

LEGAL SYSTEM BETWEEN ORDER AND DISORDER



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Legal System Between Order And Disorder

Catherine Valcke



Legal System Between Order And Disorder:

Legal System Between Order and Disorder Michel van de Kerchove, 2002 *The Concept of an International Organization in International Law* Lorenzo Gasbarri, 2021 The aim of this series is to publish important and original pieces of research on all aspects of international law Topics that are given particular prominence are those which while of interest to the academic Lawyer also have important bearing on issues which touch the actual conduct of international relations Nonetheless the series is wide in scope and includes monographs on the history and philosophical foundations of international law Book jacket Multicentrism as an Emerging Paradigm in Legal Theory Marek Zirk-Sadowski, Mariusz Jerzy Golecki, Bartosz Wojciechowski, 2009 The contemporary legal theory is gradually departing from traditional theory of the hierarchical legal system Some authors announce the supposed death of the concept of law within the state The so called multicentrism might become an attractive alternative to the traditional monocentric approach The essence of multicentrism may be characterized as coexistence of many adjudicating bodies especially courts whose verdicts are equally effective within the national legal system Such a situation takes place e g within the European legal area where multicentrism could be perceived as the existence of sensitive liaisons entanglements and relations of dependence between the European Court of Human Rights in Strasbourg the European Court of Justice in Luxemburg and national especially constitutional courts in member states The coexistence of many centres of adjudication may thus become a constant feature of the system of regional and global law

Legal System Between Order and Disorder Michel van de Kerchove, François Ost, 1994 This book considers two interrelated core questions The first is how have legal philosophers systematized law and what types of assumptions have they made in undertaking this task Second in what sense is law a system and how is it maintained as such In answering the first question the book surveys and analyses the theories of a number of European legal philosophers and in answering the second puts forward its own distinct theory

The Tangled Complexity of the EU Constitutional Process Giuseppe Martinico, 2022-08-05 Offering a fresh view on the EU constitutionalisation process the new edition of *The Tangled Complexity of the EU Constitutional Process* presents three main points the idea of constitutional complexity the tension between constitutional evolutionism and constitutional constructivism in the process of European integration and the functional nature of conflicts in the evolution of the EU Because of its prodigiousness European law produces consternation among constitutionalists accustomed to traditional patterns of power This book argues that while constitutional conflicts have frequently been depicted as elements of disturbance along the path towards legal coherence they are physiological and might even be functional to the development of the European legal order which should not be understood in a deterministic manner The new edition will be of particular interest to academics and students in the disciplines of law international relations and political science

Comparing Law Catherine Valcke, 2018-10-25 Reconstructs existing comparative law scholarship into a coherent analytic framework so as to both fend off current charges of theoretical arbitrariness and guide

future work **Order and Disorder** Keebet von Benda-Beckmann, Fernanda Pirie, 2008-02-01 Disorder and instability are matters of continuing public concern Terrorism as a threat to global order has been added to preoccupations with political unrest deviance and crime Such considerations have prompted the return to the classic anthropological issues of order and disorder Examining order within the political and legal spheres and in contrasting local settings the papers in this volume highlight its complex and contested nature Elaborate displays of order seem necessary to legitimate the institutionalization of violence by military and legal establishments yet violent behaviour can be incorporated into the social order by the development of boundaries rituals and established processes of conflict resolution Order is said to depend upon justice yet injustice legitimates disruptive protest Case studies from Siberia India Indonesia Tibet West Africa Morocco and the Ottoman Empire show that local responses are often inconsistent in their valorization acceptance and condemnation of disorder

Observing Law through Systems Theory Richard Nobles, David Schiff, 2012-12-07 This book uses Niklas Luhmann's systems theory to explore how the legal system operates as one of modern society's subsystems The authors demonstrate how this theory alters our understanding of some of the most important and controversial issues within law the nature of judicial communication and legal argument the claim that it can be right to disobey law the character of legal pluralism and globalisation time and its construction within law the significance of the rule of law and human rights and the role of appeals to and within law Systems theory enables the authors to demonstrate how the legal system observes its own operations through its own communications and how this contrasts with the manner in which law is observed by other systems such as the media and politics In this context the authors explore the constraints imposed by systems in particular the legal system upon the individuals who participate in them **The Concept of Unity in Public International Law** Mario

