Law & Society Review (2025), **59**, 138–171
doi:10.1017/lsr.2024.53

ARTICLE

The world in a court: how the International Court of Justice's organizational practices promote stability in a contested field

Florian Grisel[1] and Esmé Shirlow[2]

[1]Centre national de la recherche scientifique, UMR 7363 Sociétés, acteurs, gouvernement en Europe (SAGE), Strasbourg, France and [2]Australian National University College of Law, Canberra, Australia
Corresponding author: Florian Grisel; Email: florian.grisel@cnrs.fr

(Received 30 November 2023; revised 5 November 2024; accepted 15 November 2024)

Abstract

The International Court of Justice (ICJ), often referred to as the "World Court," plays a central role in the field of international law. Despite the significance of this court, socio-legal scholarship has not examined the ICJ's inner workings due to limited access. Drawing from field theory and organizational theory, this study addresses this gap by using various data sources including interviews, organizational documents, and publicly available texts from insiders. Based on this data, this article explores how the ICJ's institutional context shapes its organization and the experiences of its actors. We argue that the ICJ provides a space that tightly connects institutional myths, organizational practices, and individual action. This tight coupling effectively mediates and manages differences among ICJ actors, fostering a stable practice of international law within a field otherwise marked by conflict. This enables the ICJ to produce and sustain a specific way of doing international law which has stabilizing effects in this field. By linking the macro level of the field – an area emphasized in prior scholarship – with a microlevel organizational perspective, this article offers a nuanced understanding of the conflicts and organizational practices influencing the ICJ's operations and development of international law.

Keywords: International courts; international law; field theory; organizational theory; institutionalism; International Court of Justice; ICJ; Permanent Court of International Justice

Introduction

> "*[The International Court of Justice] is a world by and of itself that brings the world together.*" (Int. 20)

On February 24, 2022, Vladimir Putin announced a "special military operation" against Ukraine, on the pretext of preventing the "genocide of [...] millions of people."[1] Just

[1]Address by the President of the Russian Federation, dated February 24, 2022, <http://en.kremlin.ru/events/president/news/67843> (last checked December 2, 2024).

one day later, Ukraine instituted proceedings against Russia at the International Court of Justice (the ICJ or Court) challenging Russia's claims of genocide. Even though it has not been able to halt the conflict, this case indicates the Court's importance – at least symbolically – for the resolution of interstate disputes.

Founded in 1946 as the successor to the Permanent Court of International Justice (PCIJ), the ICJ – often referred to as the "World Court" (Hudson 1959) – is the oldest and only international court with general subject-matter jurisdiction of unlimited geographical scope. The Court consists of 15 judges elected for renewable 9-year terms, supported by an administration called the Registry. The Court has jurisdiction in two types of proceedings: (i) legal disputes between states and (ii) requests for advisory opinions on legal questions raised by United Nations (UN) organs and specialized agencies. However, the Court has jurisdiction over disputes only if the disputing states have consented. The ICJ often deals with sensitive political matters, such as self-determination and decolonization (*Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*), the cessation of the nuclear arms race (*Marshall Islands v. United Kingdom; India; Pakistan*), and Japanese whaling in the Antarctic (*Australia v. Japan: New Zealand intervening*). In these cases, judges have the right to append individual dissenting or separate opinions to the Court's judgments and decisions.

As a central organ for the application and, arguably, development of international law, the ICJ has attracted considerable scholarly interest. This has led to numerous publications by doctrinal scholars (e.g., Kolb 2013; Rosenne 2006; Schulte 2004) and insiders (e.g., Couvreur 2016; Eyffinger and Witteveen 1996; Hernández 2014; Thirlway 2016). For the most part, this scholarship is positive in its appraisal of the ICJ and its judicial function. Nonetheless, several authors have criticized the Court, by casting light on national biases (Posner and de Figueiredo 2005), gender imbalance in its bar (Kumar and Rose 2014), and errors in applying international law (Weisburd 2016).

Despite this large body of literature, there is a dearth of socio-legal scholarship on the ICJ. As Condé rightly emphasizes (2008, 27), "one would be hard-pressed to find a non-doctrinal study [of the ICJ]." Some authors have used quantitative data to examine the appearance of lawyers before the Court (Kumar and Rose 2014), its impartiality in terms of judicial national bias (Posner and Miguel F.P. 2005), or state compliance with its judgments (Ginsburg and McAdams 2004). Qualitative studies are even rarer and are constrained by the reluctance of ICJ insiders to share their views about the Court. Soave, for instance, mentions the "secret workings" of international tribunals (Soave 2022, xiv), while Cohen bemoans a "hard-to-access world" (Cohen 2018, 185). Insiders concur with this assessment of the Court as a closed world that is immune to external influences. A former ICJ President, Humphrey Waldock, described the Court as a "somewhat remote and esoteric tribunal, almost like some body in outer space" (Waldock 1983, 1).

This article examines the Court's inner "world" to identify the processes that shape it, lifting the veil on this "body in outer space" (Waldock 1983, 1). Our primary goal is to offer a fine-grained analysis of the ICJ's organizational practices, the institutional context in which they arise and operate, and their role in shaping individual action. In this article, we draw inspiration from rich empirical studies of courts (eg, Paterson 1982; Clements 2024; Hagan 2003; Latour 2010; Paterson 2013) and supranational organizations (Barnett 2002; Block-Lieb and Halliday 2017; Georgakakis 2017; Michel and Robert 2010; Niezen and Sapignoli 2017; Sarfaty 2012). We also take seriously Tom Ginsburg's

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

suggestion to study the "institutional context" of the Court (Ginsburg 2023) and aim to treat the ICJ as a "locale, populated by diverse groups of 'locals,' judges, lawyers and other practitioners with varied interests, motivations and needs" (Eltringham 2019, 13). Accordingly, this article addresses two key research questions: *How does the Court's institutional context influence its operations, and what effects do the Court's organizational practices have on individuals interacting with it?*

To answer these questions, we gathered qualitative data from interviews with 32 individuals connected with the ICJ (i.e., lawyers, judges, clerks and administrators), organizational documents, and publicly available texts from insiders. The article makes three specific contributions based on this data. First, it supplements the existing literature on the ICJ from a socio-legal perspective by providing empirical information about the inner workings of the Court. This contribution lifts the veil on Waldock's "body in outer space," offering rich empirical evidence and primary accounts of the ICJ's operations. Second, our article makes an analytical contribution to the literature on international courts. Although socio-legal scholars have not extensively focused on the ICJ due to access issues, they have developed substantial research on other international courts, particularly (but not exclusively) in the field of international criminal law. This scholarship is broad and varied, often drawing on field theory to emphasize conflicts between professional groups as a key explanatory variable of social behavior within these courts. In line with this scholarship, our data highlights group conflicts in the Court's internal functioning and the role of organizational practices in mediating these differences within the Court. Third, we combine field theory with organizational theory to show how the ICJ provides a space that tightly connects institutional myths, organizational practices and individual action. This tight coupling allows the ICJ to operate amid conflicts at the (external) field level while maintaining strong institutional cohesion at the (internal) organizational level. By analyzing the ICJ as an organization operating within a wider field, this article also builds on a socio-legal tradition that examines the relationships between law and organizations in various settings, including employment law (Selznick 1969; Edelman 1992), manufacturers and insurance companies (Talesh 2009; 2015b), healthcare (Chiarello 2019; Heimer and Tolman 2021), and nongovernmental organizations (Massoud 2015). Our study extends this perspective from nonjudicial environments to the analysis of a court that plays a central role in the field of international law: the ICJ.

Literature review

As introduced above, this article sits at the intersection of two strands of scholarship: the rich socio-legal literature on international courts, particularly that which draws on field theory, and scholarship on organizational theory. The following subsections critically examine these strands of scholarship to explain how they have informed the design of our study of the ICJ.

Socio-legal studies, international courts and field theory

For a long time, doctrinal scholars and legal practitioners held a near-monopoly over the study of international courts. These "scientist[s] and […] 'notable[s]' of

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

international politics" (Sacriste and Vauchez 2007, 103) form an "invisible college of international lawyers" (Schachter 1977), producing scholarship, defending cases and advising governments.

However, an "empirical turn" in international legal scholarship has expanded the focus to include interdisciplinary, data-based analyses of international courts (Shaffer and Ginsburg 2012). A pioneering group of scholars examined the role of courts such as the Court of Justice of the European Union in the "judicial construction of Europe" (e.g., Alter 2001; Cichowski 2007; Stone Sweet 2004). Another milestone is *Dealing in Virtue* (Dezalay and Garth 1996), which introduced qualitative approaches that have influenced socio-legal research on courts in diverse fields of international law. Various scholars have since conducted qualitative studies of international courts, usually based on interviews, including of the European Court of Human Rights (ECHR) (Fikfak 2022; Madsen 2007; 2016; Yildiz 2020), the Andean Tribunal of Justice (Alter and Helfer 2017), the Inter-American Court of Human Rights (Yildiz 2020), the Court of Justice of the Economic Community of West African States (Alter, Helfer and McAllister 2013) and – more broadly – the "international judicial community" (Soave 2023). Particularly striking is the scholarship engaging socio-legal methods for the study of international criminal courts, such as the International Criminal Tribunal for Rwanda (Bens 2023; Eltringham 2019), the International Criminal Court (ICC) (Clark 2018; Clarke 2009; Clements 2024; Maučec 2022; Meierhenrich 2013a) and the International Criminal Tribunal for the former Yugoslavia (e.g., Campbell 2017; Hagan 2003; Hagan and Levi 2004; 2005; Hagan et al. 2006; Levi et al. 2016).

It is possible to detect certain broad analytical trends in this literature. Some scholars have mobilized the "sociology of knowledge production" (Christensen 2015, 11–14), borrowing, for instance, from actor-network theory to examine "chains of association" within international courts (Campbell 2017, 150–152; 2013). Scholars have also highlighted not only the role of geographical locations as "site[s] of justice," but also the "transversal practices and relations" that cut across the various socio-legal spaces in which these sites operate (Christensen 2023b, 1401). Others have focused on Neil Fligstein's account of "social skill" to highlight the role played by "institutional entrepreneurs" within international courts (Hagan and Levi 2004). Others highlight the problems associated with inequalities in the social fields within which international courts operate (marked by the ideologies and values of the Global North) and the societies in which they intervene (typically the Global South) (Clark 2018; Clarke 2009).

Field theory has emerged as a key analytical framework in the literature on international courts (e.g., Hagan and Levi 2005, 1505; Hagan et al. 2006, 593–594; Christensen 2015, 14–17; Campbell 2017, 149; Christensen 2021; 2023a, 9; Soave 2023). This approach draws from Pierre Bourdieu's social theory, where organizations and agents are characterized as struggling over the rules and resources that define the field (Bourdieu and Wacquant 1992, 102). Even though his sociological theory did not focus on the law, Bourdieu emphasized the importance of the "structurally organized competition between the actors and the institutions within the juridical field" (Bourdieu 1987, 818), which he described as "the site of a competition for monopoly of the right to determine the law" (Bourdieu 1987, 817; Dezalay and Madsen 2012, 439, 441). The influence of these theories is reflected, for instance, in the analysis of "the international [as] the site of a regulatory competition between essentially national approaches" (Bourdieu,

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

in Dezalay and Garth 1996, viii; for a more nuanced account, Dezalay and Rask Madsen 2012, 440). The rich and sophisticated scholarship drawing from Bourdieu's sociological theory also pays attention to social regularities, such as habitus and social reproduction. For Bourdieu, conflicts unfold within a "space of play" that can have "its own regularities and rules" which constrain and shape such conflicts (Bourdieu and Wacquant 1992, 102).

Yet, the aspect of field theory that appears most prominently in the literature on international courts is the examination of conflictual relationships and power struggles, as noted by other scholars (Cardenas and d'Aspremont 2020, 11; Christensen 2023b, 1405, 1415; Vauchez 2011, 340). Numerous scholars have paid particular attention to conflicts between groups of legal professionals and the influence of these conflicts on the life of international courts. Among these scholars, John Hagan has underlined the influence of Bourdieu's "notion of understanding careers within institutional structures and competition among legal elites" on his research on international criminal justice (Halliday and Schmidt 2010, 254). This competition can pit prosecutors against judges (Hagan and Levi 2005, 1505), social activists against legal specialists (Hagan et al. 2006, 593–594), and practitioners against academics and policy brokers (Christensen 2023a, 9). Other scholars refer to Bourdieu's sociological grammar with a different emphasis to pinpoint not only conflicts but also continuities between concepts or understandings of international law. Mikael Rask Madsen shows, for instance, how lawyers played an intermediary role in a conflict between "law" and "diplomacy" that paved the way for the institutionalization of the ECHR (Madsen 2007).

While field theory has enriched studies of international courts, its focus on conflict as the dominant mode of interaction may underplay cooperative dynamics (Fligstein and McAdam 2012; Grisel 2017). Additionally, conflict-centric approaches often prioritize the influence of external social forces on courts, overlooking how courts themselves reshape these dynamics (e.g., Hagan et al. 2006, 595). This difficulty stems from the "ambiguity" (DiMaggio 1979, 1467) of the concept of field, which Bourdieu defines as a "potentially open space of play" (Bourdieu and Wacquant 1992, 104; also noted by Dezalay and Rask Madsen 2012, 439) that can be located at various levels. For instance, Bourdieu applies the notion of field to the analysis of academia generally understood, but also to "[academic] disciplines" and to a specific university "faculty" (Bourdieu and Wacquant 1992, 104). Fields can therefore be identified at different analytical levels, which can introduce confusion concerning the location of key struggles. In fact, some scholars have noted the coexistence of limited conflicts within organizations and broader conflicts at the field level (as in the case of US art museums, see DiMaggio 1991). Other scholars have noted the existence of fields that are "simultaneously settled in some areas while contested in others" (as in the case of consumer warranty law, see Talesh 2015a, 3).

