

should ICs deploy when seeking to limit authoritarian and populist governments that seek to shy away from liberal governance and values? Similar questions arise in situations in which ICs are called to address issues of megapolitics;<sup>22</sup> that is, polarizing issues, such as the rights of migrants, minorities, or religious groups, conflicts over territory, over the legal use of military or economic coercion, or disagreements about the terms of access to a national market. In these cases, Dothan's answer would perhaps be that ICs should strategically refuse to get involved in such issues not to compromise their authority; or, at best, they should provide rulings that are extremely deferential to the states involved in the dispute. Yet, the real question is, at what cost? It is true that, as argued by Karen Alter some time ago, judges have longer time horizons than politicians, who are often concerned with short(er) term policies that may allow them to win the next election.<sup>23</sup> Following this view, ICs should rationally defer their intervention, waiting for better times. Yet, what if these better times will not come any time soon? What to do in cases in which national leaders seize power systematically, thus establishing autocracies of any kind? In these cases, which doctrinal tools and other strategies, if any, remain in the hands of international judges to protect the basic values of the international liberal order?

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<sup>22</sup> Ran Hirschl, *The Judicialization of Mega-Politics and the Rise of Political Courts*, 11 ANN. REV. POL. SCI. 93 (2008).

<sup>23</sup> Karen J. Alter, *Who Are the "Masters of the Treaty"?: European Governments and the European Court of Justice*, 52 INT'L ORG. 121 (1998).

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