

CONTENTS

	<i>Foreword: The Thesis and a Confession</i>	<i>page ix</i>
1	Matters of Nomenclature	1
	‘Concepts’, ‘Principles’, and ‘Rules’	1
	The Particular Unhelpfulness of the Word ‘Abuse’	4
	Four Alternative Uses of the Word	7
	Abuse of <i>Law</i> Distinguished	13
2	An Idealistic but Troublesome Impulse	17
	Noble Sentiments Are Not Good Rules	18
	Reading Bin Cheng Properly	20
	Equivocal French Intellectual Origins and Claims	24
	Not a Necessary Corollary of Good Faith	33
3	A Cacophony of Criteria	36
4	A ‘Principle’ with No Rules?	45
	The French Evolution	45
	A Disturbing Illustration: The French <i>Benetton</i> Case	51
	The Louisiana Experience	55
	<i>Himpurna</i> : An Unnecessary Claim of Universality	61
5	The Challenge of Establishing Universal Principles	68
	Article 38(1) of the ICJ Statute	68
	Paragraph (a)	69
	Paragraph (b)	73
	Paragraph (d)	75
	A Hard Look at Paragraph (c)	76
6	The Politis/Lauterpacht Quest to Elevate the Concept	79

7	Rejection and Retrenchment	85
	The Hostile Reception	85
	Retrenchment	89
	A Critique of Robert Kolb's 'Polymorph Galaxy'	98
	The Danger of Stray Phrases	103
8	The Vanishing Prospect	108
	A Principle Generated by International Economic Arbitration?	109
	A Principle Generated by International Law Itself?	114
	'Abuse of <i>Law</i> '	126
	Concluding Observations	131
	<i>Index</i>	135