



Customary International Law: A New Theory with Practical Applications (ASIL Studies in International Legal Theory)

Brian D. Lepard

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Customary international law, although long recognized as a primary source of international law, remains replete with enigmas, both conceptual and practical. These include how to determine the existence of *opinio juris*, the function of the state practice requirement, the definition of *jus cogens* customary norms, and the relationship between customary international law and ethics. In part because of these enigmas, the subject has generated a wide-ranging literature. However, no recent book-length work has attempted to articulate a comprehensive theory of customary international law that can effectively resolve these questions. This book sets out to accomplish this goal. Its approach is unique in a number of ways. For example, it is multidisciplinary and draws insights from fields such as legal theory, philosophy, political science, and game theory. In addition, it is anchored in a sophisticated ethical framework and explores at length the interconnections between customary international law and ethics.



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