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Mershed -- From paradox to subsidiarity : the United States and human rights treaty bodies / Tara J. Melish -- The U.S. and international claims and compensation bodies / John R. Crook -- Does the United States support international tribunals? : the case of the multilateral trade system / Jeffrey L. Dunoff -- The United States and dispute settlement under the North American Free Trade Agreement : ambivalence, frustration, and occasional defiance / David A. Gantz -- Dispute settlement under NAFTA chapter 11 : a response to the critics in the United States / Susan L. Karamanian -- The United States and international courts : getting the cost-benefit analysis right / Cesare P. R. Romano.

Sommario/riassunto

The Sword and the Scales is the first in-depth and comprehensive study of attitudes and behaviors of the United States toward major international courts and tribunals, including the International Courts of Justice, WTO, and NAFTA dispute settlement systems; the Inter-American Court of Human Rights; and all international criminal courts. Thirteen essays by American legal scholars map and analyze current and past patterns of promotion or opposition, use or neglect, of international judicial bodies by various branches of the United States government, suggesting a complex and deeply ambivalent relationship. The United States has been, and continues to be, not only a promoter of the various international courts and tribunals but also an active participant of the judicial system. It appears before some of the international judicial bodies frequently and supports more, both politically and financially. At the same time, it is less engaged than it could be, particularly given its strong rule of law foundations and its historical tradition of commitment to international law and its institutions.
