



Recrafting the Rule of Law

The Limits of Legal Order

Edited by David Dyzenhaus

B L O O M S B U R Y

Recrafting The Rule Of Law The Limits Of Legal Order

**B.S. Chimni, Miyoshi Masahiro, Li-ann
Thio**



Recrafting The Rule Of Law The Limits Of Legal Order:

Law and Morality David Dyzenhaus, Sophia Reibetanz Moreau, Arthur Ripstein, 2007-01-01 Since its first publication in 1996 Law and Morality has filled a long standing need for a contemporary Canadian textbook in the philosophy of law Now in its third edition this anthology has been thoroughly revised and updated and includes new chapters on equality judicial review and terrorism and the rule of law The volume begins with essays that explore general questions about morality and law surveying the traditional literature on legal positivism and contemporary debates about the connection between law and morality These essays explore the tensions between law as a protector of individual liberty and as a tool of democratic self rule and introduce debates about adjudication and the contribution of feminist approaches to the philosophy of law New material on the Chinese Canadian head tax case is also featured The second part of Law and Morality deals with philosophical questions as they apply to contemporary issues Excerpts from judicial decisions as well as essays by practicing lawyers are included to provide theoretically informed legal analyses of the issues Striking a balance between practical and more analytic philosophical approaches the volume s treatment of the philosophy of law as a branch of political philosophy enables students to understand law in its function as a social institution Law and Morality has proved to be an essential text in both departments of philosophy and faculties of law and this latest edition brings the debates fully up to date filling gaps in the previous editions and adding to the array of contemporary issues previously covered Recrafting the Rule of Law

David Dyzenhaus, 1999-07-01 This collection of essays on the rule of law focuses on the traditional question whether the rule of law is necessarily the rule of moral principles the question of the legitimacy of law Essays by lawyers philosophers and political theorists illuminate and take forward both that question and debate about issues to do with the reach of the rule of law which complicate its answer The essays are divided into sections which deal first with legal orders where the rule of law is under severe stress second with the question of the value of the rule of law as a conceptual problem and third with the question of the limits of legal order Contributors Richard Abel Jody Freeman Robert Alexy Neil MacCormick Kenneth Winston Andras Sajó Alon Harel Anton Fagan Anthony Sebok Christine Sypnowich Allan Hutchinson Bill Scheuerman John MacCormick Julian Rivers Henry Richardson David Dyzenhaus **Reconceptualising the Rule of Law in Global Governance, Resources, Investment and Trade**

Photini Pazartzis, Maria Gavouneli, 2016-06-30 The relevance and importance of the rule of law to the international legal order cannot be doubted and was recently reaffirmed by the Declaration of the High level Meeting of the General Assembly on the Rule of Law at the National and International Level s solemn commitment to it on behalf of states and international organizations In this edited collection leading scholars and practitioners from the fields of global governance resources investment and trade examine how the commitment to the rule of law manifests itself in the respective fields The book looks at cutting edge issues within each field and examines the questions arising from the interplay between them With a clear three part structure it explores each area in detail and

addresses contemporary challenges while trying to assure a commitment to the rule of law The contributions also consider how the rule of law has been or should be reconceptualised Taking a multi disciplinary approach the book will appeal to international lawyers from across the spectrum including practitioners in the field of international investment and trade law

Opposing the Rule of Law Nick Cheesman,2015-03-12 A striking new analysis of Myanmar s court system revealing how the rule of law is lexically present but semantically absent **Asian Discourses of Rule of Law** Randall P.

Peerenboom,2004 Rule of law one of the pillars of the modern world has emerged in Western liberal democracies This book considers how rule of law is viewed and implemented in the different cultural economic and political context of Asia The

Rule of Law Under Fire? Raymond Wacks,2021-10-21 Does the rise of populism authoritarianism and nationalism threaten the welfare of the rule of law Is this fundamental democratic ideal under siege In this timely and important book Raymond Wacks examines the philosophical roots of the rule of law and its modern often contentious interpretation He then investigates 16 potential ideological economic legal and institutional dangers to the rule of law They range from the exercise of judicial and administrative discretion and parliamentary sovereignty to the growth of globalisation the war on terror and the disquieting power of Big Tech He also considers the enactment and enforcement in several countries of Draconian measures to curtail the spread of COVID 19 which has generated fears that these emergency powers may outlive the pandemic and become a permanent feature of the legal landscape thereby impairing the rule of law Wacks identifies which issues among this extensive array pose genuine risks to the rule of law and suggests how they might be confronted to ensure its defence and preservation *Law, Liberty, and the Rule of Law* Imer B. Flores,Kenneth E. Himma,2012-09-29 In recent

years there has been a substantial increase in concern for the rule of law Not only have there been a multitude of articles and books on the essence nature scope and limitation of the law but citizens elected officials law enforcement officers and the judiciary have all been actively engaged in this debate Thus the concept of the rule of law is as multifaceted and contested as it s ever been and this book explores the essence of that concept including its core principles its rules and the necessity of defining or even redefining the basic concept Law Liberty and the Rule of Law offers timely and unique insights on numerous themes relevant to the rule of law It discusses in detail the proper scope and limitations of adjudication and legislation including the challenges not only of limiting legislative and executive power via judicial review but also of restraining active judicial lawmaking while simultaneously guaranteeing an independent judiciary interested in maintaining a balance of power It also addresses the relationship not only between the rule of law human rights and separation of powers but also the rule of law constitutionalism and democracy *The EU's Conceptualisation of the Rule of Law in its External Relations* Lisa Louwerse,2023-09-04 This book explores the question of how the EU understands the rule of law in its external relations with a particular focus on development cooperation and enlargement Although the EU s commitment to the rule of law is strong the relevant concept remains nebulous On the basis of a detailed analysis of two key EU external policy areas the main

argument advanced is that the Union has adopted a mostly institutional approach to the concept by focussing largely on judicial reform By testing the relevant practice against the background of the constitutional traditions of the Member States and legal theory the book attests to the significance of developing a comprehensive approach to the rule of law in EU external relations *The Cambridge Companion to the Rule of Law* Jens Meierhenrich, Martin Loughlin, 2021-08-12
Introduces students scholars and practitioners to the theory and history of the rule of law Asian Yearbook of International Law B.S. Chimni, Miyoshi Masahiro, Li-ann Thio, 2009-06-02 The Asian Yearbook of International Law is produced by the Foundation for the Development of International Law in Asia DILA and is a major refereed publication dedicated to international law issues as seen primarily from an Asian perspective The articles are written by experts from the region and elsewhere

Whispering the Techniques of Language: An Psychological Quest through **Recrafting The Rule Of Law The Limits Of Legal Order**

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