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**Events: The Force of
International Law** Fleur
Johns 2010-10-04 Events:

The Force of
International Law
presents an analysis of
international law,

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centred upon those historical and recent events in which international law has exerted, or acquired, its force. From Spanish colonization and the Peace of Westphalia, through the release of Nelson Mandela and the Rwandan genocide, and to recent international trade negotiations and the 'torture memos', each chapter in this book focuses on a specific international legal event. Short and accessible to the non-specialist reader, these chapters consider what forces are put into play when international law is invoked, as it is so frequently today, by lawyers, laypeople, or leaders. At the same time, they also reflect on what is entailed in naming these 'events' of international law and how international law grapples with their disruptive potential.

Engaging economic, military, cultural, political, philosophical and technical fields, *Events: The Force of International Law* will be of interest to international lawyers and scholars of international relations, legal history, diplomatic history, war and/or peace studies, and legal theory. It is also intended to be read and appreciated by anyone familiar with and appeals to international law from the general media, and curious about the limits and possibilities occasioned, or the forces mobilised, by that appeal.

Hans Kelsen in America - Selective Affinities and the Mysteries of Academic Influence D.A.

Jeremy Telman 2016-08-26
This volume explores the reasons for Hans Kelsen's lack of influence in the United

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States and proposes ways in which Kelsen's approach to law, philosophy, and political, democratic, and international relations theory could be relevant to current debates within the U.S. academy in those areas. Along the way, the volume examines Kelsen's relationship and often hidden influences on other members of the mid-century Central European émigré community whose work helped shape twentieth-century social science in the United States. The book includes major contributions to the history of ideas and to the sociology of the professions in the U.S. academy in the twentieth century. Each section of the volume explores a different aspect of the puzzle of the neglect of Kelsen's work in various disciplinary and national settings. Part

I provides reconstructions of Kelsen's legal theory and defends that theory against negative assessments in Anglo-American jurisprudence. Part II focuses both on Kelsen's theoretical views on international law and his practical involvement in the post-war development of international criminal law. Part III addresses Kelsen's theories of democracy and justice while placing him in dialogue with other major twentieth-century thinkers, including two fellow émigré scholars, Leo Strauss and Albert Ehrenzweig. Part IV explores Kelsen's intellectual legacies through European and American perspectives on the interaction of Kelsen's theoretical approach to law and national legal traditions in the United States and Germany. Each

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contribution features a particular applications of Kelsen's approach to doctrinal and interpretive issues currently of interest in the legal academy. The volume concludes with two chapters on the nature of Kelsen's legal theory as an instance of modernism.

Introduction to South African Law and Legal Theory W. J. Hosten 1995

A General Jurisprudence of Law and Society Brian Z. Tamanaha 2001 Law is generally understood to be a mirror of society that functions to maintain social order. Focusing on this general understanding, this text conducts a survey of Western legal and social theories about law and its relationship within society.

African Law and Legal Theory Gordon R. Woodman 1995 The papers presented in this volume aim to contribute to the

development of African legal theory. Issues discussed include: legal anthropology, customary law in the state legal system; legal concepts; and procedural and substantive justice. Private International Law in Commonwealth Africa Richard Frimpong Oppong 2013-09-12 A comprehensive and in-depth analysis of how courts in the countries of Commonwealth Africa decide claims under private international law.

Human Rights Robert McCorquodale 2017-11-22 This title was first published in 2003. Theories of human rights are important, as they can be a means to challenging entrenched and oppressive power. These key essays take a philosophical approach to human rights, questioning dominant theories and offering different perspectives

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on their application.
An African Path to Disability Justice Oche Onazi 2019-11-25 How should disability justice be conceptualised, not by orthodox human rights or capabilities approaches, but by a legal philosophy that mirrors an African relational community ideal? This book develops the first comprehensive answer to this question through the contemporary literature on African philosophy, which is relied upon to construct a legal philosophy of disability justice comprising of ethical ideals of community, human relationships and obligations. From these ideals, an African legal philosophy of disability justice is offered as a criterion for critically evaluating existing laws, legal and political institutions, as well as providing an

ethical basis for creating new ones to ensure that they are inclusive to people with disabilities. In taking an alternative perspective on the subject, the book outlines and emphasises the need for a new public culture of obligations owed to people with disabilities, highlighting both the prospects and difficulties of achieving the ideal of disability justice that continues to elude the lived experiences of millions of Africans today. Oche Onazi's *An African Path to Disability Justice* is the first book-length exploration of disability in the light of African ethics, as contrasted with the human rights and capabilities frameworks. Of particular interest are Onazi's thoughtful

