



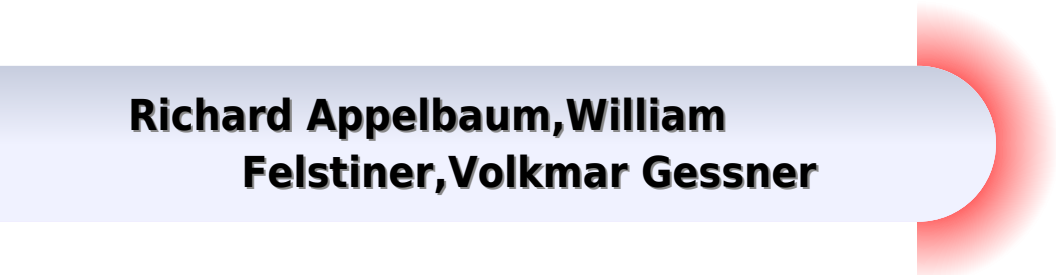
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# LAWYERS AND THE RULE OF LAW IN AN ERA OF GLOBALIZATION

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BRYANT G. GARTH

# Globalisation And The Rule Of Law

**Richard Appelbaum, William  
Felstiner, Volkmar Gessner**



## **Globalisation And The Rule Of Law:**

**Globalisation and the Rule of Law** Spencer Zifcak,2004-08-02 This book reassesses the idea of the rule of law within the present complex and increasingly internationalised environment and is the first to relate globalisation exclusively to law

**Globalisation and the Rule of Law** Spencer Zifcak,2004-08-02 Globalisation and the Rule of Law reassesses the idea of the rule of law within the present complex and increasingly internationalized environment There have been many books studying the phenomenon of globalization and its economic social or cultural consequences This book however is the first to relate globalization exclusively to law It examines the impact of globalization upon the rule of law a fundamental value within liberal democratic sovereign states The book opens with three chapters discussing the theory of the rule of law and its necessary reconceptualization in a global environment Then in three sections considering global trade security and human rights it proposes new ways of thinking about global law and its application in new and existing institutions of global governance Contributors include top flight academics politicians and judges making this book significant and relevant in both jurisprudential theory and political practice

**The Law of Globalization** Laurence Boulle,2009-01-01 There is a growing clamour particularly from the main beneficiaries of globalization that rules need to be established to govern the international economy with a specific focus on questions such as copyright violations trade sanctions and protections for foreign investment Those who perceive they are disadvantaged by globalization demand other legal protections in relation to employment cultural traditions and the environment

Rule of Law in Context: Globalisation and Indian Resonances to Sustainable Development Shashikala Gurpur,Bindu Samuel Ronald,Aparajita Mohanty,Atmaram F. Shelke,2025-01-27 Symbiosis Conference on Rule of Law in Context SYMROLIC represents the point of arrival of Faculty of Law SIU to maturity with its own imprint in the world of legal research It is an interdisciplinary conference which emphasizes Law Life Interface in the spheres of Innovation Science Technology Management Human Behavior Global Policy Governance and Climate Change Among the special features of this conference are the Plenary Session and Track 4 which focus on Legal Road to Sustainable Development Goals Global and Indian Route and EU Climate Justice Law Governance Management and Policy respectively The conference along with other tracks will also have a track on European Legal Studies In line with the lead research trends this conference addresses the need for narrowing the gap between the idea and reality of a rule of law society

