

# THE PHILOSOPHY OF INTERNATIONAL LAW

BCL/MJjur Seminars, HT 2011

Wks 2, 4, 6, 8.  
We. 1100-1300  
Wharton Room; All Souls College

Mr D.O. Akande, St. Peter's College  
Dr P. Eleftheriadis, Mansfield College  
Prof. A.V. Lowe, All Souls College  
Prof. H. Shue, Merton College

## READINGS

### **Week 2, (Wednesday 26 January): 'The Sources of International Law'**

- Samantha Besson, 'Theorizing the Sources of International Law' in Besson and Tasioulas (eds.), *The Philosophy of International Law* (OUP, 2010) p. 163
- David Lefkowitz, 'The Sources of International Law: Some Philosophical Reflections' in Besson & Tasioulas (eds.), p. 187

#### Further Reading

- Prosper Weil, 'Towards Relative Normativity in International Law' 77 *American Journal of International Law* (1983) 420
- Ronald Dworkin, 'Human Rights and International Law' available at: <http://www.law.nyu.edu/academics/colloquia/clppt/index.htm>
- Basak Cali, 'On Interpretivism and International Law' 20 *European Journal of International Law* (2009) 805-822
- John Tasioulas, 'The Legitimacy of International Law' in Besson & Tasioulas (eds.), 97
- Allen Buchanan, 'The Legitimacy of International Law' in Besson & Tasioulas (eds.), 79

### **Week 4, (Wednesday 9 February): 'Sovereignty'**

- Timothy Endicott, 'The Logic of Freedom and Power' in Besson and Tasioulas (eds.), pp. 245.
- Jean Cohen, 'Sovereignty in the Context of Globalisation: A Constitutional Pluralist Perspective' in Besson & Tasioulas (eds.), 261.

#### Further Reading:

- A V Lowe, 'Sovereignty and International Economic Law' in W Shan, P Simons, D Singh (eds), *Redefining Sovereignty in International Economic Law* (Hart Publishing 2008)
- Pavlos Eleftheriadis, 'Law and Sovereignty' 29 *Law and Philosophy* (2010) 535-569.

### **Week 6, (Wednesday 23 February): 'The Laws of War'**

- Jeff McMahan, 'The Laws of War', in Besson & Tasioulas (eds.), p. 493
- Henry Shue, 'The Laws of War', in Besson & Tasioulas (eds.), p. 511

#### Further Reading

- Danilo Zolo, 'Humanitarian Militarism?' in Besson & Tasioulas (eds.), p. 549
- Thomas Franck, 'Humanitarian Intervention' in Besson & Tasioulas (eds.) p. 531

### **Week 8, (Wednesday 9 March): 'International Responsibility'**

- James Crawford and Jeremy Watkins, 'International Responsibility' in Besson & Tasioulas (eds.), p .283
- Liam Murphy, 'International Responsibility' in Besson & Tasioulas (eds.), 299

#### Further Reading

- David Luban, 'International Criminal Law' in Besson & Tasioulas.
- Anthony Duff 'International Criminal Law' in Besson & Tasioulas.
- Allen Buchanan, *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law* (Oxford: Oxford University Press, 2003), ch. 7 'The Legitimacy of the International Legal System'.