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reflections on how various conceptions of community salient in African moral philosophy—including group-based, reciprocal and relational—bear on what we owe to the disabled. --Thaddeus Metz, Distinguished Professor, University of Johannesburg
Empire, Emergency and International Law John Reynolds 2017-08-10 This book analyses the states of emergency exposing the intersections between colonial law, international law, imperialism and racial discrimination.

Human Rights from a Third World Perspective

José-Manuel Barreto 2014-08-26 Globalization, interdisciplinarity, and the critique of the Eurocentric canon are transforming the theory and practice of human rights. This collection takes up the point of

view of the colonized in order to unsettle and supplement the conventional understanding of human rights. Putting together insights coming from Decolonial Thinking, the Third World Approach to International Law (TWAAIL), Radical Black Theory and Subaltern Studies, the authors construct a new history and theory of human rights, and a more comprehensive understanding of international human rights law in the background of modern colonialism and the struggle for global justice. An exercise of dialogical and interdisciplinary thinking, this collection of articles by leading scholars puts into conversation important areas of research on human rights, namely philosophy or theory of

human rights, history, and constitutional and international law. This book combines critical consciousness and moral sensibility, and offers methods of interpretation or hermeneutical strategies to advance the project of decolonizing human rights, a veritable tool-box to create new Third-World discourses of human rights.

Talking International Law Ian Johnstone 2021
Written by a team of distinguished scholars and senior practitioners from around the world, *Talking International Law* examines legal argumentation by states and other actors in the settings where it mostly transpires - outside of courts. Offering unprecedented insight into the theory of legal argumentation, the book offers a unique exposure to this multi-faceted practice, deepening our

understanding of how international law actually operates in international affairs. **International Courts and the African Woman Judge**
Josephine Jarpa Dawuni
2017-11-28 A sequel to Bauer and Dawuni's pioneering study on gender and the judiciary in Africa (Routledge, 2016), *International Courts and the African Woman Judge* examines questions on gender diversity, representative benches, and international courts by focusing on women judges from the continent of Africa. Drawing from postcolonial feminism, feminist institutionalism, feminist legal theory, and legal narratives, this book provides fresh and detailed narratives of seven women judges that challenge existing discourse on gender diversity in

international courts. It answers important questions about how the politics of judicial appointments, gender, geographic location, class, and professional capital combine to shape the lives of women judges who sit on international courts and argues the need to disaggregate gender diversity with a view to understanding intra-group differences. International Courts and the African Woman Judge will be of interest to a variety of audiences including governments, policy makers, civil society organizations, students of gender studies, and feminist activists interested in all questions of gender and judging.

International Relations Theory and International Law Adriana Sinclair
2010-10-28 International law is playing an increasingly important

role in international politics. However, international relations theorists have thus far failed to conceptualise adequately the role that law plays in politics. Instead, IR theorists have tended to operate with a limited conception of law. An understanding of jurisprudence and legal methodology is a crucial step towards achieving a better account of international law in IR theory. But many of the flaws in IR's idea of law stem also from the theoretical foundations of constructivism - the school of thought which engages most frequently with law. In this book, Adriana Sinclair rehabilitates IR theory's understanding of law, using cases studies from American, English and international law to critically examine contemporary

constructivist approaches to IR and show how a gap in their understanding of law has led to inadequate theorisation.

Law's Ethical, Global and Theoretical Contexts

Upendra Baxi 2015-10-22

Law's Ethical, Global and Theoretical Contexts

examines William Twining's principal contributions to law and jurisprudence in the context of three issues which will receive significant scholarly attention over the coming decades. Part I explores human rights, including torture, the role of evidence in human rights cases, the emerging discourse on 'traditional values', the relevance of 'Southern voices' to human rights debates, and the relationship between human rights and peace agreements. Part II assesses the impact of globalization through

the lenses of sociology and comparative constitutionalism, and features an analysis of the development of pluralistic ideas of law in the context of privatization. Finally, Part III addresses issues of legal theory, including whether global legal pluralism needs a concept of law, the importance of context in legal interpretation, the effect of increasing digitalization on legal theory, and the utility of feminist and postmodern approaches to globalization and legal theory.

