

Transnational Law

Rethinking European Law and Legal Thinking



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Miguel Maduro, Kaarlo Tuori
and Suvi Sankari

CAMBRIDGE

Transnational Law Rethinking European Law And Legal Thinking

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Transnational Law Rethinking European Law And Legal Thinking:

Transnational Law Miguel Maduro, Kaarlo Tuori, Suvi Sankari, 2014-05 This book examines the effects of law's denationalisation by placing European law in the context of transnational law **Transnational Law**, 1956 *The Many Lives of Transnational Law* Peer Zumbansen, 2020-04-02 Sixty years after Jessup's Transnational Law Lectures this collection traces the field's development and significance to the present day **Legal Positivism in a Global and Transnational Age** Luca Siliquini-Cinelli, 2019-08-30 A theme of growing importance in both the law and philosophy and socio-legal literature is how regulatory dynamics can be identified that is conceptualised and operationalised and normative expectations met in an age when transnational actors operate on a global plane and in increasingly fragmented and transformative contexts A reconsideration of established theories and axiomatic findings on regulatory phenomena is an essential part of this discourse There is indeed an urgent need for discontinuity regarding what we think we know about among other things law legality sovereignty and political legitimacy power relations institutional design and development and pluralist dynamics of ordering under processes of globalisation and transnationalism Making an important contribution to the scholarly debate on the subject this volume features original and much needed essays of theoretical and applied legal philosophy as well as socio-legal accounts that reflect on whether legal positivism has anything to offer to this intellectual enterprise This is done by discussing whether global and transnational cultural socio-political economic and juridical challenges as well as processes of diversification fragmentation and transformation significantly de-formalise or reinforce or weaken legal positivists' assumptions claims and methods The themes covered include but are not limited to absolute and limited state sovereignty the new international legal positivism Hartian legal positivism and the normative positivist account the relationship between modern secularisation social conventionalism and meta-ontological issues of temporality in postnational jurisprudence the social positivisation of human rights the formation and content of jus cogens norms feminist critique the global and transnational migration of principles of justice and morality the Vienna Convention on the Law of Treaties rule of interpretation and the responsibility of transnational corporations *EU Law and International Arbitration* Konstanze von Papp, 2021-04-08 Eminently readable One need look nowhere else I regularly teach courses on this subject and have encountered no work that comes close to achieving what von Papp has achieved George A Berman Columbia Law School European Law Review This timely book addresses the main areas of tension between EU law and international arbitration looking at both commercial and investment treaty arbitration It opens pathways for practical solutions based on communication between the different regimes At the same time it offers a sound theoretical basis that allows for addressing the core problem as normative conflict between legitimate public interests and the privatisation of justice The book is divided into five parts It introduces key aspects of the overall tension between EU law and international arbitration before setting out the theoretical framework that understands EU law international commercial arbitration and investment treaty arbitration as

closed regimes The author then addresses the core problem of finding the limits to contracting out of the EU legal regime both on a jurisdictional and a substantive level This is then linked to the question of trust building in legal outcomes of the relevant regimes The book concludes with a short summary and key theses Combining a theoretical and normative with a more pragmatic approach to very topical issues this book offers invaluable insights for academics and practitioners private and public commercial and investment treaty lawyers alike

Transnationalisation and Legal Actors Bettina Lemann Kristiansen, Katerina Mitkidis, Louise Munkholm, Lauren Neumann, Cécile Pelaudeix, 2019-06-10 Transnational tendencies have led to a pluralistic legal environment in which emerging and established legal actors regulatory levels and types of legal norms co exist compete and interact in complex ways This challenges and changes not only how legal norms are created applied and enforced but also when these actors norms and processes are considered legitimate The book investigates how states and non state actors interact in transnational settings and pays attention to the understudied question of what effect transnational tendencies have on the legitimacy of legal actors norms and processes It seeks to confront three fundamental questions Has legitimacy significantly changed Who creates norms and with which consequences for legal procedures and norms The book considers the question of legitimacy from a broad range of legal perspectives including environmental law human rights law and commercial law It maps out the contours of legitimacy today with an emphasis on the reactions of central actors like states and courts to transnational tendencies The book thereby provides a conceptually powerful structure within which to further debate the complexity of transnational tendencies in law and proposes innovative approaches to problem solving while designing pathways for further reflection on the development of law in a transnational context

