Formalism and the Sources of International Law

Jean d’Aspremont - 2013-05-23

This book revisits the theory of the sources of international law from the perspective of formalism. It critically analyses the virtues of formalism, construed as a theory of law ascertainment, as a means of distinguishing between law and non-law. The theory of formalism is re-evaluated against the backdrop of the growing acceptance by international legal theorists of the blurring of the lines between law and non-law. At the same time, the book acknowledges that much international norms activity nowadays takes place outside the ambit of traditional international law, and that only a limited part of the exercise of public authority at the international level results in the creation of international legal rules. The theory of ascertainment that the book puts forward attempts to dispel some of the illusions of formalism that accompany the traditional sources of international law. It also sheds light on the tendency of scholastic scholars, scholars, and advocates to deform the identification of international legal rules with a view to expanding international law. The book seeks to reinvigorate and refresh the formal identification of rules by engaging with some tenets of the postmodern critique of formalism. As a result, the book not only grapples with the practice of law-making at the international level, but also it offers broad theoretical insights on international law, dealing with the main schools of thought in legal theory (positivism, naturalism, legal realism, policy-oriented jurisprudence, and postmodernism). This paperback edition features the author's discussion of this book on the EJIL Talk blog.

The Oxford Handbook of International Legal Theory

Jean d’Aspremont - 2013-05-23

This is the static question of the pedigree of international legal rules and the boundaries of the international legal order. Second, what are the processes through which these rules are made? To which family of approaches do these questions belong? To which family of approaches do these rules and of the exercise of public authority in international law. The Oxford Handbook on the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law. It provides an accessible and systematic overview of the key issues and debates around the sources of international law. It also offers an authoritative theoretical guide for anyone studying or working within the international legal field, in order to understand one of its most foundational questions. This handbook features original essays by leading international law scholars and theorists from a range of traditions, nationalities and perspectives, reflecting the richness and diversity of scholarship in this area.

The Oxford Handbook of the Sources of International Law

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This question will define the boundaries of the scholarly controversies: where do the rules of international law come from? And more precisely: through which processes they are made, how do they ascertain, and where does the international legal order begin and end? These traditional questions bear on at least two different levels of understanding. First, how are international norms validated as rules of international "law," i.e. legally binding norms? This is the static question of the pedigree of international legal rules and the boundaries of the international legal order. Second, what are the processes through which these rules are made? To which family of approaches do these questions belong? To which family of approaches do these rules and of the exercise of public authority in international law. The Oxford Handbook on the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law. It provides an accessible and systematic overview of the key issues and debates around the sources of international law. It also offers an authoritative theoretical guide for anyone studying or working within the international legal field, in order to understand one of its most foundational questions. This handbook features original essays by leading international law scholars and theorists from a range of traditions, nationalities and perspectives, reflecting the richness and diversity of scholarship in this area.

The Oxford Handbook of the Theory of International Law

Ann Oxford - 2016-09-22

The Oxford Handbook of International Law provides an accessible and authoritative guide to the major thinkers, concepts, and debates that have shaped contemporary international law. The Handbook features 40 original essays by leading international scholars from a wide range of traditions, nationalities, and perspectives, reflecting the richness and diversity of this dynamic field. The collection explores key questions and debates in international legal theory, offering a comprehensive overview of the major strands of thought in the discipline. It provides a much-needed map of the field of international legal theory, and a guide to the main themes and debates that have driven theoretical work in international law. The Handbook will be an indispensable reference work for students, scholars, and practitioners seeking to gain an overview of current theoretical debates about the nature, function, foundations, and future role of international law.

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Russian formalism

Vicier Edich - 1977

This volume examines the elements of formalism and deconstruction in Russian legal thinking and, also, the impact of conservatism on the interplay of these elements. This combination leads to internal contradictions in theorizing about law and rights in Russian legal culture.

Formalism, Decisionism and Conservatism in Russian Law

Mikhail Antsov - 2020-11-09

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In his review of Shakespeare and Historical Formalism, Eyers explores the possibilities and limits of deconstructive antihistoricist theory of literary reference. Where formalism has often been accused of sealing texts within themselves, Eyers demonstrates instead how a renewed, Speculative Formalism engages decisively in recent debates in the literary humanities around form and formalism, making the case for a new, nonmimetic and Speculative Formalism.

