

# Customary International Law Asil Studies In International Legal Theory

**Wither the West? *The Theory of Self-Determination Customary International Law* The Future of International Law The Challenge of Inter-legality Parochialism, Cosmopolitanism, and the Foundations of International Law International Law as Behavior Normative Pluralism and International Law Human Dignity in International Law Reexamining Customary International Law The Nature of International Law Space and Fates of International Law Theories of International Responsibility Law Tipping Points in International Law Why Punish Perpetrators of Mass Atrocities? Reexamining Customary International Law The Future of International Law Morality, Jus Post Bellum, and International Law Studies in Criminal Justice, Terrorism, and International Political Conflicts Human Rights in Emergencies Ethical Leadership in International Organizations Taiwan and International Human Rights The Role of Ethics in International Law Global Justice and International Economic Law International Criminal Law and Philosophy National Treaty Law and Practice The American Society of International Law's First Century, 1906-2006 Ethics and Authority in International Law Normative Pluralism and International Law Morality, Jus Post Bellum, and International Law Jus Post Bellum and Transitional Justice The Death Penalty's Denial of Fundamental Human Rights Theories of International Responsibility Law Theories of International Responsibility Law Human Dignity in International Law ASIL Ethical Leadership in International Organizations Proceedings of the Ninth International Humanitarian Law Dialogs National Treaty Law and Practice The Role of Ethics in International Law The Sources of International Law**

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*The Future of International Law* Jun 15 2021 The world is changing rapidly, and there are increasing calls for international legal responses. There is and will be increasing social change in areas such as globalization, development, demography, democratization, and technology. Because of this change, international relations does and will occupy an expanding proportion of the concerns of citizens and the responsibilities of states. This will drive greater production of international law and organizational structures. The resulting denser body of law and organizations will take on more prominent governmental functions. It is in this sense that the future of international law is global government. This book draws together the theoretical and practical aspects of international cooperation needs and legal responses in critical areas of international concern. On this basis, the book predicts that a more extensive, powerful, and varied international legal system will be needed to cope with future opportunities and challenges.

**The Role of Ethics in International Law** Dec 10 2020 The purpose of this book is to explore what role ethical discourse plays in public and private international law. The book seeks (1) to delineate the role of ethical investigation in creating, sustaining, challenging, and changing international law and (2) to open up a conversation between two related disciplines - public and private international law - that frequently labor in different vineyards. By examining the role of ethical discourse in international law's public and private dimensions, this volume will hopefully open new avenues for cross-disciplinary exchange in these important fields and related disciplines. The chapters in this book show that there is a way to engage the ethical dimension of international law without seeking to use ethics as raw politics and the will to power.

Ethics and Authority in International Law Jul 05 2020 The specialized vocabularies of lawyers, ethicists, and political scientists obscure the roots of many real disagreements. In this book, the distinguished American international lawyer Alfred Rubin provides a penetrating account of where these roots lie, and argues powerfully that disagreements which have existed for 3,000 years are unlikely to be resolved soon. Attempts to make 'war crimes' or 'terrorism' criminal under international law seem doomed to fail for the same reasons that attempts failed in the early nineteenth century to make piracy, war crimes, and the international traffic in slaves criminal under the law of nations. And for the same reasons, Professor Rubin argues, it is unlikely that an international criminal court can be instituted today to enforce ethicists' versions of 'international law'.

**Taiwan and International Human Rights** Jan 11 2021 This book tells a story of Taiwan's transformation from an authoritarian regime to a democratic system where human rights are protected as required by international human rights treaties. There were difficult times for human rights protection during the martial law era; however, there has also been remarkable transformation progress in human rights protection thereafter. The book reflects the transformation in Taiwan and elaborates whether or not it is facilitated or hampered by its Confucian tradition. There are a number of institutional arrangements, including the Constitutional Court, the Control Yuan, and the yet-to-be-created National Human Rights Commission, which could play or have already played

