

Course title	Third World Approaches to International Law				
Responsible person to enter grades	TAKEUCHI Mari, Mohammad Shahabuddin		開講区分	単位数	
			2nd semester	1.0	
Numbering Code		Day・Period, etc.	Other(対面)	Timetable Slot Code	3J316

Lesson topic

In recent years, scholarship on international law has increasingly adopted alternative approaches that move beyond Eurocentrism and seek to uncover the field's diverse historical development. In particular, Third World Approaches to International Law (TWAIL) scholars have used alternative, genealogical historiography to problematise fundamental tenets of international law. They have exposed how international law relies on colonial modes of exploitation, although in new ways, to perpetuate asymmetric power relations between the Global North and the Global South.

This intensive course on TWAIL will investigate critical questions regarding the nature, functions, and limits of international law with special attention to the nexus between international law and global justice. A series of eight lectures will showcase the hallmarks of TWAIL approaches to international law: the centrality of colonialism and imperialism, historiography as a method, and considerations of political economy. By juxtaposing traditional international law narratives with TWAIL approaches, the lectures will demonstrate how international law can be understood differently from the perspectives of the Global South. As a result, traditional understanding of international law will be problematised to offer a more nuanced understanding of the role of colonialism and imperialism in the historical development of international law and its present-day operation.

The first couple of lectures will offer a general overview of international law and of TWAIL approaches and methods. The next set of lectures will cover specific topics of international law, including histories of international law, statehood, international organisations, sources of international law, and the use of force.

<continued in next section>

Lesson target

<Lesson topic (continued)> Each of these lectures will first introduce a mainstream understanding of the topic, followed by a TWAIL critique of the topic. Putting the two versions side by side, each of these lectures will demonstrate to the students the central role of hierarchical power relations in the conceptualisation and functioning of international law. We will finish off the course with a review lecture on 'rethinking international law' to help students identify common take-away themes for further studies of international law.

<Lesson target>

Upon completion of the course, students should be able to:

- acquire a general understanding of the structure of the international legal system and the basic principles underlying the relations between states, international organisations and other actors in the international arena;
- obtain a foundational understanding of Third World Approaches to International Law (TWAIL);
- critically analyse the limits of traditional approaches to international law and how international law often works against the interest of the countries and peoples in the Global South;
- explain some core international law principles on subjects of international law, sources of international law, and the use of force, from both conventional and TWAIL perspectives;
- hone generic skills of critical legal thinking to problematise conventional wisdom;
- apply critical perspectives gathered in this course to better explain real-life problems in the Global South and the role of international law therein;
- develop critical insights into international affairs;
- prepare themselves better for advanced studies of international law and/or for potential careers in international organisations.

Syllabus and plan

The course consists of eight lectures covering the following topics:

Lecture 1: Setting the Scene: The International Law Personality Test

Lecture 2: TWAIL: What is it? What is it for? What does it do?

Lecture 3: Histories of International Law

Lecture 4: Statehood in International Law

Lecture 5: International Organisations

Lecture 6: Sources of International Law

Lecture 7: The Use of Force under International Law

Lecture 8: Rethinking International Law

Evaluation method

The final grade will be calculated as follows: In-class contribution (20%) and a 2,500-word reflective essay (80%) to be submitted on or before 19 February 2026. The word limit includes footnotes but excludes bibliography.

Reflective Essay Question:

Do you think the nineteenth-century idea of the 'standard of civilisation' in international law somehow survived and is still relevant today? Please use concrete example(s) in support of your argument.

Evaluation baseline

A good answer to this question will demonstrate a sound understanding of the notion of the 'standard of civilisation' as developed in the nineteenth century. Using that as a framework, the answer will then critically discuss whether or not the nineteenth-century concept has any practical relevance to international law today. Students will be expected to provide concrete example(s) in support of their argument. They are free to use examples from any of the topics covered in the course.

Notice (include info. on related class)

Prior to taking this course, students are expected to have some general understanding of international law. A cursory reading of any textbook on public international law should suffice.

Review and preparation

Preparation: Read the assigned materials before each lecture.

Review: Read the materials again and develop better understanding of the topics covered during the course.

Office hour · Contact information

Contact details will be announced during the course.

Message for student

Improvements in Teaching

Text

<Textbook>

Antony Anghie et al. (eds.), *Research Handbook on Third World Approaches to International Law* (Cheltenham: Edward Elgar Publishing Ltd., 2025)

<Reference Material>

Lecture 1: No assigned reading

Lecture 2: Antony Anghie, 'Rethinking International Law: A TWAIL Retrospective', *European Journal of International Law* 20, no. 20 (2023), 1-106.

Lecture 3: (i) James T. Gathii, 'Imperialism, Colonialism, and International Law', *Buffalo Law Review* 54, no. 4 (2007), 1013-1066; (ii) Antony Anghie, 'The Evolution of International Law: Colonial and Postcolonial Realities', *Third World Quarterly* 27 (2006), 739-753; (iii) Yasuaki Onuma, 'When Was the Law of International Society Born? An Inquiry of the History of International Law from an Intercivilizational Perspective', *Journal of the History of International Law* 2 (2000), 1-66.

Lecture 4: (i) Thomas J. Lawrence, *The Principles of International Law* (London & New York: Macmillan and Co., 1895), 55-60 [Chapter IV: The Subjects of International Law, sections 42-44]; (ii) John Westlake, *Chapters on the Principles of International Law* (Cambridge University Press, 1894), 129-189 [Chapter IX: Territorial Sovereignty, Especially with relation to Uncivilised Regions]; (iii) Chapter 24 of the textbook

Lecture 5: (i) B. S. Chimni, 'International Institutions Today: An Imperial Global State in the Making' *European Journal of International Law* 15, no. 1 (2004), 1-37; (ii) Antony Anghie, 'Colonialism and the birth of international Institutions' in *Imperialism, Sovereignty and the Making of International Law* (Cambridge: CUP, 2004), 115-195.

Lecture 6: (i) Monika Hakimi, 'Making Sense of Customary International Law', *Michigan Law Review* 118, no. 8 (2020), 1487-1537; (ii) B. S. Chimni, 'Customary International Law: A Third World Perspective', *American Journal of International Law* 112, no. 1 (2018), 1-46.

Reference Material

<Reference Material (continued)>

Lecture 7: (i) Antony Anghie, 'Colonialism and the birth of international Institutions' in *Imperialism, Sovereignty and the Making of International Law* (Cambridge: CUP, 2004), 273-209; (ii) Dawood Ahmed, 'Defending Weak States Against the "Unwilling or Unable" Doctrine of Self-Defence', *Journal of International Law and International Relations* 9 (2013), 1-37.

Lecture 8: No assigned reading

Further reading to be shared on BEEF+.

<Reference URL>

www.twailr.com

Classroom Language

English

Keywords

International law, Third World Approaches to International law (TWAIL), Global South, Colonialism, imperialism, the standard of civilisation