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Conflict of Laws Federal, State, and International Perspectives *Lexis Nexis Matthew Bender* **This casebook covers conflict of law issues, including: contains materials from the United States as well as the United Kingdom & the European Union. Conflict of Laws Documentary Materials- Federal, State and International Conflict of Laws Federal, State, and International Perspectives, Revised This Conflicts casebook is unique because it addresses conflict issues arising in the international arena in addition to domestic conflict of laws issues. This coverage reflects the ever-increasing level of transnational trade and travel. To make the subject more engaging, the book reintroduces conflict of laws that have largely disappeared from the wholly domestic scene, such as commercial law. Nevertheless, for professors who do not wish to cover comparative and international aspects of conflicts, these materials are placed at the end of the relevant chapters so that they may be omitted without interrupting the flow of the book. This Second Edition also reflects the latest domestic and international developments in conflicts involving family law issues. Conflict of Laws: Cases and**

Materials *Aspen Publishing* **Written by leading Conflict of Laws scholars, Conflict of Laws: Cases and Materials, Eighth Edition, presents a balanced study of Conflict of Laws, otherwise known as Private International Law. The book begins with a discussion of traditional approaches to choice-of-law problems, both inter-state and international, followed by an examination of how modern courts and commentators have struggled to formulate new and better approaches. The remaining broad topics—constitutional limitations on choice of law, personal jurisdiction, conflicts in the federal system, recognition and enforcement of judgments, extraterritorial application of federal law, choice of legal regimes, and choice of law in complex litigation—are considered in light of the wisdom derived from consideration of the basic choice-of-law problems. New to the Eighth Edition: Addition of new co-author Carlos M. Vázquez, a leading scholar in Conflict of Laws as well as the adjacent fields of International Law and Foreign Relations Law Expanded coverage of Conflict of Laws in the international context, with a focus on the increasingly important topic of extraterritorial application of federal law New Supreme Court decisions on personal jurisdiction and constitutional limits on choice of law Expanded coverage of choice of law in marriage and divorce Discussion of draft Third Restatement of Conflict of Laws Professors and students will benefit from: A balance of historical and recent cases, with problems that test application of case precedents A balance between theoretical and practical aspects of Conflict of Laws, with coverage of state law and comparative perspectives where appropriate Focus on Choice of Law Broader coverage of extraterritorial application of federal law than any leading Conflict of Laws casebook Modern applications to internet disputes, complex litigation, party autonomy, and jurisdictional competition, among other cutting-edge topics Conflict of laws federal, state, and international perspectives : documents supplement Conflict of Laws** *West Academic* **Intended to assist students in reviewing all aspects of procedural and substantive law that bear upon multi-state and International cases, such as jurisdiction of courts, federal/state court problems, recognition of judgments, pervasive problems of characterization and public policy, and approaches and solutions to choice-of-law problems by subject matter. Contains extensive review questions and model exam questions (with model answers), as well as numerous tables cross-referencing its coverage to all major casebooks in law school use and to Scoles and Hay's Hornbook Conflict of Laws, 3d. Conflicts of Law: International And Interstate Selected Essays** *Martinus Nijhoff Publishers* **This book is an in-depth, comparative study of the nature of civil & commercial law & of its development in the PRC. It focuses on the very complex interrelations & interactions between Party & state policies & measures, scholars' theoretical efforts & the development of civil & commercial law, especially the development of the institutions of legal personality & of property rights in the PRC. It also analyses the underlying influences of foreign legal systems & legal theories as well as the difficulties experienced by Chinese law makers & scholars in applying these theories. The book provides fresh**

