

BIBLIOGRAPHY

Books, Theses and Chapters in Edited Volumes

- Aarnio A, *The Rational as Reasonable: A Treatise on Legal Justification* (D Reidel Publishing 1987)
- Alexy R, *A Theory of Legal Argumentation* (R Adler and N MacCormick trs, Oxford University Press 2011)
- Allard J and Van den Eynde L, 'Le dialogue des jurisprudences comme source du droit: Arguments entre idéalisation et scepticisme' in I Hachez (ed), *Les sources du droit revisitées*, vol 3: *Normativités concurrentes* (Anthemis 2013) 285
- Alter KJ, 'The Multiplication of International Courts and Tribunals after the End of the Cold War' in CPR Romano, KJ Alter and Y Shany (eds), *The Oxford Handbook of International Adjudication* (Oxford University Press 2014) 63
- Alter KJ, Helfer LR and Madsen MR (eds), *International Court Authority* (Oxford University Press 2018)
- Amaya A, *The Tapestry of Reason: An Inquiry into the Nature of Coherence and Its Role in Legal Argument* (Hart 2015)
- Ammann O, 'The Court of Justice of the European Union and the Interpretation of International Legal Norms: To Be or Not to Be a "Domestic" Court?' in S Besson and N Levrat (eds), *L'Union européenne et le droit international – The European Union and International Law* (Schulthess 2015) 153
- Ammann O, *Domestic Courts and the Interpretation of International Law: Methods and Reasoning Based on the Swiss Example* (Brill 2020)
- Andenas M, Fitzmaurice M, Tanzi A and Wouters J (eds), *General Principles and the Coherence of International Law* (Brill 2019)
- Anzilotti D, *Corso di diritto internazionale* (3rd edn, Athenaeum 1928)
- Arajärvi N, *The Changing Nature of Customary International Law: Methods of Interpreting the Concept of Custom in International Criminal Tribunals* (Routledge 2014)
- Arend AC, 'Toward Understanding of International Legal Rules' in RJ Beck, AC Arend and RD Vander Lugt, *International Rules: Approaches from International Law and International Relations* (Oxford University Press 1996) 289

- Ayoub L, *Judicial Activism and Restraint in the Creation of the International Judicial Function: How Have Activism and Restraint Shaped the International Courts?* (Ridderprint 2021)
- Bailey K, *Social Entropy* (State University of New York Press 1990)
- Barnes FMM, 'International Investment Law and State-Owned Entities: Recurrent Key Issues and Future Directions' in LE Sachs, L Johnson and J Coleman (eds), *Yearbook on International Investment Law & Policy 2018* (Oxford University Press 2019) 432
- Bartels L and Paddeu F (eds), *Exceptions in International Law* (Cambridge University Press 2020)
- Bentivoglio LM, *Interpretazione del diritto e diritto internazionale* (Pavia University Press 1953)
- Benvenuti E, 'Customary International Law as a Judicial Tool for Promoting Efficiency' in E Benvenuti and M Hirsch (eds), *The Impact of International Law on International Cooperation: Theoretical Perspectives* (Cambridge University Press 2004) 85
- Besson S, 'Legal Philosophical Issues of International Adjudication: Getting Over the *amour impossible* between International Law and Adjudication' in CPR Romano, KJ Alter and Y Shany (eds), *The Oxford Handbook of International Adjudication* (Oxford University Press 2013) 413
- Besson S and Gächter-Alge ML, 'L'interprétation en droit européen: Quelques remarques introductives' in S Besson, N Levrat and E Clerc (eds), *Interprétation en droit européen – Interpretation in European Law* (Schulthess 2011) 153
- Bianchi A, 'Textual Interpretation and (International) Law Reading: The Myth of (In)determinacy and the Genealogy of Meaning' in PHF Bekker, R Dolzer and M Waibel (eds), *Making Transnational Law Work in the Global Economy: Essays in Honour of Detlev Vagts* (Cambridge University Press 2010) 34
- Bianchi A, Peat D and Windsor M (eds), *Interpretation in International Law* (Oxford University Press 2015)
- Boas G, *Public International Law: Contemporary Principles and Perspectives* (Edward Elgar 2012)
- Bodansky D, 'Prologue to a Theory of Non-Treaty Norms' in MH Arsanjani, J Cogan, R Sloane and S Wiessner (eds), *Looking to the Future: Essays on International Law in Honor of W. Michael Reisman* (Brill 2010) 119
- Boon M and Knuuttila T, 'Models as Epistemic Tools in Engineering Sciences' in AWM Meijers (ed), *Philosophy of Technology and Engineering Sciences* (Elsevier 2009) 695
- Borelli S, 'The (Mis-)Use of General Principles of Law: *Lex Specialis* and the Relationship between International Human Rights Law and the Laws of Armed Conflict' in L Pineschi (ed), *General Principles of Law: The Role of the Judiciary* (Springer 2015) 265
- Bos M, *A Methodology of International Law* (Asser Institute 1984)

- Bradley CA, 'Customary International Law Adjudication as Common Law Adjudication' in CA Bradley (ed), *Custom's Future: International Law in a Changing World* (Cambridge University Press 2016) 34
- Brandom R, *Making It Explicit: Reasoning, Representing, and Discursive Commitment* (Harvard University Press 1994)
- Brink DO, 'Originalism and Constructive Interpretation' in W Waluchow and S Sciaraffa (eds), *The Legacy of Ronald Dworkin* (Oxford University Press 2016) 273
- Broude T and Shany Y (eds), *Multi-Sourced Equivalent Norms in International Law* (Hart 2011)
- Brown C, 'Inherent Powers in International Adjudication' in CPR Romano, KJ Alter and Y Shany (eds), *The Oxford Handbook of International Adjudication* (Oxford University Press 2013) 828
- Brunnée J and Toope SJ, *Legitimacy and Legality in International Law: An Interactional Account* (Cambridge University Press 2010)
- Burchard C, 'Judicial Dialogue in Light of Comparative Criminal Law and Justice' in P Lobba and T Mariniello (eds), *Judicial Dialogue on Human Rights: The Practice of International Criminal Tribunals* (Brill 2015) 56
- Cardozo BN, *The Nature of the Judicial Process* (Yale University Press 1939)
- Carnap R, *Logical Foundations of Probability* (University of Chicago Press 1950)
- Carnap R, *The Continuum of Inductive Methods* (University of Chicago Press 1952)
- Cassese A, *International Law* (2nd edn, Oxford University Press 2004)
- Cassese A and Weiler JHH (eds), *Change and Stability in International Law-Making* (De Gruyter 1988)
- Chayes A and Chayes AH, *The New Sovereignty: Compliance with International Regulatory Agreements* (Harvard University Press 1995)
- Cheng B, *General Principles of Law as Applied by International Courts and Tribunals* (Stevens & Sons 1953)
- Cheng B, *General Principles of Law as Applied by International Courts and Tribunals* (Cambridge University Press 1994)
- Cheng B, *General Principles of Law as Applied by International Courts and Tribunals* (Cambridge University Press 2006)
- Choi S and Gulati M, 'Customary International Law: How Do Courts Do It?' in CA Bradley (ed), *Custom's Future: International Law in a Changing World* (Cambridge University Press 2016) 117
- Cocan S, *Le dialogue entre juridictions et quasi-juridictions internationales de protection des droits de la personne: L'exemple de la prohibition de la torture et autres peines ou traitements cruels, inhumains ou dégradants* (LGDJ 2020)
- Cohen HG, 'International Precedent and the Practice of International Law' in MA Helfand (ed), *Negotiating State and Non-State Law: The Challenge of Global and Local Legal Pluralism* (Cambridge University Press 2015) 185

- Cohen HG, 'Theorizing Precedent in International Law' in A Bianchi, D Peat and M Windsor (eds), *Interpretation in International Law* (Oxford University Press 2015) 268
- Cohen HG, 'Culture Clash: The Sociology of WTO Precedent' in A Frese and J Schumann (eds), *Precedent as Rules and Practice: New Approaches and Methodologies in Studies of Legal Precedents* (CH Beck/Hart/Nomos 2021) 112
- Corten O, *The Law Against War: The Prohibition on the Use of Force in Contemporary International Law* (2nd edn, Hart 2021)
- Corten O and others, *A Critical Introduction to International Law* (Éditions de l'Université de Bruxelles 2019)
- D'Amato A, *The Concept of Custom in International Law* (Cornell University Press 1971)
- D'Aspremont J, 'The Multidimensional Process of Interpretation: Content-determination and Law-ascertainment Distinguished' in A Bianchi, D Peat and M Windsor (eds), *Interpretation in International Law* (Oxford University Press 2015) 111
- D'Aspremont J, 'Canonical Cross-Referencing in the Making of the Law of International Responsibility' in S Forlati, M Mbengue and BK McGarry (eds), *The Gabčíkovo-Nagymaros Judgment and Its Contribution to the Development of International Law* (Brill 2020) 22
- D'Aspremont J, *The Discourse on Customary International Law* (Oxford University Press 2021)
- Dailier P, Forteau M and Pellet A, *Droit international public* (8th edn, LGDJ 2009)
- De Beaugrande RA and Dressler WU, *Introduction to Text Linguistics* (Longman 1981)
- De Visscher C, *Problèmes d'interprétation judiciaire en droit international public* (Pedone 1963)
- De Visscher C, *Théories et réalités en droit international public* (4th edn, Pedone 1970)
- Dennett DC, *Consciousness Explained* (Little Brown 1991)
- Derrida J, *Specters of Marx: The State of Debt, the Work of Mourning and the New International* (Routledge 1994)
- Descombes V, *Le raisonnement de l'ours: Et autres essais de philosophie pratique* (Seuil 2007)
- Devitt M, *Realism and Truth* (2nd edn, Princeton University Press 1997)
- Dewey J, *How We Think: A Restatement of the Relation of Reflective Thinking to the Educative Process* (2nd edn, DC Heath 1933)
- Di Marco R, 'Customary International Law: Identification versus Interpretation' in P Merkouris, J Kammerhofer and N Arajärvi (eds), *The Theory, Practice, and Interpretation of Customary International Law* (Cambridge University Press 2022) 416

