peace, it makes sense for international law to confer special privileges on great powers. Conversely, if law does in fact shape the behavior of actors in the international system, political scientists should take note and incorporate ideas about the function of law into their theories. Slaughter viewed institutionalism and liberalism as the best candidates for building interdisciplinary bridges.<sup>47</sup> Law and institutionalism alike focus on institutional design. And both law and internationalist liberalism tackle questions of domestic governance mechanisms and how they interact with liberal values.

By the end of the twentieth century, leading advocates of interdisciplinarity proclaimed that international relations theory within political science “animated some of the most exciting scholarship in international law” in the preceding decade.<sup>48</sup> Legal scholarship increasingly cited influential international relations works. International law’s most prestigious fora, like the American Society of International Law (ASIL) and the Hague Academy, began to recognize interdisciplinary scholarship and build educational programs to advance it.<sup>49</sup> In parallel, scholars asserted that the “I word” was no longer taboo in the international relations field.<sup>50</sup> One key milestone in the loosening of disciplinary boundaries was the invitation of prominent institutionalist scholar

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43. *See id.* at 206.

44. *See* sources cited *supra* note 18.

45. Slaughter-Burley, *supra* note 34, at 206-07.

46. *See id.* at 205.

47. *See id.* at 205-07.

48. Kenneth W. Abbott, *International Relations Theory, International Law, and the Regime Governing Atrocities in Internal Conflicts*, 93 AM. J. INT’L L. 361, 361 (1999); *See also* Peter J. Katzenstein et al., *International Organization and the Study of World Politics*, 52 INT’L ORG. 645 (1998).

49. *See, e.g.,* Anne-Marie Slaughter et al., *International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship*, 92 AM. J. INT’L L. 367 (1998).

50. *Id.* at 367.

Robert Keohane to give the 1996 Yale Law School Sherrill lecture on the topic of international law and international relations.<sup>51</sup>

Yet, the burgeoning IL-IR field remained stuck in a courtship phase. Scholars spoke of the need for interdisciplinarity. They periodically surveyed advances in that direction. They engaged in translation and presentation of each discipline's traditions, paradigms, and principles to scholars on the other side. But the time was ripe for moving beyond this courtship phase and instead looking to the concrete ways in which concepts, methods, and scholarly agendas were percolating across disciplinary lines.

Slaughter, Andrew Tulumello, and Stepan Wood identified three ways in which international lawyers had been drawing on international relations scholarship: "to diagnose substantive problems and frame better legal solutions; to explain the structure or function of particular international legal rules or institutions; and to reconceptualize or reframe particular institutions or international law generally."<sup>52</sup> They listed approximately 100 interdisciplinary IL-IR articles and books published between 1990–1998, including studies that have become canonical in the international law literature and form the theoretical heart of the international legal process school.<sup>53</sup>

Slaughter, Tulumello, and Wood not only cataloged the then-existing usages of international relations theory in international law scholarship. Hoping to nudge international law and international relations into a deeper relationship, they also charted a research agenda of themes in which interdisciplinary scholarship would be particularly generative. Regime design scholarship would ask what specific design features best address and respond to particular sets of international law problems. Process design scholars would examine how governments structure the process of negotiating new international instruments. Scholars of norms and social practices would explore how international norms and structures are constituted. Scholars of the foundations of the international system would look into how that system came to be, what assumptions undergird its structures, how it creates path dependencies and perpetuates power, and what the conditions for change are. Scholars of government networks would study a form of international

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51. See Robert O. Keohane, *International Relations and International Law: Two Optics*, 38 HARV. INT'L L. J. 487 (1997).

52. Slaughter et al., *supra* note 49, at 369.

53. See, e.g., ABRAM CHAYES & ANTONIA HANDLER CHAYES, *THE NEW SOVEREIGNTY* (Harvard Univ. Press 1995); Thomas M. Franck, *The Emerging Right to Democratic Governance*, 86 AM. J. INT'L L. 46 (1992); Harold Hongju Koh, *Why Do Nations Obey International Law?*, 106 YALE L. J. 2599 (1997); Martti Koskeniemi, *The Politics of International Law*, 1 EUR. J. INT'L L. 4 (1990).

cooperation and socialization that centers on sub-units of the state. And a final line of investigation would focus on strengthening the links between international institutions and domestic societies.<sup>54</sup> This was a call for action rather than a mature scholarly agenda.