International Law as a Profession Jean

d'Aspremont 2017-04-06

"International law is not merely a set of rules or processes, but is a professional activity practised by a diversity of figures, including scholars, judges, counsel, teachers, legal advisers

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and activists. Individuals may in different contexts play more than one of these roles, and the interactions between them are illuminating of the nature of international law itself. This collection of innovative, multidisciplinary and self-reflective essays reveal a bilateral process whereby, on the one hand, the professionalization of international law informs discourses about the law, and, on the other hand, discourses about the law inform the professionalization of the discipline. Intended to promote a dialogue between practice and scholarship, this book is a must-read for all those engaged in the profession of international law"--

Social and Legal Theory in the Age of Decoloniality

Warikandwa, Tapiwa Victor 2018-06-08 Right from the enslavement era through to the colonial and contemporary eras, Africans have been denied their human essence – portrayed as indistinct from animals or beasts for imperial burdens, Africans have been historically dispossessed and exploited. Postulating the theory of global jurisprudential apartheid, the book accounts for biases in various legal systems, norms, values and conventions that bind Africans while affording impunity to Western states. Drawing on contemporary notions of animism, transhumanism, posthumanism and science and technology studies, the book critically interrogates the possibility of a jurisprudence of anticipation which is attentive to the

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emergent New World Order that engineers 'human beings to become nonhumans' while 'nonhumans become humans'. Connecting discourses on decoloniality with jurisprudence in the areas of family law, environment, indigenisation, property, migration, constitutionalism, employment and labour law, commercial law and Ubuntu, the book also juggles with emergent issues around Earth Jurisprudence, ecocentrism, wild law, rights of nature, Earth Court and Earth Tribunal. Arguing for decoloniality that attends to global jurisprudential apartheid., this tome is handy for legal scholars and practitioners, social scientists, civil society organisations, policy makers and researchers interested

in transformation, decoloniality and Pan-Africanism. *The Investment Treaty Regime and Public Interest Regulation in Africa* Dominic Npoanlari Dagbanja 2022-07-14 A large amount of foreign direct investment (FDI) has been poured into Africa in recent decades and these investments can come with adverse effects on the environment, human rights, and development. At the same time, investment treaties, entered into by African states and aimed at promoting and protecting FDI, seriously limit those states' ability to regulate such activities in the interests of affected communities. Whilst these tensions have generated global debate, little attention has been paid to the legal status of many of these investment treaties, and whether -

given their constitutional and customary international law obligations to act in the public interest - African states truly have the capacity to conclude treaties which contain standards of investment protection expressly preventing or unduly abridging the exercise of their regulatory authority. Focusing on this question, *The Investment Treaty Regime and Public Interest Regulation in Africa* presents *The Imperatives Theory: a legal, normative, and principled framework for rethinking the legal status, making, and reform of investment treaties and investment dispute settlement in Africa*, with relevant and significant implications for the global investment treaty regime.

International Criminal Law Edwin Bikundo

2016-04-22 This book analyses the relationship between law and violence, the utility of law over violence and whether legality as an approach has an inherent disability in addressing mass violence as a crime. The study is located within international law and assesses whether prosecuting political violence would necessarily entail an abuse of the legal process. The intention is to encourage definition of criminal aggression via legal processes laid down by the International Criminal Court, rather than giving favour to political action under the United Nations Charter. Issues discussed in the book include the controversies over the location of the crime of aggression in either law

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or politics, taking a legal approach to the problems outlined. Using examples from Libya, the Ivory Coast, and Kenya, the work will be of interest to those working in the areas of international criminal justice, international law, legal theory, and international relations.

General Jurisprudence

William Twining

2009-02-12 This book explores the implications of globalisation for the theoretical study of law, justice, and human rights.

