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International Law is Not Dead, Its Rules Stay Resilient

Context

- Escalating geopolitical conflicts, including Russia's invasion of Ukraine, tensions in West Asia, and controversial actions by major powers, have revived claims that international law is collapsing.
- Some scholars foresee a **norm-free world**, pointing to institutional withdrawals, unilateral military actions, and a perceived **rupture in the global order**.
- Despite mounting challenges, international law persists as an indispensable **normative framework** shaping state conduct and international cooperation.

The Prohibition on the Use of Force: Crisis or Collapse?

- A foundational pillar of modern international law is the prohibition on the threat or use of force under **Article 2(4)** of the United Nations Charter.
- Recent violations have intensified doubts about its survival; however, repeated breaches do not signify legal extinction.
- During the Cold War, similar concerns emerged amid widespread armed conflicts.

- Wars in Afghanistan, the Falklands, the Gulf, Bosnia, Kosovo, Iraq, Syria, and Libya severely strained the prohibition on force.
- Yet Article 2(4) endured as the central legal benchmark against which state conduct was judged. The persistence of this principle demonstrates that international law can be **battered but not extinguished**.

Legal Justification and the Power of Normative Constraint

• The Role of Legal Argument in International Politics

- The strength of international law lies partly in its capacity to compel states to justify their actions.
- Legalisation creates expectations that public power must be exercised within recognised rules.
- Historically, even dominant powers sought to frame military interventions within the doctrine of **self-defence exception**, expanding its interpretation to align actions with existing norms.
- Such practices reveal the enduring force of legal justification.
- The act of offering legal reasoning preserves space for debate, contestation, and **normative accountability**.

• A Qualitative Shift in the Present Moment

- The contemporary challenge is not merely repeated violations but the declining effort to justify them.
- Rising **populist-authoritarianism** has introduced a degree of brazenness in which legal reasoning is sometimes sidelined.
- This erosion of deliberative engagement weakens the culture of compliance and threatens the expectation that power must answer to law.
- Yet even this shift does not eliminate the system. It signals a struggle over interpretation and authority rather than a disappearance of norms.

Beyond the UN Charter: The Expanding Scope of International Law

- Over eight decades, the international community has developed dense legal regimes governing trade, investment, aviation, maritime resources, outer space, **human rights regime**, **climate governance**, and the control of **chemical and biological weapons**.
- This expansion reflects deep global interdependence. Legal frameworks underpin economic exchange, environmental protection, and technological cooperation.
- Agreements such as the High Seas Treaty and the Pandemic Agreement illustrate ongoing **treaty-making process** and sustained multilateral engagement.
- Trade negotiations between major economies further demonstrate reliance on structured legal commitments.
- International law's vitality is evident not only in crisis management but also in its routine coordination of complex global systems.

The Judicialisation of International Relations

- Courts such as the International Criminal Court and the African Court on Human and Peoples' Rights exemplify the expanding architecture of **international adjudication**.
- These institutions embody the judicialisation of international relations, providing structured mechanisms for dispute resolution and individual accountability.

- Though compliance is uneven, their existence reinforces the principle of **peaceful dispute resolution** and strengthens the **institutional architecture** supporting global governance.

The Silent Functioning of International Law

- It enables goods to cross borders under predictable trade rules, secures civil aviation routes, regulates maritime passage, and facilitates communication networks.
- This **silent operation of law** sustains daily life and economic stability: by structuring expectations and reducing uncertainty, international law provides **predictability and stability** in a fragmented geopolitical environment.
- Its effectiveness is often invisible precisely because it functions smoothly. The absence of headlines in these areas signals not irrelevance but routine success.

Conclusion

- International law is undergoing one of its most challenging periods, particularly concerning the prohibition on force.
- The resilience of **Article 2(4)**, the persistence of legal justification, the breadth of global regulatory regimes, and the proliferation of international courts all demonstrate enduring strength.
- International law remains a dynamic system shaped by contestation and adaptation. Its continued expansion across domains of trade, environment, health, and human rights affirms its structural importance.
- International law endures, **not as a flawless order, but as a necessary foundation** for global stability in an increasingly turbulent world.

International Law is Not Dead, Its Rules Stay Resilient FAQs

Q1. What is the central debate surrounding international law today?

Ans. The central debate concerns whether repeated violations of global norms indicate the collapse of international law or merely reflect a period of crisis and contestation within an enduring legal framework.

Q2. Why does the prohibition on the use of force remain significant despite frequent violations?

Ans. The prohibition remains significant because it continues to serve as the primary legal standard for evaluating and holding states accountable for the use of force in international relations.

Q3. How does legal justification reinforce the authority of international law?

Ans. Legal justification reinforces authority by compelling states to frame their actions within established legal principles, thereby preserving accountability and normative constraint.

Q4. In what ways does international law extend beyond issues of armed conflict?

Ans. International law governs diverse areas such as trade, human rights, climate governance, public health, aviation, and maritime resources, demonstrating its broad and functional role in global cooperation.

Q5. Why is it inaccurate to declare the death of international law?

Ans. It is inaccurate because international law continues to function through treaties, courts, and regulatory

systems that structure global interactions and promote stability despite ongoing challenges.

Source: **The Hindu**

Indivisible Dignity - Supreme Court's Intervention and the Constitutional Ethic of Respect

Context

- The Supreme Court's recent **suo motu** intervention regarding an NCERT textbook passage allegedly portraying judicial corruption has highlighted the importance of protecting the reputation and dignity of public institutions.
- The Court's action underscores that public confidence is central to constitutional governance.
- However, the episode also raises a broader constitutional issue: whether the principle of dignity and protection from misrepresentation should apply equally to institutions and social communities, especially in educational content.

