

Radical Evil On Trial

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Mass Atrocity, Collective Memory, and the Law Michael Curtis 2017-07-12 Trials of those responsible for large-scale state brutality have captured public imagination in several countries. Prosecutors and judges in such cases, says Osiel, rightly aim to shape collective memory. They can do so hi ways successful as public spectacle and consistent with liberal legality. In defending this interpretation, he examines the Nuremburg and Tokyo trials, the Eicnmann prosecution, and more recent trials in Argentina and France. Such trials can never summon up a "collective conscience" of moral principles shared by all, he argues. But they can nonetheless contribute to a little-noticed kind of social solidarity. To this end, writes Osiel, we should pay closer attention to the way an experience of administrative massacre is framed within the conventions of competing theatrical genres. Defense counsel will tell the story as a tragedy, while prosecutors will present it as a morality play. The judicial task at such moments is to employ the law to recast the courtroom drama in terms of a "theater of ideas," which engages large questions of collective memory and even national identity. Osiel asserts that principles of liberal morality can be most effectively inculcated in a society traumatized by fratricide when proceedings are conducted in this fashion. The approach Osiel advocates requires courts to confront questions of historical interpretation and moral pedagogy generally regarded as beyond their professional competence. It also raises objections that defendants' rights will be sacrificed, historical understanding distorted, and that the law cannot willfully influence collective memory, at least not when lawyers acknowledge this aim. Osiel responds to all these objections, and others. Lawyers, judges, sociologists, historians, and political theorists will find this a compelling contribution to debates on the meaning and consequences of genocide.

New Critical Spaces in Transitional Justice Arnaud K. Kurze 2019-01-10 Since the 1980s, transitional justice mechanisms have been increasingly applied to account for mass atrocities and grave human rights violations throughout the world. Over time, post-conflict justice practices have expanded across continents and state borders and have fueled the creation of new ideas that go beyond traditional notions of amnesty, retribution, and reconciliation. Gathering work from contributors in international law, political science, sociology, and history, *New Critical Spaces in Transitional Justice* addresses issues of space and time in transitional justice studies. It explains new trends in responses to post-conflict and post-authoritarian nations and offers original empirical research to help define the field for the future.

Why Punish? How Much? Michael H. Tonry 2011 Punishment, like all complex human institutions, tends to change as ways of thinking go in and out of fashion. Normative, political, social, psychological, and legal ideas concerning punishment have changed drastically over time, and especially in recent

decades. *Why Punish? How Much?* collects essays from classical philosophers and contemporary theorists to examine these shifts. Michael Tonry has gathered a comprehensive set of readings ranging from Kant, Hegel, and Bentham to recent writings on developments in the behavioral and medical sciences. Together they cover foundations of punishment theory such as consequentialism, retributivism, and functionalism, new approaches like restorative, communitarian, and therapeutic justice, and mixed approaches that attempt to link theory and policy. This volume includes an accessible introduction that chronicles the development of punishment systems and theorizing over the course of the last two centuries. *Why Punish? How Much?* provides a fresh and comprehensive approach to thinking about punishment and sentencing for a broad range of law, sociology, philosophy, and criminology courses.

Eichmann in Jerusalem Hannah Arendt 2006-09-22 The controversial journalistic analysis of the mentality that fostered the Holocaust, from the author of *The Origins of Totalitarianism* Sparking a flurry of heated debate, Hannah Arendt's authoritative and stunning report on the trial of German Nazi leader Adolf Eichmann first appeared as a series of articles in *The New Yorker* in 1963. This revised edition includes material that came to light after the trial, as well as Arendt's postscript directly addressing the controversy that arose over her account. A major journalistic triumph by an intellectual of singular influence, *Eichmann in Jerusalem* is as shocking as it is informative—an unflinching look at one of the most unsettling (and unsettled) issues of the twentieth century.