insights into the role of law & the transformation of Chinese civil & commercial law, as now occurring in the PRC. The book is a valuable reference source for scholars who wish to explore the fascinating subject of the transformation of civil & commercial law in contemporary China. American Private International Law *Kluwer Law International B.V.* **This book was originally published as a monograph in the International Encyclopaedia of Laws/Private International Law. Applicable Law in Investor-State Arbitration The Interplay Between National and International Law** *Oxford University Press* **Investment arbitration has become the key forum to settle disputes between investors and the host state. It is not clear from the arbitration agreements which body of law the arbitrators should apply: national or international. This book examines how the legal framework which the arbitral panels operate in influences which body of law they apply. Private International Law and Global Governance** *OUP Oxford* **Contemporary debates about the changing nature of law engage theories of legal pluralism, political economy, social systems, international relations (or regime theory), global constitutionalism, and public international law. Such debates reveal a variety of emerging responses to distributional issues which arise beyond the Western welfare state and new conceptions of private transnational authority. However, private international law tends to stand aloof, claiming process-based neutrality or the apolitical nature of private law technique and refusing to recognize frontiers beyond than those of the nation-state. As a result, the discipline is paradoxically ill-equipped to deal with the most significant cross-border legal difficulties - from immigration to private financial regulation - which might have been expected to fall within its remit. Contributing little to the governance of transnational non-state power, it is largely complicit in its unhampered expansion. This is all the more a paradox given that the new thinking from other fields which seek to fill the void - theories of legal pluralism, peer networks, transnational substantive rules, privatized dispute resolution, and regime collision - have long been part of the daily fare of the conflict of laws. The crucial issue now is whether private international law can, or indeed should, survive as a discipline. This volume lays the foundations for a critical approach to private international law in the global era. While the governance of global issues such as health, climate, and finance clearly implicates the law, and particularly international law, its private law dimension is generally invisible. This book develops the idea that the liberal divide between public and private international law has enabled the unregulated expansion of transnational private power in these various fields. It explores the potential of private international law to reassert a significant governance function in respect of new forms of authority beyond the state. To do so, it must shed a number of assumptions entrenched in the culture of the nation-state, but this will permit the discipline to expand its potential to confront major issues in global governance. Economics of Conflict of Laws Introduction to the study of law. Legal history.- v. 2. United States constitutional law. State constitutions. Statutory construction.- v.3. Contracts. Agency.-**

v.4. Torts. Damages. Domestic relations.- v. 5. Sales. Personal property. Bailments. Carriers. Patents. Copyrights.- v. 6. Real property. Abstracts. Mining law.- v. 7 Equity jurisprudence. Trusts. Equity pleading. v. 8 Partnership. Private corporations. Public corporations.- v.9 Bills and notes. Guaranty and suretyship. Insurance. Bankruptcy.- v. 10. Criminal law. Criminal procedure. Wills. Administration.- v. 11. Common law pleading. Code pleading. Federal procedure. Evidence.- v. 12. International law. Conflict of laws. Spanish-American laws. Legal ethics. Irrigation law Conflict of Laws Cases, Comments, Questions *West Group* **Choice of Law** *Oxford University Press* **Choice of Law provides an in-depth study of private international law (PIL) as it pertains to the United States. In this book, Symeon C. Symeonides focuses entirely on Choice of Law pertaining to the question of whether the merits of the dispute will be resolved under the substantive law of the state of adjudication (lex fori), or under the law of another involved state. Structured in three parts, this book discusses the Federal framework, history, doctrine, methodology, and the practice of choice of law. The author begins with the history of choice-of-law doctrine and follows its subsequent evolution to the present. He then moves on to methodology, and extensively explores the case law of the last fifty years, covering what courts say, and especially what they do. Symeonides goes on to identify emerging decisional patterns and extracts descriptive rules or tentative predictions about likely outcomes. Private International Law in Brazil** *Kluwer Law International B.V.* **Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides ready access to the law applied to cases involving cross border issues in Brazil. It offers every lawyer dealing with questions of conflict of laws much-needed access to these conflict rules, presented clearly and concisely by a local expert. Beginning with a general introduction, the monograph goes on to discuss the choice of law technique, sources of private international law, and the relevant connection with other laws. Then follows clear description and analysis of the rules of choice of law on natural and legal persons, contractual and non-contractual obligations, movable and immovable property, intangible property rights, company law, family law (marriage, cohabitation, registered partnerships, matrimonial property, maintenance, child law), and succession law (including testamentary dispositions). The presentation concludes with an overview of relevant civil procedure, examining lex fori and issues of national and international jurisdiction, acceptability and enforcement of foreign judgements, and international arbitration. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for lawyers handling cases in Brazil. Academics and researchers, as well as judges, notaries public, marriage registrars, youth welfare officers, teachers, students, and local and public authorities will welcome this very useful guide, and will appreciate its value in the study of private international law from a comparative perspective. International Law and Agreements International Law and Agreements: Their Effect Upon U. S. Law** *Createspace*