### III. THE HONEYMOON PHASE

At the turn of the twenty-first century, preoccupation with calls for the creation of an IL-IR discipline and ontological debate about its contours, purpose, and potential contribution indeed gave way to more concrete scholarship and research initiatives. In 2001, the most prestigious international relations academic publication, *International Organization*, dedicated a special issue to “Legalization and World Politics.”<sup>55</sup> Co-edited by political scientists Judith Goldstein, Miles Kahler, and Robert Keohane, as well as Slaughter, the publication considered the concept of legalization in international relations, hard and soft law in international governance, alternatives to legalization, law in international dispute resolution, law and economic integration, as well as legalization in specific areas of international relations such as trade, monetary affairs, and human rights.

The contents of this special issue reflected a deeper shift in the trajectory of interdisciplinary scholarship. It became increasingly clear that the unipolar moment of post-Cold War U.S. dominance would not last. The international distribution of power was shifting and splintering. Institutionalist international relations theories that were in their infancy during the IL-IR courtship phase grew more complex as post-war institutions got reinvigorated, major new ones like the WTO and the ICC were being created, and international institutions developed independent lawmaking powers. A regime complexity theory seeking to make sense of the growing density of international institutions emerged.<sup>56</sup> It was no coincidence that one of the leading voices calling for better interdisciplinary integration at the time was renowned institutionalist Keohane.<sup>57</sup>

At the same time, state-centric perspectives in both international law and international relations had to contend with the emergence of a new

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54. Slaughter et al., *supra* note 49, at 369.

55. Judith Goldstein et al., *Introduction: Legalization and World Politics*, 54 INT’L ORG. 385 (2000).

56. See, e.g., Karen J. Alter & Kal Raustiala, *The Rise of International Regime Complexity*, 14 ANN. REV. L. & SOC. SCI. 329 (2018); Ian Johnstone, *Law-Making by International Organizations: Perspectives from IL/IR Theory*, in INTERDISCIPLINARY PERSPECTIVES ON INTERNATIONAL LAW AND INTERNATIONAL RELATIONS: THE STATE OF THE ART 266 (Jeffrey L. Dunoff & Mark A. Pollack eds., 2013); Kal Raustiala, *Institutional Proliferation and the International Legal Order*, in INTERDISCIPLINARY PERSPECTIVES ON INTERNATIONAL LAW AND INTERNATIONAL RELATIONS: THE STATE OF THE ART 293 (Jeffrey L. Dunoff & Mark A. Pollack eds., 2013).

57. See, e.g., Keohane, *supra* note 51.

category of actors on the international plane: individuals and private groups. This occurred in contexts as diverse as international criminal law, international adjudication, the laws of war and the “war on terror,” internet governance, human rights, environmental law and much more.<sup>58</sup>

Those who study the international system on both the law and the international relations side had to adjust to the new international landscape. As a result, IL-IR Scholarship matured. It grew more sophisticated and specialized,<sup>59</sup> with distinctive lines of interdisciplinary research emerging across the modern international law curriculum in human rights,<sup>60</sup> environmental law,<sup>61</sup> trade,<sup>62</sup> war,<sup>63</sup> and international criminal law.<sup>64</sup> On the theory front, scholars broke new ground in the study of international lawmaking and the different state actors, international institutions, networks, and private actors that participate in this process; the interpretation and application of international law; and international law compliance, enforcement, and effectiveness.<sup>65</sup>

Oona Hathaway and Harold Koh observed in a 2012 textbook about the foundations of international law and politics that whereas “[u]ntil

58. See, e.g., Elena Chachko, *National Security by Platform*, 25 STAN. TECH. L. REV. 55 (2021); Elena Chachko, *Administrative National Security*, 108 GEO. L.J. 1063 (2020); Gabriella Blum, *The Individualization of War: From War to Policing in the Regulation of Armed Conflicts*, in LAW AND WAR 48 (Austin Sarat et al. eds., 2014); Jay Butler, *The Corporate Keepers of International Law*, 114 AM. J. INT’L L. 189, 199 (2020); John H. Knox, *Horizontal Human Rights Law*, 102 AM. J. INT’L L. 1 (2008); See generally KATE PARLETT, *THE INDIVIDUAL IN THE INTERNATIONAL LEGAL SYSTEM: CONTINUITY AND CHANGE IN INTERNATIONAL LAW* (2011).

59. See Anne-Marie Slaughter, *International Law and International Relations Theory: Twenty Years Later*, in INTERDISCIPLINARY PERSPECTIVES ON INTERNATIONAL LAW AND INTERNATIONAL RELATIONS: THE STATE OF THE ART 613, 614 (Jeffrey L. Dunoff & Mark A. Pollack eds., 2013).

