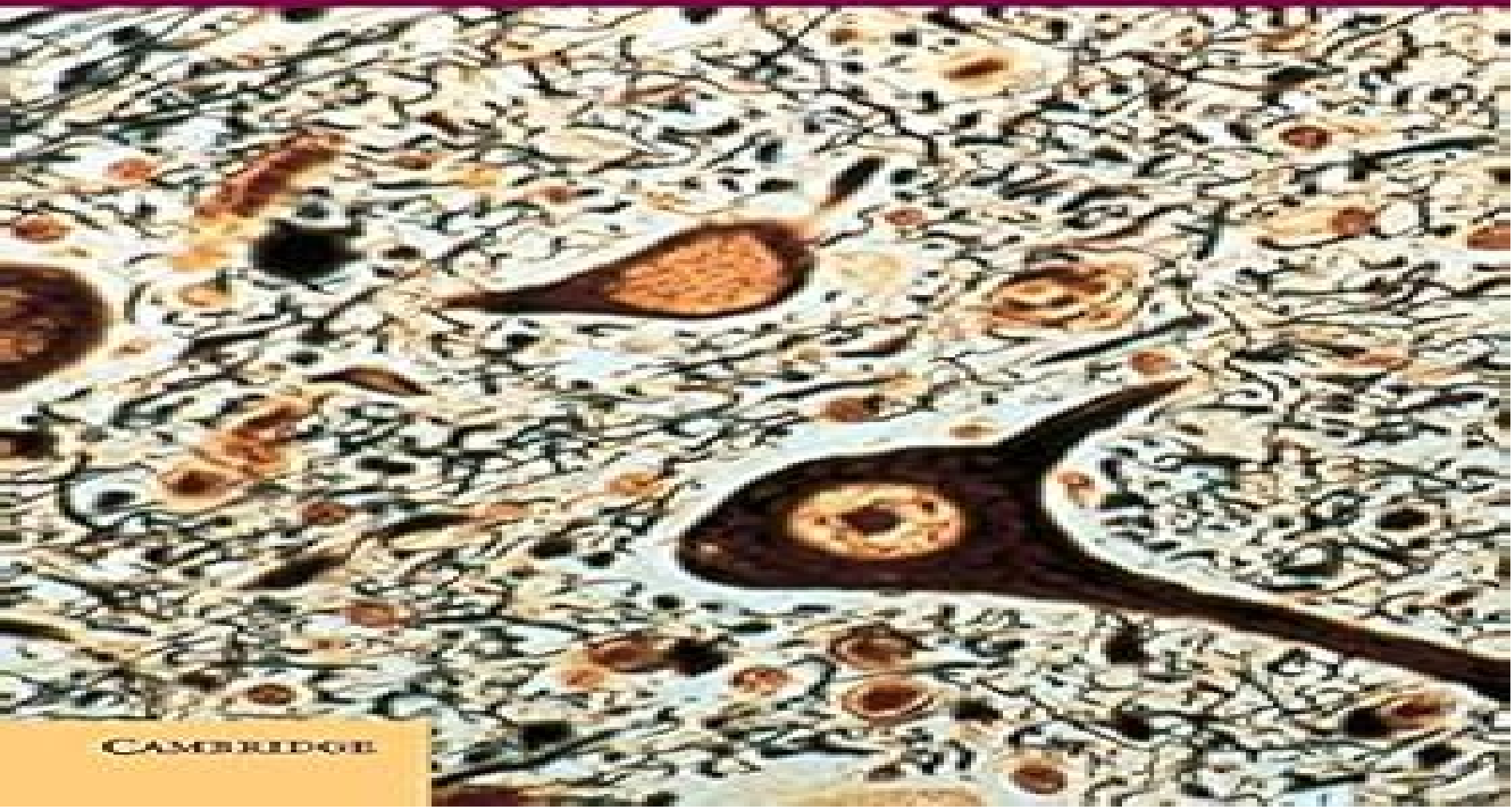


The Health of Nations

Society and Law beyond the State

PHILIP ALLOTT



CAMBRIDGE

Health Of Nations Society And Law Beyond The State

James J. Chriss



Health Of Nations Society And Law Beyond The State:

The Health Of Nations : Society And Law Beyond The State ALLOTT, The human world is changing Old social structures are being overwhelmed by forces of social transformation which are sweeping across political and cultural frontiers A social animal is becoming the social species The animal that lives in packs and herds family corporation nation state is becoming a member of a human society which is the society of all human beings the society of all societies The age old problems of social life religious philosophical moral political legal economic must now be addressed at the level of the whole species and the level where all cultures and traditions meet and will contribute to an exhilarating and hazardous new form of human self evolving In this book Philip Allott explores the social and legal implications and potentialities of these developments in the light of the general theory of society and law which is proposed in his groundbreaking Eunomia New Order for a New World

European Constitutionalism Beyond the State J. H. H. Weiler, Marlene Wind, 2003-09-04 Some of the most innovative scholars in the field of European constitutionalism come together in this book to highlight different facets of the new constitutional discussion Provoking deep analysis of the different ideas of constitution and constitutionalism it delineates new ways of thinking about the future of Europe In particular it aims to challenge the idea of the European Union as an evolving federal polity This book will appeal to anyone interested in the timely subject of constitutionalism including student and practitioners of law politics and philosophy

Manifestations of Coherence and Investor-State Arbitration Charalampos Giannakopoulos, 2023-01-19 Coherence is highly valued in law It is especially sought after in investor state dispute settlement where charges of incoherence in arbitral awards have long been raised by states and scholars Yet coherence is a largely underexplored notion in international law Often it is treated as a mere ideal to strive towards or simply as a different way to describe the legal consistency of judicial outcomes This book takes a different approach It sees coherence as an independent concept having two dimensions a substantive and a methodological one Both are critically important for legal reasoning by international courts and tribunals including by investor state tribunals and the book illustrates through several case studies some of the ways this conclusion is borne out in practice A fuller understanding of coherence in international law has implications for our understanding of the concept of law the practice of legal reasoning and judicial professional ethics

Beyond Global Crisis Terrence Edward Paupp, 2017-09-29 In this volume Terrence Paupp critically describes the various dimensions of today's global crisis Among other things this volume analyzes nuclear weapons proliferation climate change and international lawlessness in the form of wars of aggression Paupp argues that much human conflict and environmental degradation is the direct consequence of poverty and inequality Until these issues are addressed many of the world's problems will remain Paupp asserts that around the world peoples and nations are becoming more open to a strategy and culture of peace that evolves through discovering a commonality of interests the value of mutual cooperation and the desirability of forging consensus By using various road maps and remedies supplied by noted Japanese peace activist Daisaku

Ikeda and his contemporaries viable solutions will emerge In this new endeavor equipped with some of the proposed solutions and strategies that this book provides humanity will collectively become engaged in remaking the character of global governance in order to build a global culture of peace Constitutionalism in Global Constitutionalisation Aoife O'Donoghue,2014-06-05 Aoife O Donoghue explains why normative constitutionalism must underpin the global constitutionalisation debate if it is to realise its critical potential **The Protection of Minorities in the Wider Europe** M. Weller,D. Blacklock,K. Nobbs,2008-09-30 This book examines whether we are moving towards an integrated regional system of legal provision for minorities It illustrates the tension between newer member states many of which have an interest in seeing minority issues addressed and established members which remain hesitant in committing themselves fully to a minority rights regime *Mining Morality* William P. George,2019-10-11 Employing self sharpening tools found in the work of theologian and philosopher Bernard Lonergan Pope Francis encyclical Laudato si and international law William P George brings mining to personal and collective moral awareness by prospecting for ethics at selected sites 1 Butte Montana the Richest Hill on Earth once bound to Chuquicamata Chile by a company that spanned two continents and nearly owned a state 2 the tiny island nation of Nauru called Pleasant Island until it was devastated by phosphate mining and the breaking of a sacred trust by foreign powers 3 the deep seabed governed by the United Nations Law of the Sea a constitution for the oceans that regards much of the resource rich seabed as humankind s common heritage 4 Africa with its uranium mines but also its conflicts over what being nuclear means in the wake of colonialism apartheid and Hiroshima and 5 mineral rich asteroids speeding through space where mining rights are contested even as space entrepreneurs look to become the world s first trillionaires George introduces readers to remarkable moral miners the women of Butte and Chuquicamata a World Court judge from Sri Lanka and the Rocket Boys of Coalwood West Virginia to name a few and leads them to consider not only the morality of mining what s good and not so good about resource extraction but also the mining of morality a venture that Socrates called the examined life **Struggles for Self-Rule** Filippo Sabetti,2025-03-04 People the world over aspire to self rule especially when living under domination conquest and empire Inspired by the work of Nobel laureate Elinor Ostrom Filippo Sabetti explores how people attempt over time to make the longing for self government a reality Struggles for Self Rule explores key moments in Italian history through a comparative perspective from the city republics to the challenge of self rule in France Spain and Catalonia to study the circumstances in which people are able to take control of decisions that affect their lives and to what extent Sabetti shows the wealth of the human experience of self rule when we shift the focus of research from the government to the governance of public affairs Traversing history philosophy comparative politics and sociology Struggles for Self Rule takes the reader on a renaissance tour of the history of ideas and self government that resonates in today s world when many communities struggle to shape the decisions that affect their lives **Protection of Civilians** Haidi Willmot,Ralph Mamiya,Scott Sheeran,Marc Weller,2016-04-14 The protection of civilians is a highly topical

