The Legitimacy of the Afghan Amnesty Law Under International Law

This book investigates the legitimacy deficits of two potentially conflicting legal systems, namely Public and Islamic international law. It discusses the challenges that Public international law is being presented within the context of its relationship with Islamic international law. It explores how best to overcome these challenges through a comparative examination of state practices on the use of force. It highlights the legal-political legacies that evolved surrounding the claims of the legitimacy of use of force by armed non-state actors, states, and regional organizations. This book offers a critical analysis of these legacies in line with the Islamic Shari'a law, United Nations Charter, state practices, and customs. It concludes that the legitimacy question has reached a vantage point where it cannot be answered either by Islamic or Public international law as a mutually exclusive legal system. Instead, Public international law must take a coherent approach within the existing legal framework.

Legitimacy and Drones

Legitimacy has become an increasingly important topic within international law. The reasons behind this recent surge in the interest of the
justification of authority are intimately related to the transformations that the international legal order is undergoing. From a consensual normative order, centred on interstate relations, international law has evolved into a complex, dense normative framework encompassing subject-areas that seemed alien to international law not so long ago. The increasing influence of international law has sparked an intense discussion about the suitability of the conventional legitimacy basis. In particular, due to the direct impact of international law norms on individuals in areas previously covered by national law, a legitimacy gap has opened, making the legitimation of international law a pressing concern. This dissertation offers a critical account of legitimacy and its use in international law. On the conceptual side, the dissertation illustrates the broadness of the concept and analyses some of the reasons for why legitimacy is highly contested and for why these disagreements are unlikely to disappear. On the descriptive side, the thesis questions the often presumed link between legitimacy and the stability of a social arrangement - the international legal order in this case - by examining alternative explanations and by contesting the idea of legitimacy as a matter of individual beliefs. As a way forward, the dissertation offers an alternative reading of legitimacy, which proposes a shift of focus from legitimacy to legitimation, moving from the static to a dynamic perspective. In contrast to existent explanations, this account is not centred on ascertaining whether a certain social arrangement is legitimate or not, but rather on describing and analysing the means through which actors attempt to expand or restrict the permissible boundaries of action.

Politics Versus Law in International Criminal Tribunals

ICCA Congress Series No. 18 comprises the proceedings of the twenty-second Congress of the International Council for Commercial Arbitration (ICCA), held in Miami in 2014. The articles by leading arbitration practitioners and scholars from around the world address the challenges, both perceived and real, to the legitimacy of international arbitration. The volume focusses on the twin pillars of legitimacy: justice, in procedure and outcome, and precision at every phase of the proceedings. Contributions on justice explore issues related to diversity, fairness and whether arbitral institutions can do more to foster legitimacy – based on the responses of nine international arbitral institutions to a survey on this topic. Articles focussing on precision address burdens, standards and procedures in respect of proof; interim measures and document production; witnesses and experts; and standards governing investor misconduct in investment arbitration. The volume opens with a spirited Keynote Address in defence of bilateral investment treaties and also reports the results of a theme-related empirical survey of Congress Participants on demographics, precision and justice in international arbitration, carried out during the Opening Plenary Session of the Congress.

Determination of the Legality in International Law of Direct Intervention in Iraq on the Authority of Security Council Resolution 1441

When is a de facto authority not entitled to be considered a 'government' for the purposes of International Law? International reaction to the 1991-4 Haitian crisis is only the most prominent in a series of events that suggest a norm of governmental illegitimacy is emerging to challenge moretraditional notions of state sovereignty. This challenge has dramatic implications for two fundamental legal strictures: that
against the use or threat of force against a state’s political independence, and that against interference in matters ‘essentially’ within a state’s domestic jurisdiction. Yet although human rights advocates have begun to speak of state sovereignty as an ‘anachronism’, with some expansively proclaiming the emergence of an international ‘right to democratic governance,’ international law literature lacks systematic treatment of governmental illegitimacy. This work seeks to specify the international law of collective non-recognition of governments, so as to enable legal evaluation of cases in which competing factions assert governmental authority. It subjects the recognition controversies of the United Nations era to a systematic examination, informed by theoretical and comparative perspectives on governmental legitimacy. The inquiry establishes that the category of ‘illegitimate government’ now occupies a place in international law, with significant consequences for the legality of intervention in certain instances. The principle of popular sovereignty, hitherto vague and ambiguous, has acquired sufficient determinacy to serve, in some circumstances, as a basis for denial of legal recognition to putative governments. This development does not imply, however, the emergence in international law of a meaningful norm of ‘democratic governance,’ nor would such a norm serve the purposes of the scheme of sovereign equality of states embodied in the United Nations Charter.

