



Philosophy of International Law

SECOND EDITION

Anthony Carty

Philosophy Of International Law

Samantha Besson, John Tasioulas



Philosophy Of International Law:

The Philosophy of International Law Samantha Besson, John Tasioulas, 2010-04-01 International law has recently emerged as the subject matter of an exciting new field of philosophical investigation The Philosophy of International Law contains 29 cutting edge essays by leading philosophers and international lawyers all published here in English for the first time that address the central philosophical questions about international law The volume s overarching theme is the moral and political values that should guide the assessment and development of international law and institutions Some of the essays tackle general topics such as the sources and legitimacy of international law the nature of international legal adjudication whether international law can or should aspire to be democratic and the significance of state sovereignty The other contributions address philosophical problems arising in specific domains of international law such as human rights law international economic law international criminal law international environmental law and the laws of war This volume is the most up to date and comprehensive treatment of the philosophy of international law in existence It is also distinguished by its dialogical methodology there are two essays on each topic with the second author engaging with the arguments of the first It is an invaluable resource for anyone seeking a deeper understanding of the nature and value of international law A

Philosophy Of International Law Fernando Teson, 2018-10-08 Why should sovereign states obey international law In this groundbreaking study Fernando Teson argues that an overlapping respect for human rights has created a moral common ground among the countries of the world It is this common set of values rather than self interest that ultimately provides legitimacy to international law Using the tools of moral philosophy Teson analyzes the concepts of sovereignty intervention and national interest the contributions of social contract theory game theory and feminist theory and the puzzles of self determination and group rights

Philosophy of International Law Anthony Carty, 2007-03-11 A fundamental challenge to the foundations of the discipline of international law This book offers an internal critique of the discipline of international law whilst showing the necessary place for philosophy within this subject area By reintroducing philosophy into the heart of the study of international law Anthony Carty explains how traditional philosophy has always been an integral part of the discipline However this has been driven out by legal positivism which has in turn become a pure technique of law He explores the extent of the disintegration and confusion in the discipline and offers various ways of renewing philosophical practice A range of approaches are covered post structuralism neo Marxist geopolitics social democratic constitutional theory and existential phenomenology encouraging the reader to think afresh about how far to bring order to or find order in contemporary international society

A Study of the Philosophy of International Law as Seen in Works of Latin American Writers H.B. Jacobini, 2012-12-06 One of the most unfortunate facts about the relationship of the United States with Latin America is that only in recent years has there been any appreciable amount of intellectual interchange with reference to law This of course is an example of the relative lack of cultural exchange between these peoples Only in very

recent years has the North American interest in Latin America been in any sense general and active While there are a few recent volumes which discuss various aspects of Latin American law in a fashion calculated to interest the North American lawyer and academician the Latin American contributions to and attitudes toward international law are virtually unknown in the United States except in very restricted quarters For this reason it was thought that a survey such as the one presented here would contribute not only to a better understanding of Latin American juristic thought as pertaining to international law but also to a better comprehension of legal theory in general and of Latin American culture as a whole The phase of the philosophy of international law which with reference to the regional application here studied has been the major interest in this work i e whether writers rely more on naturalism or positivism as the philosophical foundation of the law of nations is like the matter of Latin American law itself a subject which has been neglected by North American scholars

Theory and Philosophy of International Law Andrea Bianchi, 2017-04-28 This research collection offers a comprehensive view of the most notable contributions to the theory and philosophy of international law In the first volume a number of philosophical inquiries have been selected alongside contributions offering general theoretical insight into international law and explores how philosophers and international law scholars tackle them in their respective fields of inquiry In the second volume the kaleidoscope of different contemporary theories and approaches to international law is presented The collection is an indispensable reference for anyone interested in philosophical and theoretical investigations in international law

