

Bruno Aguilera-Barchet

A History of Western Public Law

Between Nation and State

 Springer

A History Of Western Public Law Between Nation And State

Clara Esteve-Jordà



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Original Nation Approaches to Inter-National Law Hiroshi Fukurai, Richard Krooth, 2021-04-08 This book introduces the Original Nation scholarship to examine the historical genealogy of the nation s struggles against the state A fundamentally different portrait of history geography politics and the role of law emerges when the perspective of the nation and peoples is placed at the center of geopolitical analysis of global affairs In contrast to traditional and canonical state centric narratives the Original Nation scholarship offers a diametrically distinct on the ground and bottom up portrait of the struggle resistance and defiance of the nation and peoples It exposes persistent global patterns of genocide ecocide and ethnocide that have resulted from attempts by the state to occupy suppress exploit and destroy the nation The Original Nation scholarship offers a powerful and widely applicable intellectual tool to examine the history of resilience emancipatory struggles and collective efforts to build a vibrant alternative world among the nation and peoples across the globe

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The Individual in International Law Anne Peters, Tom Sparks, 2024 The Individual in International Law collects the work of esteemed scholars to examine the effects of humanisation on international law and how individual status rights and obligations have changed the international

legal system throughout history and into the present day **Leasing and Western Development of Coal** United States. Congress. Senate. Committee on Energy and Natural Resources. Subcommittee on Energy Production and Supply,1978

An Historical Introduction to Western Constitutional Law R. C. van Caenegem,1995-03-23 Professor van Caenegem's new book addresses fundamental questions of constitutional organization democracy versus autocracy unitary versus federal organization pluralism versus intolerance by analyzing different models of constitutional government through a historical perspective The approach is chronological constitutionalism is explained as the result of many centuries of trial and error through a narrative that begins in the early Middle Ages and concludes with contemporary debates focusing on Europe the United States and the Soviet Union **Anti-Catholicism in America, 1620-1860** Maura Jane Farrelly,2018 Farrelly uses

America's early history of anti Catholicism to reveal contemporary American understandings of freedom government God the individual and the community *The State Tradition in Western Europe* Kenneth Dyson,2024-10-31 Why have continental European societies developed the idea of the abstract impersonal state as the fundamental institution of political rule Why on the other hand has this idea played a relatively insignificant part in the history of English speaking countries It is to such questions that this major study is addressed With clarity and conciseness Kenneth Dyson examines the fascinating tapestry of thought about public authority that the state tradition represents and identifies the major individual contributions to that tapestry In addition to offering a clear conceptualisation of state he deals with such key issues as the role of the intellectual the social function of state theories and the difficulties of accommodating state and democracy **Rule of Law vs**

Majoritarian Democracy Giuliano Amato,Benedetta Barbisan,Cesare Pinelli,2021-08-26 What is more paradoxically democratic than a people exercising their vote against the harbingers of the rule of law and democracy What happens when the will of the people and the rule of law are at odds Some commentators note that the presence of illiberal political movements in the public arena of many Western countries demonstrates that their democracy is so inclusive and alive that it comprehends and countenances even undemocratic forces and political agendas But what if on the contrary these were the signs of the deconsolidation of democracy instead of its good health What if democratically elected regimes were to ignore constitutional principles representing the rule of law and the limits of their power With contributions from judges and scholars from different backgrounds and nationalities this book explores the framework in which this tension currently takes place in several Western countries by focusing on four key themes The Rule of Law presenting a historical and theoretical reconstruction of the evolution of the Rule of Law The People dealing with a set of problems around the notion of people and the forces claiming to represent their voice Democracy and its enemies tackling a variety of phenomena impacting on the traditional democratic balance of powers and institutional order Elected and Non Elected focusing on the juxtaposition between judges and more generally non representative bodies and the people's representation Intervention in Civil Wars Chiara Redaelli,2021-02-25 This book investigates the extent to which traditional international law regulating foreign

interventions in internal conflicts has been affected by the human rights paradigm Since the adoption of the Charter of the United Nations foreign armed interventions in internal conflicts have turned into a common practice At first sight it might seem that state practice has developed in a chaotic fashion however on closer examination specific patterns emerge The book charts these patterns by examining the traditional doctrines of intervention and testing them against state practise The book has two aims Firstly it seeks to clarify the current legal framework regulating interventions in internal conflicts Secondly it plots the emergence of new trends and investigates whether they are becoming part of positive international law By taking this dual focus it offers the first truly comprehensive examination of foreign interventions in internal conflicts

Western Constitutionalism Andrea Buratti, 2023-10-31 This book explores the theoretical origins historical foundation political meaning and legal development of western constitutionalism as well as the structure and transformation of constitutional law in the Western World Introducing the historical background of western constitutional traditions it links this rich conceptual framework with the legal arrangements of states constitutions and the current trends of the internationalization of constitutional law Serving as a comprehensive introduction to constitutional studies this book provides detailed information on the design of legal systems while addressing the main critical theoretical issues raised by constitutionalism in western democracies and in the global landscape This new third edition covers a broader scope reflecting recent political and legal transformations and is enriched in terms of didactic instruments for university students

Beyond Private Property Clara Esteve-Jordà, 2025-09-10 This book highlights the inequity and lack of sustainability generated by the modern conception of property as the cornerstone of the world capitalist economy that has led to the Anthropocene Through a comparative analysis of the right to property in various contemporary Western constitutions Clara Esteve Jord examines its evolution as capitalism moves into a late neoliberal phase