Our article builds on this scholarship to provide a nuanced account of the conflicts that operate at the ICJ, with particular emphasis on the distinction between the (meta) level of field analysis and the (micro) level of organizational analysis. We hypothesize that conflicts could be spread unevenly across the ICJ as an organization and the field in which it is embedded (as for US art museums), or within the broader field of international law itself (as for consumer warranty law).

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

Institutionalism in organizational theory

To better distinguish between the field and organizational levels, we draw on organizational theory to treat the ICJ as an "institutionalized organization," in the sense of a formal organizational structure that generates and maintains institutionalized rules (Meyer and Rowan 1977).[2] Our article thus draws on the rich and influential stream of scholarship on organizational theory to complement the field-theoretic outlook that has influenced the literature on international courts. Scholars of courts have made "only sporadic use of concepts from organizational sociology" (Ulmer 2019, 484). To fill this gap, we find inspiration in three iterations of institutionalism that have characterized this strand of literature in recent decades: "old" institutionalism, "new" institutionalism, and, more recently, "inhabited" institutionalism.

The starting point of "old" institutionalism is the idea that there are patterns of "institutionalization" within "organizations" (Selznick 1996, 271). Scholars of "old institutionalism" study organizations embedded in local communities, such as the Tennessee Valley Authority (Selznick 1949), and emphasize the institutionalization processes within these organizations (DiMaggio and Powell 1991, 14). A key focus is to trace the "process of institutionalization," including "the emergence of distinctive forms, processes, strategies, outlooks, and competences as they emerge from patterns of organizational interaction and adaptation" in response to "both internal and external environments" (Selznick 1996, 271).

"New" institutionalism extends this idea by focusing on the institutional level and the "myths embedded in the institutional environment" (Meyer and Rowan 1977, 341). As Hallett and Hawbaker explain, "institutional myths" are "widespread cultural ideals that provide a 'rational theory of how' organizations ought to operate" (Hallett and Hawbaker 2021, 4, citing Meyer and Rowan 1977, 342). These "cultural ideals" usually stem from the institutional context in which a specific organization operates. In the legal field, for instance, institutional myths can arise from the wide socio-political context such as the civil rights movement (Edelman 1992) or the professional environment in which legal actors are socialized (Jacob 1997). Unlike old institutionalists, neo-institutionalists locate the institutionalization process not only in organizations, but also in "organizational forms, structural components, and rules" that develop in "non-local environments," such as at the field level (DiMaggio 1991, 13–14). In this sense, individuals operate within organizations that are themselves nested in fields. By showing how the institutional context constrains organizational practices and individual action, neo-institutionalists also challenge the idea that organizational arrangements derive from individuals' rational choices (Friedland and Alford 1991, 232).

Old and new institutionalists have deeply influenced socio-legal studies. A notable socio-legal scholar, Philip Selznick, authored a foundational text of institutionalism (Selznick 1957) and later applied this analytical framework to the study of "legalization" within industrial organizations (Selznick 1969). Other scholars have used new institutionalism to explore the complex interplay between law and organizations, which they have characterized as "a highly reciprocal one" (Suchman and Edelman

[2]We understand "organizations" as a "formal system of rules and objectives" that allocates "tasks, powers, and procedures" among various actors (Selznick 1957, 5) and institutions as "the rules of the game in a society or, more formally, […] the humanly devised constraints that shape human interaction." (North 1990, 3).

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

1996, 905; Edelman 1992). This interplay is exogenous and endogenous, with institutional myths imitating the public legal order and generating organizational responses that are symbolically compliant with the law (Edelman 1990) but ultimately shape the meaning of law (Edelman and Talesh 2012; Edelman et al. 1999).

In recent years, a new strand of scholarship, termed "inhabited" institutionalism, has moved away from the "nested imagery" of new institutionalism by focusing on interactions among individuals (social interactions), institutions and organizations. Although it was initially introduced in management studies (Cleckner and Hallett 2022), the term "inhabited institutionalism" has since been theorized by scholars of education (e.g., Hallett and Gougherty 2024; Hallett 2010) and applied across various fields, including immigration (Everitt and Levinson 2016), social organizations (Binder 2007) and criminal justice (Ulmer 2019). This strand of scholarship emphasizes "people doing things together," viewing interactions between individuals as both responsive to and constitutive of institutions (Hallett and Amelia 2021, 9). "Inhabited" institutionalism considers the connections or "coupling" between institutions, organizations and individuals, rather than their "nesting" (Hallett and Amelia 2021, 11). It also acknowledges individual agency within organizations and has the key advantage of identifying conditions under which individuals can effect change within organizational structures (Binder 2007; Hallett and Amelia 2021). For "inhabited" institutionalists, the intensity of "couplings" between institutions, organizations and individuals determines the "opportunity space" that exists among them (Binder and Wood 2013, 10; Hallett and Amelia 2021, 11). This relationship can be understood on a continuum ranging from "tight" to "loose" couplings. "Tight coupling" is a situation where the structures of an organization are highly consistent with its institutional myths. In a tight coupling, "the organizational units have a limited margin of action, that is, they have little distinctiveness but a lot of responsiveness [to their institutional context]" (Arango-Vasquez and Gentilin 2021, 167). "Loose coupling" or "decoupling" results from a discrepancy between the practices of an organization and the institutional context in which it operates. A loose coupling implies that "coupled units are responsive to each other but have some degree of freedom to act independently" (Arango-Vasquez and Gentilin 2021, 166).

New and inhabited institutionalists typically tout the benefits of "loose" couplings between institutional myths and organizational practices, as best allowing individuals to "inhabit" organizations (e.g., Meyer and Rowan 1977; Tim 2010). This is because loose couplings are perceived to strengthen the legitimacy of organizational structures by accommodating a certain level of noncompliance by individuals with institutional myths, thereby reducing internal conflicts. "Inhabited" institutionalists, therefore, tend to agree with neo-institutionalists that institutionalized organizations can minimize conflicts and identify loose couplings as the condition most conducive to downplaying such conflicts. Loose couplings also enable organizations to symbolically comply with the law while insulating themselves from its full impact (Edelman et al. 1999), comply in ways that balance external demands with managerial interests (Edelman 1992), or even subvert legal norms they symbolically support (Michelson 2019).

Some authors have criticized this analysis of loose couplings as "undercut[ting] the idea that organizations are mainly devices for achieving specific objectives" (Selznick 1996, 275). In other words, organizations that are tightly coupled for achieving specific

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

objectives might be more adept at achieving those objectives than those with "loose couplings." An organization whose internal practices are tightly coupled with institutional myths is unlikely to create the same space for internal contests that might exist within an organization where such practices are less tightly coupled (Grisel 2021, 22–27). For instance, one could argue that strong organizational practices within international courts might create uniformity by lessening the importance of the "individual background[s] and trajector[ies]" of the judges and employees of international courts (Caserta and Madsen 2022, 940). Conversely, the "opportunity space" in loosely coupled organizations can lead to inconsistencies that generate internal conflicts about the meaning of institutional myths or the type of organizational practices and individual action that would be consistent with them (Turco 2012). One might therefore expect to see more instability and struggle in loosely coupled as compared to tightly coupled organizations. This critique aligns with Selznick's argument that new institutionalists downplay the "vitality and coherence of institutions" (Selznick 1996, 276). He criticizes neo-institutionalists for celebrating the "virtues of 'decoupling'" and focusing more on "loose coupling and even organized anarchy" rather than on "carefully designed and tightly controlled organization" (Selznick 1996, 275).

Our combination of organizational and field theory provides a framework for identifying the field-level institutional forces that shape the ICJ, and for examining how these forces influence practices and individual behavior at the organizational level. While acknowledging the nature of the forces that primarily play out at the field level, this approach aims to view a major court like the ICJ as an organization nested within a broader field allowing us to examine the intersections between the organizational and field levels (Edelman and Talesh 2012, 104). Our approach brings field theory and organizational theory into dialogue. It draws on their respective strengths – the former's meta-level focus on field dynamics and the latter's microlevel examination of organizational practices. At the same time, we address some of their weaknesses by refining the vague contours of the concept of field in the former and clarifying the uncertainties about the effects of tight versus loose organizational couplings on group conflicts in the latter. By bringing these two important yet often disconnected streams of scholarship into dialogue, we seek to highlight the complex interplay between internal and external forces shaping the ICJ's work.

Data and methods

Our data is drawn from two sources: interviews and documentary evidence. First, we conducted a series of interviews with individuals who have acted in various capacities at the ICJ over the past 40 years. Our interviewees serve or have served as lawyers before the ICJ, members of the ICJ administration (also called the Registry), university trainees, associate legal officers and/or judges for periods of time ranging from 9 months to several decades. We conducted interviews, in English or French, with 32 individuals from 19 different nationalities spanning six continents (North and South America, Africa, Europe, Asia and Australasia). Six of our interviewees identify as women, and 28 as men (a proportion that reflects gender imbalance at the

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

Court). While the total number of interviewees might appear low, it is significant considering the small size of the organization and its strong culture of secrecy.[3] One of our interviewees (a former ICJ judge) mentioned a "conspiracy of silence," while another (a prominent lawyer who regularly appears before the ICJ) spoke of a "mafia of the ICJ."

In order to access this very closed group, we combined two strategies: (i) we relied on our professional networks to gain access to gatekeepers who were able to recommend individuals who might be willing to speak with us and (ii) in order to avoid the pitfalls of snowballing, we created a list of individuals who have worked at or with the ICJ based on public records, from which we randomly selected names to contact as prospective interviewees. This combination of strategies proved relatively successful, even though several potential interviewees turned down our requests for interviews. All our interviewees (with one exception) requested that their names be kept confidential. In what follows, we have anonymized the details of all interviews and numbered them from 1 to 32 (Int. 1, 2, etc.). All the interviews were semi-structured, with a list of questions providing a flexible frame for the discussion (see Appendix 1). The interviews were inductively coded and analyzed thematically to identify key crosscutting themes, including the occurrence and forms of conflict encountered by these individuals in their engagements with or at the Court, the Court's organizational practices, and the types and strength of the socialization processes at the Court. Since conflict analysis is central to our research, we included several questions addressing potential areas of conflict traditionally highlighted in the literature, such as between languages, legal traditions, and professional groups within the Court (see, e.g., Appendix 1, Questions 12, 13 and 15).

We supplemented this data with a review of approximately 40 documents produced by the ICJ (e.g., annual reports, staff regulations and press releases) from 1980 onward, corresponding with the period of our interviewees' activity. Additionally, we analyzed 70 texts (i.e., articles, books, speeches and interviews that have been published in specialized outlets and are available on various scholarly databases), in which insiders reflected on their experience at the PCIJ or ICJ (Appendix 2). In an effort to be as comprehensive as possible, we selected these texts based on two key criteria: (i) their authors are insiders of the Court (i.e., employees, counsel and judges), whose (ii) writings reflect their experiences at the Court and/or its organizational structure and practices. Our review of these materials consisted not only in reading them, but also in coding the same themes as for the interviews. These documentary sources provided secondary evidence that we used to gain knowledge of the Court's internal life, track continuities and changes in the Court's organization over time, prepare questions for the interviews, and assess the validity of our primary findings by triangulating themes across interviews, observations and written accounts from insiders.

[3]Compare, for instance, other qualitative studies touching upon the ICJ (e.g., Lando 2022, 6: a survey of "13 individuals who have worked in the ICJ's Department of Legal Matters"; Soave 2022, xiv: "four lawyers affiliated with the ICJ registry"; Cohen 2018, 185: "two former legal officers for the ICJ, one current legal officer at the ICJ, [and] a former ICJ university trainee").

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

Findings

Based on our data, we use the analytical tools presented above to assess the strength of the coupling between the Court's organizational practices, its institutional myths and individual action. We then describe the Court's ability to mitigate group conflicts by promoting internal unity through its organizational practices.

The Court's organizational practices

This section examines the ICJ as an "organization," understood as a "formal system of rules and objectives" that allocates "tasks, powers, and procedures" among various actors (Selznick 1957, 5). Accordingly, in what follows, we examine the ICJ's formal structures, its organizational practices and its key actors. Our data leads to three main findings: the influence of diplomatic practices on the Court's organization, the central importance of the Registry, and the slow and formal nature of the Court's procedures.

The influence of diplomatic practices on the Court's organization

At the time of writing, the ICJ bench consists of six former diplomats, four professors, two former national judges and two former UN officials. Some of these individuals (at least four) have worked across professional lines (e.g., as diplomats and professors). The ICJ has historically comprised a mix of individuals with these backgrounds. Despite differences in their professional backgrounds, many ICJ judges share at least some similarities with one another prior to coming to the Court. An emerging body of work confirms that international judges share strikingly similar social or educational backgrounds (e.g., Madsen 2018; Marissal 2020). As one former judge told us "The great majority of judges were the product of the UN system" and "were not strangers to each other, they had similar experiences" (Int. 23). Another former judge told us that they already knew half or more of the judges (mostly through the UN) before joining the Court (Int. 26). Another interviewee who worked for many years at the Registry told us: "The culture at the Court is a very UN culture at its best – a public service" (Int. 14). In particular, an interviewee who became a diplomat after serving at the ICJ noted the continuity between the Court's practices and diplomatic service:

> Now that I am very well-versed in the diplomatic world, I would say it is more than half the Court that suffers from a very diplomatic complex. […] Many of [the judges] were ambassadors before in their pre-ICJ life. They carry with them the symbolism of being "Your Excellency, Judge," but it is because they have been ambassadors before. Having been an ambassador you are treated like a god. (Int. 30).