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The Oxford Handbook of the Theory of International Law Anne Orford, Florian Hoffmann, Martin Clark, 2016-09-22 The Oxford Handbook of International Legal Theory provides an accessible and authoritative guide to the major thinkers concepts approaches and debates that have shaped contemporary international legal theory The Handbook features 48 original essays by leading international scholars from a wide range of traditions nationalities and perspectives reflecting the richness and diversity of this dynamic field The collection explores key questions and debates in international legal theory offers new intellectual histories for the discipline and provides fresh interpretations of significant historical figures texts and theoretical approaches It provides a much needed map of the field of international legal theory and a guide to the main themes and debates that have driven theoretical work in international law The Handbook will be an indispensable reference work for students scholars and practitioners seeking to gain an overview of current theoretical debates about the nature function foundations and future role of international law

Democracy in International Law-Making Salar Abbasi, 2021-12-20 This

book provides a critique of current international law making and draws on a set of principles from Persian philosophers to present an alternative to influence the development of international law making procedure The work conceptualizes a substantive notion of democracy in order to regulate international law making mechanisms under a set of principles developed between the twelfth and seventeenth centuries in Persia What the author here names democratic egalitarian multilateralism is founded on the idea of egalitarian law by Suhrawardi the account of substantial motion by Mulla Sadra and the ideal of intercultural dialectical democracy developed by R m Following a discussion of the conceptual flaws of the chartered and customary sources of international law it is argued that democratic egalitarian multilateralism could be a source for a set of principles to regulate the procedures through which international treaties are made as well as a criterion for customary international law ascertainment Presenting an alternative drawn from a less dominant culture to the established ideas of international law making the book will be essential reading for researchers and academics working in public international law history of law legal theory comparative legal theory Islamic law and history

The Oxford Handbook of the Sources of International Law Jean d'Aspremont, Samantha Besson, Sévrine Knuchel, 2017-10-19 The question of the sources of international law inevitably raises some well known scholarly controversies where do the rules of international law come from And more precisely through which processes are they made how are they ascertained and where does the international legal order begin and end This is the static question of the pedigree of international legal rules and the boundaries of the international legal order Second what are the processes through which these rules are made This is the dynamic question of the making of these rules and of the exercise of public authority in international law The Oxford Handbook of the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law It provides an accessible and systematic overview of the key issues and debates around the sources of international law It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions This Handbook features original essays by leading international law scholars and theorists from a range of traditions nationalities and perspectives reflecting the richness and diversity of scholarship in this area

Philosophy and International Law David Lefkowitz, 2020-10-29 Offers an accessible discussion of conceptual and moral questions on international law and advances the debate on many of these topics

The Oxford Handbook of International Law in Europe , 2024-12-04 This handbook provides a comprehensive account of how international law is understood and practiced in Europe which is defined for the purposes of the book as Council of Europe countries in the past and in the present It is separated into parts covering Europe's values intellectual traditions and institutions as well as examinations of European countries and regions A diverse group of leading scholars and practitioners of international law are led by three overarching focus points the success and failures of the pacifying effect of international law the diversity of international legal experiences and traditions within Europe and the impact of European

ideas on international law globally By examining these areas the book also analyses Europe's changing role in the world and the impact of global influences on the understanding of international law in European countries The book is a study of regionalism in international law but also a study of the impact of a region which at least historically has had an overwhelming influence on the development and interpretations of international law

Theory and Philosophy of International Law: Philosophical inquiries and general theoretical concerns Andrea Bianchi, 2017 This research collection offers a view of contributions to the theory and philosophy of international law In the first volume a number of philosophical inquiries have been selected alongside contributions offering general theoretical insight into international law The purpose is to identify general themes of discussion such as the nature and functioning of international law and to illustrate how philosophers and international law scholars tackle them in their respective fields of inquiry In the second volume the kaleidoscope of different contemporary theories and approaches to international law is presented

The Evolving Dimensions of International Law John F. Murphy, 2010-03-22 This book examines recent developments in sources of public international law such as treaties and custom operating among nations in their mutual relations as well as developments in some of the primary rules of law international institutions created by these processes It finds that public international law has become increasingly dysfunctional in dealing with some of the primary problems facing the world community such as the maintenance of international peace and security violations of international human rights and the law of armed conflict arms control disarmament and non proliferation and international environmental issues and that international law and international institutions face a problematic future It concludes however that all is not lost There are possible alternative futures for international law and legal process but choosing among them will require the world community making hard choices

