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- Jim Crow
- "Separate but equal"
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Terrorism and the Limitation of Rights Stefan Sottiaux, 2008-02-29 Taking as a starting point the widely accepted view that states confronted with terrorism must find a proper equilibrium between their respective obligations of preserving fundamental rights and fighting terrorism effectively this book seeks to demonstrate how the design and enforcement of a human rights instrument may influence the result of that exercise An attempt is made to answer the question how a legal order's approach to the limitation of rights may shape decision making trade offs between the demands of liberty and the need to guarantee individual and collective security In doing so special attention is given to the difference between the adjudicative methods of balancing and categorisation The book challenges the conventional wisdom that individual rights in times of crisis are better served by the application of categorical rather than flexible models of limitation In addition the work considers the impact of a variety of other factors including the discrepancies in enforcing an international convention as opposed to a national constitution and the use of emergency provisions permitting derogations from human rights obligations in time of war or a public emergency The research questions are addressed through a comparative study of the terrorism related restrictions on five fundamental rights protected under the European Convention on Human Rights and the United States Constitution the right to freedom of expression the right to freedom of association the right to personal liberty the right to privacy and the right to a fair trial The book offers both a theoretical account of the paradoxical relationship between terrorism and human rights and a comprehensive comparative survey of the major decisions of the highest courts on both sides of the Atlantic

Roles and Perspectives in the Law David Carter, Matthew Palmer, 2002 Contains papers presented at a conference entitled Roles and perspectives in the law held in April 2002 at Victoria University of Wellington Law School honouring Sir Ivor Richardson upon his retirement as President of the Court of Appeal Covers eight distinct and contrasting areas of law the juxtaposition of which illustrates the underlying principles tensions and values that run through the law Includes sections on taxes and commercial regulation

A Theory of Constitutional Rights Robert Alexy, 2010 In any country where there is a Bill of Rights constitutional rights reasoning is an important part of the legal process As more and more countries adopt Human Rights legislation and accede to international human rights agreements and as the European Union introduces its own Bill of Rights judges struggle to implement these rights consistently and sometimes the reasoning behind them is lost Examining the practice in other jurisdictions can be a valuable guide Robert Alexy's classic work reconstructs

the reasoning behind the jurisprudence of the German Basic Law and in doing so provides a theory of general application to all jurisdictions where judges wrestle with rights adjudication In considering the features of constitutional rights reasoning the author moves from the doctrine of proportionality procedural rights and the structure and scope of constitutional rights to general rights of liberty and equality and the problem of horizontal effect A postscript written for the English edition considers critiques of the Theory since it first appeared in 1985 focusing in particular on the discretion left to legislatures and in an extended introduction the translator argues that the theory may be used to clarify the nature of legal reasoning in the context of rights under the British Constitution

Remedies for Human Rights Violations Kent Roach, 2021-04-08 An innovative book that provides fresh insights into the neglected field of remedies in both international and domestic human rights law Providing an overarching two track theory it combines remedies to compensate and prevent irreparable harm to litigants with a more dialogic approach to systemic remedies It breaks new ground by demonstrating how proportionality principles can improve remedial decision making and avoid reliance on either strong discretion or inflexible rules It draws on the latest jurisprudence from the European and Inter American Courts of Human Rights and domestic courts in Australia Canada India New Zealand Hong Kong South Africa the United Kingdom and the United States Separate chapters are devoted to interim remedies remedies for laws that violate human rights damages remedies in the criminal process declarations and injunctions in institutional cases remedies for violations of social and economic rights and remedies for violations of Indigenous rights

Human Rights and Tobacco Control Marie E. Gispén, Brigit Toebes, 2020-08-28 Large scale adverse health and developmental outcomes related to tobacco affect millions of people across the world raising serious questions from a human rights perspective In response to this crisis this timely book provides a comprehensive analysis of the promotion and enforcement of human rights protection in tobacco control law and policy at international regional and domestic levels

Philosophical Foundations of Human Rights Rowan Cruft, S. Matthew Liao, Massimo Renzo, 2015 Readership This book would be suitable for students academics and scholars of law philosophy politics international relations and economics

The Judge in a Democracy Aharon Barak, 2006 Publisher Description

Constitutional Reform as a Remedy for Political Disenchantment in Australia Bede Harris, 2020-04-22 The central argument of this book explores the disillusionment that Australians feel with regard to the way politics is conducted The book explores causes of that disillusionment and argues that because these are ultimately traceable to defects in the constitution it is only through constitutional reform that government can be improved This book argues that the current approach to constitutional debate suffers from the flaw of being anti theoretical in the sense that it is not grounded in any set of values and is afflicted by a tendency to consider practical objections to reform before considering the moral case for it This book argues that instead of accepting the constitution as it is it is time we began to discuss how it ought to be taking human dignity as the fundamental value upon which a constitution should be based It then puts the case for change in a number of areas including reform of

the electoral system enhanced parliamentary scrutiny of the executive the inclusion in the constitution of a full bill of rights the abolition of the federal system realisation of the rights of Indigenous people codification of constitutional conventions either in conjunction with or separately from an Australian republic reform of the rules of standing in constitutional matters and finally the need to improve civics education This book is designed to be provocative in the way that it directly challenges current academic orthodoxy This book also outlines a proposed draft new constitution This book will be of interest to anyone who is concerned about how Australia is governed and why it has been so difficult to achieve constitutional reform

The 'Legal Pluriverse' Surrounding Multinational Military Operations Robin Geiß, Heike Krieger, Henning Christian Lahmann, 2020 This book conceptualizes and examines theories of the Legal Pluriverse the multiplicity of rules that regulate multinational missions and the diverse actors involved The book sets out the various legal regimes assesses how these rules interact and exposes norm conflicts areas of legal uncertainty or ambiguous loopholes

The EU Charter of Fundamental Rights Steve Peers, Tamara Hervey, Jeff Kenner, Angela Ward, 2021-11-18 this most thorough commentary must be regarded as the Bible on the Charter Peter Oliver Common Market Law Review This second edition of the first commentary of the EU Charter of Fundamental Rights in English written by experts from several EU Member States provides an authoritative but succinct statement of how the Charter impacts upon EU domestic and international law Following the conventional article by article approach each commentator offers an expert view of how each article is either already being interpreted in the courts or is likely to be interpreted Each commentary is referenced to the case law and is augmented with extensive references to further reading This is a much welcomed new edition of the authoritative guide to the Charter

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