**Legitimate Targets?**

There has been intense debate in recent times over the legitimacy or otherwise of international law. This book contains fresh perspectives on these questions, offered at an international and interdisciplinary conference hosted by the Max Planck Institute for Comparative Law and International Law. At issue are questions including, for example, whether international law lacks legitimacy in general and whether international law or a part of it has yielded to the facts of power.

**Economic Sanctions under International Law**

The method of research has involved an in-depth study and analysis of documents and all international, regional, bilateral, and multilateral agreements relating to human rights legislation. Nation-states analyzed are the USSR, China, Iran, Chile, Israel, South Africa, and Northern Ireland.

**Taking the (international) Rule of Law Seriously**

It has never been more important to understand how international law enables and constrains international politics. By drawing together the legal theory of Lon Fuller and the insights of constructivist international relations scholars, this book articulates a pragmatic view of how international obligation is created and maintained. First, legal norms can only arise in the context of social norms based on shared understandings. Second, internal features of law, or ‘criteria of legality’, are crucial to law’s ability to promote adherence, to inspire ‘fidelity’. Third, legal norms are built, maintained or destroyed through a continuing practice of legality. Through case studies of the climate change regime, the anti-torture norm, and the prohibition on the use of force, it is shown that these three elements produce a distinctive legal
legitimacy and a sense of commitment among those to whom law is addressed.

**Legitimacy & Legality in Intl Law**

In *The Legality and Legitimacy of the Use of Force in Northeast Asia*, Brendan Howe and Boris Kondoč offer a comprehensive evaluation of when it is right, from regional perspectives, to use force in international relations.

**The International Rule of Law**

**Justice, Legitimacy, and Self-Determination**

Why should sovereign states obey international law? What compels them to owe allegiance to a higher set of rules when each country is its own law of the land? What is the basis of their obligations to each other? Conventional wisdom suggests that countries are too different from one another culturally to follow laws out of mere loyalty to each other or a set of shared moral values. Surely, the prevailing view holds, countries act simply out of self-interest, and they eventually consent to norms of international law to regulate matters of common interest. In this groundbreaking book, Fernando Tesón goes against this prevailing thought by arguing, in the Kantian tradition, that a shared respect for individual human rights underpins not just the obligation countries feel to follow international law but also international laws themselves and even the very legitimacy of nations in the eyes of the international community. Tesón, both a lawyer and a philosopher, proposes that an overlapping respect for human rights has created a moral common ground among the countries of the world; and moreover, that such an outlook is the only one that is rationally defensible. It is this common set of values rather than self-interest that ultimately provides legitimacy to international law. Using the tools of moral philosophy, Tesón analyzes the concepts of sovereignty, intervention, and national interest; the contributions of social contact theory, game theory, and feminist theory; and the puzzles of self-determination and group rights. More than simply outlining his theory, Tesón goes on to give detailed examples of international laws, international institutions, and their human rights foundations, putting his ideas to work and addressing legal reforms called for by the theory. He suggests that treaties, for example, should be considered binding if, and only if, the consent to the treaty was given by a genuinely representative government, one that acts out of interest for the human rights of its citizens. Although the theoretical achievement of this book is to challenge received wisdom on the foundation of international law, the practical ambition is a call to reform the international legal system for the post–Cold War era, to substitute for the old order one that gives primacy to human dignity and freedom over state power.