issue at the forefront of international discourse and has taken a prominent role in many international deployments. It has been at the centre of debates on the NATO intervention in Libya, UN deployments in Darfur, South Sudan and the Democratic Republic of the Congo, and on the failures of the international community in Sri Lanka and Syria. Various descriptions of it as a moral responsibility, a legal obligation, a mandated peacekeeping task, and the culmination of humanitarian activity have become a high profile concern of governments, international organisations, and civil society, and a central issue in international peace and security. This book offers a multidisciplinary treatment of this important topic, harnessing perspectives from international law and international relations, traversing academia and practice. Moving from the historical and philosophical development of the civilian protection concept through relevant bodies of international law and normative underpinnings, and on to politics and practice, the volume presents coherent cross-cutting analysis of the realities of conflict and diplomacy. In doing so, it engages a series of current debates, including on the role of politics in what has often been characterized as a humanitarian endeavour, and the challenges and impacts of the use of force. The work brings together a wide array of eminent academics and respected practitioners, incorporating contributions from legal scholars and ethicists, political commentators, diplomats, UN officials, military commanders, development experts, and humanitarian aid workers. As the most comprehensive publication on the subject, this will be a first port of call for anyone studying or working towards a better protection of civilians in conflict.

Towards World Constitutionalism Ronald St. John Macdonald, 2005-11-01

The world in which we find ourselves today is no longer governable entirely by resort to the classical system of international law. Even more seriously, it would seem that the purposes and principles of the United Nations Charter are no longer being served sufficiently in light of new concerns. The text adopted in 1945 does not convey the image of a world tormented by terrorists. Nor does it reflect the most pressing commitments of our time to democratic governance, to environmental responsibility, and to a freer and more equitable system of world trade. Increasingly, the international law community acknowledges the need to set new priorities in the development of international law. To that end, it seems timely to reconsider the case for strengthening the constitutional framework of norms and institutions that seemed to offer the promise of fulfillment in the second half of the 20th century. The post-Cold War euphoria of the 1990s has virtually evaporated under the stress of new concerns at a time when states comprising the UN system are no longer capable of addressing these challenges. *Towards World Constitutionalism* argues the case for a more constitutionalized system of international law and diplomacy. It is published at a time that the call for reform of the United Nations has become more insistent than at any time in its 60-year history. Even those most faithful to the purposes and principles enunciated in the Charter have had to admit to concerns about the management of certain sectors of the organization, and most concede the unrepresentative character of the powerful Security Council, granted legal supremacy as the enforcer of international peace and security. Many go further and complain of unconscionable political bias in the General Assembly and in certain over-politicized agencies. This collection of

essays by a selection of distinguished scholars representing various traditions of international law constitutes a major contribution to this debate It is an important resource for scholars and practitioners and for all those concerned with the future of international law and the world community

A Research Agenda for Economic Crime and Development

Barry Rider,2023-08-14 This contemporary Research Agenda examines the threats to stability and sustainability presented by economically motivated crime and misconduct Featuring contributions from distinguished experts in the field of criminal law and justice this book proposes avenues for future research into the legal frameworks designed to prevent and manage economic crime and corruption