The International Legal Personality of the Individual Astrid Kjeldgaard-Pedersen, 2018-08-09 This is the first monograph to scrutinize the relationship between the concept of international legal personality as a theoretical construct and the position of the ultimate subject the individual as a matter of positive international law By testing the four main theoretical conceptions of international legal personality against historical and existing norms of positive international law that regulate the conduct of individuals the book argues that the common narrative in contemporary scholarship about the development of the role of the individual in the international legal system is flawed Contrary to conventional wisdom international law did not apply to states alone until World War II only to transform during the second half of the 20th century so as to include individuals as its subjects Rather the answer to the question of individual rights and obligations under international law is and always was strictly empirical It follows of course that the entities governed by a particular norm tell us nothing about the legal system to which that norm belongs Instead the distinction between international law and national law turns exclusively on whether the source of the norm in question is international or national in kind Against the background of these insights the book shows how present day international lawyers continue to allow an idea which was never more than a scholarly invention of the 19th century to influence the interpretation and application of international law This state of affairs has

significant real world ramifications as international legal rights and obligations of individuals and other non state entities are frequently applied more restrictively than interpretation without presumptions regarding personality would merit

Subjectivity, Citizenship and Belonging in Law Anne Griffiths, Sanna Mustasaari, Anna

Mäki-Petäjä-Leinonen, 2016-10-04 This collection of articles critically examines legal subjectivity and ideas of citizenship inherent in legal thought The chapters offer a novel perspective on current debates in this area by exploring the connections between public and political issues as they intersect with more intimate sets of relations and private identities Covering issues as diverse as autonomy vulnerability and care family and work immigration control the institution of speech and the electorate and the right to vote they provide a broader canvas upon which to comprehend more complex notions of citizenship personhood identity and belonging in law in their various ramifications

In Pursuit of Pluralist

Jurisprudence Nicole Roughan, Andrew Halpin, 2017-09-14 The pluralist turn in jurisprudence has led to a search for new ways of thinking about law The relationships between state law and other legal orders such as international customary transnational or indigenous law are particularly significant in this development Collecting together new work by leading scholars in the field this volume considers the basic questions about what would be an appropriate theoretical response to this shift how precisely is it to be undertaken Is it called for by developments in legal practice or are these adequately addressed by current legal theory What normative challenges are raised and what fresh promises might the pluralist turn hold What distinctive insights can it offer for theorising about law This book presents a rich variety of resources drawn from a number of theoretical approaches and demonstrates how they might be brought together to generate an increasingly important pluralist jurisprudence

Chasing Criminal Money Katalin Ligeti, Michele Simonato, 2017-04-06 The fight against dirty money is not a new topic nor a recent problem It has existed within international and national agendas since the 1980s Nonetheless the evolving complexity of criminal skills and networks the increasingly global dimension of crime the financial crisis and the alleged unsatisfactory results of the efforts hitherto undertaken cause us to re pose and re discuss some questions This book addresses several issues concerning the reasons objectives and scope of national and supranational strategies targeting criminal money as well as the concrete modalities to overcome its obstacles The main objective is to explore where the EU stands and where it ought to go providing useful input for policy makers and further research Nevertheless the problems are not limited to the EU area and assets particularly money cross EU borders much more easily than people do The reflections developed in the chapters therefore aim at going beyond these EU borders The book is divided into two parts The first one focuses on the core of asset recovery policies namely confiscation or forfeiture laws and explores in particular some issues concerning the respect of fundamental rights The second part addresses other problematic aspects related to the asset recovery process such as the return of assets to victim countries the cross border investigations on dirty money and the social use of confiscated assets

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