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**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 Long Arc of Legality** David Dyzenhaus 2021-12-31 The Long Arc of Legality breaks the current deadlock in philosophy of law between legal positivism and natural law by showing that any understanding of law as a matter of authority must account for the interaction of enacted law with fundamental principles of legality. This interaction conditions law's content so that officials have the moral resources to answer the legal subject's question, 'But, how can that be law for me?' David Dyzenhaus brings Thomas Hobbes and Hans Kelsen into a dialogue with H. L. A. Hart, showing that philosophy of law must work with the idea of legitimate authority and its basis in the social contract. He argues that the legality of international law and constitutional law are integral to the main tasks of philosophy of law, and that legal theory must attend both to the politics of legal space and to the way in which law provides us with a 'public conscience'.

**The Death Penalty in Africa** Aimé Muyoboke Karimunda 2016-03-16 Human development is not simply about wealth and economic well-being, it is also dependent upon shared values that cherish the sanctity of human life. Using comparative methods, archival research and quantitative findings, this book explores the historical and cultural background of the death penalty in Africa, analysing the law and practice of the death penalty under European and Asian laws in Africa before independence. Showing progressive attitudes to punishment rooted in both traditional and modern concepts of human dignity, Aimé Muyoboke Karimunda assesses the ground on which the death penalty is retained today. Providing a full and balanced appraisal of the arguments, the book presents a clear and compelling case for the total abolition of the death penalty throughout Africa. This book is essential reading for human rights lawyers, legal anthropologists, historians, political analysts and anyone else interested in promoting democracy and the protection of fundamental human rights in Africa.

**Law, Morality, and Legal Positivism** International Association for Philosophy of Law and Social Philosophy. World Congress 2004 Contents P. Capps: Positivism in Law and International Law D. von Daniels: Is Positivism a State Centered Theory? K. E. Himma: Legal Positivism's Conventionality Thesis and the Methodology of Conceptual Analysis R. Nunan: A Modest Rehabilitation of the Separability Thesis A. Oladosu: Choosing Legal Theory on Cultural Grounds: An African Case for Legal Positivism C. Orrego: Hart's Last Legal Positivism: Morality Might Be Objective; Legality Certainly is Not M. Pavcnik: Die (Un)Produktivität der Positivistischen Jurisprudenz M. Haase: The Hegelianism in Kelsen's Pure Theory of Law S. Papaemthiou: The House Kelsen Built U. J. Pak: Legal Practitioners' Need of Reflective Application of Legal Philosophy in Korea U. Schmill: Jurisprudence and the Concept of Revolution D. Venema: Judicial Discretion: a Necessary Evil? J. Baker: Rights, Obligations, and Duties, and the Intersection of Law, Conventions and Morals S. Bertea: Legal Systems' Claim to Normativity and the Concept of Law J. Dalberg-Larsen: On the Relevance of Habermas and Theories of Legal Pluralism for the Study of Environmental Law A. Philippopoulos-Mihalopoulos: A Connection of No-Connection in Luhmann and Derrida

**Law and Revolution in South Africa** Drucilla Cornell 2014-04-03 The relation between law and revolution is one of the most pressing questions of our time. As one country after another has faced the challenge that comes with the revolutionary overthrow of past dictatorships, how one reconstructs a new government is a burning issue. South Africa, after a long and bloody armed struggle and a series of militant uprisings, negotiated a settlement for a new government and remains an important example of what a substantive revolution might look like. The essays collected in this book address both the broader question of law and revolution and some of the specific issues of transformation in South Africa.

**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.

**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.

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

**Queering International Law** Dianne Otto 2017-07-04 This ground-breaking 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.

**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.

**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.

**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.

**The Dignity Jurisprudence of the Constitutional Court of South Africa** Drucilla Cornell 2013-07 Since the Second World War, dignity has increasingly been recognized as an important moral and legal value. Although important examples of dignity-based arguments can be found in western European and North American case law and legal theory, the dignity jurisprudence of the Constitutional Court of South Africa is widely considered to be the most sweeping in the world. This book brings together the first sixteen years of constitutional jurisprudence addressing the meaning, role, and reach of dignity in the law of South Africa as a multiracial democracy.

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

**General Reports of the XVIIIth Congress of the International Academy of Comparative Law/Rapports Généraux du XVIIIème Congrès de l'Académie Internationale de Droit Comparé** Karen B. Brown 2011-12-30 This title presents twenty-nine topics, prepared by leading scholars in more than 20 countries, providing a comparative analysis of cutting-edge legal topics of the 21st century. Considering topics of vital moment to contemporary legal scholars, the title includes pieces on Surrogate Motherhood, The Balance of Copyright in Comparative Perspective, International Law in Domestic Systems, Constitutional Courts as "Positive Legislators," Same-sex Marriage, Climate Change and the Law, The Regulation of Private Equity, Hedge Funds, and State Funds, and Regulation of Corporate Tax Evasion. Each chapter surveys legal developments in the U.S. and Canada, Europe, Asia, Latin and South America, Africa, and the Middle East in a format that permits the reader easy access to similarities and differences in the approaches of the selected national regimes. This comprehensive volume tells the story of parallel trends in the evolution of legal doctrine despite jurisdictional, cultural, and political barriers. While each of the covered countries stands alone as a sovereign, in a technologically advanced world their disparate systems nonetheless have converged to adopt comparable strategies in dealing with complex legal issues. The volume is a critical addition to the library of any scholar hoping to keep abreast of the major trends in contemporary law.