The Language of Comparative Constitutional Law Erika Arban, Maartje De Visser, Jeong-In Yun, 2025-10-02 This volume is the first in depth collection to explore the impact of language on the field of comparative constitutional law It addresses the epistemological and conceptual implications of English as the lingua franca In this regard it considers the global influence of Anglophone jurisdictions in orienting the discourse through the identification of concepts designs and ideas that warrant engagement and exploration outside of those origin jurisdictions In doing so the book underscores that language is not a neutral device but can produce hegemonic pressures and expectations It further makes the role of language in conducting comparative constitutional law explicit so that its users can be more deliberate in their selection of foreign materials and are made conscious of the limitations of their findings due to language barriers The book calls for a reckoning with the rich constitutional vocabulary that non Anglophone jurisdictions have to offer to ensure a more holistic approach to the creation of knowledge It also emphasises the need for the contextualised study of constitutional phenomena to appreciate how these are shaped by linguistic choices In addition to raising awareness about language s significance as an epistemological conceptual and methodological device the volume also puts forward

constructive tools and techniques to harness language's potential making it an indispensable resource for scholars students lawmakers and judges *Constitutional Culture, Independence, and Rights* Javier Garcia Oliva, Helen Hall, 2023-05-26 In *Constitutional Culture Independence and Rights* Javier Garcia Oliva and Helen Hall coin the term constitutional culture to encapsulate the collective rules and expectations that govern the collective life within a jurisdiction Significantly these shared norms have both legal and social elements including matters as diverse as standards of parenting the modus operandi of police officers and taboos around sexuality Using Quebec Scotland and Catalonia as case studies the book delves into what these constitutional battles mean for the rights identity and needs of everyday people and it powerfully demonstrates why the hypothetical future independence of these regions would have far reaching practical consequences beyond the realm of political structures and academic theory The book does not present a magic bullet to resolve debates around independence this is not its purpose and the text in fact demonstrates why there is no objectively optimal approach in any or all contexts Instead it seeks to shed light on aspects of these situations often overlooked in discussions around the fate of nations and it addresses what the consequences of constitutional paradigm shifts might be for individuals Constitutional culture is a complex web of interconnected understandings and behaviours and the vibrations from shaking or cutting a fundamental strand will be felt throughout the structure *Administrative Law for the 21st Century* Suzana Tavares da Silva, 2024-04-30 The book provides a discursive reflection on the current challenges facing administrative law based on a key idea the defence of the liberal model of society The author describes the content of her book as a turning point on the traditional standards of the rule of law and the way it impacts on the administrative state and administrative law Considering the current use and abuse of emergency law by governments based on economic crisis environmental crisis pandemic and the economic situation caused by the Ukraine war she devises a different balance or equilibrium on the usual separation of powers Many reasons contribute to this turning point i the weaknesses of an open society easily swayed by social networks ii social tribalism replaces common good and general interest iii social tribalism leads to illiberal society which causes illiberal democracies iv illiberal democracies lead to ungovernability which reinforces the role of the government the emergency law and some de facto measures The author looks at many recent decisions from the ECJ and the ECHR and some constitutional and administrative courts which extends the interest of this work to a wide range of professionals from scholars to students from judges to lawyers filling the gap from an administrative law perspective of the current issues *Religious Human Rights in Global Perspective* John Witte, Johan D. van der Vyver, 2023-07-24 In this Dickensian century of human rights the world has cultivated the best of religious rights protections but witnessed the worst of religious rights abuses In this volume Jimmy Carter John T Noonan Jr and a score of leading jurists assess critically and comparatively the religious rights laws and practices of the international community and of selected states in the Atlantic continents This volume and its companion *Religious Human Rights in Global Perspective Religious Perspectives* are products of an ongoing project on religion human

rights and democracy undertaken by the Law and Religion Program at Emory University A Comparative Study of Chinese and Western Legal Language and Culture Falian Zhang, 2021-03-08 This book involves a variety of aspects and levels including the diachronic and synchronic dimensions Law profoundly affects our daily lives but its language and culture can at times be nearly impossible to understand As a comparative study of Chinese and Western legal language and legal culture this book investigates the similarities and differences of both sides and identifies their respective advantages and disadvantages Accordingly it considers both social and cultural functions and both theoretical and practical values Firstly the book addresses the differences that is the basic frameworks and disparities between the Chinese and Western legal languages and legal cultures Secondly it explores relevant changes over time that is the historical evolution and the basic driving forces that were at work before the Chinese and Western legal languages and cultures met Lastly the book elaborates on their fusion that is the conflicts and changes in Chinese and Western legal languages and cultures in China in the modern era as well as the introduction transplantation and transformation of Western legal culture **Necessity and National Emergency Clauses** Diane A. Desierto, 2012-01-06 States invoke economic crises and security threats to justify treaty non compliance The most dramatic recent examples of this phenomenon include necessity defences in international investment law emergency derogations in international human rights treaties exceptions for non conforming measures in international trade law and doctrinal misapplications of necessity in jus ad bellum and jus in bello Necessity and National Emergency Clauses is the first to trace the doctrine s genealogy from medieval Christian and Islamic religious history to post Westphalian practices the International Law Commission s codifications and modern treaty formulations Recognizing the doctrine s thematic linkage with the State s sovereign right to delimit international obligation the volume proposes analytical criteria to assess the lawfulness and legitimacy of interpretations of necessity and national emergency clauses within specialized treaty regimes This volume is intended for law students legal scholars arbitrators international judges and other international law practitioners interested in deriving interpretive solutions to treaty controversies on the doctrine of necessity Diane Desierto was awarded the 2010 2011 Ambrose Gherini Prize the highest prize awarded in the field of International Law by Yale Law School for her JSD dissertation upon which this book is based

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