

The International Rule of Law and International Adjudication

The module de recherche ProDoc "The International Rule of Law and International Adjudication" pertains to the International Rule of Law and International Adjudication. In the wake of the boom in the field of the philosophy of international law, both issues have started to draw the attention of international legal theorists in recent years. Their respective scholarly treatments have only been limited so far, however, and they have not been considered jointly as a research theme. The present research project ambitions to fill this gap.

In a nutshell, the research will, first of all, discuss the difficulties raised by international law for the idea of the Rule of Law, and flesh out a new approach to the International Rule of Law, and of the Rule of Law in general from the perspective of an integrated legal philosophy that encompasses both domestic and international legal orders. In a second step, the project will focus on one aspect of international law-making that is particularly problematic from the perspective of the International Rule Law and that is international judicial law-making. Domestically, the judiciary, and judicial review in particular are usually regarded as an important part of the respect for the Rule of Law. The multifarious and somehow indeterminate nature of international adjudication, however, and the law-identifying cum making role of international judges make the connection between them looser at the international level, however, and arguably even problematic or at least different from the one that prevails domestically. To unpack that relationship, the project will start with an in-depth discussion, in its second section, of what international adjudication amounts to and of how one should understand international judicial law-making, before moving, in a third section, to the mutual relationship between the International Rule of Law and international adjudication itself.

In short, the present research project aims at taking part in the recent efforts in theorizing the International Rule of Law, by focusing on one aspect in particular, i.e. international judicial law-making and review, thereby also contributing to the much needed legal theorizing of international adjudication.

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