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[Introduction to South African Law and Legal Theory](#) W. J. Hosten 1995

[International Law and Transitional Governance](#) Emmanuel H. D. De Groof 2020-05-05 This volume examines the role of international law in shaping and regulating transitional contexts, including the institutions, policies and procedures that have been developed to steer constitutional regime changes in countries affected by catalytic events. The book offers a new perspective on the phenomenon of conflict-related transitions, whereby societies are re-constitutionalized through a set of interim governance arrangements subject to variable degrees of internationalization. Specifically, this volume interrogates the relevance, contribution and perils of international law for this increasingly widespread phenomenon of inserting an auxiliary phase between two ages of constitutional government. It develops a more nuanced understanding of the various international legal discourses surrounding conflict- and political crisis-related transitional governance by studying the contextual factors that influence the transitional arrangements themselves, with a specific focus on international aspects, including norms, actors and related forms of expertise. In doing so, the book builds an important bridge between comparative constitutional law and international

legal scholarship in the practical and highly dynamic terrain of transitional governance. This book will be of much interest to practitioners and students of international law, diplomacy, mediation, security studies and International Relations.

Formalism and the Sources of International Law Jean d'Aspremont 2013-05-23 This book revisits the theory of the sources of international law from the perspective of formalism. It critically analyses the virtues of formalism, construed as a theory of law ascertainment, as a means of distinguishing between law and non-law. The theory of formalism is re-evaluated against the backdrop of the growing acceptance by international legal theorists of the blurring of the lines between law and non-law. At the same time, the book acknowledges that much international normative activity nowadays takes place outside the ambit of traditional international law and that only a limited part of the exercise of public authority at the international level results in the creation of international legal rules. The theory of ascertainment that the book puts forward attempts to dispel some of the illusions of formalism that accompany the traditional sources of international law. It also sheds light on the tendency of scholars, theorists, and advocates to deformalize the identification of international legal rules with a view to

expanding international law. The book seeks to revitalize and refresh the formal identification of rules by engaging with some tenets of the postmodern critique of formalism. As a result, the book not only grapples with the practice of law-making at the international level, but it also offers broad theoretical insights on international law, dealing with the main schools of thought in legal theory (positivism, naturalism, legal realism, policy-oriented jurisprudence, and postmodernism). This paperback edition features the author's discussion of this book on the EJIL Talk blog.

The Interaction Between World Trade Organisation (WTO) Law and External International Law Ronnie R. F. Yearwood 2012

"International legal scholarship is concerned with the fragmentation of international law into specialised systems such as trade, environment and human rights. Fragmentation raises questions about the inter-systemic interaction between the various specialised systems of international law. In the discourse on WTO law, three 'propositions' 'openness', 'closure' and 'privileged' have been put forward to explain the interaction between WTO law and external law. This book engages with these debates about how international economic law interacts with other bodies of international law. Using ideas and theories from other spheres including sociology, literature and art, the book develops a new way of thinking about how WTO law interacts with external international law through the conceptual framework of 'constrained openness'. The book argues that constrained openness offers a more nuanced way to think about how WTO law interacts with external law"--

Third World Approaches to International Law Usha Natarajan 2019-07-23 This book addresses the themes of praxis and the role of international lawyers as intellectuals and political actors engaging with questions of justice for Third World peoples. The book brings together 12 contributions from a total of 15 scholars working in the TWAIL (Third World Approaches to International Law) network or tradition. It includes chapters from some of the pioneering Third World jurists who have led this field since the time of decolonization, as well as prominent emerging scholars in the field. Broadly, the TWAIL orientation understands

praxis as the relationship between what we say as scholars and what we do - as the inextricability of theory from lived experience. Understood in this way, praxis is central to TWAIL, as TWAIL scholars strive to reconcile international law's promise of justice with the proliferation of injustice in the world it purports to govern. Reconciliation occurs in the realm of praxis and TWAIL scholars engage in a variety of struggles, including those for greater self-awareness, disciplinary upheaval, and institutional resistance and transformation. The rich diversity of contributions in the book engage these themes and questions through the various prisms of international institutional engagement, world trade and investment law, critical comparative law, Palestine solidarity and decolonization, judicial education, revolutionary struggle against imperial sovereignty, Muslim Marxism, Third World intellectual traditions, Global South constitutionalism, and migration. This book was originally published as a special issue of Third World Quarterly.

