



NATION, COURT AND CULTURE

New Essays on Fifteenth-century English Poetry

Edited by HELEN COONEY

Nation Court And Culture

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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

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 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

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 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

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 visuality 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

Tribal Criminal Law and Procedure Carrie E. Garrow, Sarah Deer, 2015-05-06 Tribal Criminal Law and Procedure examines complex Indian nations tribal justice systems analyzing tribal statutory law tribal case law and the cultural values of Native peoples Using tribal court opinions and tribal codes it reveals how tribal governments use a combination of oral and written law to dispense justice and strengthen their nations and people Carrie E Garrow and Sarah Deer discuss the histories structures and practices of tribal justice systems comparisons of traditional tribal justice with American law and jurisdictions elements of criminal law and procedure and alternative sentencing and traditional sanctions New features of the second edition include new chapters on The Tribal Law and Order Act's Enhanced Sentencing Provisions The Violence Against Women Act's Special Domestic Violence Criminal Jurisdiction Tribal State Collaboration Tribal Criminal Law and Procedure is an invaluable resource for legal scholars and students The book is published in cooperation with the Tribal Law and Policy Institute visit them at www.tlpi.org

Cultural Expertise, Law, and Rights Livia Holden, 2023-05-19 Cultural Expertise Law and Rights introduces readers to the theory and practice of cultural expertise in the resolution of conflicts and the claim of rights in diverse societies Combining theory and case studies of the use of cultural expertise in real situations and in a great variety of fields this is the first book to offer a comprehensive examination of the field of cultural expertise its intellectual orientations practical applications and ethical implications This book engages an extensive and interdisciplinary variety of topics ranging from race language sexuality Indigenous rights and women's rights to immigration and asylum laws international commercial arbitration and criminal law It also offers a truly global perspective covering cultural expertise in Africa Asia Australia Europe Latin America the Middle East and North America Finally the book offers theoretical and practical guidance for the ethical use of cultural expert knowledge This is an essential volume for teachers and students in the social sciences especially law anthropology and sociology and members of the legal professions who engage in cross cultural dispute resolution asylum and migration private international law and other fields of law in which cultural arguments play a role The Open Access version of this book available at www.taylorfrancis.com has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

Traditional, National, and International Law and Indigenous Communities Marianne O. Nielsen, Karen

Jarratt-Snider,2020-05-05 This volume of the Indigenous Justice series explores the global effects of marginalizing Indigenous law The essays in this book argue that European based law has been used to force Indigenous peoples to assimilate has politically disenfranchised Indigenous communities and has destroyed traditional Indigenous social institutions European based law not only has been used as a tool to infringe upon Indigenous human rights it also has been used throughout global history to justify environmental injustices treaty breaking and massacres The research in this volume focuses on the resurgence of traditional law tribal state relations in the United States laws that have impacted Native American women laws that have failed to protect Indigenous sacred sites the effect of international conventions on domestic laws and the role of community justice organizations in operationalizing international law While all of these issues are rooted in colonization Indigenous peoples are using their own solutions to demonstrate the resilience persistence and innovation of their communities With chapters focusing on the use and misuse of law as it pertains to Indigenous peoples in North America Latin America Canada Australia and New Zealand this book offers a wide scope of global injustice Despite proof of oppressive legal practices concerning Indigenous peoples worldwide this book also provides hope for amelioration of colonial consequences

The Impact of European Rights on National Legal Cultures Miriam Aziz,2004-07 This book contributes to the debate about the impact of European Community Law on the national constitutional orders and cultures of the respective Member States The author examines the doctrine of sovereignty as a mechanism within which this impact may be best assessed and in particular how it underwrites the tension between European Union rights and the rights provided by the respective legal orders of the Member States In particular the book focuses on political social and civil rights drawing from T H Marshall s typology In endorsing an appropriate analytical framework the book challenges both existing law and secondary literature in order to argue that the terminology the concepts and the tools which are used to assess the impact of the EC law on the national constitutional orders are to be selected with great care This is particularly apposite given the complexity of constitutional diversity in terms of national constitutions and their reception of EC law It is also important because of the variety of approaches involved in the constitutional adjustment of the *acquis* of the Union within the context of the increasing drive to constitutionalisation of the Union on the one hand and enlargement on the other **Encyclopedia of**

Contemporary Spanish Culture Professor Eamonn Rodgers,Eamonn Rodgers,2002-03-11 Some 750 alphabetically arranged entries provide insights into recent cultural and political developments within Spain including the cultures of Catalonia Galicia and the Basque country Coverage spans from the end of the Civil War in 1939 to the present day with emphasis on the changes following the demise of the Franco dictatorship in 1975 Entries range from shorter factual articles to longer overview essays offering in depth treatment of major issues Culture is defined in its broadest sense Entries include Antonio Gaud science Antonio Banderas golf dance education politics racism urbanization This Encyclopedia is essential reading for anyone interested in Spanish culture It provides essential cultural context for students of Spanish European

