

Index

- Altman, Andrew
 Secession
 International law, 221
 Morality, 211–213
 Universal jurisdiction, 195–196
- Austin, John
 Command Theory of Law, 8–9
 Hart on, 10–15
 International Legal Skepticism, 9–10, 15, 29–30
- Barry, Christian, 250
- Beitz, Charles
 Human rights
 Concept, 136–139, 153–154
 Justification, 147
- Bentham, Jeremy, 47
- Besson, Samantha
 Human rights, 152–153
 Legitimacy of international law, 108
- Bingham, Tom, 80, 82
- Buchanan, Allen E.
 Concept of legitimacy, 101–105
 Criticism of Raz on legitimate authority, 106
 Human rights
 Concept, 135, 142–144
 Justification, 144–145, 147–150
 Legitimacy of international law, 109–111
 Political self-determination, 206
 Secession and international law, 207,
 220–221, 225
- Chehtman, Alejandro, 185, 187, 195
- Christiano, Thomas
 Criticism of Dworkin on International Law,
 64–72
 Criticism of Raz on legitimate authority, 107
 Democracy and international law, 123–126
 Democratic authority, 121–123
- Cohen, Jean L., 150
- Crime against humanity
 History of international prosecution, 182
- Crimes against humanity
 Conceptual question, 182, 183–184, 186–193
 Elements, 184–185
- Dill, Janina, 176–177
- Duff, R.A., 197, 198
 Duty to obey the law, 99
- Dworkin, Ronald
 Constructive interpretation, 46–47
 Criticism of legal positivism, 40–44
 International law and
 Charter project, 59–60, 62
 Constructive interpretation, 60, 62–64
 Democratic Deficit, 70
 Duty of mitigation, 58–59, 68–69, 70–71
 Legal skepticism, 72
 Legitimacy, 56–58, 60–61, 67–69
 Non-cosmopolitan associativism, 64–72
 Orthodox international legal positivism,
 54–56
 Principle of salience, 59–60
 Unilateral humanitarian intervention,
 62–63
 Westphalian state sovereignty, 56, 57–58, 67
 Law as a semi-structured argumentative prac-
 tice, 44, 45–46, 53–54
 Law as integrity, 48–49
 Legal skepticism, 49–50, 52–53
 Rule of law, 44–46, 48, 79–80, 82, 87
- Enforcement
 International law and, 17–19
 Modern State Conception, 16–17
 Necessary for law, 15–16, 18, 27
 Outcasting, 17–18

- Fuller, Lon L., 74, 83, 85–86
- Gardner, Stephen, 224
- Goodin, Robert, 252
- Haque, Adil Ahmad, 160, 161–162, 166–168, 172, 174, 175
- Hart, H.L.A.
 Criticism of Austin, 10–15
 Fair play, 115
 International law and
 Analogy to municipal law, 28–29, 30–31
 Austinian skepticism, 29–30
 Minimum content of law, 38–39
 Primitive nature, 28–29, 31–35, 37–38
 Rule of recognition, 35–37
 Law and morality, 28
 Legal system, 24–27
 Methodology, 3, 128
 Minimum content of law, 27–28
 Primary rules, 21
 Primitive social order, 21–22, 24
 Rule of recognition, 23, 25–26
 Secondary rules, 22–23
 Social rules, 11, 13, 20–21
- Hathaway, Oona, 3, 16–18
- Higgins, Rosalyn, 91–92
- Horowitz, Donald, 227
- Human rights
 Declaration and Covenants, 129–130, 148, 260
 Orthodox theories, 131–133
 Political practice theories
 Concept, 133–144
 Criticisms of, 145–146, 147, 149–150, 151–153
 Justification, 144–145, 146–147, 150–151
 Place of moral argument, 153–155
 Skepticism, 129–130, 139, 155
- International Court of Justice, 30, 33, 35, 92, 95
- International Criminal Court, 182–183, 193
- James, Aaron, 243–248
- Lafont, Cristina, 150
- Lamond, Grant, 76, 84–85
- Law of armed conflict, 157
 Relationship to morality of war
 Humanitarian arguments, 176–181
 Instrumental arguments, 159–168
 Mirroring arguments, 158, 168–175
- Lazar, Seth, 163–166, 174
- Legal positivism, 28, 41
 Criticism of Dworkin, 51–54
 Dworkin's criticism of, 40–44
- Legitimacy
 Concept of, 99–105
 Dworkin on, 56–58, 60–61, 67–69
 International law and
 Conformity to right reason, 107–111, 121
 Consent, 111–114, 124–126
 Democracy, 120–126
 Fair-play, 114–120
 Importance of, 127–128
 Raz on, 105–106
- Leiter, Brian, 51
- Luban, David
 Crime against humanity, 184–186, 190
 Fuller and the rule of law, 78, 83
 Human rights, 149–150, 154
 Universal jurisdiction, 195–198
- Marmor, Andrei, 51–52
- May, Larry
 Crime against humanity, 186, 187–188
 Universal jurisdiction, 195–196, 200
- McMahan, Jeff, 158–161, 162–163, 164, 165–166, 167–168, 169
- Miller, David
 Secession, 208, 209–210
 Territorial rights, 215–216, 218
- Moore, Margaret
 Secession, 207–208
 Territorial rights, 215–216
- Morality of war
 Humanitarian, 176–181
 Orthodox, 158
 Revisionist, 158–159, 161, 164, 166–168
- Nozick, Robert, 115
- Pauwelyn, Joost, 257–259
- Payandeh, Mehrdad, 32, 35
- Pogge, Thomas, 259
- Powell, Benjamin, 253–254
- Raz, Joseph
 Human rights
 Concept, 134, 140–142
 Justification, 144, 152–153
 Legitimacy, 105–106, 109
 Rule of law, 74, 80, 81
- Renzo, Massimo
 Crime against humanity, 184–185, 187–188
 Universal jurisdiction, 195, 198–200
- Riggs v. Palmer*, 41, 42–43, 44–45
- Risse, Mathias, 249–250, 251–253, 255
- Rodin, David, 168–175, 178
- Rule of law