60. See SIMMONS, *supra* note 8; Hathaway, *supra* note 8; MARGARET E. KECK & KATHRYN SIKKINK, *ACTIVISTS BEYOND BORDERS: ADVOCACY NETWORKS IN INTERNATIONAL POLITICS* (Cornell Univ. Press 1998); Andrew Moravcsik, *The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe*, 54 INT’L ORG. 217 (2000); Oona Hathaway, *The Promise and Limits of the International Law of Torture*, in TORTURE: A COLLECTION 199 (Sanford Levinson ed., 2004).

61. See, e.g., Daniel Bodansky, *The Legitimacy of International Governance: A Coming Challenge for International Environmental Law?*, 93 AM. J. INT’L L. 596 (1999).

62. See, e.g., Warren F. Schwartz & Alan O. Sykes, *The Economic Structure of Renegotiation and Dispute Resolution in the World Trade Organization*, 31 J. LEGAL STUD. 179 (2002); Joost Pauwelyn, *Enforcement and Countermeasures in the WTO: Rules are Rules—Toward a More Collective Approach*, 94 AM. J. INT’L L. 335 (2000).

63. See, e.g., Harold Hongju Koh, *On American Exceptionalism*, 55 STAN. L. REV. 1479 (2003); Thomas M. Franck, *What Happens Now? The United Nations After Iraq*, 97 AM. J. OF INT’L L. 607 (2003).

64. See, e.g., Payam Akhavan, *Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?*, 95 AM. J. OF INT’L L. 7 (2001).

65. These themes are represented in a 2013 collection of essays on the state of IL-IR scholarship. See INTERDISCIPLINARY PERSPECTIVES ON INTERNATIONAL LAW AND INTERNATIONAL RELATIONS: THE STATE OF THE ART (Jeffrey L. Dunoff & Mark A. Pollack eds., 2013).

recently, international law and international politics have been two disciplines divided by a common subject matter” and “[s]cholarship in the two disciplines proceeded on separate tracks[,]” “[i]n recent years, the chasm between these disciplines has narrowed as international law and international relations theorists have finally begun to share insights.”<sup>66</sup>

Furthermore, IL-IR scholarship during this period was no longer so tightly tethered to IR’s dated “big traditions” and the field’s tendency to pit them against one another in a constant struggle over which tradition is “correct.” All traditions continued to inform interdisciplinary work. Scholars were encouraged to approach IR theories as a toolkit of potential explanations for legal phenomena rather than committing to a single tradition.<sup>67</sup> For instance, in theorizing the growth of international organizations’ lawmaking power, Ian Johnstone considered the explanatory force of rational choice, constructivism, and discourse theory as alternative lenses on the problem.<sup>68</sup>

In other words, IL-IR scholarship in the honeymoon phase was moving toward normalization as an integral part of mainstream scholarship in the respective disciplines. So much so that Slaughter expressed hope in a 2013 edited volume collecting two dozen interdisciplinary chapters across subject matter areas that in the future “it will no longer be necessary to take stock of IL/IR scholarship as a particular strand of work in both disciplines[,]” because interdisciplinary scholarship would “become an integral part of all efforts both to understand the world and to make it a better place.”<sup>69</sup> IR’s task was the former. Law’s task was mainly the latter. Alas, a decade later, this Essay is evidence that such stock taking is still very much needed.

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66. OONA A. HATHAWAY & HAROLD HONGJU KOH, *FOUNDATIONS OF INTERNATIONAL LAW AND POLITICS*, v (2012).

67. See Jeffrey L. Dunoff & Mark A. Pollack, *Reviewing Two Decades of IL/IR Scholarship: What We’ve Learned, What’s Next*, in *INTERDISCIPLINARY PERSPECTIVES ON INTERNATIONAL LAW AND INTERNATIONAL RELATIONS: THE STATE OF THE ART 626, 626-27* (Jeffrey L. Dunoff & Mark A. Pollack eds., 2013). Some influential works, however, continued to follow traditional theoretical demarcation lines. See, e.g., ANDREW T. GUZMAN, *HOW INTERNATIONAL LAW WORKS: A RATIONAL CHOICE THEORY* (OXFORD UNIV. PRESS 2008) (a reputation-centered rationalist theory of international cooperation); JACK L. GOLDSMITH & ERIC A. POSNER, *THE LIMITS OF INTERNATIONAL LAW* (Oxford Univ. Press 2005) (a rationalist theory of customary international law); Barbara Koremenos et al., *The Rational Design of International Institutions*, 55 INT’L ORG. 761 (2001).