**Lawyers and the Rule of Law in an Era of Globalization** Yves Dezalay,Bryant Garth,2011-01-30 First published in 2011 Lawyers and the Rule of Law in an Era of Globalization focuses on the national and transnational processes transforming both the rule of law and the role of lawyers The book draws on a framework that emphasizes the relationship between the national the international the strategies of lawyers at various political levels and the circulation of ideas and people As such it considers the rule of law not as a normative ideal that has to be accomplished and realized but rather as a field of action and discourse that emerges through complex relationships among experts national elites and global

institutions Through detailed empirical work the contributors all examine the relationship between law politics and the state focusing on lawyers and the social capital they possess and deploy in order to understand the efficacy of the rule of law in different polities This book will be invaluable for socio legal scholars students of the legal profession as well as those with interests in law and development studies *Handbook on the Rule of Law* Christopher May, Adam Winchester, 2018-08-31 The discussion of the norm of the rule of law has broken out of the confines of jurisprudence and is of growing interest to many non legal researchers A range of issues are explored in this volume that will help non specialists with an interest in the rule of law develop a nuanced understanding of its character and political implications It is explicitly aimed at those who know the rule of law is important and while having little legal background would like to know more about the norm

**Global Perspectives on the Rule of Law** James J. Heckman, Robert L. Nelson, Lee Cabatingan, 2013-03 Global Perspectives on the Rule of Law presents original work from a panel of leading social scientists and legal scholars on the relationship between the rule of law and economic and political development *The Rule of Law Under Fire?* Raymond Wacks, 2021-10-21 Does the rise of populism authoritarianism and nationalism threaten the welfare of the rule of law Is this fundamental democratic ideal under siege In this timely and important book Raymond Wacks examines the philosophical roots of the rule of law and its modern often contentious interpretation He then investigates 16 potential ideological economic legal and institutional dangers to the rule of law They range from the exercise of judicial and administrative discretion and parliamentary sovereignty to the growth of globalisation the war on terror and the disquieting power of Big Tech He also considers the enactment and enforcement in several countries of Draconian measures to curtail the spread of COVID 19 which has generated fears that these emergency powers may outlive the pandemic and become a permanent feature of the legal landscape thereby impairing the rule of law Wacks identifies which issues among this extensive array pose genuine risks to the rule of law and suggests how they might be confronted to ensure its defence and preservation

**Judicial Reconstruction and the Rule of Law** Angeline Lewis, 2012-08-27 The idea of building a blueprint rule of law through military intervention has seized the imagination of practitioners and theorists alike in the past decade of peacebuilding operations and an emphasis on simultaneous judicial reconstruction and security sector reform has emerged as their central strategy This work in a fresh approach based on recent military operations in Iraq and beyond challenges both the universality of the blueprint and the doctrinal assumption that institutional reform by military interveners builds peace and legitimacy In a comprehensive review the essential role of the community in developing its own relationship with law while interveners refocus exclusively on restoring public security using their extraordinary powers under international humanitarian law emerges as the only future for rule of law operations **Civilising Globalisation** David Kinley, 2009-08-13 Economic globalisation and universal human rights both have the aspiration and power to improve and enrich individuals and communities However their respective institutions methods practices and goals differ leading to both

detrimental clashes and beneficial synergies In this book David Kinley analyses how human rights intersect with the trade aid and commercial dimensions of global economic relations taking the view that while the global economy is a vitally important civilising instrument it itself requires civilising according to human rights standards Combining meticulous research with highly informed views and experiences he outlines the intellectual policy and practical frameworks for ensuring that the global economy advances the ends of human rights argues for better exploitation of the global economy's capacity to distribute as well as create wealth and proposes mechanisms by which to minimise and manage the socially debilitating effects of its market failures and financial meltdowns      Rules and Networks Richard Appelbaum, William Felstiner, Volkmar Gessner, 2001-12-31 This book explores how business people and their legal advisers try to minimise the effect of the difficulties imposed by different cultures      *Advanced Introduction to Law and Globalisation* Jaakko Husa, 2018-11-30 This Advanced Introduction offers a fresh critical analysis of various dimensions of law and globalisation drawing on historical normative theoretical and linguistic methodologies Its comprehensive and multidisciplinary approach spans the fields of global legal pluralism comparative legal studies and international law      *Lawyers and the Rule of Law* Andrew Boon, 2022-10-20 This book examines lawyers' contributions to creating and maintaining the rule of law one of the pillars of a liberal democracy It moves from the European Enlightenment to the modern day exploring the role of judges government lawyers and private practitioners in creating defining and being defined by the demands of modern society The book is divided into 4 parts representing the big themes The first part considers lawyers' contribution to the growth of constitutionalism the second the formulation of roles and identities and the third the formation of values The fourth part focuses on the challenges faced by lawyers and the rule of law in the past 50 years the neoliberal period and how they challenge both conceptions of lawyers and the rule of law Each part is illustrated by defining events from the execution of Charles I through the Nuremberg Trials to the insurrection by supporters of Donald Trump in January 2021 Although the focus is on England and Wales parallel developments in other jurisdictions Australia Canada New Zealand and the USA are considered This allows analysis of lawyers' historical and contemporary engagement with the rule of law in jurisdictional systems based on the Common Law Each chapter is thematic but the passage through the book is broadly chronological