Themes and Theories Rosalyn Higgins 2009 As President of the International Court of Justice, Dame Rosalyn Higgins is the world's most senior judge. This two volume set collects together all of her most important writings as a scholar, a member of the UN Human Rights Committee, and as judge and President of the International Court of Justice. During these years Dame Rosalyn has written on a wide range of topics including legal theory, United Nations Law, humanitarian law, the use of force, state and diplomatic immunities, human rights, and natural resources law. As President and Judge of the International Court of Justice, Dame Rosalyn has played her part in the formulation of the Judgments and Opinions of the principal judicial organ of the UN. She has sought to ensure the ICJ - the senior international court - operates in a modern and efficient manner, and in cordial relationship with the many new courts and tribunals now existing. These aspirations are reflected in her speeches during the years 2006 to 2008, most of which have not hitherto been published. This volume boasts a comprehensive collection of all her Separate Opinions, amongst other writings, divided into ten Parts by subject matter. This includes specially written introductory passages by Dame Rosalyn to

present the catalogue of her writings and the correlative developments in international law by theme.

Trade and the Environment Erich Vranes

2009-01-01 The relationship between WTO law and international and domestic efforts to protect the environment is a central concern in WTO and international environmental law. This book analyses these issues by examining the interaction between WTO law and 'other' international law, the WTO law and domestic law, and the contents and the interrelations between fundamental provisions of WTO law.

Chinese Law and Legal Theory Perry Keller 2001 A selection of articles concerning Chinese Law and Legal Theory which reflects the diversity of contemporary approaches to the study of law in Chinese Society and the high standards of scholarship in this area.

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 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.

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.

The Battle for International Law Jochen von Bernstorff 2019-10-22 This volume provides the first comprehensive analysis of international legal debates between 1955 and 1975 related to the formal decolonization process. It is during this era, couched between classic European imperialism and a new form of US-led Western hegemony, that fundamental legal debates took place over a new international legal order for a decolonised world. The book argues that this era presents in essence a battle, a battle that was fought out in particular over the premises and principles of international law by diplomats, lawyers, and scholars. In a moment of relative weakness of European powers, 'newly independent states' and international lawyers from the South fundamentally challenged traditional Western perceptions of international legal structures engaging in fundamental controversies over a new international law. The legal outcomes of this battle have shaped the world we live in today. Contributions from a global set of authors cover contemporary debates on concepts central to the time, such as self-determination, sources and concessions, non-intervention, wars of national liberation, multinational corporations, and the law of the sea. They also discuss influential institutions, such as the United Nations, International Court of Justice, and World Bank. The volume also incorporates contemporary regional approaches to international law in the 'decolonization era' and portraits of important scholars from the Global South.

International Legal Positivism in a Post-Modern

World Jörg Kammerhofer 2014-10-06 The first comprehensive study of international legal positivism and how this theory operates in twenty-first-century international legal scholarship.

Humanitarian Intervention and the AU-ECOWAS Intervention Treaties Under

International Law John-Mark Iyi 2016-01-30

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 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.

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 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.

The Role of Law in International Politics Michael

Byers 2001 This interdisciplinary volume

examines the highly topical issue of the role

international law plays in international politics

today.

Legal Republicanism Samantha Besson

2009-03-26 Interest in republicanism as a

political theory has burgeoned in recent years, but its implications for the understanding of law

have remained largely unexplored. Legal

Republicanism is the first book to offer a

comprehensive, critical survey of the potential for creating republican accounts of fundamental

issues in law and legal theory. Bringing together

contributors with backgrounds in political and

legal philosophy, the essays in the volume assess

republicanism's historical traditions, conceptual

coherence, and normative proposals. The

collection offers a valuable insight into new

debates taking place in republican political and

legal theory. It also analyses potential

republican approaches to concrete issues arising

in areas of law such as criminal, constitutional

and international law. Finally, the book includes

comparisons between republican legal traditions

and how they react to contemporary challenges.

The book will be of value to political and

democratic theorists, to legal philosophers and

constitutional theorists, and all those interested

in the legitimacy of decision-making in national

and international settings.

Pure Theory of Law Hans Kelsen 2005-01-01

Kelsen, Hans. Pure Theory of Law. Translation

from the Second German Edition by Max Knight.

Berkeley: University of California Press, 1967. x,

356 pp. Reprinted 2005 by The Lawbook

Exchange, Ltd. ISBN 1-58477-578-5.

Paperbound. \$36.95 * Second revised and

enlarged edition, a complete revision of the first

edition published in 1934. A landmark in the

development of modern jurisprudence, the pure

theory of law defines law as a system of coercive

norms created by the state that rests on the

validity of a generally accepted Grundnorm, or

basic norm, such as the supremacy of the

Constitution. Entirely self-supporting, it rejects

any concept derived from metaphysics, politics,

ethics, sociology, or the natural sciences. Beginning with the medieval reception of Roman law, traditional jurisprudence has maintained a dual system of "subjective" law (the rights of a person) and "objective" law (the system of norms). Throughout history this dualism has been a useful tool for putting the law in the service of politics, especially by rulers or dominant political parties. The pure theory of law destroys this dualism by replacing it with a unitary system of objective positive law that is insulated from political manipulation. Possibly the most influential jurist of the twentieth century, Hans Kelsen [1881-1973] was legal adviser to Austria's last emperor and its first republican government, the founder and permanent advisor of the Supreme Constitutional Court of Austria, and the author of Austria's Constitution, which was enacted in 1920, abolished during the Anschluss, and restored in 1945. The author of more than forty books on law and legal philosophy, he is best known for this work and *General Theory of Law and State*. Also active as a teacher in Europe and the United States, he was Dean of the Law Faculty of the University of Vienna and taught at the universities of Cologne and Prague, the Institute of International Studies in Geneva, Harvard, Wellesley, the University of California at Berkeley, and the Naval War College. Also available in cloth.

