



Emergency Powers in Asia

Exploring the Limits of Legality

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EDITED BY Victor V. Ramraj
and Arun K. Thiruvengadam

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Yicheng Fang



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Limits of Legality Jeffrey Brand-Ballard, 2010-05-26 Judges sometimes hear cases in which the law as they honestly understand it requires results that they consider morally objectionable Most people assume that nevertheless judges have an ethical obligation to apply the law correctly at least in reasonably just legal systems This is the view of most lawyers legal scholars and private citizens but the arguments for it have received surprisingly little attention from philosophers Combining ethical theory with discussions of caselaw Jeffrey Brand Ballard challenges arguments for the traditional view including arguments from the fact that judges swear oaths to uphold the law and arguments from our duty to obey the law among others He then develops an alternative argument based on ways in which the rule of law promotes the good Patterns of excessive judicial lawlessness even when morally motivated can damage the rule of law Brand Ballard explores the conditions under which individual judges are morally responsible for participating in destructive patterns of lawless judging These arguments build upon recent theories of collective intentionality and presuppose an agent neutral framework rather than the agent relative framework favored by many moral philosophers Defying the conventional wisdom Brand Ballard argues that judges are not always morally obligated to apply the law correctly Although they have an obligation not to participate in patterns of excessive judicial lawlessness an individual departure from the law so as to avoid an unjust result is rarely a moral mistake if the rule of law is otherwise healthy *Limits of Legality* will interest philosophers legal scholars lawyers and anyone concerned with the ethics of judging

The Limits of Law Austin Sarat, Lawrence Douglas, Martha Merrill Umphrey, 2005 This collection brings together well established scholars to examine the limits of law a topic that has been of broad interest since the events of 9 11 and the responses of U S law and policy to those events The limiting conditions explored in this volume include marking law s relationship to acts of terror states of emergency gestures of surrender payments of reparations offers of amnesty and invocations of retroactivity These essays explore how law is challenged frayed and constituted out of contact with conditions that lie at the farthest reaches of its empirical and normative force

Exploiting the Limits of Law Åsa Gunnarsson, Eva-Maria Svensson, 2016-04-22 Moving beyond the question of whether an area of scholarly investigation can truly be characterized as legal *Exploiting the Limits of Law* combats the often unhelpful constraints of law s subject matter and formal processes Through a process of reflection on the limits of law and repeated efforts to redraw them this book challenges the general sense of pessimism among feminists and others about the usefulness of law as an instrument of change The work combines theoretical analysis of the law s boundaries with investigation of the practical settings for changing legal and policy environments Both the empirical focus of this volume and its underlying theoretical concern with the limits of the law and its gender implications render it of interest to legal scholars throughout the world whether of EU law feminism social policy or philosophy

The Legal Limits of Direct Democracy Moeckli, Daniel, Forgács, Anna, Ibi, Henri, 2021-07-31 With the rise of direct democratic instruments the relationship between popular

sovereignty and the rule of law is set to become one of the defining political issues of our time This important and timely book provides an in depth analysis of the limits imposed on referendums and citizens initiatives as well as of systems of reviewing compliance with these limits in 11 European states Update on the global status of legal limits on lead in paint, December 2021 World Health Organization,2022-09-30 Update on the global status of legal limits for lead in paint, March 2023 World Health Organization,2023-10-04 *Presidential Initiative for Making .08 BAC the National Legal Limit* United States. Department of Transportation. Office of the Secretary,1998 The Limits of Law Peter Cleary Yeager,1993-08-27 An analysis of the development of US water pollution laws showing how legal processes and social relations interact as the state struggles to reconcile contradictory responsibilities Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes Jennifer Trahan,2020-08-13 In this book the author outlines three independent bases for the existence of legal limits to the veto by UN Security Council permanent members while atrocity crimes are occurring The provisions of the UN Charter creating the veto cannot override the UN s Purposes and Principles nor jus cogens peremptory norms of international law There are also positive obligations imposed by the Geneva and Genocide Conventions in situations of war crimes and genocide conventions to which all permanent members are parties The author demonstrates how vetoes and veto threats have blocked the Security Council from pursuing measures that could have prevented or alleviated atrocity crimes genocide crimes against humanity war crimes in places such as Myanmar Darfur Syria and elsewhere As the practice continues despite regular condemnation by other UN member states and repeated voluntary veto restraint initiatives the book explores how the legality of this practice could be challenged *The Legal Limit* Martin Clark,2009-06-02 Gates Hunt is a compulsive felon serving a stiff penitentiary sentence for selling cocaine His brother Mason however has escaped their bitter impoverished upbringing to become the commonwealth s attorney for their rural hometown in Virginia where he enjoys a contented life with his wife and spitfire daughter But Mason s idyll is abruptly pierced by a wicked tragedy and soon afterward trouble finds him again when he is forced to confront a brutal secret he and his brother had both sworn to take with them to the grave a secret that threatens everyone and everything he holds dear Intricately plotted and relentlessly entertaining *The Legal Limit* is an exploration of the judicial system s roughest edges as well as a gripping story of murder family and the difficult divide that sometimes separates genuine justice from the law **Presidential Initiative for Making .08 BAC the National Legal Limit: Recommendations from the Secretary of Transportation** United States. Department of Transportation. Office of the Secretary,1998 **Legal Limitations on Flexible and Compressed Work Schedules for Federal Employees, Civil Service Commission** United States. General Accounting Office,1974 Law's Limits Neil K. Komesar,2001-12-10 What law is can be or ought to be is determined by the character of those institutions that make interpret and enforce law The interaction of these institutions molds the supply of and demand for law Focusing on this interaction in the context of US property rights law and the debates about private property and the rule of law this book

