



NATION, COURT AND CULTURE

New Essays on Fifteenth-century English Poetry

Edited by HELEN COONEY

Nation Court And Culture

**Oda Essens, Anna Gerbrandy, S. A. C.
M. Lavrijssen-Heijmans**

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The Practice of International and National Courts and the (De-)Fragmentation of International Law Ole Kristian Fauchald, André Nollkaemper, 2014-10-01 In recent decades there has been a considerable growth in the activities of international tribunals and the establishment of new tribunals Furthermore supervisory bodies established to control compliance with treaty obligations have adopted decisions in an increasing number of cases National courts further add to the practice of adjudication of claims based on international law While this increasing practice of courts and supervisory bodies strengthens the adjudicatory process in international law it also poses challenges to the unity of international law Most of these courts operate within their own special regime functional regional or national and will primarily interpret and apply international law within the framework of that particular regime The role of domestic courts poses special challenges as the powers of such courts to give effect to international law as well as their actual practice in applying such law largely will be determined by national law At the same time both international and national courts have recognised that they do not operate in isolation from the larger international legal system and have found various ways to counteract the process of fragmentation that may result from their jurisdictional limitations This book explores how international and national courts can and do mitigate fragmentation of international law It contains case studies from international regimes including the WTO the IMF investment arbitration and the ECtHR and from various national jurisdictions including Japan Norway Switzerland and the UK providing a basis for conclusions to be drawn in the final chapter

Intersections of Law and Culture at the International Criminal Court Julie Fraser, Brianne McGonigle Leyh, 2020-10-30 This pioneering book explores the intersections of law and culture at the International Criminal Court ICC offering insights into how notions of culture affect the Court's legal foundations functioning and legitimacy both in theory and in practice

National Courts and the International Rule of Law André Nollkaemper, 2012-10-11 This book explores the way domestic courts contribute to the maintenance of the international rule of law by providing judicial control over the exercises of public powers that may conflict with international law The main focus of the book will be on judicial control of exercise of public powers by states Key cases that will be reviewed in this book and that will provide empirical material for the main propositions include Hamdan in which the US Supreme Court reviewed detention by the United States of suspected terrorists against the 1949 Geneva Conventions Adalah in which the Supreme Court of Israel held that the use of local residents by Israeli soldiers in arresting a wanted terrorist is unlawful under international law and the Narmada case in which the Indian Supreme Court reviewed the legality of displacement of people in connection with the building of a dam in the river Narmada under the ILO Indigenous and Tribal Populations Convention 1957 nr 107 This book explores what it is that international law requires expects or aspires that domestic courts do Against this backdrop it maps patterns of domestic practice in the actual or possible application of international law and determines what such patterns mean for the protection of the international rule of law

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European Court and National Courts Anne Marie Slaughter, Alec Stone Sweet, Joseph Weiler, 1998-03-01 The essays comprising this volume are the outcome of a major and unique project which looks in detail at the application of EC law by national courts and the interaction of the demands of EC law with the constraints imposed by national legal orders and especially national constitutional orders The volume comprises seven country studies which are shaped around a common research protocol These are supplemented by three cross cutting studies which draw on the country studies as well as on broader contextual research work aimed at trying to understand the role of the European Court of Justice in the round The results of this multi national research are certain to provoke widespread interest among scholars of European law international law and European politics for they offer the first systematic and rigorous attempt to assess the impact of the ECJ among the leading member states of the European Union

Court Culture and the Origins of a Royalist Tradition in Early Stuart England R. Malcolm Smuts, 2010-11-24 In this work R Malcolm Smuts examines the fundamental cultural changes that occurred within the English royal court between the last decade of the sixteenth century and the outbreak of the Civil War in 1642

National Courts and the Standard of Review in Competition Law and Economic Regulation Oda Essens, Anna Gerbrandy, S. A. C. M. Lavrijssen-Heijmans, 2009 From a comparative perspective this book deals with the question of the impact of European law especially the Tetra Laval case law on the standard of review applied by national courts in the area of competition law and economic regulation The book is a follow up to the conference on Judicial review in competition law and economic regulation held by the Europa Institute at Utrecht on May 23 24 2008 It contains contributions by academics and practitioners from EU Member States and from European institutions The book analyzes the differences and the similarities between the crucial concepts related to judicial review and the way judicial review functions in practice in different EU Member States It examines the question as to whether a more common approach towards judicial review is needed and if so how this can be achieved

The Melanesian World Eric Hirsch, Will Rollason, 2019-03-28 This wide ranging volume captures the diverse range of societies and experiences that form what has come to be known as Melanesia It covers prehistoric historic and contemporary issues and includes work by art historians political scientists geographers and anthropologists The chapters range from studies of subsistence ritual and ceremonial exchange to accounts of state violence new media and climate change The Melanesian world assembled here raises questions that cut to the heart of debates in the human sciences today with profound implications for the ways in which scholars across disciplines can describe and understand human difference This impressive collection of essays represents a valuable resource for scholars and students alike