**The Legality and Legitimacy of the Use of Force in Northeast Asia**

International criminal justice indeed is a crowded field. But this edited collection stands well above the crowd. And it does so with dignity.
Through interdisciplinary analysis, the editors skillfully turn shibboleths into intrigues. Theirs is a kaleidoscopic project that scales a gamut of issues: from courtroom discipline, to gender, to the defense, to history. Through vivid deployment of unconventional methods, this edited collection unsettles conventional wisdom. It thereby pushes law and policy toward heartier horizons. Ó Ð Mark A. Drumbl, Washington and Lee University, School of Law, US International criminal justice as a discipline throws up numerous conceptual issues, engaging disciplines such as law, politics, history, sociology and psychology, to name but a few. This book addresses themes around international criminal justice from a mixture of traditional and more radical perspectives. While law, and in particular international law, is at the heart of much of the discussion around this topic, history, sociology and politics are invariably infused and, in some aspects of international criminal justice, are predominant elements. Fundamentally the exploration concerns questions of coherence and legitimacy, which are foundational to both the content and application of the discipline, and the book charts an illuminating path through these diverse perspectives. The contributions in this book come from some of the eminent scholars and practitioners in the area, and will provide some profound insight into and an enriched understanding of international criminal justice, helping to advance the field of study. This ambitious and necessary book will appeal to academics and students of international criminal law, international criminal justice, international law, transitional justice and comparative criminal law, as well as practitioners of international criminal law.

**Governmental Illegitimacy in International Law**


**Law-Making and Legitimacy in International Humanitarian Law**

Can international law regulate warfare? Experiences of US bombing suggests it does not solve the twenty-first-century belligerent's legitimacy dilemma.

**The Democratic Legitimacy of International Law**

There has been intense debate in recent times over the legitimacy or otherwise of international law. This book contains fresh perspectives on
these questions, offered at an international and interdisciplinary conference hosted by the Max Planck Institute for Comparative Law and International Law. At issue are questions including, for example, whether international law lacks legitimacy in general and whether international law or a part of it has yielded to the facts of power.

**Legitimacy in International Law**

International Humanitarian Law (IHL) is in a state of some turbulence, as a result of, among other things, non-international armed conflicts, terrorist threats and the rise of new technologies. This incisive book observes that while states appear to be reluctant to act as agents of change, informal methods of law-making are flourishing. Illustrating that not only courts, but various non-state actors, push for legal developments, this timely work offers an insight into the causes of this somewhat ambivalent state of IHL by focusing attention on both the legitimacy of law-making processes and the actors involved.

**Hans Kelsen's Pure Theory of Law**

**Legitimacy and Legitimation in English Private International Law**

Transnational tendencies have led to a pluralistic legal environment in which emerging and established legal actors, regulatory levels and types of legal norms co-exist, compete and interact in complex ways. This challenges and changes not only how legal norms are created, applied and enforced but also when these actors, norms and processes are considered legitimate. The book investigates how states and non-state actors interact in transnational settings and pays attention to the understudied question of what effect transnational tendencies have on the legitimacy of legal actors, norms and processes. It seeks to confront three fundamental questions: Has legitimacy significantly changed? Who creates norms and with which consequences for legal procedures and norms? The book considers the question of legitimacy from a broad range of legal perspectives, including environmental law, human rights law and commercial law. It maps out the contours of legitimacy today with an emphasis on the reactions of central actors like states and courts to transnational tendencies. The book thereby provides a conceptually powerful structure within which to further debate the complexity of transnational tendencies in law and proposes innovative approaches to problem solving while designing pathways for further reflection on the development of law in a transnational context.

**The Philosophy of International Law**

This edited volume examines the role of international law in a changing global order. Can we, under the current significantly changing conditions, still observe an increasing juridification of international relations based on a universal understanding of values? Or are we, to the contrary, facing a tendency towards an informalization or a reformalization of international law, or even an erosion of international legal
norms? Would it be appropriate to revisit classical elements of international law in order to react to structural changes, which may give rise to a more polycentric or non-polar world order? Or are we simply observing a slump in the development towards an international rule of law based on a universal understanding of values? In eleven chapters, distinguished scholars reflect on how to approach these questions from historical, system-oriented and actor-centered perspectives. The contributions engage with the rise of European international law since the 17th century, the decay of the international rule of law, compliance as an indicator for the state of international law, international law and informal law-making in times of populism, the rule of environmental law and complex problems, human rights in Europe in a hostile environment, the influence of the BRICS states on international law, the impact of non-state actors on international law, international law's contribution to global justice, the contestation of value-based norms and the international rule of law in light of legitimacy claims.