A diplomatic culture not only shaped the practices of the ICJ, but also its formal structures, which were inherited from the rather skeletal secretariat of the PCIJ (Hammarskjöld 1927, 341). Following the PCIJ's example, the Court's organizational structure imitates the structure of an embassy, with the Registrar enjoying the privileges associated with the rank of ambassador in the Netherlands (Int. 15), and some heads of department having the title of "First Secretary" (see Figure 1 below). The roles of the Court's President and Registrar include diplomatic duties, such as welcoming foreign ambassadors, coordinating with state agents and engaging with state parties

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

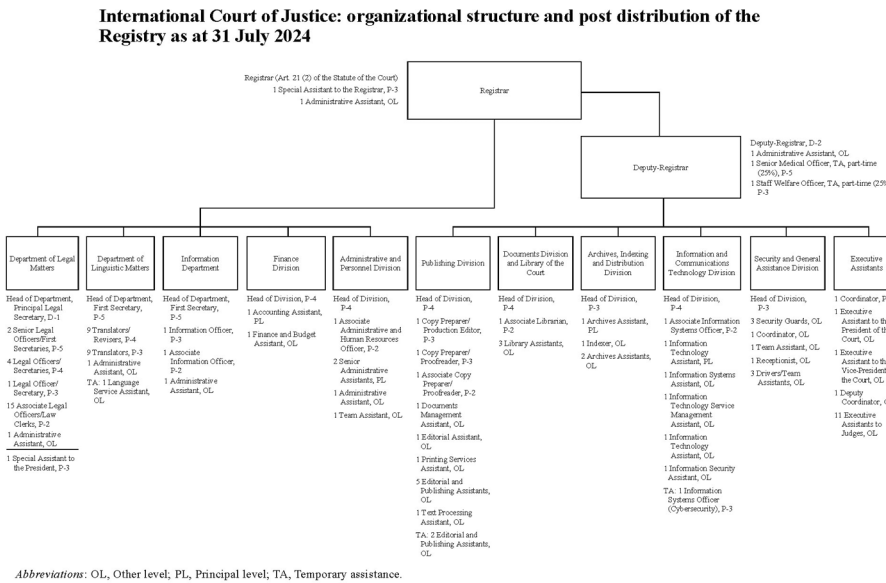

Figure 1. Organizational chart of the ICJ registry.[4]

both bilaterally and at the UN (Int. 11 and 12). This diplomatic culture manifests "in how the Court deals with the parties, how they deal with the states; there is a diplomatic overhang about writing to the agent, [setting] time limits" (Int. 32). Diplomacy also permeates the Court's practices in more informal ways, for instance the "quite formal and thus very diplomatic circumstances, e.g., at a hearing" in which the judges usually meet (Int. 8 and 1). It also influences the ways in which the judges themselves interact with one another, as pointed out by one judge:

> When I came to the Court, I was a bit, not shocked, but impressed and a little intimidated about the rigidity of the system into which [I had] been put. I wrote a letter to colleagues and was reprimanded nicely: you could not do that. There are certain formats and forms and avenues that have been around since 1923 and you have to keep to them. (Int. 29)

The role of the Registry

The Registry is essentially the Court's organizational backbone, ensuring continuity in its work and performing diplomatic, administrative and judicial tasks under the leadership of a Registrar. As summarily expressed by one of our interviewees "The Court is the Registry, the Registry is the Court" (Int. 14). Since its creation, the Court has been hosted in the Peace Palace, a neo-Renaissance monument built in 1913 (Aalberts

[4]Reproduced from the ICJ website (<https://www.icj-cij.org/organizational-chart> last checked on December 2, 2024).

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

and Stolk 2022) that conveys "a little bit the institution – beautiful, pompous, conservative, an old-entrenched institution" (Int. 17). The Registry is based in the Peace Palace building, while the judges and their clerks work in a separate wing called "the new building" (although it was constructed more than 40 years ago). The Registry serves as the "institutional memory" of the Court (Int. 14 and 11) and as a "reservoir of past practice" that is "very important to keep the Court going in its own style" in a context of "rotating and changing presidencies" (Int. 31). Our data thus confirms the importance of "bureaucratic capital" wielded by permanent administrations in organizations where key members serve fixed terms and rotate accordingly (Georgakakis 2017; Michel and Robert 2010). Several interviewees noted that the Registry is the heir to a "strong tradition" (Int. 23) and that it contributes to the "institutional lack of plasticity of the Court" (Int. 17). The Registry typically ensures "continuity in the development of international law" – for instance, by pointing out if a decision of the Court would lead to a change in the Court's case law (Int. 14). Of particular importance for the continuity of the Court is the Registrar, the official who leads the Registry. For a significant portion of the Court's recent history, from 2000 to 2019, Philippe Couvreur served as Registrar after having spent 18 years as Special Assistant, Secretary, First Secretary and then Principal Legal Secretary of the Court. Our interviewees described him as "the protector of the tradition of the Court" (Int. 26), "not moving or changing too much, an anchor, set in his ways" (Int. 17). He was a "unifying force behind the Registry," by contrast with the "very diluted power of the Court" (Int. 17).

The slow and formal pace of the Court's procedures

The slow and formal pace of the Court's procedures became apparent when interviewees compared the Court with the other places where they had worked or pleaded cases. One interviewee noted the ICJ is "more formal and more restricted" than the International Law Commission (Int. 23). Another interviewee noted that ICJ "decorum is very different" from US courts; "[i]t's a little bit more like the opera as compared to mixed martial arts" (Int. 24). Yet another commented: "[i]t was more solemn [than Canadian courts], because of old-time traditions" (Int. 30). Other interviewees discussed the Court's "very serene and quiet environment" (Int. 1), the "torpor" and "slowness" of its procedures (Int. 8) and its "very formal and official atmosphere" (Int. 10). The Court's proceedings reflect this formal decorum. When the hearings are opened by the usher who announces the Court in French ("La Cour!"), everyone stands up for the "solemn entry of the judges" (Int. 27). This "solemn event" shows that "not only do states have to respect the Court but also conversely that the Court respects sovereign states entrusting it with a dispute that they could not resolve themselves with negotiations," which ultimately "gives a certain value to international law and to the rule of law" (Int. 27). The Court's judgments also reflect these practices. One lawyer who has appeared before the ICJ several times noted, for instance, the Court's reluctance to confront "obvious points of contention between the parties" (Int. 24). Instead, the Court "will find some arcane way to avoid the issue; it's almost decorous – so polite, it's like tea with the Queen" (Int. 24).

As highlighted in the "**Introduction**" section, field theory often emphasizes the role of conflicts between professional groups in shaping institutional dynamics. However, the findings in "**The Court's organizational practices**" section indicate that the ICJ's

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

practices establish regularities, a form of organizational habitus that seem to overshadow such conflicts. Furthermore, as detailed in "**The Court's institutional myths**" section, these organizational practices are closely aligned with the Court's cultural ideals, referred to here as "institutional myths."

The Court's institutional myths

The findings in this section are based on our original data, which reveals the ubiquity of two institutional myths at the Court: the collective nature (collectivism) and traditional basis (conservatism) of its work. Drawing on our dataset, we examine how collectivism and conservatism not only shape a cultural narrative for the Court's members, but also influence their day-to-day work and therefore serve as a framework for its organizational practices. Our data further highlights the narrow meaning of these myths, and how they constrain the Court's practices. Building on the discussion of institutional myths in the "**Introduction**" section, "**The Court's institutional myths**" section explores how the ICJ maintains the myths of collectivism and conservatism and their role in bolstering its reputation within the broader international legal field.

The Court as a collective endeavor

An overarching theme from our data, which is aligned with scholarly findings (Hernández 2014, 95–125), is the notion that the Court possesses a collective identity that transcends the individuality of its members. An interviewee astutely captured this aspect: "I knew that the Court is an institution [before joining the Court], but I never realized how much it is an institution. It is a collective endeavor with a history where individuals make little difference" (Int. 20). The collective force of the Court feeds into its mystique and is also concretely exemplified in its working processes. There is in fact minimal buffer between the Court's myth of collectivism and its actual practices, which is characteristic of tightly coupled organizations (Sauder and Espeland 2009). The collective dimension of the Court's work is, for instance, particularly visible when it deliberates and drafts judgments.

The drafting of an ICJ judgment follows a lengthy and complex process that can extend over several months. This complex procedure comprises two deliberations and two readings and aims to build as broad a majority as possible. All judges are involved in the process, assisted by the Registry and, in some cases, the judges' clerks. While the Court's judgments are produced through a complex process involving a multitude of actors, none of these actors holds the upper hand in this process. As one interviewee noted: "The quality of the judgment does not come from the specific contributions of individuals but from the institution" (Int. 20).

Many actors connected to the ICJ praise the collective nature of the Court's work, a belief that enhances the reputation of the Court in the broader field of international law. A legal officer who works for another international institution, for example, stated admiringly that "All of the [ICJ] judgments are very neatly done in terms of formal perfection of the text in [English and French]" (Int. 31). A former Registry member who now works for another international court also praised the influence of the "ICJ model" (Int. 11).

Others find the collective nature of the endeavor challenging, because it can lead to the prioritization of form over substance and the erasure of individual voices.

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

Reflecting on the deliberation process, one former judge told us that "everything [is] set, half a year in advance. That kind of forces you to a certain discipline. Sometimes I had the feeling 'oh my god' this is going to be the judgment, I find weaknesses here or there" (Int. 29). This same former judge mentioned a case in which they felt like "it would have been very important to say [something about a particular legal matter at issue in the case]. There is nothing there. Just an unsatisfactory paragraph. It's now in the judgment with some miserably low, common denominator that the majority could agree on" (Int. 29). Although the merits of collectivism are thus occasionally contested, all interviewees characterized the work of the Court in this sense, making it clear that belief in the collective nature of the Court's work underpins its daily operations. Ultimately, this notion of collectivism – narrowly understood as one that minimizes individual voices – is tightly linked with several procedural aspects, such as the lengthy drafting process and, more broadly, the slow pace of the Court's work.

The authority of the Court's traditions

Whether they deplored or (more frequently) embraced them, all our interviewees also recognized that traditions are a key part of the Court's identity. Many of them referred to the Court as a "conservative" institution. While the term "conservative" might suggest a political stance among the Court's members, its meaning here is more limited. It refers to an attitude that prioritizes the past over the present, with tangible effects: innovation or change is discouraged, while continuity is favored, as suggested by the following verbatim quotes: "I was astonished to hear 'We have never done that before' whenever someone suggested an innovation. Change is not welcome, [this] is in the DNA of the institution" (Int. 20); "Changes are frowned upon in this very conservative institution" (Int. 11). One of our interviewees offered an anecdote to illustrate the extreme level of continuity in the Court's work. At one point during their time at the ICJ, the interviewee wondered why a typist kept taking out the accent from the "e" in the French word "révision" throughout a draft judgment (Int. 20). The typist answered that this word had been mistakenly printed without an accent in the Statute of the PCIJ in 1920, that the Statute of the ICJ reproduced the same mistake, and that the practice of the ICJ was to write "revision" without an accent, notwithstanding the fact that it is a spelling mistake in French (see Figure 2).

This anecdote does not mean that the Court is unable to adapt its practices. For instance, the Court adjusted to technological changes by creating a "Computerization Committee" in the mid-1990s and a website in 1997. It started including a "table of contents" in its decisions in 2010 (Int. 27) and has, more recently, amended its procedural rules to use gender neutral language. However, the Court's work remains heavily constrained by its past practices. As one interviewee stated: "There is awareness and cautiousness about deviating from previous practice, because you need good reasons for it" (Int. 27).

Again, this institutional myth is tightly coupled with the Court's actual practices. For instance, the Court gives primacy to the "voice of precedent" (Int. 5) in both substantive and procedural terms. One interviewee noted, for instance, that the first item on the agenda of Drafting Committees is to identify a precedent to support a particular position in the case (Int. 5). Another observed that: "everything that happens is legitimate because it doesn't come out of thin air – it has been tested/applied before and the

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

Article 61

1. La revision de l'arrêt ne peut être éventuellement demandée à la Cour qu'en raison de la découverte d'un fait de nature à exercer une influence décisive et qui, avant le prononcé de l'arrêt, était inconnu de la Cour et de la partie qui demande la revision, sans qu'il y ait, de sa part, faute à l'ignorer.

2. La procédure de revision s'ouvre par un arrêt de la Cour constatant expressément l'existence du fait nouveau, lui reconnaissant les caractères qui donnent ouverture à la revision, et déclarant de ce chef la demande recevable.

