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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.

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.

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.

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.

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.

The Problematics of Moral and Legal Theory Richard A. Posner 1999 Ambitious legal thinkers have become mesmerized by moral philosophy, believing that great figures in the philosophical tradition hold the keys to understanding and improving law and justice and even to resolving the most contentious issues of constitutional law. They are wrong, contends Richard Posner in this book. Posner characterizes the current preoccupation with moral and constitutional theory as the latest form of legal mystification—an evasion of the real need of American law, which is for a greater understanding of the social, economic, and political facts out of which great legal controversies arise. In pursuit of that understanding, Posner advocates a rebuilding of the law on the pragmatic basis of open-minded and systematic empirical inquiry and the rejection of cant and nostalgia—the true professionalism foreseen by Oliver Wendell Holmes a century ago. A bracing book that pulls no punches and leaves no pieties unpunctured or sacred cows unknicked, *The Problematics of Moral and Legal Theory* offers a sweeping tour of the current scene in legal studies—and a hopeful prospect for its future.

Human Rights, Southern Voices William Twining 2009-09-24 This anthology contains a variety of Southern perspectives on human rights and contemporary issues relating to Islam, African custom, constitution making and abuses of the language of human rights.

The Politics of Hate Speech Laws Alexander Brown 2019-10-05 This book examines the complex relationship between politics and hate speech laws, domestic and international. How do political contexts shape understandings of what hate speech is and how to deal with it? Why do particular states enact hate speech laws and then apply, extend or reform them in the ways they do? What part does hate speech play in international affairs? Why do some but not all states negotiate, agree and ratify international hate speech frameworks or instruments? What are some of the best and worst political arguments for and against hate speech laws? Do political figures have special moral duties to refrain from hate speech? Should the use of hate speech by political figures be protected by parliamentary privilege? Should this sort of hyperpolitical hate speech be subject to the laws of the land, civil and criminal? Or should it instead be handled by parliamentary codes of conduct and procedures or even by political parties themselves? What should the codes of conduct look like? Brown and Sinclair answer these important and overlooked questions on the politics of hate speech laws, providing a substantial body of new evidence, insights, arguments, theories and practical recommendations. The primary focus is on the UK and the US but several other country contexts are also explored and compared in detail, including: Nigeria, Kenya, South Africa, India, China, Japan, Turkey, Germany, Hungary, and Italy. Methodologically, the two authors draw on approaches and concepts from a range of academic disciplines, including: law and legal theory, political theory, applied ethics, political science and sociology, international relations theory and international law.

International Poverty Law Lucy Williams 2008-02-29 This book seeks to advance the emerging field of international poverty law. While law and development discourse has dealt with international poverty, advocates of poverty reduction customarily operate within a nation-state context. The contributors to this volume, while largely, although not exclusively, relying on human rights discourse and United Nations, International Labour Organization and World Trade Organization initiatives as their primary legal sources, begin to position international poverty law as a legitimate field for transnational, multidisciplinary legal research and dialogue. While critiquing both legal theory and current policy, they nevertheless open up a constructive prospect of specific arenas in which the development of international poverty law can contribute to addressing poverty reduction. The opening chapters of this volume provide a framework within which to position the future theoretical development of international poverty law. The rest of the book explores specific human rights initiatives that address particular aspects of poverty. These include an overview of human rights conventions and how they can be connected to international poverty law; measures required to counter the tendency of intellectual property law as applied to biological products and processes to undermine food security; the right to food as framed in United Nations development documents; the potential role that voluntary codes of conduct currently being adopted by some transnational corporations might play in poverty reduction; and the startlingly important development in the new South Africa of an alternative vision of constitutional law that takes account of international human rights instruments in moving towards rendering social and economic rights justifiable.

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).

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.

Internationale Individualkläger Patricia Wiater 2020-10-27

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.

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.

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)

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

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.

Seeking Viable Grassroots Representation Mechanisms in African Constitutions Charles Mwalimu 2009 In this book Charles Mwalimu explores viable grassroots representation mechanisms in African constitutions in order to positively integrate indigenous and modern systems in Sub-Saharan Africa. A comparative study method is used to examine the constitutional principles of chieftaincy and local government and their impact on human rights. To establish and prove lack of positive integration Mwalimu connects this failure to poor constitutionalism, development and stultified growth and human rights violations. This book proposes remedial actions to build nondiscriminatory constitutional regimes eradicating violations of human rights.

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.

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.

A Landscape of Contemporary Theories of International Law Emmanuel Roucounas 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.

