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PREFACE

Until recently, international law and international politics have been two disciplines divided by a common subject matter. International law rarely found its way into the curriculum of political science departments. Law school courses only occasionally touched upon international relations. Scholarship in the two disciplines proceeded on separate tracks. In recent years, the chasm between these disciplines has narrowed as international law and international relations theorists have finally begun to share insights. This book seeks to cement these gains and to provide a foundation for further interchange between the disciplines. We present the readings in this book with two main aims: first, to lay out several of the most central and current theoretical approaches found in international law and international relations scholarship, with an eye toward creating a common framework upon which both sets of scholars can build; and second, to offer a series of practical applications to spark discussion and debate.

To those ends, the first seven sections of this book provide an introduction to the core scholarly debate and survey the primary schools of international theory: what we call the “interest-based” and “norm-based” approaches to international studies. In the theory subsections, we include writings by both political scientists and legal scholars to convey a sense of the different ways in which the two sets of scholars perceive and use their theories. The final six sections provide a series of applications of the theories. In each of the applications, we seek to provide at least two contrasting perspectives on the subject matter. Our goal is to enrich discussion by demonstrating how the broader theoretical disagreements outlined in the earlier, theoretical parts generate contrasting approaches to, and predictions about, particular areas of state behavior.

Of course, this introduction to current theoretical scholarship in international law and politics remains just that: an introduction. It is intended only to serve as a starting point for those seeking to learn about international law and politics. Of necessity, many important works are omitted from the text (though virtually all schools of thought are touched upon somewhere in the volume, particularly in the Notes and Comments sections).

We intend for this book to be used in a variety of ways. It might serve as a companion volume to a book of case materials in an introductory course in international or transnational law. It could also serve as the central reader in a more advanced law school course or
seminar on international law. Finally, it could be used in political science departments in a variety of courses to add legal content to the study of international relations or globalization in the 21st Century.

Over time, this field will only expand, and we expect to update this volume to address the changes. We welcome suggestions as to how the volume might be improved to incorporate new developments. More than half a century ago, our predecessors here at Yale, Myres McDougal and Harold Laswell, pioneered the modern collaboration between international law and international relations and founded the “New Haven School of International Law.” We are pleased, in this new millennium, to continue their worthy efforts to work from New Haven to promote this critical dialogue between two burgeoning sibling disciplines.

OONA A. HATHAWAY

HAROLD HONGJU KOH
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Finally, it should be noted that as we worked on this volume, Harold Koh was named Dean of Yale Law School, and Oona Hathaway assumed the vast bulk of the responsibility for bringing this work to completion.

There should be no mistaking, then, that as editors, we are listed in an order that reflects not just the alphabet, but also our relative substantive contributions to this volume.

O. A. H.
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