

“Hypocrisy Implies a Moral Code”

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27 January 2026

Verfassungsblog
ON MATTERS CONSTITUTIONAL

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The Abduction of Nicolás Maduro and the Systemic Costs of Non-Justification

The January 3, 2026, operation targeting Venezuelan President Nicolás Maduro was, by most operational accounts, a success. Yet, what is striking is less the raid’s outcome than how it was publicly justified. In official [statements](#), [legal opinion](#), and [press briefings](#), the United States engaged only marginally with the operation’s implications under international law. Instead, the justificatory narrative foregrounded Maduro’s criminality, the illegitimacy of his regime, domestic legal authority, and the operation’s effectiveness. International law appeared, at best, as an afterthought.

This approach points to a broader shift in how the United States conceives of international law. While the United States has long stretched and contested legal constraints, previous administrations nevertheless invested significant effort in framing their actions through the language of international law. First signs of erosion were already visible with the killing of [Qasem Soleimani](#) in 2020, when the Trump administration’s legal rationales kept [changing](#) repeatedly before being dropped altogether, and with the killing of [Ayman al-Zawahiri](#) in 2022, which the Biden administration [justified](#) simply by stating that “justice has been delivered”, without articulating an international legal basis for the operation. The second Trump administration’s reluctance to justify its actions in legal terms marks a more radical break with earlier justificatory practices, however.

Leaving aside the analysis of the serious breaches of international law resulting from the 3 January raid (see [here](#), [here](#), and [here](#) for legal analyses), we argue that the systemic costs of abandoning legal justification may ultimately outweigh those of distorting international law. As George Orwell once [observed](#), “hypocrisy implies a moral code”. Once states no longer feel compelled to justify their conduct within the framework of international law, that framework’s normative authority itself begins to erode.

A departure from a culture of legal rationalisation

In contemporary global politics, international law functions as the [dominant language of legitimisation](#) for controversial security practices. Especially since the end of the Cold War – and even more so after 9/11 – US administrations have sought to [frame uses of force and covert action as lawful](#). These legal justifications often stretched the law and triggered sustained contestation. By expanding concepts such as [self-defence](#), [armed conflict](#), or [imminence](#) well beyond their original scope, they tested international law’s limits. At the same time, they reaffirmed it as the relevant normative framework.

This practice amounted to more than rhetorical habit or mere “cheap talk”. In a highly legalised international order, international law serves as the [primary justificatory discourse](#) through which states seek legitimacy. Legal arguments invite [contestation](#) by other states, international institutions, and civil society. They provide focal points for disagreement and, at least in principle, enable accountability. Even when states bend the law, its constraining force persists as long as they continue to [argue within it](#).

Far more than the first Trump presidency, the current Trump administration has departed from this pattern. Rather than producing detailed legal accounts of controversial operations (for instance, [vessel strikes](#) in the Caribbean and Eastern Pacific), it has relied on minimalist or extra-legal rationales: effectiveness, deterrence, strength, or the moral unworthiness of the target. In some cases, legal justification has been conspicuously absent. The Maduro raid exemplifies this shift. Despite its operational success and months of planning that preceded it, the United States did not accompany the action with a sustained attempt to articulate its compatibility with international law.

Indeed, the partially unredacted [OLC legal memorandum](#) on the operation, codenamed ABSOLUTE RESOLVE, underscores this retreat. Its engagement with international law remains strikingly thin:

“our analysis focuses on the legality of ABSOLUTE RESOLVE under domestic law. We note, however, that the proposed operation will constitute an armed conflict under international law.” [...] “To be clear, we have not reached a definitive conclusion about how international law would apply to ABSOLUTE RESOLVE.” [...] “We do not reach the question because it is unnecessary to address the issue you raise: that is, ‘[i]nternational law... does not restrict the President as a matter of domestic law,’... when it comes to extraordinary rendition”.

In a context where legal justification has become [the expected response](#) to public exposure, this silence is particularly meaningful.

Stretching vs ignoring the law

For decades, the United States has advanced [expansive interpretations of international law](#) to legitimise its security policies. The “global war on terror” generated an extensive body of legal arguments that notably [weakened](#) constraints on the use of force, from anticipatory self-defence to the “unwilling or unable” doctrine. By diluting the precision of core norms, these arguments enabled forms of [norm evasion](#), i.e., compliance with the letter of the law while undermining its purpose.

