



JUDICIAL APPLICATION OF INTERNATIONAL LAW
A Representative Listing of Current Journal Articles

- Amann, Diane Marie, *Symposium: Just Right? Assessing the Rehnquist Courts Parting Words on Criminal Justice: International Law and Rehnquist-Era Reversals*, 94 *Geo. L. J.* 1319 (June 2006).
- Bradley, Curtis A., Jack L. Goldsmith, and David H. Moore, *Sosa, Customary International Law, and the Continuing Relevance of Erie*, 120 *Harv. L. Rev.* 869 (February 2007).
- Broomfield, Emma V., *A Failed Attempt to Circumvent the International Law on Torture: The Insignificance of Presidential Signing Statements under The Paquete Habana*, 75 *Geo. Wash. L. Rev.* 105 (November 2006).
- Buys, Cindy G., *Burying Our Constitution in the Sand? Evaluating the Ostrich Responses to the Use of International and Foreign Law in U.S. Constitutional Interpretation*, 21 *BYU J. Pub. L.* 1 (2007).
- Calabresi, Steven G., *Symposium: The Role of the Judge in the Twenty-First Century: "A Shining City on a Hill": American Exceptionalism and the Supreme Courts Practice of Relying on Foreign Law*, 86 *B.U.L. Rev.* 335 (December 2006).
- Casto, William R., *The New Federal Common Law of Tort Remedies for Violations of International Law*, 37 *Rutgers L. J.* 635 (Spring 2006).
- Choharis, Peter Charles, *U.S. Courts and the International Law of Expropriation; Toward a New Model for Breach of Contract*, 80 *S. Cal. L. Rev.* 1 (2006).
- Cohen, Harlan Grant, *Supremacy and Diplomacy: The International Law of the U.S. Supreme Court*, 24 *Berkeley J. Int'l L.* 273 (2006).
- Colangelo, Anthony J., *Constitutional Limits on Extraterritorial Jurisdiction: Terrorism and the Intersection of National and International Law*, 48 *Harv. Int'l L.J.* 121 (Winter 2007).
- Crook, John R., ed., *Contemporary Practice of the United States Relating to International Law*, *Am. J. of Int'l Law*. Prior years edited by Sean Murphy.

- Decker, Joshua A., *Is the United States Bound by the Customary International Law of Torture? A Proposal for ATS Litigation in the War on Terror*, 6 Chi. J. Int'l L. 803, 66 (Winter 2006).
- DeLaquil, Mark Wendell, *Symposium: "Outsourcing Authority?" Citation to Foreign Court Precedent in Domestic Jurisprudence: Foreign Law and Opinion in State Courts*, 69 Alb. L. Rev. 697 (2006).
- Delahunty, Robert J. and John Yoo, *International Law and the State of the Constitution: The Twenty-Fifth Annual National Student Federalist Society Symposium on Law and Public Policy 2006: Executive Power v. International Law*, 30 Harv. J.L. & Pub. Pol'y 73 (Fall 2006).
- Easterbrook, Frank H., *International Law and the State of the Constitution: The Twenty-Fifth Annual National Student Federalist Society Symposium on Law and Public Policy – 2006: Foreign Sources and the American Constitution*, 30 Harv. J.L. & Pub. Pol'y 223 (Fall 2006).
- Engle, Eric, *European Law in American Courts: Foreign Law as Evidence of Domestic Law*, *Ohio Northern University Law Review*, 33 Ohio N.U.L. Rev. 99 (2007).
- Frank, Daniel J., *Constitutional Interpretation Revisited: The Effects of a Delicate Supreme Court Balance on the Inclusion of Foreign Law in American Jurisprudence*, 92 Iowa L. Rev. 1037 (2007).
- Ginsburg, Ruth Bader, *Review, Symposium: Is United States Constitutionalism Good or Bad for International Human Rights? "A Decent Respect to the Opinions of Humankind": The Value of a Comparative Perspective in Constitutional Adjudication*, 1 FIU L. Rev. 27 (Spring 2006).
- Howard, Dana, *The Consistency of Sosa: A Comparison of the Supreme Court's Treatment of Customary International Law with Other Types of Federal Common Law*, 94 Ky. L.J. 669 (2006).
- Hutt, David T. and Parshall, Lisa K. *Divergent Views on the Use of International and Foreign Law: Congress and the Executive versus the Court*, 33 Ohio N.U.L. Rev. 113 (2007).
- Jackson, Vicki C., *International Law and the State of the Constitution: The Twenty-fifth Annual National Student Federalist Society Symposium on Law and Public Policy – 2006: Constitutional Law and Transnational Comparisons: The Youngstown Decision and American Exceptionalism*, 30 Harv. J.L. & Pub. Pol'y 191 (2006).
- Kirby, Michael, *Conference: International Law - The Impact on National Constitutions Conference: International Law - The Impact on National Constitutions*, 21 Am.

