

International Law In World Politics An Introduction

This volume derives from a series of lectures delivered as the 'general course' at the Hague Academy of International law in July 1989. Like those lectures, this volume does not pretend to provide a complete treatise covering all international law. Rather, it offers a particular perspective on the principal subjects of traditional international law, elaborates new developments, and dares reexamine assumptions and premises. The book is built on three themes. The first addresses law as politics, and international law as the law of a political system, now comprised of more than 180 separate, independent states. The essential autonomy of states accounts for the political (as well as economic and cultural) heterogeneity in a pluralist and fragmented system, and international law as its common denominator of normative expression. A second theme explores change in international law as reflecting change in the values and purposes of the international political system. It traces the pursuit through law of the traditional ideal of the state system to secure every state's right to realize its own agenda through its own institutions, and the superimposed contemporary purpose to promote individual human rights and welfare in every society. The third theme perceives a movement in the law from 'conceptualism' to 'functionalism', from logical deduction out of abstract principles to pragmatic attention to practical needs and solutions to new and old human problems. Each of these themes dominates in several chapters but the other themes are not absent from any of them. Each will add a fresh perspective and contribute to understanding the nature and operation of international law in the international political system at the turn of a new century.

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Constitutionalization of world politics is emerging as an unintended consequence of international treaty making driven by the logic of democratic power. The analysis will appeal to scholars of International Relations and International Law interested in international cooperation, as well as institutional and constitutional theory and practice.

Legality today commands substantial currency in world affairs, and this volume examines the struggle over its meaning in diverse practices.

Defined by custom and treaty, and now increasingly embodied in charters, regulations, and resolutions of international organizations, does the existence of international law point to progress in humankind's capacity for moral conduct? Or does the lack of a discernible ethical foundation in either law or political action make progress impossible to define? In *Law and Moral Action in World Politics*, the authors -- activists and scholars of international law and international relations -- pose these questions in new ways. Some adhere to a progressive reading of the law; others adopt a critical stance. Topics included the function and historical evolution of the law; the cultural and intellectual assumptions of influential legal texts; and the experiences of legal activists in using law to pursue moral ends, including the rights of indigenous people and the protection of international law itself.

Research Paper from the year 2007 in the subject Politics - International Politics - Topic: Public International Law and Human Rights, grade: B+, University of Malta, language: English, abstract: The dispersion and fragmentation of power in the community of states system, developed since the 1648 Peace of Westphalia, lie within a 'horizontal' framework of international relations. Such structure bears an anarchical nature, that is, there is not yet one world government to enforce international law and proper sanctions, nor an effective court

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system. Indeed so far, states seem to rather pursue their own interests, as they are still being the main actors under the remit of international law. Cassese argues that, states' power of legal rules' 'auto-interpretation' is "a power that necessarily follows from the absence of courts endowed with general and compulsory jurisdiction."¹ This assignment, with its different sections, will attempt to address the question: "Where does the greatest weakness of international law lie: in its lack of a legislature, in its lack of an effective system of courts or in its lack of sanctions?"

Clear and concise: a landmark publication in the teaching of international law from one of the world's leading international lawyers.

Understanding International Law presents a comprehensive, accessible introduction to the various aspects of international law while addressing its interrelationship with world politics. Presents well-organized, balanced coverage of all aspects of international law Features an accompanying website with direct access to court cases and study and discussion questions. Visit the site at: www.wiley.com/go/internationallaw Includes discussion of the efficacy of international law, a topic unique among international law texts Offers discussion of other topics that most texts do not address, such as complete chapters on making the world safer, human rights, the environment, and the world economy

Between Peril and Promise The Politics of International Law CQ Press

In 1989, when the Cold War ended, there were six permanent international courts.

Today there are more than two dozen that have collectively issued over thirty-seven thousand binding legal rulings. The New Terrain of International Law charts the

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developments and trends in the creation and role of international courts, and explains how the delegation of authority to international judicial institutions influences global and domestic politics. *The New Terrain of International Law* presents an in-depth look at the scope and powers of international courts operating around the world. Focusing on dispute resolution, enforcement, administrative review, and constitutional review, Karen Alter argues that international courts alter politics by providing legal, symbolic, and leverage resources that shift the political balance in favor of domestic and international actors who prefer policies more consistent with international law objectives.