certain key roles in human rights protections. Taiwan's voluntarily acceptance of human rights treaties through its implementation legislation and through the Constitutional Court's introduction of such treaties into its constitutional interpretation are also fully expounded in the book. Taiwan's NGOs are very active and have played critical roles in enhancing human rights practices. In the areas of civil and political rights, difficult human rights issues concerning the death penalty remain unresolved. But regarding the rights and freedoms in the spheres of personal liberty, expression, privacy, and fair trial (including lay participation in criminal trials), there are in-depth discussions on the respective developments in Taiwan that readers will find interesting. In the areas of economic, social, and cultural rights, the focuses of the book are on the achievements as well as the problems in the realization of the rights to health, a clean environment, adequate housing, and food. The protections of vulnerable groups, including indigenous people, women, LGBT (lesbian, gay, bisexual, and transgender) individuals, the disabled, and foreigners in Taiwan, are also the areas where Taiwan has made recognizable achievements, but still encounters problems. The comprehensive coverage of this book should be able to give readers a well-rounded picture of Taiwan's human rights performance. Readers will find appealing the story of the effort to achieve high standards of human rights protection in a jurisdiction barred from joining international human rights conventions. This book won the American Society of International Law 2021 Certificate of Merit in a Specialized Area of International Law.

**Wither the West?** Nov 01 2022 A collection of expert essays analyzing how American and European's views of international law are diverging as a reaction to globalization.

*National Treaty Law and Practice* Sep 06 2020

**The Future of International Law** Jul 29 2022 Draws together the theoretical and practical aspects of international cooperation needs and legal responses in critical areas of international concern.

*Ethical Leadership in International Organizations* Oct 27 2019 This book offers an innovative interdisciplinary approach that elucidates the importance of virtue ethics to help better understand the role of leadership in international organisations. The authors use a combination of theoretical and conceptual narratives as well as case studies to highlight both the advantages and weaknesses that the angle of virtue ethics offers. A particularly important step in times of uncertainty or crisis when the demand for leadership becomes more urgent yet more daunting. In this sense, this volume oscillates between critique and hope, since it provides a plausible, rather than a purely abstract, approach to the conceptualization and concretization of ethical leadership.

**Morality, Jus Post Bellum, and International Law** May 15 2021 Leading legal, political and moral theorists discuss the normative issues that arise when war concludes and when a society strives to regain peace.

*Reexamining Customary International Law* Jul 17 2021 Reexamining Customary International Law takes on the complex issues and controversies surrounding the history, theory, and practice of customary international law as it reexamines customary law's increasingly important role in world affairs. It incorporates the expertise of distinguished authors to probe many difficult issues that remain unresolved concerning the doctrine of customary law. At the same time, this book engages in a profound exploration of the practical role of customary international law in a variety of important fields, including humanitarian law, human rights law, and air and space law.

*The Theory of Self-Determination* Sep 30 2022 In this book, leading scholars re-examine the principle of national self-determination from diverse theoretical perspectives.

**The Sources of International Law** Jun 23 2019 This new edition of Hugh Thirlway's authoritative text provides an introduction to one of the fundamental questions of the discipline: what is, and what is not, a source of international law. Traditionally, treaties between states and state practice were seen as the primary means with which to create international law. However, more recent developments have recognized customary international law, alongside international treaties and instruments, as a key foundation upon which international law is built. This book provides an insightful inquiry into all the recognized, or asserted, sources of international law. It investigates the impact of ethical principles on the creation of international law; whether 'soft law' norms come into being through the same sources as binding international law; and whether jus cogens norms, and those involving rights and obligations erga omnes have a unique place in the creation of international legal norms. It studies the notion of 'general principles of international law' within international law's sub-disciplines, and the evolving relationship between treaty-based law and customary international law. Re-examining the traditional model, it investigates the increasing role of international jurisprudence, and looks at the nature of international organisations and non-state actors as potential new sources of international law. This revised and updated book provides a perfect introduction to the law of sources, as well as innovative perspectives on new developments, making it essential reading for anyone studying or working in international law.

*National Treaty Law and Practice* Aug 25 2019 As of 1 January 2018 this journal is no longer distributed by Brill. For information about subscriptions, please contact Higher Education Press.

**The Nature of International Law** Dec 22 2021 The Nature of International Law provides a comprehensive analytical account of international law within the prototype theory of concepts.

