Interregnum and the Normalisation of Deviation: Unveiling the Structure of International Order

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Debates on the future of the international order are often framed in terms of collapse. The post-1945 system, it is argued, is unravelling under the weight of geopolitical fragmentation, renewed great-power rivalry, and institutional paralysis. At the core of this order lies its legal architecture, international law, which many now portray as collapsing alongside with the very order it was meant to uphold. Yet to describe the current moment as one of collapse presupposes that what is being lost was once a coherent and principled regime. Such accounts imply that international law previously restrained violence and preserved order, and that its present failures are a temporary deviation from a linear trajectory of progress.

This article challenges that narrative. What we confront today is not the disappearance of international legality but its exposure. The present does not signify a collapse of norms; it reveals their enduring entanglement with power and their imperial pedigree. What we see in Ukraine, Gaza, or Taiwan does not mark a new departure but the continuation of patterns long embedded in a system designed to accommodate hierarchy. Aggression is not new to international politics after the UN Charter. Suez in 1956, Turkey in Cyprus in 1974, or the Sino-Vietnamese war in 1979 all testify to this. Indirect forms, such as economic coercion, likewise reveal that order was never free of aberration. What marks the present is the intensity and normalisation of such practices, so pervasive that exceptions increasingly appear as the rule.

Aggression today is entrenched and increasingly systemic: the annexation of Crimea and its gradual normalisation, Russia's ongoing war against Ukraine, Israel's campaigns in Gaza presented as self-defence, threats of annexation voiced by President Trump towards Greenland and even Canada, the calibrated pressure of China over Taiwan, and recurrent attacks against Iran framed as security imperatives. These practices illustrate not a system in breakdown but one in interregnum, where law persists as a vocabulary that rationalises and integrates violations. Far from an exceptional moment, the interregnum reflects the overstretch of the liberal international order, whose teleological promises of universality and "end of history" masked a hubris that could only unravel. The proliferation of breaches of *jus ad bellum* and *jus in bello* is not aberration but continuity: a system that survives by absorbing transgressions, re-articulating justifications, and transforming violations into precedents.

The analytical lens for this argument is the concept of interregnum. Borrowed from Antonio Gramsci, the term denotes a liminal condition in which the old is dying and the new cannot yet be born. In international politics, it describes a moment when the language of law endures while its authority is suspended. The interregnum is not a transitional dysfunction but the operative condition of the international order: legality survives not by disciplining power but by rendering it intelligible, even acceptable.

Interregnum and the Ontology of Law

The notion of interregnum illuminates the paradox of the present order. Law appears to endure, yet its authority is severed from enforcement. Gramsci identified the interregnum as an in-between period, marked by morbid symptoms that reveal the fragility of hegemony. Transposed into international law, this condition manifests in the coexistence of solemn prohibitions with their systematic violation. The more international law is invoked, the more its

complicity with material asymmetries becomes visible. At the heart of this paradox lies the ontology of law. From Hobbes's conception of sovereignty, through Austin's command theory, to Schmitt's exceptionist decisionism, law has often been understood not as an autonomous system of norms but as an expression of political authority. International law is no exception: its efficacy depends less on intrinsic normativity than on the capacity of institutions and states to enforce compliance. When that capacity falters, law does not vanish but reveals its dependence on power.

Gramsci's idea of passive revolution clarifies the mechanism. In liminal moments, transformations occur not to transcend existing relations but to stabilise them in new forms. International law does not dissolve in the face of violation; it recalibrates. Breaches are absorbed into evolving doctrines, expanded notions of self-defence, elastic invocations of humanitarian necessity that erode the non-intervention principle, or the paralysis of enforcement bodies that quietly ratifies faits accomplis. What appears as rupture is in fact re-articulation, securing continuity through adaptation. This understanding resists teleological accounts of progress. International law does not advance inexorably toward universality or emancipation. It oscillates between normativity and power, between invocation and erosion. The interregnum is thus not a temporary breakdown but the revelation of law's dual character: normative in language, political in operation.

Iraq 2003: From Kosovo to the Normalisation of Violation

The 2003 invasion of Iraq is widely recognised as the moment when the foundations of the post-1945 international legal order were most decisively shaken. Yet the juridical genealogy of this rupture can be traced slightly earlier, to the 1999 NATO intervention in Kosovo. Conducted without Security Council authorisation, the NATO bombing campaign against the Federal Republic of Yugoslavia was justified not in terms of legality but of legitimacy. The intervention was defended as a moral imperative to prevent humanitarian catastrophe, even though it lacked grounding in the UN Charter framework. The ensuing debates within the United Nations and the broader international community crystallised the tension between legality and legitimacy: whether law could be set aside in the name of higher political or ethical purposes, and whether such an exception could coexist with the formal preservation of the Charter's prohibition on the use of force.

