

STATEHOOD AS POLITICAL COMMUNITY

Alex Green argues that states arise under contemporary international law only when two abstract conditions are fulfilled. First, emerging states must constitute ‘genuine political communities’: collectives within which particular kinds of ethically valuable behaviour are possible. Second, such communities must emerge in a manner consistent with the ethical importance of individual political action. This uniquely ‘Grotian’ theory of state creation provides a clear legal framework comprising four factual ‘antecedents’ and five procedural principles, rendering the law of statehood both coherent and normatively attractive.

Alex Green is a senior lecturer at the University of York. His publications have appeared in periodicals such as the *Oxford Journal of Legal Studies*, the *Australian Year Book of International Law*, *Transnational Legal Theory*, and the *European Human Rights Law Review*. His research has been funded by the Modern Law Review Covid-19 Response Fellowship and the Hong Kong Research Grants Council Early Career Scheme award.

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International Law and the Emergence of New States
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Statehood as Political Community

INTERNATIONAL LAW AND THE EMERGENCE
OF NEW STATES

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To my Jendry

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The new always happens against the overwhelming odds of statistical laws and their probability, which for all practical, everyday purposes amounts to certainty; the new therefore always appears in the guise of a miracle.

—Hannah Arendt, *The Human Condition*

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