*Tipping Points in International Law* Sep 18 2021 Explores the possibilities and limits of the international legal architecture and its expert communities in shaping the world of tomorrow.

**The Role of Ethics in International Law** Jul 25 2019 The purpose of this book is to explore what role ethical discourse plays in public and private international law. The book seeks (1) to delineate the role of ethical investigation in creating, sustaining, challenging and changing international law and (2) to open up a conversation between two related disciplines - public and private international law - that frequently labor in different vineyards. By examining the role of ethical discourse in international law's public and private dimensions, this volume will hopefully open new avenues for cross-disciplinary exchange in these important fields and related disciplines. The chapters in this book show that there is a way to engage the ethical dimension of international law without seeking to use ethics as raw politics and the will to power.

*International Law as Behavior* Apr 25 2022 Using a multi-disciplinary approach, this volume shows how international law shapes behavior.

*Customary International Law* Aug 30 2022 This book sets out to articulate a comprehensive theory of customary international law that can effectively resolve the conceptual and practical enigmas surrounding it. It takes a multidisciplinary approach and draws insights from international law, legal theory, political science, and game theory. It is anchored in a sophisticated ethical framework and explores the interrelationships between customary international law and ethics.

Human Dignity in International Law Dec 30 2019 Over the past two centuries, the concept of human dignity has moved from the fringes to the centre of the international legal system. This book is the first detailed historical, theoretical and legal investigation of human dignity as a normative value, the intellectual sources that shaped its legal recognition, and the main legal instruments used to give it expression in international law. Ginevra Le Moli addresses the broad historical and philosophical developments relating to the legal expression of dignity and the doctrinal geography of human dignity in international law, with a focus on international humanitarian law, international human rights law and international criminal law. The book fills a major lacuna in the literature by providing a comprehensive account of dignity within international law that draws on an extensive documentary and archival basis and a vast body of decisions of international judicial and quasi-judicial bodies.

*Theories of International Responsibility Law* *Theories of International Responsibility Law* Jan 29 2020 There is no issue more central to a legal order than responsibility, and yet the dearth of contemporary theorizing on international responsibility law is worrying for the state of international law. The volume brings philosophers of the law of responsibility into dialogue with international responsibility law specialists. Its tripartite structure corresponds to the three main theoretical challenges in the contemporary practice of international responsibility law: the public and private nature of the international responsibility of public institutions; its collective and individual dimensions; and the place of fault therein. In each part, two international lawyers and two philosophers of responsibility law address the most pressing questions in the theory of international responsibility law. The volume closes with a comparative 'world tour' of the responsibility of public institutions in four different legal cultures and regions, identifying stepping-stones and stumbling blocks on the path towards a common law of international responsibility.

*Proceedings of the Ninth International Humanitarian Law Dialogs* Sep 26 2019

Theories of International Responsibility Law Oct 20 2021 "International responsibility law today is in great need of theorizing, or, at least, that is the present volume's argument. This introduction sets the stage for that argument. It unfolds in four steps: first, it clarifies the reasons that led to putting this collection of essays together and explains what it hopes to achieve; second, it introduces the main theoretical challenges addressed in the volume; third, it provides some information about how the book is organized; and, finally, it sketches out the content of its successive chapters and their articulation"--

*The Death Penalty's Denial of Fundamental Human Rights* Mar 01 2020 This book details how capital punishment violates universal human rights and traces the evolution of the world's understanding of torture.

**Global Justice and International Economic Law** Nov 08 2020 Since the beginnings of the GATT and the Bretton Woods institutions, and on to the creation of the WTO, states have continued to develop institutions and legal infrastructure to promote global interdependence. International lawyers are experts in understanding how these institutions operate in practice, but they tend to uncritically accept comparative advantage as the principal normative criterion to justify these institutions. In contrast, moral and political philosophers have developed accounts of global justice, but these accounts have had relatively little influence on international legal scholarship and on institutional design. This volume reflects the results of a symposium held at Tillar House, the American Society of International Law headquarters in Washington, DC, in November 2008, which brought together philosophers, legal scholars and economists to discuss the problems of understanding international economic law from the standpoints of rights and justice, in particular from the standpoint of distributive justice.