This is a sequel to the review volume Quark-Gluon Plasma. There are 13 articles contributed by leading investigators in the field, covering a wide range of topics about and future directions of multi-formalism research. With complex systems and complex requirements being a challenge that designers must face to reach quality results, multi-formalism modeling offers tools and assumptions. Concluding with suggestions for further reading on historical formalism and related work, Shakespeare and Historical Formalism invites scholars to historicist and political sources, meanings and functions of Shakespeare's dramatic forms. The second section, 'Re-Forming History', uses questions of form to rethink formalism, and a historicist criticism revitalized by attention to issues of form. The first section, 'Historicizing Form', explores from a variety of perspectives the historicism and political sources, meanings and functions of Shakespeare's dramatic forms. The second section, 'Re-Forming History', uses questions of form to rethink our understanding of historicism and of history itself, and in doing so challenges some of our fundamental literary-critical, pedagogical and epistemological assumptions. Further reading on historical formalism and related work. Shakespeare and Historical Formalism invites scholars to the rich categories and principles of formal and historic criticism.

**Form and formalism in linguistics** - James McElvenny - 2019-06-06

"Form" and "formalism" are a pair of highly productive and polysemous terms that occupy a central place in much linguistic scholarship. Diverse notions of "form" - embedded in biological, cognitive and aesthetic discourses - have been employed in accounts of language structure and relationship, while "formalism" harbours a family of senses referring to particular approaches to the study of language as well as representations of linguistic phenomena. This volume brings together a series of contributions from historians of science and philosophers of language that explore some of the key meanings and uses that these multifaceted terms and their associated definitions and usages have acquired over time.

**Social Formalism** - Dorothy J. Hale - 1998

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Using a large number of developing countries, four main findings are highlighted. First, firms in civil legal origin countries rely more on debt financing compared to common law origin countries. Second, strengthening laws and institutions as well as deepening capital markets in developing countries to improve financing conditions and investment outcomes. Third, stronger creditor rights increase debt financing and reduce earnings volatility. Fourth, firm listing on a developed stock exchange shifts the capital structure towards more equity financing, and it increases the firm's ability to borrow more when the judicial system is inefficient. The results reinforce the importance of strengthening laws and institutions as well as deepening capital markets in developing countries to improve financing conditions and investment outcomes.

Functionalism and Formalism in Linguistics - Michael Derrill - 1999-03-15

The book distills and articulates international law as a social construct. It does so by analysing its social foundations, essence, and roots in practical and social theory (as opposed to 'pure') reasons. In addition to well-known doctrines of jurisprudence and international law, it shows upon-analytic insights into the origins and nature of law, as well as the social construction of international law and to the struggle to create better working rules. The book re-conceptualizes both past and new doctrines of international law as 'constructs', meaning that it challenges the anti-formalist orthodoxies of new historicism and expands the social construction approach in particular. Without losing the essence of the social constructivism, the book critiques the familiar categories and principles of formal and historical criticism. The social impact on international law of transnational actors and stakeholders, normative fragmentation, jurisdictional conflicts, and the social relationships among asymmetric contractual parties, are shown to be part of this process. The book re-conceptualizes both past and new doctrines of international law as 'constructs', meaning that it challenges the anti-formalist orthodoxies of new historicism and expands the social construction approach in particular. Without losing the essence of the social constructivism, the book critiques the familiar categories and principles of formal and historical criticism. The social impact on international law of transnational actors and stakeholders, normative fragmentation, jurisdictional conflicts, and the social relationships among asymmetric contractual parties, are shown to be part of this process. The book re-conceptualizes both past and new doctrines of international law as 'constructs', meaning that it challenges the anti-formalist orthodoxies of new historicism and expands the social construction approach in particular. Without losing the essence of the social constructivism, the book critiques the familiar categories and principles of formal and historical criticism. The social impact on international law of transnational actors and stakeholders, normative fragmentation, jurisdictional conflicts, and the social relationships among asymmetric contractual parties, are shown to be part of this process. The book re-conceptualizes both past and new doctrines of international law as 'constructs', meaning that it challenges the anti-formalist orthodoxies of new historicism and expands the social construction approach in particular. Without losing the essence of the social constructivism, the book critiques the familiar categories and principles of formal and historical criticism. The social impact on international law of transnational actors and stakeholders, normative fragmentation, jurisdictional conflicts, and the social relationships among asymmetric contractual parties, are shown to be part of this process.

Russian Formalism - Victor Erlich - 1980-01-01

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International Law - Malcolm Evans - 2014-02-24

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Financial Decisions and Investment Outcomes in Developing Countries - Rina Turk - 2015-02-25

This paper analyzes how differences in legal origin, judicial efficiency, and investor protection affect firm leverage and earnings volatility across developing countries. Using a large number of developing countries, four main findings are highlighted. First, firms in common law origin countries exhibit higher leverage and earnings volatility across countries. Second, strengthening laws and institutions as well as deepening capital markets in developing countries to improve financing conditions and investment outcomes.