The Multi-Cultural Family Ann Laquer Estin, 2017-03-02 With the accelerating movement of individuals and families across national borders the intersections of cultural and legal frameworks have become increasingly complex The Multi Cultural Family collects essays from around the world on the challenges of legal pluralism minority religious communities and customary or indigenous law with attention paid to marriage and divorce as well as child custody and

adoption family violence and dispute resolution Intellectual Property and Traditional Cultural Expressions in a Digital Environment Christoph Beat Graber, Mira Burri Nenova, 2008-01-01 This book is a very significant contribution to the question of protecting traditional cultural expressions It is filled with fascinating ideas and perspectives that challenge the reader to rethink the law once again Jamil Ammar European Intellectual Property Review Legal protection for traditional cultural expressions is an area of contemporary policy making characterized by widespread concern and considerable controversy Intellectual property scholars have a dire need for informed perspectives on the history of this subject area and the lucid commentary on its social and political implications that the authors of these cogent interdisciplinary essays provide This impressive volume promises to be quickly acknowledged as an indispensable guide to the issues in this field Rosemary J Coombe York University Canada The first wave of scholarship on cultural appropriation was often better at denunciation than at grappling with the complexities of cultural heritage and its protection Intellectual Property and Traditional Cultural Expressions in a Digital Environment launches a second wave nuanced interdisciplinary looking past accusation toward flexible solutions For all that it is no less committed to social justice By bringing together leading edge scholarship from law the arts communications anthropology history and philosophy the editors have taken research on heritage protection to the next level of sophistication Michael F Brown Williams College US and author of Who Owns Native Culture In the face of increasing globalisation and a collision between global communication systems and local traditions this book offers innovative trans disciplinary analyses of the value of traditional cultural expressions TCE and suggests appropriate protection mechanisms for them It combines approaches from history philosophy anthropology sociology and law and charts previously untravelled paths for developing new policy tools and legal designs that go beyond conventional copyright models Its authors extend their reflections to a consideration of the specific features of the digital environment which despite enhancing the risks of misappropriation of traditional knowledge and creativity may equally offer new opportunities for revitalising indigenous peoples values and provide for the sustainability of TCE This book will appeal to scholars interested in multidisciplinary analyses of the fragmentation of international law in the field of intellectual property and traditional cultural expressions It will also be valuable reading for those working on broader governance and human rights issues

Law, Culture and Visual Studies Anne Wagner, Richard K. Sherwin, 2013-07-11 The proposed volumes are aimed at a multidisciplinary audience and seek to fill the gap between law semiotics and visuality providing a comprehensive theoretical and analytical overview of legal visual semiotics They seek to promote an interdisciplinary debate from law semiotics and visuality bringing together the cumulative research traditions of these related areas as a prelude to identifying fertile avenues for research going forward Advance Praise for Law Culture and Visual Studies This diverse and exhilarating collection of essays explores the many facets both historical and contemporary of visual culture in the law It opens a window onto the substantive jurisdictional disciplinary and methodological diversity of current research It is a cornucopia of

materials that will enliven legal studies for those new to the field as well as for established scholars It is a must read that will leave you wondering about the validity of the long held obsession that reduces the law and legal studies to little more than a preoccupation with the word Leslie J Moran Professor of Law Birkbeck College University of London Law Culture Visual Studies is a treasure trove of insights on the entwined roles of legality and visibility From multiple interdisciplinary perspectives by scholars from around the world these pieces reflect the fullness and complexities of our visual encounters with law and culture From pictures to places to postage stamps from forensics to film to folklore this anthology is an exciting journey through the fertile field of law and visual culture as well as a testament that the field has come of age Naomi Mezey Professor of Law Georgetown University Law Center Washington D C USA This highly interdisciplinary reference work brings together diverse fields including cultural studies communication theory rhetoric law and film studies legal and social history visual and legal theory in order to document the various historical cultural representational and theoretical links that bind together law and the visual This book offers a breath taking range of resources from both well established and newer scholars who together cover the field of law s representation in interrogation of and dialogue with forms of visual rhetoric practice and discourse Taken together this scholarship presents state of the art research into an important and developing dimension of contemporary legal and cultural inquiry Above all Law Culture and Visual Studies lays the groundwork for rethinking the nature of law in our densely visual culture How are legal meanings produced encoded distributed and decoded What critical and hermeneutic skills new or old familiar or unfamiliar will be needed Topical diverse and enlivening Law Culture and Visual Studies is a vital research tool and an urgent invitation to further critical thinking in the areas so well laid out in this collection Desmond Manderson Future Fellow ANU College of Law Research School of Humanities the Arts Australian National University Australia

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