

| | |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Record Nr. | UNINA9910484191103321 |
| Titolo | Cynical international law? : abuse and circumvention in public international and European law // Bjornstjern Baade [and six others], editors |
| Pubbl/distr/stampa | Berlin, Germany : , : Springer, , [2021] ©2021 |
| ISBN | 3-662-62128-2 |
| Edizione | [1st ed. 2021.] |
| Descrizione fisica | 1 online resource (XVI, 369 p. 7 illus., 1 illus. in color.) |
| Collana | Beitrage zum auslandischen offentlichen Recht und Volkerrecht ; ; Band 296 |
| Disciplina | 149 |
| Soggetti | Cynicism |
| Lingua di pubblicazione | Inglese |
| Formato | Materiale a stampa |
| Livello bibliografico | Monografia |
| Nota di contenuto | How (Not) to Be Cynical in International Law by Björnstjern Baade, Dana Burchardt, Prisca Feihle, Alicia Köppen, Linus Mührel, Lena Riemer and Raphael Schäfer -- Part I – Cynical Foundations of International Law: Cynicism and the Autonomy of International Law by Theresa Reinold -- Beyond Cynicism and Critique: International Law and the Possibility of Change by Gabriel M Lentner -- Cynicism as a Modus of Political Agency: Can It Speak to International Law? by Hengameh Saberi -- Part II – Cynical Actors in International Law: The International Law Commission as a Club of Cynics? Originalism and Legalism in the Commission’s Contemporary Work by Konstantin Kleine -- The Added Value of the International Law Commission and Its Future Role in the Progressive Development and Codification of International Law by Patricia Galvão Teles -- From Speaking Truth to Power to Speaking Power’s Truth: Transnational Judicial Activism in an Increasingly Illiberal World by Daniel R. Quiroga-Villamarín -- From Judicialisation to Politicisation? A Response to Daniel Ricardo Quiroga-Villamarín by an Academic Turned Practitioner by Andreas Paulus -- Oceans of Cynicism? Norm-Genesis, Lawfare and the South China Sea Arbitration Case by Christian R. J. Pogies -- Peace Through Law? The Role of the Law of the Sea Convention Put into Question by Nele Matz-Lück -- Part III – Cynicism in European Law and Subfields of International Law: |

Assessing the Strategic Use of the EU Preliminary Ruling Procedure by National Courts by Jesse T. Claassen -- In International Law We (Do Not) Trust: The Persistent Rejection of Economic and Social Rights as a Manifestation of Cynicism by Caroline Omari Lichuma -- In International Law We Shall Trust – (Even in) The Case of Economic and Social Rights by Dominik Steiger -- All Is Fair in Law and War? Legal Cynicism in the Israeli-Palestinian Conflict by Shiri Krebs -- Cynicism? Yes, Please! Embracing Cynicism at the International Criminal Court by Elisabeth Baier -- Part IV – Cynicism and Abuse of Rights: Abuse of Right in International Law: A Roman Law Analogy by Andrea Faraci and Luigi Lonardo -- Abuse of Rights: From Roman Law to International Law? Comments on the Contribution by Andrea Faraci and Luigi Lonardo by Helmut Philipp Aust -- Cynicism and Nationality Planning in International Investment Law by Philipp Janig -- (New) Ways of Combating Abuse and Circumvention of European Law on the Example of Tax Evasion and Tax Avoidance by Helene Hayden -- Cynicism as an Analytical Lense for International Law? Concluding Observations by Heike Krieger.

Sommario/riassunto

Analysing international law through the prism of “cynicism” makes it possible to look beyond overt disregard for international law, currently discussed in terms of a backlash or crisis. The concept allows to analyse and criticise structural features and specific uses of international law that seem detrimental to international law in a more subtle way. Unlike its ancient predecessor, cynicism nowadays refers not to a bold critique of power but to uses and abuses of international law that pursue one-sided interests tacitly disregarding the legal structure applied. From this point of view, the contributions critically reflect on the theoretical foundations of international law, in particular its relationship to power, actors such as the International Law Commission and international judges, and specific fields, including international human rights, humanitarian, criminal, tax and investment law.
