This is the first book to explore the concept of “Grotian Moments.” Named for Hugo Grotius, whose masterpiece *De Jure Belli ac Pacis* helped marshal in the modern system of international law, Grotian Moments are transformative developments that generate the unique conditions for accelerated formation of customary international law. In periods of fundamental change, whether by technological advances, the commission of new forms of crimes against humanity, or the development of new means of warfare or terrorism, customary international law may form much more rapidly and with less state practice than is normally the case to keep up with the pace of developments. The book examines the historic underpinnings of the Grotian Moment concept, provides a theoretical framework for testing its existence and application, and analyzes six case studies of potential Grotian Moments: Nuremberg, the continental shelf, space law, the Yugoslavia Tribunal’s *Tadic* decision, the 1999 NATO intervention in Serbia, and the 9/11 terrorist attacks.

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Other Books by Michael P. Scharf

International Criminal Justice: Legitimacy and Coherence (Edward Elgar, 2012) (with G. Boas and W. Schabas)


Shaping Foreign Policy in Times of Crisis: The Role of International Law and the State Department Legal Adviser (Cambridge University Press, 2010) (with P. Williams)

Criminal Jurisdiction 100 Years After the 1907 Hague Peace Conference (T.M.C. Asser Press/Cambridge University Press, 2009) (with W. M. van Genugten)

Enemy of the State: The Trial and Execution of Saddam Hussein (St. Martin’s Press, 2008) (with M. Newton)


Saddam on Trial: Understanding and Debating the Iraqi High Tribunal (Carolina Academic Press, 2006) (with G. McNeal)


Slobodan Milosevic on Trial: A Companion (Continuum Press, 2002) (with W. Schabas)


Making Justice Work (Century Foundation Press, 1998) (with Paul Williams and Diane Orentlicher)

Balkan Justice: The Story behind the First International War Crimes Trial since Nuremberg (Carolina Academic Press, 1997)


Customary International Law in Times of Fundamental Change

RECOGNIZING GROTIAN MOMENTS

Michael P. Scharf
Case Western Reserve University School of Law
For Trina, on our 25th Anniversary
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