Radical Evil Joan Copjec 1996 *Radical Evil*, the second volume in the S series, marks the two-hundredth anniversary of the publication of Kant's *Religion without the Limits of Reason Alone*, where Kant first proposed, and quickly withdrew in horror, the concept of radical evil—an evil at the very heart of the ethical problematic. It also marks the recent publication in English of Lacan's *Ethics of Psychoanalysis*, arguably one of the most important and influential of Lacan's seminars, in which he discusses the rise since the nineteenth century of a certain 'happiness in evil'. The events of the twentieth century have made the assertions of both Lacan and Kant credible and concrete—the Holocaust and the attempts to cast doubt on its existence, the rise of racism worldwide, the engagement by philosophers with ethics as critical to relevant issues but without the consideration of the problems which lead Kant to his formation of radical evil. The contributors to this volume were asked to consider radical evil in its philosophical, political and cultural dimensions. What emerges is a clear introduction to the problematic, including discussions of the Holocaust, the placement of homosexuals in concentration camps, the creation of the Machiavellian in politics and literature—a full and fascinating exploration of the radical nature of modern evil.

Eichmann Before Jerusalem Bettina Stangneth 2015-08-18 A New York Times Notable Book A National Jewish Book Award finalist In 1960, Adolf Eichmann took to the defendant's box in Jerusalem and insisted that he was no "manager of the Holocaust," as his accusers claimed, just a smalltime bureaucrat following orders. Like countless others, Hannah Arendt—covering the trials for *The New Yorker*—believed him. *Eichmann Before Jerusalem* challenges this history for the first time, completely reassessing Eichmann's story and drawing upon a wealth of newly uncovered materials that reveal his great deception, as well as bringing to light shocking truths about Nazis in the post-war world. Mapping out the astonishing links between innumerable past adherents—from ace Luftwaffe pilots to SS henchmen—both in exile and in Germany, Bettina Stangneth reconstructs in detail the secret life of one of the Holocaust's principal organizers.

Finnish Yearbook of International Law, Volume 22, 2011 Jan Klabbbers 2013-07-11 The Finnish Yearbook of International Law aspires to honour and strengthen the Finnish tradition in international legal

scholarship. Open to contributions from all over the world and from all persuasions, the Finnish Yearbook stands out as a forum for theoretically informed, high-quality publications on all aspects of public international law, including the international relations law of the European Union. The Finnish Yearbook publishes in-depth articles and shorter notes, commentaries on current developments, book reviews and relevant overviews of Finland's state practice. While firmly grounded in traditional legal scholarship, it is open for new approaches to international law and for work of an interdisciplinary nature. The Finnish Yearbook is published for the Ius Gentium Association (the Finnish Society of International Law) by Hart Publishing. Earlier volumes may be obtained from Martinus Nijhoff, an imprint of Brill Publishers. Further information may be found at www.fybil.org INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 22 through Ingenta Connect: www.ingentaconnect.com SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link below. Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access. www.hartjournals.co.uk/fyil/subs

The Law and Practice of the International Criminal Court Carsten Stahn 2015-05-28 Some parts of this publication are open access, available under the terms of a CC BY-NC-ND 4.0 International licence. Chapters 2, 4, 10, 47 and 49 are offered as a free PDF download from OUP and selected open access locations. The International Criminal Court is a controversial and important body within international law; one that is significantly growing in importance, particularly as other international criminal tribunals close down. After a decade of Court practice, this book takes stock of the activities of the International Criminal Court, identifying the key issues in need of re-thinking or potential reform. It provides a systematic and in-depth thematic account of the law and practice of the Court, including its changes context, the challenges it faces, and its overall contribution to international criminal law. The book is written by over forty leading practitioners and scholars from both inside and outside the Court. They provide an unparalleled insight into the Court as an institution, its jurisprudence, the impact of its activities, and its future development. The work addresses the ways in which the practice of the International Criminal Court has emerged, and identifies ways in which this practice could be refined or improved in future cases. The book is organised along six key themes: (i) the context of International Criminal Court investigations and prosecutions; (ii) the relationship of the Court to domestic jurisdictions; (iii) prosecutorial policy and practice; (iv) the applicable law; (v) fairness and expeditiousness of proceedings; and (vi) its impact and lessons learned. It shows the ways in which the Court has offered fresh perspectives on the theorization and conception of crimes, charges and individual criminal responsibility. It examines the procedural framework of the Court, including the functioning of different stages of proceedings. The Court's decisions have significant repercussions: on domestic law, criminal theory, and the law of other international courts and tribunals. In this context, the book assesses the extent to which specific approaches and assumptions, both positive and negative, regarding the potential impact of the Court are in need of re-thinking. This book will be essential reading for practitioners, scholars, and students of international criminal law.