International courts name violations of the law and perhaps specify remedies. Alter explains how this limited power--the power to speak the law--translates into political influence, and she considers eighteen case studies, showing how international courts change state behavior. The case studies, spanning issue areas and regions of the world, collectively elucidate the political factors that often intervene to limit whether or not international courts are invoked and whether international judges dare to demand significant changes in state practices.

International Law: Aspects of Regionalism evaluates regionalism in its various relationships and forms with respect to international law, as well as the importance and duties of international law in respect to the establishment and functioning of various forms of regional groups. A great deal of attention has been paid to regionalism from the global, political, economic, security aspects, but a complex evaluation of the impact

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Second Edition has been expanded to 33 chapters and fully revised, with new chapters on the following contemporary topics: - Normative Theory in IR - Critical Theories and Poststructuralism - Efforts at Theoretical Synthesis in IR: Possibilities and Limits - International Law and International Relations - Transnational Diffusion: Norms, Ideas and Policies - Comparative Regionalism - Nationalism and Ethnicity - Geopolitics in the 21st Century - Terrorism and International Relations - Religion and International Politics - International Migration A truly international undertaking, this Handbook reviews the many historical, philosophical, analytical and normative roots to the discipline and covers the key contemporary topics of research and debate today. The Handbook of International Relations remains an essential benchmark publication for all advanced undergraduates, graduate students and academics in politics and international relations.

As our society becomes more global, international law is taking on an increasingly significant role, not only in world politics but also in the affairs of a striking array of individuals, enterprises, and institutions. In this comprehensive study, David J. Bederman focuses on international law as a current, practical means of regulating and influencing international behavior. He shows it to be a system unique in its nature--nonterritorial but secular, cosmopolitan, and traditional. Part intellectual history and part contemporary review, *The Spirit of International Law* ranges across the series of cyclical processes and dialectics in international law over the past five centuries to

assess its current prospects as a viable legal system. After addressing philosophical concerns about authority and obligation in international law, Bederman considers the sources and methods of international lawmaking. Topics include key legal actors in the international system, the permissible scope of international legal regulation (what Bederman calls the "subjects and objects" of the discipline), the primitive character of international law and its ability to remain coherent, and the essential values of international legal order (and possible tensions among those values). Bederman then measures the extent to which the rules of international law are formal or pragmatic, conservative or progressive, and ignored or enforced. Finally, he reflects on whether cynicism or enthusiasm is the proper attitude to govern our thoughts on international law. Throughout his study, Bederman highlights some of the canonical documents of international law: those arising from famous cases (decisions by both international and domestic tribunals), significant treaties, important diplomatic correspondence, and serious international incidents. Distilling the essence of international law, this volume is a lively, broad, thematic summation of its structure, characteristics, and main features.

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This book examines the most important issues determining the international status of Taiwan today: its international legal status, the viability of its flexible democracy, its efforts to gain participation or membership in international organizations, most notably

the United Nations, and its future relations with mainland China, ranging from reunification to declared independence. Issues of American and European foreign policy and of domestic Chinese and Taiwanese politics are also addressed where relevant. This book is unique in that it looks at the question of Taiwan from the perspective of both international law and politics as it confronts the imperatives of law and the limitations of real world politics. As a result it offers insights and strategies that are both sensible and feasible. This book is aimed at scholars and practitioners of international law and international relations alike.

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This volume addresses the question as to where international law fits into the making and implementation of foreign policy during an international crisis in which a State is considering and / or may actually use force. Empirical literature on the law-State behaviour relationship during international crises has not been able to answer this question adequately. The limitations of existing empirical literature are identified as stemming from the limitations of existing positivist, realist and functionalist theoretical explanations of the law-State behaviour relationship. These theoretical approaches, which underpin existing empirical literature on international crises, assume that international law matches what is referred to in this book as its 'rule-book' image. This is the notion of international law as a finite set of objective, politically neutral, rules that