68. See Johnstone, *supra* note 56.

69. See Slaughter, *supra* note 59, at 625.

IV. THE EMPIRICAL TURN

The honeymoon phase scholarship was still largely theoretical. The latest incarnation of IL-IR scholarship, however, is distinctive in turning heavily to rigorous systematic empirical analysis, quantitative and qualitative, of increasingly narrow questions. Some of this may be attributed to a broader shift in political science toward quantitative scholarship, employing state-of-the-art research methods.<sup>70</sup> Another explanation could be an increase in law school hiring of political science PhDs, including international law scholars, which has encouraged collaboration, built networks across disciplines, and embedded tools and concepts from other disciplines within the legal academy.<sup>71</sup>

In 2012, Gregory Shaffer and Tom Ginsburg identified an “empirical turn” in international legal scholarship.<sup>72</sup> This observation covered international law scholarship across all social science fields, not just political science, but it applied to IL-IR scholarship as well. Emilie M. Hafner-Burton, David G. Victor, and Yonatan Lupu—political scientists who at the time led the Laboratory on International Law and Regulation at the University of California in San Diego—argued in the same issue of the *American Journal of International Law* that scholars in international law had been “gaining from the sophisticated methods for empirical research and for testing of hypotheses that have emerged from political science and other social sciences.”<sup>73</sup>

Both articles came on the heels of ASIL awarding its 2010 book prize to Beth Simmons’s celebrated empirical exploration of international human rights law.<sup>74</sup> That same year, ASIL’s Annual Meeting for the first time included a panel titled “Empirical Approaches to International Law” to assess this new direction in international legal scholarship.<sup>75</sup>

Shaffer and Ginsburg observed that the “empirical turn is not atheoretical, but it generally is not aimed at building grand metatheory. Instead, it focuses on midrange theorizing concerning the *conditions* under which international law is formed and those under which it has

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70. See, e.g., Gary King, *On Political Methodology*, 2 POL. ANALYSIS 1 (1990).

71. See *Lawsky Entry Level Hiring Report 2023*, PRAWFSBLAWG (May 15, 2023), <https://prawfsblawg.blogs.com/prawfsblawg/entry-level-hiring-report/>.

72. See generally Gregory Shaffer & Tom Ginsburg, *The Empirical Turn in International Legal Scholarship*, 106 AM. J. INT’L L. 1 (2012).

73. Emilie M. Hafner-Burton et al., *Political Science Research on International Law: The State of the Field*, 106 AM. J. INT’L L. 47, 49 (2012).

74. See SIMMONS, *supra* note 8.

75. See ASIL 104TH ANNUAL MEETING, INTERNATIONAL LAW IN A TIME OF CHANGE (2010), [https://www.asil.org/sites/default/files/ASIL\\_ANNUAL\\_MEETING\\_Program\\_2010.pdf](https://www.asil.org/sites/default/files/ASIL_ANNUAL_MEETING_Program_2010.pdf).



effects in different contexts, aiming to explain variation.”<sup>76</sup> “By building theory from empirical study,” they continued, “it involves . . . an ‘emergent analytics’—that is, analytics that oscillate between empirical findings, abstract theorizing, real-world testing, and back again.”<sup>77</sup>

In other words, this new line of interdisciplinary empirical scholarship was, in a sense, much more modest than what came before. It was not as concerned with the grand theories of international relations, and it was not animated by their assumptions and edicts. And, at least in the studies authored by political scientists rather than lawyers, normative work gave way to description and a focus on establishing causal relationships between legal variables and political behavior.

To cite only a fraction of the many available examples, this generation of empirical IL-IR research produced new insights about the development of customary international law,<sup>78</sup> the making and effectiveness of international agreements,<sup>79</sup> domestic incorporation of international law,<sup>80</sup> human rights,<sup>81</sup> international trade,<sup>82</sup> compliance with the laws of war,<sup>83</sup> international criminal law,<sup>84</sup> dispute resolution,<sup>85</sup> international

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76. Shaffer & Ginsburg, *supra* note 72, at 1 (emphasis in original).

77. *Id.*

78. See, e.g., Pierre-Hugues Verdier & Erik Voeten, *How Does Customary International Law Change? The Case of State Immunity*, 59 INT’L STUD. Q. 209 (2015).

79. See, e.g., Katerina Linos & Tom Pegram, *The Language of Compromise in International Agreements*, 70 INT’L ORG. 587 (2016); Hafner-Burton et al., *supra* note 12; Grieco et al., *supra* note 8.

80. Pierre-Hugues Verdier & Mila Versteeg, *International Law in National Legal Systems: An Empirical Investigation*, 109 AM. J. INT’L L. 514 (2015).

81. Nielsen & Simmons, *supra* note 12; Yonatan Lupu, *Best Evidence: The Role of Information in Domestic Judicial Enforcement of International Human Rights Agreements*, 67 INT’L ORG. 469 (2013); Daniel W. Hill Jr., *Estimating the Effects of Human Rights Treaties on State Behavior*, 72 J. POL. 1161 (2010); Hafner-Burton et al., *supra* note 8.