Kosovo thus marked the beginning of a discursive and practical shift. The claim that an unlawful action could nonetheless be legitimate destabilised the normative coherence of jus ad bellum. It suggested that international law could tolerate exceptional breaches so long as they were rhetorically justified by appeals to humanitarian necessity. This precedent did not dismantle the prohibition outright, but it fractured its authority. It laid the groundwork for a new mode of argument in which legality could be suspended in favour of purportedly superior values, thereby institutionalising the very logic of exception.

If Kosovo opened the space for this ambiguity, Iraq expanded it into a structural disruption. The invasion of 2003 was not only a flagrant violation of international law, but a demonstration that the prohibition on the use of force could be discarded altogether when it conflicted with geopolitical designs. Article 2(4) of the UN Charter is unequivocal in proscribing the threat or use of force against the territorial integrity or political independence of states. The two exceptions it recognises -self-defence under Article 51 and Security Council authorisation under Chapter VII- were manifestly absent. No Security Council mandate was issued, and the doctrine of self-defence was invoked only through an unprecedented expansion of its meaning.

The United States and its coalition partners advanced the argument of preventive self-defence and collective defense, claiming that Iraq's alleged possession of weapons of mass destruction posed an imminent threat. Yet this was a distortion of the concept. Self-defence, as codified in the Charter and reaffirmed in customary international law, requires the occurrence of an armed attack. Pre-emptive action against a speculative threat has no basis in the law. The reinterpretation of Security Council resolutions from the 1990–91 Gulf War to authorise renewed force was similarly unconvincing, rejected by the majority of states and legal authorities. What remained was a unilateral act of aggression masked in the language of necessity.

The significance of 2003 lies not merely in the violation itself, but in its absorption by the international order. No

meaningful sanction followed. The Security Council was bypassed and left paralysed. The General Assembly voiced disapproval but lacked the capacity to attach binding force. The result was not the disappearance of the prohibition on the use of force, but its transformation into a precedent, a framework flexible enough to accommodate exceptions. From that point onward, expansive notions of self-defence and humanitarian necessity circulated as part of the law's operative grammar.

In this sense, Iraq did not signify the end of international law but its transformation. It revealed that the system could survive even its most blatant breach by reconstituting the violation as part of its operative grammar. If Kosovo had exposed the tension between legality and legitimacy, Iraq demonstrated that the line could be crossed entirely, by framing aggression as defence, and illegality as necessity. This is the essence of the interregnum: law does not collapse, it recalibrates, preserving its form while hollowing out its substance.

The subsequent campaign against ISIS in Syria confirmed this shift. From 2014, the US-led coalition launched extensive airstrikes without the consent of the Syrian government and without explicit Security Council authorisation. To rationalise the breach of sovereignty, coalition members appealed to the ambiguous "unwilling or unable" doctrine, casting their actions as collective self-defence of Iraq and as part of the global war on terrorism. What Iraq had demonstrated as the normalisation of violation matured in Syria into a doctrine of practice, where exceptional measures were routinised entrenched within the structures of the international order.

Ukraine: Sovereignty under Negotiation

If Iraq illustrated how the prohibition on the use of force could be reframed through an elastic account of self-defence, Ukraine shows how the same prohibition can be hollowed out by political accommodation. Russia's full-scale invasion in February 2022 was a paradigmatic breach of Article 2(4) of the UN Charter and an act of aggression in both treaty and customary law. The initial international response had unusual clarity. Condemnations were immediate, sanctions extensive, legal fora were activated and proceedings initiated. The principle of territorial integrity appeared to recover its authority. Yet the invasion did not occur in a vacuum. Russia had already annexed Crimea in 2014, in another clear act of aggression that was broadly condemned but gradually absorbed into the realm of political pragmatism. The partial normalization of that unlawful annexation foreshadowed the erosion of legal principle in the larger war that followed.

