

Judith N.  
Shklar

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LEGALISM

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Law, Morals,  
and Political  
Trials

# Shklar Legalism

**Başak Ertür**

## Shklar Legalism:

**Legalism** Judith N. Shklar, 1986 Incisively and stylishly written this book constitutes an open challenge to reconsider the fundamental question of the relationship of law to society *Judging State-Sponsored Violence, Imagining Political Change* Bronwyn Leebaw, 2011-04-18 How should state sponsored atrocities be judged and remembered This controversial question animates contemporary debates on transitional justice and reconciliation This book reconsiders the legacies of two institutions that transformed the theory and practice of transitional justice Whereas the Nuremberg Trials exemplified the promise of legalism and international criminal justice South Africa's Truth and Reconciliation Commission promoted restorative justice and truth commissions Leebaw argues that the two frameworks share a common problem both rely on criminal justice strategies to investigate experiences of individual victims and perpetrators which undermines their critical role as responses to systematic atrocities Drawing on the work of influential transitional justice institutions and thinkers such as Judith Shklar Hannah Arendt Jos Zalaquett and Desmond Tutu Leebaw offers a new approach to thinking about the critical role of transitional justice one that emphasizes the importance of political judgment and investigations that examine complicity in and resistance to systematic atrocities [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 **The Cambridge Companion to the Rule of Law** Jens Meierhenrich, Martin Loughlin, 2021-08-12 The Cambridge Companion to the Rule of Law introduces students scholars and practitioners to the theory and history of the rule of law one of the most frequently invoked and least understood ideas of legal and political thought and policy practice It offers a comprehensive re assessment by leading scholars of one of the world's most cherished traditions This high profile collection provides the first global and interdisciplinary account of the histories moralities pathologies and trajectories of the rule of law Unique in conception and critical in its approach it evaluates breaks down and subverts conventional wisdom about the rule of law for the twenty first century *A Rule of Law for Our New Age of Anxiety* Stephen J Toope, 2023-06-01 Taking Auden's Age of Anxiety as a leitmotiv and drawing on literature from law philosophy political theory international relations and sociology Toope argues

with passion that a renewed faith in the rule of law can address troubling developments in our own anxious times populist nationalism globalisation and disruptive technologies with their dominating platforms We can address anxiety by bolstering social resilience drawing upon a plural intellectual heritage That heritage reveals a unique type of authority in society epistemic practical authority built up continuously through social discourse and action shifting focus from the state of being to the dynamic of becoming What is law s role in this world The modest yet powerful version of the rule of law advocated here is one that draws on a wellspring of practical wisdom prudence gleaned from pragmatic experience It chastens power while not disconnecting law from other sources of social action and human agency

***Spectacles and Specters*** Başak Ertür, 2022-11-15 WINNER SLSA SOCIO LEGAL THEORY AND HISTORY PRIZE SHORTLISTED THE HART SLSA BOOK PRIZE *Spectacles and Specters* draws on theories of performativity to conceptualize the entanglements of law and political violence offering a radical departure from accounts that consider political trials as instrumental in exercising or containing political violence Legal scholar Başak Ertür argues instead that making sense of the often incalculable interpenetrations of law politics and violence in trials requires shifting the focus away from law s instrumentality to its performativity Ertür develops a theory of political trials by reconstructing and building on a legacy of critical thought on Nuremberg in close engagement with theories of performativity She then offers original case studies that introduce a new perspective by looking beyond the Holocaust trials to the Armenian genocide and its fragmentary legal aftermaths These cases include the 1921 trial of Soghomon Tehlirian the 2007 21 Hrant Dink Murder Trial and the 2015 case before the European Court of Human Rights concerning the denial of the Armenian genocide Enabling us to capture the various modalities in which the political emerges in through and in relation to legal forms on the stage of the trial this focus on law s performativity also allows us to account for how sovereign schemes can misfire and how trials can come to have unintended political lives and afterlives Further it reveals how law is entangled with and perpetuates certain histories of violence rather than simply ever mastering these histories or providing closure

***Anti-Impunity and the Human Rights Agenda*** Karen Engle, Zinaida Miller, D. M. Davis, 2016-12-15 This volume presents and critiques the distorted effects of the international human rights movement s focus on the fight against impunity

***Exile, Statelessness, and Migration*** Seyla Benhabib, 2018-09-11 An examination of the intertwined lives and writings of a group of prominent twentieth century Jewish thinkers who experienced exile and migration *Exile Statelessness and Migration* explores the intertwined lives careers and writings of a group of prominent Jewish intellectuals during the mid twentieth century in particular Theodor Adorno Hannah Arendt Walter Benjamin Isaiah Berlin Albert Hirschman and Judith Shklar as well as Hans Kelsen Emmanuel Levinas Gershom Scholem and Leo Strauss Informed by their Jewish identity and experiences of being outsiders these thinkers produced one of the most brilliant and effervescent intellectual movements of modernity Political philosopher Seyla Benhabib s starting point is that these thinkers faced migration statelessness and exile because of their Jewish origins even if they did not take positions on specifically

