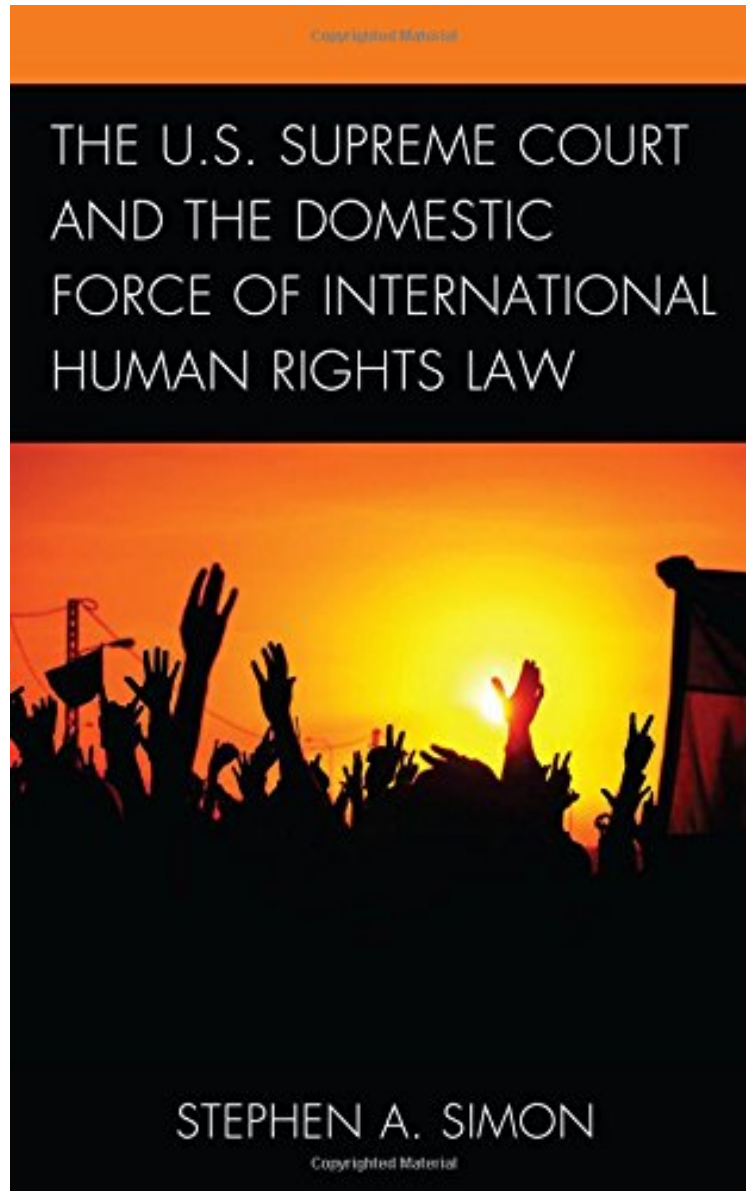


# The U.S. Supreme Court and the Domestic Force of International Human Rights Law

*Stephen A. Simon*

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## Court and the Domestic Force of International Human Rights Law:

The core idea underlying human rights is that everyone is inherently and equally worthy of respect as a person. The emergence of that idea has been one of the most significant international developments since the Second World War. But it is one thing to embrace something as an aspirational ideal and quite another to recognize it as enforceable law. The continued development of the international human rights regime brings a pressing question to the fore: What role should international human rights have as law within the American legal system? The U.S. Supreme Court and the Domestic Force of International Human Rights Law examines this question through the prism of the U.S. Supreme Courts handling of controversies bearing most closely on it. It shows that the specific disputes the Court has addressed can be best understood by recognizing how each interconnects with an overarching debate over the proper role to be accorded international human rights law within American institutions. By approaching the subject from the justices standpoint, this book reveals a divide in the Court between two fundamentally different orientations toward the domestic impact of the international human rights regime.

Simon analyzes the developing battle between internationalist Supreme Court justices who push for greater accommodation of foreign law against those who view this not only as an infringement on American sovereignty but as a perversion of the countrys democratic principles. What is at stake is nothing less than whether the United States fully subscribes to human rights standards. The book is written with great intelligence and insight and it most assuredly will be the standard text in the scholarly treatment of the domestic incorporation of international human rights law. (Mark Gibney, University of North Carolina at Asheville, and Lund University and the Raoul Wallenberg Institute) This is a wonderful book that informs our understanding of the role of international law in U.S. courts. By looking in great detail at the Supreme Courts recent case law, Simon has produced a fresh perspective on international human rights law. (Donald Earl Childress, Pepperdine University) Simon provides an invaluable and comprehensive analysis of Supreme Court cases considering the force of international human rights law within the American legal system. The book illustrates how the debate over the role of international human rights law in the U.S. is inextricably linked to broader social and political debates including the legitimacy of an evolving understanding of fundamental rights, the role and relationship of our governments three branches, the tensions between respect for individual rights and popular sovereignty, and the U.S.s role in the broader world. (Cynthia Soohoo, CUNY School of Law) About the Author Stephen A. Simon is associate professor of political science and coordinator of the Program in Philosophy, Politics, Economics, and Law (PPEL) at the University of Richmond.