



# New York International Law Review



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# New York International Law Review Vol 16 No 1 Winter 2003

**Christopher P. Banks, David M. O'Brien**



## **New York International Law Review Vol 16 No 1 Winter 2003:**

**Globalizing Justice for Mass Atrocities** Chandra Lekha Sriram, 2013-05-13 This major new study examines the developing practice of universal jurisdiction as well as the broader phenomenon of globalizing justice and its ramifications. With a detailed overview of the contemporary practice of universal jurisdiction it discerns three trends at work: pure universal jurisdiction, universal jurisdiction plus, and non-use. It also argues that these disparities in practice should raise serious concerns as to the legitimacy and perceived legitimacy of such globalized justice. It then turns to a further consideration of globalized justice precisely because it takes place far from the locus of the crime and is therefore externalized and may fail to achieve many of its putative goals. In addition, this is a key assessment of civil accountability through the use of the Alien Tort Claims Act in the United States. It details how the use of civil penalties may offer new avenues for redress, particularly with relation to group accountability, whether that of armed groups or of corporations. However, it balances this approach to accountability with recognition of certain flaws within externalized criminal accountability. This study also focuses on mixed tribunals or other methods of internationalized justice as viable alternatives which may avoid some of the problems with external justice but are themselves far from perfect. Mixed or hybrid tribunals in East Timor and Sierra Leone represent different models of hybrid justice and provide the reader with excellent examples of these new forms of justice in action. This book will be of great interest to all students and scholars of human rights, international law, and political science. International Law and International Relations Thomas J. Biersteker, Peter J. Spiro, Chandra Lekha Sriram, Veronica I. Raffo, 2006-10-19

This unique volume examines the opportunities for and initiates work in interdisciplinary research between the fields of international law and international relations disciplines that have engaged little with one another since the Second World War. Written by leading experts in the fields of international law and international relations, it argues that such interdisciplinary research is central to the creation of a knowledge base among IR scholars and lawyers for the effective analysis and governance of macro and micro phenomena. International law is at the heart of international relations but due to challenges of codification and enforceability its apparent impact has been predominantly limited to commercial and civil arrangements. International lawyers have been saying for years that law matters in international affairs and now current events are proving them right. International Law and International Relations makes a powerful contribution to the theory and practice of global security by initiating a research agenda, building an empirical base, and offering a multidisciplinary approach that provides concrete answers to real-world problems of governance. This book will be of great interest to all students of international law, international relations, and governance.

**Reclaiming Jihad** ElSayed Amin, 2015-02-16 This book is a scholarly and necessary critique of why the crime of terrorism is inconsistent with the ethical outlook of the Qur'an. Anyone who wants to understand the Qur'an and its relationship to violence must read this book. Khaled Abou El Fadl, Omar and Azmeralda Alfi, Professor of Law and chair of

Islamic studies program UCLA School of Law In addition to illuminating the root causes of terrorism this book is a real contribution to the interfaith dialogue Muhammad Abu Layla professor of the comparative religions at al Azhar University Cairo A critique that challenges contemporary perceptions of the relationship between Islam and violence The book can be seriously commended to both specialists and non specialists in Qur anic Studies theology and political science Jabal M Buaben associate professor Universiti Brunei Darussalam Sultan Omar Ali Saifuddien Centre for Islamic Studies ElSayed Amin critiques misreadings of key verses in the Qur an that have been used to establish violence as the relational norm between Muslims and non Muslims He distinguishes both Islamic jihad and armed deterrence from modern terrorism through examination of the 9 11 attacks and proposes legal proscriptions for terrorism from the Qur an on the basis of its political social and psychological impacts ElSayed Amin is a senior lecturer of Islamic studies in English at al Azhar University in Egypt and a visiting postdoctoral research fellow at the University of Brunei Darussalam UBD in Brunei He is a member of the Supreme Council of Islamic Affairs in Cairo and a former Fulbright Scholar

The Global Political Economy of Intellectual Property Rights Christopher May, 2010 The first edition established itself as one of the leading books to situate the issue of intellectual property within the discipline of International Political Economy IPE Since its publication intellectual property has continued to rise up the global agenda reflecting expanding interest in the area among policy makers and advocacy groups linked to the increasingly fraught politics of the global governance of IPRs Significantly revised and updated to take account of developments within the World Trade Organization and the World Intellectual Property Organization this edition incorporate