Jewish issues personally The sense of belonging and not belonging of being eternally half other led them to confront essential questions What does it mean for the individual to be an equal citizen and to wish to retain one's ethnic cultural and religious differences or perhaps even to rid oneself of these differences altogether in modernity Benhabib isolates four themes in their works dilemmas of belonging and difference exile political voice and loyalty legality and legitimacy and pluralism and the problem of judgment Surveying the work of influential intellectuals Exile Statelessness and Migration recovers the valuable plurality of their Jewish voices and develops their universal insights in the face of the crises of this new century

**Political Trials in Theory and History** Jens Meierhenrich, Devin O. Pendas, 2017-02-27 From the trial of Socrates to the post 9 11 military commissions trials have always been useful instruments of politics Yet there is still much that we do not understand about them Why do governments use trials to pursue political objectives and when What differentiates political trials from ordinary ones Contrary to conventional wisdom not all political trials are show trials or contrive to set up scapegoats This volume offers a novel account of political trials that is empirically rigorous and theoretically sophisticated linking state of the art research on telling cases to a broad argument about political trials as a socio legal phenomenon All the contributors analyse the logic of the political in the courtroom From archival research to participant observation and from linguistic anthropology to game theory the volume offers a genuinely interdisciplinary set of approaches that substantially advance existing knowledge about what political trials are how they work and why they matter

**Liberalism Against Itself** Samuel Moyn, 2023-01-01 The Cold War roots of liberalism's present crisis A daring new book Becca Rothfeld Washington Post A fascinating and combative intellectual history Gideon Rachman Financial Times By the middle of the twentieth century many liberals looked glumly at the world modernity had brought about with its devastating wars rising totalitarianism and permanent nuclear terror They concluded that far from offering a solution to these problems the ideals of the Enlightenment including emancipation and equality had instead created them The historian of political thought Samuel Moyn argues that the liberal intellectuals of the Cold War era among them Isaiah Berlin Gertrude Himmelfarb Karl Popper Judith Shklar and Lionel Trilling transformed liberalism but left a disastrous legacy for our time In his iconoclastic style Moyn outlines how Cold War liberals redefined the ideals of their movement and renounced the moral core of the Enlightenment for a more dangerous philosophy preserving individual liberty at all costs In denouncing this stance as well as the recent nostalgia for Cold War liberalism as a means to counter illiberal values Moyn presents a timely call for a new emancipatory and egalitarian liberal philosophy a path to undoing the damage of the Cold War and to ensuring the survival of liberalism

**American Foreign Policy Ideology and the International Rule of Law** Malcolm Jorgensen, 2020-01-02 Demonstrates American legal policymakers hold competing conceptions of the international rule of law structured by foreign policy ideologies

**Arendt on Freedom, Liberation, and Revolution** Kei Hiruta, 2019-03-06 This edited volume focuses on what Hannah Arendt famously called the *raison d'être* of politics freedom The unique collection of essays clarifies her flagship idea of political

freedom in relation to other key Arendtian themes such as liberation revolution civil disobedience and the right to have rights In addressing these contributors to this volume juxtapose Arendt with a number of thinkers from Isaiah Berlin John Rawls and Philip Pettit to Karl Marx Frantz Fanon and Geoffroy de Lagasnerie They also consider the continuing relevance of Arendt's work to some of the most dramatic events in recent years including the current global refugee crisis the Arab uprisings of the 2010s and the ongoing crisis of liberal democracy in the West and beyond Contributors include Keith Breen Joan Cocks Tal Correm Christian J Emden Patrick Hayden Kei Hiruta Anthony F Lang Jr Shmuel Lederman Miriam Leonard Natasha Saunders William Smith and Shiyu Zhang      Negative Emotions and Transitional Justice Mihaela Mihai, 2016-03-22

Vehement resentment and indignation are pervasive in societies emerging from dictatorship or civil conflict How can institutions channel these emotions without undermining the prospects for democracy Emphasizing the need to recognize and constructively engage negative public emotions Mihaela Mihai contributes theoretically and practically to the growing field of transitional justice Drawing on an extensive philosophical literature and case studies of democratic transitions in South Africa South America and Eastern Europe her book rescues negative emotions from their bad reputation and highlights the obstacles and the opportunities such emotions create for democracy By valorizing negative emotions either through the judicial review of transitional justice bills or the criminal trials of victimizers institutions realize the value of respect and concern for all while contributing to a culture that is hospitable to democracy      **Sing the Rage** Sonali Chakravarti, 2014-04-23 What is the relationship between anger and justice especially when so much of our moral education has taught us to value the impartial spectator the cold distance of reason In *Sing the Rage* Sonali Chakravarti wrestles with this question through a careful look at the emotionally charged South African Truth and Reconciliation Commission which from 1996 to 1998 saw day after day individuals taking the stand to speak to cry scream and wail about the atrocities of apartheid Uncomfortable and surprising these public emotional displays she argues proved to be of immense value vital to the success of transitional justice and future political possibilities Chakravarti takes up the issue from Adam Smith and Hannah Arendt who famously understood both the dangers of anger in politics and the costs of its exclusion Building on their perspectives she argues that the expression and reception of anger reveal truths otherwise unavailable to us about the emerging political order the obstacles to full civic participation and indeed the limits the frontiers of political life altogether Most important anger and the development of skills needed to truly listen to it foster trust among citizens and recognition of shared dignity and worth An urgent work of political philosophy in an era of continued revolution *Sing the Rage* offers a clear understanding of one of our most volatile and important political responses      **Green Transitional Justice** Rachel Killean, Lauren Dempster, 2025-06-30 This book rethinks the boundaries of transitional justice urging scholars and practitioners to confront the often overlooked nexus between mass violence and ecological harm Through an in depth analysis of the field's limitations such as its anthropocentric legalism neocolonial practices and alignment with neoliberalism