- Diehl P and Ku C, *The Dynamics of International Law* (Cambridge University Press 2010)
- Dolzer R and Schreuer C, *Principles of International Investment Law* (Oxford University Press 2012)
- Dordeska M, *General Principles of Law Recognized by Civilized Nations (1922-2018): The Evolution of the Third Source of International Law through the Jurisprudence of the Permanent Court of International Justice and the International Court of Justice* (Brill 2020) 54
- Douglas Z, 'Other Specific Regimes of Responsibility: Investment Treaty Arbitration and ICSID' in J Crawford, A Pellet and S Olleson (eds), *The Law of International Responsibility* (Oxford University Press 2010) 297
- Droubi S and d'Aspremont J (eds), *International Organisations, Non-State Actors, and the Formation of Customary International Law* (Manchester University Press 2020)
- Dworkin R, *Law's Empire* (Harvard University Press 1986)
- Dworkin R, *Taking Rights Seriously* (Harvard University Press 1977)
- Eggett C, 'General Principles as Systemic Elements of International Law' (PhD thesis, Maastricht University 2021)
- Ehrlich E, *Fundamental Principles of the Sociology of Law, with an Introduction by Roscoe Pound* (Walter L Moll tr, first published 1936, Routledge 2017)
- Farias AM and Lazzarini SG, *Reinventing State Capitalism: Leviathan in Business, Brazil and Beyond* (Harvard University Press 2014)
- Fiore P, *International Law Codified and Its Legal Sanction* (Edwin M Borchard tr, Baker Voorhis 1918)
- Fitzmaurice M, 'The Practical Working of the Law of Treaties' in M Evans, *International Law* (5th edn, Oxford University Press 2018) 138
- Fitzmaurice M and Merkouris P, *Treaties in Motion: The Evolution of Treaties from Formation to Termination* (Cambridge University Press 2020)
- Forrester JW, *World Dynamics* (2nd edn, Wright-Allen Press 1973)
- Fortuna M, 'Different Strings of the Same Harp: Interpretation of Rules of Customary International Law, Their Identification and Treaty Interpretation' in P Merkouris, J Kammerhofer and N Arajärvi (eds), *The Theory, Practice, and Interpretation of Customary International Law* (Cambridge University Press 2022) 393
- Fortuna M, 'Interpretation of Customary International Law in International Courts' (PhD thesis, University of Groningen 2023)
- Friedmann W, *The Changing Structure of International Law* (Stevens & Sons 1964)
- Frydman B, 'Conclusion: Le dialogue des juges et la perspective idéale d'une justice universelle' in *Le dialogue des juges : Actes du colloque organisé le 28 avril 2006 à l'Université Libre de Bruxelles* (Bruylant 2007)
- Gadamer HG, *Wahrheit und Methode* (4th edn, JCB Mohr 1975)

- Gadamer HG, *Truth and Method* (2nd revised edn, Continuum 2004)
- Gaeta P, 'Inherent Powers of International Courts and Tribunals' in LC Vohrah (ed), *Man's Inhumanity to Man: Essays on International Law in Honour of Antonio Cassese* (Kluwer Law International 2003) 353
- Gardiner RK, *International Law* (Pearson Longman 2003)
- Giannakopoulos C, *Manifestations of Coherence and Investor-State Arbitration* (Cambridge University Press 2022)
- Giddens A and others, *Essentials of Sociology* (WW Norton 2010)
- Glock HJ, *A Wittgenstein Dictionary* (Blackwell Reference 1996)
- Goldsmith JL and Posner EA, *The Limits of International Law* (Oxford University Press 2005)
- Gorobets K, 'Peaks and Valleys: Contemplating the Authority of International Law' in K Gorobets, A Hadjigeorgiou and P Westerman (eds), *Conceptual (Re) Constructions of International Law* (Edward Elgar 2022) 171
- Gorobets K, 'Practical Reasoning and Interpretation of Customary International Law' in P Merkouris, J Kammerhofer and N Arajärvi (eds), *The Theory, Practice, and Interpretation of Customary International Law* (Cambridge University Press 2022)
- Groppi T and Ponthoreau MC, *The Use of Foreign Precedents by Constitutional Judges* (Hart 2013)
- Grossman N, 'Solomonic Judgments and the Legitimacy of the International Court of Justice' in HG Cohen and others (eds), *Legitimacy and International Courts* (Cambridge University Press 2018) 43
- Grotius H, *The Rights of War and Peace* (Richard Tuck ed, Liberty Fund 2005)
- Gruber M, *Alfred Tarski and the 'Concept of Truth in Formalized Languages'* (Springer 2016)
- Guilfoyle D, *International Criminal Law* (Oxford University Press 2016)
- Hage JC, *Reasoning with Rules: An Essay on Legal Reasoning and Its Underlying Logic* (Springer 1997)
- Hage J, 'Construction or Reconstruction? On the Function of Argumentation in the Law' in C Dahlman and E Feteris (eds), *Legal Argumentation Theory: Cross-Disciplinary Perspectives* (Springer 2012) 125
- Hage J, *Foundations and Building Blocks of Law* (Eleven International Publishing 2018)
- Hage J, 'Are the Cognitive Sciences Relevant for Law?' in B Brožek, J Hage and N Vincent (eds), *Law and Mind: A Survey of Law and the Cognitive Sciences* (Cambridge University Press 2021) 17
- Hage J and Waltermann A, 'Logical Techniques for International Law' in D Krimphove and G Lentner (eds), *Law and Logic: Contemporary Issues* (Duncker und Humblot 2017) 125

- Hage J, Waltermann A and Arosemena Solorzano G, 'Exceptions in International Law' in L Bartels and F Paddeu (eds), *Exceptions and Defences in International Law* (Oxford University Press 2018) 11
- Hanson, NR *Patterns of Discovery* (Cambridge University Press 1965)
- Hanson NR, *Perception and Discovery: An Introduction to Scientific Inquiry* (MD Lund ed, Springer 2018)
- Hansson SO, 'The Varieties of Permission' in DM Gabbay and others (eds), *Handbook of Deontic Logic and Normative Systems* (College Publications 2013) 204
- Hart HLA, *The Concept of the Law* (1st edn, Clarendon Press 1961)
- Hart HLA, 'Positivism and the Separation of Law and Morals', *Essays in Jurisprudence and Philosophy* (Oxford University Press 1983)
- Hart HLA, *The Concept of Law* (2nd edn, Clarendon Press 1997)
- Hart HLA, *The Concept of Law* (3rd edn, Oxford University Press 2012)
- Heidegger M, *Sein und Zeit* (Max Niemeyer 1979)
- Heilbronner M and Martini S, 'The German Federal Constitutional Court' in A Jakab, A Dyeve and G Itzcovich (eds), *Comparative Constitutional Reasoning* (Cambridge University Press 2017) 356
- Henckaerts JM and Doswald-Beck L (eds), *Customary International Humanitarian Law* (Cambridge University Press 2005)
- Hernández GI, 'Interpretative Authority and the International Judiciary' in A Bianchi, D Peat and M Windsor (eds), *Interpretation in International Law* (Oxford University Press 2015) 166
- Hernández GI, 'Effectiveness' in J d'Aspremont and S Singh, *Concepts for International Law: Contributions to Disciplinary Thought* (Edward Elgar 2019) 237
- Hesse K, *Grundzüge des Verfassungsrechts der Bundesrepublik Deutschland* (20th edn, CF Müller 1999)
- Higgins R, *Problems and Processes: International law and How We Use It* (Clarendon Press 1995)
- Hollis DB, 'Sources in Interpretation Theories: An Interdependent Relationship' in S Besson and J d'Aspremont, *The Oxford Handbook on the Sources of International Law* (Oxford University Press 2017) 429
- Horwich P, *Probability and Evidence* (Cambridge University Press 1982)
- Howson C, *Hume's Problem: Induction and the Justification of Belief* (Oxford University Press 2000)
- Hume D, *A Treatise of Human Nature* (Floating Press 2009)
- Jennings R, 'The Identification of International Law' in B Cheng (ed), *International Law: Teaching and Practice* (Stevens & Sons 1982)
- Jeutner V, *Irresolvable Norm Conflicts in International Law: The Concept of a Legal Dilemma* (Oxford University Press 2017)
- Jouannet E, 'La motivation ou le mystère de la boîte noire' in H Ruiz Fabri and JM Sorel (eds), *La motivation des décisions des juridictions internationales* (Pedone 2008) 267