- Criticism of, 87–90
 - Dworkin on, 45–46, 48–49
 - Elements of, 78–79
 - Equality before the law, 76
 - Government through law, 74–75
 - Human rights and democracy, 79–83
 - Institutional arrangements, 76–78
 - Supremacy of law, 75–76
 - International law and
 - Domestic courts, 95–96
 - Equality before the law, 91–92
 - Government through law, 91
 - Institutional arrangements, 92–93, 95
 - Professional identity, 93–94
 - Supremacy of law, 92
 - Law of armed conflict, 175, 180–181
 - Value of
 - Constraining arbitrary rule, 84–85
 - Facilitating rational choice, 83–84
 - Reciprocity and respect for autonomy, 85–87
 - World Trade Organization, 258
- Secession
- Agential dimension, 206–207
 - Nationalist primary right theories, 207–210
 - Plebiscitary primary right theories, 210–213
 - Remedial right theories, 207
 - Current status in international law, 203
 - Morality of, 203–206
 - Morally optimal international legal norm, 219–220
 - Agnosticism, 223
 - Precaution and the status quo, 224–229
 - Primary right, 221–223
 - Remedial right, 220–221, 225–228
 - Territorial dimension, 214–215
 - Collective agent theories, 215–216, 218
 - Individual agent theories, 217–219
 - Remedial right theories, 213–214
- Shapiro, Scott J., 3, 16–18
- Shue, Henry, 166–168, 176–180
- Simmons, A. John
 - Fair-play, 115–116, 118–119
 - Legitimacy and justification, 102–105
- Sloss, David L., 95–96
- Steiner, Hillel, 251
- Stilz, Anna, 214, 217–219
- Tamanaha, Brian, 77–78, 80–81, 88, 89
- Tasioulas, John
 - Human rights, 131, 132, 151–152
 - Legitimacy of international law, 100, 107–108, 109
- Teson, Fernando, 243
- Trade
- Economic argument
 - Efficiency, 231–233
 - Political economy, 233–235
 - International agreements, 230
 - Moral arguments for constraints on trade
 - Fair trade as equitable outcomes, 243–251
 - Fair trade as nonexploitation, 251–259
 - Permissible partiality to compatriots, 240–243
 - Moral arguments for free trade
 - Individual liberty, 239–240
 - Poverty alleviation, 238–239, 240
 - Welfare maximization, 235–238
 - Stolen goods
 - Criticisms of popular resource sovereignty, 263–265
 - Popular resource sovereignty, 259–263
- United Nations
 - Charter, 39, 54, 62, 205
 - General Assembly Resolutions, 63, 71, 260
 - Security Council, 91, 94
- Universal jurisdiction, 182, 193–194
 - Answerable to humanity, 198–201
 - Harm to humanity, 194–198
- Van Alstine, Michael P., 95–96
- Vernon, Richard, 186, 189–190
- Waldron, Jeremy
 - Hart and international law, 32–36
 - Rule of law, 77–78, 86–87, 88, 93–94
- Walzer, Michael, 158
- Wellman, Christopher Heath
 - Political self-determination, 116
- Secession
 - International law, 221–223
 - Morality, 211–213
- Wenar, Leif, 259
- Wollner, Gabriel, 249–250, 251–253, 255
- World Trade Organization
 - Dispute Settlement Understanding, 18, 255–259
- Zwolinski, Matt, 253–254