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4.2 The Contestations of Formal Law-Ascertainment in the Theory of the Sources of International Law
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5.2 The Softness of International Law
5.3 The Diverging Agendas Behind the Deformalization of Law-Ascertainment; 6. Lessons from the Discontent with Formalism; 6.1 Assuming Indeterminacy of Law-Ascertainment Criteria; 6.2 The Politics of Formal Law-Ascertainment; 6.3 Normativity and Empirical Methodology; 7. The Configuration of Formal Ascertainment of International Law: The Source Thesis; 7.1 Dispelling the Illusion of Formalism Accompanying Formal Evidentiary, Law-Making, and Content-Determining Processes
7.2 Ascertainment of International Legal Rules in Traditional Source Doctrines and Case-Law

Sommario/riassunto

This book revisits the theory of the sources of international law from the perspective of formalism. It critically analyzes 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 normative activity nowadays takes place outside the ambit of traditional international law and that only a limited
