



Legality

vs

Legitimacy

Legality And Legitimacy Legality And Legitimacy

Ganesh Sitaraman



Legality And Legitimacy Legality And Legitimacy:

Legality and Legitimacy David Dyzenhaus, 1997 This text investigates one of the oldest questions of legal philosophy the relationship between law and legitimacy It analyses the legal theories of three public lawyers of the Weimar era Carl Schmitt Hans Kelsen and Hermann Heller

Legality and Legitimacy Carl Schmitt, 2004-02-26 First English language translation of one of Schmitt's major works providing a missing link in the oeuvre of this influential and controversial political theorist

Legality and Legitimacy in Global Affairs Richard Falk, Mark Juergensmeyer, Vesselin Popovski, 2011-06-15 This book focuses on the problematic relationship between legality and legitimacy when a nation or nations intervene in the work of other nations Bringing together a wide range of contributors with a broad set of cases that consider when such intervention is legitimate even if it isn't legal and vice versa the chapters cover humanitarian intervention nuclear nonproliferation military intervention international criminal tribunals interventions driven by environmental concerns and the export of democracy By focusing on a diverse array of cases this volume establishes a clear framework for judging the legitimacy of such actions

Legality and Legitimacy Samantha Ashenden, Christopher J. Thornhill, 2010 The question about the relation between legality and political legitimacy is both one of the basic questions of modern legal and political philosophy and one of the most important problems in theoretical sociology This volume brings together the work of a number of internationally prominent legal theorists political theorists sociologists historians and philosophers all of whom have worked extensively on the conceptual analysis of law and power in order to address and illuminate this central question of the social sciences The primary objective of the book is to propose and elaborate paradigms that traverse conventional disciplinary boundaries and to combine sociological and normative deductive patterns of analysis in order both to capture the legitimacy foundations of modern societies and accurately to account for the transformation of the classical foundations of political legitimacy in recent decades All chapters in the volume propose new and challenging paradigms for analyzing the legal sources of legitimate power both in the historical formation of modern societies and in the present

The Power of Legality Nikolas M. Rajkovic, Tanja E. Aalberts, Thomas Gammeltoft-Hansen, 2016-07-28 From an airstrip in Saudi Arabia the CIA launches drones to legally kill Al Qaeda leaders in Yemen On the North Pole Russia plants a flag on the seabed to extend legal claim over resources In Brussels the European Commission unveils its Emissions Trading System extending environmental jurisdiction globally over foreign airlines And at Frankfurt Airport a father returning from holiday is detained because his name appears on a security list Today legality commands substantial currency in world affairs yet growing reference to international legality has not marked the end of strategic struggles in global affairs Rather it has shifted the field and manner of play for a plurality of actors who now use influence and contest the way that law's rule is applied to address global problems Drawing on a range of case studies this volume explores the various meanings and implications of legality across scholarly institutional and policy settings

A New Narrative for a New Europe Daniel Innerarity, Jonathan

White, Cristina Astier, Ander Errasti, 2018-10-31 According to the European Commission Europe is facing a transversal crisis that obliges the rethinking and redefinition of its narrative As a result of the economic crisis that has affected Europe during the past years Europe has in turn faced a structural crisis that forces the reconsideration of its own existence The foundation of the European project the promises of Democracy and Human Dignity need to be assessed The internal crisis and global challenges require a paradigm shift to establish a new foundation upon which to keep those promises alive This crisis is multidimensional environmental cultural political social economic etc and the European Union should tackle it as such The book aims at contributing to that debate by offering a new conceptual approach to the core ideas of European integration process sovereignty diversity common challenges etc By doing so the edited volume settles the ground for some institutional and legal transformations that may reflect this new narrative for a new Europe **Legitimacy, Justice and Public International Law** Lukas H. Meyer, 2009-11-12 Most chapters in this volume were first presented at a symposium held at the University of Bern in December 2006 Page ix **A New Introduction to Jurisprudence** Paul Cliteur, Afshin Ellian, 2019-03-28 A New Introduction to Jurisprudence takes one of the central problems of law and jurisprudence as its point of departure what is the law Adopting an intermediate position between legal positivism and natural law this book reflects on the concept of liberal democracy or constitutional democracy In five chapters the book analyses i the idea of higher law ii liberal democracy as a legitimate model for the state iii the separation of church and state or secularism as essential for the democratic state iv the universality of higher law principles v the history of modern political thought This interdisciplinary approach to jurisprudence is relevant for legal scholars philosophers political theorists public intellectuals historians and politicians **Law, War and the Penumbra of Uncertainty** Sam Selvadurai, 2022-04-07 An exploration into how uncertainty and political and ethical biases affect international law governing the use of force *The Adventures of the Constituent Power* Andrew Arato, 2017-11-30 Constitutions are made in almost all transformation of regimes What are the dangers and the hopes associated with such a process What can make constitution making legitimate The Adventures of the Constituent Power explores the democratic methods by which political communities make their basic law arguing that the most advanced method developed from Spain and South Africa The first part of this book focuses on history of the idea of constitution making before and during the democratic revolutions of the 18th Century The second part traces the notion of the constituent power in recent regime transitions that were consciously post revolutionary from Spain to South Africa With the return of revolutions or revolutionary patterns of constitution making the book examines the use and potential failure of the new ideas available The third part then proceeds to consider the type of constitution that is likely to emerge from the post sovereign process Dissidents of Law Jirí Pribán, 2019-07-16 This title was first published in 2003 The problem of legitimacy and legality is one of the key issues of modern thought and nowhere more intensely debated than in the countries of the former Soviet bloc Under the communist system symbols of modern government had been supplemented and changed