Prost, 2012-03-15 Fragmentation has become a defining albeit controversial metaphor of international law scholarship in the era of globalisation Some scholars see it as a new development others as history repeating itself some approach it as a technical issue and some as the reflection of deeper political struggles But there is near consensus about the fact that the established vision of international law as a unitary whole is under threat At the core of the fragmentation debate lies the concept of unity but this is hardly ever rationalised and is more assumed than explained Its meaning remains vague and intuitive The Concept of Unity in Public International Law attempts to dispel that vagueness by exploring the various possible meanings of the concept of unity in international law However eschewing one grand theory of unity it identifies and compares five candidates Intentionally pluralistic in its outlook the book does not engage in normative arguments about whether international law is or should be unitary but seeks to show instead that the concept of unity is contested and that discourses on fragmentation are necessarily contingent The thesis on which the book is based won the 2009 Prize for best doctoral thesis from the Association des professeurs de droit du Québec Law as Communication Mark Van

Hoecke, 2002-10-23 Human interaction and communication are not only regulated by law but such communication plays an

increasing role in the making and legitimation of law involving various kinds of participants in the communication process. The precise nature of these communications depends on the legal actors involved for instance legislators judges legal scholars and the media and on the situations where they arise for instance at the national and supra national level and within or between State law and non State law. The author argues that our conception of legal system of democracy of the legitimation of law and of the respective role of judges legislators and legal scholars should be based on a pluralist and communicative approach rather than on a monolithic and hierarchical one. This book analyses the main problems of jurisprudence from such a communicative perspective. *European Legal Development* John Bell, David Ibbetson, 2014-07-31. Reviews the relationship between the social environment and legal tradition in the development of tort law between 1850 and 2000. The Court of Arbitration for Sport and Its Jurisprudence Johan Lindholm, 2019-03-25. This book takes a close look at the Court of Arbitration for Sport CAS challenging existing claims and answering previously unanswered questions by considering all of its publicly available decisions both in its entirety as a body of jurisprudence and on a case by case level. It also investigates the actors involved in adjudication before the CAS both the parties that bring disputes before the CAS and the arbitrators that resolve them and in so doing establish precedents that govern sports generally. While the book relies upon and includes more traditional legal theory and analysis it combines this with an empirical analysis of a large portion of the CAS's decisions. Hereby it relies upon and relates to the theory of the development of a transnational legal order in sports the *lex sportiva*. The publication is targeted at and will benefit those professionally working in or interested in the fields of sports law arbitration law transnational law or empirical legal studies. Johan Lindholm is a Professor of Law at Umeå University in Sweden. *Coviability of Social and Ecological Systems: Reconnecting Mankind to the Biosphere in an Era of Global Change* Olivier Barrière, Mohamed Behnassi, Gilbert David, Vincent Douzal, Mireille Fargette, Thérèse Libourel, Maud Loireau, Laurence Pascal, Catherine Prost, Vonyer Ravana-Cañete, Frédérique Seyler, Serge Morand, 2019-03-12. This book considers the principle of sustainable development which is currently facing a growing environmental crisis. A new mode of thinking and positioning the ecological imperative is the major input of this volume. The prism of co viability is not the economics of political agencies that carry the ideology of the dominant conventional economic schools but rather an opening of innovation perspectives through science. This volume through its four parts more than 40 chapters and a hundred authors gives birth to a paradigm which crystallizes within a concept that will support in overcoming the ecological emergency deadlock. **Experts, Networks and International Law** Holly Cullen, Joanna Harrington, Catherine Renshaw, 2017-02-23. Highlighting how the challenges raised by globalization from environmental management to financial sector meltdowns have encouraged the emergence of experts and networks as powerful actors in international governance the contributions in this collection assess the methods and effectiveness of these new actors. Unlike other books that have focused on networks or experts this volume brings these players together showing how they interact and share the challenges of establishing

legitimacy and justifying their power and influence The collection shows how experts and networks function in different ways to address diverse problems across multiple borders The reader is provided with a broader and deeper practical understanding of how informal authority actually operates and of the nature of the relationship between different actors involved in policymaking Through a range of case studies the contributions in this collection explain how globalization is reshaping traditional forms of power and authority *A Cosmopolitan Jurisprudence* Helge Dedek,2021-12-16 Inspired by comparative law scholar Patrick Glenn s work an international group of legal scholars explores the state of the discipline

Transnational Legality Thomas Schultz,2014 International law can be created by other means than treaties between states This book investigates the philosophical questions posed by the treatment of international arbitration as law such as those relating to sovereignty and territoriality and sets out conditions which international arbitration must meet in order to form legitimate law **Political, Economic and Legal Effects of Artificial Intelligence** Georgios I. Zekos,2022-03-07

