

# Minority Opinion Dissenting Statement Of Gilinsky And Macfarlane

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this book provides a comprehensive analysis of an often neglected misunderstood and  
maligned source of international law article 38 1 c of the statute of the international court  
of justice sets out that the court will apply the general principles of law recognized by  
civilized nations this source is variously lauded and criticised held up as a panacea to all  
international law woes or denied even normative validity the contrasting views and  
treatments of general principles stem from a lack of a model of the source itself this book  
provides that model offering a new and rigorous understanding of article 38 1 c that will be  
of immense value to scholars and practitioners of international law alike at the heart of the  
book is a new tetrahedral framework of analysis looking to function type methodology and  
jurisprudential legitimacy adopting an historical approach the book traces the  
development of the source from 1875 to 2019 encompassing jurisprudence of the  
permanent court of international justice and the international court of justice as well as  
cases from international criminal tribunals the international criminal court and the world  
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