82. See, e.g., Michael M. Bechtel & Thomas Sattler, *What Is Litigation in the World Trade Organization Worth?*, 69 INT’L ORG. 375 (2015); Brewster & Chilton, *supra* note 8; Todd L. Allee & Jamie E. Scalera, *The Divergent Effects of Joining International Organizations: Trade Gains and the Rigors of WTO Accession*, 66 INT’L ORG. 243 (2012); Andrew K. Rose, *Do We Really Know That the WTO Increases Trade?*, 94 AM. ECON. REV. 98 (2004).

83. James D. Morrow, *When Do States Follow the Laws of War?*, 101 AM. POL. SCI. REV. 559 (2007).

84. Hyeran Jo & Beth A. Simmons, *Can the International Criminal Court Deter Atrocity*, 70 INT’L ORG. 443 (2016).

85. Paul K. Huth et al., *Does International Law Promote the Peaceful Settlement of International Disputes? Evidence from the Study of Territorial Conflicts Since 1945*, 105 AM. POL. SCI. REV. 415 (2011); Eric Voeten, *The Impartiality of International Judges: Evidence from the European Court of Human Rights*, 102 AM. POL. SCI. REV. 417 (2008).



law and social activism,<sup>86</sup> and international norms related to the fight against corruption.<sup>87</sup>

Another development during this stage in the life of the interdisciplinary relationship involved ambassadors of political science within the American international law academy working to increase the exposure of lawyers to social science research methods and encourage their use. Legal scholar and political scientist Adam Chilton and political scientist Dustin Tingley urged international law scholars to turn to experiments to overcome some of the unique methodological challenges that complicate observational quantitative studies of international law.<sup>88</sup> Legal scholar and political scientist Katerina Linos called on the legal academy to adopt qualitative social science research methods to improve research design, case study selection, and case analysis in international law scholarship.<sup>89</sup> These and other calls have yet to bring about a methodological reorientation of international law scholarship.

## V. THE PATH FORWARD

Political science and international law scholarship is now part and parcel of mainstream political science work. As the Appendix shows, in the last ten years, between 25-55% of the articles published annually in international relations' premier publication, *International Organization*, related to law or international legal institutions. All sixteen articles published in one 2021 issue—a special issue on challenges to the liberal international order—related to international law.<sup>90</sup> Other top political science publications not geared toward international relations, including the *American Political Science Review*, the *American Journal of Political Science*, and the *Journal of Politics*, also publish international law-related articles frequently.<sup>91</sup> Figure 1 shows the percentage of international law-related articles published each year between 2013-2023 by four of the top political science journals: *International Organization*, *Journal of*

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86. Emilie Hafner-Burton et al., *How Activists Perceive the Utility of International Law*, 78 J. POL. 167 (2015).

87. Michael G. Findley et al., *Causes of Noncompliance with International Law: A Field Experiment on Anonymous Incorporation*, 59 AM. J. POL. SCI. 146 (2015); Shima Baradaran et al., *Does International Law Matter?*, 97 MINN. L. REV. 743 (2013).

88. See Adam S. Chilton & Dustin Tingley, *Why the Study of International Law Needs Experiments*, 52 COLUM. J. TRANSNAT'L L. 173 (2013).

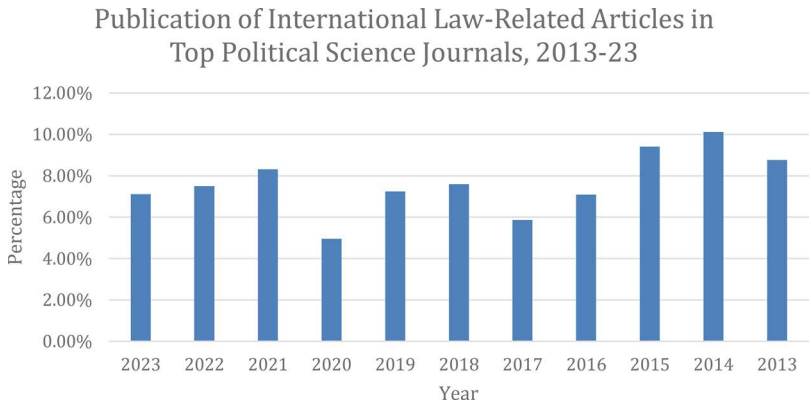
89. See generally Katerina Linos & Melissa Carlson, *Qualitative Methods for Law Review Writing*, 84 U. CHI. L. REV. 213 (2017); see also Katerina Linos, *How to Select and Develop International Law Case Studies: Lessons from Comparative Law and Comparative Politics*, 109 AM. J. INT'L L. 475 (2015).