Transparency in International Investment Arbitration Dimitrij Euler,Markus Gehring,Maxi Scherer,2015-08-10 The topic of transparency in international investment arbitration is gaining increasing attention This in depth commentary analyses the UNCITRAL Rules on Transparency in Treaty Based Investor State Arbitration one of the most recent and innovative developments in international law Focusing on the application of these rules contributors analyse the issue of transparency in investment law more broadly and provide in depth guidance on how to apply the UNCITRAL transparency rules Chapters encompass all treaty based disputes between investors and state examining the perspectives of disputing parties third parties non disputing state parties and arbitral tribunals The contributors each have a strong background in investment arbitration in both professional practice and academia This commentary will be of interest to all actors involved in investment arbitrations especially practitioners counsels NGOs and scholars in the fields of international law commercial arbitration and investor state arbitration

Law and Society James J. Chriss,2019-07-23 This text introduces students to the study of law from a sociological perspective by focusing on four themes the relationship between law and society law in everyday life the role of race class and gender in the legal system and current political debates that are connected to law While explaining the essentials elements of law and drawing on scholarly literature and relevant cases the author does not advocate for normative views on law and the legal system The text compares laws across various societies discusses international law and demonstrates how the laws of certain countries affect those of others providing readers with insights into the nature of law within any society

Reconceptualizing Sovereignty in the Post-National State: Statehood Attributes in the International Order Flavio G. I. Inocencio,2014 This book offers a multidisciplinary approach to the study of the concept of sovereignty This book outlines the origins context and evolution of the concept of sovereignty as an essential attribute of the modern territorial State since the Peace of Westphalia in 1648 The book identifies two competing traditions of the concept of sovereignty the tradition inaugurated by Jean Bodin in 1576 in his work *The Six Books of the Commonwealth* and another that started with Johannes Althusius in 1603 considered the father of federal theory in his less known work *Politica* In order to understand the concept of sovereignty it is necessary to understand the constitutional rules of each international system and the fact that the States are the primary polities in the international arena The rise of International Organizations and the increasing institutionalization of the international system challenges this state centric

world considering their exercise of sovereign powers Following authors such as Daniel Elazar the book discusses the importance of federalism as political theory which offers a different understanding of the concept of sovereignty The book discusses the European Union as a paradigmatic case of a postmodern confederation which challenges the notion of sovereignty as an absolute and exclusive statehood attribute Furthermore the reconceptualization of sovereignty in International Law should consider the rise of regional and functional legal orders the different understandings of sovereignty offered by the federalist tradition and the processes of deterritorialization and disaggregation of authority The book concludes with the idea that concept of sovereignty in International Law should be seen as a flexible concept which is not an exclusive attribute of the modern territorial state This book is required reading for all interested in the history and the evolution of the concept of sovereignty

Re-Situating Utopia Matthew Nicholson, 2019-11-11 In *Re-Situating Utopia* Matthew Nicholson argues that international law and international legal theory are dominated by a blueprint utopianism that presents international law as the means of achieving a better global future Contesting the dominance of this blueprintism Nicholson argues that this approach makes international law into what philosopher Louis Marin describes as a degenerate utopia a fantastical means of trapping thought and practice within contemporary social and political conditions blocking any possibility that those conditions might be transcended As an alternative Nicholson argues for an iconoclastic international legal utopianism Utopia not as a blueprint for a better future operating within the confines of existing social and political reality but as a means of seeking to negate and exit from that reality as the only way to maintain the idea that international law offers a path towards a truly better future

The Use of Force against Individuals in War under International Law Ka Lok Yip, 2022-03-24 Is it legal to kill or capture and confine someone in war Is this relevant or wise to ask in the reality of war What does legal actually mean in the labyrinth of overlapping international laws This volume explores the meaning relevance and wisdom of questioning the legality of the use of force against individuals in war by reconnecting legal thought with the social world Weaving together law social theories and actual practices the book presents an interdisciplinary study of the laws regulating warfare The Use of Force against Individuals in War under International Law uncovers different conceptions of legality that generate tensions among different international laws regulating warfare and highlights the limits of legal techniques in addressing these tensions Accepting these tensions serves not to denigrate the law itself but to invite a deeper level of engagement with it through the lens of social theories Drawing on the insight that every social action results from an interaction between human agency and social structures this publication argues that in regulating warfare one distinct body of international law the law of armed conflicts accommodates the diminished agency of human beings operating in highly structured conditions while other bodies of international law harbour the potential to transform these very structured conditions Thus assimilating these laws whether in court or real world practices fundamentally conflates their underlying social ontologies

The Cuban Embargo under International Law Nigel D.