Independent Publishing Platform **International law is derived from two primary sources-international agreements and customary practice. Under the U.S. legal system, international agreements can be entered into by means of a treaty or an executive agreement. The Constitution allocates primary responsibility for entering into such agreements to the executive branch, but Congress also plays an essential role. First, in order for a treaty (but not an executive agreement) to become binding upon the United States, the Senate must provide its advice and consent to treaty ratification by a two-thirds majority. Secondly, Congress may authorize congressional-executive agreements. Thirdly, many treaties and executive agreements are not self-executing, meaning that implementing legislation is required to render the agreement's provisions judicially enforceable in the United States. The status of an international agreement within the United States depends on a variety of factors. Self-executing treaties have a status equal to federal statute, superior to U.S. state law, and inferior to the Constitution. Depending upon the nature of executive agreements, they may or may not have a status equal to federal statute. In any case, self-executing executive agreements have a status that is superior to U.S. state law and inferior to the Constitution. Courts generally have understood treaties and executive agreements that are not self-executing generally to have limited status domestically; rather, the legislation or regulations implementing these agreements are controlling. In addition to legally binding agreements, the executive branch also regularly makes nonlegal agreements (sometimes described as "political agreements") with foreign entities. The formality, specificity, and intended duration of such commitments may vary considerably, but they do not modify existing legal authorities or obligations, which remain controlling under both U.S. domestic and international law. Nonetheless, such commitments may carry significant moral and political weight for the United States and other parties. Unlike in the case of legal agreements, current federal law does not provide any general applicable requirements that the executive branch notify Congress when it enters a political agreement on behalf of the United States. The effects of the second source of international law, customary international practice, upon the United States are more ambiguous. While there is some Supreme Court jurisprudence finding that customary international law is "part of" U.S. law, domestic statutes that conflict with customary rules remain controlling, and scholars debate whether the Supreme Court's international law jurisprudence still applies in the modern era. Some domestic U.S. statutes directly incorporate customary international law, and therefore invite courts to interpret and apply customary international law in the domestic legal system. The Alien Tort Statute, for example, which establishes federal court jurisdiction over certain tort claims brought by aliens for violations of "the law of nations." Although the United States has long understood international legal commitments to be binding both internationally and domestically, the relationship between international law and the U.S. legal system implicates complex legal dynamics. Because the**

legislative branch possesses important powers to shape and define the United States' international obligations, Congress is likely to continue to play a critical role in shaping the role of international law in the U.S. legal system in the future. Selected Essays on the Conflict of Laws *BRILL* **Constitutional Law in the United States** *Kluwer Law International B.V.* **Derived from the renowned multi-volume International Encyclopaedia of Laws, this very useful analysis of constitutional law in the United States provides essential information on the country's sources of constitutional law, its form of government, and its administrative structure. Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application. Throughout the book, the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure. Thorough coverage by a local expert fully describes the political system, the historical background, the role of treaties, legislation, jurisprudence, and administrative regulations. The discussion of the form and structure of government outlines its legal status, the jurisdiction and workings of the central state organs, the subdivisions of the state, its decentralized authorities, and concepts of citizenship. Special issues include the legal position of aliens, foreign relations, taxing and spending powers, emergency laws, the power of the military, and the constitutional relationship between church and state. Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for both practising and academic jurists. Lawyers representing parties with interests in the United States will welcome this guide, and academics and researchers will appreciate its value in the study of comparative constitutional law. Advanced Introduction to Private International Law and Procedure** *Edward Elgar Publishing* **Litigating disputes in international civil and commercial cases presents a number of special challenges. Which country's courts have jurisdiction, and where is it advantageous to sue? Given the international elements of the case, which country's law will the court apply? Finally, if a successful plaintiff cannot find enough local assets, what does it take to have the judgment recognized and enforced in a country with assets? Advanced Introduction to Private International Law and Procedure addresses these questions through a comparative overview of legal systems, contrasting Anglo-American common law and the civil law approach of the European Union. The State Immunity Controversy in International Law Private Suits Against Sovereign States in Domestic Courts** *Springer Nature* **The author shows through a careful analysis of the law that restrictive immunity does not have vox populi in developing countries, and that it lacks usus. He also argues that forum law, i.e. the lex fori is a creature of sovereignty and between equals before the law, only what is understood and acknowledged as law among states must be applied in as much as the international legal system is horizontal. Switzerland's Private International**

Law Statute of December 18, 1987 The Swiss Code on Conflict of Laws, and Related Legislation *Brill Archive* **The Confluence of Public and Private International Law Justice, Pluralism and Subsidiarity in the International Constitutional Ordering of Private Law** *Cambridge University Press* **A sharp distinction is usually drawn between public international law, concerned with the rights and obligations of states with respect to other states and individuals, and private international law, concerned with issues of jurisdiction, applicable law and the recognition and enforcement of foreign judgments in international private law disputes before national courts. Through the adoption of an international systemic perspective, Dr Alex Mills challenges this distinction by exploring the ways in which norms of public international law shape and are given effect through private international law. Based on an analysis of the history of private international law, its role in US, EU, Australian and Canadian federal constitutional law, and its relationship with international constitutional law, he rejects its conventional characterisation as purely national law. He argues instead that private international law effects an international ordering of regulatory authority in private law, structured by international principles of justice, pluralism and subsidiarity. International Arbitration and Conflict of Laws** *Mahmoud Refaat* **Private international law is the most prevalent and continuous area of legal scholarship and practice. It includes international arbitration, investment and commercial. The dependence of arbitration on private international law is evident throughout the arbitration process. International arbitration presents both courts and arbitral tribunals with constant challenges. While courts may be equipped with long-standing assumptions in international law, international arbitrators will need to navigate the complex world of private international law. Courts and arbitrators draw guidance from multiple sources when conducting private international law inquiries. These include party agreements, institutional rules and treaties, national laws of competing jurisdictions, and a variety of "soft" law, some of which could even be considered an international standard. Private international law resourcefulness is essential in a world like this. Sir Robert Jennings correctly observed that international commercial disputes don't fit into traditional dispute procedures. They lie at the border of foreign and domestic laws and raise questions that are not easily covered by the category of private international. Inter-national arbitration, and especially international commercial arbitration, will be closely associated to private law as well as any other division of the law. Arbitration may be considered the most important private international law endeavor due to its international nature and core mission of resolving disputes among private parties. This course aims to identify the international arbitration's. The two fields can be viewed as mutually useful prisms. Private International Law is used to view inter-national arbitration. Cheshire states that "private international law can only function when this [foreign] element exists." There are many functions of private international law within the context of private dispute settlement. It**