the book critiques the historical marginalisation of Nature in transitional justice discourse and practice. It argues that ignoring environmental harm not only undermines the possibility of holistic justice but also perpetuates structural violence and inequality. In response, the book sketches a greener transitional justice integrating principles from environmental justice, Indigenous knowledge systems and ecocentric perspectives. It explores the possibilities of recognising Nature as a victim of mass violence, adapting existing mechanisms to incorporate environmental harm and fostering transformative approaches premised on the interdependence of human and ecological well-being. This book is written for students, researchers and practitioners of transitional justice and fields related to conflict transformation, peacebuilding, environmental protection and development.

**Critical Legal Studies** Andrew Altman, 2021-06-08. Scholars in the Critical Legal Studies movement have challenged some of the most cherished ideals of modern Western legal and political thought. CLS thinkers claim that the rule of law is a myth and that its defense by liberal thinkers is riddled with inconsistencies. This first book-length liberal reply to CLS systematically examines the philosophical underpinnings of the CLS movement and exposes the deficiencies in the major lines of CLS argument against liberalism.

**Complementarity, Catalysts, Compliance** Christian M. De Vos, 2020-04-23. Critically explores the International Criminal Court's evolution and the domestic effects of its interventions in three African countries.

**Law and the Exception** Gian-Giacomo Fusco, Przemysław Tacik, 2025-09-26. This book proposes a paradigm shift in the way that the state of exception as it is usually named in legal and political theory is to be understood. Building on the assumption that the exception is a heuristic idea that is still a relevant category for a critical deconstruction of law, this book argues that it needs to be rethought outside the boundaries of its traditional understanding. To this end, the book offers two strategies. First, it develops the ideas of exceptionality and exceptionalisation in order to grasp how measures, norms and mechanisms that clearly have an exceptional character are no longer confined within the boundaries of classic institutions such as the state of exception, martial law, the state of emergency and so on. As demonstrated recently during the COVID-19 pandemic, legal systems may dissimulate the exceptional as the normal, avoiding the use of formal states of exception and adopting measures that are of exceptional nature. This book maintains that it is necessary to think of exceptionality outside of its usual legal footholds. Emergency laws are considered here as part of a more general sphere of exceptionality that must be understood as the product of a process of the accumulation of symbols, practices, notions and images that are only partially expressed through law, despite having long populated the legal imagination. Second, the book offers an analysis of the inner exceptional life of liberal constitutionalism, the subterranean authoritarian drives dissimulated by the rule of law. This book will interest scholars and researchers in legal and political theory as well as continental philosophy.

**Humanity across International Law and Biolaw** Britta van Beers, Luigi Corrias, Wouter G. Werner, 2014-02-13. The concepts of humanity, human dignity and mankind have emerged in different contexts across international law and biolaw. This raises many different questions: What are the aims for which humanity is mobilised? How do these aims affect the ensuing interpretations of this

concept What are the negative counterparts of humanity mankind and human dignity And what happens if a concept developed in one particular context is taken up in another By bringing together research from international law biolaw and legal theory this volume answers such questions by analysing how the concepts overlap and contradict each other across the disciplines The result is not an examination of what humanity is but rather what it does and what it brings about in a variety of contexts

**Responsibility on Trial** Liana Georgieva Minkova, 2023-02-16 Establishing individual criminal responsibility for mass atrocities is the foundational principle of international criminal justice but this process is highly complex and is accompanied by political and legal dilemmas about its operation The book examines the drafting interpretation and application of the rules for assessing individual criminal responsibility as those rules emerge from the intense contestations among judges lawyers and academics within the legal field Focusing on the International Criminal Court ICC the book provides a rich analysis of the international debates around questions of criminal responsibility by interrogating formal legal documents and legal scholarship alongside more candid accounts interviews memoirs minutes These debates are of key importance for international criminal law and global justice because how criminal responsibility laws are construed in practice determines which conduct merits punishment and ultimately demarcates the boundaries of what are considered the gravest acts that shock humanity



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