Feminist Legal Theory Frances Olsen 1995-10-01 A collection of previously published articles.

Library of Congress Law Library: An Illustrated Guide

The Theory of the Judicial Practice of South Africa, with Suitable and Copious Practical Forms Subjoined to and Illustrating the Practice of the Sever Capser Hendrik Van Zyl 2013-09 *The Making of Modern Law: Foreign, Comparative and International Law, 1600-1926*, brings together foreign, comparative, and international titles in a single resource. Its International Law component features works of some of the great legal theorists, including Gentili, Grotius, Selden, Zouche, Pufendorf, Bijkershoek, Wolff, Vattel, Martens, Mackintosh, Wheaton, among others. The materials in this archive are drawn from three world-class American law libraries: the Yale Law Library, the George Washington University Law Library, and the Columbia Law Library. Now for the first time, these high-quality digital scans of original works are available via print-on-demand, making them readily accessible to libraries, students, independent scholars, and readers of all ages.+++++The below data was compiled from various identification fields in the bibliographic record of this title. This data is provided as an additional tool in helping to insure edition identification: +++++Yale Law LibraryLP3Y044890119210101The Making of Modern Law: Foreign, Comparative, and International Law, 1600-1926Paged continuously. First edition, 1893. "Colonial law reports cited" P. xvi. Second edition pub. under title: *The theory of the judicial practice of the colony of the Cape of Good Hope and of South Africa generally*. "Preparatory remarks to the first edition" signed: C.H. Van Zyl. Cape Town; Port Elizabeth; Uitenhage; Johannesburg: Juta & Co., Ltd., 1921 2 v.; 25 cmSouth Africa

Theory and Practice of Harmonisation Mads Tønnesson Andenæs 2011 Harmonised and uniform international laws are now being spread across different jurisdictions and fields of law, bringing with them an increasing body of scholarship on practical problems and theoretical dimensions. This comprehensive and insightful book focuses on the contributions to the development and understanding of the critical theory of harmonisation.

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.

Die Anerkennung traditioneller Institutionen in Südafrika, Ghana und Uganda Lisa Heemann 2016-11-14 Südafrika, Ghana und Uganda sind Beispiele afrikanischer Staaten, die traditionelle Institutionen in ihren Verfassungen anerkennen. Traditionelle Institutionen übernehmen neben ihren kulturellen Ämtern auch hoheitliche Aufgaben auf lokaler Ebene zum Beispiel in der Administration von Landnutzungsrechten, in der Rechtsprechung oder in der Kommunalverwaltung. Sie fungieren zudem als Repräsentanten der traditionellen Gemeinschaften in eigenen Mitwirkungsorganen auf nationaler Ebene. Die politische Bewertung fällt ambivalent aus: einerseits als Ausdruck kultureller Vielfalt, andererseits als patriarchische, lokale Eliten. Die Analyse des universellen und regionalen Völkerrechts sowie der innerstaatlichen Rechtsordnungen zeigt den Umgang des Rechts mit diesem Spannungsverhältnis und die insbesondere menschenrechtlichen Anforderungen an die Ausgestaltung der Anerkennung traditioneller Institutionen auf.

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.

Decolonisation of Legal Knowledge Amita Dhanda 2012-04-27 The premise of this book is that legal theory in general, and critical legal theory in particular, do not facilitate the identification of choices being made in the different facets of law -- whether in the enacting, interpreting, administering or theorising of law.

Legal Aspects of Economic Integration in Africa Richard Frimpong Oppong 2011-07-07 Richard Frimpong Oppong challenges the view that effective economic integration in Africa is hindered by purely socio-economic, political and infrastructural problems. Inspired by the comparative experiences of other regional economic communities and imbued with insights from constitutional, public and private international law, he argues that even if the socio-economic, political and infrastructural challenges were to disappear, the state of existing laws would hinder any progress. Using a relational framework as the fulcrum of analyses, he demonstrates that in Africa's economic integration processes, community-state, inter-state and inter-community legal relations have neither been carefully thought through nor situated on a solid legal framework, and that attempts made to provide legal framework have been incomplete and, sometimes, grounded on questionable assumptions. To overcome these problems and aid the economic integration agenda that is essential for Africa's long-term economic growth and development, the author proposes radical reforms to community and national laws.

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.

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.

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.

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.

Globalisation and Legal Theory William Twining 2000-03 The text makes the case for a revival of general jurisprudence in response to globalisation.

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.

Comparative Discrimination Law Laura Carlson 2017-12-11

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.

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.

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.