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Contemplating an Uneven Landscape

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Propositions

1. Authority of law can be mediated or unmediated.
2. Law's authority manifests in its capacity to pre-empt practical reasons, and this capacity does not depend on the existence of formal institutions.
3. That a norm of international law originates from a valid source does not automatically imply its authority.
4. Fluctuations of the *de facto* authority of international courts is a reflection of the relative pre-emptive strength of their judgments.
5. Interpretation of rules of customary international law consists in investigating how practical reasons are balanced within a context of a particular practice and determining how new reasons can be incorporated into the balance.
6. Fundamental values and principles of international law, such as solidarity, require normative pre-emption; a legal system that respects solidarity makes direct appeals to it redundant.
7. The traditional differentiation between the formal and substantive qualities of the law does not fully apply for the purposes of the international rule of law.
8. The authority of (international) law can be studied without a necessary inquiry into its legitimacy.
9. General jurisprudence must adopt a more inclusive and encompassing view of the concept of law and legality.
10. International law is not a borderline case of law.