*Why Punish Perpetrators of Mass Atrocities?* Aug 18 2021 Examines the purpose of international punishment and how different theories of punishment influence the practice of the International Criminal Court.

**Morality, Jus Post Bellum, and International Law** May 03 2020 This collection of essays brings together some of the leading legal, political and moral theorists to discuss the normative issues that arise when war concludes and when a society strives to regain peace. In the transition from war, mass atrocity or a repressive regime, how should we regard the idea of democracy and human rights? Should regimes be toppled unless they are democratic or is it sufficient that these regimes are less repressive than before? Are there moral reasons for thinking that soldiers should be relieved of responsibility so as to advance the goal of peace building? And how should we regard the often conflicting goals of telling the truth about what occurred in the past and allowing individuals to have their day in court? These questions and more are analyzed in detail. It also explores whether jus post bellum itself should be a distinct field of inquiry.

*Normative Pluralism and International Law* Mar 25 2022 This book addresses conflicts involving different normative orders: what happens when international law prohibits behavior, but the same behavior is nonetheless morally justified or warranted? Can the actor concerned ignore international law under appeal to morality? Can soldiers escape legal liability by pointing to honor? Can accountants do so under reference to professional standards? How, in other words, does law relate to other normative orders? The assumption behind this book is that law no longer automatically claims supremacy, but that actors can pick and choose which code to follow. The novelty resides not so much in identifying conflicts, but in exploring if, when and how different orders can be used intentionally. In doing so, the book covers conflicts between legal orders and conflicts involving law and honor, self-regulation, lex mercatoria, local social practices, bureaucracy, religion, professional standards and morality.

**Human Dignity in International Law** Feb 21 2022 A theoretical, historical and juridical exegesis of human dignity in international law over two centuries.

**International Criminal Law and Philosophy** Oct 08 2020 This anthology brings together legal and philosophical theorists to examine the normative and conceptual foundations of international criminal law. In particular, through these essays the international group of authors addresses questions of state sovereignty; of groups, rather than individuals, as perpetrators and victims of international crimes; of international criminal law and the promotion of human rights and social justice; and of what comes after international criminal prosecutions, namely, punishment and reconciliation. International criminal law is still an emerging field, and as it continues to develop, the elucidation of clear, consistent theoretical groundings for its practices will be crucial. The questions raised and issues addressed by the essays in this volume will aid in this important endeavor.

The American Society of International Law's First Century, 1906-2006 Aug 06 2020 From the historic launch of the organization by such luminaries as Elihu Root and Charles Evans Hughes, to the recent era when international law is more and more in the public realm, Kirgis's book traces the evolution of the organization and its relationship to events in the United States and around the world. As he says in the preface: '...In the end, the reader will have to make his/her own judgment about how well the Society has run the course it set out for itself in 1906. I hope this book will provide a basis for that judgment. And of course no judgment at this stage can be final. The American Society of International Law will carry on into its second century with new and continuing programs that take into account what it has done in its first one hundred years. It will continue to do its best to demonstrate not only what international law is or should be, but also that, in the words of former ASIL President Louis Henkin, international law matters.'

**Parochialism, Cosmopolitanism, and the Foundations of International Law** May 27 2022 This book examines the boundary between parochial and cosmopolitan justice. To what extent should international law recognize or support the political, historical, cultural, and economic differences among nations? Ten lawyers and philosophers from five continents consider whether certain states or persons deserve special treatment, exemptions, or heightened duties under international law. This volume draws the line between international law, national jurisdiction, and the private autonomy of persons.

**Normative Pluralism and International Law** Jun 03 2020 This book addresses conflicts involving how law relates normative orders. The assumption behind the book is that law no longer automatically claims supremacy, but that actors can pick and choose which code to follow. The book covers conflicts between legal orders and conflicts involving law and honor, self-regulation, *lex mercatoria*, local social practices, bureaucracy, religion, professional standards, and morality.