- Int'l L. Rev. 327 (2006).
- Kochan, Donald J., *Sovereignty and the American Courts at the Cocktail Party of International Law: The Dangers of Domestic Judicial Invocations of Foreign and International Law*, 29 Fordham Int'l L.J. 507 (2006).
- Linde, Christopher, *The U.S. Constitution and International Law: Finding the Balance*, 15 J. Transnat'l L. & Pol'y 305 (Spring 2006).
- Markesinis Sir Basil *Judicial Mentality: Mental Disposition or Outlook as a Factor Impeding Recourse to Foreign Law*, 80 Tul. L. Rev. 1325 (March 2006).
- Markesinis, Sir Basil, *Understanding American Law by Looking at It Through Foreign Eyes: Towards a Wider Theory for the Study and Use of Foreign Law*, 81 Tul. L. Rev. 123 (2006).
- McGinnis, John O. and Ilya Somin, *Symposium: Global Constitutionalism: Global Influence on U.S. Jurisprudence: Should International Law Be Part of Our Law?*, 59 Stan. L. Rev. 1175 (2006).
- McGinnis, John O., *Symposium: "Outsourcing Authority?" Citation to Foreign Court Precedent in Domestic Jurisprudence: Contemporary Foreign and International Law in Constitutional Construction*, 69 Alb. L. Rev. 801 (2006).
- Mishali, Jessica, *Roper v. Simmons--Supreme Court's Reliance on International Law in Constitutional Decision-Making*, 21 Touro L. Rev. 1299 (2006).
- Neuman, Gerald L., *International Law and the State of the Constitution: The Twenty-Fifth Annual National Student Federalist Society Symposium on Law and Public Policy – 2006: International Law as a Resource in Constitutional Interpretation*, 30 Harv. J.L. & Pub. Pol'y 177 (Fall 2006).
- Parrish, Austen L., Article: *Storm in a Teacup: The U.S. Supreme Courts Use of Foreign Law*, U. Ill. L. Rev. 637 (2007).
- Parry, John T., Parry, John, *Paper Symposium: Domestic Enforcement of Public International Law After Sanchez-Llamas V. Oregon: Introduction: Sanchez-Llamas in Context*, 11 Lewis & Clark L. Rev. 1-89 (Spring 2007).
- Prakash, Saikrishna, *International Law and the State of the Constitution: The Twenty-Fifth Annual National Student Federalist Society Symposium on Law and Public Policy – 2006: The Constitutional Status of Customary International Law*, 30 Harv. J. L. & Pub. Pol'y 65 (Fall 2006).
- Pryor Jr., William H. *International Law and the State of the Constitution: The Twenty-Fifth Annual National Student Federalist Society Symposium on Law and Public*

- Policy – 2006: Foreign and International Law Sources in Domestic Constitutional Interpretation*, 30 Harv. J.L. & Pub. Pol'y 173 (Fall 2006).
- Rabkin, Jeremy, *International Law and the State of the Constitution: The Twenty-Fifth Annual National Student Federalist Society Symposium on Law and Public Policy – 2006: American Self-Defense Shouldn't Be Too Distracted By International Law*, 30 Harv. J.L. & Pub. Pol'y 31 (Fall 2006).
- Rogoff, Martin A., *Symposium: French and American Perspectives Towards International Law and International Institutions: Application of Treaties and the Decisions of International Tribunals in the United States and France: Reflections on Recent Practice*, 58 Me. L. Rev. 405 (2006).
- Rooney, Heather L. *Parlaying Prisoner Protections: A Look at the International Law and Supreme Court Decisions That Should Be Governing Our Treatment of Guantanamo Detainees*, 54 Drake L. Rev. 679 (Spring 2006).
- Seipp, David J., *Symposium: The Role of the Judge in the Twenty-First Century: Our Law, Their Law, History, and the Citation of Foreign Law*, 86 B.U.L. Rev. (December 2006).
- Sheik, Mani, *From Beard to Medellin: Supreme Court Inaction or ICJ Activism in the Field of International Law*, 94 Calif. L. Rev. 531 (March 2006).
- Slaughter, Anne-Marie and William Burke-White, *The Future of International Law Is Domestic (or, The European Way of Law)*, 47 Harv. Int'l L.J. 327 (Summer 2006).
- Smelcer, John D, *Comment: Using International Law More Effectively to Secure and Advance Indigenous Peoples' Rights: Towards Enforcement in U.S. and Australian Domestic Courts*, 15 Pac. Rim L. & Pol'y 301 (February 2006).
- Smith, Adam M., *Making Itself at Home Understanding Foreign Law in Domestic Jurisprudence: The Indian Case*, 24 Berkeley J. Int'l L. 218 (2006).
- Sofio, Lisa, *Recent Developments in the Debate Concerning the Use of Foreign Law in Constitutional Interpretation*, 30 Hastings Int'l & Comp. L. Rev. 131 (Fall 2006).
- Tushnet, Mark, *Essay: Referring to Foreign Law in Constitutional Interpretation: an Episode in the Culture Wars*, 35 U. Balt. L. Rev. 299 (Spring 2006).
- Weisburd, A. Mark, *Conference: Using International Law to Interpret National Constitutions - Conceptual Problems: Reflections on Justice Kirby's Advocacy of International Law in Domestic Constitutional Jurisprudence*, 21 Am.U.Int'l L. Rev. 365 (2006).
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