Roots of Wisdom: A Tapestry of Philosophical Traditions Helen Buss Mitchell 2014-01-01 ROOTS OF WISDOM, Seventh Edition, invites students to explore universal and current philosophical issues through a rich tapestry of perspectives including the ideas and traditions of men and women from the West, Asia, the Americas, and Africa. No other book offers such breadth of multicultural coverage coupled with a clear, concise, and approachable writing style. Mitchell presents striking images to illustrate our diverse cultural inheritance, using fine art, cartoons, poetry, movies, current events, and popular music to bring the issues of philosophy to life for students. This edition includes a new discussion of logos and mythos as laid out by Karen Armstrong, material on calculative vs. meditative

thinking from Heidegger, expanded treatment of sovereignty and citizenship with new discussion on the so-called Arab Spring, and more. Important Notice: Media content referenced within the product description or the product text may not be available in the ebook version.

The Condor Trials Francesca Lessa 2022-05-31 Stories of transnational terror and justice illuminate the past and present of South America's struggles for human rights. Through the voices of survivors, human rights activists, judicial actors, and experts, *The Condor Trials* unravels the secrets of transnational repression masterminded by South American dictators between 1969 and 1981. Under Operation Condor, the regimes of Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay closely monitored hundreds of exiles and kidnapped, tortured, murdered, or forcibly returned them to their countries of origin. This cross-border network designed to silence opposition in exile transformed South America into a borderless zone of terror and impunity. Francesca Lessa shows how, gradually, transnational networks of activists materialized and effectively transcended national borders to achieve justice for the victims of these horrors. Based on extensive fieldwork, archival research, trial ethnography, and over 100 interviews, *The Condor Trials* explores South America's past and present and sheds light on ongoing struggles for justice as its societies come to terms with the unparalleled atrocities of their not-so-distant pasts.

The Memory of Judgment Lawrence Douglas 2001-01-01 This is an examination of the law's response to the crimes of the Holocaust. It studies exemplary proceedings including the Nuremberg trial of the major Nazi war criminals and the Israeli trials of Adolf Eichmann and John Demjanjuk.

Radical Evil on Trial Carlos Santiago Nino 1996-01-01 Does an emergent democracy have an obligation to prosecute its former dictators for crimes against humanity—for what Arendt and Kant called "radical evil"? What impact will such prosecutions have on the future of democracy? In this book, Carlos Santiago Nino offers a provocative first-hand analysis of developments in Argentina during the 1980s, when a brutal military dictatorship gave way to a democratic government. Nino played a key role in guiding the transition to democracy and in shaping the human rights policies of President Raúl Alfonsín after the fall of the military junta in 1983. The centerpiece of Alfonsín's human rights program was the trial held in a federal court in Buenos Aires in 1985, which resulted in the convictions of five of the leading members of the junta that ruled the country from 1976 to 1983. Placing the Argentine experience in the context of the war crimes trials at Nuremberg, Tokyo, and elsewhere, Nino examines the broader questions raised by human rights trials. He considers their political repercussions and their potential for strengthening the new democratic government. He explains why prosecutions for human rights violations should be grounded on a theory of the criminal law that emphasizes the preventive rather than retributive functions of punishment. Nino rejects the obligation to punish perpetrators of radical evil and argues instead for a more forward-looking duty—to safeguard democracy. This, he believes, is what ultimately justified the Argentine trials and should be the focus of any international action.

The Cultural Revolution on Trial Alexander C. Cook 2016-11-07 Introduction -- Indictment -- Monsters -- Testimony -- Emotions -- Verdict -- Vanity -- Conclusion -- Index of Chinese terms

Eichmann in Jerusalem Hannah Arendt 1970

The Prince of Darkness Jeffrey Burton Russell 1988-09-06 Chronicles the story of the Devil from ancient times to the present, detailing diverse cultures' perceptions of evil and an evil being and examining beliefs toward the Devil today