**Legitimacy in International Society**

Unmanned combat air vehicles, or in common parlance 'drones', have become a prominent instrument in US efforts to counter an objective (and subjective) cross-border terrorist threat with lethal force. As a result, critical questions abound on the legitimacy of their use. In a series of multidisciplinary essays by scholars with an extensive knowledge of international norms, this book explores the question of legitimacy through the conceptual lenses of legality, morality and efficacy, it then closes with the consideration of a policy proposal aimed at incorporating all three indispensable elements. The importance of this inquiry cannot be overstated. Non-state actors fully understand that attacking the much more powerful state requires moving the conflict away from the traditional battlefield where they are at an enormous disadvantage. Those engaging in terrorism seek to goad the ruling government into an overreaction, or abuse of power, to trigger a destabilization via an erosion of its legitimacy. Thus defending the target of legitimacy—in this case, insuring the use of deadly force is constrained by valid limiting principles—represents an essential strategic interest. This book seeks to come to grips with the new reality of drone warfare by exploring if it can be used to preserve, rather than eat away at, legitimacy. After an extensive analysis of the three key parameters in twelve chapters, the practical proposition of establishing a 'Drone Court' is put forward and examined as a way of pursuing the goal of integrating these essential components to defend the citizenry and the legitimacy of the government at the same time.

**Legitimacy and International Courts**

This book focuses on the problematic relationship between legality and legitimacy when a nation (or nations) intervene in the work of other nations. Bringing together a wide range of contributors with a broad set of cases that consider when such intervention is legitimate even if it isn't legal—and vice versa—the chapters cover humanitarian intervention, nuclear nonproliferation, military intervention, international criminal tribunals, interventions driven by environmental concerns, and the export of democracy. By focusing on a diverse array of cases, this volume establishes a clear framework for judging the legitimacy of such actions.

**Unlawful Territorial Situations in International Law**
This book articulates a systematic vision of an international legal system grounded in the commitment to justice for all persons. It provides a probing exploration of the moral issues involved in disputes about secession, ethno-national conflict, 'the right of self-determination of peoples,' human rights, and the legitimacy of the international legal system itself. Buchanan advances vigorous criticisms of the central dogmas of international relations and international law, arguing that the international legal system should make justice, not simply peace, among states a primary goal, and rejecting the view that it is permissible for a state to conduct its foreign policies exclusively according to what is in the 'the national interest'. He also shows that the only alternatives are not rigid adherence to existing international law or lawless chaos in which the world's one superpower pursues its own interests without constraints. This book not only criticizes the existing international legal order, but also offers morally defensible and practicable principles for reforming it. Justice, Legitimacy, and Self-Determination will find a broad readership in political science, international law, and political philosophy. Oxford Political Theory presents the best new work in political theory. It is intended to be broad in scope, including original contributions to political philosophy and also work in applied political theory. The series contains works of outstanding quality with no restrictions as to approach or subject matter. Series Editors: Will Kymlicka, David Miller, and Alan Ryan

The Legitimacy in International Law of the Detention and Internment of Aliens and Minorities in the Interest of National Security

The objective of this work is to restate the requirements of democratic legitimacy in terms of the deliberative ideal developed by Jürgen Habermas, and apply the understanding to the systems of global governance. The idea of democracy requires that the people decide, through democratic procedures, all policy issues that are politically decidable. But the state is not a voluntary association of free and equal citizens; it is a construct of international law, and subject to international law norms. Political self-determination takes places within a framework established by domestic and international public law. A compensatory form of democratic legitimacy for inter-state norms can be established through deliberative forms of diplomacy and a requirement of consent to international law norms, but the decline of the Westphalian political settlement means that the two-track model of democratic self-determination is no longer sufficient to explain the legitimacy and authority of law. The emergence of non-state sites for the production of global norms that regulate social, economic and political life within the state requires an evaluation of the concept of (international) law and the (legitimate) authority of non-state actors. Given that states retain a monopoly on the coercive enforcement of law and the primary responsibility for the guarantee of the public and private autonomy of citizens, the legitimacy and authority of the laws that regulate the conditions of social life should be evaluated by each democratic state. The construction of a multiverse of democratic visions of global governance by democratic states will have the practical consequence of democratising the international law order, providing democratic legitimacy for international law.