The Authority of International Law Başak Cali, 2015 The question of the authority of international law over domestic authorities and the duties of state officials to international law are fundamental concerns in international legal theory and practice The Authority of International Law Obedience Respect and Rebuttal addresses these concerns by reframing the present accounts of authority in international law construing its authority as imposing three different layers of duties on domestic officials the duty to obey the duty to respect and the duty to rebut The book provides an original interpretation of this authority one that is not tied to prior state consent or domestic constitutional frameworks It offers a nuanced account arguing that whether or not international law is obeyed within any given situation depends on the type of duty it imposes on the state and that duty's normative force There is no strict framework in which international law always trumps domestic law or vice versa Instead Cali presents a realistic account of when international law has absolute authority and when it can afford a margin of appreciation to states The Authority of International Law contributes to existing debates by considering the gap between consent based jurisprudential theories of authority and self interest and identity based theories of compliance and by considering monism dualism and normative pluralism as theories for addressing authority competition between domestic

legal orders and international law *The American Journal of International Law* ,1925 Vols for 1970 73 include American Society of International Law Proceedings no 64 67 **The Nature of International Law** Miodrag A. Jovanović,2019-04-25 The Nature of International Law provides a comprehensive analytical account of international law within the prototype theory of concepts The Misery of International Law John Linarelli,Margot E Salomon,Muthucumaraswamy Sornarajah,2018-03-23 Poverty inequality and dispossession accompany economic globalization Bringing together three international law scholars this book addresses how international law and its regimes of trade investment finance as well as human rights are implicated in the construction of misery and how international law is producing reproducing and embedding injustice and narrowing the alternatives that might really serve humanity Adopting a pluralist approach the authors confront the unconscionable dimensions of the global economic order the false premises upon which they are built and the role of international law in constituting and sustaining them Combining insights from radical critiques political philosophy history and critical development studies the book explores the pathologies at work in international economic law today International law must abide by the requirements of justice if it is to make a call for compliance with it but this work claims it drastically fails to do so In a legal order structured around neoliberal ideologies rather than principles of justice every state can and does grab what it can in the economic sphere on the basis of power and interest legally so and under colour of law This book examines how international law on trade and foreign investment and the law and norms on global finance has been shaped to benefit the rich and powerful at the expense of others It studies how a set of principles in the form of a New International Economic Order NIEO that could have laid the groundwork for a more inclusive international law without even disrupting its market orientation were nonetheless undermined As for international human rights law it is under the terms of global capitalism that human rights operate Before we can understand how human rights can create more just societies we must first expose the ways in which they reflect capitalist society and how they assist in reproducing the underlying terms of immiseration that will continue to create the need for human rights protection This book challenges conventional justifications of economic globalization and eschews false choices It is not about whether one is for or against international trade foreign investment or global finance The issue is to resolve how if we are to engage in trade investment and finance we do so in a manner that is accountable to persons whose lives are affected by international law The deployment of human rights for their part must be considered against the ubiquity of neoliberal globalization under law and not merely as a discrete benevolent response to it **Research Handbook on the Theory and History of International Law** Alexander Orakhelashvili,2020-12-25 This updated and revised second edition with contributions from renowned experts provides a comprehensive scholarly framework for analyzing the theory and history of international law Featuring an array of legal and interdisciplinary analyses it focuses on those theories and developments that illuminate the central and timeless basic concepts and categories of the international legal system highlighting the interdependency of various aspects of theory and

history and demonstrating the connections between theory and practice The International Law Commission Bertie G. Ramcharan, 2024-10-28 Hobbes, Realism and the Tradition of International Law C. Covell, 2004-03-31 Charles Covell considers the political thought of Thomas Hobbes in relation to the tradition of international law and with the intention to challenge the reading of Hobbes as the exponent of the realist standpoint in international thought and practice The relation of Hobbes to international law is explained through attention to the place that he occupies among the modern secular natural law thinkers such as Grotius Pufendorf Wolff and Vattel who founded the modern system of the law of nations

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