3. La Cour peut subordonner l'ouverture de la procédure en revision à l'exécution préalable de l'arrêt.

4. La demande en revision devra être formée au plus tard dans le délai de six mois après la découverte du fait nouveau.

5. Aucune demande de revision ne pourra être formée après l'expiration d'un délai de dix ans à dater de l'arrêt.

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

DEMANDE EN REVISION
DE L'ARRÊT DU 11 SEPTEMBRE 1992
EN L'AFFAIRE DU *DIFFÉREND FRONTALIER TERRESTRE, INSULAIRE ET MARITIME (EL SALVADOR/HONDURAS; NICARAGUA (intervenant))*

(EL SALVADOR c. HONDURAS)

ARRÊT DU 18 DÉCEMBRE 2003

Figure 2. Conservatism at the ICJ: the (mis)spelling of "Révision."

Court understands that" (Int. 20). Conservatism, like the myth of collectivism, bolsters the Court's reputation in the field of international law. A former ICJ judge with significant political responsibilities who now works as an arbitrator praised the ICJ for being a "highly professional institutional system with traditions accumulated over years," as opposed to arbitration which allows "all and sundry" (Int. 23).

Conservatism not only shapes the Court's internal procedures, it also impacts how the Court approaches and understands international law in its decisions. One interviewee noted, for instance, that the Court is very reluctant to create (or, rather, "identify") new rules of international law: it is "not in the business of making new law [on a] daily [basis]" (Int. 2). Others suggested that the Court adopts a "very positivistic" treatment of legal sources (Int. 10) or applies a "square box" of legal sources comprised of "treaties and customary international law" (Int. 13). Interviewees consistently noted that the Court is deeply attached to a classic understanding of international law based on state consent. This means, for instance, that the ICJ is more reluctant to grant its jurisdiction over a case than, say, arbitral tribunals applying an investment treaty (Int. 23). As one former judge noted, "[t]he Court really is an institution maintaining, strengthening, defending very classic ideas [of international law]" (Int. 29). This interviewee highlighted, for instance, that the Court "still uses the term [sovereignty] in the very classic sense" (Int. 29). This traditional understanding of international law is not, of course, specific to ICJ actors and is frequently shared by, amongst others, state legal advisors (Int. 31). However, as another interviewee neatly put it: "all we know about ICJ decisions applies to the atmosphere in the Court" (Int. 10). In other words, a continuum seems to exist between the formal and ceremonial atmosphere at the Court,

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

its conservative practices embedded in the past, and a strong commitment to classical theories of international law and traditional views as to its authority.

The analysis in "**The Court's organizational practices**" section and "**The Court's institutional myths**" section demonstrates that the ICJ's tightly coupled institutional myths and organizational practices, as theorized in neo- and inhabited institutionalism, do more than reflect internal culture. They act as a microcosmic response to broader field-level dynamics. Grounded in our empirical data, these findings reveal how the Court's collectivism and conservatism function as practical tools for mediating the impact of external tensions on the ICJ's day-to-day activities, rather than as abstract ideals. As will be further demonstrated in "**The effect of the Court's myths and practices on individual action**" section, tight coupling at the ICJ ensures a close alignment between these institutional myths, the ICJ's organizational practices, and individual actions at the Court, leaving minimal room for deviation. For example, the Court's judgment-drafting process reinforces institutional consistency and legitimacy, while the Registry's role as "institutional memory" ensures continuity with past practices. In contrast, a loosely coupled organization might allow for greater flexibility, such as diverse judgment-drafting approaches or more individual expression, but at the cost of consistency. At the ICJ, as will be shown further below, tightly coupled practices discipline behavior, maintain a unified identity and minimize conflicts, enabling the Court to project stability within the contested field of international law.

The effect of the Court's myths and practices on individual action

In this section, we explore how the Court's institutional myths and organizational practices influence individual action. Specifically, we highlight the "generational uniformity of cultural understandings" within the Court (Zucker 1977), focusing on two key aspects: (i) the socialization of newcomers within the Court and (ii) the Court's resistance to change. These processes shape individual actions, reinforcing the persistence of the Court's institutional myths and organizational practices.

Socialization of newcomers

The ICJ's conservative values, formal atmosphere and specific working methods influence newcomers to the Court in profound ways. Despite certain shared backgrounds and/or professional experiences (see "**The Court's organizational practices**" section), for instance, one interviewee noted that ICJ judges

> come [to the Court] as outsiders and leave as members of the Court. They eat together, work in a small town together, and become closer and closer. The more it goes the more they belong. Sometimes they come with baggage, e.g., as a professor or as a diplomat, but then they become judges (Int. 14).

Another key member of the Registry concurred: "Not all [judges] are great international lawyers but when they come to the Court […] they learn to play the game," thus giving rise to a sense of "real collegiality" (Int. 20). A former judge described this acculturation as an "artificial aging process" and added the following: "You are simply forced to behave in a certain way." This former judge used the example of images in churches depicting what will happen if one eats too much or commits fraud

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

to illustrate this aspect of working at the ICJ (Int. 29). These "simple black-and-white ideas" concern not only the Court's atmosphere but also "very classic ideas" of international law. As this judge noted: "From the architecture to the procedural rules, everything breathes the atmosphere that has been so long gone, but it is still there" (Int. 29).

A similar acculturation operates with clerks and members of the Registry. Part of this socialization process is formally structured. One former clerk mentioned a 3-day induction program that the Deputy Registrar ran for new clerks, teaching them how to dress formally ("black is never a problem") and how to address judges ("Your Excellency," "Monsieur le Juge," "Madame la Juge"). Such structured induction processes are reinforced by more informal socialization processes, which are shaped by the values and atmosphere of the Court. A former Registry member who spent more than a decade at the Court described their experience as "very hard, very tough," but also added: "I suffered a lot from pressure, but I learned a lot from this pressure" (Int. 11). A former clerk told us how "the Court's atmosphere grows on people and they become much more stiff [over time]" (Int. 27). This socialization creates a sense of belonging and identity for individuals working at the Court that extends beyond their time at the Court. One interviewee told us, for instance, how former ICJ clerks continue to meet at each American Society of International Law annual meeting (Int. 9). A former clerk reflected on the feeling of "pride" arising from their work at the ICJ, commenting that "[t]his is quite a nice thing to have done, in a reputational and career sense." (Int. 32). Our interviewees described the ICJ as a "breeding ground for young lawyers," (Int. 21) and a "training course for being a member of the invisible college [of international lawyers]" (Int. 9).

Resistance to cultural change

The Court also acts as a force of resistance when individuals seek to bring about changes in its values. We have already described the strong elements of institutional continuity provided by the Registry. Another important element in this stability is the fact that one-third of the bench comes up for (re)election every 3 years, which leads to "both dynamism and continuity," with newcomers always being in a minority (Int. 20). However, processes at the Court go further to gently but actively discard voices that are inconsistent with the Court's orthodoxy. This exclusion process is subtle, but no less efficient. In this section, we provide two examples of this process, one involving lawyers appearing before the ICJ and another involving judges.

Lawyers appearing before the ICJ must master the codes of the Court in order to be accepted into the "very small world" of the ICJ bar (Int. 18 and 20). Members of this closed group usually belong to the same circles as the judges, with prominent counsel whom we interviewed noting that they "know very well ten of the fifteen judges," (Int. 18) and "know personally very well the majority of the members of the Court" (Int. 21). One of our interviewees, who worked for several years at the Court before representing states in ICJ proceedings, emphasized their "subliminal advantage" over lawyers who had not benefitted from the same training (Int. 1). Another prominent member of the ICJ bar insisted that there was a "completely different way of behaving" before the Court as compared to other tribunals. This interviewee noted there is "very little dialogue with the [judges]," who "never interrupt counsel, […] ask few questions […] and give time for counsel to answer them the next day, which is important because

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

'you are speaking on behalf of states'" (Int. 21). One has to "speak slowly" to enable interpretation and be "polite" (Int. 21). Another prominent counsel did not hide their contempt for outsiders who failed to master the Court's etiquette: "I cannot stand the lawyers who vaguely know commercial and investment law and pretend to know public international law […]. I sometimes refused to take part in pleadings where these lawyers were involved. They are small fish" (Int. 18). Another interviewee commented that states will typically instruct repeat players in cases before the Court because they "want people who have seen the Court before and who the Court has seen before – it's easier to listen to people you're accustomed to" (Int. 24). In addition to influencing *who* appears in counsel teams, such processes also impact the types of arguments made by counsel, or at least their reception by the Court. An interviewee mentioned a lawyer, for instance, who framed an issue of consular access along human rights lines – an approach which was well accepted in their jurisdiction but had "no chance of success" before the Court because it was "completely against the mainstream [of the ICJ]" (Int. 4). Needless to say, the Court rejected this argument.

The second example concerns the judges themselves. As explained before, most of the judges know each other before joining the Court and to some extent share common professional experiences, often in the UN system. Even when they do not share that common background (as might be the case for certain diplomats or national officials), the Court shapes their views and behavior with the expectation that they "learn to play the game" (Int. 20). If this acculturation process fails, however, they are quickly marginalized. We came across examples of several judges who failed in their efforts to tilt the Court in a new direction, resulting in their marginalization. For instance, a judge who was rather progressive in their understanding of international law tried but gave up on attempting to change the Court (Int. 5). They reflected on their disappointment with the Court as follows:

> I got into the Court like you go to heaven and you discover there are some very attractive blond angels there. I was like a child there. I knew very little about the internal life [of the Court]. In [another city where this judge was based prior to joining the Court] there was no possibility to get close enough to another judge to talk to me about how things were in the Court. You find out some things. I regret that I have not done enough to change attitudes within the Court. I didn't do much to change it. (Int. 29)

The above testimony illustrates that the socialization process at the Court is imperfect. While it can integrate judges into the Court's culture and enhance their influence both within and outside the Court, it can also fail, resulting in the marginalization of judges whose perspectives do not align with the Court's doxa. This exclusion occurs, for example, during the drafting and deliberation process. Judges who do not conform to the Court's stringent institutional landscape are usually not chosen for Drafting Committees and are relegated to issuing separate, individual opinions. Although one might assume that these separate opinions preserve the voices of dissenting judges and thus weaken the Court's collective identity, they often carry a negative stigma. These opinions cast a shadow of disrepute over judges who frequently dissent from the majority (Hernández 2014, 116–117). The Court rarely, if ever, refers to separate

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

opinions in its judgments (Hernández 2014, 113). A member of the ICJ club highlighted the limited impact of these opinions by stating as follows:

> […] I would doubt whether a separate or dissenting opinion in the ICJ had the same legal weight as the individual judgment of, say, an English or Scottish judge at first instance, even if reversed on appeal, or as the individual judgment of a judge forming part of a higher appellate court (Berman 2013, 13).

Such perceptions may also influence others to gradually perceive such judges as less desirable to work or interact with. Several interviewees commented proudly on conversations they had either learned about or been involved with in which certain judges were persuaded not to issue dissenting opinions. One former judicial associate explained their refusal to work with a judge who regularly dissented by claiming that "[this judge] would have destroyed [them]" (Int. 6). This suggests that the judge in question would not only have distorted this individual's understanding of international law – against the mainstream of the Court's norms – but would also have jeopardized their position within the Court's informal hierarchies and, perhaps, limited their career prospects after leaving the Court. Thus, the socialization processes within the Court are influenced by various factors, ranging from a genuine belief in the values promoted by the Court to more strategic positioning in relation to the Court's norms. In any event, the Court's environment keeps individual creativity in check and encourages the adoption and dissemination of organizational practices that are consistent with its institutional myths. Such dynamics are typical of tightly coupled organizations, which discipline members to internalize institutional pressures (Sauder and Espeland 2009). These findings address our two research questions: first, they reveal a tight coupling at the Court, with its institutional myths strongly influencing organizational practices, which, in turn, deeply shape the actions of its members. What remains to be explored is how this organizational analysis of the Court can enhance our understanding of the field theories that dominate scholarship on international courts.

The Court's mitigation of group conflicts

Field theorists have not yet applied their analytical framework to empirically study the internal workings of the ICJ (see, however, Messenger 2018). In fact, their theoretical outlook could highlight the importance of various conflicts at the Court – for instance, professional competition between judges and their clerks and Registry members, or competition between the English and French languages which broadly, albeit imperfectly, overlaps with a perceived opposition between the common and civil law traditions (Cohen 2018). After describing the nature of these group conflicts, we describe how the Court's organizational practices ultimately reduce the divisions that these conflicts produce in practice.

Group conflicts at the Court

One key conflict opposes the judges and their clerks to the Registry. The clerkship program was created in the early 2000s and now enrolls enough clerks annually for one to be allocated to each judge. A few years after the establishment of the clerkship

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

program, seven of the Court's eight associate legal officers (also called "P-2s," borrowing from the UN general pay grade) were assigned to work for judges, although they remain members of the Registry staff. Our interviewees pointed out that the clerks and the P-2s assigned to judges differ from Registry members in many respects: the latter are older, on permanent contracts, and usually bilingual (in English and French); the former are younger, on fixed-term contracts, and usually more comfortable speaking English. More importantly, the creation of a clerkship program was seen by many to have "shifted the power balance" from the Registry to the judges (Int. 9). In particular, the bulk of judicial work (typically the drafting of legal opinions) moved from the Registry to the clerks and P-2s and was perceived as "going to the other side of the building" (Int. 11). According to a veteran Registry member, there is now a "wall between the Registry and the judges who rely on their assistants" (Int. 15). "We are in a different world," adds a former associate legal officer (Int. 12). Employees "draw the line" between these components of the Court, even while acknowledging that they work for the same organization (Int. 12).