Responsibility and Judgment Hannah Arendt 2005-08-09 Responsibility and Judgment gathers together unpublished writings from the last decade of Arendt's life, where she addresses fundamental questions and concerns about the nature of evil and the making of moral choices. At the heart of the book is a profound ethical investigation, "Some Questions of Moral Philosophy," in which Arendt confronts the inadequacy of traditional moral "truths" as standards to judge what we are capable of doing and examines anew our ability to distinguish good from evil and right from wrong. We also see how Arendt comes to understand that alongside the radical evil she had addressed in earlier analyses of totalitarianism, there exists a more pernicious evil, independent of political ideology, whose execution is limitless when the perpetrator feels no remorse and can forget his acts as soon as they are committed. Responsibility and Judgment is an indispensable investigation into some of the most troubling and important issues of our time.

Superfluous People Cornelis Van Hattem 2005 Superfluous People describes Hannah Arendt's political and philosophical views on Nazi totalitarianism and the Shoah. In her contemplation of evil, Arendt initially spoke of the Shoah as a 'radical evil, ' a term used by Kant. However, unlike Kant, Arendt's radical evil cannot be explained by human motives. Many years later she changed her mind and spoke of 'the banality of evil, ' characterized by an inability to think and judge. Superfluous People seriously considers the question of whether thinking and judging can prevent evil. The role of the Jewish Councils and a reflection on the question of guilt concludes this book

Deliver Us from Evil John Swinton 2022-11-21 What do we mean when we call something or someone evil? The word "evil" tends to conjure up images of demons, devils, and horrifying crimes, things that you and I couldn't possibly get involved with! But is that true? Is evil really something that only wicked people who are "quite unlike ourselves" get up to? Could it be that you and I are not only capable of doing evil things, but are already involved with such things? This book explores the hidden nature of evil and draws out the ways in which all of us, knowingly or otherwise, are caught up in webs of evil that bring about disastrous consequences, often to the weakest and most vulnerable amongst us. We need to find ways of learning to see evil and resisting it by all means possible. If we can't see evil, we can't resist it. If we can't resist it, we get sucked into it.

The Emerging Practice of the International Criminal Court Carsten Stahn 2009 The International Criminal Court is at a crossroads. In 1998, the Court was still a fiction. A decade later, it has become operational and faces its first challenges as a judicial institution. This volume examines this transition. It analyses the first jurisprudence and policies of the Court. It provides a systematic survey of the emerging law and practice in four main areas: the relationship of the Court to domestic jurisdictions, prosecutorial policy and practice, the treatment of the Court's applicable law and the shaping of its procedure. It revisits major themes, such as jurisdiction, complementarity, cooperation, prosecutorial discretion, modes of liability, pre-trial, trial and appeals procedure and the treatment of victims and witnesses, as well as their criticisms. It also explores some of challenges and potential avenues for future reform.

Rwanda's Gamble Peter E. Harrell 2003 Gacaca is an innovative form of justice that the Rwandan government will use to try the more than 100,000 participants in the 1994 genocide. Instead of putting suspects before the statutory-law courts that existed prior to 1994, the government is establishing 11,000 popularly-elected tribunals and charging them with the task of investigating and trying crimes that occurred within their territorial jurisdiction. Officials hope that this will help clear the backlog of cases while giving suspects (most of whom have spent nearly a decade in prison without a trial) a chance finally to have their cases heard. This book provides a detailed explanation of how the system

will work, from the selection and training of the judges to the basics of courtroom procedure. It also places gacaca in the context of rapidly emerging restorative theories of justice, and argues for gacaca's appropriateness in the Rwandan context. Based on interviews, training manuals, documents never-before-published in the United States, and extensive travels throughout Rwanda, this book is an invaluable introductory guide to gacaca and explains why similar forms of justice should be experimented with elsewhere.

Mass Atrocity, Collective Memory, and the Law Mark Osiel 1999-09-01 To this end, writes Osiel, we should pay closer attention to the way an experience of administrative massacre is framed within the conventions of competing theatrical genres. Defense counsel will tell the story as a tragedy, while prosecutors will present it as a morality play. The judicial task at such moments is to employ the law to recast the courtroom drama in terms of a "theater of ideas," which engages large questions of collective memory and even national identity. Osiel asserts that principles of liberal morality can be most effectively inculcated in a society traumatized by fratricide when proceedings are conducted in this fashion.