Legitimacy

International Humanitarian Law (IHL) is in a state of some turbulence, as a result of, among other things, non-international armed conflicts,
terrorist threats and the rise of new technologies. This incisive book observes that while states appear to be reluctant to act as agents of change, informal methods of law-making are flourishing. Illustrating that not only courts, but various non-state actors, push for legal developments, this timely work offers an insight into the causes of this somewhat ambivalent state of IHL by focusing attention on both the legitimacy of law-making processes and the actors involved. Investigating what law-making processes reveal about the overall state of this legal regime, this thought-provoking book shows that current developments display a far-reaching disagreement about the direction into which IHL should evolve. It explores the most relevant trends in the development of IHL including the absence of formal law-making by states, informal law-making through manual processes and the increasing role of sub and non-state actors. Law-Making and Legitimacy in International Humanitarian Law will be of benefit to scholars and students of international law and relations, as well as practitioners working in the field of IHL, particularly in government ministries, international organizations and NGOs.

**How to Do Things with International Law**

This work deals with the question of unlawful territorial situations, i.e. territorial regimes that are established and maintained in defiance of international law. The book represents a welcome contribution to an issue of the outmost importance in international affairs at present times. It brings together elaborate theoretical discussion and thorough empirical research. Students of international law, practitioners, and anyone interested in deepening the understanding of the role and relevance of international law to territorial occupation will greatly benefit from this study.

**International Law and Legitimacy**

**Unlawful Territorial Situations**

Essay from the year 2003 in the subject Law - European and International Law, Intellectual Properties, grade: 1 (A), University of Kent (Kent Law School), 12 entries in the bibliography, language: English, abstract: International law provides for a general prohibition of the use or the threat of use of force to settle international disputes. Only very few exceptions from this rule exist and are clearly defined in the UN Charter. The question must thus be, if resolution 1441 constitutes such an exception of the rule and thus authorises the use of force against Iraq. A close examination of the resolution shall therefore be the starting point of this discussion. However, it must be said that the wording of any Security Council resolution is subject to individual interpretation. A second step must thus be to apply rules for the interpretation of Security Council resolutions if such rules exist at all. It appears that only very little authoritative guidelines to the interpretation of Security Council resolutions exist and that thus the only reliable source of guidance is previous interpretations. Those promoting direct intervention in Iraq without a further resolution refer to NATO bombings of Kosovo. Similarly to the present situation in Iraq, the Security Council did not explicitly authorise the use of force in that case either. Later, the international community claimed that because no agreement could be reached in the
Security Council, military action without Security Council authorisation was necessary in order to prevent genocide. The argument being of course, that a legitimate aim could justify the use of illegal means. The question whether direct intervention in Iraq can be legitimate on the basis of resolution 1441 seems to be a much broader question, which embraces moral and ethical considerations, too. Unfortunately, a discussion of the moral and ethical legitimacy of intervention in Iraq cannot be the topic.

