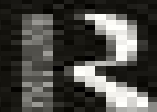


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THE MYTHOLOGY OF MODERN LAW

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FITZPATRICK



Mythology Of Modern Law

George Pavlich



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The Oxford Handbook of International Law and Development Ruth Buchanan, 2024-02-15 The Oxford Handbook of International Law and Development is a unique overview of the field of international law and development examining how normative beliefs and assumptions around development are instantiated in law and critically examining disciplinary frameworks competing agendas legal actors and institutions and alternative futures

Reading Modern Law Ruth Margaret Buchanan, Stewart John Motha, Sundhya Pahuja, 2012 Reading Modern Law addresses the identification and elaboration of a critical methodology for reading and writing about law in modernity

The Social Contract Rediscovered Wenwei Guan, 2025-06-30 The Social Contract Rediscovered conducts a critical analysis of the historical evolution of legitimacy tracing its development from natural law to positive law and finally to post modern critiques It fills a scholarly gap by addressing the overlooked aspect of the consent process The book begins with a recap of the historical development of social contract theory It draws from a broad base of jurisprudential and social theories to think through how social contract s rise and fall forms an integral part of legitimacy s modernization process from the Enlightenment driven Industrial Revolution s global proliferation to the end of the 20th century It then integrates discussion of consensus construction at three levels private contract legitimacy national development consensus and global modern exchange mechanism in the late 20th century Rather than ask how state legitimacy is constructed in social contract theory the book asks what role an individual plays in the process of consensual legitimacy construction This individual oriented perspective calls for a jurisprudential construction of process legitimacy and consensual legitimacy s onto epistemological integrity Providing a new perspective on the social contract this book will interest scholars of private law international trade and development law

Storied Communities Hester Lessard, Rebecca Johnson, Jeremy Webber, 2011-01-01 Political communities are defined and often contested through stories Scholars have long recognized that two foundational sets of stories narratives of contact and narratives of arrival helped to define settler societies We are only beginning to understand how ongoing issues of migration and settlement are linked to issues of indigenous settler contact Storied Communities disrupts the assumption in many works that indigenous and immigrant identities fall into two separate streams of analysis The authors do not attempt to build a new master narrative they instead juxtapose narratives of contact and arrival as they explore key themes narrative and narrative form the nature and hazards of storytelling in the political realm and the institutional and theoretical implications of foundation narratives and storytelling By bringing to light the links between narratives of contact and narratives of arrival this volume opens up new ways to imagine sustain and transform political communities

Transrational Resonances Josefina Echavarría Alvarez, Daniela

Ingruber, Norbert Koppensteiner, 2018-02-28 This book comprehensively gathers the current academic literature field expertise and artistic developments on Wolfgang Dietrich's Many Peaces theory in the ways it has been conceptualized and practiced by peace and conflict workers around the world Both scholars and practitioners challenge and creatively explore the field of transrational peace philosophy contributing their insights on elicitive methods and conflict mapping The book is further enriched by artistic perspectives on integrative approaches to theatre for living and intercultural soundscapes The articles collected here respond with innovative strength and vigor to the worldwide need for further research on peace and for practical approaches to conflict transformation This book therefore equally appeals to scholars peacebuilders and practitioners as well as artists engaged in conflict transformation **Seeing the Myth in Human Rights** Jenna

Reinbold, 2017-01-12 Seeing the Myth in Human Rights explores the role of myth in the creation and propagation of the 1948 Universal Declaration of Human Rights Drawing on records publications and speeches from the Declaration's creators as well as current scholarship on human rights Jenna Reinbold sees the Declaration as an exemplar of modern mythmaking

Freedom of Religion and Constitutional Law Amit Bindal, 2025-06-27 This book investigates the intersection of religion and modern law It explores how secular courts encounter the religious or mythical question which is disavowed by modern institutions It questions the private/public dichotomy of liberal constitutionalism which relegates religion to the private sphere It argues that in ex colonial societies like India which are foundationally and diversely religious the courts need to work through and engage with the difficulties and complexities posed by their continual encounter with the question of religion rather than re-affirming the myth of separation of law and myth state and religion This work demonstrates that any other approach leads to its repression and resultant reemergence in various forms Such an approach of working through religious categories will be effective in the struggle against religious fanaticism that has seen a resurgence in contemporary times The book will be a valuable resource for students and academics working in law religious studies history and political science

Making the World Safe for Investment Andrea Leiter, 2023-03-02 Western governments companies economists and lawyers established the international legal order now known as international investment law to protect foreign property from a redistribution of wealth through domestic law making This book offers a pre history of these legal arrangements focusing on the time before 1959 and the ratification of the first bilateral investment treaty and the ICSID Convention It introduces new archival material such as arbitral awards diplomatic notes and concession agreements as well as scholarly writings pertaining to developments in these proceedings These materials are systematised into a coherent argument on the protection of foreign property The book develops the important role of concession agreements and their internationalisation for the making of international investment law thereby insisting on the private law character of the foundations of the field In doing so it displays the analytic force of viewing law as jurisdictional practice rather than as a system of norms **Lawyers and Savages** Kaius Tuori, 2014-09-19 Legal primitivism was a complex phenomenon that combined the study of early

European legal traditions with studies of the legal customs of indigenous peoples Lawyers and Savages Ancient History and Legal Realism in the Making of Legal Anthropology explores the rise and fall of legal primitivism and its connection to the colonial encounter Through examples such as blood feuds communalism ordeals ritual formalism and polygamy this book traces the intellectual revolution of legal anthropology and demonstrates how this scholarship had a clear impact in legitimating the colonial experience Detailing how legal realism drew on anthropology in order to help counter the hypothetical constructs of legal formalism this book also shows how despite their explicit rejection the central themes of primitive law continue to influence current ideas about indigenous legal systems but also of the place and role of law in development Written in an engaging style and rich in examples from history and literature this book will be invaluable to those with interests in legal realism legal history or legal anthropology Administering Civil Society M.