**Piracy in Qumran** Raphael Israeli, 2011-12-31 In December 1991 a two volume edition of Dead Sea Scroll photographs was issued by the Biblical Archaeology Society an American group headed by Hershel Shanks It included an essay written by Dr Elisha Qimron an Israeli scholar noted for his work in the language of the Dead Sea Scrolls Publication of this reconstruction and transcription resulted in a lawsuit in Israel and the United States between Qimron and Shanks Piracy in Qumran analyzes this legal controversy which rocked the scholarly world of Biblical and archaeological studies at the time and which still resonates today Qimron s long years of research so as to decipher one of the scrolls that dated from the years immediately preceding the Christian Era led him to revolutionary conclusions He had controversial ideas about the ancient laws of purity of the Essenes the authors of the scrolls and their problematic relationships with the two main streams of Judaism Read or reconstructed differently this same text might yield very different conclusions The emphasis in Raphael Israeli s volume is on legal and moral aspects of intellectual property law as it relates to works of historical reconstruction There are questions about whether Qimron s work constitutes something original the fruit of his creativity and thus is copyrightable versus whether it is merely a copy of an ancient blurred text in the public domain reconstructed by a modern author This book does not simply take a position with respect to the matter of Qimron versus Shanks it asks the reader to consider the controversy s implications for such topics as freedom of press Although there are

other books available about the Dead Sea Scrolls no other study examines the social and cultural implications of this crisis in such detail The story itself is intriguing for those who are not specialists in the subject but are generally interested in the issues raised by the controversy It will be of intense interest to scholars and students of religion or international law and historians of the Dead Sea Scrolls

**Globalisation and the Rule of Law** Spencer Zifcak,2004-08-02 This book reassesses the idea of the rule of law within the present complex and increasingly internationalised environment and is the first to relate globalisation exclusively to law

**UN Peacekeeping Operations and the Protection of Civilians** Conor Foley,2017-09-07 This book is based on the author s experience of working for more than two decades in over thirty conflict and post conflict zones It is written for those involved in UN peacekeeping and the protection of civilians It is intended to be accessible to non lawyers working in the field who may need to know the applicable legal standards relating to issues such as the use of force and arrest and detention powers on the one hand and the delivery of life saving assistance according to humanitarian principles on the other It will also be of interest to scholars and students of peacekeeping international law and international relations on the practical dilemmas facing those trying to operationalise the various conceptions of protection during humanitarian crises in recent years

Do You Want to Be Happy and Write? Robert Lecker,2023-09-01 Michael Ondaatje has achieved international prominence and recognition in a way that few other writers have let alone Canadian writers This popularity is most pronounced for works of historical fiction such as The English Patient winner of the Golden Man Booker Prize and In the Skin of a Lion set in 1930s Toronto shortlisted for the Governor General s Award and winner of the Canada Reads competition in 2002 But Ondaatje has been writing for over fifty years and his innovative works include some of the most accomplished poetry in the English speaking world Taking its title from a question in his poem Tin Roof Do You Want to Be Happy and Write reassesses Ondaatje s writing and the role of the poet from his troubled explorations of the self reflexive artist to his most recent novels Comprehensive in both approach and coverage this new collection offers groundbreaking analysis informed by an understanding of Ondaatje s entire oeuvre placing early poetry collections like The Collected Works of Billy the Kid and There s a Trick with a Knife I m Learning to Do alongside the full range of his novels and his extensive work as a literary editor The book highlights the transnational postcolonial and diasporic issues that have become increasingly apparent in Ondaatje s work Contributors explore key interests that have reappeared and been rethought across his fiction and poetry the construction of identity the nature of memory and its relation to family origins and history the human body as a site of contestation and struggle the contrast between Eastern and Western values and the Southeast Asian diaspora the writer s responsibility in depictions of war psychic trauma and genocide and an ongoing fascination with the visual and the media of photography and film An eclectic celebration of an iconic author Do You Want to Be Happy and Write offers an authoritative reference point for scholars and students of literature and reveals new facets of a major author to his readers around the world

