CONTENTS

Table of Cases Turbus and American Market and Market Marke
Table of International Instruments xxxiii
List of Abbreviations xlvii
List of Contributors
Sources of International Law in the Nineteenth-Century European Tradition: Insights from Practice and Theory 140
The Sources of International Law: An Introduction SAMANTHA BESSON AND JEAN D'ASPREMONT
SAMANTHA DESSON AND JEAN D'ASPREMONT
PART I THE HISTORIES OF THE SOURCES
OF INTERNATIONAL LAW
of Justices (A. Purely Platonic, Discussion & source of an Appendix Research 195
SECTION I SOURCES IN THE SCHOLASTIC LEGACY
SAMUE MOYN
1. Sources in the Scholastic Legacy: Ius Naturae and Ius Gentium
Revisited by Theologians 45
Peter Haggenmacher
OF INTERNATIONAL LAW
2. Sources in the Scholastic Legacy: The (Re)construction of
the <i>Ius Gentium</i> in the Second Scholastic 64
Annabel S. Brett and Amount tellamon in Amount and an an an angular and an an an angular and an angular angular and an angular
SECTION II SOURCES IN THE MODERN TRADITION
3. Sources in the Modern Tradition: An Overview of the Sources of
the Sources in the Classical Works of International Law 85
Dominique Gaurier

4.	Sources in the Modern Tradition: The Nature of Europe's Classical Law of Nations RANDALL LESAFFER	99
	SECTION III SOURCES OF INTERNATIONAL LAW IN TH NINETEENTH-CENTURY EUROPEAN TRADITION	
5.	Sources of International Law in the Nineteenth-Century European Tradition: The Myth of Positivism MILOŠ VEC	121
6.	Sources of International Law in the Nineteenth-Century European Tradition: Insights from Practice and Theory LAURI MÄLKSOO	146
SE	ECTION IV THE HISTORY OF ARTICLE 38 OF THE STATU OF THE INTERNATIONAL COURT OF JUSTICE	TE
7.	The History of Article 38 of the Statute of the International Court of Justice: 'A Purely Platonic Discussion'? OLE SPIERMANN	165
8.	The History of Article 38 of the Statute of the International Court of Justice: The Journey from the Past to the Present MALGOSIA FITZMAURICE	
SE	CTION V SOURCES IN THE ANTI-FORMALIST TRADITI	
9.	Sources in the Anti-Formalist Tradition: A Prelude to Institutional Discourses in International Law Mónica García-Salmones Rovira	
	Sources in the Anti-Formalist Tradition: 'That Monster Custom, Who Doth All Sense Doth Eat' UPENDRA BAXI	1

SECTION VI SOURCES IN THE META-HISTORY OF INTERNATIONAL LAW

11.	Sources in the Meta-History of International Law: From Liberal Nihilism and the Anti-Metaphysics of Modernity to an Aristotelian Ethical Order	245
	Anthony Carty and Anna Irene Baka	
12.	Sources in the Meta-History of International Law: A Little Meta-Theory—Paradigms, Article 38, and the Sources of International Law MARK WESTON JANIS	264
	SECTION VII LEGAL HISTORY AS A SOURCE OF INTERNATIONAL LAW	
13.	Legal History as a Source of International Law: From Classical to Modern International Law ROBERT KOLB	279
14.	Legal History as a Source of International Law: The Politics of Knowledge Samuel Moyn	301
	PART II THE THEORIES OF THE SOURCES	
	OF INTERNATIONAL LAW	
S	SECTION VIII SOURCES IN LEGAL-POSITIVIST THEORIE	S
15.	Sources in Legal-Positivist Theories: Law as Necessarily Posited and the Challenge of Customary Law Creation David Lefkowitz	323
16.	Sources in Legal-Positivist Theories: The Pure Theory's Structural Analysis of the Law JÖRG KAMMERHOFER	343

SECTION IX SO	OURCES IN	LEGAL-FORM	IALIST	THEORIES
---------------	-----------	------------	--------	----------

17.	Forms did not be Meta-History of International Law From Lib. amon	
	Jean d'Aspremont	
18.	Sources in Legal-Formalist Theories: A Formalist Account of the Role of Sources in International Law Frederick Schauer	
	SECTION X SOURCES IN INTERPRETATION THEORIES	
19.	Sources in Interpretation Theories: The International Law- Making Process Ingo Venzke	401
20.	Sources in Interpretation Theories: An Interdependent Relationship Duncan B. Hollis	422
	SECTION XI SOURCES IN THE META-THEORY OF INTERNATIONAL LAW	
21.	Sources in the Meta-Theory of International Law: Exploring the Hermeneutics, Authority, and Publicness of International Law Matthias Goldmann	447
22.	Sources in the Meta-Theory of International Law: Hermeneutical Conversations ALEXANDRA KEMMERER	
	SECTION XII LEGAL THEORY AS A SOURCE OF INTERNATIONAL LAW	