Neocleous,1996-10-29 To preserve social order the state must administer civil society with a threefold purpose the fashioning of the market the constitution of legal subjectivity and the subsumption of struggle In Administering Civil Society Mark Neocleous offers a rethinking of the state civil society distinction through the idea of political administration This is achieved through an original reading of Hegel s Philosophy of Right and an insightful critique of Foucault s account of power and administration The outcome is a highly provocative theory of state power *The Courtroom as a Space of Resistance* Awol

Allo,2016-03-09 Fifty years before his death in 2013 Nelson Mandela stood before Justice de Wet in Pretoria s Palace of Justice and delivered one of the most spectacular and liberating statements ever made from a dock In what came to be regarded as the trial that changed South Africa Mandela summed up the spirit of the liberation struggle and the moral basis for the post Apartheid society In this blistering critique of Apartheid and its perversion of justice Mandela transforms the law into a sword and shield He invokes it while undermining it uses it while subverting it and claims it while defeating it Wise and strategic Mandela skilfully reimagines the courtroom as a site of visibility and hearing opening up a political space within the legal This volume returns to the Rivonia courtroom to engage with Mandela s masterful performance of resistance and the dramatic core of that transformative event Cutting across a wide range of critical theories and discourses contributors reflect on the personal spatial temporal performative and literary dimensions of that constitutive event By redefining the spaces institutions and discourses of law contributors present a fresh perspective that re sets the margins of what can be thought and said in the courtroom **Routledge Handbook of International Law and the Humanities** Shane

Chalmers,Sundhya Pahuja,2021-05-19 This Handbook brings together 40 of the world s leading scholars and rising stars who study international law from disciplines in the humanities from history to literature philosophy to the visual arts to showcase the distinctive contributions that this field has made to the study of international law over the past two decades Including authors from Australia Canada Europe India South Africa the UK and the USA all the contributors engage the question of what is distinctive and critical about the work that has been done and that continues to be done in the field of international

law and the humanities For many of these authors answering this question involves reflecting on the work they themselves have been contributing to this path breaking field since its inception at the end of the twentieth century For others it involves offering models of the new work they are carrying out or else reflecting on the future directions of a field that has now taken its place as one of the most important sites for the study of international legal practice and theory Each of the book's six parts foregrounds a different element or cluster of elements of international law and the humanities from an attention to the office conduct and training of the jurist and jurisprudent Part 1 to scholarly craft and technique Part 2 to questions of authority and responsibility Part 3 history and historiography Part 4 plurality and community Part 5 as well as the challenge of thinking and rethinking international legal concepts for our times Part 6 Outlining new ways of imagining and doing international law at a moment in time when original critical thought and practice is more necessary than ever this Handbook will be essential for scholars students and practitioners in international law international relations as well as in law and the humanities more generally

“The” Legal Protection of Traditional Knowledge in the Pharmaceutical Field Tobias Kiene, 2009 Constituting Religion Tamir Moustafa, 2018-07-25 Constituting Religion examines how constitutional provisions for both Islam and liberal rights catalyze conflicts over religion in Malaysia and feed a rights versus rites binary This title is also available as Open Access The Oxford Handbook of Comparative Law Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field

Events: The Force of International Law Fleur Johns, Richard Joyce, Sundhya Pahuja, 2010-10-04 Events The Force of International Law presents an analysis of international law centred upon those historical and recent events in which international law has exerted or acquired its force From Spanish colonization and the Peace of Westphalia through the release of Nelson Mandela and the Rwandan genocide and to

recent international trade negotiations and the torture memos each chapter in this book focuses on a specific international legal event Short and accessible to the non specialist reader these chapters consider what forces are put into play when international law is invoked as it is so frequently today by lawyers laypeople or leaders At the same time they also reflect on what is entailed in naming these events of international law and how international law grapples with their disruptive potential Engaging economic military cultural political philosophical and technical fields Events The Force of International Law will be of interest to international lawyers and scholars of international relations legal history diplomatic history war and or peace studies and legal theory It is also intended to be read and appreciated by anyone familiar with appeals to international law from the general media and curious about the limits and possibilities occasioned or the forces mobilised by that appeal

Unsettling the City Nicholas Blomley, 2004-06 Contemporary capitalism has produced gentrification socio spatial stratification and racial inequality In this book Nicholas Blomley shows how the concept of property helps to generate and underwrite these pervasive urban processes

Thresholds of Accusation George Pavlich, 2023-09-28 This critical socio legal history probes pretrial accusations through which colonial criminal law forged social orders for settler colonialism across western Canada focusing on Alberta 1874 1884 Following military intelligence a Northwest Mounted Police force was established to compel Dominion law That force began by deploying accusatory theatres to receive information about crimes arrest suspects and decide via preliminary examination who to send to trial George Pavlich draws on exemplary performances of colonial accusation to show how police officers and justices of the peace translated local social lore into criminal law These performances reflected intersecting powers of sovereignty disciplinarily and biopolitics they held accused individuals legally culpable for crimes and obscured social upheavals that settlers brought Reflecting on colonial legacies within today s vast and unequal criminalizing institutions this book proposes that we seek new forms of accusation and legality learning from Indigenous laws that tackle individual and collective responsibilities for societal disquiet

Political Myth Christopher Flood, 2013-12-02 First Published in 2002 Routledge is an imprint of Taylor Francis an informa company

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