- Jovanovic M, *The Nature of International Law* (Cambridge University Press 2019)
- Kammerhofer J, *Uncertainty in International Law: A Kelsenian Perspective* (Taylor & Francis 2010)
- Keller H and Sweet AS (eds), *A Europe of Rights: The Impact of the ECtHR on National Legal Systems* (Oxford University Press 2008)
- Kelsen H, *General Theory of Law and State* (A Wedberg tr, Harvard University Press 1945)
- King G, Keohane R and Verba S, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton University Press 1994)
- Kirby M, *Judicial Activism: Authority, Principle and Policy in Judicial Method* (Sweet & Maxwell 2004)
- Klenlein T, 'Customary International Law and General Principles: Rethinking Their Relationship' in B Leppard (ed), *Reexamining Customary International Law* (Cambridge University Press 2016) 133
- Klingler J, Parkhomenko Y and Salonidis C (eds), *Between the Lines of the Vienna Convention? Canons and Other Principles of Interpretation in Public International Law* (Kluwer Law International 2019)
- Kochenov D and Amtenbrink F (eds), *The European Union's Shaping of the International Legal Order* (Cambridge University Press 2014)
- Kolb R, *Interprétation et création du droit international: Esquisse d'une herméneutique juridique moderne pour le droit international public* (Bruylant 2006)
- Kolb R, *Good Faith in International Law* (Hart 2017)
- Kolb R, 'General Principles of Law, *Jus Cogens* and the Unity of the International Legal Order' in M Andenas and others (eds) *General Principles and the Coherence of International Law* (Brill 2019) 60
- Koskeniemi M, *From Apology to Utopia* (Cambridge University Press 2006)
- Kotuby C, Jr and Sobota L, *General Principles of Law and International Due Process: Principles and Norms Applicable in Transnational Disputes* (Oxford University Press 2017)
- Koutrakos P, *EU International Relations Law* (2nd edn, Hart 2015)
- Kramer MH, *Objectivity and the Rule of Law* (Cambridge University Press 2007)
- Kratochwil FV, *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge University Press 1989)
- Kress K, 'Coherence' in D Patterson (ed), *A Companion to Philosophy of Law and Legal Theory* (2nd edn, Wiley-Blackwell 2010) 521
- Kuhn TS, *The Structure of Scientific Revolutions* (2nd edn, University of Chicago Press 1970)
- Kuijper PJ, "'It Shall Contribute to . . . the Strict Observance and Development of International Law": The Role of the Court of Justice' in A Rosas, E Levits and Y Bot (eds), *The Court of Justice and the Construction of Europe: Analyses and*

- Perspectives on Sixty Years of Case-Law – La Cour de Justice et la construction de l'Europe: Analyses et perspectives de soixante ans de jurisprudence* (TMC Asser Press/Springer 2013) 589
- Lauterpacht H, 'Some Observations on the Prohibition of "Non Liqueat" and the Completeness of the Law' in *Symbolae Verzijl* (Martinus Nijhoff 1958) 196
- Lauterpacht H, *The Development of International Law by the International Court* (Cambridge University Press 1982)
- Lauterpacht H, *The Function of Law in the International Community* (Oxford University Press 2011)
- Lepard BD, *Customary International Law: A New Theory with Practical Applications* (Cambridge University Press 2010)
- Lepard BD (ed), *Reexamining Customary international Law* (Cambridge University Press 2017)
- Lerche P, *Übermaß und Verfassungsrecht: Zur Bindung des Gesetzgebers an die Grundsätze der Verhältnismäßigkeit und der Erforderlichkeit* (Heymann 1961)
- Levi I, *Hard Choices: Decision Making under Unresolved Conflict* (Cambridge University Press 1986)
- Levine DH, 'The Chronological Paradox in Customary International Law (Or, the Virtue of Sloppy Timing in a Messy World)' (PhD thesis, Georgetown University 2005)
- Lindquist S, 'Identifying Judicial Activism' in SA Lindquist and FB Cross, *Measuring Judicial Activism* (Oxford University Press 2009)
- Llewellyn KN, *The Bramble Bush: The Classic Lectures on the Law and Law School, with a New Introduction and Notes by Steve Sheppard* (Oxford University Press 2008)
- Lorenzen P, *Constructive Philosophy* (University of Massachusetts Press 1987)
- Lucy W, 'Adjudication' in JL Coleman, KE Himma and SJ Shapiro (eds), *The Oxford Handbook of Jurisprudence and Philosophy of Law* (Oxford University Press 2004) 206
- MacCormick N, *Legal Reasoning and Legal Theory* (Oxford University Press 1978)
- MacCormick N, *Rhetoric and the Rule of Law* (Oxford University Press 2005)
- MacCormick N and Weinberger O (eds), *Institutional Theory of Law: New Approaches to Legal Positivism* (Springer 1986)
- Mackenzie R and others, *Selecting International Judges: Principle, Process, and Politics* (Oxford University Press 2010)
- Mangabeira Unger R, *Law in Modern Society: Toward a Criticism of Social Theory* (Free Press 1976)
- Marcos H, 'A Study on Defeasibility and Defeaters in International Law: Process or Procedure Distinction against the Non-Discrimination Rule' in W Menezes, A Nunes Filho and PH Reis de Oliveira (eds), *Tribunais Internacionais e a Garantia dos Direitos Sociais* (Academia Brasileira de Direito Internacional 2021) 199

- Marmor A, *Interpretation and Legal Theory* (2nd edn, Hart 2005)
- Merkouris P, *Article 31(3)(c) VCLT and the Principle of Systemic Integration: Normative Shadows in Plato's Cave* (Brill 2015)
- Merkouris P, *Interpretation of Customary International Law: Of Methods and Limits* (Brill Research Perspectives in International Legal Theory and Practice, Martinus Nijhoff/Brill 2022)
- Merkouris P, 'Interpreting Customary International Law: You'll Never Walk Alone' in P Merkouris, J Kammerhofer and N Arajärvi (eds), *The Theory, Practice, and Interpretation of Customary International Law* (Cambridge University Press 2022) 347
- Merkouris P, Kammerhofer J and Arajärvi N (eds), *The Theory, Practice, and Interpretation of Customary International Law* (Cambridge University Press 2022)
- Methymaki E and Tzanakopoulos A, 'Freedom with Their Exception: Jurisdiction and Immunity as Rule and Exception' in L Bartels and F Paddeu (eds), *Exceptions in International Law* (Cambridge University Press 2020) 240
- Milano E, 'The 2013 Fisheries Protocol between the EU and Morocco: Fishing 'too South' Continues ...' in M Balboni and G Laschi (eds), *The European Union Approach towards Western Sahara* (Peter Lang 2017) 151
- Milano E, 'General Principles *Infra, Praeter, Contra Legem?* The Role of Equity in Determining Reparation' in M Andenas and other (eds), *General Principles and the Coherence of International Law* (Brill/Nijhoff 2019) 65
- Müllerson R, 'The Interplay of Objective and Subjective Elements in Customary Law' in K Wellens (ed), *International Law, Theory and Practice* (Kluwer 1998) 161
- Neframi E, 'Customary International Law and the European Union from the Perspective of Article 3(5) TEU' in P Eeckhout and M Lopez-Escuerdo (eds), *The European Union's External Action in Times of Crisis* (Hart 2016) 217
- Odermatt J, 'The European Union as a Global Actor and Its Impact on the International Legal Order' (PhD thesis, University of Leuven Department of Law 2016)
- Odermatt J, *International Law and the European Union* (Cambridge University Press 2021)
- Odermatt J, 'The International Court of Justice and the Court of Justice of the European Union: Between Fragmentation and Universality of International Law' in A Skordas (ed), *Research Handbook on the International Court of Justice* (Edward Elgar 2022) 696
- Orakhelashvili A, *The Interpretation of Acts and Rules in Public International Law* (Oxford University Press 2008)
- Paparinskis M, 'Conclusions: General Principles and the Other Sources of International Law' in M Andenas and others (eds), *General Principles and the Coherence of International Law* (Brill/Nijhoff 2019) 117