Another important, long-lasting, struggle opposes linguistic traditions and, by extension, legal traditions at the Court (Cohen 2018). French and English are both the official languages of the Court. However, French progressively "became less important at the Court and English began to become the dominant language" (Int. 22) to the point where the Court's Registry was characterized by interviewees as the last bastion of bilingualism, with English becoming the lingua franca among judges and clerks in the so-called "new building." Bilingualism has led to outright conflicts within the Court. One former clerk told us that they were the only clerk in a particular intake who could not speak French, which a Registry member viewed as a "colossal failing" (Int. 3). Other interviewees, usually former clerks, told us that they viewed the use of French as a "relic of the Eurocentricity of the Court" (Int. 4). Others argued by contrast that English is an "inferior language" that is "not capable of being used for complex legal analysis" (reported by Int. 9). This (quite real) conflict between linguistic traditions overlaps with another opposition between legal traditions. According to one former Registry member, the use of language is "the tip of an iceberg," as it "covers many layers of understanding of the law" (Int. 15). Another interviewee noted the close connection between French and the civil law, suggesting that the biggest cleavage within the Court was a divide between the common and civil law traditions (Int. 5). These conflicts are an important part of the Court's life, but their importance should not be overstated. In the next "**Conflict mitigation at the Court**" section, we describe how the Court's organizational practices ultimately mediate and prevail over these divisions.

Conflict mitigation at the Court

Our data indicates that while these groups, languages and traditions overlap in ways that are not always straightforward and peaceful, the Court's tight coupling mediates such overlaps. Many interviewees in fact commented on the singularity and uniqueness of the Court, pointing to a distinct organizational culture that unifies its actors.

For instance, a former associate legal officer confided that they never understood why there was a "sense of us/them" spanning the artificial divide between the Peace Palace and the "new building" (Int. 26). Despite working in the "new building," they

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

reportedly made many close friends in the Registry and frequently visited that part of the Peace Palace (Int. 26). Similarly, when asked if the ICJ was closer to a civil law or a common law institution, an interviewee educated in both traditions noted that it is "more of an idiosyncratic institution" (Int. 19). Another interviewee (educated in common law and civil law jurisdictions) commented that this opposition had little influence on the work of the Court, because it operates "within a traditional public international law framework," that is a "square, not creative frame" (Int. 13). Other interviewees described international law as practiced at the Court as a "separate" (Int. 21) or "universal" (Int. 22) legal system distinguishable from national legal traditions and as its "own creature" (Int. 16). The same was said about linguistic traditions: "Neither language has the upper hand, and no legal culture has the upper hand," claimed one interviewee notwithstanding their grounding in the civil law and francophone tradition (Int. 20). Ultimately, one very experienced lawyer (who was also educated in a common law and a civil law jurisdiction) said that the Court "applies international law in a way that it has itself devised" (Int. 22). This data reveals the effectiveness of the Court's institutional myths, which are strongly coupled with organizational practices and individual action, in promoting a sense of identity among its actors as working within a unified and "idiosyncratic institution."

One interesting angle to further explore the above is the composition and functioning of counsel teams representing disputing parties in ICJ proceedings. The perspective of counsel is particularly useful here, as it does not suffer – at least not to the same extent – from the legitimizing bias that might characterize the discourse of the Court's judges and employees. One very experienced ICJ counsel emphasized the extent to which the Court's case law is influenced by the arguments of the parties, which are themselves shaped by the "particular cultural prism" through which they are presented (Int. 15). As a consequence, states (and the lawyers representing them) pay particular attention to the composition of counsel teams, in order to make sure that they reflect the same "cultural prism" as the judges. On this matter, our data converges toward a single account: experienced counsel teams typically select two or three civil law jurists and two or three common law jurists who review each other's work and provide feedback to one another (Int. 19). This process is far from simple: a seasoned lawyer praised the value of "collective" and "iterative" work within a counsel team, as illustrated by the 41 successive revisions to a submission eventually filed with the Court (Int. 20).

Leading lawyers before the ICJ conveyed the same message in their interviews, regardless of whether they were francophones hailing from the civil law tradition or anglophones solidly embedded in the common law tradition. "[I am] convinced that the parties' arguments are better received by the Court if they derive from a blend of judicial traditions," said a francophone leader of the ICJ bar based in a civil law jurisdiction (Int. 18). The "judges are like us, […] what happens in [the] counsel team will also happen within the Court [… The] peak of artistry is to combine both ways." One of this lawyer's anglophone counterparts based in a common law jurisdiction gave a similar account: "[t]he common law/civil law divide does not make much difference although the style of pleading might change, so you would want civil and common lawyers in a team; […] overall, international lawyers think the same way whether from civil law or common law backgrounds." (Int. 21) Interestingly, these lawyers did not deny the importance of linguistic and legal traditions. What they claim instead is that lawyers

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

must speak the Court's language through the prism of their respective legal tradition in order to appeal to the same diversity of traditions that exist within the Court itself. Lawyers before the ICJ must master the grammar shared by all members of the ICJ "club," namely the knowledge of a specific type of international law embedded within the culture of a specific organization.

Discussion

New and inhabited institutionalism often emphasize the capacity of loose couplings to mitigate organizational conflicts (Adkison 1979; Meyer and Rowan 1977; Orton and Weick 1990; Tim 2010) and, conversely, point to the potential of tight couplings to generate "turmoil" (Tim 2010) and "anxiety" within organizations (Sauder and Espeland 2009). Our findings both complement and challenge this view by showing that a tightly coupled organization, such as the ICJ, can also mitigate conflicts. It does so by promoting organizational practices closely tied to institutional myths and by ensuring the socialization of its actors. The discussion of our data proceeds in two steps. First, we highlight how the "tight coupling" between institutional myths, organizational practices and individual action at the ICJ minimizes group conflicts and increases individual compliance. Next, we retrace the origins of the Court's institutional myths, contrasting the prevalence of conflicts at the field level with their mitigation at the organizational level.

Tight coupling and conflict management at the ICJ

Our data indicates a case of tight coupling between institutional myths, organizational structures and individual action at the ICJ. We borrow the term "tight coupling" from scholars of "inhabited" institutionalism, who use it to describe social environments structured in accordance with institutional myths with high levels of individual compliance (Hallett and Amelia 2021, 13). The ICJ appears to exhibit these characteristics. Social actors at the ICJ (i.e., judges, clerks, Registry members, but also lawyers appearing before it) tend to comply with institutional myths, such as collectivism and conservatism, which are strongly aligned with the organizational practices of the Court (for instance, the renewal of judges by thirds, or the complex drafting procedures for judgments). Our empirical record contains many examples of this compliance, showing how individuals become increasingly respectful of the Court's practices over time.

This does not mean that deviance does not exist at the Court, but the opportunity for deviant behavior is extremely limited. Noncompliant individuals are quickly marginalized and excluded from the core activities of the Court, such as involvement in Drafting Committees. Additionally, the Court's organizational structures provide subtle mechanisms to absorb while discounting deviant behavior, for instance through the practice of separate opinions (see "**The effect of the Court's myths and practices on individual action**" section). There is thus a tight coupling between the Court's institutional myths (collectivism and conservatism), its organizational practices (Drafting Committees and separate opinions) and individual action (a judge's personal views on a particular issue). Adherence to the Court's cultural codes may follow natural

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

inclination or strategic considerations: numerous opportunities open up to incoming members of the ICJ "club" who become proficient in these codes.

By casting light on the role of the Court's tight coupling in maximizing individual adherence to internal codes, our data also allows us to revisit scholarly debates concerning the impact of "couplings" on social conflicts. Neo- and inhabited institutionalists usually argue that loose couplings minimize internal conflicts by giving individuals the necessary space to align their practices with organizational structures and myths (Adkison 1979; Tim 2010, 52; Meyer and Rowan 1977, 357; Orton and Karl 1990). In contrast, tight couplings are considered to lead to heightened conflicts because institutional myths are often open-ended and even inconsistent, resulting in internal debates and inefficiencies (Tim 2010; Meyer and Rowan 1977, 355–356; Sauder and Espeland 2009).

The case of the ICJ provides a counterexample where tight couplings reduce conflicts by providing social actors with a clear script of acceptable behavior that conforms with institutional myths. These myths are very clearly understood and shared by ICJ insiders, whether they work at the Court or appear before it. The Court's organizational practices give concrete meaning to these institutional myths, with which they are largely consistent. Our data confirms that the myths recur across all aspects of the Court's practices. As a former judge noted: "This is really hammering simple black and white ideas into people's minds […]. This is a bit how the Court operates" (Int. 29). These "simple black and white ideas" not only concern how the Court privileges collectivism and conservatism through its working methods but also provide the prism through which the Court understands the content of international law.

As noted above, this account does not ignore the existence of linguistic, cultural and organizational conflicts within the Court. However, the key point is that the Court attenuates these conflicts by maintaining a common cultural framework within which ICJ actors undertake their activities and relate to one another. These actors gain a "cultural competency" (Stoller and McConatha 2001) that enables them to mediate between various groups and systems even after they leave the Court. They speak the language of their own systems of origin (e.g., that of a francophone diplomat educated in the civil law tradition), while mastering the grammar of international law embedded in the Court's organizational practices. By sustaining this tight coupling, the Court minimizes the impact of group conflicts on its internal functioning and maximizes institutional continuity.

Locating institutional myths and conflicts

Our data suggests that the Court's organizational practices overlap in several ways with the diplomatic culture found in foreign affairs ministries and international organizations (see "**The Court's organizational practices**" section). This is also true for its specific understanding of international law. This overlap is not surprising given that the ICJ, although relatively insular, still belongs to the broader field of international law and diplomacy. This context helps us better understand and situate the ICJ's practices. Meierhenrich rightly highlights the importance of this context by describing organizational practice at the ICC as an "international practice" which "is not primarily enacted inside one bureaucratic entity, but rather on the stage of the international system as a whole […]" (Meierhenrich 2013b, 66).

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

The overlaps between the Court's organizational practices and the broader practice of international law and diplomacy become evident when comparing our findings with the literature on diplomatic service. For instance, in his ethnography of the Norwegian Ministry of Foreign Affairs, Iver Neumann highlights two aspects of European diplomatic culture that align closely with our observations of the ICJ. First, Neumann underscores the importance of "consensus building" when diplomats draft a text that must be issued with "the same voice" (Neumann 2012, 7). He describes how in drafting a diplomatic text diplomats seek out "the opinion of each and every part of the foreign ministry that may conceivably have, or may be expected to gain, an interest in the matter at hand" (Neumann 2012, 7). Second, this emphasis on collective work induces a bias toward conservatism. Neumann notes, in particular, that "when left to their own devices, diplomats will tend to reproduce extant knowledge rather than produce something new" (Neumann 2012, 7). As he explains, "[t]he focus of diplomacy is maintenance, not change" (Neumann 2012, 16). Neumann provides an example of this conservatism by describing how his own efforts to instill creativity in the foreign ministry's work were quickly met with disapproval and ultimately dismissed (Neumann 2012, 62–93). Other authors similarly describe the weight of conservatism in the training of European diplomats, such as through the emulation of document formats from the nineteenth century (Badel 2021, 276; Hamilton and Langhorne 1995, 60).

These observations align well with our own findings concerning the organizational practices and institutional myths at the ICJ (see "**Findings**" section). These parallels are not surprising, considering the number of former diplomats on the ICJ bench. In fact, the Court's norms of conservatism and collectivism place the Court on a level playing field with states, not only to encourage them to trust the Court with the resolution of their disputes but also to assert the Court's authority over dispute resolution and maximize the prospect of state compliance with future judgments. This mimetic process can also be observed in other courts seeking to bolster legitimacy toward the state. For instance, Latour (2010, 166) identifies a similar form of collectivism grounded in internal traditions within the French *Conseil d'Etat*. Another potentially relevant example is the ICC, whose focus on "managerialism" draws its roots from the UN system, which was itself shaped by the administrative organization of the New Deal (Clements 2024, 37–89). In both the Court and foreign ministries, work processes not only reproduce organizational techniques and thus constrain individual action (North 1990, 93) but also act as legitimizing devices for their organizational missions.

The connection between the ICJ's institutional myths and state diplomatic cultures helps to locate the conflicts visible at the ICJ. Many key conflicts prevalent at the ICJ are also apparent in, and arguably originate from, the broader field of international law. For instance, the competition between French and English can be observed not only at the Court's organizational level but also in this wider field. This competition spans the history of diplomacy throughout the twentieth century (Badel 2021, 278–279). English and French vied to become the lingua franca of diplomacy, with French prevailing until the mid-twentieth century and English dominating the field – albeit not completely – after World War II. Traces of this broader conflict can be seen at the ICJ. Yet, our data indicates that the ICJ has been able to minimize these conflicts at the organizational level. The combination of francophone and anglophone jurists within counsel teams illustrates the Court's successful practices in mitigating such

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

conflicts. Another relevant example concerns the distinction between civil and common law cultures which some scholars consider to be a structuring conflict in the field of international law more broadly (Legrand 2006; Roberts 2017). Our data indicates that such conflict, while real at the field level, is greatly minimized at the Court's organizational level ("**The Court's mitigation of group conflicts**" section). Tracing the origins of the Court's institutional myths thus illuminates its role in digesting external conflicts and producing its own set of cultural values that inform its practice of international law.

