## Contents

**Notes on Contributors**  
ix

**Introduction: Custom’s Future**  
1  
Curtis A. Bradley

1 **Custom’s Past**  
11  
Emily Kadens

2 **Customary International Law Adjudication as Common Law Adjudication**  
34  
Curtis A. Bradley

3 **Customary International Law as a Dynamic Process**  
62  
Brian D. Lepard

4 **Custom, Jus Cogens, and Human Rights**  
95  
John Tasioulas

5 **Customary International Law: How Do Courts Do It?**  
117  
Stephen J. Choi and Mitu Gulati

6 **Custom’s Method and Process: Lessons from Humanitarian Law**  
148  
Monica Hakimi

7 **The Growing Obsolescence of Customary International Law**  
172  
Joel P. Trachtman

8 **The Strange Vitality of Custom in the International Protection of Contracts, Property, and Commerce**  
205  
Chin Leng Lim
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Author(s)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>The Decline of Customary International Law as a Source of International Criminal Law</td>
<td>Larissa van den Herik</td>
<td>230</td>
</tr>
<tr>
<td>10</td>
<td>Customary International Law and Public Goods</td>
<td>Niels Petersen</td>
<td>253</td>
</tr>
<tr>
<td>11</td>
<td>Reinvigorating Customary International Law</td>
<td>Andrew T. Guzman and Jerome Hsiang</td>
<td>275</td>
</tr>
<tr>
<td>12</td>
<td>The Evolution of Codification: A Principal-Agent Theory of the International Law Commission’s Influence</td>
<td>Laurence R. Helfer and Timothy Meyer</td>
<td>305</td>
</tr>
<tr>
<td>13</td>
<td>Custom and Informal International Lawmaking</td>
<td>Jan Wouters and Linda Hamid</td>
<td>332</td>
</tr>
<tr>
<td>14</td>
<td>Custom’s Bright Future: The Continuing Importance of Customary International Law</td>
<td>Omri Sender and Michael Wood</td>
<td>360</td>
</tr>
</tbody>
</table>

Bibliography                                                                                      | 371  |
Index                                                                                              | 375  |