paints an unconventional picture of law and rights shifting and cycling as systemic factors such as increasing numbers and complexity strain both supply and demand. Although there may be an important role for law, rights and courts both in the US and abroad, it can not be facilely defined. This book proposes a way to define that role and to reform legal education and legal analysis. Women's Health and the Limits of Law Irehobhude O. Iyioha, 2019-12-10. Despite some significant advances in the creation and protection of rights affecting women's health, these do not always translate into actual health benefits for women. This collection asks: What is an effective law and what influences law's effectiveness or ineffectiveness? What dynamics, elements and conditions come together to limit law's capacity to achieve instrumental goals for women's health and the advancement of women's health rights? The book presents an integrated co-referential and sustained critical discussion of the normative and constitutive reasons for law's limited effectiveness in the field of women's health. It offers comprehensive and cohesive explanatory accounts of law's limits and for the first time in the field introduces a distinction between formal and substantive effectiveness of laws. Its approach is trans-systemic, multi-jurisdictional and comparative, with a focus on six countries in North America, Europe, Asia and Africa, and international human rights case law based on matters arising from Hungary, Portugal, Spain, Slovakia, the Czech Republic, Peru and Bolivia. The book will be a valuable resource for educators, students, lawyers, rights advocates and policymakers working in women's health, socio-legal studies, human rights, feminist legal studies and legal philosophy more broadly.

Legal and Scientific Aspects of Continental Shelf Limits Myron H. Nordquist, John Norton Moore, Tomas Heidar, 2004-02-01. The legal and scientific aspects of continental shelf limits are of growing importance to those concerned with the international law of the sea. It is rare that the current thinking of both leading lawyers and scientists are brought together in one volume. Among the topics raised in this volume are geomorphology and geology, ridge issues, Commission on the Limits of the Continental Shelf, shelf resources and current issues such as the outer limit of the continental shelf in the Arctic Ocean, evaluating U.S. data holdings relevant to the definition of continental shelf limits, delimiting China's continental shelves and future directions of the International Seabed Authority. Lastly, the Under Secretary General for Legal Affairs, United Nations, H.E. Hans Corell provides a strategic overview on the challenges in implementing international ocean governance. Another unique feature of the volume is that a CD is placed in the back cover containing visual materials not included in the printed text.

Law of Limitation in India Sandeep Bhalla, *Relocating the Rule of Law* Gianluigi Palombella, Neil Walker, 2008-12-18. In this set of interdisciplinary essays, leading scholars discuss the future of the Rule of Law, a concept whose meaning and import has become ever more topical and elusive. Historically, the term denoted the idea of government limited by law. It has also come to be equated more broadly with certain goods suggested by the idea of legality, as such including the preservation of human dignity and other individual and social benefits predicated upon or conducive to a rule-based social order. But in both its narrow and broader senses, the Rule of Law remains a much contested concept. These essays seek to capture the main areas and levels of controversy by relocating the Rule of

Law not just at the philosophical level but also in its main contemporary arenas of application both national and increasingly supranational and international Traffic Laws Annotated 1979 , **Frontiers in Data Science** Matthias Dehmer, Frank Emmert-Streib, 2017-10-16 Frontiers in Data Science deals with philosophical and practical results in Data Science A broad definition of Data Science describes the process of analyzing data to transform data into insights This also involves asking philosophical legal and social questions in the context of data generation and analysis In fact Big Data also belongs to this universe as it comprises data gathering data fusion and analysis when it comes to manage big data sets A major goal of this book is to understand data science as a new scientific discipline rather than the practical aspects of data analysis alone

The Law Times Reports ,1881

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