Space and Fates of International Law Nov 20 2021 The book offers the first analysis of the influence exercised by the concept of space on the emergence and continuing operation of international law. By adopting a historical perspective and analysing work of two central early modern thinkers – Leibniz and Hobbes – it offers a significant addition to a limited range of resources on early modern history of international law. The book traces links between concepts of space, universality, human cognition, law, and international law in these two early modern thinkers in a comparative fashion. Through this analysis, the book demonstrates the dependency of the contemporary international law on the Hobbesian concept of space. Although some Leibnizian elements continue to operate, they are distorted. This continuing operation of Leibnizian elements is explained by the inability of international law, which is based on the Hobbesian concept of space, to ensure universality of its normative foundation.

*Human Rights in Emergencies* Mar 13 2021 Public emergencies such as civil wars, natural disasters, and economic crises test the theoretical and practical commitments of international human rights law. During national crises, international law permits states to suspend many human rights protections in order to safeguard national security. States frequently overstep the limits of this authority, violating even peremptory human rights such as the prohibitions against torture and prolonged arbitrary detention. In this volume, leading scholars from law, philosophy and political science grapple with challenging questions concerning the character, scope, and salience of international human rights, and they explain how the law seeks to protect human rights during emergencies. The contributors also evaluate the law's successes and failures, and offer new proposals for strengthening respect for human rights.

**ASIL** Nov 28 2019 There's something instantly recognizable about the photography of Tariq Dajani. It's a combination of what he photographs and his curiosity in seeking a personal connection with this subject, captured using modern photographic methods which nonetheless invoke something of the Old Masters of painting. With *Asil: Photographic Studies of the Purebred Arabian Horse*, Dajani presents a series of beautifully observed and mastered photographs. These poetic portraits contain an elusive quality that draws the eye in, as he attempts to penetrate further into the nature and personalities of his subjects. His work is contemporary by virtue of the medium, yet he is a purist by heart, displaying intellectual depth and classical realism. *Asil* is the Arabic word signifying purity, nobility and authenticity and is used to describe the purebred Arabian Horse. It is a word that could equally describe Dajani's photography. Although this book cannot do justice to the original prints, it has been produced to the highest possible standards and will undoubtedly find a place in the homes of all lovers of the horse and those who appreciate beauty in art and nature.

**Ethical Leadership in International Organizations** Feb 09 2021 This book develops an interdisciplinary conceptualisation and a practical application of virtue ethics to leadership in international organisations.

**Jus Post Bellum and Transitional Justice** Apr 01 2020 This collection of essays brings together jus post bellum and transitional justice theorists to explore the legal and moral questions that arise at the end of war and in the transition to less oppressive regimes. Transitional justice and jus post bellum share in common many concepts that will be explored in this volume. In both transitional justice and jus post bellum, retribution is crucial. In some contexts criminal trials will need to be held, and in others truth commissions and other hybrid trials will be considered more appropriate means for securing some form of retribution. But there is a difference between how jus post bellum is conceptualized, where the key is securing peace, and transitional justice, where the key is often greater democratization. This collection of essays highlights both the overlap and the differences between these emerging bodies of scholarship and incipient law.

**Reexamining Customary International Law** Jan 23 2022 *Reexamining Customary International Law* takes on the complex issues and controversies surrounding the history, theory, and practice of customary international law as it reexamines customary law's increasingly important role in world affairs. It incorporates the expertise of distinguished authors to probe many difficult issues that remain unresolved concerning the doctrine of customary law. At the same time, this book engages in a profound exploration of the practical role of customary international law in a variety of important fields, including humanitarian law, human rights law, and air and space law.

**Studies in Criminal Justice, Terrorism, and International Political Conflicts** Apr 13 2021 This book covers criminal justice and terrorism topics, with some related political studies. It consists of a collection of essays and research studies designed for academic audiences. This is a useful guide for high schoolers, college students, professors, and teachers. The reader will learn about terrorism topics and political conflicts and grasp how these fields are tied together. The readings will serve as good reference tools for those who are interested in understanding how conflicts

develop, and are willing to resolve some of the problems brought on by international and domestic terrorism.

**The Challenge of Inter-legality** Jun 27 2022 The first book-length treatment to describe and explain how legal orders can be interwoven and what to do about it. The volume discusses inter-legality in different legal fields, situates it within political and legal theory, and provides a normative assessment.