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The Multi-Messenger Approach to High-Energy Gamma-Ray Sources - Joseph M. Paredes - 2007-11-12

The book provides a comprehensive and up-to-date overview of the state of the art of gamma-ray astrophysics, and their impact and connection with the physics of cosmic rays and neutrinos. With the aim of shedding new and fresh light on the problem of the nature of the gamma-ray sources, particularly those yet unidentified, this book summarizes contributions to a workshop that continues today.

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The Polish Formalist School and Russian Formalism - Andrzej Karcz - 2002

A comparison of two schools of literary criticism, showing how the Polish Formalist School modified and truncated the original ideas of Russian Formalism.

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Three Hundred Years of Gravitation - Stephen Cohen - 1999-03-30

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Formalism and Marxism - Tony Bennett - 2004-04-01

Russian Formalism and Marxist criticism had a seismic impact on twentieth-century literary theory and the sh eelowers are still felt today. First published in 1978, Tony Bennett’s Formalism and Marxism creates its own reverberations by offering a ground-breaking new interpretation of the Formalists’ achievements and demanding a new way forward in Marxist criticism. The author first introduces and reviews the work of the Russian Formalists, a group of theorists who made an extraordinarily vital contribution to literary theory in the decade following the October Revolution of 1917. Placing the work of key figures in context and addressing such issues as aesthetics, linguistics and the category of literary form and literary evolution, Bennett argues that the Formalists’ concerns provided the basis for a radically historical approach to the study of literature. Bennett then turns to the situation of Marxist criticism ad sketches the risks it has run in becoming overly entangled with the concerns of traditional aesthetics. He forcefully argues that through a serious and sympathetic reassessment of the Formalists and their historical approach, Marxist critics might find their way back on to the terrain of politics, where they and their work belong. Addressing such crucial questions as ‘What is literature?’ or ‘How should it be studied and to what end?’, Formalism and Marxism explores ideas which should be considered by any student or reader of literature and provides a particular challenge to those interested in Marxist criticism. Now with a new preface, this classic text still offers the best available starting point for those new to the field, as well as representing a crucial intervention in twentieth-century literary theory.

Theoretical Biology and Complexity: Three Essays on the Natural Philosophy of Complex Systems is made up of three short essays—each separately conceived and written, each with distinct thrusts and emphases, but nevertheless closely related in substance and spirit. All three spring from a common concern: to grasp and comprehend the material basis of living systems. The first essay is about the interaction between particles and the consequent observable manifestations. It casts the analysis of the measurement process into an elegant dualism relating modes of description, and explores the consequences of this dualism for what may be called classical physics. The second essay describes an introduction to IT professionals who wish to gain insight into theoretical results in the technically-oriented data quality area, and apply some of the key concepts to their practice.

Data Quality - Yuyu Richard Wang - 2001

Data Quality provides an expose of research and practices in the data quality field for technically oriented readers. It is based on the research conducted at the MIT Total Data Quality Management (TDQM) program and work from other leading research institutions. This book is intended primarily for researchers, practitioners, educators and graduate students in the fields of Computer Science, Information Technology, and other interdisciplinary areas. It forms a theoretical foundation that is both rigorous and relevant for dealing with advanced issues related to data quality. Written with the goal to provide an overview of the cumulated research results from the MIT TDQM research perspective as it relates to database research, this book is an excellent introduction to Ph.D. who wish to further pursue their research in the data quality area. It is also an excellent technical introduction to IT professionals who wish to gain insight into theoretical results in the technically-oriented data quality area, and apply some of the key concepts to their practice.

Theoretical Biology and Complexity - Robert J. Rosen - 2013-09-03

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Khan's Treatment Planning in Radiation Oncology - Paul W. Sperduto, John P. Gibbons - 2005-04-01

Khan’s Treatment Planning in Radiation Oncology, Fifth Edition, provides a team approach to this complex field. Drs. Paul W. Sperduto and John P. Gibbons are joined by expert contributing authors who focus on the application of physical and clinical concepts to solve treatment planning problems—helping you provide effective, state-of-the-art care for cancer patients. This unique, well-regarded text has been updated throughout to reflect the most current practices in today’s radiation oncology treatment.

Thermal Science Abstracts - 1975

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Khan's Treatment Planning in Radiation Oncology - Fauz Khan - 2021-09-17

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