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.

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.

Philosophical Foundations of Children's and Family Law Associate Professor of Philosophy Elizabeth Brake 2018-03 This volume brings together new essays in law and philosophy on a broad range of topics in children's and family law. It is the first volume to bring together essays by legal scholars and philosophers for an integrated, critical analysis of key issues in this area, marking the 'coming of age' of a comparatively new field of family law. Debates in children's and family law are at once theoretical and empirical in nature. Not only does children's and family law have significant consequences for individuals' intimate lives, the field's impact on lived experience highlights the socially constructed nature of law. Approaching this area of law often involves exploring a legal concept familiar from daily life, such as the very notion of 'marriage' or 'family', and examining it within its social, economic, and historical context. The normative basis for law regulating intimate personal and family life extends beyond any narrow legal philosophy or social context to its broader foundations in theories of morality or justice. The chapters included bring together a representative and broad range of pieces that engage with long-standing and contemporary debates. A wide range of perspectives is represented on topics such as same-sex marriage, polygamy and polyamory, alimony, unmarried cohabitation, gestational surrogacy and assisted reproductive technologies, child support, parental rights and responsibilities, children's rights, family immigration, religious freedom, and the rights of paid caregivers. There is also philosophical discussion of concepts such as care, intimacy, and the nature of family and family law itself.

The Legal Effects of EU Agreements Mario Mendez 2013-03-07 This is an open access title available under the terms of a CC BY-NC-ND 3.0

International licence. It is free to read at Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations. Comprehensively examining the legal effects of EU concluded treaties, this book provides a thorough analysis of this increasingly important and rapidly growing area of EU law. The EU has concluded more than 1000 treaties including recently its first human rights treaty (the UN Rights of Persons with Disability Convention). These agreements are regularly invoked in litigation in the Courts of the member states and before the EU courts in Luxembourg but their ramifications for the EU legal order and that of the member states remains underexplored. Through analysis of over 300 cases, the author finds evidence of a twin-track approach whereby the Court of Justice of the European Union (CJEU) adopts a maximalist approach to Treaty enforcement where EU agreements are invoked in challenges to member state level action whilst largely insulating EU action from meaningful review vis-à-vis agreements. The book also reveals novel findings regarding the use of EU agreements in EU level litigation including: the types and which specific EU agreements (including the types of provisions) have arisen in litigation; the nature of the proceedings (preliminary rulings or direct actions) and the number of occasions in which they have been addressed in challenges to member state or EU action and the outcomes; who has been litigating (individuals, institutions, or member states) and which domestic courts have been referring questions to the CJEU. The significance of the judicial developments in this area are situated within the context of the domestic constitutional ramifications for member state legal orders thus revealing a neglected dimension in the constitutionalization debates which traditionally emphasized the ramifications of internal EU law for the domestic constitutional order without expressly accommodating the constitutional significance of this external category of EU law nor the different challenges that this poses domestically. This volume will serve as a reference point for future work in this area and will also be of assistance to EU law practitioners dealing with EU agreements.

A Theory of African Constitutionalism

Berihun Adugna Gebeye 2021-07-08 A Theory of African Constitutionalism asks and seeks to answer why we need a new theoretical framework for African constitutionalism and how this could offer us better theoretical and practical tools with which to understand, improve, and assess African constitutionalism on its own terms. By locating constitutional studies in Africa within the experiences, interactions, and contestations of power and governance beginning in precolonial times, the book presents the development and transformation of African constitutional systems across time and place, along with the attendant constitutional designs and practices ranging from the nature and operation of the African state to its vertical and horizontal government structures, to its constitutional rights regime. This title offers both a theoretically and comparatively rich, historically and contextually informed, and temporally and spatially extensive account of the nature, travails, and incremental successes of African constitutionalism with detailed case studies from Nigeria, Ethiopia, and South Africa. A Theory of African Constitutionalism provides scholars, policymakers, governments, and constitution builders in Africa and beyond with new insights for reimagining the purpose, substance, and scope of constitutions and constitutionalism.

