

1. Record Nr.	UNINA9910299867003321
Titolo	The Rule of Crisis : Terrorism, Emergency Legislation and the Rule of Law // edited by Pierre Auriel, Olivier Beaud, Carl Wellman
Pubbl/distr/stampa	Cham : , : Springer International Publishing : , : Imprint : Springer, , 2018
ISBN	3-319-74473-9
Edizione	[1st ed. 2018.]
Descrizione fisica	1 online resource (viii, 251 pages)
Collana	Ius Gentium: Comparative Perspectives on Law and Justice, , 1534-6781 ; ; 64
Disciplina	344.05325
Soggetti	Constitutional law Criminal law Private international law Conflict of laws International humanitarian law Political science Constitutional Law Criminal Law and Criminal Procedure Law Private International Law, International & Foreign Law, Comparative Law International Humanitarian Law, Law of Armed Conflict Philosophy of Law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Chapter 1. Introduction -- Chapter 2. Conceptual Analysis and Emergency Legislation -- Part I: Concepts and Justification of Emergency Legislations -- Chapter 3. Emergencies in Sober Hobbesianism -- Chapter 4. The State of Exception and the Terrorist Threat – An Obsolete Combination -- Chapter 5. The Continued Exceptionalism of the American Response to Daesh -- Chapter 6. Dignity, Emergency, Exception -- Part II: Risk and Failure of Emergency Legislations -- Chapter 7. Reconciling International Human Rights Law with Executive Non-Trial-Based Counter-Terror Measures: The Case of UK Temporary Exclusion Orders -- Chapter 8. Polish Martial Law on the Docket – Judging the Past and the Clash of Judicial Narratives --

Chapter 9. Emergency as a State of Mind – The Case of Israel --
Chapter 10. The French Case or the Hidden Dangers of a Long Term
State of Emergency -- Chapter 11. Anything Goes: How does French
Law Deal with the State of Emergency (1955–2015)? -- Chapter 12. The
German Reticence vis-à-vis the State of Emergency.

Sommario/riassunto

This book analyzes emergency legislations formed in response to terrorism. In recognition that different countries, with different legal traditions, have different solutions, it adopts a comparative point of view. The countries profiled include America, France, Israel, Poland, Germany and United Kingdom. The goal is not to offer judgment on one response or the other. Rather, the contributors offer a comprehensive and thoughtful examination of the entire concept. In the process, they draw attention to the inadaptability of traditional legal and philosophical categories in a new and changing political world. The contributors first criticize the idea of these legislations. They then go on to develop different models to respond to these crises. They build a general analytical framework by answering such questions as: What is an emergency legislation? What kinds of emergencies justify laws of this nature? Why is contemporary terrorism such a specific emergency justifying new laws? Using legal and philosophical reflections, this study looks at how we are changing society. Coverage also provides historical experiences of emergency legislations to further illustrate this point. In the end, readers will gain insight into the long-term consequences of these legislations and how they modify the very work of the rule of law. .
