



Institute for International  
Law and Justice

**IILJ International Legal Theory Colloquium Spring 2009:  
Virtues, Vices, Human Behavior and Democracy in International Law**

Benedict Kingsbury and Joseph Weiler  
NYU Law School

Pollack Colloquium Room, Furman Hall 9th Floor, 245 Sullivan Street  
Thursdays 4pm-5.50pm

[student seminar also meets separately, Tuesdays 4pm-5.50pm]

*Note: speakers' topics listed are indicative of areas, not final titles, and may change*

- January 15** - Derek Jinks, University of Texas Law School  
Topic: *Humanization and Individualization in the Enforcement of International Humanitarian Law*
- January 22** - Anne van Aaken, University of St Gallen Law School, Switzerland  
Topic: *International Investment Law and Rationalist Contract Theory*
- January 29** - Craig Calhoun, NYU Institute for Public Knowledge & President, SSRC  
Topic: *The Idea of Emergency: Humanitarian Action and Global (Dis)Order*
- February 5** - Paolo Carozza, Notre Dame Law School and Chair, IACmHR  
Topic: *Global Values, Local Virtues – Human Rights, Democratic Self-Governance and International Justice*
- February 12** - Leigh Payne, Oxford University Sociology (Latin American Societies)  
Topic: *Performances of Power: Paramilitary Confessions in Colombia*  
Chapter 1 and Conclusion of Leigh Payne's recent book titled: *Unsettling Accounts: Neither Truth nor Reconciliation in Confessions of State Violence*
- February 26** - William Miller, University of Michigan Law School  
Topic: *Messengers and Intermediaries: Insights from Ancient Law*
- March 5** - Armin von Bogdandy, NYU Law School, Director MPI Heidelberg  
Topic: *Developing the Publicness of Public International Law: Towards a Legal Framework for Global Governance Activities (paper co-authored with Philipp Dann and Matthias Goldmann)*  
*The Exercise of International Public Authority through National Policy Assessment (paper co-authored with Matthias Goldmann)*
- March 12** - Continued discussion of Armin von Bogdandy's papers on March 5 (see above)
- March 26** - **Joseph Weiler, NYU Law School**  
**Topic: *Europe Against Itself: On the Distinction between Values and Virtues (and Vices) in the Construction and Development of European Integration***
- April 2** - Pierre Rosanvallon, Collège de France  
Topic: *The Metamorphoses of Democratic Legitimacy*
- Tuesday, April 7-** (SPECIAL SESSION, 4:00 pm to 5:50 pm)  
Faculty Club, D'Agostino Hall, 110 West 3<sup>rd</sup> Street  
Alexander Somek, University of Iowa  
Topic: *Democracy-Enhancing International Law: The Argument for Transnational Effect*
- April 16** - Conference in Honor of Professor Andreas Lowenfeld  
(For more information, go to [www.iilj.org](http://www.iilj.org) – all welcome!)
- April 23** - tbc  
Topic: *Virtues, Vices, Human Behavior and Democracy in International Law*

**Program and papers available at: <http://iilj.org/courses/2009IILJColloquium.asp>**









I want to introduce law now. European Union law has had, too, a value discourse – a synthesis of the two value trilogies. In three successive legal waves European Union law transformed classical international law:

In wave 1 State obligations were converted into enforceable individual Community Rights – turning, in the language of the European Court of Justice the individual from Object to Subject.

In wave 2 Human Rights opposable against the Community and Union Institutions (and in some cases against the Member States directly) were articulated *ex nihili* injecting a human centered core into the market instrumentalities

In wave 3, through which we are living now, Citizen rights are being fleshed out, destined in the rhetoric of the European Court to constitute the fundamental status of Individuals in the Union

The common thread of all three waves is the Individual. In Union law it is claimed with considerable justification, even at the core of market law, stands the individual – as nowhere else in a non-domestic legal regime.

Both in the rhetoric of the European Court of Justice itself and in endless commentary, legal Europe is celebrated as a polity in which the *individual* is in the Center – a very efficient way of summarizing the two trilogies of values the underlying ethos of which is, indeed, a deep humanist commitment.

#### IV

I now need to introduce the central conceptual and theoretical foundation on which my thesis will rest. It is to introduce into the discourse of European integration the concept of virtue – as distinct from values – which was central until not long ago to the moral discourse of Western Civilization in both its secular and religious facets – Athens and Rome -- a perfect illustration of which may be found in Aristotle and in Aquinas.

























