in order to serve the totalitarian domination of the Party and all spheres of life including law were subsumed within this framework of ideological legitimation Following the anti communist revolutions of 1989 former communist societies started the historically unprecedented process of transformation from the totalitarian into liberal democratic society a transformation which has produced much soul searching and heated debate In this book the author sets out to prove that concern with legitimacy belongs neither exclusively to the legal system nor to a political system separated and distanced from the legal system The topic of legitimacy and legitimation is inseparable from legality and every legitimation eventually looks for its transformation into legal legitimacy Cambridge Yearbook of European Legal Studies, Vol 14 2011-2012 Catherine Barnard, Markus Gehring, Iyiola Solanke, 2012-12-20 The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in EU Law the law of the European Convention on Human Rights and Comparative Law with a European dimension and particularly those issues which have come to the fore during the year preceding publication The contributions appearing in the collection are commissioned by the Centre for European Legal Studies CELS Cambridge a research centre in the Law Faculty of the University of Cambridge specialising in European legal issues The papers presented are at the cutting edge of the fields which they address and reflect the views of recognised experts drawn from the University world legal practice and the institutions of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the effects of globalisation of the law more generally and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration

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Harvard Law Review: Volume 131, Number 1 - November 2017
Harvard Law Review, 2017-11-07 The November issue is the special annual review of the U S Supreme Court s previous Term Each year the Supreme Court issue is introduced by noteworthy and extensive contributions from recognized scholars In this issue for the 2016 Term articles include Foreword 1930s Redux The Administrative State Under Siege by Gillian E Metzger Essay Unprecedented Judicial Confirmation Battles and the Search for a Usable Past by Josh Chafetz Comment Churches Playgrounds Government Dollars and Schools by Douglas Laycock Comment Equality Sovereignty and the Family in Morales Santana by Kristin A Collins In addition the first issue of each new volume provides an extensive summary of the important

cases of the previous Supreme Court docket covering a wide range of legal political and constitutional subjects Student commentary is thus provided on eighteen of the Leading Cases of the 2016 Term including such subjects as racial gerrymandering freedom of speech regulatory takings right to effective counsel equal protection appellate jurisdiction fair housing immigration law insider trading venue in patent cases and remedies for constitutional violations Complete statistical graphs and tables of the Court's actions and results during the Term are included these summaries and statistics including voting patterns of individual Justices have long been considered very useful to scholars of the Court in law and political science Finally the issue includes a linked Index of Cases and citations for the discussed opinions The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting This current issue of the Review is November 2017 the first issue of academic year 2017 2018 Volume 131 The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions

Law, Culture, and Africana Studies James L. Conyers, Jr., 2011-12-31 Ever since the first contacts between Europe and Africa African people have been confined to the fringes of Eurocentric experience in the Western mind Much of what we have studied in African history and culture or literature and linguistics or politics and economics has been orchestrated from the standpoint of Europe's interests Whether it is a matter of economics history politics geographical concepts or art Africans have been seen as peripheral This volume reviews the past in order to evaluate the present and move ahead with appropriate policies for the future The authors focus on issues of affirmative action legal culture theories of black culture and methodologies of scholarly work in Africana studies Contents include Cecil Blake The Culture Nexus Construct in Africana Studies Ronald Turner On Palatable Palliative and Paralytic Affirmative Action Grutter Style Winston A Van Horne Three Concepts of Legitimacy Robert E Weems Jr Africana Studies and the Quest for Black Economic Empowerment What Can be Done Ula Y Taylor Elijah Muhammad's Nation of Islam Separatism Regendering and a Secular Approach to Black Power after Malcolm X Lewis R Gordon Must Revolutionaries Sing the Blues Thinking through Fanon and the Leitmotif of the Black Arts Movement Delores P Aldridge Race Gender and Africana Theorizing and James L Conyers Biography and Africology Method and Interpretation The volume concludes with reviews of significant recent scholarship on black history and culture Law Culture and Africana Studies will have particular interest for scholars in the fields of American and European studies cultural studies history sociology and specialists in African American studies