Law, Morality and the Private Domain

Raymond Wacks 2000-09-01 Are judges morally accountable? Is legal validity value-free? Do animals have rights? These are some of the questions considered in this collection of essays. Moral problems, argues Professor Raymond Wacks, pervade the legal

system, and he shows how the judicial function, the sources of legitimacy, and the protection of rights have an inescapable ethical dimension. The second part of the book focuses on the private domain and the legal concept of privacy. The extent to which the law ought to preserve a distinctly private realm is a pressing concern in our surveillance society in which personal information is increasingly collected, transferred, and stored. This controversial and difficult subject is one into which Professor Wacks, a leading expert in this field, is uniquely qualified to offer important insights. Raymond Wacks' analysis will be of interest not only to lawyers, legal philosophers, and students of law, but also to the general

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reader seeking an understanding of the jurisprudential underpinning of rights and moral values, their legal recognition, and practical application. Raymond Wacks is Professor of Law and Legal Theory at the University of Hong Kong. He is an international authority on the legal protection of privacy, and has also published widely in the field of legal theory.

International Law and Revolution Owen Taylor
2019-05-23 This book explores the historical inter-relationships between international law and revolution, with a focus on how international anti-capitalist struggle plays out through law. The book approaches the topic by analysing the meaning of revolution and what revolutionary activity might look like, before comparing this with legal

activity, to assess the basic compatibility between the two. It then moves on to examine two prominent examples of revolutionary movements engaging with international law from the twentieth century; the early Soviet Union and the Third World movement in the nineteen sixties and seventies. The book proposes that the 'form of law', or its base logic, is rooted in capitalist social relations of private property and contract, and that therefore the law is a particularly inhospitable place to advance revolutionary breaks with established distributions of power or wealth. This does not mean that the law is irrelevant to revolutionaries, but that turning to legal means comes with tendencies towards conservative outcomes.

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In the light of this, the book considers the possibility of how, or whether, international law might contribute to the pursuit of a more egalitarian future. *International Law and Revolution* fills a significant gap in the field of international legal theory by offering a deep theoretical reflection on the meaning of the concept of revolution for the twenty-first century, and its link to the international legal system. It develops the commodity form theory of law as applied to international law, and explores the limits of law for progressive social struggle, informed by historical analysis. It will therefore appeal to students and scholars of public international law, legal history, human rights, international politics

and political history.

Order from Transfer

Günter Frankenberg

2013-01-01

A fascinating collection of essays commenting on and developing Frankenberg's IKEA theory of legal transfer. With valuable theoretical analyses, comparative studies, attention to gender issues, post-colonial contexts, imposed law and legal history, this book is essential reading for anyone thinking about the circulation of legal models especially, but not only, in the area of constitutional law. David Nelken, University of Cardiff, UK

Frankenberg's work gives a new insight of what comparative law can be in the context of globalization, representing an outstanding achievement. His theory of 'transfer' supersedes the metaphors

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of mainstream scholarship, displaying that constitutions are not mere "commodities" or items to be assembled. The real matter is rather, which "meanings" are generated through transfer. In this way, beyond any usual flat version, we may perceive that any "constitutional relocation" exhibits a reappraisal of the whole world we live in. Ò Ð Pier Giuseppe Monateri, University of Turin, Italy Constitutional orders and legal regimes are established and changed through the importing and exporting of ideas and ideologies, norms, institutions and arguments. The contributions in this book discuss this assumption and address theoretical questions, methodological problems and political projects connected with the transfer of

constitutions and law. Some of the chapters focus on the pathways, risks and side-effects of legal-constitutional transfers in specific situations, such as postcolonial societies and occupied territories. Others follow law beyond the official arenas into systems of legal pluralism, while others analyze how experimentalism generates hybrid constitutional orders. This interdisciplinary, multi-jurisdictional study will appeal to researchers, academics and advanced students in the fields of comparative constitutional law, comparative law and legal theory.

The Investment Treaty Regime and Public Interest Regulation in Africa Dominic Dagbanja
2022-08-11 The

Investment Treaty Regime

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and Public Interest Regulation in Africa is a legal, normative, and principled framework for rethinking the making and reform of investment treaties, and investment disputes settlement.

A Theory of African Constitutionalism

Berihun Adugna Gebeye
2021-07-08 Utilizing detailed case studies from Nigeria, Ethiopia, and South Africa, this title traces African constitutionalism from precolonial times to the present. The volume offers a new framework for understanding African constitutionalism and a range of practical proposals for its future development.

International Law

Theories Andrea Bianchi
2016-11-10 Two fish are swimming in a pond. 'Do you know what?' the fish asks his friend. 'No, tell me.' 'I was talking to a frog the other day.