90. 75(2) INT'L ORG. (2021).

91. See Figure 1.

*Politics*, *American Political Science Review*, and *American Journal of Political Science*. More detailed data for each journal appears in the Appendix.

FIGURE 1: \* Percentage of international law-related articles (broadly defined to include work on institutions) published in four top political science journals in the last ten years (2013-23). The journals are *International Organization*, *Journal of Politics*, *American Political Science Review*, and *American Journal of Political Science*. Roughly 5% to 10% of the articles published in those journals each year are related to international law. Data for each journal is included separately in the appendix.<sup>92</sup>



Nevertheless, the international law academy has been slow to seize on this work. The growing methodological sophistication and narrow orientation of much of the recent political science work on international law has created new obstacles to its full integration in mainstream international law scholarship. Most legal scholars and practitioners typically lack rigorous training in quantitative methods. As a result, they lack the tools to engage with work being done on the political science side of the divide, in which quantitative methods form a core aspect of the work. Law scholars who rose through traditional doctrinal law school programs may find this work inscrutable.

Adding to this fundamental methodological discrepancy, publication requirements and trends in leading political science journals create incentives to study micro-questions and research subjects that one can creatively measure in a manner that meets a certain statistical

92. This count is based on a broad definition of international law. It includes articles about international institutions, cooperation, and agreements as well as investment, trade, human rights, and immigration.

threshold of significance.<sup>93</sup> The questions amenable to this type of investigation are not necessarily the questions that lawyers generally take an interest in. They are different from the fundamental questions about the nature, function, and operation of international law that have long preoccupied legal scholars. International law scholarship is still heavily normative or doctrinal. Much of it still tends to focus on various aspects of the “big” questions about legality, legitimacy, power, governance, constraint, and rights, or what Hanoch Dagan and Roy Kreitner would describe as pure legal theory.<sup>94</sup>

For example, the latest issue (as of this writing) of the *American Journal of International Law* includes articles about property penalties as a human rights problem,<sup>95</sup> settling Russia’s imperial debt,<sup>96</sup> and “rendering whiteness visible.”<sup>97</sup> The picture in the student-edited international law journals is similar. The most recent vintage of published work includes an article on the privatization of human rights remedies,<sup>98</sup> state-academic lawmaking,<sup>99</sup> reasonableness in intelligence work,<sup>100</sup> the U.N. Convention on the Rights of Persons with Disabilities,<sup>101</sup> regulation of the foreign fighter phenomenon,<sup>102</sup> and a theory of international political normativity.<sup>103</sup> The divergence in scholarly interests and incentives between political science and international law as disciplines makes a large chunk of current political science work on international law less attractive for many scholars in the legal academy. The reverse is true as well.

A final point concerns the attractiveness of publication in law journals for political scientists. The golden standard for publications in the

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93. See, e.g., Alan S. Gerber et al., *Testing for Publication Bias in Political Science*, 9 POL. ANALYSIS 385 (2001).

94. See Hanoch Dagan & Roy Kreitner, *The Character of Legal Theory*, 96 CORNELL L. REV. 671 (2011) (identifying a distinctive mode of legal theory and cautioning against interdisciplinarity that overtakes law departments’ primary mandate of developing legal theory).

95. Jean Galbraith et al., *Poverty Penalties as Human Rights Problems*, 117 AM. J. INT’L L. 397 (2023).

96. Eileen Denza & Lauge Poulsen, *Settling Russia’s Imperial and Baltic Debts*, 117 AM. J. INT’L L. 441 (2023).

97. Matiangai Sirleaf, *Rendering Whiteness Visible*, 117 AM. J. INT’L L. 484 (2023).

98. Lisa J. Laplante, *The Wild West of Company-Level Grievance Mechanisms: Drawing Normative Borders to Patrol the Privatization of Human Rights Remedies*, 64 HARV. INT’L L. J. 311 (2023).

99. David Hughes & Yahli Shereshevsky, *State-Academic Lawmaking*, 64 HARV. INT’L L.J. 253 (2023).

100. Asaf Lubin, *The Reasonable Intelligence Agency*, 47 YALE J. INT’L L. 119 (2022).

101. Paul Harpur & Michael Ashley Stein, *The U.N. Convention on the Rights of Persons with Disabilities and the Global South*, 47 YALE J. INT’L L. 75 (2022).

102. Benjamin R. Farley, *Regulating the Foreign-Fighter Phenomenon*, 64 VA. J. INT’L L. 69 (2023).

103. Ilias Bantekas, *Informal and Political Agreements as Sources of Obligation? Sketching a Theory of International Political Normativity*, 54 GEO. J. INT’L L. 37 (2023).

legal academy remains student-edited law reviews. This holds true even in international law, a field in which prestigious peer-reviewed journals like the *American Journal of International Law* offer alternatives to student edited journals.<sup>104</sup> Given that prestige and promotions in political science hinge on publications in peer-reviewed journals, political scientists have low incentives to publish in law reviews, accentuating the disciplinary divide.