History, Memory, and State-Sponsored Violence Berber Bevernage 2013-02-14 This book is centered around the thesis that the way one deals with historical injustice and the ethics of history is strongly dependent on the way one conceives of historical time; that the concept of time traditionally used by historians is structurally more compatible with the perpetrators' than the victims' point of view.

Hannah Arendt and the Jewish Question Richard J. Bernstein 2013-05-28 Hannah Arendt is increasingly recognised as one of the most original social and political thinkers of the twentieth century. In this important book, Richard Bernstein sets out to show that many of the most significant themes in Arendt's thinking have their origins in their confrontation with the Jewish Question. By approaching her mature work from this perspective, we can gain a richer and more subtle grasp of her main ideas. Bernstein discusses some of the key experiences and events in Arendt's life story in order to show how they shaped her thinking. He examines her distinction between the Jewish parvenu and the pariah, and shows how the conscious pariah becomes a basis for understanding the independent thinker. Arendt's deepest insights about politics emerged from her reflections on statelessness, which were based on her own experiences as a stateless person. By confronting the horrors of totalitarianism and the concentration camps, Arendt developed her own distinctive understanding of authentic politics - the politics required to express our humanity and which totalitarianism sought to destroy. Finally, Bernstein takes up Arendt's concern with the phenomenon of the banality of evil. He follows her use of Eichmann in order to explore how the failure to think and to judge is the key for grasping this new phenomenon. *Hannah Arendt and the Jewish Question* offers a new interpretation of Arendt and her work - one which situates her in her historical context as an engaged Jewish intellectual.

Political Trials in Theory and History Jens Meierhenrich 2017-02-27 From the trial of Socrates to the post-9/11 military commissions, trials have always been useful instruments of politics. Yet there is still much that we do not understand about them. Why do governments use trials to pursue political objectives, and when? What differentiates political trials from ordinary ones? Contrary to conventional wisdom, not all political trials are show trials or contrive to set up scapegoats. This volume offers a novel account of political trials that is empirically rigorous and theoretically sophisticated, linking state-of-the-art research on telling cases to a broad argument about political trials as a socio-legal phenomenon. All the contributors analyse the logic of the political in the courtroom. From archival research to participant observation, and from linguistic anthropology to game theory, the volume offers a genuinely interdisciplinary set of approaches that substantially advance existing knowledge about

what political trials are, how they work, and why they matter.

Deliberative Democracy and Human Rights Harold Hongju Koh 1999-01-01 In this important collection of writings, leading legal and political thinkers address a wide array of issues that confront societies undergoing a transition to democratic rule. Bridging the gap between theory and practice in international human rights law and policy, the contributors continue discussions that were begun with the late Argentine philosopher-lawyer Carlos Santiago Nino, then extend those conversations in new directions inspired by their own and Nino's work. The book focuses on some of the key questions that confront the international human rights movement today. What is the moral justification for the concept and content of universal human rights? What is the relationship among nation-building, constitutionalism, and democracy? What are the political implications for a conception of universal human rights? What is the relationship between moral principles and political practice? How should a society confront what Kant called radical evil? And how does a successor regime justly and practically hold a prior regime accountable for gross violations of human rights?

Political Evil in a Global Age Patrick Hayden 2009-01-13 Hannah Arendt is widely regarded as one of the twentieth century's most powerful political theorists. The purpose of this book is to make an innovative contribution to the newly emerging literature connecting Arendt to international political theory and debates surrounding globalization. In recent years the work of Arendt has gathered increasing interest from scholars in the field of international political theory because of its potential relevance for understanding international affairs. Focusing on the central theme of evil in Arendt's work, this book weaves together elements of Arendt's theory in order to engage with four major problems connected with contemporary globalization: genocide and crimes against humanity; global poverty and radical economic inequality; global refugees, displaced persons, and the 'stateless'; and the destructive domination of the public realm by predatory neoliberal economic globalization. Hayden shows that a key constellation of her concepts—the right to have rights, superfluousness, thoughtlessness, plurality, freedom, and power—can help us to understand and address some of the central problems involving political evil in our global age. In doing so, this book takes Arendtian scholarship and international political theory into provocative new directions. *Political Evil in a Global Age* will be of interest to students, researchers and scholars of politics, philosophy, sociology and cultural studies.