And he told me that we are surrounded by water!' His friend looks at him with great scepticism: 'Water? Whats that? Show me some water!' International lawyers often find themselves focused on the practice of the law rather than the underlying theories. This book is an attempt to stir up 'the water' that international lawyers swim in. It analyses a range of theoretical approaches to international law and invites readers to engage with different ways of legal thinking in order to familiarize themselves with the water all around us, of which we hardly have any perception. The main aim of this book is to provide interested scholars, practitioners, and students of international law and other disciplines with an introduction to

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various international legal theories, their genealogies, and possible critiques. By providing an analytical approach to international legal theory, the book encourages readers to enhance their sensitivity to these different approaches and to consider how the presuppositions behind each theory affect analysis, research, and practice in international law. International Law Theories is intended to assist students, scholars, and practitioners in reflecting more generally about how knowledge is formed in the field.

African Legal Theory and Contemporary Problems

Oche Onazi 2013-11-26

The book is a collection of essays, which aim to situate African legal theory in the context of

the myriad of contemporary global challenges; from the prevalence of war to the misery of poverty and disease to the crises of the environment. Apart from being problems that have an indelible African mark on them, a common theme that runs throughout the essays in this book is that African legal theory has been excluded, under-explored or under-theorised in the search for solutions to such contemporary problems. The essays make a modest attempt to reverse this trend. The contributors investigate and introduce readers to the key issues, questions, concepts, impulses and problems that underpin the idea of African legal theory. They outline the potential offered by African legal theory and open up its key concepts and impulses for critical

scrutiny. This is done in order to develop a better understanding of the extent to which African legal theory can contribute to discourses seeking to address some of the challenges that confront African and non-African societies alike.

International Legal Theory Jeffrey L. Dunoff
2022-08-04 Over the past decades international affairs have been increasingly legalized. International law has dramatically expanded into new fields and taken on new challenges. Despite this development, there has been little in-depth scholarship on what impact these changes have had on the field of international legal theory, how it is taught, and where it is going. This volume investigates the major developments in the field and explores the

core assumptions and concepts, analytical tools, and key challenges associated with different approaches. An outstanding team of legal academics provides an accessible overview of competing theoretical movements, and a more in-depth understanding of the strengths, preoccupations, insights, and limits of those schools of thought. The contributions provide an authoritative account of current thinking about the theoretical foundations of contemporary international law and will serve as an indispensable resource for students, scholars, and practitioners.

Islamic Law: A Very Short Introduction
Mashood A. Baderin
2021-02-25 Very Short Introductions:
Brilliant, Sharp,

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Inspiring Islamic law is one of the major legal systems in the world today, yet it is often misunderstood, particularly in the West. It is applicable in different forms as part of state law in countries across the Middle East, Asia, and Africa, and also has a strong influence on Muslim communities throughout the Western world. This Very Short Introduction provides an authoritative perspective on the evolution and nature of Islamic law. Mashood A. Baderin considers its theory, covering the history and nature of Islamic jurisprudence; its scope, covering Family Law, Inheritance Law, Financial Law, Penal Law, and International Law; and, finally, its practice. He takes into account both classical and modern scholarly

perspectives in examining the various facets of Islamic law, to provide an overview of this key legal system. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

Islamic Law and Legal Theory Ian Edge

1996-05-01 This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in

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these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

Custom as a Source of Law David J. Bederman
2010-08-16 A central puzzle in jurisprudence has been the role of custom in law. Custom is simply the practices and usages of distinctive communities. But are such customs legally binding? Can custom be law, even before it is recognized by authoritative legislation or precedent? And, assuming that custom is a source of law, what are its constituent elements? Is proof of a consistent and long-standing practice sufficient, or must there be an extra

ingredient - that the usage is pursued out of a sense of legal obligation, or, at least, that the custom is reasonable and efficacious? And, most tantalizing of all, is custom a source of law that we should embrace in modern, sophisticated legal systems, or is the notion of law from below outdated, or even dangerous, today? This volume answers these questions through a rigorous multidisciplinary, historical, and comparative approach, offering a fresh perspective on custom's enduring place in both domestic and international law.