Yet, there is a critical difference between distorting international law and declining to justify conduct through it. [Strategic legal justifications, however self-serving, implicitly recognise that the law applies.](#) They signal that legality matters and that compliance – or at least the appearance of compliance – remains a relevant standard. This acknowledgement preserves the law’s obligatory character, even as its content is [contested and reshaped](#).

In a recent piece for [The Atlantic](#), John Yoo (who is best known as the author of the infamous [Torture Memos](#)) has called on the United States to completely reshape international law in ways that are less restrictive of uses of (covert) force and preventive wars. This position goes well beyond earlier expansive interpretations, yet even this extreme view accepts that international law exists and can (sometimes) act as a bulwark against states’ actions or as a source of criticism.

By contrast, legal silence or cursory engagement treats international law as optional. When a state no longer feels compelled to explain how its conduct aligns with legal norms, it signals disengagement. Over time, this posture risks transforming binding rules into discretionary guidelines.

The distinction between legal rationalisation and disengagement is crucial because international law rests not only on treaties and institutions, but also on practices of [justification](#) and [contestation](#). Law constrains behaviour insofar as states continue to act as though it constrains them. When a powerful state stops doing so, the effects are systemic.

The systemic costs of non-justification

Abandoning legal justification as a practice [undermines international law](#) in several, mutually reinforcing ways. First, it weakens the binding force of legal norms. In a decentralised international system, obligation rests on shared expectations. When a leading power ceases to signal that it feels bound by applicable rules, those expectations erode, and [other powers might follow](#).

Second, [non-justification forecloses contestation](#). A legal argument can be challenged, rebutted, or rejected. Silence cannot. By declining to articulate a legal position, a state shields itself from legal scrutiny while retaining the strategic benefits of its actions. This asymmetry is particularly destabilising in the realm of the use of force, where legal constraints [depend](#) heavily on public claims and counter-claims.

Third, this posture lowers the [political costs of non-compliance](#) for others. If the United States no longer feels compelled to justify its actions in legal terms, other states – especially authoritarian regimes – are likely to follow suit. The result is a downward spiral in which justificatory standards erode, and legal norms become increasingly optional.

Finally, the refusal to justify conduct in legal terms [deprives international law of its governance function](#). Power and acquiescence replace normative engagement as the primary means of resolving disputes. Under such conditions, international law becomes irrelevant as a governance framework.

Hypocrisy still matters

There is a strong temptation to welcome the end of legal hypocrisy. After years of strained and self-serving legal arguments, abandoning the pretence of legality may appear refreshingly honest. This view, however, underestimates the [stabilising function](#) that hypocrisy plays in the international legal order.

Hypocrisy implies recognition of the [legitimacy](#) of the governing framework. A state that feels compelled to justify its conduct in legal terms acknowledges that legality matters, even if it fails to meet the standard it invokes. This creates space for critique, contestation, resistance, and legal development. The prolonged [contestation](#) surrounding the United States' reinterpretation of the international prohibition of torture during the “global war on terror” illustrates this. Legal justification, however hypocritical, also reinforces the expectation that power must be defended in normative terms. [Once that compulsion fades](#), much of the law's constraining force fades with it.

In this sense, the Trump administration's retreat from legal justification (and, that same week, from various [international organisations](#)) poses a deeper threat to the international legal order than earlier administrations' creative or expansive interpretations of international law. Stretching the law keeps it in play. Ignoring it does not.

International law has never depended on perfect compliance. It has depended on states acting as though the law matters, that is, on their willingness to explain, defend, and justify their conduct in legal terms. The lack of legal justification for the January 2026 raid on Maduro marks a particularly significant shift away from that practice. When even hypocrisy disappears, international law risks losing its capacity to function as a governance framework.

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SUGGESTED CITATION Duroy, Sophie; Trenta, Luca: *"Hypocrisy Implies a Moral Code": The Abduction of Nicolás Maduro and the Systemic Costs of Non-Justification*, *VerfBlog*, 2026/1/27, <https://verfassungsblog.de/venezuela-us-international-law/>, DOI: [10.59704/5dd5dbfefb9ab4a0](https://doi.org/10.59704/5dd5dbfefb9ab4a0).

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