**Recrafting the Rule of Law** David Dyzenhaus, 1999-07-01 This collection of essays on the rule of law focuses on the traditional question whether the rule of law is necessarily the rule of moral principles the question of the legitimacy of law Essays by lawyers philosophers and political theorists illuminate and take forward both that question and debate about issues to do with the reach of the rule of law which complicate its answer The essays are divided into sections which deal first with legal orders where the rule of law is under severe stress second with the question of the value of the rule of law as a conceptual problem and third with the question of the limits of legal order Contributors Richard Abel Jody Freeman Robert Alexy Neil MacCormick Kenneth Winston Andras Sajó Alon Harel Anton Fagan Anthony Sebok Christine Sypnowich Allan

Hutchinson Bill Scheuerman John MacCormick Julian Rivers Henry Richardson David Dyzenhaus **Globalisation, Populism, Pandemics and the Law** Findlay, Mark, 2021-07-31 Advocating a style of law and a role for legal agency which returns to its essential humanist ideology and represents public spiritedness this unique book confronts the myths surrounding globalisation advancing the role for law as a change agent unburdened from its current market functionality

*The Law of the Future and the Future of Law* Sam Muller, Stavros Zouridis, Morly Frishman, Laura Kistemaker, 2011-06-21 The Law of the Future and the Future of Law is a unique collection of think pieces in which a wide variety of experts share their thoughts on how they envision the future of law By asking the question What do you see as the most significant challenges for the development of the law What developments are we likely to see in the coming two to three decades What do those developments mean for national legal systems as a whole the Hague Institute for the Internationalisation of Law HiiL has canvassed the views of a large number of renowned experts in particular areas of law This volume was prepared as part of the Law of the Future Joint Action Programme and as the basis of the Law of the Future Conference on 23 and 24 June 2011 The Law of the Future Joint Action Programme is based on the premise that prospective thinking about law is not only desirable but also required in order to ensure that law and legal systems do not become obsolete ineffective or unjust The aim is to set a world standard in thinking ahead to guide decision makers today For more information visit [www.lawofthefuture.org](http://www.lawofthefuture.org)

**Globalisation and Natural Resources Law** Elena Blanco, Jona Razzaque, 2011-01-01 This book is a very welcome addition to publications on globalisation and natural resources management It adopts a very broad approach to this important subject it includes the general issues such as trade and investment It deals with very complex questions of permanent sovereignty over natural resources the right to development the role of indigenous peoples in resource management This publication also provides the reader with general underlying principles and approaches to natural resources management such as sustainable use the precautionary principle the principle of common but differentiated responsibilities and the ecosystem approach regulatory approach etc The book is very analytical and gives a lot of food for thought for readers Malgosia Fitzmaurice Queen Mary University of London UK The book is the first of its kind to deal in depth with complex cross cutting issues relating to globalization and natural resources The authors demonstrate not only a broad range of knowledge but also provides deep insights into what will be needed to make the transition from economic globalization to sustainable globalization including improved resource efficiency and sustainable development and inclusive and participatory governance In particular the authors consider specific approaches in such sectors as water resources renewable energy and biological resources The book has carefully documented and analyzed numerous international regional and national legal frameworks as well as relevant theories and principles It is a must for every law library as well as for policy makers administrators academics non governmental bodies and civil societies We owe a great debt to the authors for their painstaking comprehensive research Koh Kheng Lian National University of Singapore Globalization as a means of aptly