23. Legal Theory as a Source of International Law: Institutional Facts and the Identification of International Law

IAIN SCOBBIE

493

24.	Legal Theory as a Source of International Law: Doctrine as Constitutive of International Law ALAIN PAPAUX AND ERIC WYLER	513
	PART III THE FUNCTIONS OF THE SOURCES OF INTERNATIONAL LAW	
	SECTION XIII SOURCES AND THE LEGALITY AND VALIDITY OF INTERNATIONAL LAW	
25.	Sources and the Legality and Validity of International Law: What Makes Law 'International'? Pierre d'Argent	541
26.	Sources and the Legality and Validity of International Law: Natural Law as Source of Extra-Positive Norms MARY ELLEN O'CONNELL AND CALEB M. DAY	562
	SECTION XIV SOURCES AND THE SYSTEMATICITY OF INTERNATIONAL LAW	
27	Sources and the Systematicity of International Law: A Philosophical Perspective MICHAEL GIUDICE	583
28	. Sources and the Systematicity of International Law: A Co-Constitutive Relationship? GLEIDER I. HERNÁNDEZ	604
	SECTION XV SOURCES AND THE HIERARCHY OF INTERNATIONAL LAW	
29	Sources and the Hierarchy of International Law: The Place of Peremptory Norms and Article 103 of the UN Charter within the Sources of International Law	625
	Erika De Wet	

30.	Sources and the Hierarchy of International Law: Source Preferences and Scales of Values Mario Prost	640
	SECTION XVI SOURCES AND THE NORMATIVITY OF INTERNATIONAL LAW	
	Role of sequence in their national Law	
31.	Sources and the Normativity of International Law: A Post- Foundational Perspective	66
	DETLEF VON DANIELS MANAGEMENT OF THE CONTROL OF THE	
32.	Sources and the Normativity of International Law: From Validity to Justification	680
	NICOLE ROUGHAN	
SE	CTION XVII SOURCES AND THE LEGITIMATE AUTHOR OF INTERNATIONAL LAW	IT
33.	Sources and the Legitimate Authority of International Law: A Challenge to the 'Standard View'?	70
	RICHARD COLLINS WAS AMERICAN A	
34.	Sources and the Legitimate Authority of International Law: Democratic Legitimacy and the Sources of International Law José Luis Martí	
	MICHAEL GIODICE	
	SECTION XVIII SOURCES AND THE SUBJECTS OF INTERNATIONAL LAW	
25	Sources and the Subjects of International Law: A Plurality	
3).	of Law-Making Participants MA 2010 STUDE WAS MODIFICATED BY	749
	ROBERT McCorquodale	
26	Sources and the Subjects of International Laws The European	
30.	Sources and the Subjects of International Law: The European Union's Semi-Autonomous System of Sources	760
	Bruno De Witte	, ,

SECTION XIX SOURCES AND THE ENFORCEMENT OF INTERNATIONAL LAW

37.	Sources and the Enforcement of International Law: What Norms Do International Law-Enforcement Bodies Actually Invoke? YUVAL SHANY	
	CATHERINE REDGWELL	
38.	Sources and the Enforcement of International Law: Domestic Courts—Another Brick in the Wall? ELENI METHYMAKI AND ANTONIOS TZANAKOPOULOS	
	PART IV THE REGIMES OF THE SOURCES	
	OF INTERNATIONAL LAW	
	Sources of International Organizations' Lawishellartionsion econoca	
	SECTION XX SOURCES OF INTERNATIONAL HUMAN RIGHTS LAW	
39.	Sources of International Human Rights Law: How General is General International Law?	837
	SAMANTHA DESSON	
40.	Sources of International Human Rights Law: Human Rights Treaties Bruno Simma	871
41	Sources of International Humanitarian Law and International	
41.	Criminal Law: Specific Features	891
	Raphaël van Steenberghe	
42.	Sources of International Humanitarian Law and International Criminal Law: War/Crimes and the Limits of the Doctrine	
	of Sources Steven R. Ratner	912

SECTION XXII SOURCES OF INTERNATIONAL ENVIRONMENTAL LAW

43.	Sources of International Environmental Law: Formality and Informality in the Dynamic Evolution of International Environmental Law Norms Catherine Redgwell	
	urces and the Enforcement of International Law: Domestic	
44.	Sources of International Environmental Law: Interactional Law Jutta Brunnée	960
	SECTION XXIII SOURCES OF INTERNATIONAL ORGANIZATIONS' LAW	
45.	Sources of International Organizations' Law: Reflections on	
יעד	Accountability	987
	JAN KLABBERS	MIT I
46.	Sources of International Organizations' Law: Why Custom and General Principles are Crucial AUGUST REINISCH	1007
	SECTION XXIV SOURCES OF INTERNATIONAL TRADE LAW	
47	Sources of International Trade Law: Mantras and Controversies	
4/•	at the World Trade Organization	1027
	JOOST PAUWELYN	102)
18	Sources of International Trade Law: Understanding What the	
40.	Vienna Convention Says About Identifying and Using 'Sources	
	for Treaty Interpretation'	1047
	Donald H. Regan	

SECTION XXV SOURCES OF INTERNATIONAL INVESTMENT LAW

49.	Sources of International Investment Law: Conceptual Foundations of Unruly Practices JORGE E. VIÑUALES	1069
50.	Sources of International Investment Law: Multilateralization, Arbitral Precedent, Comparativism, Soft Law Stephan W. Schill	109
	SECTION XXVI SOURCES OF INTERNATIONAL LAW IN DOMESTIC LAW	
51.	Sources of International Law in Domestic Law: Domestic Constitutional Structure and the Sources of International Law Ingrid B. Wuerth	1119
52.	Sources of International Law in Domestic Law: Relationship between International and Municipal Law Sources Cedric Ryngaert	113
Ind	Publish 1/02 [2006] ECK I-1145. Per Remove and others (Joined Cases, 3, 4, and 6-76) [1976] ECR 1279 Pex Remove ANEL (Case C-6/64) [1964] ECR 587	115