International Law Malcolm N. Shaw, 2021-07-22 An authoritative and engaging work combining straightforward exposition with extensive footnotes for further research

Normative Pluralism and International Law Jan Klabbers, Touko Piiparinen, 2013-04-22 This book addresses conflicts involving how law relates normative orders The assumption behind the book is that law no longer automatically claims supremacy but that actors can pick and choose which code to follow The book covers conflicts between

legal orders and conflicts involving law and honor self regulation lex mercatoria local social practices bureaucracy religion professional standards and morality *The Counterinsurgent's Constitution* Ganesh Sitaraman,2013 Since the surge in Iraq in 2006 counterinsurgency effectively became America s dominant approach for fighting wars Yet many of the major controversies and debates surrounding counterinsurgency have turned not on military questions but on legal ones Who can the military attack with drones Is the occupation of Iraq legitimate What tradeoffs should the military make between self protection and civilian casualties What is the right framework for negotiating with the Taliban How can we build the rule of law in Afghanistan The Counterinsurgent s Constitution tackles this wide range of legal issues from the vantage point of counterinsurgency strategy Ganesh Sitaraman explains why law matters in counterinsurgency how it operates on the ground and how law and counterinsurgency strategy can be better integrated Counterinsurgency Sitaraman notes focuses on winning over the population providing essential services building political and legal institutions and fostering economic development So unlike in conventional war where law places humanitarian restraints on combat law and counterinsurgency are well aligned and reinforce one another Indeed following the law and building the rule of law is not just the right thing to do it is strategically beneficial Moreover reconciliation with enemies can both help to end the conflict and preserve the possibility of justice for war crimes Following the rule of law is an important element of success The first book on law and counterinsurgency strategy The Counterinsurgent s Constitution seamlessly integrates law and military strategy to illuminate some of the most pressing issues in warfare and the transition from war to peace Its lessons also apply to conflicts in Libya and other hot spots in the Middle East The Oxford Handbook of Workplace Discrimination Adrienne Colella,Eden King,2018 The Oxford Handbook of Workplace Discrimination synthesizes decades of evidence and inspires a brand new era of science practice collaboration in understanding and reducing discrimination at work **Governance and International Legal Theory** Ige F. Dekker,Wouter Werner,2004-12-01 Globalisation and international governance constantly pose challenges to international law This constant challenge can only be understood if one keeps in mind that globalisation and international governance are not simple and linear developments but rather complex and contradictory processes The emergence of several overlapping and competing normative orders characterized in terms of new medievalism and legal pluralism has given impetus to some age old debates in international law What is the role of the international community What is the proper function and meaning of state sovereignty in international law What are the powers of international organizations in relation to the overlapping legal orders of their member states At a more practical level the problem of legal pluralism is discussed in the context of the proliferation of international tribunals how does this affects the unity and coherence of international law and what should be the proper role of lawyers in dealing with competing norms and competences Finally the complex and contradictory nature of international governance is illustrated by the role of international non governmental organizations in different periods and areas such as criminal law environmental law and

cyberspace This book discusses the above mentioned topics from a multidisciplinary perspective It combines insights from international relations theory legal theory and international law in an attempt to clarify some issues of globalisation international governance and international law

Interdisciplinary Perspectives on International Law and International Relations Jeffrey L. Dunoff, Mark A. Pollack, 2012-12-24 Interdisciplinary Perspectives on International Law and International Relations The State of the Art brings together the most influential contemporary writers in the fields of international law and international relations to take stock of what we know about the making interpretation and enforcement of international law The contributions to this volume critically explore what recent interdisciplinary work reveals about the design and workings of international institutions the various roles played by international and domestic courts and the factors that enhance compliance with international law The volume also explores how interdisciplinary work has advanced theoretical understandings of the causes and consequences of the increased legalization of international affairs

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