**International Law, New Diplomacy and Counterterrorism**

The word 'legitimacy' is seldom far from the lips of practitioners of international affairs. The legitimacy of recent events - such as the wars in Kosovo and Iraq, the post-September 11 war on terror, and instances of humanitarian intervention - have been endlessly debated by publics around the globe. And yet the academic discipline of IR has largely neglected this concept. This book encourages us to take legitimacy seriously, both as a facet of international behaviour with practical consequences, and as a theoretical concept necessary for understanding that behaviour. It offers a comprehensive historical and theoretical account of international legitimacy. It argues that the development of principles of legitimacy lie at the heart of what is meant by an international society, and in so doing fills a notable void in English school accounts of the subject. Part I provides a historical survey of the evolution of the practice of legitimacy from the 'age of discovery' at the end of the 15th century. It explores how issues of legitimacy were interwoven with the great peace settlements of modern history - in 1648, 1713, 1815, 1919, and 1945. It offers a revisionist reading of the significance of Westphalia - not as the origin of a modern doctrine of sovereignty - but as a seminal stage in the development of an international society based on shared principles of legitimacy. All of the historical chapters demonstrate how the twin dimensions of legitimacy - principles of rightful membership and of rightful conduct - have been thought about and developed in differing contexts. Part II then provides a trenchant analysis of legitimacy in contemporary international society. Deploying a number of short case studies, drawn mainly from the wars against Iraq in 1991 and 2003, and the Kosovo war of 1999, it sets out a theoretical account of the relationship between legitimacy, on the one hand, and consensus, norms, and equilibrium, on the other. This is the most sustained attempt to make sense of legitimacy in an IR context. Its conclusion, in the end, is that legitimacy matters, but in a complex way. Legitimacy is not to be discovered simply by straightforward application of other norms, such as legality and morality. Instead, legitimacy is an inherently political condition. What determines its attainability or not is as much the general political condition of international society at any one moment, as the conformity of its specific actions to set normative principles.

**Legal Fictions in International Law**

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.

**Legitimacy and Legality in International Law**

(I) The research problem.

**The Legitimacy of Use of Force in Public and Islamic International Law**

This interdisciplinary book explores how terrorism is meant to target a government’s legitimacy, and advocates for sounder defensive measures when countering international attacks. The dramatic increase in global cooperation throughout the twentieth century—between international organisations and their state missions of diplomats, foreign officers, international civil servants, intelligence officers, military personnel, police investigators, judges, legislators, and financial regulators—has had a bearing on the shape and content of the domestic political order. The rules that govern all of these interactions, and the diplomats engaged to monitor and advocate for compliance, have undergone a mushrooming development following the conclusion of each world war. This dramatic growth is arguably the most significant change the international structure has experienced since the inception of the state-based system ushered in with the Peace of Westphalia in 1648. International Law, New Diplomacy and Counterterrorism explores the impact of this growth on domestic legitimacy through the integration of two disciplines: international law and political philosophy. Focusing particularly on the cross-border counterterrorism actions launched by the United States, the author investigates how civil societies have often turned to the standards of international law to understand and judge the legitimacy of their government’s counterterrorism policies reaching across international borders. The book concludes that those who craft counterterrorism policies must be attentive to defending the target of legitimacy by being wholly mindful of the realms of legality, morality and efficacy when exercising force. This book will be of much interest to students of international law, diplomacy, counterterrorism, political philosophy, security studies and IR.

**Cohesion and Legitimacy in International Investment Law**

This innovative book extensively probes and reveals the existence of legal fictions in international law, developing a theory of their effectiveness and legitimacy. Reece Lewis argues that, since legal fictions exist in all systems and types of law, international law is no different and deserves discrete, detailed examination.
**Legality and Legitimacy in International Order**

One of the most noted developments in international law over the past twenty years is the proliferation of international courts and tribunals. They decide who has the right to exploit natural resources, define the scope of human rights, delimit international boundaries and determine when the use of force is prohibited. As the number and influence of international courts grow, so too do challenges to their legitimacy. This volume provides new interdisciplinary insights into international courts’ legitimacy: what drives and undermines the legitimacy of these bodies? How do drivers change depending on the court concerned? What is the link between legitimacy, democracy, effectiveness and justice? Top international experts analyse legitimacy for specific international courts, as well as the links between legitimacy and cross-cutting themes. Failure to understand and respond to legitimacy concerns can endanger both the courts and the law they interpret and apply.