Conclusion

In conclusion, this article has examined the inner functioning of the ICJ, a "remote and esoteric tribunal" (Waldock 1983, 1) that plays a central role in the resolution of interstate disputes. By presenting rich empirical data on the ICJ, this article contributes to the socio-legal scholarship on international courts by bringing into focus the ICJ's organizational practices and institutional myths to build upon and complement the conflict-oriented theories that dominate this scholarship. This article has demonstrated that the ICJ's tight coupling between institutional myths and organizational practices plays a critical role in maintaining institutional coherence and mediating broader dynamics in the field of international law and diplomacy. Ultimately, the ICJ produces a specific way of doing international law which has wide – albeit not definitive – effects in this field. The case study of the ICJ leaves open the possibility that other organizations may provide different institutionalized accounts of the practice of international law. It illustrates how the field of international law can be said to be both settled in some places and contested in others.

Our article also contributes to organizational theory by showing how tightly coupled organizations can mitigate group conflicts, thus complementing scholarship assuming that looser couplings are inherently more fit for this task. Our findings have broader implications for the study of courts in society, by illustrating how courts can act as stabilizing forces within contested fields through their organizational practices. By linking microlevel organizational practices to macro-level field dynamics, we examine how a court can deflate conflicts at the organizational level, while bringing stability to a broader socio-legal field that remains contested. This research shows the importance of studying courts within larger socio-legal systems, contributing to law and society scholarship about the interactions between organizational design, field-level dynamics and law-in-action.

Acknowledgements. We are indebted to the editors and anonymous reviewers of the *Law & Society Review* for their useful feedback on our paper. We also thank Susan Bartie, Gregory Messenger, Pierre Legrand, Michael Waibel, and Philippa Webb for their helpful comments on earlier drafts. Additionally, we are grateful to friends and colleagues who organized opportunities for us to present this as a work-in-progress and receive valuable feedback during its development. We extend our thanks to Charmaine Cole, Lauren Abrahams and Savannah Still for helpful research assistance, and to our interviewees for participating in our interviews and offering us valuable insights. Associate Professor Shirlow also wishes to acknowledge the support of the Leslie Zines Memorial Endowment, which provided generous funding to support a research sabbatical in Oxford to complete work on this paper.

Conflicts of interest. The authors declare that they have no known competing interests or personal relationships that could have appeared to influence the work reported in this paper.

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

References

Aalberts, Tanja and Sofia Stolk. 2022. "Building (Of) the International Community: A History of the Peace Palace through Transnational Gifts and Local Bureaucracy." *London Review of International Law* 10 (2): 169–202. doi:10.1093/lril/lrac013.

Adkison, Judith A. 1979. "Conflict and Stress in Interorganizational Structures." Annual Meeting of the American Educational Research Association.

Alan, Paterson. 1982. *The Law Lords*. London and Basingstoke: The MacMillan Press.

Alter, Karen J. 2001. *Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe.* Oxford: Oxford University Press.

Alter, Karen J. and Laurence R. Helfer. 2017. *Transplanting International Courts: The Law and Politics of the Andean Tribunal of Justice.* Oxford: Oxford University Press.

Alter, Karen J., R. Helfer Laurence and Jacqueline R. McAllister. 2013. "A New International Human Rights Court for West Africa: The ECOWAS Community Court of Justice." *The American J. of International Law* 107: 737–79. doi:10.5305/amerjintelaw.107.4.0737.

Arango-Vasquez, Leonel and Mariano Gentilin. 2021. "Organizational Couplings." *Innovar: Revista de Ciencias Administrativas Y Sociales* 31 (79): 161–78. doi:10.15446/innovar.v31n79.91898.

Badel, Laurence. 2021. *Diplomaties Européennes, XIXe-XXIe Siècle*. Paris: Presses de Sciences Po.

Barnett, Michael. 2002. *Eyewitness to a Genocide: The United Nations and Rwanda*. Ithaca and London: Cornell University Press.

Bens, Jonas. 2023. *The Sentimental Court: The Affective Life of International Criminal Justice*. Cambridge: Cambridge University Press.

Berman, Franklin. 2013. "The ICJ as an 'Agent' of Legal Development." In *The Development of International Law by the International Court of Justice*, edited by Christian J. Tams and James Sloan, 7–21. Oxford: Oxford University Press.

Binder, Amy. 2007. "For Love and Money: Organizations' Creative Responses to Multiple Environmental Logics." *Theory and Society* 36 (6): 547–71. doi:10.1007/s11186-007-9045-x.

Binder, Amy J. and Kate Wood. 2013. *Becoming Right: How Campuses Shape Young Conservatives*. Princeton: Princeton University Press.

Block-Lieb, Susan and Terence C. Halliday. 2017. *Global Lawmakers: International Organizations in the Crafting of World Markets*. Cambridge: Cambridge University Press.

Bourdieu, Pierre. 1987. "The Force of Law: Toward a Sociology of the Juridical Field." *The Hastings Law J.* 38: 805–53.

Bourdieu, Pierre and Loïc J. D. Wacquant. 1992. *An Invitation to Reflexive Sociology*. Chicago: The University of Chicago Press.

Campbell, Kirsten. 2013. "The Making of Global Legal Culture and International Criminal Law." *Leiden J. of International Law* 26 (1): 155–72. doi:10.1017/S0922156512000696.

Campbell, Kirsten. 2017. "The Making of International Criminal Justice: Towards a Sociology of the 'Legal Field." In *International Practices of Criminal Justice: Social and Legal Perspectives*, edited by Mikkel Jarle Christensen and Ron Levi, 149–68. London: Routledge.

Cardenas, Fabian, and Jean d'Aspremont. 2020. "Epistemic Communities in International Adjudication." *Max Planck Encyclopedias of International Law*. https://opil.ouplaw.com/display/10.1093/law-mpeipro/e2425.013.2425/law-mpeipro-e2425.

Caserta, Salvatore and Mikael Rask Madsen. 2022. "The Situated and Bounded Rationality of International Courts: A Structuralist Approach to International Adjudicative Practices." *Leiden J. of International Law* 35: 931–43. doi:10.1017/S0922156522000486.

Chiarello, Elizabeth. 2019. "Law, Morality, and Health Care Professionals: A Multilevel Framework." *Annual Rev. of Law and Social Science* 15: 117–35. doi:10.1146/annurev-lawsocsci-101518-042853.

Christensen, Mikkel Jarle. 2015. "The Emerging Sociology of International criminal Courts: Between Global Restructurings and Scientific Innovations." *Current Sociology* 63 (6): 825–49. doi:10.1177/0011392115588963.

Christensen, Mikkel Jarle. 2021. "The Professional Market of International Criminal Justice: Divisions of Labour and Patterns of Elite Reproduction." *J. of International Criminal Justice* 19: 783–802. doi:10.1093/jicj/mqab062.

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

Christensen, Mikkel Jarle. 2023a. "State Nobility in the Field of International Criminal Justice: Divergent Elites and the Contest to Control Power over Capital." *Social Forces* 102 (2): 1–18.
Christensen, Mikkel Jarle. 2023b. "Justice Sites and the Fight against Atrocity Crimes." *Law & Social Inquiry* 48 (4): 1399–427. doi:10.1017/lsi.2022.46.
Cichowski, Rachel A. 2007. *The European Court and Civil Society: Litigation, Mobilization. and Governance*. Cambridge: Cambridge University Press.
Clark, Phil. 2018. *Distant Justice: The Impact of the International Criminal Court on African Politics*. Cambridge: Cambridge University Press.
Clarke, Kamari Maxine. 2009. *Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa*. Cambridge: Cambridge University Press.
Cleckner, Callie and Tim Hallett. 2022. "Inhabited Institutionalism." *Encyclopedia* 2: 1494–502. doi:10.3390/encyclopedia2030101.
Clements, Richard. 2024. *The Justice Factory: Management Practices at the International. Criminal Court*. Cambridge: Cambridge University Press.
Cohen, Mathilde. 2018. "The Continuing Impact of French Legal Culture on the International Court of Justice." In *Comparative International Law*, edited by Roberts Anthea, Paul B. Stephan, Pierre-Hugues Verdier and Mila Versteeg, 181–205. Oxford: Oxford University Press.
Condé, Pierre-Yves. 2008. "Causes de la Justice Internationale, Causes Judiciaires Internationales: Note de Recherche Sur la Remise En Question de la Cour Internationale de Justice." *Actes de la Recherche En Sciences Sociales* 4 (174): 24–33. doi:10.3917/arss.174.0024.
Couvreur, Philippe. 2016. *The International Court of Justice and the Effectiveness Of. International Law*. Leiden and Boston: Brill/Nijhoff.
Dezalay, Yves and Bryant G. Garth. 1996. *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order*. Chicago: University of Chicago Press.
Dezalay, Yves and Mikael Rask Madsen. 2012. "The Force of Law and Lawyers: Pierre Bourdieu and the Reflexive Sociology of Law." *Annual Rev. of Law and Social Sciences* 8: 433–52. doi:10.1146/annurev-lawsocsci-102811-173817.
DiMaggio, Paul J. 1979. "On Pierre Bourdieu." *American J. of Sociology* 84 (6): 1460–74. doi:10.1086/226948.
DiMaggio, Paul J. 1991. "Constructing an Organizational Field as a Professional Project: U.S. Art Museums, 1920—1940." In *The New Institutionalism in Organizational Analysis*, edited by W. Powell Walter and J. DiMaggio Paul, 267–92. Chicago: University of Chicago Press.
Edelman, Lauren B. 1990. "Legal Environments and Organizational Governance: The Expansion of Due Process in the American Workplace." *American J. of Sociology* 95 (6): 1401–40. doi:10.1086/229459.
Edelman, Lauren B. 1992. "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law." *American J. of Sociology* 97 (6): 1531–76. doi:10.1086/229939.
Edelman, Lauren B. and Shauhin A. Talesh. 2012. "To Comply or Not to Comply – That Isn't the Question: How Organizations Construct the Meaning of Compliance, in Explaining Compliance." In *Explaining Compliance: Business Responses to Regulation*, edited by Christine Parker and Vibeke Nielsen, 103–22. Cheltenham, UK: Edward Elgar Publishing.
Edelman, Lauren B., Christopher Uggen and Howard S. Erlanger. 1999. "The Endogeneity of Legal Regulation: Grievance Procedures as Rational Myth." *American J. of Sociology* 105 (2): 406–54. doi:10.1086/210316.
Eltringham, Nigel. 2019. *Genocide Never Sleeps: Living Law at the International Criminal Tribunal for Rwanda*. Cambridge: Cambridge University Press.
Everitt, Judson G. and Bradley A. Levinson. 2016. "Inhabited Institutions in New Destinations: Local Sense-Making and Institutional Work in Community Response to New Immigration." *J. of Contemporary Ethnography* 45 (2): 115–42. doi:10.1177/0891241614550757.
Eyffinger, Arthur and Arthur Whitteveen. 1996. *The International Court of Justice. 1946–1996*. The Hague: London and Boston: Kluwer Law International.
Fikfak, Veronika. 2022. "Against Settlement before the European Court of Human Rights." *International J. of Constitutional Law* 20 (3): 942–75. doi:10.1093/icon/moac087.
Fligstein, Neil and Douglas McAdam. 2012. *A Theory of Fields*. New York: Oxford University Press.
Friedland, Roger and Robert R. Alford. 1991. "Bringing Society Back In: Symbols, Practices, and Institutional Contradictions." In *The New Institutionalism in Organizational Analysis*, edited by W. Powell Walter and J. DiMaggio Paul, 232–63. Chicago and London: The University of Chicago Press.