Queering International Law Dianne Otto
2017-07-14 This groundbreaking collection reflects the growing momentum of interest in the international legal community in meshing the

insights of queer legal theory with those critical theories that have a much longer genealogy – notably postcolonial and feminist analyses. Beyond the push in the human rights field to ensure respect for the rights of people with diverse sexual orientations and gender identities, queer legal theory provides a means to examine the structural assumptions and conceptual architecture that underpin the normative framework and operation of international law, highlighting bias and blind spots and offering fresh perspectives and practical innovations. The contributors to the book use queer legal theory to critically analyse the basic tenets and operations of international law, with many surprising, thought-provoking and

instructive results. The volume will be of interest to many scholars, students and researchers in international law, international relations, cultural studies, gender studies, queer studies and postcolonial studies.

Humanitarian Intervention and the AU-ECOWAS Intervention Treaties Under International Law John-Mark Iyi 2016-01-22 The book reconciles the conflicts and legal ambiguities between African Union and ECOWAS law on the use of force on the one hand, and the UN Charter and international law on the other hand. In view of questions relating to African Union and UN relationship in the maintenance of international peace and security in Africa in recent years, the book examines the legal

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issues involved and how they can be resolved. By explaining the legal theory underpinning the validity of the AU-ECOWAS laws, the work provides a legal basis for the adoption of the AU-ECOWAS laws as the frameworks for the implementation of the R2P in Africa.

PULP Guide: Where to publish, Information on academic journals relevant to law and accredited by the Department of Education of South Africa (Second Edition)

Critical Approaches to International Criminal Law Christine Schwöbel
2014-05-09 Drawing on the critical legal tradition, the collection of international scholars gathered in this volume analyse the complicities and limitations of International Criminal Law. This area of law has recently experienced

a significant surge in scholarship and public debate; individual criminal accountability is now firmly entrenched in both international law and the international consciousness as a necessary mechanism of responsibility. *Critical Approaches to International Criminal Law: An Introduction* shifts the debate towards that which has so far been missing from the mainstream discussion: the possible injustices, exclusions, and biases of International Criminal Law. This collection of essays is the first dedicated to the topic of critical approaches to international criminal law. It will be a valuable resource for scholars and students of international criminal law, international law, international legal theory, criminal law,

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and criminology.
Britain and International Law in West Africa Inge Van Hulle 2020-10-22 Africa often remains neglected in studies that discuss the historical relationship between international law and imperialism during the nineteenth century. When it does feature, focus tends to be on the Scramble for Africa, and the treaties concluded between European powers and African polities in which sovereignty and territory were ceded. Drawing on a wide range of archival material, Inge Van Hulle brings a fresh new perspective to this traditional narrative. She reviews the use and creation of legal instruments that expanded or delineated the boundaries between British jurisdiction and African communities in West Africa, and uncovers the

practicality and flexibility with which international legal discourse was employed in imperial contexts. This legal experimentation went beyond treaties of cession, and also encompassed commercial treaties, the abolition of the slave trade, extraterritoriality, and the use of force. The book argues that, by the 1880s, the legal techniques that were fashioned in the language of international law in West Africa had largely developed their own substantive characteristics. Legal ordering was not done in reference to adjudication before Western courts or the writings of Western lawyers, but in reference to what was deemed politically expedient and practically feasible by

imperial agents for the preservation of social peace, commercial interaction, and humanitarian agendas.

Black Iconography and Colonial (Re)Production at the ICC Stanley

Mwangi Wanjiru

2022-11-02 This book

explores the reproduction of colonialism at the International Criminal Court (ICC), and examines International criminal law (ICL) vs the Black body through an immersive format of Art, Music, Poetry, and Architecture and post-colonial/critical race theory lens. Taking a multi-disciplinary approach, the book interrogates the operationalization of the Rome statute to detail a Eurocentric hegemony at the core of ICL. It explores how colonialism and slavery have come to shape ICL, exposing the

perpetuation of the colonial and warns that it heralds ominous contemporary and future implications for Africa. As currently envisaged and acted out at the ICC, this law is founded on deceptive and colonial ideas of 'what is wrong' in/with the world. The book finds that the contemporary ICL regime is founded on white supremacy that corrupts the law's interaction with the African. The African is but a unit utilised by the global elite to exploit and extract. From time to time, these alliances disintegrate with ICL becoming a retaliatory tool of choice. What is at stake, is power, not justice. This power is hierarchical with Eurocentrism at the top throughout modern history. Colonialism is seen not to have ended but to have regerminated

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through the foundation of the 'independent' African state. The ICC reproduces the colonial by use of European law, and ultimately the over representation of the black accused. To conclude, the book provides a liberated African forum that can address conflicts in the content, with a call for the end of the ICC's involvement in Africa. The demand is made for an African Court that utilises non-colonising African norms which are uniquely suited to address local conflicts. Multidisciplinary in nature, this book will be of great interest to students and scholars of International Criminal Law, Criminal Justice, Human Rights Law, African Studies, Global Social Justice, Sociology, Anthropology, Postcolonial Studies, and Philosophy.

