

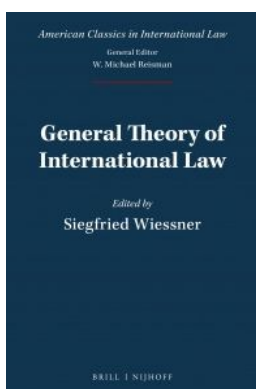
【国際法、法哲学、憲法、法思想史】

📖 アメリカで発展した国際法の古典的諸理論を集めた重要論文集

# 国際法の一般理論

## General Theory of International Law

Wiessner, Siegfried (ed.), General Theory of International Law. (American Classics in International Law 1) 2017:2 (Brill / Nijhoff, NE) <637-1320>  
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本書は国際法に関するアメリカの一般理論を提示し、批評する論文集です。検討の枠組みは国際法の問題や、その正当化、形式主義と経験の闘い、正当性と公平の多様な理論、国際法の有効性、実証分析、周縁・中心からの批評、改善へのアプローチにまで及びます。とくにアメリカのリアリズム法学、ニューヘブン学派、国際的・越境的法の過程、国際法の自由主義的理論、社会科学への関心に焦点を当て、法と経済学や、批判的法学研究、LatCrit、国際法に対する第三世界からのアプローチ(TWAIL)、国際法に対するフェミニズム・アプローチも盛り込んでいます。

アメリカで発展した国際法の古典的諸理論を集めた本書を国際法、憲法、法哲学、法思想史の研究者にお勧めいたします。

### □□□□□□□□□□ 《収録論文》 □□□□□□□□□□

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**Part I. American Legal Realism**

1. Roscoe Pound, *Philosophical Theory and International Law* (1923)

**Part II. International Law as Naked Power**

2. Hans J. Morgenthau, *Positivism, Functionalism, and International Law* (1940)

**Part III. The New Haven School of Jurisprudence**

3. Myres S. McDougal, *Law and Power* (1952)
4. W. Michael Reisman, *The Quest For World Order and Human Dignity in the Twenty-First Century: Constitutive Process and Individual Commitment* (2012)
5. Siegfried Wiessner & Andrew R. Willard, *Policy-Oriented Jurisprudence and Human Rights Abuses in Internal Conflict: Toward a World Public Order of Human Dignity* (1999)

**Part IV. International and Transnational Legal Process**

6. Harold Hongju Koh, *Transnational Legal Process* (1996)

**Part V. Liberal Theories of International Law**

7. Louis Henkin, *International Law: Politics, Values and Functions* (1995)
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9. Thomas M. Franck, *Fairness in International Law and Institutions* (1995)
10. Ronald Dworkin, *A New Philosophy for International Law* (2013)

**Part VI. Human Rights and the Concept of Popular Sovereignty**

11. W. Michael Reisman, *Sovereignty and Human Rights in Contemporary International Law* (1990)

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