Supreme Court's Assertion of Institutional Responsibility

- **Protection of institutional credibility:**
 - The Court emphasised that constitutional institutions depend on public trust, not merely legal authority.
 - The misrepresentation in textbooks can cause long-term **reputational damage**, particularly among young students.
 - Swift judicial intervention signals the need to protect institutional legitimacy in a democracy.
- **Significance of suo motu action:**
 - It demonstrates **judicial vigilance** in safeguarding constitutional institutions, reinforcing the idea that reputational harm can weaken governance structures.

Education and Civic Imagination

- **Role of textbooks in nation-building:**
 - Textbooks shape **civic consciousness** and democratic values.
 - Curriculum choices influence how citizens understand history, society, and constitutional values.
 - Omission or selective representation can produce distorted public understanding.
- **Recent curriculum changes:**
 - Recent NCERT revisions have drawn attention to omissions and modifications –
 - Removal of references to the Gujarat riots (Class XII Political Science).
 - Dilution and later removal of references to the Babri Masjid demolition.
 - Reduced coverage of Mughal history, Caste struggles, and Dalit movements.
 - While curriculum revision is normal in governance, cumulative changes raise concerns about sanitised history and **selective narratives**.

Representation and Social Perception

- **Risks of partial narratives:**

- Communities represented mainly through conflict narratives (which reinforce stereotypes), and victimhood narratives (which obscure agency and achievements).
- Partial truths, repeated over time, can become deep-rooted prejudice.

- **Importance of balanced representation:**

- Honest history must include oppression and injustice, reform movements, intellectual traditions, and contributions to society.
- Balanced representation strengthens **democratic citizenship**.

Constitutional Doctrine of Dignity

- **Justice Ujjal Bhuyan:** Emphasised that vilification of communities on grounds of religion, caste, language, or region is constitutionally impermissible.

- **Centrality of fraternity:**

- Fraternity is a core constitutional value. It ensures social cohesion, mutual respect, and shared belonging.
- Without fraternity, equality becomes formal, and liberty becomes fragmented.

Constitutional Framework

- The principle of dignity is supported by multiple constitutional provisions.

- **For example,**

- **Preamble:** Fraternity assures the dignity of the individual.
- **Fundamental Rights:** Article 14 (Equality before law), Article 15 (Prohibition of discrimination), Article 21 (Right to life including dignity).
- **Fundamental Duties:** Article 51A(e) – Promotion of harmony and brotherhood.

- Together, these provisions establish a normative framework for respectful public discourse.

Statutory Safeguards

- Legal provisions addressing hate speech and vilification include –

- IPC Section 153A – Promoting enmity between groups.
- IPC Section 153B – Imputations prejudicial to national integration.
- IPC Section 295A – Outraging religious feelings.
- IPC Section 505 – Statements causing public mischief.

- These laws form the **legal backbone** against communal incitement, though enforcement often appears uneven.

Challenges

- **Selective vigilance:** Strong protection of institutions but inconsistent protection of communities creates a perceived hierarchy of dignity.
- **Curriculum politicisation:** Educational content influenced by political priorities risk of historical sanitisation.
- **Uneven legal enforcement:** Hate speech laws applied inconsistently. Normalisation of stereotypes in public discourse.
- **Weak emphasis on fraternity:** Fraternity remains the least discussed constitutional value. The concept saw limited integration into policy and education.

Way Forward

- **Ensure balanced curriculum:** NCERT revisions should be evidence-based, transparent, academically rigorous, and include multiple perspectives in historical narratives.
- **Consistent constitutional protection:** Equal protection of institutions, individuals, and communities, to avoid hierarchy of dignity.
- **Strengthen legal enforcement:** Uniform application of hate speech provisions, and clear standards for intervention.
- **Promote constitutional values:** Greater emphasis on fraternity, dignity, and social harmony. Integrate constitutional ethics into education.

Conclusion

- The Supreme Court's intervention on NCERT content goes beyond protecting judicial reputation; it signals a broader constitutional principle — dignity is indivisible.
- A robust democracy must defend both institutions and communities with equal seriousness.
- The true strength of constitutional governance lies not only in safeguarding its institutions but also in ensuring that every citizen and community enjoys **equal respect** and **belonging**.

Indivisible Dignity FAQs

Q1. Why is public trust essential for the functioning of constitutional institutions in a democracy?

Ans. Public trust legitimises constitutional institutions and ensures effective governance beyond mere legal authority.

Q2. How do school textbooks influence civic imagination in a democratic society?

Ans. Textbooks shape citizens' understanding of history and society, influencing attitudes towards institutions and communities.

Q3. What is the constitutional basis for protecting the dignity of individuals and communities in India?

Ans. Constitutional provisions [Preamble, Articles 14, 15, 21 and Article 51A(e)] collectively guarantee dignity and promote social harmony.

Q4. Why is fraternity considered a foundational value in the Indian constitutional framework?

Ans. Fraternity binds liberty and equality into a cohesive democratic order by fostering mutual respect and belonging.

Q5. What is meant by the idea that “dignity is indivisible” in constitutional governance?

Ans. The principle implies that equal protection must be extended to institutions, individuals and communities without hierarchy.

Source: IE

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