

1. Record Nr.	UNINA9910778274003321
Autore	Martin Francisco Forrest
Titolo	The constitution as treaty : the international legal constructionalist approach to the U.S. Constitution / / Francisco Forrest Martin [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2007
ISBN	1-107-18517-3 1-281-15357-5 9786611153571 1-139-13344-6 0-511-35527-0 0-511-51116-7 0-511-35475-4 0-511-35417-7 0-511-35579-3
Descrizione fisica	1 online resource (xi, 216 pages) : digital, PDF file(s)
Disciplina	342.73
Soggetti	Constitutional law - United States Judicial review - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Final judicial review authority of federal and other international courts -- The fallacy of federal judicial activism in light of international law's non liquet prohibition principle -- The positive law of nations and its interpretive principles -- The natural law of nations -- Article III, international legal interpretation -- Extra-Article III, international legal interpretation -- The general liberal construction rule : extending Lynham to other Article III and Extra-Article III international law.
Sommario/riassunto	The Constitution as Treaty, first published in 2007, transforms the conceptualization of US constitutional law by exploring the interpretive implications of viewing the US Constitution as a treaty. It argues that federal courts constitute an international tribunal system, and, as such, their jurisdiction is governed by international law enabling them to

exercise judicial review authority and undercutting much of the judicial activist critique. The Constitution as Treaty continues with an examination of what is international law and its major interpretive principles in order to set the stage for examining how different sources and principles of international law are intrinsically integrated into US constitutional law and, thereby, are available to federal courts for deciding cases. It addresses the Charming Betsy Rule, the non-self-execution doctrine, the last-in-time rule, and the proper use of customary international law and other international law sources not mentioned in Article III. The Constitution as Treaty concludes that federal courts generally must construe the United States' international legal obligations liberally.