determines whether a claim or person with important ties to a particular jurisdiction can still be brought before a court in another jurisdiction ("international jurisdiction"), and vice versa. It decides whether or not courts or parties appearing in court can expect assistance from foreign courts in form of interim or proviso relief to aid their litigation. And conversely, it determines how open they are to the idea that other courts might offer reciprocal assistance ("transnational provisional relieve"). In cases involving multiple jurisdictions, it determines which juris-diction's substantive and procedural laws will apply to the different issues in dispute ("choice law", also known as "conflict between laws"), and determines whether judgments made by courts in one country will be recognized by other courts when similar or related issues arise. The Position of the Individual in International Law according to Grotius and Vattel *Springer Science & Business Media* **According to democratic theory the state is for man not man for the state. This theory has been implemented by bills of rights in many national constitutions giving the individual a legal opportunity to redress abuses by his state. In Federal Consti tutions, however, difficulties have been faced when central au thority seeks to enforce the standards of the constitution against the legislation and customs of the constituent states. The latter habitually resist, proclaiming the virtues of horne rule and local self-govemment, also supported by democratic theory. Thus the opposition of man versus the state develops into a double op position of man versus the state and the state versus the super state. To what extent should the super-state take the part of man demanding respect for human rights, or of the state demand ing self-govemment, when the two conflict? The failure to solve this problem precipitated the American Civil War and continues to agitate American politics. Should the human right of equal educational opportunities prevail over the "State's Right" of autonomy in the organization of its schools? The same problem appears in more virulent form in the efforts of the United Nations to "promote respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion" without "intervening in matters which are essentially within the domestic jurisdiction of any state. Rome Convention - Rome I Regulation** *Juris Publishing, Inc.* **As of 17 December 2010, the Rome I Regulation (EU Regulation 593/2008) on the law applicable to contractual obligations is directly applicable in all EU Member States with the exception of Denmark. The Rome I Regulation replaces the Rome Convention of 1980 in the EU Member States and will apply to all contracts concluded as of 17 December 2010. However, and herein lies the utility and great importance of this work, the Rome Convention and the Rome I Regulation will be applied in parallel for a significant time to come (the author himself anticipates a ten-to-fifteen year period); in the latter case to contracts made after 17 December, 2010. This is why this commentary takes into account both sources of law, in their mutual interaction and broader context. The comprehensiveness of the Rome Convention / Rome I Regulation is clearly apparent, but one of the great achievements of the author is his amassing of**

over 1,800 judicial decisions, most of which are furnished with a detailed commentary; where these decisions apply national laws, the latter are cited both in the original and in translation. For a number of rulings, the commentary include not only a case summary of the facts and an analysis of the conclusions drawn by the court, but also takes them as models to hypothesize what conclusions would be reached if the Rome I Regulation were to be applied. Competition Laws in Conflict Antitrust Jurisdiction in the Global Economy *American Enterprise Institute* **Moreover, states have powerful incentives to permit domestic industries to exploit outsiders, or even to facilitate such practices. High-profile antitrust conflicts, from the prosecution of Microsoft in state, national, and international forums to the transatlantic disagreement over the European Union's merger policy, illustrate the difficulties. Possible solutions to these problems range from improved intergovernmental cooperation, to direct policy harmonization, to a new regime of "structured competition" in antitrust policy modeled on U.S. corporation law. International Civil Litigation in United States Courts Document Supplement** *Wolters Kluwer Law and Business* **This completely up-to-date supplement contains a wealth of documentation to be used in conjunction with International Civil Litigation in United States Courts, Fourth Edition. Inside you will find: United States Code Provisions Selected Long-Arm Jurisdictional Statutes Federal Rules of Civil Procedure Uniform Interstate & International Procedure Act European Council Regulation 44/2001 Foreign Sovereign Immunities Act U.N. Convention on State Immunities Uniform Model Choice of Forum Act Choice of Court Agreements Convention Conflicts of Jurisdiction Model Act Hague Service Convention Declarations Concerning Hague Service Convention Hague Evidence Convention Article 23 Reservations Uniform Foreign Money Judgments Recognition Act Uniform Foreign Country Money Judgments Recognition Act ALI Foreign Judgments Act New York Convention Federal Arbitration Act UNCITRAL Model Law IBA Guidelines on Taking of Evidence N.Y. General Obligations Law Restatement (First) Conflict of Laws Restatement (Second) Conflict of Laws Restatement (Second) Foreign Relations Law Restatement (Third) Foreign Relations Law Commentaries on the Conflict of Laws State Department Circular on Letters Rogatory Philippine Presidential Decree No. 1718 Self-Determination of Peoples and Plural-ethnic States in Contemporary International Law Failed States, Nation-building and the Alternative, Federal Option** *BRILL* **In analysing the contemporary International Law principles as to Self-determination of Peoples, Dr. Edward McWhinney gives a special attention to the crisis of multinational states. A special concluding chapter draws on the empirical record of the historical, often trial-and-error experience of the Succession states to the Versailles treaties settlements and to the assorted acts of Decolonisation of the former European Imperial, Colonial powers. The Legal Obligation of the United States Federal Government to Mitigate International Conflict Der Einfluss deutscher Emigranten auf die Rechtsentwicklung in den USA und in Deutschland Vorträge und Referate des Bonner Symposions im September 1991**