**Social Power in International Politics** Peter van Ham,2010-04-05 This

text introduces and defines the concept of social power and examines how it works in international politics Including perspectives from the EU the US Middle East and China it features a range of case studies on culture and pop culture media public diplomacy and branding      *Targeted Killings* Claire Finkelstein,Jens David Ohlin,Andrew Altman,2012-03-01 The war on terror is remaking conventional warfare The protracted battle against a non state organization the demise of the confinement of hostilities to an identifiable battlefield the extensive involvement of civilian combatants and the development of new and more precise military technologies have all conspired to require a rethinking of the law and morality of war Just war theory as traditionally articulated seems ill suited to justify many of the practices of the war on terror The raid against Osama Bin Laden s Pakistani compound was the highest profile example of this strategy but the issues raised by this technique cast a far broader net every week the U S military and CIA launch remotely piloted drones to track suspected terrorists in hopes of launching a missile strike against them In addition to the public condemnation that these attacks have generated in some countries the legal and moral basis for the use of this technique is problematic Is the U S government correct that nations attacked by terrorists have the right to respond in self defense by targeting specific terrorists for summary killing Is there a limit to who can legitimately be placed on the list There is also widespread disagreement about whether suspected terrorists should be considered combatants subject to the risk of lawful killing under the laws of war or civilians protected by international humanitarian law Complicating the moral and legal calculus is the fact that innocent bystanders are often killed or injured in these attacks This book addresses these issues Featuring chapters by an unrivalled set of experts it discusses all aspects of targeted killing making it unmissable reading for anyone interested in the implications of this practice      **Israel, Jordan, and Palestine** Asher Susser,2012 A Crown Center for Middle East Studies Book      The International Legal Status and Protection of Environmentally-Displaced Persons: A European Perspective Hélène Ragheboom,2017-07-03 In *The International Legal Status and Protection of Environmentally Displaced Persons A European Perspective* H l ne Ragheboom addresses the topical issue of displacement caused by environmental factors and analyses in particular whether affected persons who are unable or unwilling to return to their country of origin due to the severe degradation of their living environment could or in the negative should receive some form of international protection within the European Union The author provides a detailed analysis of relevant instruments of refugee law and international human rights law and explores possible future approaches to addressing the phenomenon of environmental displacement ranging from constructive interpretations of existing norms to the allegedly preferable creation of a multidisciplinary sui generis framework      The Self, Ethics & Human Rights Joseph Indaimo,2015-02-11 This book explores how the notion of human identity informs the ethical goal of justice in human rights Within the modern discourse of human rights the issue of identity has been largely neglected However within this discourse lies a conceptualisation of identity that was derived from a particular liberal philosophy about the true nature of the isolated self determining and rational individual Rights are thus

conceived as something that are owned by each independent self and that guarantee the exercise of its autonomy. Critically engaging this subject of rights, this book considers how recent shifts in the concept of identity and more specifically the critical humanist notion of the other provides a basis for reimagining the foundation of contemporary human rights. Drawing on the work of Jacques Lacan and Emmanuel Levinas, an intersubjectivity between self and other always already marks human identity with an ethical openness. And this book argues it is in the shift away from the human self as a sovereign individual that human rights have come to reflect a self-identity that is grounded in the potential of an irreducible concern for the other.

**The Judicial Process** Christopher P. Banks, David M. O'Brien, 2015-02-19. The Judicial Process: Law, Courts, and Judicial Politics is an all new concise yet comprehensive core text that introduces students to the nature and significance of the judicial process in the United States and across the globe. It is social scientific in its approach, situating the role of the courts and their impact on public policy within a strong foundation in legal theory or political jurisprudence as well as legal scholarship. Authors Christopher P. Banks and David M. O'Brien do not shy away from the politics of the judicial process and offer unique insight into cutting edge and highly relevant issues. In its distinctive boxes: Contemporary Controversies over Courts and In Comparative Perspective, the text examines topics such as the dispute pyramid, the law and morality of same sex marriages, the hardball politics of judicial selection, plea bargaining, trends in the right to counsel and pay as you go justice, judicial decisions limiting the availability of class actions, constitutional courts in Europe, the judicial role in creating major social change, and the role lawyers, juries, and alternative dispute resolution techniques play in the U.S. and throughout the world. Photos, cartoons, charts, and graphs are used throughout the text to facilitate student learning and highlight key aspects of the judicial process.

