

## Regaining Control of Democracy: How National Courts Strategically Utilize Foreign and International Law

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**Abstract :** Recently, most courts in democratic nations were hesitant to consider foreign and international law. Their approach was to steer clear of using foreign sources of law that conflicted with their own government's stance. Numerous legal experts consider turning to foreign and international law unsuitable. However, those who advocate for using external sources of law also believe that relying on foreign and international law will always be in conflict with the importance of national sovereignty. Therefore, the academic discussion revolves around the commonly known broader debate on 'the counter-majoritarian difficulty'. This article challenges the idea of tension. It suggests that in many democratic nations' legal systems, including those in the U.S., using foreign and international law can help strengthen domestic democratic processes by protecting them from outside economic, political, and legal influences. Citing international law supports domestic democratic processes and regains national sovereignty from various globalization forces. In other words, national courts must consider foreign and international law to uphold their national political institutions and protect their own status in relation to political branches.

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