The result is that interdisciplinary international law and political science scholarship in its current incarnation has existed in a twilight zone. International law has not been overtaken by political science as other legal fields have been by other disciplines and their methodologies (law and economics is an oft-cited case).<sup>105</sup> After a period of high-profile efforts to better integrate the disciplines, each has continued on its own path. Perhaps this is as it should be. Political science brings its relative methodological advantage to the study of international law, whereas law brings its distinctive mode of normative theorizing and argumentation. The disciplines complement one another even if they often fail to communicate.

There are ways to address the communication gap, some more realistic than others. For example, law journals considering empirical political science work on international law for publication may benefit from relying on external peer review to evaluate the robustness of methods. Law schools, especially those that train doctoral students in law, may choose to strengthen their methodological skills by including methods training in degree requirements, or at least making such training readily available within law schools. International law scholars may pick up where Abbott, Slaughter, Keohane, and others left off and re-launch high-profile interdisciplinary dialogue around productive collaborative research agendas. This could help narrow the gap between the current intellectual commitments of the international law academy and the increasingly specialized research pursuits of scholars in the mainstream of political science work on international law and institutions. Indeed, a group of interdisciplinary scholars has recently created a dedicated interest group under ASIL on international law and the social sciences.<sup>106</sup>

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104. Oona Hathaway & John Bowers, *International Legal Scholarship: An Empirical Study*, 49 YALE J. INT'L L. 2; Harlan Grant Cohen, *A Short History of Early History of American Student-Edited International Law Journals*, 64 VA. J. INT'L L. 357 (2024).

105. Cf. J. B. Balkin, *Interdisciplinarity as Colonization*, 53 WASH. & LEE L. REV. 949, 965 (1996) ("even though law seems to be fertile ground for invasion, no invasion of law can ever be fully successful.").

106. See *International Law & Social Sciences*, AM. SOC'Y INT'L L., <https://www.asil.org/community/international-law-social-science>.

Another reason not to be overly concerned by the twilight existence of interdisciplinary international law and political science scholarship is that there is more to the interdisciplinary exchange than just whether international law scholars are up to speed with the most recent international law-related work in political science. As I show in this Essay, political science has long inhabited international law scholarship in subtle ways. And recent strands of international law scholarship incorporate ideas of power, politics, and democracy from political science without dwelling on the interdisciplinary nature of the work or even acknowledging it.

For example, Tom Ginsburg's work on authoritarian international law considers how regime type—democratic or authoritarian—affects the development of international law by considering what international law may look like in an increasingly authoritarian world.<sup>107</sup> A dynamic research agenda on law and political economy is replete with concepts and ideas from political science.<sup>108</sup> It aims “to reconnect political conversations about the economic order with questions of dignity, belonging, or ‘recognition’ and to challenge versions of ‘freedom’ or ‘rights’ that ignore or downplay social and economic power.” Tendayi Achiume's work on international law and empire is similarly in dialogue with political science ideas of hegemony, empire, and power.<sup>109</sup> Other examples abound. These projects generate still more opportunities for cross-fertilization between the disciplines.

## VI. CONCLUSION

Political science has long been ingrained in international law scholarship and continues to inform it in both subtle and overt ways. This Essay traced the development of this interdisciplinary relationship, focusing on the post-Cold War period in which a group of dually trained scholars engaged in high-profile efforts to increase communication and collaboration across disciplinary lines. That effort has seemingly lost its momentum. But as it fizzled out, less high-profile cross-pollination of ideas from political science on international law scholarship has continued.

The diverging methodological and intellectual commitments of international law scholarship and the mainstream of current political science scholarship on international law have erected a particularly

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107. See Ginsburg, *supra* note 16.

108. See David Singh Grewal et al., *Toward a Manifesto*, THE L. & POL. ECON. PROJECT, <https://lpeproject.org/lpe-manifesto/> (last visited Feb. 7, 2024).

109. See Achiume & Bâli, *supra* note 16.

challenging obstacle for interdisciplinary collaboration. There are ways to equip international law scholars and legal publications to better engage with methodologically complex empirical work on the political science side. Yet those challenges and the absence of a current high-profile push for greater interdisciplinarity should not distract from the fact that the disciplines remain inextricably intertwined.