Georgakakis, Didier. ed.. 2017. *European Civil Services in (Times Of) Crisis: A Political Sociology of the Changing Power of Eurocrats*. by. London: Palgrave Macmillan.
Ginsburg, Tom. 2023. "The Institutional Context of the International Court of Justice." In *The Cambridge Companion to the International Court of Justice*, edited by Carlos Espósito and Kate Parlett, 86–100. Cambridge: Cambridge University Press.
Ginsburg, Tom and Richard H. McAdams. 2004. "Adjudicating in Anarchy: An Expressive Theory of International Dispute Resolution." *William & Mary Law Rev.* 45: 1229–339.
Grisel, Florian. 2017. "Competition and Cooperation in International Commercial Arbitration: The Birth of a Transnational Legal Profession." *Law and Society Rev.* 51 (4): 790–824. doi:10.1111/lasr.12295.
Grisel, Florian. 2021. *The Limits of Private Governance: Norms and Rules in a Mediterranean Fishery*. Oxford: Hart Publishing.
Hagan, John. 2003. *Justice in the Balkans: Prosecuting War Crimes in the Hague Tribunal*. Chicago: University of Chicago Press.
Hagan, John and Ron Levi. 2004. "Social Skill, the Milosevic Indictment, and the Rebirth of International Criminal Justice." *European J. of Criminology* 1 (4): 447–75. doi:10.1177/1477370804045693.
Hagan, John and Ron Levi. 2005. "Crimes of War and the Force of Law." *Social Forces* 83 (4): 1499–534. doi:10.1353/sof.2005.0066.
Hagan, John, Ron Levi and Gabrielle Ferrales. 2006. "Swaying the Hand of Justice: The Internal and External Dynamics of Regime Change at the International Criminal Tribunal for the Former Yugoslavia." *Law and Social Inquiry* 31 (3): 585–616. doi:10.1111/j.1747-4469.2006.00023.x.
Hallett, Tim and Hawbaker Amelia. 2021. "The Case for an Inhabited Institutionalism in Organizational Research: Interaction, Coupling, and Change Reconsidered." *Theory and Society* 50: 1–32. doi:10.1007/s11186-020-09412-2.
Hallett, Tim and Matthew Gougherty. 2024. "Learning to Think like an Economist without Becoming One: Ambivalent Reproduction and Policy Couplings in a Masters of Public Affairs Program." *American Sociological Rev.* 89 (2): 227–255. doi:10.1177/00031224241231985.
Halliday, Simon and Patrick Schmidt. 2010. *Conducting Law and Society Research: Reflections on Methods and Practices*. Cambridge: Cambridge University Press.
Hamilton, Keith and Richard Langhorne. 1995. *The Practice of Diplomacy: Its Evolution, Theory and Administration*. London: Routledge.
Hammarskjöld, Ake. 1927. "Sidelights on the Permanent Court of International Justice." *Michigan Law Rev.* 25 (4): 327–53. doi:10.2307/1279363.
Heimer, Carol A and Arielle W. Tolman. 2021. "Between the Constitution and the Clinic: Formal and de Facto Rights to Healthcare."*Law and Society Rev.* 55 (4): 563–586.
Hernández, Gleider I. 2014. *The International Court of Justice and the Judicial Function*. Oxford: Oxford University Press.
Hudson, Manley O. 1959. "The Thirty-Seventh Year of the World Court." *The American J. of International Law* 53 (2): 319–23. doi:10.2307/2195806.
Jacob, Herbert. 1997. "The Governance of Trial Judges." *Law and Society Rev.* 31 (1): 3–30. doi:10.2307/3054093.
Kolb, Robert. 2013. *The International Court of Justice*. Oxford and Portland: Hart Publishing.
Kumar, Shashank P and Cecily Rose. 2014. "A Study of Lawyers Appearing before the International Court of Justice, 1999–2012." *The European J. of International Law* 25 (3): 893–917. doi:10.1093/ejil/chu057.
Lando, Massimo. 2022. "Secret Custom Or The Impact Of Judicial Deliberations On The Identification Of Customary International Law." *The Cambridge Law J.* 81 (3): 550–80. doi:10.1017/S0008197322000253.
Latour, Bruno. 2010. *The Making of Law: An Ethnography of the Conseil d'Etat*. Cambridge and Malden: Polity Press.
Legrand, Pierre. 2006. "On the Singularity of Law." *Harvard International Law J.* 47 (2): 517–30.
Levi, Ron, John Hagan and Sara Dezalay. 2016. "International Courts in Atypical Political Environments: The Interplay of Prosecutorial Strategy, Evidence, and Court Authority in International Criminal Law." *Law and Contemporary Problems* 79: 289–314.
Madsen, Mikael Rask. 2007. "From Cold War Instrument to Supreme European Court: The European Court of Human Rights at the Crossroads of International and National Law and Politics." *Law and Social Inquiry* 32 (1): 137–59. doi:10.1111/j.1747-4469.2007.00053.x.

Madsen, Mikael Rask. 2016. "The Challenging Authority of the European Court of Human Rights: From Cold War Legal Diplomacy to the Brighton Declaration and Backlash." *Law and Contemporary Problems* 79 (1): 141–78.
Madsen, Mikael Rask. 2018. "Who Rules the World? The Educational Capital of the International Judiciary." *UC Irvine J. of International, Transnational and Comparative Law* 3 (97): 97–118.
Marissal, Amélie. 2020. "Cultures Juridiques Et Internationalisation Des Élites du Droit. Le Cas Des Juges de la Cour Internationale de Justice." *Droit Et Société* 105 (2): 343–59. doi:10.3917/drs1.105.0343.
Massoud, Mark Fathi. 2015. "Work Rules: How International NGOs Build Law in War-Torn Societies." *Law and Society Rev.* 49 (2): 333–64. doi:10.1111/lasr.12138.
Maučec, Gregor and Shai Dothan. 2022. "Judicial Dissent at the International Criminal Court: A Theoretical and Empirical Analysis." *Leiden J. of International Law* 35: 945–61. doi:10.1017/S0922156522000103.
Meierhenrich, Jens. 2013a. "The Practices of the International Criminal Court." *Law & Contemporary Problems* 76 (3/4): i–x.
Meierhenrich, Jens. 2013b. "The Practices of International Law: A Theoretical Analysis." *Law & Contemporary Problems* 76 (3/4): 1–83.
Messenger, Gregory. 2018. "The Practice of Litigation at the ICJ: The Role of Counsel in the Development of International Law." In *Research Handbook on the Sociology of International Law*, edited by Moshe Hirsch and Andrew Lang, 208–31. Cheltenham: Edward Elgar Publishing.
Meyer, John W and Brian Rowan. 1977. "Institutionalized Organizations: Formal Structures as Myth and Ceremony." *American J. of Sociology* 83 (2): 340–63. doi:10.1086/226550.
Michel, Hélène and Cécile Robert, ed. by. 2010. *La Fabrique Des 'Européens': Processus de Socialisation Et de Construction Européeenne*. Strasbourg: Presses Universitaires de Strasbourg.
Michelson, Ethan. 2019. "Decoupling: Marital Violence and the Struggle to Divorce in China." *American J. of Sociology* 125 (2): 325–81. doi:10.1086/705747.
Neumann, Iver B. 2012. *At Home with the Diplomats*. Ithaca: Cornell University Press.
Niezen, Ronald and Maria Sapignoli, ed. by. 2017. *Palaces of Hope: The Anthropology of Global Organizations*. Cambridge: Cambridge University Press.
North, Douglass C. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.
Orton, J. Douglas and E. Weick Karl. 1990. "Loosely Coupled Systems: A Reconceptualization." *Academy of Management Rev.* 15 (2): 202–23. doi:10.2307/258154.
Paterson, Alan. 2013. *Final Judgment: The Last Law Lords and the Supreme Court*. Oxford and Portland: Hart Publishing.
Posner, Eric A. and de Figueiredo Miguel F.P. 2005. "Is the International Court of Justice Biased?." *The J. of Legal Studies* 34 (2): 599–630. doi:10.1086/430765.
Powell, Walter W. and Paul J. DiMaggio, ed. by. 1991. *The New Institutionalism in Organizational Analysis*. Chicago: University of Chicago Press.
Roberts, Anthea. 2017. *Is International Law International?* Oxford: Oxford University Press.
Rosenne, Shabtai. 2006. *The Law and Practice of the International Court: 1920-2005*. Leiden and Boston: Martinus Nijhoff Publishers. Fourth Edition. (With the assistance of Yaël Ronen).
Sacriste, Guillaume and Antoine Vauchez. 2007. "The Force of International Law: Lawyers' Diplomacy on the International Scene in the 1920s." *Law and Social Inquiry* 32 (1): 83–107. doi:10.1111/j.1747-4469.2007.00051.x.
Sarfaty, Galit A. 2012. *Values in Translation: Human Rights and the Culture of the World Bank*. Stanford: Stanford University Press.
Sauder, Michael and Wendy Nelson Espeland. 2009. "The Discipline of Rankings: Tight Coupling and Organizational Change." *American Sociological Rev.* 74 (1): 63–82. doi:10.1177/000312240907400104.
Schachter, Oscar. 1977. "The Invisible College of International Lawyers." *Northwestern University Law Rev.* 72 (2): 217–26.
Schulte, Constanze. 2004. *Compliance with Decisions of the International Court of Justice*. Oxford: Oxford University Press.
Selznick, Philip. 1949. *TVA and the Grass Roots: A Study in the Sociology of Formal Organization*. Berkeley: University of California Press.
Selznick, Philip. 1957. *Leadership in Administration*. New York: Harper and Row.

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

Selznick, Philip. 1969. *Law, Society, and Industrial Justice*. New York: Russell Sage Foundation.
Selznick, Philip. 1996. "Institutionalism 'Old' and 'New'." *Administrative Science Quarterly* 41 (2): 270–77. doi:10.2307/2393719.
Shaffer, Gregory and Tom Ginsburg. 2012. "The Empirical Turn in International Legal Scholarship." *American J. of International Law* 106 (1): 1–46. doi:10.5305/amerjintelaw.106.1.0001.
Soave, Tommaso. 2022. *The Everyday Makers of International Law: From Great Halls to Back Rooms*. Cambridge: Cambridge University Press.
Soave, Tommaso. 2023. "The Social Field of International Adjudication: Structures and Practices of a Conflicting Professional Universe." *Leiden J. of International Law* 36 (3): 1–27. doi:10.1017/S0922156523000213.
Stoller, Paul and Jasmin Tahmaseb McConatha. 2001. "City Life: West African Communities in New York." *J. of Contemporary Ethnography* 30 (6): 651–77. doi:10.1177/089124101129024303.
Stone Sweet, Alec. 2004. *The Judicial Construction of Europe*. Oxford: Oxford University Press.
Suchman, Mark C and Lauren B. Edelman. 1996. "Legal Rational Myths: The New Institutionalism and the Law and Society Tradition." *Law and Social Inquiry* 21: 903–41. doi:10.1111/j.1747-4469.1996.tb00100.x.
Talesh, Shauhin A. 2009. "The Privatization of Public Legal Rights: How Manufacturers Construct the Meaning of Consumer Law." *Law and Society Rev.* 43 (3): 527–61. doi:10.1111/j.1540-5893.2009.00381.x.
Talesh, Shauhin A. 2015a. "Rule-intermediaries in Action: How State and Business Stakeholders Influence the Meaning of Consumer Rights in Regulatory Governance Arrangements." *Law & Policy* 37 (1/2): 1–31. doi:10.1111/lapo.12031.
Talesh, Shauhin A. 2015b. "Legal Intermediaries: How Insurance Companies Construct the Meaning of Compliance with Antidiscrimination Laws." *Law & Policy* 37 (3): 209–239. doi:10.1111/lapo.12037.
Thirlway, Hugh. 2016. *The International Court of Justice*. Oxford: Oxford University Press.
Tim, Hallett. 2010. "The Myth Incarnate: Recoupling Processes, Turmoil, and Inhabited Institutions in an Urban Elementary School." *American J. of Sociology* 75 (1): 52–74. doi:10.1177/0003122409357044.
Turco, Catherine. 2012. "Difficult Decoupling: Employee Resistance to the Commercialization of Personal Settings." *American J. of Sociology* 118 (2): 380–419. doi:10.1086/666505.
Ulmer, Jeffery T. 2019. "Criminal Courts as Inhabited Institutions: Making Sense of Difference and Similarity in Sentencing." *Crime and Justice* 40 (1): 483–522. doi:10.1086/701504.
Vauchez, Antoine. 2011. "Interstitial Power in Fields of Limited Statehood: Introducing a 'Weak Field' Approach to the Study of Transnational Settings." *International Political Sociology* 5 (3): 340–44. doi:10.1111/j.1749-5687.2011.00137_4.x.
Waldock, Humphrey. 1983. "The International Court of Justice as Seen from Bar and Bench." *British Yearbook of International Law* 54 (1): 1–5. doi:10.1093/bybil/54.1.1.
Weisburd, A. Mark. 2016. *Failings of the International Court of Justice*. Oxford: Oxford University Press.
Yildiz, Ezgi. 2020. "Enduring Practices in Changing Circumstances: A Comparison of the European Court of Human Rights and the Inter-American Court of Human Rights." *Temple International and Comparative Law J.* 34 (2): 309–38.
Zucker, Lynne G. 1977. "The Role of Institutionalization in Cultural Persistence." *American Sociological Rev.* 42 (5): 726–43. doi:10.2307/2094862.

Appendix I

Interview questions: We used this list of questions as a flexible frame of reference that was tailored to each interview and therefore it does not capture follow-up questions put to specific interviewees in response to what they told us about their experiences at or before the ICJ.

I. **Background questions**

1. Could you please introduce yourself, including your age, gender, citizenship and educational background?
2. What were the main stages of your career before joining (or arguing cases before) the ICJ?
3. What were/are your primary duties at the Court? How, if at all, have these duties evolved over time?
4. What were the main stages of your career after leaving the ICJ (if applicable)?

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

5. Has your experience at the ICJ been beneficial for your subsequent career? If so, in what ways? (if applicable)

II. **Experience at the ICJ**

6. Could you describe your initial experiences when you first joined (or represented states before) the ICJ? Was it surprising, challenging or relatively straightforward?
7. Could you describe the structure of the Registry, particularly the legal department (including, for example, its core responsibilities and staffing)?
8. Have you observed any significant changes in the Court's work (including the Registry) during your tenure?
9. How would you compare the organization of the Court to other entities where you have worked?
10. Have you noticed any particularly unique aspects about the Court or its working environment?
11. In your opinion, have specific features of the Court's environment (e.g., geographical location, physical/social space, norms of behavior, etc) influenced its operations and/or your work in connection with the Court?
12. Would you describe the ICJ as an idiosyncratic institution, a blend of common and civil law traditions, or one that is primarily influenced by one of these traditions?
13. How do the Court's two official languages impact daily operations? Do you work in both languages? If so/if not, do you see this as an advantage, disadvantage, or neutral to your work?

III. **Social life of the ICJ**

14. Do, or did, you interact with other staff members and/or judges (i) during the workday or (ii) in social settings?
15. Can you describe the nature of your interactions with other staff members and/or judges?
16. Can you detail the frequency and types of interactions you have with external stakeholders (such as officials from other institutions)?
17. Is there anything else about your experience with/at the Court which you would like to share with us?