Exploring Social Rights

Daphne Barak-Erez
2007-12-19 Exploring Social Rights looks into the theoretical and practical implications of social rights. The book is organised in five parts. Part I considers theoretical aspects of social rights, and looks into their place within political and legal theory and within the human rights tradition; Part II looks at the status of social rights in international law, with reference to the challenge of globalisation and to the significance of specific regional regulation (such as the European System); Part III includes discussions of various legal systems which are of special interest in this area (Canada, South Africa, India and Israel); Part IV looks at the content of a few central social rights (such as the

right to education and the right to health); and Part V discusses the relevance of social rights to distinct social groups (women and people with disabilities). The articles in the book, while using the category of social rights, also challenge the separation of rights into distinct categories and question the division of rights to 'civil' vs 'social' rights, from a perspective which considers all rights as 'social'. This book will be of interest to anyone concerned with human rights, the legal protection of social rights and social policy. 'Social rights are the stepchildren of the human rights family. Are they really 'rights'? Can courts enforce them? And does it make any difference when they try? This remarkable collection of

essays by distinguished scholars offers important new responses to all the basic questions. Ranging across disciplinary and national boundaries and brimming with both theoretical and practical insights, the book is especially welcome in this moment of mounting inequalities and growing interest in the possibilities and perils of social rights.' William E Forbath, Lloyd M Bentsen Chair in Law and Professor of History, University of Texas at Austin 'At the auspicious moment of the sixtieth anniversary of the Universal Declaration of Human Rights, and more than half a century since the beginning of the Human Rights Revolution—a time characterized by the end of the cold war, globalization and privatization, comes

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this important compilation which critically revisits the international commitment to social rights, and reconceives its core distinguishing principles—from crosscutting comparative, theoretical and practical perspectives—illuminating our commitment to human security.' Ruti Teitel, Ernst Stiefel Professor of Comparative Law, New York Law School. Author, 'Transitional Justice' (OUP 2002)

The Interaction between World Trade Organisation (WTO) Law and External International Law Ronnie R.F. Yearwood 2012-05-23 International legal scholarship is concerned with the fragmentation of international law into specialised legal systems such as trade, environment and human rights. Fragmentation raises questions about

the inter-systemic interaction between the various specialised systems of international law. This study conceptually focuses on the interaction between World Trade Organisation (WTO) law and external international law. It introduces a legal theory of WTO law, constrained openness, as a way to understand that interaction. The idea is that WTO law, from its own internal point of view, constructs its own law. The effect is that external international law is not incorporated into WTO law wholesale, but is (re)constructed as WTO law. It follows that legal systems do not directly communicate with each other. Therefore, to influence WTO law, an indirect strategic approach is required, which recognises the functional nature of the differentiated systems

of the fragmented international legal system.

Comparative Law in a Global Context Werner F. Menski 2006-03-30 Now in its second edition, this textbook presents a critical rethinking of the study of comparative law and legal theory in a globalising world, and proposes an alternative model. It highlights the inadequacies of current Western theoretical approaches in comparative law, international law, legal theory and jurisprudence, especially for studying Asian and African laws, arguing that they are too parochial and eurocentric to meet global challenges. Menski argues for combining modern natural law theories with positivist and socio-legal traditions, building an interactive, triangular concept of

legal pluralism.

Advocated as the fourth major approach to legal theory, this model is applied in analysing the historical and conceptual development of Hindu law, Muslim law, African laws and Chinese law.

Human Dignity and the Adjudication of Environmental Rights

Dina L. Townsend

2020-06-26 Focusing on contemporary debates in philosophy and legal theory, this groundbreaking book provides a compelling enquiry into the nature of human dignity. The author not only illustrates that dignity is a concept that can extend our understanding of our environmental impacts and duties, but also highlights how our reliance on and relatedness to the environment further extends and enhances our understanding of dignity

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