Law in Transition Ruth Buchanan 2014-12-01 Law has become the vehicle by which countries in the 'developing world', including post-conflict states or states undergoing constitutional transformation, must steer the course of social and economic, legal and political change. Legal mechanisms, in particular, the instruments as well as concepts of human rights, play an increasingly central role in the discourses and practices of both development and transitional justice. These developments can be seen as part of a tendency towards convergence within the wider set of discourses and practices in global governance. While this process of convergence of formerly distinct normative and conceptual fields of theory and practice has been both celebrated and critiqued at the level of theory, the present collection provides, through a series of studies drawn from a variety of contexts in which human rights advocacy and transitional justice initiatives are colliding with development projects, programmes and objectives, a more nuanced and critical account of contemporary developments. The book includes essays by many of the leading experts writing at the intersection of development, rights and transitional justice studies. Notwithstanding the theoretical and practical challenges presented by the complex interaction of these fields, the premise of the book is that it is only through engagement and dialogue among hitherto distinct fields of scholarship and practice that a better understanding of the institutional and normative issues arising in contemporary law and development and transitional justice contexts will be possible.

The book is designed for research and teaching at both undergraduate and graduate levels.

ENDORSEMENTS An extraordinary collection of essays that illuminate the nature of law in today's fragmented and uneven globalized world, by situating the stakes of law in the intersection between the fields of human rights, development and transitional justice. Unusual for its breadth and the quality of scholarly contributions from many who are top scholars in their fields, this volume is one of the first that attempts to weave the three specialized fields, and succeeds brilliantly. For anyone working in the fields of development studies, human rights or transitional justice, this volume is a wake-up call to abandon their preconceived ideas and frames and aim for a conceptual and programmatic restart. Professor Balakrishnan Rajagopal, Ford International Associate Professor of Law and Development, Massachusetts Institute of Technology This superb collection of essays explores the challenges, possibilities, and limits faced by scholars and practitioners seeking to imagine forms of law that can respond to social transformation. Drawing together cutting-edge work across the three dynamic fields of law and development, transitional justice, and international human rights law, this volume powerfully demonstrates that in light of the changes demanded of legal research, education, and practice in a globalizing world, all law is "law in transition". Anne Orford, Michael D Kirby Chair of International Law and Australian Research Council Future Fellow, University of Melbourne A terrific volume. Leading scholars of human rights, development policy, and transitional justice look back and into the future. What has worked? Where have these projects gone astray or conflicted with one another? Law will only contribute forcefully to justice, development and peaceful, sustainable change if the lessons learned here give rise to a new practical wisdom. We all hope law can do better - the essays collected here begin to show us how. David Kennedy, Manley O Hudson Professor of Law, Director, Institute for Global Law and Policy, Harvard Law School

Critical Issues in Peace and Education Peter Pericles Trifonas 2014-04-04 This collection asks theorists and educational practitioners from around the world influenced by the schools of feminist pedagogy, critical pedagogy, anti-racist or postcolonial pedagogy, and gay and lesbian pedagogy to reflect upon the possibilities of articulating a "curriculum of difference" that critically examines the cross-cultural issues of peace and education that are at the forefront of global education issues today. Contributors examine the conceptualizations of peace and education within, between, and across cultures through the conceptualization of pedagogical possibilities that create an openness toward the horizons of the other within communal formations of difference permeating the public sphere. They take up new ways of questions related to globalization, difference, community, identity, peace, democracy, sexuality, ethics, conflict, politics, feminism, technology, language rights, cultural politics, Marxism, and deconstruction that have a vast literary history in and outside the area of "education." This volume makes a significant contribution to the question of difference and its quintessential role in peace education for the new millennium.

Abbreviated Criminal Procedures for Core International Crimes Morten Bergsmo 2017-04-29 This monograph -- written by an historian and Norwegian diplomat -- considers the past Westphalian Paradigm and present Popular Sovereign Paradigm of the international order, and discusses possible elements of a new paradigm for a global order suitable to address contemporary problems that transcend national borders.

