

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 108

January 2014

NO. 1

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The Decay of Consent: International Law in an Age of Global Public Goods

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International law's consent-based structure is often seen as inadequate for solving global public goods problems. Many commentators therefore project a turn toward nonconsensualism. This article focuses on three issue areas—international antitrust, climate change, and terrorism financing—to analyze whether we can observe such a turn. In the picture that emerges, international law retains much of its consensual character but is increasingly sidelined in favor of other, especially informal and unilateral, modes of governance in which consent plays a more limited role and hierarchy is often pronounced.

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