As the conflict endured, clarity decayed into contingency. The material realities of war shifted the discourse from resistance to settlement. Energy shocks, food insecurity linked to grain exports, supply chain pressures, and the cumulative cost of military support eroded the principled commitment to Ukraine's sovereignty and territorial integrity. These commitments remained firm in official declarations, but in practice the debate had already moved toward the possibility of ceding or freezing Ukrainian territories in favour of the aggressor, Russia. What initially appeared as humanitarian prudence, a realistic means to save lives and avert further devastation, risked becoming a juridical redefinition, normalising the erosion of sovereignty under the guise of peace. Such a departure from foundational principles would not be a mere tactical concession but a profound challenge to the very normative architecture of the post-1945 order. The post-war settlement rests on the inadmissibility of the acquisition of territory by force, articulated in General Assembly Resolution 2625 and affirmed by the International Court of Justice. The Court's jurisprudence has repeatedly underscored that serious violations of fundamental rules cannot produce legal rights. In *Nicaragua v. United States* the Court emphasised the peremptory character of the non-use of force. In the *Wall* advisory opinion it reiterated that unlawful measures cannot generate lawful consequences. The maxim*ex injuria jus non oritur* is not a moral slogan. It is a structural rule that protects the system from rewarding aggression.

A peace that trades territory for a fragile respite would therefore not simply weaken the norm. It would recalibrate it from a constraint into a bargaining chip. The rule would survive in language while its binding character would be displaced by strategic calculus. In this way, sovereignty and territorial integrity are not abandoned outright, but reconfigured as conditional and negotiable, in response to material asymmetry by absorbing violation into the range of acceptable outcomes. The comparison with Iraq clarifies the process. In 2003 the distortion occurred at the level of legal argument: preventive self-defence and creative readings of Security Council resolutions were invoked to present aggression as necessity. In Ukraine the law was not stretched to justify the initial breach. Instead, the breach

was normalised after the fact—first in Crimea in 2014, then through settlement scenarios that entrench gains made by illegal force. Both pathways produce the same effect: aggression is transformed from a systemic rupture into a manageable parameter of order.

Institutional practice sustains this transformation. Security Council paralysis persists where permanent members' interests are implicated. The International Court of Justice issues orders and provisional measures whose compliance turns on politics. The International Criminal Court pursues accountability while facing predictable limits of cooperation. The language of legality remains active, yet consequence is rationed. In this environment the discourse of peace readily overwrites the rule against acquisition of territory by force. The vocabulary of humanitarian relief and de-escalation does real work, but it also licenses outcomes that the law was designed to preclude. To recognise this is not to ignore the human toll or the prudence of averting further harm. It is to insist that the normative settlement of 1945 cannot survive if conquest becomes negotiable. Once territorial change secured by aggression is treated as a plausible currency of peace, the system teaches future belligerents that force can pay. That lesson is the interregnum's core. Aggression is normalised not outside the law but within it, through accommodations that keep the language of rules intact while transforming their effects.

Gaza: Self-Defence and the Erosion of Humanitarian Norms

In Gaza, the interregnum manifests with particular clarity in the discourse of self-defence. Israel has consistently claimed to be acting within the bounds of lawful self-defence, framing large-scale military operations as legitimate responses to armed attacks. Following the Hamas terrorist attack of October 2023, Israel again invoked Article 51 of the UN Charter. Whether this provision can be applied to armed attacks by non-state actors under conditions of occupation remains the subject of intense legal controversy. Without resolving that debate, what is clear is that Israel's subsequent military operations amount to a profound overstretch of the right it claims. The Charter envisages self-defence as a temporary and exceptional right, exercised "until the Security Council has taken measures necessary to maintain international peace and security." In practice, however, Israel has persistently invoked this right to justify security policies and military operations of a protracted character, treating it less as an interim safeguard than as a standing rationale for the use of force. It was never intended to legitimise protracted occupations or systematic campaigns against civilian populations. By reframing decades of occupation and recurrent military offensives as exercises of self-defence, Israel transforms a tightly delimited exception into a generalised licence for force.

This expansive use of self-defence draws on the precedent of 2003, when the doctrine was stretched beyond its Charter limits and, in the absence of effective institutional pushback, that distortion became embedded in practice. What was once exceptional has since become paradigmatic. The discourse that enabled Iraq has migrated into other contexts, providing a language through which states can normalise the resort to force while maintaining the appearance of legal fidelity. The trajectory is further revealed by Israel's June 2025 strike on Iran. Here, force was employed absent any ongoing armed attack and without the immediacy that Article 51 requires. To sustain its justification, Israel relied on arguments that blurred jus ad bellum with jus in bello—conflating claims of anticipatory defence with assertions of proportionality and military necessity. What began as an exceptional claim in 2003 has hardened into a recurring template, allowing states to subsume almost any use of force within the legal idiom of defence.

