

1. Record Nr.	UNINA9910782684303321
Titolo	Emergencies and the limits of legality // edited by Victor V. Ramraj [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2008
ISBN	1-107-20161-6 0-511-55202-5 0-511-48074-1 0-511-47754-6 0-511-47609-4 0-511-47906-9
Descrizione fisica	1 online resource (xii, 415 pages) : digital, PDF file(s)
Disciplina	342/.0412
Soggetti	War and emergency powers
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	No doctrine more pernicious? Emergencies and the limits of legality / Victor V. Ramraj -- The compulsion of legality / David Dyzenhaus -- Extra-legality and the ethic of political responsibility / Oren Gross -- Emergency logic : prudence, morality and the rule of law / Terry Nardin -- Indefinite detention : rule by law or rule of law? / R. Rueban Balasubramaniam -- The political constitution of emergency powers : some conceptual issues / Mark Tushnet -- A topography of emergency power / Nomi Claire Lazar -- Law, terror and social movements : the repression-mobilisation nexus / Colm Campbell -- Emergency strategies for prescriptive legal positivists : anti-terrorist law and legal theory / Tom Campbell -- Ordinary laws for emergencies and democratic derogation from rights / Kent Roach -- Presidentialism and emergency government / William E. Scheuerman -- Necessity, torture and the rule of law / A.P. Simester -- Deny everything : intelligence activities and the rule of law / Simon Chesterman -- Exceptions, bare life and colonialism / Johan Geertsema -- Struggle over legality in the midnight hour : governing the international state of emergency / Kanishka Jayasuriya -- Inter arma silent leges? Black hole theories of

Sommario/riassunto

Most modern states turn swiftly to law in an emergency. The global response to the 11 September 2001 attacks on the United States was no exception, and the wave of legislative responses is well documented. Yet there is an ever-present danger, borne out by historical and contemporary events, that even the most well-meaning executive, armed with extraordinary powers, will abuse them. This inevitably leads to another common tendency in an emergency, to invoke law not only to empower the state but also in a bid to constrain it. Can law constrain the emergency state or must the state at times act outside the law when its existence is threatened? If it must act outside the law, is such conduct necessarily fatal to aspirations of legality? This collection of essays - at the intersection of legal, political and social theory and practice - explores law's capacity to constrain state power in times of crisis.

---