- Pascual-Vives F, 'The Identification of Customary International Law before the Court of Justice of the European Union: A Flexible Consensualism' in F Lusa Bordin, Ath Müller and F Pascual-Vives (eds), *The European Union and Customary International Law* (Cambridge University Press 2022) 123
- Pauwelyn J, *Conflict of Norms in Public International Law: How WTO Law Relates to Other Rules of International Law* (Cambridge University Press 2003)
- Pauwelyn J, Wessel RA and Wouters J, 'Informal International Lawmaking: An Assessment and Template to Keep It Both Effective and Accountable' in J Pauwelyn, RA Wessel and J Wouters (eds), *Informal International Lawmaking* (Oxford University Press 2012) 508
- Peat D, *Comparative Reasoning in International Courts and Tribunals* (Cambridge University Press 2019)
- Peczenik A, *Scientia Juris: Legal Doctrine as Knowledge of Law and as a Source of Law* (Springer 2005)
- Pellet A, 'Article 38' in Zimmermann A and others (eds), *The Statute of the International Court of Justice: A Commentary* (2nd edn, Oxford University Press 2012)
- Pérez Bermejo JM, 'Coherence: An Outline in Six Metaphors and Four Rules' in M Araszkiwicz and J Šavelka (eds), *Coherence: Insights from Philosophy, Jurisprudence and Artificial Intelligence* (Springer 2013)
- Petersmann EU, "'Constitutional Justice" Requires Judicial Cooperation and "Comity" in the Protection of "Rule of Law"' in F Fontanelli, G Martinico and P Carrozza (eds), *Shaping Rule of Law Through Dialogue* (Europa Law 2010)
- Phoa P, *EU Law as a Creative Process: A Hermeneutic Approach for the EU Internal Market and Fundamental Rights Protection* (Europa Law 2021)
- Plumpton Ramsey F, 'Truth and Probability' in F Plumpton Ramsey and RB Braithwaite (eds), *The Foundations of Mathematics and Other Logical Essays* (Martino Fine Books 1950)
- Popper K, *The Logic of Scientific Discovery* (Hutchinson 1972)
- Popper K, 'Science: Conjectures and Refutations' in JA Curd and M Cover (eds) *Philosophy of Science: The Central Issues* (Norton 1998)
- Porto Macedo Júnior R, *Do Xadrez à Cortesia: Dworkin e a Teoria do Direito Contemporânea* (Saraiva 2013)
- Postema GJ, 'Custom in International Law: A Normative Practice Account' in A Perreau-Saussine and JB Murphy (eds), *The Nature of Customary Law: Legal, Historical and Philosophical Perspectives* (Cambridge University Press 2007)
- Postema GJ, *Legal Philosophy in the Twentieth Century: The Common Law World* (Springer 2011)
- Powderly J, *Judges and the Making of International Criminal Law* (Brill 2020)
- Proctor RW and Capaldi EJ, *Psychology of Science: Implicit and Explicit Processes* (Oxford University Press 2012)

- Radi Y, 'Coherence' in J d'Aspremont and S Singh (eds), *Concepts for International Law: Contributions to Disciplinary Thought* (Edward Elgar 2019) 105
- Rasmussen H, *On Law and Policy in the European Court of Justice: A Comparative Study in Judicial Policymaking* (Martinus Nijhoff 1986)
- Rawls J, *A Theory of Justice* (revised edn, Harvard University Press 1999)
- Rawls J, *Justice as Fairness: A Restatement* (E Kelly ed, Harvard University Press 2001)
- Redgwell C, 'General Principles of International Law' in S Vogenauer and S Weatherill, *General Principles of Law: European and Comparative Perspectives* (Hart 2017)
- Ricoeur P, *Hermeneutics and the Human Sciences: Essays on Language, Action, and Interpretation* (JB Thompson ed, Cambridge University Press 2016)
- Rioul O, 'This Is IT: A Primer on Shannon's Entropy and Information' in B Duplantier and V Rivasseau (eds), *Information Theory* (Progress in Mathematical Physics vol 78, Springer 2021)
- Rosas A, 'The European Court of Justice and Public International Law' in J Wouters, A Nollkaemper and E de Wet (eds), *The Europeanisation of International Law: The Status of International Law in the EU and Its Member States* (TMC Asser Press 2008)
- Rosenne S, *The Law and Practice of the International Court, 1920–2005* (Brill 2006)
- Rossi P, *International Law Immunities and Employment Claims* (Hart 2021)
- Russell B, *Our Knowledge of the External World: As a Field for Scientific Method in Philosophy* (Routledge 2009)
- Salacuse JW, *The Law of Investment Treaties* (3rd edn, Oxford University Press 2021)
- Sanders Peirce C, *Philosophical Writings of Peirce* (Justus Buchler ed, Dover 1955)
- Saunders I *General Principles as a Source of International Law: Article 38(1)(c) of the Statute of the International Court of Justice* (Hart 2021)
- Scelle G, *Manuel de droit international public* (Domat Montchrétien 1948)
- Schabas WA, *The International Criminal Court: A Commentary on the Rome Statute* (2nd edn, Oxford University Press 2016)
- Schabas WA, *The Customary International Law of Human Rights* (Oxford University Press 2021)
- Schauer F, *Playing by the Rules: A Philosophical Examination of Rule-Based Decision-Making in Law and in Life* (Oxford University Press 1991)
- Schauer F, 'Pitfalls in the Interpretation of Customary Law' in A Perreau-Saussine and JB Murphy (eds), *The Nature of Customary Law: Legal, Historical and Philosophical Perspectives* (Cambridge University Press 2007)
- Schlütter B, *Developments in Customary International Law: Theory and the Practice of the International Court of Justice and the International ad hoc Criminal Tribunals for Rwanda and Yugoslavia* (Brill 2010)
- Schmalenbach K, 'Article 26' in O Dörr and K Schmalenbach (eds), *Vienna Convention on the Law of Treaties: A Commentary* (2nd edn, Springer 2018)

- Schmitt M (ed), *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations* (2nd edn, Cambridge University Press 2017)
- Schön DA, *The Reflective Practitioner: How Professionals Think in Action* (Basic Books 1983)
- Schreuer C, 'Diversity and Harmonization of Treaty Interpretation in Investment Arbitration' in M Fitzmaurice, O Elias and P Merkouris (eds), *Treaty Interpretation and the Vienna Convention on the Law of Treaties: 30 Years On* (Martinus Nijhoff 2010)
- Schreuer C, 'Coherence and Consistency in International Investment Law' in R Ehandi and P Sauvé (eds), *Prospects in International Investment Law and Policy* (Cambridge University Press 2013)
- Schreuer C and others, *The ICSID Convention: A Commentary* (Cambridge University Press 2009)
- Schreuer C and Weiniger M, 'A Doctrine of Precedent?' in PT Muchlinski, F Ortino and C Schreuer (eds), *The Oxford Handbook of International Investment Law* (Oxford University Press 2008)
- Schrijver NJ, 'Fifty Years Permanent Sovereignty over Natural Resources: The 1962 UN Declaration as the *Opinio Iuris Communis*' in M Bungenberg and H Stephan (eds), *Permanent Sovereignty over Natural Resources* (Springer 2015)
- Schultz T, 'Against Consistency in Investment Arbitration' in Z Douglas, J Pauwelyn and JE Viñuales (eds), *The Foundations of International Investment Law: Bringing Theory into Practice* (Oxford University Press 2014)
- Schwarzenberger G, *The Inductive Approach to International Law* (Stevens & Sons 1965)
- Searle J, *Expression and Meaning: Studies in the Theory of Speech Acts* (Cambridge University Press 1979)
- Searle J, 'The Background of Meaning' in J Searle, F Kiefer and M Bierwisch (eds), *Speech Act Theory and Pragmatics* (D Reidel Publishing 1980)
- Searle J, *The Construction of Social Reality* (Free Press 1995)
- Searle J, *Mind, Language, and Society: Philosophy in the Real World* (Basic Books 1999)
- Searle J, *Making the Social World: The Structure of Human Civilization* (Oxford University Press 2010).
- Sethna J, 'What Is Statistical Mechanics' in *Statistical Mechanics: Entropy, Order Parameters and Complexity* (2nd edn, Oxford University Press 2021)
- Shany Y, *Assessing the Effectiveness of International Courts* (Oxford University Press 2014)
- Smith B, 'John Searle: From Speech Acts to Social Reality' in B Smith (ed), *John Searle* (Cambridge University Press 2003) 19
- Stahn C, *A Critical Introduction to International Criminal Law* (Cambridge University Press 2019)

- Staubach PG, *The Rule of Unwritten International Law. Customary Law, General Principles and World Order* (Routledge 2018)
- Streck LL, *Hermenêutica Jurídica e(m) Crise: Uma Exploração Hermenêutica da Construção do Direito* (Livraria do Advogado 2018)
- Sureda AR, 'Precedent in Investment Treaty Arbitration' in C Binder and others (eds), *International Investment Law for the 21st Century: Essays in Honour of Christoph Schreuer* (Oxford University Press 2009) 830
- Tan Y, *The Rome Statute as Evidence of Customary International Law* (Brill Nijhoff 2021)
- Tasioulas J, 'Customary International Law and the Quest for Global Justice' in A Perreau-Saussine and JB Murphy (eds), *The Nature of Customary Law* (Cambridge University Press 2007) 307
- Terris D, Romano CPR and Swigart L, *The International Judge: An Introduction to the Men and Women Who Decide the World's Cases* (Brandeis University Press 2007)
- Thirlway H, *International Customary Law and Codification: An Examination of the Continuing Role of Custom in the Present Period of Codification of International Law* (Brill 1972)
- Thirlway H, 'Judicial Activism and the International Court of Justice' in E McWhinney, N Ando and R Wolfrum (eds), *Liber Amicorum Judge Shigeru Oda* (Kluwer Law International 2002) 75
- Thirlway H, *The Law and Procedure of the International Court of Justice: Fifty Years of Jurisprudence* (Oxford University Press 2013)
- Thirlway H, *The Sources of International Law* (Oxford University Press 2014)
- Thomas EW, *The Judicial Process: Realism, Pragmatism, Practical Reasoning and Principles* (Cambridge University Press 2008)
- Tomuschat C, 'General International Law: A New Source of International Law?' in R Pisillo Mazzeschi and De Sena P, *Global Justice, Human Rights and the Modernization of International Law* (Springer 2018) 185
- Tunkin GI, *Theory of International Law* (Harvard University Press 1974)
- Ulfstein G, 'Towards an International Human Rights Judiciary?' in J Ebbesson and others (eds), *International Law and Changing Perceptions of Security: Liber Amicorum Said Mahmoudi* (Brill 2014)
- Van den Herik L, 'The Decline of Customary International Law as a Source of International Criminal Law' in C Bradley (ed), *Custom's Future: International Law in a Changing World* (Cambridge University Press 2016) 230
- Van Vooren B, Blockmans S and Wouters J (eds), *The EU's Role in Global Governance: The Legal Dimension* (Oxford University Press 2013)
- Vandavelde KJ, 'The Liberal Vision of the International Law on Foreign Investment' in CL Lim (ed), *Alternative Visions of the International Law on Foreign Investment: Essays in Honour of Muthucumaraswamy Sornarajah* (Cambridge University Press 2016) 43