can be applied so as to distinguish objectively between legal and illegal action. The rule-book image of international law does not match reality, but the assumption that it is true underpins both theoretical literature and references to international law in political rhetoric. The rule-book image and the reality of international law have been reconciled within the theory of International law as Ideology (ILI) as developed by Shirley Scott. This book hypothesises that an ILI perspective offers a better explanation of the law-State behaviour relationship during international crises than rival explanations grounded in positivism, realism or functionalism. Four case studies of State behaviour—of the US, the Soviet Union and the PRC during the Korean War (1950-1953), of the US and UK during the Suez crisis (1956), of the US and the Soviet Union during the Cuban Missile Crisis (1962) and of the US and an alliance of Latin American States during the Dominican Republic crisis (1965)—are used to test the hypothesis. The findings confirm the greater explanatory efficacy of ILI and demonstrate that the significance of international law to foreign policy decision-making during international crises is more than that of deterring the use of force as is assumed by rival theoretical approaches grounded in a rule-book image of international law. International law is shown to serve as a vehicle for inter-State competition during international crises.

"This book provides the first comprehensive introduction to the role of humanity in international law, offering a fresh perspective to a discussions with global implications. The 1990s and the first decade of the twenty-first century witnessed the sporadic

emergence of a new vision of global law. Although the vision has taken many different forms, all instances of it have been uniform in the attempt of radically altering how we understand international law by seeking to posit the human as the primary subject of the international legal order and humanity as its main source of legitimacy. Together, this book calls these instances "the law of humanity project". In so doing, it also paints a picture of and critically assesses a particular moment in the history of international law - a moment which may have already come to a sudden end as a consequence of the current populist backlash in world politics, but during which it seemed inevitable that the law of humanity vision would come to play an increasingly important role in world affairs."

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There has long been an advocacy for the sociology of international law, and yet it has never been constructed so systematically and axiomatically as in this book. Based on vital terms such as 'action' and 'system,' this book has conducted an investigation into the 'auspices' or the fundamental international sociological conditions over which international law is built, and accordingly, into how international law can control global relations. The significance of this work lies in its aim of showing by the application of a consistent logic, how complex observed phenomena can be explained and understood on the basis of certain shared fundamental perceptions drawn from common

experience. By asking how a state acts in a complex system that consists of at least two subsystems having different goals and different logics, two specific issues are discussed: (1) The relationship between domestic and international law, namely, that between Article 9 of the Constitution of Japan and the UN Charter (especially the provisions for a collective security system as mentioned in chapter VII), (2) The relationship between international law and international politics, namely, the relationship between the prohibition of the use of nuclear weapons and the logic of nuclear deterrence.

Draws together the theoretical and practical aspects of international cooperation needs and legal responses in critical areas of international concern.

This title provides an introduction to international relations (IR), supporting over 300,000 students taking their first steps in IR and beyond.

This book proposes a novel theory of self-determination; the Rule of the Great Powers. This book argues that traditional legal norms on self-determination have failed to explain and account for recent results of secessionist self-determination struggles. While secessionist groups like the East Timorese, the Kosovar Albanians and the South Sudanese have been successful in their quests for independent statehood, other similarly situated groups have been relegated to an at times violent existence within their mother states. Thus, Chechens still live

without significant autonomy within Russia, and the South Ossetians and the Abkhaz have seen their conflicts frozen because of the peculiar geo-political equilibrium of power within the Caucasus region. The Rule of the Great Powers, which asserts that only those self-determination seeking entities which enjoy the support of the majority of the most powerful states (the Great Powers) will ultimately have their rights to self-determination fulfilled. The Great Powers, potent military, economic and political powerhouses such as the United States, China, Russia, Japan, the United Kingdom, France, Germany, and Italy, often dictate self-determination outcomes through their influence in global affairs. Issues of self-determination in the modern world can no longer be effectively resolved through the application of traditional legal rules; rather, resort must be had to novel theories, such as the Rule of the Great Powers. This book will be of particular interest to academics and students of law, political science and international relations.

As international organizations become ever more prominent in global politics it is increasingly urgent to understand their power, their limits, and their effects. Now in its fourth edition, this leading textbook provides the definitive introduction to modern international organizations, from the legal charters of their beginnings, to the issues they engage with in the contemporary world. In his analysis of the

United Nations, the World Trade Organization, the International Criminal Court and ten other prominent global institutions, Hurd combines legal, empirical, and theoretical approaches in an accessible and cohesive package. Fully revised and updated, this latest edition includes topical cases and controversies involving international organizations, such as Brexit, trade wars, environmentalism, forced migration and border disputes. It will be of interest to undergraduate and graduate students taking courses in international organizations, international institutions, global governance, and international law.