**Legality and Legitimacy in Global Affairs**

A provocative reassessment of the rule of law in world politics. Conventionally understood as a set of limits on state behavior, the “rule of law” in world politics is widely assumed to serve as a progressive contribution to a just, stable, and predictable world. In How to Do Things with International Law, Ian Hurd challenges this received wisdom. Bringing the study of law and legality together with power, politics, and legitimation, he illustrates the complex politics of the international rule of law. Hurd draws on a series of timely case studies involving recent legal arguments over war, torture, and drones to demonstrate that international law not only domesticates state power but also serves as a permissive and even empowering source of legitimation for state action—including violence and torture. Rather than a civilizing force that holds the promise of universal peace, international law is a deeply politicized set of practices driven by the pursuit of particular interests and desires. The disputes so common in world politics over what law permits and what it forbids are, therefore, fights over the legitimating effect of legality. A reconsideration of the rule of law in world politics and its relationship to state power, How to Do Things with International Law examines how and why governments use and manipulate international law in foreign policy.

**The Legitimacy of International Human Rights Regimes**

It has never been more important to understand how international law enables and constrains international politics. By drawing together the legal theory of Lon Fuller and the insights of constructivist international relations scholars, this book articulates a pragmatic view of how international obligation is created and maintained. First, legal norms can only arise in the context of social norms based on shared understandings. Second, internal features of law, or ‘criteria of legality’, are crucial to law’s ability to promote adherence, to inspire ‘fidelity’. Third, legal norms are built, maintained or destroyed through a continuing practice of legality. Through case studies of the climate change regime, the anti-torture norm, and the prohibition on the use of force, it is shown that these three elements produce a distinctive legal legitimacy and a sense of commitment among those to whom law is addressed.
A Philosophy Of International Law

Law-Making and Legitimacy in International Humanitarian Law

The first of its kind, this book examines operational theories of classical public international law and global administrative law and their relevance to rule cohesion and system legitimacy in international investment law. It highlights current difficulties in the conceptual approaches to these two issues in contemporary investment law and suggests potential advantages and disadvantages to approaching these challenges from a combined perspective of global administrative law and classical public international law. In addition, this book highlights the general relevance of global administrative law theory, as a new field, to specific areas of international law practice and scholarship. Cohesion and Legitimacy in International Investment Law examines the foundational roots of international investment law from classical public international law and linking them up with global international law concepts for the first time in a dedicated single work. It shows the latest state of knowledge on the topic and will be of importance to students at an advanced level, academics, and practitioners. It addresses the topics with regard to international investment law and international law in general and will also be of value to those in the fields of administrative law, global governance, and investment & securities studies.

Legitimacy in International Law

The past sixty years have seen an expansion of international human rights conventions and supervisory organs, not least in Europe. While these international legal instruments have enlarged their mandate, they have also faced opposition and criticism from political actors at the state level, even in well-functioning democracies. Against the backdrop of such contestations, this book brings together prominent scholars in law, political philosophy and international relations in order to address the legitimacy of international human rights regimes as a theoretically challenging and politically salient case of international authority. It provides a unique and thorough overview of the legitimacy problems involved in the global governance of human rights.

International Criminal Justice

By showing how Kelsen's theory of law works alongside his political philosophy, the book shows the Pure Theory to be part of a wider attempt to understand how political power can be legitimately exercised in pluralist societies.

Re-Defining Legitimate Statehood

Since the Second World War, States have increasingly relied upon economic sanctions programs, in lieu of military action, to exert pressure
and generally to fill the awkward gap between verbal denunciation and action. Whether or not sanctions are effective remains a point of contention among policymakers. Frequently asked questions include whether any legal order constrains the use of sanctions, and, if so, what the limits on the use of sanctions are. This volume gathers contributions from leading experts in various relevant fields providing a seminal study on the limits of economic sanctions under international law, including accountability mechanisms when sanctioning States go too far. Where there are gaps in the law, the authors provide novel and important contributions as to how existing legal structures can be used to ensure that economic sanctions remain within an accepted legal order. This book is a most valuable contribution to the literature in the fields of international economic law, public international law and international dispute resolution. Ali Z. Marossi is an advisory board member of The Hague Center for Law and Arbitration. Marisa R. Bassett is Associate Legal Officer in the Office of the Prosecutor for the ICTY and former Associate at White & Case LLP.

**Transnationalisation and Legal Actors**

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