capturing political social cultural and above all else economic phenomena has been well documented and the subject of a multitude of comment What has perhaps been less well studied is its relationship with natural resource management Thus this work by Merino Blanco and Razzaque is to be commended Moreover by focusing on globalization an important truth is revealed It is neither about the diminution of the role of the State nor the ascendancy of the multinational corporation but rather a more nuanced and complex interaction which we are only beginning to appreciate This book is an important contribution to that debate Duncan French University of Sheffield UK While sustainable development requires State regulation of the exploitation of natural resources globalisation as originally conceived pushed for free and unfettered markets creating a fundamental tension between the two approaches This book attempts to find a way towards their reconciliation with inspiring results The book explores many themes especially how globalisation may contribute to the solution of the problems it has caused by helping to empower non state actors around the world so that the international decision making processes become more inclusive transparent and oriented towards sustainable development Ximena Fuentes Universidad Alonso Ibanez Chile and ILA Co Rapporteur on the Commission on Sustainable Development This book examines the complex relationships between trade human rights and the environment within natural resources law It discusses key theories and challenges whilst exploring the concepts and approaches available to manage crucial natural resources in both developed and developing countries Primarily aimed at undergraduates and postgraduates it includes exercises questions and discussion topics for courses on globalisation and or natural resources law as well as an ample bibliography for those interested in further research The book will therefore serve as an invaluable reference tool for academics researchers and activists alike

**James Tully** Alexander Livingston, 2022-05-30 James Tully's scholarship has profoundly transformed the study of political thought by reconstructing the practice of political theory as a democratising and diversifying dialogue between scholars and citizens Across his writings on topics ranging from the historical origins of property constitutionalism in diverse societies imperialism and globalisation and global citizenship in an era of climate crisis Tully has developed a participatory mode of political theorising and political change called public philosophy This practice oriented approach to political thought and its active role in the struggles of citizens has posed fundamental challenges to modern political thought and launched new lines of inquiry in the study of constitutionalism democracy and citizenship settler colonialism comparative political theory nonviolence and ecological sustainability James Tully *To Think and Act Differently* collects classic contemporary and previously unpublished writings from across Tully's four decades of scholarship to shed new light on these dialogues of reciprocal elucidation with citizens scholars and the history of political thought and the ways Tully has enlarged our understanding of democracy diversity and the task of political theory *Law and Society in East Asia* Christoph Antons, 2017-07-05 The massive and complex process of change in East Asia over recent decades has brought about a transformation in the nature of law and legal institutions in the region Whilst the process of change has to

some degree mimicked western models of law and legal change there have been significant differences in approach due to the different social foundations of East Asian societies The more obvious of these has been the variety of ways in which rule of law ideas have been adopted in many East Asian countries where the role of the state is more dominant when compared with Western models This volume brings together a selection of the most important writings on East Asia of researchers in recent years and shows the broad range of questions which researchers have been addressing about the effect of law reform and legal change in societies dominated by traditional values and political forces and at a time of massive economic change

**Comparative Law** Mathias Siems, 2018-04-12 Comparative Law offers a thorough grounding in the subject for students and scholars of comparative law alike critically debating both traditional and modern approaches to the subject and using examples from a range of legal systems gives the reader a truly global perspective Covering essential academic debates and comparative law methodology its contextualised approach draws on examples from politics economics and development studies to provide an original contribution to topics of comparative law This new edition is fully revised and updated throughout to reflect contemporary research contains more examples from many areas of law and there is also an increased discussion of the relevance of regional international transnational and global laws for comparative law Suitable for students taking courses in comparative law and related fields this book offers a fresh contextualised and cosmopolitan perspective on the subject



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