HOW INTERNATIONAL LAW BECAME A FOUR-LETTER WORD

*Judge M. Margaret McKeown**

[illegible]

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; (2) , , ,

4. C C. , , . C .
B , B , C . (18, 1991).
5. E E CA , *Seven Words You Can Never Say on Television, on* C A C
(A 1972).
6. . C . , 8, . 10.

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g - ; (4) , [7]
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7. A A C A , . . 4118, 108 C g. 2(5) (2004).

8. *See* . C , *Our International Constitution*, 31 A E . , . 1, 4 (2006) (g C g g).

9. . . . 568, 108 C g. (2004).

10. *Id.*

11. *See* A A. C . 1901, . 884 (2014); .B. 88, 27 g., 2 . (A 2011); .B. 97, 88 . A ., g. ., (A . 2011); .B. 2582, 50 g., g. . (A . 2011); .B. 171, 2015-2016 g. . (. 2015); . . . 16, 117 . A ., g. . (. 2011); .B. 525, 2011 g. . (. 2011); E . C DE A . 39-13-802 (2016); A

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g U. . *are dominated by majorities from countries which do not understand or*
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.[19] g -
g g , g , .
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U. . , -
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12. . . . . 1056, 52 g., 2 . (. 2010).
13. A . , , 670 .3 1111 (10 C . 2012).
14. A . , , 966 . . 2 1198 (.D. . 2013).
15. A. , *United States Hostility to the International Criminal Court: It's All About the Security Council*, 15 EU . . r ' . 701, 702 (2004).
16. Ag C E - A, , A g. 8, 1945, 59 . 1544, 82 U. . 279; C r E , . 19, 1946, r.A. . . 1589.
17. , *supra* 15, 705.
18. . . . 130, 82 C g., 98 C g. . 908 (1952).
19. 99 C g. . A4024 (1953) (.).

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g *Roper v. Simmons.*[30] , ,

g B : :

g *overwhelming weight of inter-*

, 'C g ' ,
.[33]

g ' :
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C ' , -
g C
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g g , g
g ' *reasoned basis* .
alien law g *one's own* g,
ignore it otherwise, is not reasoned decision making, but sophistry.[34]

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.[60]

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D , g . [61] -
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Garcia v. Google, Inc.,[67] C g .

[68] g g ( ) ,

[69]
Γ , gg C g g , . E g -

[70]

64. A E ΓCA C-E E A Γ A A , A DECE E EC E Γ A D
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A 40(C B g ,2017).
65. C Ag C Γ , D g g
,D .10,1984,1465 . . .85.
66. *See* g g & . g . g *Opening Remarks* ,23 . .
Γ ' .1(2017).
67. 786 3 733(9 C 2015)( ).
68. *Id* 736 37.
69. *Id* 745.
70. C C-131/12, g .Ag E D 92 99
(13, 2014), // . . / / / . ? , =& =152065& g
Γ , =0& g= & = & =& = & =1& =261015.

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C D C g
A g .[72]
C g ,
Sosa v. Alvarez-Machain.[73] A g -
C C ,
C g g -
U A [74]
.[75] U , C
g, g, g
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.[76] B g , g
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g,
.[78]
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, *Yahoo! Inc. v. La Ligue Contre Le Racisme Et l'Antisemitisme*,[79] -

71. *See, e.g.*, . , 554 U. . 407 (2008) (g E g A - U. . C); . , , 539 U. . 558 (2003) (g g g - , ,); g . g , 135 . C . 2584 (2015) (g D C E C A - U. . C g - , , g).
72. *E.g.*, D . D B , A. ., 526 . . 2 1068 (C.D. C . 2007).
73. 542 U. . 692 (2004).
74. 28 U. .C. 1350 (2012).
75. *Sosa*, 542 U. . 724-25.
76. *Id.* 735 38.
77. *Id.* 724.
78. *Id.* 726, 729.
79. 433 .3 1199 (9 C . 2006) ( ).

of Bolivia v. Philip Morris Cos.[83]

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Benchbook on International Law,[85]

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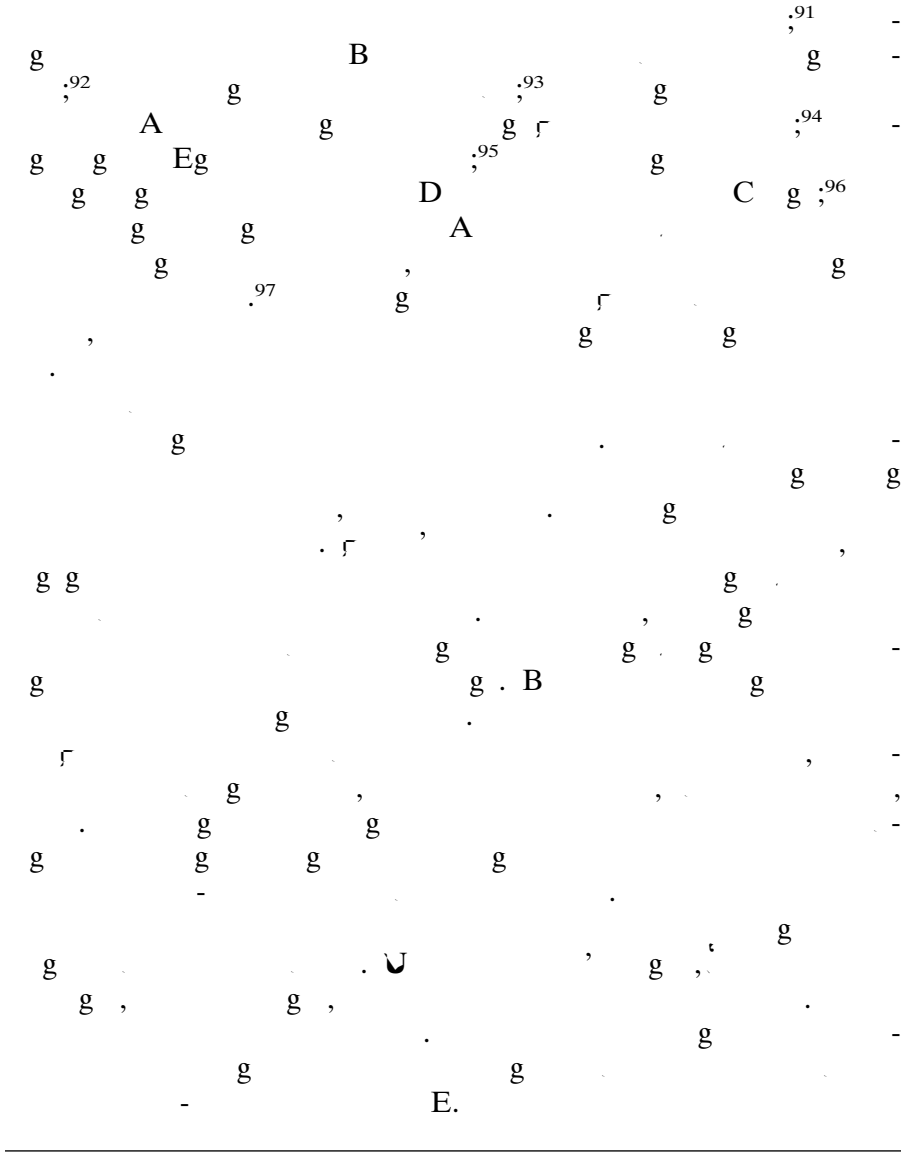

91. ABA