Mohr Siebeck **Digest of the International Law of the United States, Taken from Documents Issued by Presidents and Secretaries of State, and from Decisions of Federal Courts and Opinions of Attorneys General. Edited by Francis Wharton, LL. D., Author of a Treatise on Conflict of Laws, and of Commentaries of American Law. In Three Volumes International Law in the US Legal System** *Oxford University Press* **International Law in the U.S. Legal System provides a wide-ranging overview of how international law intersects with the domestic legal system of the United States, and points out various unresolved issues and areas of controversy. Curtis Bradley explains the structure of the U.S. legal system and the various separation of powers and federalism considerations implicated by this structure, especially as these considerations relate to the conduct of foreign affairs. Against this backdrop, he covers all of the principal forms of international law: treaties, executive agreements, decisions and orders of international institutions, customary international law, and jus cogens norms. He also explores a number of issues that are implicated by the intersection of U.S. law and international law, such as treaty withdrawal, foreign sovereign immunity, international human rights litigation, war powers, extradition, and extraterritoriality. This book highlights recent decisions and events relating to the topic, including various actions taken during the Trump administration, while also taking into account relevant historical materials, including materials relating to the U.S. Constitutional founding. Written by one of the most cited international law scholars in the United States, the book is a resource for lawyers, law students, legal scholars, and judges from around the world. International Conflict of Laws for the Third Millennium: Essays in Honor of Friedrich K. Juenger** *BRILL* **Digest of the International Law of the United States, Taken from Documents Issued by Presidents and Secretaries of State and from Decisions of Federal Courts and Opinions of Attorneys General. Edited by Francis Wharton, LL. D., Author of a Treatise of Conflict of Laws, and the Commentaries of American Law. In Three Volumes Digest of the International Law of the United States, Taken from Documents Issued by Presidents and Secretaries of State, and from Decisions of Federal Courts and Opinions of Attorneys General. Edited by Francis Wharton, LL. D., Author of a Treatise on Conflict of Laws, and of Commentaries on American Law. In Three Volumes Hierarchy in International Law: The Place of Human Rights** *OUP Oxford* **This book takes an inductive approach to the question of whether there is a hierarchy in international law, with human rights obligations trumping other duties. It assesses the extent to which such a hierarchy can be said to exist through an analysis of the case law of national courts. Each chapter of the book examines domestic case law on an issue where human rights obligations conflict with another international law requirement, to see whether national courts gave precedence to human rights. If this is shown to be the case, it would lend support to the argument that the international legal order is moving toward a vertical legal system, with human rights at its apex. In resolving conflicts between human rights obligations and other areas of**

international law, the practice of judicial bodies, both domestic and international, is crucial. Judicial practice indicates that norm conflicts typically manifest themselves in situations where human rights obligations are at odds with other international obligations, such as immunities; extradition and refoulement; trade and investment law; and environmental protection. This book sets out and analyses the relevant case law in all of these areas. Foreign Affairs Federalism The Myth of National Exclusivity *Oxford University Press* **Challenging the myth that the federal government exercises exclusive control over U.S. foreign-policymaking, Michael J. Glennon and Robert D. Sloane propose that we recognize the prominent role that states and cities now play in that realm. Foreign Affairs Federalism provides the first comprehensive study of the constitutional law and practice of federalism in the conduct of U.S. foreign relations. It could hardly be timelier. States and cities recently have limited greenhouse gas emissions, declared nuclear free zones and sanctuaries for undocumented immigrants, established thousands of sister-city relationships, set up informal diplomatic offices abroad, and sanctioned oppressive foreign governments. Exploring