- Villiger M, *Customary International Law and Treaties: A Manual on the Theory and Practice of the Interrelation of Sources* (2nd edn, Brill 1997)
- Villiger M, *Commentary on the 1969 Vienna Convention on the Law of Treaties* (Brill 2009)
- Viñuales JE, *The UN Friendly Relations Declaration at 50: An Assessment of the Fundamental Principles of International Law* (Cambridge University Press 2020)
- Waltermann A, 'Why Non-Human Agency?' in A Waltermann (eds), *Law, Science, Rationality* (Eleven International 2020) 51
- Westerman P, 'Open or Autonomous? The Debate on Legal Methodology as a Reflection of the Debate on Law' in M van Hoecke (ed), *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?* (Hart 2011) 87
- Westerman P, 'Opinio Juris: Test, Filter, Ideal or Map?' in K Gorobets, A Hadjigeorgiou and P Westerman (eds), *Conceptual (Re)Constructions of International Law* (Edward Elgar 2022) 127
- Wheatley S, *The Idea of International Human Rights Law* (Oxford University Press 2019)
- Wittgenstein L, *Philosophical Investigations* (GEM Anscombe tr, 3rd edn, Basil Blackwell 1986)
- Wolfke K, *Custom in Present International Law* (2nd revised edn, Martinus Nijhoff 1993)
- Wouters J, Ryngaert C, 'The Impact on the Process of the Formation of Customary International Law' in MT Kamminga and M Scheinin (eds), *The Impact of Human Rights Law on General International Law* (Oxford University Press 2009) 111
- Yates DS, Moore DS, Starnes DS, *The Practice of Statistics* (3rd edn, WH Freeman 2008)

Articles

- Abi-Saab G, 'Cours général de droit international public' (1987) 207 RdC 9
- Adam E, 'A Logic of Conditionals' (1965) 8 Inquiry 166
- Akande D, 'International Law Immunities and the International Criminal Court' (2004) 98 AJIL 407
- Akande D, 'Introduction to the Symposium on Zachary Mollengarden & Noam Zamir "The Monetary Gold Principle: Back to Basics"' (2021) 115 AJIL Unbound 140
- Akande D and Shah S, 'Immunities of State Officials, International Crimes, and Foreign Domestic Courts' (2010) 21 EJIL 815
- Akehurst M, 'Custom as a Source of International Law' (1975) 47 BYBIL 1
- Alexy R and Peczenik A, 'The Concept of Coherence and Its Significance for Discursive Rationality' (1990) 3 Ratio Juris 130

- Alexy R, 'On the Structure of Legal Principles' (2000) 13 *Ratio Juris* 294
- Alland D, 'L'interprétation du droit international public' (2013) 362 *RdC* 41
- Anscombe GEM, 'On Brute Facts' (1958) 18 *Analysis* 69
- Baker RB, 'Customary International Law: A Reconceptualization' (2016) 41 *BJIL* 458
- Baude W and Sachs SE, 'The Law of Interpretation' (2017) 130 *Harv L Rev* 1079
- Benson PE, 'François Génys's Doctrine on Customary Law' (1983) 20 *Can YIL* 267
- Benvenisti E, 'The Future of International Law Scholarship in Germany: The Tension between Interpretation and Change' (2007) 67 *Heidelberg J Intl L* 585
- Bertea S, 'The Arguments from Coherence: Analysis and Evaluation' (2005) 25 *OJLS* 369
- Bilder RB and others, 'Disentangling Treaty and Customary International Law: Remarks' (1987) 81 *ASIL Proc* 157
- Bleckmann A, 'Zur Feststellung und Auslegung von Völkergewohnheitsrecht' (1977) 37 *ZaöRV* 505
- Blutman L, 'Conceptual Confusion and Methodological Deficiencies: Some Ways That Theories on Customary International Law Fail' (2014) 25 *EJIL* 529
- Bodansky D, 'Customary (And Not So Customary) International Environmental Law' (1995) 3(1) *IJGLS* 105
- Bodansky D, 'Does Custom Have a Source?' (2014) 108 *AJIL Unbound* 179
- Bogdan M, 'General Principles of Law and the Problem of Lacunae in the Law of Nations' (1977) 46 *NJIL* 37
- Bogdandy A von and Smrkolj M, 'European Union Law and International Law' (2011) *MPEPIL* <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e620>>
- Bos M, 'The Identification of Custom in International Law' (1982) 25 *GYIL* 9
- Broches A, 'The Convention on the Settlement of Investment Disputes between States and Nationals of Other States' (1972) 136 *RdC* 331
- Brown C, 'The Inherent Powers of International Courts and Tribunals' (2006) 76 *BYIL* 195
- Brunnée J and Toope S, 'International Law and the Practice of Legality: Stability and Change' (2018) 49 *VUWLR* 433
- Buřalini A, 'The Principle of Legality and the Role of CIL in the Interpretation of the ICC Statute' (2015) 14 *LPICT* 233
- Burgorgue-Larsen L, "'Decompartmentalization": The Key Technique for Interpreting Regional Human Rights Treaties' (2018) 16 *IJCL* 187
- Cappelletti M, 'The Law-Making Power of the Judge and Its Limits: A Comparative Analysis' (1981) 8 *Monash UL Rev* 15
- Carty A, 'Language Games of International Law' (2012) 13 *Melb JIL* 1
- Cassese A, 'Remarks on Scelle's Theory of "Role Splitting" (*dedoublement fonctionnel*) in International Law' (1990) 1 *EJIL* 210

- Cassese A, 'The *Nicaragua* and *Tadić* Test Revisited in Light of the ICJ Judgment on Genocide in Bosnia' (2007) 4 EJIL 649
- Castellano C, Fortunato S and Loretto V, 'Statistical Physics on Social Dynamics' (2009) 81 RMP 591
- Cattani M and others, 'Deterministic Chaos Theory: Some Basic Concepts' (2017) 39 (1) Revista Brasileira de Ensino de Física e1309-1
- Charney JL, 'Universal International Law' (1993) 87 AJIL 529
- Chasapis Tassinis O, 'Customary International Law: Interpretation from Beginning to End' (2020) 31 EJIL 235
- Christensen D, 'Measuring Confirmation' (1999) 96 J Philos 437
- Clark B, 'The Vienna Convention Reservations Regime and the Convention on Discrimination against Women' (1991) 85 AJIL 281
- Cohen HG, 'International Law's *Erie* Moment' (2013) 34 MJIL 249
- Corsi JL, 'An Argument for Strict Legality in International Criminal Law' (2018) 49 GJIL 1321
- Crease RP, 'Comment: The Quantum Moment' (2013) 26(3) Physics World 25
- Croquet NAJ, 'The Import of International Customary International Law into the EU Legal Order: The Adequacy of a Direct Effect Analysis' (2013) 15 CYELS 47
- Daniels N, 'Reflective Equilibrium', *The Stanford Encyclopedia of Philosophy* (Summer edn, 2020) <https://plato.stanford.edu/archives/sum2020/entries/reflective-equilibrium/>
- D'Amato A, 'A Brief Rejoinder' (1988) 21 VJIL 489
- D'Amato A, 'Custom and Treaty: A Response to Professor Weisburd' (1988) 21 VJIL 459
- D'Argent P, 'The *Monetary Gold* Principle: A Matter of Submissions' (2021) 115 AJIL Unbound 149
- Daugirdas K, 'Reputation and the Responsibility of International Organizations' (2014) 25 EJIL 991
- De Brabandere E and Baldini Miranda Da Cruz P, 'The Role of Proportionality in International Investment Law and Arbitration: A System-Specific Perspective' (2020) 89 NJIL 471
- De Brabandere E, '(Re)calibration, Standard-Setting and the Shaping of Investment Law and Arbitration' (2018) 59 BCLR 2607
- De Wet E, and Vidmar J, 'Conflicts between International Paradigms: Hierarchy versus Systemic Integration' (2013) 2 GlobCon 196
- Deeks AS, 'Unwilling or Unable: Toward a Normative Framework for Extraterritorial Self-Defense' (2012) 52 VJIL 483
- Delile JF, 'Les effets de la coutume internationale dans l'ordre juridique de l'Union européenne' (2017) 53 CDE 177
- Dinstein Y, 'The Interaction between Customary International Law and Treaties' (2006) 322 RdC 243
- Dorota G, 'Hard Cases' (2013) 2 UMSLR 240

