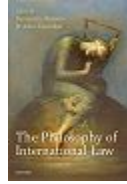


The Philosophy of International Law

Edited by Samantha Besson and John Tasioulas



Description

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.

Table of Contents

Introduction , *Samantha Besson and John Tasioulas*

Part I General Issues in the Philosophy of International law

Section I History of the Philosophy of International Law

1. State of Nature versus Commercial Sociability as the Basis of International Law: Reflections on the Roman Foundations and Current Interpretations of the International Political and Legal Thought of Grotius, Hobbes and Pufendorf , *Benedict Kingsbury and Benjamin Straumann*

2. Immanuel Kant on International Law , *Amanda Perreau-Saussine*

Section II Legitimacy of International Law

3. The Legitimacy of International Law , *Allen Buchanan*

4. The Legitimacy of International Law , *John Tasioulas*

Section III International Democracy

5. Democratic Legitimacy and International Institutions , *Thomas Christiano*

6. Legitimate International Institutions: A Neo-Republican Perspective , *Philip Pettit*

Section IV Sources of International Law

7. Theorizing the Sources of International Law , *Samantha Besson*

8. The Sources of International Law: Some Philosophical Reflections , *David Lefkowitz*

Section V International Adjudication

9. International Adjudication , *Andreas Paulus*

10. International Adjudication: A Response to Paulus - Courts, Custom, Treaties, Regimes, and the WTO , *Donald Regan*

Section VI Sovereignty

11. The Logic of Freedom and Power , *Timothy Endicott*

12. Sovereignty in the Context of Globalization: A Constitutional Pluralist Perspective , *Jean Cohen*

Section VII International Responsibility

13. International Responsibility , *James Crawford and Jeremy Watkins*

14. International Responsibility , *Liam Murphy*

Part II Specific Issues in the Philosophy of International law

Section VIII Human Rights

15. Human Rights without Foundations , *Joseph Raz*

16. Human Rights and the Autonomy of International Law , *James Griffin*

17. Human Rights , *John Skorupski*

Section IX Self-Determination and Minority Rights

18. Minority Rights in Political Philosophy and International Law , *Will Kymlicka*

19. Two Conception of Self Determination , *Jeremy Waldron*

Section X International Economic Law

20. The Role of International Law in Reproducing Massive Poverty , *Thomas Pogge*

21. Global Justice, Poverty and the International Economic Order , *Robert Howse and Ruti Teitel*

Section XI International Environmental Law

22. Philosophical Issues in International Environmental Law , *James Nickel and Daniel Magraw*

23. Ethics and International Environmental Law , *Roger Crisp*

Section XII Laws of War

24. The Laws of War , *Jeff McMahan*

25. Laws of War , *Henry Shue*

Section XIII Humanitarian Intervention

26. Humanitarian Intervention , *Thomas Franck*

27. Humanitarian Militarism? , *Danilo Zolo*

Section XIV International Criminal Law

28. Fairness to Rightness: Jurisdiction, Legality, and the Legitimacy of International Criminal Law , *David Luban*

29. Authority and Responsibility in International Criminal Law , *Antony Duff*