Once the recourse to force is normalised under this expanded rubric, attention shifts to the humanitarian sphere. Here again, the erosion of norms is evident. The foundational principles of international humanitarian law -distinction between combatants and civilians, proportionality in the use of force, and the prohibition of starvation and collective punishment- have been systematically undermined. In Gaza, civilian infrastructure has been destroyed on a massive scale, starvation has been deployed as a method of warfare, and entire populations have been subjected to displacement and siege. Each of these practices, if established, constitutes a grave breach of the Geneva Conventions and Additional Protocol I.

Yet what is most striking is not only the occurrence of these acts, but their justification through legal language. The principles of proportionality and necessity are invoked not to restrain violence but to rationalise it. The very norms

designed to protect civilians become mechanisms for calibrating acceptable levels of harm. International humanitarian law, in this sense, does not collapse; it adapts. It allows extreme violence to be rendered intelligible as long as it can be couched in the semantics of proportionality or military necessity.

The Security Council's stalemate, compounded by the fragmented and largely symbolic responses of other international bodies, entrenches this condition. Even when authoritative pronouncements are issued -such as the International Court of Justice's advisory opinion on the occupied Palestinian territories, which underscored binding obligations of Israel as the occupying power and of third states and organisations regarding the illegality of the occupation- they are effectively disregarded. This inaction is not simply a symptom of geopolitical deadlock but demonstrates the structural capacity of the international order to accommodate sustained violations. Thus, Gaza exemplifies how doctrines and norms mutate into instruments of legitimation. The doctrine of self-defence, stretched beyond its intended limits in Iraq, resurfaces as a permanent justification for occupation and large-scale violence. Humanitarian norms, hollowed out through selective application, become tools of calibration rather than protection. The law persists, but only as a language that renders violence acceptable.

From Collapse to Exposure

The conventional narrative of collapse assumes that international order once functioned as a coherent, constraining system and is now disintegrating under geopolitical strain. Yet the trajectory that begins with Kosovo in 1999, passes through 9/11 and Iraq in 2003, and extends to Gaza and Ukraine, reveals not dissolution but transformation. These were not only moments of violation. They were moments in which breaches were rearticulated as precedents, furnishing new legitimating grounds that gradually reshaped the grammar of the international law and order itself. What followed was not the demise of legality but its adaptive reconstitution. Each departure from the rules, whether in the name of humanitarian necessity, pre-emptive self-defence, counter-terrorism, or existential survival,produced justificatory vocabularies that circulated in courts and institutional discourse. These vocabularies did not remain rhetorical. They sedimented into legal reasoning and recalibrated concepts once considered sacrosanct. The prohibition on the use of force, the distinction between combatants and civilians, the principle of territorial integrity, all have been redefined not by formal amendment, but through the practice of tolerated breach.

The consequence is clear. The erosion of the most fundamental prohibitions has culminated in the normalisation of aggression itself. What Nuremberg defined as the supreme international crime and what the UN Charter enshrined as the peremptory prohibition on the use of force, is now increasingly reframed as self-defence, preventive action, or collective security. Through accumulated precedents, a permissive environment has been generated, one in which future uses of force are anticipated and rationalised rather than constrained. In effect, a legal playbook for aggression has emerged, enabling violations to be presented as continuity rather than rupture. The interregnum is not an empty void; it is a generative condition in which law persists precisely by absorbing its own transgressions, converting them into the raw material of its evolution.

This dynamic carries a Benjaminian resonance: law, as a "technology of violence," preserves itself not by prohibiting force but by managing, reclassifying, and redeploying it. What appears as violation is the very mechanism by which the international order reproduces itself. This liminal state exposes a system long deprived of genuine consensus, now laid bare by the absence of a single ordering great power, stretched beyond its liberal teleologies of universality and "end of history," a hubris unmasked by its own contradictions. It is a contested space in which competing trajectories unfold, whether to uphold the order as it stands, to preserve elements of the existing order, to reform it incrementally, or to pursue more radical reconstitution.

The challenge, then, is not to mourn the erosion of a mythical golden age of rules, but to confront the politics of this transformation. If aggression has become ordinary, it is because the order has adjusted to accommodate it. To recognise this condition is not to accept paralysis, but to insist that resistance and alternative futures must be imagined in the very space where law and order disclose their limits, for the interregnum is less an exception than the genetic condition of the international order itself. The task is not to discard the legal and political heritage of Nuremberg, the Genocide Convention or the United Nations, but to re-articulate it through a more just and pluralistic account of order. Perpetuating the present condition risks leading irreversibly to a more regressive order.

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