Neutrality is a legal relationship between a belligerent State and a State not participating in a war, namely a neutral State. The law of neutrality is a body of rules and principles that regulates the legal relations of neutrality. The law of neutrality obliges neutral States to treat all belligerent States impartially and to abstain from providing military and other assistance to belligerents. The law of neutrality is a branch of international law that developed in the nineteenth century, when international law allowed unlimited freedom of sovereign States to resort to war. Thus, there has been much debate as to whether such a branch of law remains valid in modern international law, which generally prohibits war and the use of force by States. While there has been much debate regarding the current status of neutrality in modern international law, there is a general

agreement among scholars as to the basic features of the traditional law of neutrality. Wani challenges the conventional understanding of the traditional neutrality by re-examining the historical development of the law of neutrality from the sixteenth century to 1945. The modification of the conventional understanding will provide a fundamentally new framework for discussing the current status of neutrality in modern international law.

Bringing together a highly diverse body of scholars, this comprehensive Research Handbook explores recent developments at the intersection of international law, sociology and social theory. It showcases a wide range of methodologies and approaches, including those inspired by traditional social thought as well as less familiar literature, including computational linguistics, performance theory and economic sociology. The Research Handbook highlights anew the potential contribution of sociological methods and theories to the study of international law, and illustrates their use in the examination of contemporary problems of practical interest to international lawyers.

This volume addresses the emergence of multiple legal and law-like arrangements that alter the interaction between states, their delegated agencies, international organizations and non-state actors in international and transnational politics. Political scientists and legal scholars have been addressing the

'legalization' of international regimes and international politics, and engaging in interdisciplinary research on the nature, the causes and the effects of the norm driven controls over different areas and dimensions of global governance. Written by leading contributors in the field, the book claims that the emergence and spread of legal and law-like arrangements contributes to the transformation of world politics, arguing that 'legalization' does not only mean that states cooperate in more or less precise, binding and independent regimes, but also that different types of non-state actors can engage in the framing, definition, implementation and enforcement of legal and law-like norms and rules. To capture these diverse observations, the volume provides an interpretative framework that includes the increase in international law-making, the variation of legal and legalized regimes and the differentiation of legal and law-like arrangements. Law and Legalization in Transnational Relations is of interest to students and researchers of international politics, international relations and law. What is the English School of International Relations and why is there increasing interest in it? Linklater and Saganami provide a comprehensive account of this distinctive approach to the study of world politics which highlights coexistence and cooperation, as well as conflict, in the relations between sovereign states. In the first book-length volume of its kind, the authors present a comprehensive discussion of the rise and development of the English School, its

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principal research agenda, and its epistemological and methodological foundations. The authors further consider the English School's position on progress in world politics, its relationship with Kantian thought, its conception of a sociology of states-systems and its approach to good international citizenship as a means of reducing harm in world politics. Lucidly written and unprecedented in its coverage, this book is essential reading for anyone interested in international relations and politics worldwide.

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Interrogating the language that gives meaning to IR theories and practice

In this concise introduction to international law, students gain a clear appreciation for how politics shapes the development of international law, and how international law shapes political relations between states. Throughout the book, Rochester takes this complex subject and makes it accessible with his vibrant, easy-to-read prose.

This volume is devoted to critically exploring the past, present and future relevance of international law to the priorities of the countries, peoples and regions of the South. Within the limits of space it has tried to be comprehensive in scope and representative in perspective and participation. The contributions are grouped into three clusters to give some sense of coherence to the overall theme: articles by Baxi, Anghie, Falk, Stevens and Rajagopal on general issues bearing on the interplay between international law and world order; articles highlighting regional experience by An-Na'im, Okafor, Obregon and Shalakany; and articles on substantive perspectives by Mgbeoji, Nesiiah, Said, Elver, King-Irani, Chinkin, Charlesworth and Gathii. This collective effort gives an illuminating account of the unifying themes, while at the same time exhibiting the wide diversity of concerns and approaches.

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