- Drew C, 'The East Timor Story: International Law on Trial' (2001) 12 EJIL 663
- Duarte d'Almeida L, 'What Is It to Apply the Law?' (2021) 40 Law Philos 361
- Durkee MJ, 'Interpretive Entrepreneurs' (2021) VLR 431
- Dworkin R, 'The Model of Rules' (1967) 35 UCLR 14
- Dworkin R, 'Objectivity and Truth: You'd Better Believe It' (1996) 25 Philos Public Aff 87
- Eells E and Fitelson B, 'Measuring Confirmation and Evidence' (2000) 97 J Philos 663
- Eggett C, 'The Role of Principles and General Principles in the "Constitutional Processes" of International Law' (2019) 66 NILR 197
- Ehrlich I and Posner RA, 'An Economic Analysis of Legal Rulemaking' (1974) 3 JLS 257
- Elias O, 'The Nature of the Subjective Element in Customary International Law' (1995) 44 ICLQ 501
- Ellis J, 'General Principles and Comparative Law' (2011) 22 EJIL 949
- Etkin B, 'The Changing Rivers of Customary International Law: The Interpretative Process as Flux' (2022) ESIL Reflections 11(5) <<https://plato.stanford.edu/archives/sum2020/entries/reflective-equilibrium/>>
- Fan M, 'Custom, General Principles and the Great Architect Cassese' (2012) 10 JICJ 1063
- Feyerabend PK, 'Science without Experience' (1969) 66 J Philos 791
- Fitzmaurice G, 'The Law and Procedure of the International Court of Justice, 1954–9: General Principles and Sources of International Law' (1959) 35 BYIL 183
- Fitzmaurice G, '*Vae Victis* or Woe to the Negotiators: Your Treaty or Our Interpretation' of It?' (1971) 65 AJIL 373
- Franck TM, 'Legitimacy in the International System' (1988) 82 AJIL 705
- Fuller LL and Winston KI, 'The Forms and Limits of Adjudication' (1978) 92 Harv L Rev 353
- Gaja G, 'Positivism and Dualism in Dionisio Anzilotti' (1992) 3 EJIL 123
- Gaja G, 'General Principles of Law' (2020) MPEPIL <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1410>>
- Gallant KS, 'International Criminal Courts and the Making of Public International Law: New Roles for International Organizations and Individuals' (2010) 43 J Marshall L Rev 607
- Gardbaum S, 'Human Rights as International Constitutional Rights' (2008) 19 EJIL 749
- Gourgourinis A, 'The Distinction between Interpretation and Application of Norms in International Adjudication' (2011) 2 JIDS 31
- Guilfoyle D, 'Lacking Conviction: Is the International Criminal Court Broken? An Organisational Failure Analysis' (2019) 20 Melb JIL 401

- Guillaume G, 'The Use of Precedent by International Judges and Arbitrators' (2011) 2 JIDS 5
- Gümplová P, 'Restraining Permanent Sovereignty over Natural Resources' (2014) 53 EQdF 96
- Haack S, 'Coherence, Consistency, Cogency, Congruity, Cohesiveness, &c.: Remain Calm! Don't Go Overboard!' (2004) 35 NLH 167
- Hage J, 'Consistency of Rules and Norms' (2000) 9 ICTL 219
- Hage J, 'Law and Coherence' (2004) 17 Ratio Juris 87
- Hage J, 'Legal Reasoning and the Construction of Law' (2012) i-Lex 81
- Hage J, 'Two Concepts of Constitutive Rules' (2018) 4 Argumenta 21
- Hage J, 'Constructivist Facts as the Bridge Between Is and Ought' (2022) 1 IJSL 1
- Hage J and Verheij B, 'Reason-Based Logic: A Logic for Reasoning with Rules and Reasons' (1994) 3 ICTL 171
- Haggenmacher P, 'La doctrine des deux éléments du droit coutumier dans la pratique de la Cour internationale' (1986) 1 RGDIP 1
- Hakimi M, 'Making Sense of Customary International Law' (2020) 118 Mich L Rev 1487
- Hart HLA, 'Positivism and the Separation of Law and Morals' (1958) 71 Harv L Rev 607
- Hathaway O, Johnson L and Ní Aoláin F, 'An Introduction: Effectiveness in International Law' (2014) 108 ASIL Proc 1
- Helfer LR and Slaughter AM, 'Why States Create International Tribunals: A Response to Professors Posner and Yoo' (2005) 93 CLR 901
- Helfer L and Voeten E, 'International Courts as Agents of Legal Change: Evidence from LGBT Rights in Europe' (2014) 68 IO 77
- Heller KJ, 'The Law of Neutrality Does Not Apply to the Conflict with Al-Qaeda, and It's a Good Thing, Too: A Response to Chang' (2011) 47 TILJ 115
- Heller KJ, 'Specially-Affected States and the Formation of Custom' (2018) 112 AJIL 191
- Henderson C, 'The UK Government's Legal Opinion on Forcible Measures in Response to the Use of Chemical Weapons by the Syrian Government' (2015) 64 ICLQ 179
- Higgins R, 'The ICJ, the ECJ and the Integrity of International Law' (2002) 52 ICLQ 9
- Hoffmann PL, 'The "Blank Stare Phenomenon": Proving Customary International Law in U.S. Courts' (1996) 25 GJICL 181
- Jain N, 'Comparative International Law at the ICTY: The General Principles Experiment' (2015) 109(3) AJIL 486
- Jaynes ET, 'Information Theory and Statistical Mechanics' (1957) 14 Phys Rev 620
- Jia BB, 'The Relations between Treaties and Custom' (2010) 9 Chinese JIL 81
- Johnston KA, 'The Nature and Context of Rules and the Identification of Customary International Law' (2021) 32 EJIL 1167

- Jones A, 'Judicial Cross-Referencing and the Identity of the International Criminal Court' (2018) 43 NCJIL 72
- Joyner DH, 'Why I Stopped Believing in Customary International Law' (2019) 9 Asian JIL 31
- Kammerhofer J, 'The Binding Nature of Provisional Measures of the International Court of Justice: The "Settlement" of the Issue in the LaGrand Case' (2003) 16 LJIL 67
- Kammerhofer J, 'Uncertainty in the Formal Sources of International Law: Customary International Law and Some of Its Problems' (2004) 15 EJIL 523
- Kassoti E, 'Between *Sollen* and *Sein*: The CJEU's Reliance on International Law in the Interpretation of Economic Agreements Covering Occupied Territories' (2020) 33 LJIL 381
- Kirgis FL, Jr., 'Custom on a Sliding Scale' (1987) 81 AJIL 146
- Klabbers J, 'How to Defeat a Treaty's Object and Purpose Pending Entry into Force: Toward Manifest Intent' (2001) 34 VJTL 318
- Kolb R, 'Selected Problems in the Theory of Customary International Law' (2003) 50 NILR 119
- Kooijmans P, 'The ICJ in the 21st Century: Judicial Restraint, Judicial Activism, or Proactive Judicial Policy' (2007) 56 ICLQ 741
- Kornhauser LA and Sager LG, 'Unpacking the Court' (1986) 96 Yale LJ 82
- Kornobis-Romanowska D, 'Effects of International Customary Law in the Legal Order of the European Union' (2018) 8 WRLAE 405
- Koutsyiannis D and Sargentis GF, 'Entropy and Wealth' (2021) 23 Entropy 1356
- Kriebaum U, 'Evaluating Social Benefits and Costs of Investment Treaties: Depoliticization of Investment Disputes' (2018) 33 ICSID Review 14
- Kwiecień R, 'General Principles of Law: The Gentle Guardians of Systemic Integration of International Law' (2017) 37 PYIL 235
- Kyburg HE Jr, 'Belief, Evidence, and Conditioning' (2006) 73 Philos Sci 42
- Lauterpacht H, 'Restrictive Interpretation and the Principle of Effectiveness in the Interpretation of Treaties' (1949) 26 BYBIL 48
- Lee M, 'The Interrelation between the Law of the Sea Convention and Customary International Law' (2006) 7 SDILJ 405
- Lefkowitz D, '(Dis)Solving the Chronological Paradox in Customary International Law: A Hartian Approach' (2008) 21 CJLJ 129
- Levenbook BB, 'The Role of Coherence in Legal Reasoning' (1984) 3 Law Philos 355
- Lindquist SA and Cross FB, 'Empirically Testing Dworkin's Chain Novel Theory: Studying the Path of Precedent' (2005) 80 NYUL Rev 1156
- Lusa Bordin F, 'Reflections of Customary International Law: The Authority of Codification Conventions and ILC Draft Articles in International Law' (2014) 63 ICLQ 535