History Comparative European Studies and Cultural Studies

Enforcing International Cultural Heritage Law

Francesco Francioni, James Gordley, 2013-06-06 The idea of cultural heritage as an international public good can be traced back to the Preamble of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict according to which damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind How this idea of cultural heritage as a global public good can be reconciled with the effective enforcement of protection norms is the subject of this study Bringing together world experts in protecting cultural heritage *Enforcing International Cultural Heritage Law* examines the different ways that cultural heritage property can be protected including protection at the international level enforcement in domestic courts and the role of alternative dispute resolution mechanisms The book is divided into three sections The first section assesses international law and analyses the interaction between international and domestic norms of public and private law It discusses the different methods of international enforcement the role of international and mixed criminal tribunals and courts and the means for protecting cultural heritage in times of armed conflict The second section addresses the role of national courts discussing such topics as barriers to domestic enforcement of international norms the refusal to enforce foreign law the difficulty of territorial boundaries in relation to underwater heritage and the application of criminal sanctions by domestic courts The final section of the book surveys alternatives to the legal enforcement of the norms protecting cultural heritage including arbitration soft law and diplomacy *Białystok Volume on Law & Culture* Anna Piszcz, 2014

The Settlement of International Cultural Heritage Disputes Alessandro Chechi, 2014-03-13 The past forty years have seen a wide proliferation of disputes under international law concerning cultural heritage These have included the restitution of stolen art objects or the protection of monuments Unlike other fields of international law international cultural heritage law does not have an ad hoc mechanism of dispute settlement As a result controversies are to be settled through negotiation or if it fails through existing dispute resolution means This can result in similar cases being settled in different ways thereby bringing about an incoherent and fragmentary enforcement of the law This book offers a comprehensive and innovative analysis of the settlement of cultural heritage disputes This examination is two fold First it assesses the existing legal framework and the available dispute settlement means Second it explores the feasibility of two solutions for overcoming the lack of a specialized forum The first is the establishment of a new international court The second concerns existing judicial and extra judicial fora and their interaction through the practice of cross fertilization The book focuses on the substance of such interaction and identifies a number of culturally sensitive parameters the common rules of adjudication It argues that existing judicial and non judicial fora should adopt a cross fertilizing perspective to use and disseminate jurisprudence containing these common rules of adjudication It sets out how such an approach would enhance the effectiveness and coherence of decision making processes and would be conducive to the development of a *lex culturalis* This can be defined as a composite body of rules designed to

protect cultural heritage by excluding the mechanical application of the norms established for standard business transactions of ordinary goods *Native American Cultural Preservation Act* United States. Congress. Senate. Select Committee on Indian Affairs,1987 Tourism, Heritage and National Culture in Java Heidi Dahles,2013-10-11 Based on anthropological fieldwork in the 1990s this book provides an ethnographic perspective in its examination of the politics and policies of cultural tourism as they were played out under the Indonesian New Order regime The successful New Order tourism policy ensured that tourism development both contributed to and benefited from increasing economic prosperity and a long stretch of political stability However that success has come at a price the policy to encourage mainly high quality tourism revolved around carefully constructed and controlled tourist experiences that have led to local inequalities The failure of this policy is analysed in a detailed case study of the city of Yogyakarta **Standing to Enforce European Union Law before National Courts** Hilde K Ellingsen,2021-03-25 Access to court has long been recognised as an essential element of a Union based on the rule of law This book asks how can Member States ensure that their rules on standing guarantee that right The book answers this question by analysing the requirements of EU law from two angles first the effective protection of Union rights second the effectiveness of Union law per se With detailed case law examination the book formulates an autonomous Union law doctrine of standing based on the principle of effective judicial protection It then goes further setting out an effectiveness test of Member States enforcement mechanisms to ensure that EU law is rendered operative in practice This is a rigorous study on a question of immense importance Cultures of Legality Javier Couso,Alexandra Huneus,Rachel Sieder,2010-04-30 Ideas about law are undergoing dramatic change in Latin America The consolidation of democracy as the predominant form of government and the proliferation of transnational legal instruments have ushered in an era of new legal conceptions and practices Law has become a core focus of political movements and policy making This volume explores the changing legal ideas and practices that accompany cause and are a consequence of the judicialization of politics in Latin America It is the product of a three year international research effort sponsored by the Law and Society Association the Latin American Studies Association and the Ford Foundation that gathered leading and emerging scholars of Latin American courts from across disciplines and across continents Criticism and Compliment Kevin Sharpe, Kevin M. Sharpe,1987 *Criticism and Compliment* examines the poems plays and masques of the three figures who succeeded Ben Jonson as authors of court entertainments in the England of Charles I The courtly literature of Caroline England has been dismissed by critics and characterised by historians as propaganda for Charles I's absolutism penned by sycophantic hirelings Kevin Sharpe questions the assumptions on which these evaluations have been based Challenging the traditional argument for a polarity between court and country cultures in early Stuart England he re reads the plays poems and masques as primary documents of political attitudes articulated at court Far from being confined to a decade or a party the courtly literature of the 1630s is relocated within the broader humanist tradition of counsel Through the language of love a language it is argued that was

part of the discourse of politics in Caroline England the court poets criticised fundamental premises of the King's political ideology and counselled traditional and moderate modes of government Labour Law in the Courts Silvana Sciarra, 2001-03-23 The research underpinning this book was designed to support and further develop ideas already described in broader and more theoretical studies about the dialogues happening among national courts and the ECJ as a key factor of European integration The role played by the courts as part of the interplay of institutions within the European Union has been recognised as crucial and this research which was conducted at the European University Institute homes in upon some specific examples It deals with six Member States of the European Union Denmark France Germany Italy Spain and the UK analysing two select but significant areas of substantive law transfer of undertakings and equality legislation The analysis dwells on these key areas although some other fields of social law were selected in order to prove the main theory underlying the whole research While on the one hand offering a comparative assessment of developments in the six member states chosen for study the research also highlights national peculiarities as well as the factors perceived to be driving national actors towards the preliminary ruling procedures This work will be of interest to all scholars of EU law and labour law

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