the implications of these and other initiatives, this book argues that the national interest cannot be advanced internationally by Washington alone. Glennon and Sloane examine in detail the considerable foreign affairs powers retained by the states under the Constitution and question the need for Congress or the president to step in to provide "one voice" in foreign affairs. They present concrete, realistic ways that the courts can update antiquated federalism precepts and untangle interwoven strands of international law, federal law, and state law. The result is a lucid, incisive, and up-to-date analysis of the rules that empower-and limit-states and cities abroad. International Law and Agreements: Their Effect Upon U. S. Law** *Createspace Independent Pub* **This report provides an introduction to the roles that international law and agreements play in the United States. International law is derived from two primary sources—international agreements and customary practice. Under the U.S. legal system, international agreements can be entered into by means of a treaty or an executive agreement. The Constitution allocates primary responsibility for entering into such agreements to the executive branch, but Congress also plays an essential role. First, in order for a treaty (but not an executive agreement) to become binding upon the United States, the Senate must provide its advice and consent to treaty ratification by a two-thirds majority. Secondly, Congress may authorize congressional-executive agreements. Thirdly, many treaties and executive agreements are not self-executing, meaning that implementing legislation is required to provide U.S. bodies with the domestic legal authority necessary to enforce and comply with an international agreement's provisions. The status of an international agreement within the United States depends on a variety of factors. Self-executing treaties have a status equal to federal statute, superior to U.S. state law, and inferior to the Constitution. Depending upon the nature of executive agreements, they may or may not have a status equal to federal**

statute. In any case, self-executing executive agreements have a status that is superior to U.S. state law and inferior to the Constitution. Treaties or executive agreements that are not self-executing have been understood by the courts to have limited status domestically; rather, the legislation or regulations implementing these agreements are controlling. The effects of the second source of international law, customary international practice, upon the United States are more ambiguous and controversial. While there is some Supreme Court jurisprudence finding that customary international law is part of U.S. law, U.S. statutes that conflict with customary rules remain controlling. Customary international law is perhaps most clearly recognized under U.S. law via the Alien Tort Statute (ATS), which establishes federal court jurisdiction over tort claims brought by aliens for violations of "the law of nations." Recently, there has been some controversy concerning references made by U.S. courts to foreign laws or jurisprudence when interpreting domestic statutes or constitutional requirements. Historically, U.S. courts have on occasion looked to foreign jurisprudence for persuasive value, particularly when the interpretation of an international agreement is at issue, but foreign jurisprudence never appears to have been treated as binding. Though U.S. courts will likely continue to refer to foreign jurisprudence, where, when, and how significantly they will rely upon it is difficult to predict. International Antitrust Litigation Conflict of Laws and Coordination *Bloomsbury Publishing* **The decentralisation of competition law enforcement and the stimulation of private damages actions in the European Union go hand in hand with the increasingly international character of antitrust proceedings. As a consequence, there is an ever-growing need for clear and workable rules to co-ordinate cross-border actions, whether they are of a judicial or administrative nature: rules on jurisdiction, applicable law and recognition as well as rules on sharing of evidence, the protection of business secrets and the interplay between administrative and judicial procedures. This book offers an in-depth analysis of these long neglected yet practically most important topics. It is the fruit of a research project funded by the European Commission, which brought together experts from academia, private practice and policy-making from across Europe and the United States. The 16 chapters cover the relevant provisions of the Brussels I and Rome I and II Regulations, the co-operation mechanisms provided for by Regulation 1/2003 and selected issues of US procedural law (such as discovery) that are highly relevant for transatlantic damages actions. Each contribution critically analyses the existing legislative framework and formulates specific proposals to consolidate and enhance cross-border antitrust litigation in Europe and beyond. Research Handbook on EU Private International Law** *Edward Elgar Publishing* **The harmonisation of private international law in Europe has advanced rapidly since the entry into force of the Treaty of Amsterdam. Most aspects of private international law are now governed or at least affected by EU legislation, and there is a subst**