

# CRITICAL INTERNATIONAL LAW

Postrealism, Postcolonialism,  
and Transnationalism

EDITED BY

PRABHAKAR SINGH

BENOÎT MAYER

OXFORD  
UNIVERSITY PRESS

# Contents

## Foreword

SIMON CHESTERMAN

ix

## Acknowledgements

xi

## List of Abbreviations

xiii

## Introduction

1

### *Thinking International Law Critically*

### *One Attitude, Three Perspectives*

PRABHAKAR SINGH & BENOÎT MAYER

## SECTION I POSTREALISM

### 1. Descendants of Realism?

29

#### *Policy-Oriented International Lawyers as Guardians of Democracy*

HENGAMEH SABERI

### 2. Riddle of the Sands

53

#### *Time, Power, and Legitimacy in International Law*

JOHN R. MORSS

### 3. The Welfarist Approach to International Law

74

#### *An Appraisal*

ROSSANA DEPLANO

### 4. Revisiting the Role of International Courts and Tribunals?

98

PRABHAKAR SINGH

## SECTION II POSTCOLONIALISM

### 5. Towards a Postcolonial International Law

123

ANTONY ANGHIE

### 6. A Universal History of Infamy

#### *Human Rights, Eurocentrism, and Modernity as Crisis* 143

JOSÉ-MANUEL BARRETO

7. 'Suffering' the Paradox of Rights? 167  
*Critical Subaltern Historiography and  
the Genealogy of Empathy*  
MARK TOUFAYAN
8. The 'Magic Circle' of Rights Holders 198  
*Human Rights' Outsiders*  
BENOÎT MAYER

### SECTION III TRANSNATIONALISM

9. The Rise and Fall of 'International Man' 223  
FRÉDÉRIC MÉGRET
10. The Human Right to Water as a 'Creature'  
of Global Administrative Law 249  
OWEN MCINTYRE
11. Of Precedents and Ideology 276  
*Lawmaking by Investment Arbitration Tribunals*  
RENÉ URUEÑA
12. Constitutionalism and Pluralism 304  
*Two Ways of Looking at Internationalism*  
PRABHAKAR SINGH & SONJA KÜBLER

Afterword: What's Critical about  
Critical International Law? 326  
*Reflections on the Emancipatory Potential  
of International Legal Scholarship*  
SÉBASTIEN JODOIN & KATHERINE LOFTS

*Index* 347  
*Notes on Editors and Contributors* 363