In Pursuit of Pluralist Jurisprudence Nicole Roughan 2017-09-30 This book presents and evaluates theoretical approaches to 'pluralist jurisprudence' and assesses the viability of theorising law extending beyond the state.

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 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.

Between Equal Rights China Miéville 2006
Mieville critically examines existing theories of international law and offers a compelling alternative Marxist view.

Islamic Law: A Very Short Introduction

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

Human Rights Robert McCorquodale 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 on their application.

Indigenous Peoples' Status in the International Legal System Mattias Åhrén
2016-03-10 While many have explored the law surrounding the rights of indigenous peoples through an examination of all relevant instruments and institutions, this book is based on the premise that one can obtain an in depth knowledge of the indigenous rights regime by simply knowing the answer to two questions: What is meant by 'peoples' and 'equality' under international law? From Terra Nullius to International Legal Subjects and Possessors of Land - Indigenous Peoples' Status in the International Legal System offers a new and profound insight into the international indigenous rights discourse. This volume articulates that the understanding of 'peoples' is paramount to the question of whether indigenous peoples are beneficiaries of the right to self-determination, and, if so, what should be the content and scope of this right. The book additionally explores the contemporary meaning of 'equality', arguing that the understanding of equality fundamentally impacts what rights indigenous peoples possess over territories and natural resources. This book outlines the rights of greatest relevance to indigenous peoples, communities, and individuals, and explains the justification for indigenous rights.

The Global South and Comparative Constitutional Law Philipp Dann 2020-10-30
This volume makes a timely intervention into a field which is marked by a shift from unipolar to multipolar order and a pluralization of constitutional law. It addresses the theoretical and epistemic foundations of Southern constitutionalism and discusses its distinctive themes, such as transformative constitutionalism, inequality, access to justice, and authoritarian legality. This title has three goals. First, to pluralize the conversation around constitutional law. While most scholarship focuses on liberal forms of Western constitutions, this book attempts to take comparative law's promise to cover all major legal systems of the world seriously; second, to reflect critically on the epistemic framework and

the distribution of epistemic powers in the scholarly community of comparative constitutional law; third, to reflect on - and where necessary, test - the notion of the Global South in comparative constitutional law. This book breaks down the theories, themes, and global picture of comparative constitutionalism in the Global South. What emerges is a rich tapestry of constitutional experiences that pluralizes comparative constitutional law as both a discipline and a field of knowledge.

The Inherent Rights of Indigenous Peoples

in International Law Antonietta Di Blase

2020-02-24 This book highlights the cogency and urgency of the protection of indigenous peoples and discusses crucial aspects of the international legal theory and practice relating to their rights. These rights are not established by states; rather, they are inherent to indigenous peoples because of their human dignity, historical continuity, cultural distinctiveness, and connection to the lands where they have lived from time immemorial. In the past decades, a new awareness of the importance of indigenous rights has emerged at the international level. UN organs have adopted specific international law instruments that protect indigenous peoples. Nonetheless, concerns persist because of continued widespread breaches of such rights. Stemming from a number of seminars organised at the Law Department of the University of Roma Tre, the volume includes contributions by distinguished scholars and practitioners. It is divided into three parts. Part I introduces the main themes and challenges to be addressed, considering the debate on self-determination of indigenous peoples and the theoretical origins of 'indigenous sovereignty'. Parts II and III explore the protection of indigenous peoples afforded under the international law rules on human rights and investments respectively. Not only do the contributors to this book critically assess the current international legal framework, but they also suggest ways and methods to utilize such legal instruments towards the protection, promotion and fulfilment of indigenous peoples' rights, to contribute to the maintenance of peace and the pursuit of justice in international relations.

Legal Theory of International Arbitration

Emmanuel Gaillard 2010-05-03 The present

work, based on a Course given at The Hague Academy of International Law in the Summer 2007, identifies the philosophical postulates that underlie this field of study and shows their profound coherence and the practical consequences that follow from these postulates in the resolution of international disputes.

Events: The Force of International Law Fleur Johns 2010-10-04 Events: The Force of International Law presents an analysis of international law, 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 appeals to international law from the general media, and curious about the limits and possibilities occasioned, or the forces mobilised, by that appeal.

Applicable Law in Investor-State Arbitration

Hege Elisabeth Kjos 2013-03-21 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.

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, and criminology.

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.

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.

Normativity and Norms Professor of Law and Professor of Philosophy Stanley L Paulson 1998 Using newly translated papers and some of the best extant writings on Kelsen's theory, this volume covers topics including competing ideas on the nature of law, legal validity, legal powers and the unity of municipal and international law. *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. [The George Washington International Law Review](#) 2002

Law and Legal Theory Thom Brooks
2013-11-07 Law and Legal Theory Edited by
brings together some of the most important
essays in the area of the philosophy of law

written by leading, international scholars and
offering significant contributions to how we
understand law and legal theory to help shape
future debates.