White,2014-10-24 The United States embargo against Cuba was imposed over fifty years ago initially as a response to the new revolutionary government's seizure of US properties which was viewed by the US as a violation of international law. However while sanctions can be legitimate means of enforcing established norms the Cuban embargo itself appears to be the wrongful act and its persistence calls into question the importance and function of international law. This book examines the history, legality and effects of US sanctions against Cuba and argues that the embargo has largely become a matter of politics and ideology subjecting Cuba to apparently illegitimate coercion that has resulted in a prolonged global toleration of what appears to be a serious violation of international law. The book demonstrates how the Cuban embargo undermines the use of sanctions world wide and asks whether the refusal of world governments to address the illegality of the embargo reduces international law to tokenism where concepts of sovereign equality and non intervention are no longer a priority. Despite the weaknesses of international law Nigel D White argues that in certain political conditions it will be possible to end the embargo as part of a bilateral agreement to restore normal relations between the US and Cuba and furthermore that such an agreement if it is to succeed will have to be shaped by the broad parameters of law and justice. As a fierce re evaluation of international law through the story of a country under siege this book will be of great interest and use to researchers and students of public international law, international relations and US and Latin American politics. Democracy, the Courts, and the Liberal State

David Miles,2020-10-26 Reformulating a problem of both constitutionalism and liberalism discussed in the works of Ernst Wolfgang Bockenforde, Hannah Arendt and Alexis de Tocqueville the book examines one generally overlooked manifestation of constitutionalism the role of the courts in shaping democratic politics and the inter relationship between citizens and state. Drawing on constitutional history, law and political theory David Miles argues that constitutionalism cannot be seen merely as an institutional mechanism to limit government as it also has a crucial civic dimension upon which the liberal state depends. Utilising the works of Bockenforde, Arendt and Tocqueville constitutionalism is conceived in the book as part of a broader system of communal norms which sustains representative democracy and liberalism. Through an analysis of judicial interventions in the electoral processes of the United States and Germany Miles explores the role of civil society actors in transforming constitutionalism through legal challenges to oligarchical or exclusionary practices. He assesses how in adjudicating these cases the US Supreme Court and the German Constitutional Court have mediated the tension between threats to stability and the imperative of democratic renewal. Democracy, the Courts and the Liberal State will be of interest to scholars, students and practitioners interested in comparative politics, political theory and constitutional law and history. International Marine Environmental Law and Policy

Daud Hassan, Saiful Karim,2018-10-03 Several disturbing issues pose a threat to the marine environment and its wellbeing among them marine environmental pollution and degradation of marine biodiversity. Most troubling is that these issues are overwhelmingly caused by human activities which are sometimes transboundary and their consequences will become more

severe and complicated if not properly curbed Thus these activities require comprehensive policies laws and principles to manage them effectively Linked to these solutions is the need for responsibilities cooperation and commitments at local national regional and international levels Contemporary Marine Environmental Law and Policy presents a thorough appraisal of the main issues actors and institutions engaged in the legal aspects of marine environmental conservation With contributions from an international range of authors the book provides a concise account of the legal and policy framework underlying international marine environmental issues and of the fundamental concepts and strategies that are important to the protection of the marine environment Some of the topics explored include the prevention of marine pollution caused by land based activities ships and offshore hydrocarbon and mineral resources exploration the conservation and management of marine living resources the marine environment in the polar regions and the settlement of marine environmental disputes This book provides a solid foundation for anyone studying International Environmental Law and the Law of the Sea It will also appeal to anyone seeking to gain a deeper understanding of this hugely important subject International Society and the Making of International Order Günther Auth,2005 Theorising within the American discipline of International Relations has been plagued by a rather severe intellectual crisis Theorists have meant that they need to emulate the natural sciences of the eighteenth and nineteenth centuries in outlook and argumentative style But this has destroyed much awareness for the nature of modern international relations as a dynamically evolving historical process This book seeks to overcome the vicissitudes of mainstream theorising by abandoning the discipline s scientism and by adopting a stance that is more in tune with the standards of modern social science

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Health Of Nations Society And Law Beyond The State Introduction

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