APPENDIX

INTERNATIONAL LAW-RELATED PUBLICATIONS IN TOP POLITICAL SCIENCE JOURNALS BY JOURNAL

FIGURE A1: Publication of international law-related articles in the past ten years (2013-23) in *International Organization (IO)*. Roughly 25% to 55% of the articles each year are related to international law

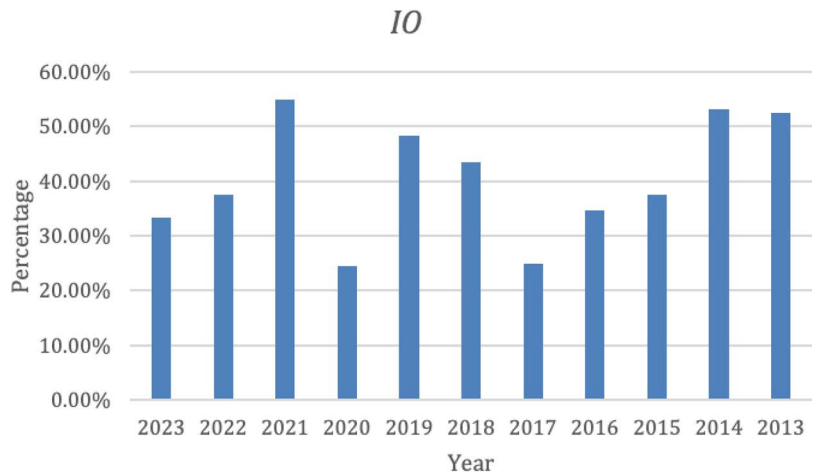


FIGURE A2: Publication of international law-related articles in the past ten years (2013-23) in *Journal of Politics (JoP)*. Roughly 1.9% to 5.9% of the articles each year are related to international law

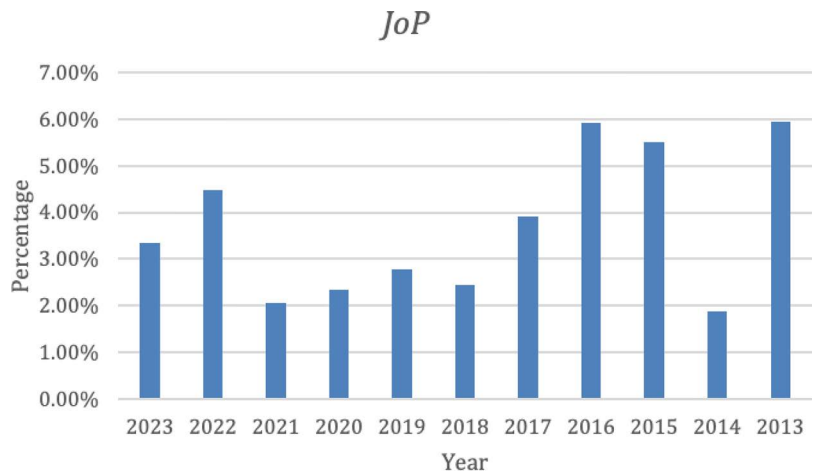




FIGURE A3: Publication of international law-related articles in the past ten years (2013-23) in *American Political Science Review* (APSR). In 2017, there were no articles related to international law. In other years, roughly 1.5% to 10% of the articles were related to international law

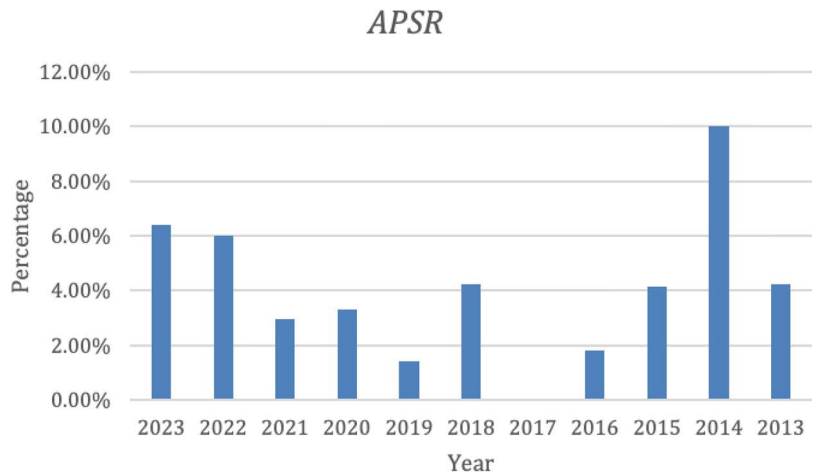


FIGURE A4: Publication of international law-related articles in the past ten years (2013-23) in *American Journal of Political Science* (AJPS). In 2020, there were no articles related to international law. In other years, roughly 1.6% to 7.7% of the articles were related to international law

