

The United States and International Law

Paradoxes of Support across Contemporary Issues

The United States spearheaded the creation of many international organizations and treaties after World War II and maintains a strong record of compliance across several issue areas, yet it also refuses to ratify major international conventions like the UN Convention on the Law of the Sea and the Convention on the Elimination of All Forms of Discrimination Against Women. Why does the United States often seem to support international law in one way while neglecting or even violating it in another?

The United States and International Law: Paradoxes of Support across Contemporary Issues analyzes the seemingly inconsistent U.S. relationship with international law by identifying five types of state support for international law: leadership, consent, internalization, compliance, and enforcement. Each follows different logics and entails unique costs and incentives. Accordingly, the fact that a state engages in one form of support does not presuppose that it will do so across the board. The contributors to this volume examine how and why the United States has engaged in each form of support across twelve issue areas that are central to twentieth- and twenty-first-century U.S. foreign policy: conquest, world courts, war, nuclear proliferation, trade, human rights, war crimes, torture, targeted killing, maritime law, the environment, and cybersecurity. In addition to offering rich substantive discussions of U.S. foreign policy in each of these areas, their findings reveal patterns across the U.S. relationship with international law that shed light on behavior that often seems paradoxical at best, hypocritical at worst. The results help us understand why the United States engages with international law as it does, the legacies of the Trump administration, and what we should expect from the United States under the Biden administration and beyond.

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“The relationship of the US to the global order is quite complicated. The book does a solid job in addressing major points of this relationship.”
—Emilia Justyna Powell, University of Notre Dame

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