**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. **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.

**Empire, Emergency and International Law** John Reynolds 2017-08-10 What does it mean to say we live in a permanent state of emergency? What are the juridical, political and social underpinnings of that framing? Has international law played a role in producing or challenging the paradigm of normalised emergency? How should we understand the relationship between imperialism, race and emergency legal regimes? In addressing such questions, this book situates emergency doctrine in historical context. It illustrates some of the particular colonial lineages that have shaped the state of emergency, and emphasises that contemporary formations of emergency governance are often better understood not as new or exceptional, but as part of an ongoing historical constellation of racialised emergency politics. The book highlights the connections between emergency law and violence, and encourages alternative approaches to security discourse. It will appeal to scholars and students of international law, colonial history, postcolonialism and human rights, as well as policymakers and social justice advocates. **Social and Legal Theory in the Age of Decoloniality** Artwell Nhemachena 2018-06-07 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 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.

**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.

**Library of Congress Law Library: An Illustrated Guide**

**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 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.

**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. **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.

**A Landscape of Contemporary Theories of International Law** Emmanuel Roucouas 2019-09-16 The book explores the main characteristics of contemporary theory in international law. It examines in an analytical fashion 32 schools, movements, and trends as well as the works of more than 500 authors on substantive issues of international law.

**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.

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

**Law, Society and Community** Richard Nobles 2016-04-22 This collection of socio-legal studies, written by leading theorists and researchers from around the world, offers original, perceptive and critical contributions to ideas and theories that have been expounded by Roger Cotterrell over a long and distinguished career. Engaging with many classic issues and theories of the sociology of law, the contributions are likely to become classics themselves as they tackle some of the most significant challenges that modern law faces. They do not shy away from what one of the contributors describes as the complexity and multiplicity of our contemporary legal world. The book is organized in three parts: socio-legal themes; methodological and jurisprudential themes; globalization, cultural and comparative law themes. Starting with a chapter that re-engages with the need to interpret legal ideas sociologically, and ending with one that explores the global significance of modern fascination with the idea of the rule of law, this selection offers important additions to the oeuvre of Roger Cotterrell (a list of whose academic writings is included in the book).

**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 complexities 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.

**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 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

**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 on their application.

**Welfare Law** Lucy A. Williams 2020-11-25 This title was first published in 2001: Welfare law is a legal field integral to most jurisprudential formulations, whether artificially designated as doctrinal, theoretical or practical. At its core, legal discourse regarding welfare challenges the formulations traditionally viewed as 'pre-legal', the 'background rules' of property, tort and contract law. In addition, it affects a large percentage of the world's population, highlights the social construction of identities and perhaps more than any other area of law, graphically epitomizes the intersection of class, race and gender distinctions. However, within both the legal academy and practice, welfare law has been marginalized and viewed as a field that does not connect to any but a small sector of lawyers and legal clients. Isolated as an arcane domain of either statutory and regulatory legal minutiae or jurisprudential insignificance, welfare law has never realized its potential as a major hub for legal theoretical discourse. The articles in this volume seek to expose the roots of the essentialized view of welfare law as nonessential and re-establish its value and importance.

**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 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.

**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.

**Exploring Social Rights** Daphne Barak-Erez 2007-12-18 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 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)

**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 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 reveals a bilateral process whereby, on the one hand, the professionalisation of international law informs discourses about the law, and, on the other hand, discourses about the law inform the professionalisation 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.

**Legal Pluralism** M. B. Hooker 1975 This study describes the plural systems of those states retaining an indigenous law which have had imposed, or have adopted into themselves, Western laws - such as those inherited from colonial empires or adopted voluntarily in, for example, Turkey, Thailand, and Ethiopia. Attention is also given to the revolutionary change of law in the U.S.S.R and China. Many issues of practical importance are involved in pluralism, including those of modernization and development of law for economic and development of law for economic and social purposes, as well as conflicts of law and legal theory.

**Comparative Discrimination Law** Laura Carlson 2017-12-11

**Rights** Carlos Nino 1992-08 The essays in this volume concern the topic of legal rights, how they are related to morality, the place of rights on moral theory, and the legal recognition of rights.

**Legal Pluralism Explained** Brian Z. Tamanaha 2021-03-03 Legal pluralism involves the coexistence of multiple forms of law. This involves state law, international law, transnational law, customary law, religious law, indigenous law, and the law of distinct ethnic or cultural communities. Legal pluralism is a subject of discussion today in legal anthropology, legal sociology, legal history, postcolonial legal studies, women's rights and human rights, comparative law, international law, transnational law, European Union law, jurisprudence, and law and development scholarship. A great deal of confusion and theoretical disagreement surrounds discussions of legal pluralism which this book aims to clarify and help resolve. Drawing on historical and contemporary studies including the Medieval period, the Ottoman Empire, postcolonial societies, Native peoples, Jewish and Islamic law, Western state legal systems, transnational law, as well as otherst it shows that the dominant image of the state with a unified legal system exercising a monopoly over law is, and has always been, false and misleading. State legal systems are internally pluralistic in various ways and multiple manifestations of law coexist in every society. This book explains the underlying reasons for and sources of legal pluralism, identifies its various consequences, uncovers its conceptual and normative implications, and

resolves current theoretical disputes in ways that are useful for social scientists, theorists, jurists, and law and development scholars and practitioners.