- Macagno F, Walton D and Sartor G, 'Pragmatic Maxims and Presumptions in Legal Interpretation' (2017) 37 *Law Philos* 69
- MacCormick N, 'Argumentation and Interpretation in Law' (1993) 6 *Ratio Juris* 16
- Mac-Gregor EF, 'What Do We Mean When We Talk about Judicial Dialogue? Reflections of a Judge of the Inter-American Court of Human Rights' (2017) 30 *HHRJ* 89
- Maculan E, 'Judicial Definition of Torture as a Paradigm of Cross-Fertilisation: Combining Harmonisation and Expansion' (2015) 84 *NJIL* 456
- Madsen MR, 'Who Rules the World? The Educational Capital of the International Judiciary' (2018) 3 *UC Irvine J Intl Transl Comp L* 97
- Maher P, 'A Conception of Inductive Logic' (2006) 73 *Philos Sci* 513
- Mahoney P, 'Judicial Activism and Judicial Self-Restraint in the European Court of Human Rights: Two Sides of the Same Coin' (1990) 11 *HRLJ* 57
- Malenovský J, 'Le juge et la coutume internationale: Perspectives de l'Union européenne et de la Cour de justice' (2013) 12 *LP ICT* 225
- McDougal MS, 'The Hydrogen Bomb Tests and the International Law of Sea' (1955) 49 *AJIL* 356
- McIntyre J, 'Rules Are Rules: Reconciling Monetary Gold as a Rule of Procedure' (2021) 115 *AJIL Unbound* 144
- McLachlan C, 'The Principle of Systemic Integration and Article 31(3)(c) of the Vienna Convention' (2005) 54 *ICLQ* 279
- Mendelson MH, 'The Formation of Customary International Law' (1998) 272 *RdC* 155
- Merkouris P, 'Interpreting the Customary Rules on Interpretation' (2017) 19 *ICLR* 126
- Merkouris P, 'Principle of Systemic Integration' (2020) *MPEiPro*, <<https://opil.ouplaw.com/view/10.1093/law-mpeipro/e2866.013.2866/law-mpeipro-e2866>>
- Merkouris P and Mileva N, 'Introduction to the Series: Customary Law Interpretation as a Tool' (2022) *ESIL Reflections* 11(2) <<https://esil-sedi.eu/esilreflection-introduction-to-the-series-customary-law-interpretation-as-a-tool/>>
- Mesjasz C, 'Complexity of Social Systems' (2010) 117(4) *Acta Phys Pol A* 706
- Michaelides E, 'Entropy, Order and Disorder' (2008) 2 *Open Thermodyn J* 7
- Milano E, '*Front Polisario* and the Exploitation of Natural Resources by the Administrative Power' (2017) 2 *EP* 953
- Mohamad R, 'Some Reflections on the International Law Commission Topic "Identification of Customary International Law"' (2016) 15 *Chinese JIL* 41
- Mollengarden Z and Zamir N, 'The *Monetary Gold* Principle: Back to Basics' (2021) 115 *AJIL* 41
- Moral Soriano L, 'A Modest Notion of Coherence in Legal Reasoning: A Model for the European Court of Justice' (2003) 16 *Ratio Juris* 296
- Moreno-Lax V, 'Systematising Systemic Integration' (2014) 12 *JICJ* 907

- Mudukuti A, 'Prosecutor v. Omar Hassan Ahmad Al-Bashir, Judgment in the Jordan Referral re Al-Bashir Appeal' (2020) 114 AJIL 103
- O'Connell ME, 'Remarks: The Resort to Drones under International Law' (2011) 39 Denv J Intl L & Pol'y 585
- O'Shea JR, 'What Is the Myth of the Given?' (2021) 199 Synthese 10543
- Odermatt J, 'The Court of Justice of the European Union: International or Domestic Court?' (2014) 3 CJICL 696
- Odermatt J, 'Council of the European Union v Front Populaire pour la Libération de la Saguia-El-Hamra et Du Rio de Oro (Front Polisario)' (2017) 111 AJIL 736
- Okasha S, 'What Did Hume Really Show about Induction?' (2001) 51 Philos Q 27
- Orakhelashvili A, 'State Immunity and International Public Order' (2002) 45 GYIL 226
- Pair L, 'Judicial Activism in the ICJ Charter Interpretation' (2001–02) 8 ILSA J Intl Comp L 181
- Paparinskis M, 'Revisiting the Indispensable Third Party Principle' (2020) 1 RDI 49
- Paqualucci JM, 'Interim Measures in International Human Rights: Evolution and Harmonization' (2005) 38 VJTL 1
- Pellet A, 'The Normative Dilemma: Will and Consent in International Law-Making' (1989) 12 Aus YIL 3
- Pereira R, 'Permanent Sovereignty over Natural Resources in the 21st Century: Natural Resource Governance and the Right to Self-Determination of Indigenous Peoples under International Law' (2013) 14 Melb JIL 8
- Perin Shecaira F, 'Sources of Law Are Not Legal Norms' (2015) 28 Ratio Juris 15
- Perrez FX, 'The Relationship between "Permanent Sovereignty" and the Obligation Not to Cause Transboundary Environmental Damage' (1996) 26 Envtl L 1187
- Peters A, 'The Refinement of International Law: From Fragmentation to Regime Interaction and Politicization' (2017) 15 IJCL 671
- Pocar F, 'Symposium on the Rome Statute at Twenty: Transformation of Customary Law through ICC Practice' (2018) 112 AJIL Unbound 182
- Pomson O, 'Does the *Monetary Gold* principle Apply to International Courts and Tribunals Generally?' (2019) 10 JIDS 88
- Posner EA and Yoo JC, 'Judicial Independence in International Tribunals' (2005) 93 CLR 1
- Postema GJ, 'Custom, Normative Practice, and the Law' (2012) 62 DLJ 707
- Priest G, 'The Structure of the Paradoxes of Self-Reference' (1994) 103 Mind 25
- Rasmussen H, 'Between Self-Restraint and Activism: A Judicial Policy for the European Court' (1988) 13 Eur L Rev 28
- Raz J, 'The Relevance of Coherence' (1992) 72 BULR 273
- Raz J, 'Why Interpret?' (1996) 9 Ratio Juris 349
- Reid L, 'The Judge as a Lawmaker' (1972) 12 J Soc Public Teachers of Law 22
- Reinhold S, 'Good Faith in International Law' (2013) 2 UCLJLJ 40

- Rettler B and Bailey AM, 'Object', *The Stanford Encyclopedia of Philosophy* (Winter edn, 2017) <https://plato.stanford.edu/entries/object/>
- Ridi N, 'United States: Anti-dumping Measures Applying Differential Pricing Methodology to Softwood Lumber from Canada' (2020) 114 AJIL 735
- Roberts A, 'Power and Persuasion in Investment Treaty Interpretation: The Dual Role of States' (2010) 104 AJIL 179
- Roberts AE, 'Traditional and Modern Approaches to Customary International Law: A Reconciliation' (2001) 95 AJIL 757
- Romano C, 'Deciphering the Grammar of the International Jurisprudential Dialogue' (2009) 41 NYUJILP 755
- Rosenkrantz RD, 'Does the Philosophy of Induction Rest on a Mistake?' (1982) 79 J Philos 78
- Roversi C, 'In Defence of Constitutive Rules' (2021) 199 Synthese 14349
- Rudner R, 'The Scientist *qua* Scientist Makes Value Judgments' (1953) 20 Philos Sci 1
- Ruys T, 'The Meaning of "Force" and the Boundaries of the *Jus ad Bellum*: Are "Minimal" Uses of Force Excluded from UN Charter Article 2(4)?' (2014) 108 AJIL 159
- Ryngaert C and Hora Siccama D, 'Ascertaining Customary International Law: An Inquiry into the Methods Used by Domestic Courts' (2018) 65 NILR 1
- Saul M, 'The Normative Status of Self-Determination in International Law: A Formula for Uncertainty in the Scope and Content of the Right?' (2011) 11 HRLR 628
- Scharf M, 'Hugo Grotius and the Concept of Grotian Moments in International Law' (2022) 54 CWR J Int Law 17
- Schladebach M, 'Praktische Konkordanz als Verfassungsrechtliches Kollisionsprinzip: Eine Verteidigung' (2014) 53 Der Staat 263
- Schmitt MN, 'Military Necessity and Humanity in International Humanitarian Law: Preserving the Delicate Balance' (2010) 50(4) VJIL 795
- Schuck PH, 'Legal Complexity: Some Causes, Consequences and Cures' (1992) 42 DLJ 9
- Schwarzenberger G, 'The Inductive Approach to International Law' (1947) 60 HLR 539
- Schweitzer F, 'Sociophysics' (2018) 71 Physics Today 2
- Schwitzgebel E, 'Belief', *The Stanford Encyclopedia of Philosophy* (Winter 2021 edition) <https://plato.stanford.edu/entries/belief/>
- Searle J, 'How to Derive "Ought" From "Is"' (1964) 73 Philos Rev 43
- Seidenfeld T, 'Direct Inference and Inverse Inference' (1978) 75 J Philos 709
- Shannon C, 'The Mathematical Theory of Communication' (1948) 27 BSTJ 379
- Shany Y, 'Assessing the Effectiveness of International Courts: A Goal-Based Approach' (2012) 106 AJIL 225