**Index to Federal Tax Articles** Gersham Goldstein, Boris I. Bittker, 1975. This multi-volume bibliography lists every significant article on federal income, estate, and gift taxation since 1913. Over 36,000 articles are cited in reverse chronological order, organized by topic and author.

**FDIC Banking Review**, 2000.

**Justice in Conflict** Mark Kersten, 2016-08-04. What happens when the international community simultaneously pursues peace and justice in response to ongoing conflicts? What are the effects of interventions by the International Criminal Court (ICC) on the wars in which the institution intervenes? Is holding perpetrators of mass atrocities accountable a help or hindrance to conflict resolution? This book offers an in-depth examination of the effects of interventions by the ICC on peace, justice, and conflict processes. The peace versus justice debate, wherein it is argued that the ICC has either positive or negative effects on peace, has spawned in response to the Court's propensity to intervene in conflicts as they still rage. This book is a response to and a critical engagement with this debate. Building on theoretical and analytical insights from the fields of conflict and peace studies, conflict resolution, and negotiation theory, the book develops a novel analytical framework to study the Court's effects on peace, justice, and conflict processes. This framework is applied to two cases: Libya and northern Uganda. Drawing on extensive fieldwork, the core of the book examines the empirical effects of the ICC on each case. The book also examines why the ICC

has the effects that it does delineating the relationship between the interests of states that refer situations to the Court and the ICC's institutional interests arguing that the negotiation of these interests determines which side of a conflict the ICC targets and thus its effects on peace justice and conflict processes While the effects of the ICC's interventions are ultimately and inevitably mixed the book makes a unique contribution to the empirical record on ICC interventions and presents a novel and sophisticated means of studying analyzing and understanding the effects of the Court's interventions in Libya northern Uganda and beyond

**Russia-Cyprus Relations** Costas Melakopides, 2016-04-08 This study assesses Moscow's special bilateral relations with Cyprus since the mid 1950s with particular emphasis on the post Cold War years Melakopides develops the theory of pragmatic idealism when describing the way in which Moscow's Cyprus policies were meant to satisfy not only mutual interests but also international legal and ethical principles and norms The book recalls Cyprus's dramatic vicissitudes since the 1950s and revisits the controversial political realist policies of Washington Ankara and London against the interests and needs of the Greek Cypriot majority Melakopides then goes on to analyse the regional geopolitical context Turkey's hegemonic ambitions and its ongoing aggressiveness against Cyprus Nicosia's current efforts to pursue a multidimensional foreign policy that also engages Greece Israel and Egypt the strong Russian Cypriot diplomatic and political relations as well as their relations in trade banking energy tourism culture energy and defence and the origins of Russia's historical religious and spiritual sentiments and bonds towards Hellenism and Cyprus

**Sports Capitalism** Frank P. Joza, 2017-11-28 The book focuses on how when where and why the US based professional sports leagues extend their brands and penetrate markets in nations across the globe The book examines the strategies progress and expectations of each league despite the cultural economic and political barriers that exist between and within countries and areas It offers a model of the sports business and where appropriate the emergence evolution and growth of prominent women's sports leagues are documented This book is unique as there are no other academic publications that study and report the global ambitions of this special group of organizations in one volume Readers such as college and university sports history management marketing and international business professors students and researchers can use and apply the book as either a teaching supplement reference and or literature source It will also appeal to targeted groups beyond the academic community with strategic economic incentives to learn about sports capitalism such as sports entrepreneurs and league officials

**Internationalizing and Privatizing War and Peace** H. Wulf, 2005-08-05 In this timely work the author analyzes the use of private military firms and international interventions of the military Outsourcing to the private sector takes missions away from the military but the shift towards international intervention adds new wider functions to the traditional role of defence If these two trends continue at the present pace important security functions will be out of control of parliaments national governments and international authorities The state monopoly of violence an achievement of civilization is at stake



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