Appendix 2

List of texts

1. Abraham, Ronny. 2016. "Presentation of the International Court of Justice over the Last Ten Years." *Journal of International Dispute Settlement* 7: 297–307.
2. Ajibola, Bola A. 1998. "Dispute Resolution by the International Court of Justice." *Leiden Journal of International Law* 11: 123–130.
3. Bedjaoui, Mohammed. 1991. "The 'Manufacture' of Judgments at the International Court of Justice." *Pace Year Book of International Law* 3(29): 29–61.
4. Bedjaoui, Mohammed. 1994. "The Place of the International Court of Justice in the General System for the Maintenance of Peace, as Instituted by the Charter of the United Nations." Address to the General Assembly of the United Nations.
5. Bedjaoui, Mohammed. 2000. "Expediency in the Decisions of the International Court of Justice." *British Yearbook of International Law*. 71(1): 1–27.
6. Bennouna, Mohamed. 2014. "The International Court of Justice: Bestriding Past and Present" In *Enhancing the Rule of Law Though the International Court of Justice,* edited by Giorgio Gaja and Jenny Grote Stoutenburg, 151–155. Leiden: Brill.
7. Berman, Franklin. 2013. "The International Court of Justice as an 'Agent' of Legal Development?" In *The Development of International Law by the International Court of Justice*, edited by Christian J. Tams and James Sloan, 7–21. Oxford: Oxford University Press.
8. Brower, Charles N. and Massimo Lando. 2020. "Judges ad hoc at the International Court of Justice." *Leiden Journal of International law* 33: 467–493.
9. Buergenthal, Thomas. 2009. "Rosalyn Higgins: Judge and President of the International Court of Justice (1995–2009)." *Leiden Journal of International Law* 22:703–713.
10. Cartier, Stéphanie and Cristina Hoss. 2018. "The Role of Registries and Legal Secretariats in International Judicial Institutions." In *The Oxford Handbook of International Adjudication*,

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

edited by Cesare P.R. Romano, Karen J. Alter and Yuval Shany, 712–731. Oxford: Oxford University Press.
11. Cassesse, Antonio. 2012. "The International Court of Justice: It is High Time to Restyle the Respected Old Lady." In *Realizing Utopia*, edited by Antonio Cassesse, 239–249. Oxford: Oxford University Press.
12. Charlesworth, Hilary. 2023. "Interview: In Conversation with Judge Hilary Charlesworth." *Max Planck Yearbook of United Nations Law Online*. Available at < https://brill.com/view/journals/mpyo/26/1/article-p12_3.xml>.
13. Couvreur, Philippe. 2016. *The International Court of Justice and the Effectiveness of International Law*. Leiden and Boston: Brill/Nijhoff.
14. Couvreur, Philippe. 2022. "La confiance dans la Cour internationale de Justice et ses procédures." In *La confiance dans les procédures devant les juridictions internationales: actes du colloque international de Nice, 3 et 4 juin 2021*, 59–112, edited by Julie de Tribolo-Ferrand. Paris: Pedone.
15. Crawford, James, Pellet alain and Catherine Redgwell. 2013. "Anglo-American and Continental Traditions in Advocacy before International Courts and Tribunals." *Cambridge Journal of International and Comparative Law* 2(4): 715–737.
16. Crawford James and Tom Grant. 2008. "International Court of Justice." In *The Oxford Handbook on the United Nations*. Edited by Sam Daws and Thomas G. Weiss, 194–207. Oxford: Oxford University Press.
17. Daudet, Yves. 2022. "De l'héritage continental à la découverte de la common law: la confiance à l'épreuve de la montée en puissance de la tradition anglo-saxonne devant la Cour internationale de Justice." In *La confiance dans les procédures devant les juridictions internationales: actes du colloque international de Nice, 3 et 4 juin 2021*, edited by Julie de Tribolo-Ferrand, 19–25. Paris: Pedone.
18. De Bustamante, Antonio Sanchez. 1925. *World Court*. New York: American Foundation, MacMillan Co.
19. Dingle, Lesley. 2011. "Judge Stephen Schwebel: International Jurist Extraordinaire." *Legal Information Management* 11: 55–64.
20. Dingle, Lesley. 2015. "A Legal Journey Through the UN, Academia, and the ICJ: Conversations with Dame Rosalyn Higgins DBE, JSD, FBA, QC." *Legal Information Management* 15: 86–94.
21. Dingle, Lesley and Daniel Bates. 2009. "A Conversation with Judge Stephen M. Schwebel." Available at <https://api.repository.cam.ac.uk/server/api/core/bitstreams/9ff77452-e706-401c-9abf-3bd688112c55/content>.
22. Dingle, Lesley and Daniel Bates. 2018. "A Conversation with Emeritus Professor Judge James Richard Crawford Part 1: Early Life and Career." Available at < https://api.repository.cam.ac.uk/server/api/core/bitstreams/9ff77452-e706-401c-9abf-3bd688112c55/content>.
23. Dingle, Lesley and Daniel Bates. 2018. "A Conversation with Emeritus Professor Judge James Richard Crawford Part 2: Scholarly Works" Available at <https://www.squire.law.cam.ac.uk/sites/www.law.cam.ac.uk/files/images/www.squire.law.cam.ac.uk/legacy/Media/Eminent%20Scholars%20Archive%20Transcripts/james_crawford_interview_4_may_2018_2.pdf>
24. Donoghue, Joan E. 2012. "The Role of the World Court Today." *Georgia Law Review* 47: 181–201.
25. Donoghue, Joan E. 2021. "Reflections on the 75th Anniversary of the International Court of Justice." *The UN Chronicle*. Available at < https://www.un.org/en/un-chronicle/reflections-75th-anniversary-international-court-justice>
26. El-Erian, Abdullah. 1981. "The International Court of Justice and the Concept of Universality." *Columbia Journal of Transnational Law* 19: 197–212.
27. Eyffinger, Arthur and Arthur Whitteveen. 1996. *The International Court of Justice, 1946–1996*. The Hague, London and Boston: Kluwer Law International.
28. Gautier, Philippe. 2023. "Interview: In Conversation with Philippe Gautier." *Max Planck Yearbook of United Nations Law Online*. Available at <https://brill.com/view/journals/mpyo/26/1/article-p22_4.xml?language=en>.
29. Greenwood, Christopher. 2021. "My experience of government is that they normally bend over backwards to take the right decision." *Varsity*. Available at <https://www.varsity.co.uk/interviews/21545>.
30. Guillaume, Gilbert. 2001. Speech to the General Assembly of the United Nations.

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

31. Guillaume, Gilbert. 2003. *La Cour internationale de Justice à l'aube du XXIème siècle: Le regard d'un juge*. Paris: Pédone.
32. Hammarskjöld, Ake. 1927. "Sidelights on the Permanent Court of International Justice." *Michigan Law Review* 25(4): 327–353.
33. Hernández, Gleider I. 2014. *The International Court of Justice and the Judicial Function*. Oxford: Oxford University Press.
34. Higgins, Rosalyn. 2006. Speech to the General Assembly of the United Nations.
35. Higgins, Rosalyn. 2007. Speech to the General Assembly of the United Nations.
36. Higgins, Rosalyn. 2007. "Human Rights in the International Court of Justice." *Leiden Journal of International Law*. 20: 745–751.
37. Higgins, Rosalyn. 2009. *Themes and Theories: Selected Essays, Speeches, and Writings in International Law*. Oxford: Oxford University Press.
38. Higgins, Rosalyn. 2013. "Shabtai Rosenne and the International Court of Justice." *The Law and Practice of International Courts and Tribunals* 12: 163–175.
39. Hoss, Cristina. 2023. "Interview: In Conversation with Cristina Hoss." *Max Planck Yearbook of United Nations Law Online*. Available at <https://brill.com/view/journals/mpyo/26/1/article-p36_5.xml>.
40. Hoss, Cristina, Santiago Villalpando and Eric de Brabandere. 2020. "In Memoriam: Professor Hugh W. A. Thirlway." *Leiden Journal of International Law* 33: 261–268.
41. Hudson, Manley O. 1931. "The Independence of the Permanent Court of International Justice." *American Bar Association Journal*. 17(7): 430–434.
42. Hudson, Manley O. 1959. "The Thirty-Seventh Year of the World Court." *The American Journal of International Law* 53(2): 319–323.
43. Hughes, Charles Evans. 1930. "The World Court as a Going Concern." *American Bar Association Journal*. 16(3): 151–157.
44. Jennings, Robert. 1989. "The Internal Judicial Practice of the International Court of Justice." *British Yearbook of International Law*. 59(1): 31–47.
45. Jiménez de Aréchaga, Eduardo. 1987. "The Work and the Jurisprudence of the International Court of Justice 1947–1986." *British Yearbook of International Law*. 58(1): 1–38.
46. Keith, Kenneth J. 2007. "The ICJ – Some Reflections on my First Year." *New Zealand Journal of Public and International Law* 5(2): 201–210.
47. Keith, Kenneth J. 2010. "International Court of Justice: Reflections on the Electoral Process." *Chinese Journal of International Law*. 9: 49–80.
48. Keith, Kenneth J. 2011. "Thomas Buergenthal: Judge of the International Court of Justice (2000–2010)." *Leiden Journal of International Law*. 24: 163–171.
49. Keith, Kenneth J. 2014. "100 Years of International Arbitration and Adjudication." *Melbourne Journal of International Law*. 15:1–20.
50. Keith, Kenneth J. 2017. "Challenges to the Independence of the International Judiciary: Reflections on the International Court of Justice." *Leiden Journal of International Law*. 30: 137–154.
51. Kolb, Robert. 2013. *The International Court of Justice*. Oxford and Portland: Hart Publishing.
52. Kumar, Shashank P. and Cecily Rose. 2014. "A Study of Lawyers Appearing before the International Court of Justice, 1999–2012." *European Journal of International Law* 25(3): 893–917.
53. Lowe, Vaughan and Malgosia Fitzmaurice (eds.). 1996. *Fifty Years of the International Court of Justice: Essays in honour of Sir Robert Jennings*. Cambridge: Cambridge University Press.
54. Owada, Hisashi. 2011. "Sir Ian Brownlie, KT, CBE, QC (1932-2010) The Professor as Counsel." *British Yearbook of International Law* 81(1): 1–8.
55. Pellet, Alain. 1998. "Conseil devant la Cour internationale de Justice: Quelques impressions." *Mélanges offerts à Hubert Thierry: L'évolution du droit international*, 345–362. Paris: Pédone.
56. Rosenne, Shabtai. 1985. "The Changing Role of the International Court." *Israel Law Review* 20: 182-205.
57. Rosenne, Shabtai. 1993. "The International Court of Justice and International Arbitration." *Leiden Journal of International Law* 6: 297–322
58. Rosenne, Shabtai (with the assistance of Yaël Ronen). 2006. *The Law and Practice of the International Court: 1920–2005*. Fourth Edition. Leiden and Boston: Martinus Nijhoff Publishers.

https://doi.org/10.1017/lsr.2024.53 Published online by Cambridge University Press

59. Schwebel, Stephen M. 1991. "Was the Capacity to Request an Advisory Opinion Wider in the Permanent Court of International Justice than It is in the International Court of Justice." *British Yearbook of International Law*. 62(1): 77–118.
60. Schwebel, Stephen M. 1994. *Justice in International Law: Further Selected Writings*. Cambridge: Cambridge University Press.
61. Schwebel, Stephen M. 2000. "Attainments of Eduardo Valencia-Ospina as Deputy Registrar and Registrar of the International Court of Justice." *Leiden Journal of International Law* 13: 341–342.
62. Spender, Percy. 1965. "The Office of President of the International Court of Justice". *Australian Year Book of International Law* 1: 9–22.
63. Thirlway, Hugh. 2006. "The Drafting of ICJ Decisions: Some Personal Recollections and Observations." *Chinese Journal of International Law*. 5(1): 15–28.
64. Thirlway, Hugh. 2016. *The International Court of Justice*. Oxford: Oxford University Press.
65. Von Stauffenberg, B. Schenk. 1934. *Statut et Règlement de la Cour permanente de Justice internationale: Éléments d'interprétation*. Berlin: Carl Heymanns Verlag.
66. Waldock, Humphrey. 1983. "The International Court of Justice as Seen from Bar and Bench." *British Yearbook of International Law* 54(1): 1–5.
67. Wiles, Nathalie. 2019. "The International Court of Justice". In *Legitimacy of Unseen Actors in International Adjudication*. Edited by Freya Baetens, 31–42. Cambridge: Cambridge University Press.
68. Weeramantry, Christopher G. 1996. "Some Practical Problems of International Adjudication." *Australian Year Book of International Law* 17(1): 1–18.
69. Wood, Michael. 2007. "The Selection of Candidates for International Judicial Office: Recent Practice." In *Law of the Sea, Environmental Law and Settlement of Disputes*. Edited by Tafsir Malick Ndiaye and Rüdiger Wolfrum, 357–368. Leiden/Boston: Brill.
70. Yusuf, Abdulqawi Ahmed. 2023. "Interview: In Conversation with Judge Abdulqawi Ahmed Yusuf." *Max Planck Yearbook of United Nations Law Online*. Available at <https://brill.com/view/journals/mpyo/26/1/article-p3_2.xml>

Cite this article: Grisel, Florian and Esmé Shirlow. 2025. "The world in a court: how the International Court of Justice's organizational practices promote stability in a contested field." *Law & Society Review* 59(1): 138–171. https://doi.org/10.1017/lsr.2024.53