- Shao X, 'What We Talk about When We Talk about General Principles of Law' (2021) 20 Chinese JIL 219
- Slaughter AM, 'A Typology of Transjudicial Communication' (1994) 29 URLR 99
- Slaughter AM, 'Building Global Democracy' (2000) 1 CJIL 223
- Slaughter AM, 'Judicial Globalization' (2000) 40 VJIL 1103
- Slaughter AM, 'A Global Community of Courts' (2003) 44 HILJ 191
- Solares EJ, 'Las normas internacionales convencionales de derechos humanos y su contribución al orden público internacional' (2014) 14 RDUNED 325
- Sparks T, 'Reassessing State Consent to Jurisdiction: The Indispensable Third Party Principle before the ICJ' (2022) 91 NJIL 216
- Sparks T and Somos M, 'Grotian Moments: An Introduction' (2021) 42 Grotiana 179
- Sur S, 'La créativité du droit international' (2012) 363 RdC 9.
- Talmon S, 'Determining Customary International Law: The ICJ's Methodology between Induction, Deduction and Assertion' (2015) 26 EJIL 417
- Teller P, 'Goodman's Theory of Projection' (1969) 20 BPhS 219
- Tomuschat C, 'Obligations Arising for States without or against Their Will' (1993) 241 RdC 83
- Townley S, 'The Rise of Risk in International Law' (2018) 18 CJIL 593
- Treves T, 'Customary International Law' (2006) MPEPIL <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1393>>
- Tunkin G, 'Is General International Law Customary International Law Only?' (1993) 4 EJIL 534
- Tuomela R, 'Collective Acceptance, Social Institutions, and Social Reality' (2003) 62 AJES 123
- Tzekvelos V, 'The Use of Article 31(3)(c) of the VCLT in the Case Law of the ECtHR: An Effective Anti-Fragmentation Tool or a Selective Loophole for the Reinforcement of Human Rights Teleology? Between Evolution and Systemic Integration' (2010) 31 MJIL 621
- Van Aaken A, 'Interests, Strategies and Veto Players: The Political Economy of Interpreting Customary International Law' (2022) 19 ESIL Reflections 11(2) <https://esil-sedi.eu/wp-content/uploads/2022/09/ESIL-Reflection-Anne-van-Aaken_final-version.pdf>
- Vandevelde KJ, 'Sustainable Liberalism and the International Investment Regime' (1997) 19 MJIL 373
- Vanhamme J, 'Formation and Enforcement of Customary International Law: The European Union's Contribution' (2008) 39 NYIL 127
- Verdier PH and Versteeg M, 'International Law in National Legal Systems: An Empirical Investigation' (2015) 109 AJIL 528
- Verdier PH and Voeten E, 'Precedent, Compliance, and Change in Customary International Law: An Explanatory Theory' (2014) 108 AJIL 389

- Verdross A, 'Les principes généraux du droit dans la jurisprudence internationale, 1935' (1935) 52 RdC 193
- Vessey J, 'The Principle of Prevention in International Law' (1998) 3 ARIEL 181
- Vickers J, 'The Problem of Induction', *The Stanford Encyclopedia of Philosophy* (Winter edn 2022) <http://plato.stanford.edu/entries/induction-problem/>
- Vidmar J, 'The Use of Force as a Plea of Necessity' (2017) 111 AJIL 302
- Voyiakis E, 'International Law, Interpretative Fidelity and the Hermeneutics of Hans-Georg Gadamer' (2011) 54 GYIL 385
- Wallace RJ, 'Practical Reason', *The Stanford Encyclopedia of Philosophy* (Spring edn, 2020) <https://plato.stanford.edu/entries/practical-reason/>
- Weeramantry CG, 'The Function of the International Court of Justice in the Development of International Law' (1997) 10 LJIL 309
- Weisburd AM, 'Customary International Law: The Problem of Treaties' (1988) 21 VJIL 1
- Weisburd AM, 'The International Court of Justice and the Concept of State Practice' (2009) 31 UPJIL 330
- White JB, 'Law as Language: Reading Law and Reading Literature' (1982) 60 Tex L Rev 415
- Williamson J, 'Inductive Influence' (2007) 58 BPhS 689
- Wolfke K, 'Some Persistent Controversies Regarding Customary International Law' (1993) 24 NYIL 1
- Wood M, 'Customary International Law and the General Principles of Law Recognized by Civilized Nations' (2019) 21 ICLR 307
- Worster W, 'The Inductive and Deductive Methods in Customary International Law Analysis: Traditional and Modern Approaches' (2014) 45 GJIL 445
- Yee S, 'Sketching the Debate on Military Activities in the EEZ: An Editorial Comment' (2010) 9 Chinese JIL 1
- Yeini SA, 'The Specially-Affecting States Doctrine' (2018) 112 AJIL 244
- Yildiz E and Yüksel U, 'Limits of Behavioral Approaches: Lessons from the Field of Maritime Boundary Making' (2022) 23 GLJ 413
- Zamir N, 'The Applicability of the *Monetary Gold* Principle in International Arbitration' (2017) 33 Arb Int'l 523
- Zarbiyev F, 'Judicial Activism in International Law: A Conceptual Framework for Analysis' (2012) 3 JIDS 247

Online Unpublished Academic Papers, Blog Posts, Position Papers and Encyclopedia Entries

- 'equilibrium', *Encyclopedia Britannica* (21 July 2022) <www.britannica.com/science/equilibrium-physics>
- Ammann O, 'On the Interpretability of Customary International Law: A Response to Nina Mileva and Marina Fortuna' (*Opinio Juris*, 7 October 2019) <<http://>

- [opiniojuris.org/2019/10/07/on-the-interpretability-of-customary-international-law-a-response-to-nina-mileva-and-marina-fortuna/](https://www.opiniojuris.org/2019/10/07/on-the-interpretability-of-customary-international-law-a-response-to-nina-mileva-and-marina-fortuna/)>
- Bourcier D and Mazzeo P, 'Toward Measures of Complexity in Legal Systems', *ICAIL '07: Proceedings of the 11th International Conference on Artificial Intelligence and Law* (June 2007) <<https://dl.acm.org/doi/10.1145/1276318.1276359>>
- Cohen HG, 'Methodology and Misdirection: Custom and the ICJ' (*EJIL: Talk!*, 1 December 2015) <www.ejiltalk.org/methodology-and-misdirection-a-response-to-stefan-talmon-on-custom-and-the-icj/>
- D'Aspremont J, 'Bypassing the Authority of international law: The virtue of modern self-referentiality' (21 September 2017; forthcoming in G Hernandez and G Jokubauskaite (eds), *Constructing Authority in International Law*) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3040975>
- D'Amato A, 'Legal Uncertainty' (2010) Faculty Working Papers 108, <<http://scholarlycommons.law.northwestern.edu/facultyworkingpapers/108>>
- Di Marco R, 'Customary International Law: A Foreword to Identification v. Interpretation', TRICI-Law Research Paper 009/2019 <www.academia.edu/43325436/Customary_International_Law_a_Foreword_to_Identification_v_._Interpretation>
- Drake GWF, 'thermodynamics' (*Encyclopedia Britannica*, 15 May 2023) <www.britannica.com/science/thermodynamics>
- Eur-Lex, 'Treaties Currently in Force' (EU, 2022) <<http://ec.europa.eu/world/agreements/viewCollection.do>>
- Fortuna M, 'Different Strings of the Same Harp: Interpretation of Customary International Rules, Their Identification and Treaty Interpretation' (2020, revised 2021) University of Groningen Faculty of Law Research Paper 48/2020 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3798476>
- German Federal Foreign Office, German Federal Ministry of Defence, and German Federal Ministry of the Interior, Building and Community, 'On the Application of International Law in Cyberspace' (Position paper, March 2021) <www.auswaertiges-amt.de/blob/2446304/32e7b2498e10b74fb17204c54665bdf0/on-the-application-of-international-law-in-cyberspace-data.pdf>
- Goodstein D, 'mechanics', *Encyclopedia Britannica* (21 August 2020) <www.britannica.com/science/mechanics>
- Hosch WL, 'isomorphism', *Encyclopedia Britannica* (15 July 2009) <www.britannica.com/science/isomorphism-mathematics>
- ILC, 'Analytical Guide to the Work of the International Law Commission: General Principles of Law' (UN, 2023) <https://legal.un.org/ilc/guide/1_15.shtml>
- Jeutner V and Paddeu F, 'Three Paradoxes of Customary Law' (The Logic of International Law Conference Maastricht University 2022)

- Kades E, 'The Laws of Complexity and the Complexity of Laws: The Implications of Computational Complexity Theory for the Law' (1997) Faculty Publications 646 <<https://scholarship.law.wm.edu/facpubs/646>>
- Kamensky JM, 'Managing the Complicated vs. the Complex' (IBM Center for the Business of Government, Fall/Winter 2011) <www.businessofgovernment.org/sites/default/files/JohnKamensky.pdf>
- Marcos H, Waltermann A and Hage J, 'From Sovereignty to International Cooperation: Lessons from Legal Logic and Social Ontology' (2021) Maastricht Faculty of Law Working Paper Series 2021/01 <https://cris.maastrichtuniversity.nl/ws/portalfiles/portal/76750436/law_working_paper_series_2021_01_bezerra_marcos_waltermann_hage.pdf>
- Martinich AP and Stroll A, 'epistemology', *Encyclopedia Britannica* (26 August 2022) <www.britannica.com/topic/epistemology>
- Mileva N and Fortuna M, 'Emerging Voices: The Case for CIL Interpretation – An Argument from Theory and an Argument from Practice' (*Opinio Juris*, 23 August 2019) <<http://opiniojuris.org/2019/08/23/emerging-voices-the-case-for-cil-interpretation-an-argument-from-theory-and-an-argument-from-practice/>>
- Siegenfeld and Y Bar-Yam A, 'An Introduction to Complex Systems Science and Its Applications' [2020] Complexity <<https://onlinelibrary.wiley.com/doi/epdf/10.1155/2020/6105872>>
- Turner C, 'Interconstituted Legal Agents' (2022) University of Georgia School of Law Research Paper 2022-07 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4049942>
- UK Government, 'Chemical Weapon Use by Syrian Regime: UK Government Legal Position' (Policy paper, 29 August 2013) <www.gov.uk/government/publications/chemical-weapon-use-by-syrian-regime-uk-government-legal-position/chemical-weapon-use-by-syrian-regime-uk-government-legal-position-html-version>