



# iCourts *insights*

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## How legal scholars influence the development of international law

Does legal science matter? This is a long-standing debate in the discipline of international law, a form of legal regulation which has mostly been regarded as a product of inter-state relations. However, legal scholarship still has significant impact on the judgments of international courts. In this way, legal scholars significantly help to shape new international law that is binding on State parties.

### What we knew before

From its infancy in the early 16<sup>th</sup> century, legal scholarship exercised a strong influence on the development of international law.

Conventionally, this influence is said to have decreased as international law became more developed through international treaties and decisions of international courts that proliferated in the 20<sup>th</sup> century.

### What we know now

In fact, legal scholarship continues to exercise a strong influence on the development of international law. Empirical data shows how international courts continue to cite legal scholarship and its role does not decline over time. In addition, judges, arbitrators, clerks and lawyers all find such legal scholarship useful in

professional practice. This influence is linked to the infinitely dynamic role of legal scholarship in its relation to international law. Developments in international law prompt academic research which in turn feeds back into the judgments of international courts, and thereby promotes further developments in the theory and practice of international law.

### Implications of new knowledge

The research shows how and why all forms legal scholarship matters to international law. Contrary to expectations, legal scholarship is not separate from the professional practice of international law, but an integral part of it. The research provokes further questions on the way that international law captures the reasons for the law in legal outcomes.

### Research source

Legal Scholarship at Work: an Empirical Analysis of the Use of Theory in the Practice of International Courts (PhD Thesis, University of Copenhagen, 2020)

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