This book presents a comprehensive analysis of the alterations and problems caused by new technologies in all fields of politics It further examines the impact of artificial intelligence AI on the nexus between politics economics and law The book raises and answers several important questions What is the role of AI in politics Are people prepared for the challenges presented by technical developments How will AI affect future politics and human society How can politics and law deal with AI s disruptive technologies What impact will AI and technology have on law How can efficient cooperation between human beings and AI be shaped Can artificial intelligence automate public decision making Topics discussed in the book include but are not limited to digital governance public administration digital economy corruption democracy and voting legal singularity separation of power constitutional rights GDPR in politics AI personhood digital politics cyberspace sovereignty cyberspace transactions and human rights This book is a must read for scholars and students of political science law and economics as well as policy makers and practitioners interested in a better understanding of political legal and economic aspects and issues of AI **The Development of Human Rights Law by the Judges of the International Court of Justice** Shiv R.S. Bedi,2007-01-18

The jurisprudence of the International Court of Justice generally demonstrates that no rule of international law can be interpreted and applied without regard to its innate values and the basic principles of human rights Through its case law the ICJ has made immense contributions to the development of human rights law and in so doing continues to provide solutions to mounting international problems such as terrorism and unilateral use of force Part I of the book argues that the legislative spirit of contemporary international law lies in the doctrine of human rights and that the spirit of human rights doctrine lies in the principle of human dignity Furthermore it argues that the processes of international legislation and international adjudication are inseparable and that there is no norm of international law which does not intertwine the fundamental principle of human dignity with human rights doctrine Hence human rights law is more a school of law than merely a normative branch of international law and the ICJ s willingness to engage in the development of human rights law

depends upon which judicial ideology its judges subscribe to In order to evaluate how this human rights spirit is manifested or occasionally not manifested through the vast jurisprudence of the ICJ Parts II and III critically examine the Court's principal contentious and advisory cases in which it has treated human rights questions The legal reasoning of the Court and the opinions appended to its decisions by its individual judges are analysed in light of the principle of human dignity and the doctrine of human rights

Climate Justice T. Thorp, 2014-08-28 In this ground breaking work Teresa Thorp tackles the causes and effects of climate injustice by methodically mapping out an approach by which to reach a negotiated consensus with legal force to protect present and future generations Using the law and policy of climate change as a vehicle for illustrating how to shape our future she comprehensively overturns the widely held contemporary view of climate justice as inconstant charitable acts relative systemic notions and static concepts isolated from the common good and a congruent rule of law Responding to the adverse impacts of climate change heat waves extended drought severe flooding and desertification which represent an urgent and potentially irreversible threat to human societies and the planet requires a new and cohesive way of thinking about global policy and the law The mission of guaranteeing and realising human dignity human security and human rights is multi fold Looking through the lens of kaleidoscopic normativity an extensible language anchored in common juridical elements should facilitate how norms enter the socio legal frame and interact within it Users need to be able to display and interpret the congruent legal norm in order to obey and apply it Galvanising this process by constitutionalising first principles and consequential norms is vital for attaining fraternity between nations and among all people

Climate Justice A Voice for the Future is an essential read for scholars practitioners and all those genuinely interested in reaching consensus on a post 2015 global climate accord a unified development agenda and a cohesive pact for disaster risk reduction

Sustainable Development As a Principle of International Law Christina Voigt, 2009 This volume provides a framework for the doctrinal foundation of sustainable development as a principle of integration in international law The work departs from the fragmented nature of the international legal system a system that lacks integrative principles for creating coherent relations between for example the international trade regime of the WTO and multilateral environmental agreements The specific focus is on a legal analysis of potential normative conflicts between climate measures as regulated by the UNFCCC and the Kyoto Protocol in particular the flexibility instruments of international emissions trading and the Clean Development Mechanism and the rules of the WTO Attention is then given to the application of sustainable development as a principle of integration in relation to these conflicts The book takes on several important timely and demanding tasks related to the urgent global challenge of climate change and the capacity of international law to deal with complex and multifaceted issues It addresses in particular a The relations between various international legal regimes especially between international trade law and climate law a The legal status of sustainable development as a principle of international law and a The analysis of interpretative methods and of principles that may serve to address conflicts between

rules pertaining to different legal regimes Here integration as part of legal reasoning becomes particularly relevant

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