Identities in Transition Paige Arthur 2010-12-13 In many societies, histories of exclusion, racism and nationalist violence often create divisions so deep that finding a way to deal with the atrocities of the past seems nearly impossible. These societies face difficult practical questions about how to devise new state and civil society institutions that will respond to massive or systematic violations of human rights, recognize victims and prevent the recurrence of abuse. *Identities in Transition: Challenges for*

Transitional Justice in Divided Societies brings together a rich group of international researchers and practitioners who, for the first time, examine transitional justice through an 'identity' lens. They tackle ways that transitional justice can act as a means of political learning across communities; foster citizenship, trust and recognition; and break down harmful myths and stereotypes, as steps toward meeting the difficult challenges for transitional justice in divided societies.

The Counterinsurgent's Constitution Ganesh Sitaraman 2012-12-01 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.

Atrocities on Trial Patricia Heberer 2008-04-01 These essays are organised into four sections, dealing with the history of war crime trials from Weimar Germany to just after World War II, the sometimes diverging Allied attempts to come to terms with the Nazi concentration camp system, the ability of postwar societies to confront war crimes of the past and the legacy of war crime trials.

Encyclopedia of Public Administration and Public Policy: A-J Jack Rabin 2003 From the Nuremberg trials to the Civil Service Reform Act of 1978 to recent budget reconciliation bills, the *Encyclopedia of Public Administration and Public Policy* provides detailed coverage of watershed policies and decisions from such fields as privatization, biomedical ethics, education, and diversity. This second edition features a wide range of new topics, including military administration, government procurement, social theory, and justice administration in developed democracies. It also addresses current issues such as the creation of the Department of Homeland Security and covers public administration in the Middle East, Africa, Southeast Asia, the Pacific, and Latin America.

After Evil Robert Meister 2011 The way in which mainstream human rights discourse speaks of such evils as the Holocaust, slavery, or apartheid puts them solidly in the past. Its elaborate techniques of "transitional" justice encourage future generations to move forward by creating a false assumption of closure, enabling those who are guilty to elude responsibility. This approach to history, common to late-twentieth-century humanitarianism, doesn't presuppose that evil ends when justice begins. Rather, it assumes that a time before justice is the moment to put evil in the past. Merging examples from literature and history, Robert Meister confronts the problem of closure and the resolution of historical injustice. He boldly challenges the empty moral logic of "never again" or the theoretical reduction of

evil to a cycle of violence and counterviolence, broken only once evil is remembered for what it was. Meister criticizes such methods for their deferral of justice and susceptibility to exploitation and elaborates the flawed moral logic of "never again" in relation to Auschwitz and its evolution into a twenty-first-century doctrine of the Responsibility to Protect.

International Crimes, Peace, and Human Rights Dinah Shelton 2000 This collection of essays by sixteen outstanding authorities in the relevant fields assesses The International Criminal Court from the perspective of the year 1998 when it was first established by the Rome Statute. The book's detailed analysis of the potential uses (and misuses) of the Statute--its lacunae and shortcomings as well as its signal advances in jurisdiction and accountability--make *International Crimes, Peace and Human Rights* a significant reference and guide, not only to the Rome Statute, but also to the Court's jurisprudence as it develops in the coming years and decades. Published under the Transnational Publishers imprint.

Justice Framed Marcos Zunino 2019-03-14 A new perspective on the history of transitional justice and why the discourse prioritises particular responses to human rights violations.

The Frankfurt Auschwitz Trial, 1963-1965 Devin O. Pendas 2006 A comprehensive history of the Frankfurt Auschwitz trial.

Politics and the Past John Torpey 2004-09-01 *Politics and the Past* offers an original, multidisciplinary exploration of the growing public controversy over reparations for historical injustices. Demonstrating that 'reparations politics' has become one of the most important features of international politics in recent years, the authors analyze why this is the case and show that reparations politics can be expected to be a major aspect of international affairs in coming years. In addition to broad theoretical and philosophical reflection, the book includes discussions of the politics of reparations in specific countries and regions, including the United States, France, Latin America, Japan, Canada, and Rwanda. The volume presents a nuanced, historically grounded, and critical perspective on the many campaigns for reparations currently afoot in a variety of contexts around the world. All readers working or teaching in the fields of transitional justice, the politics of memory, and social movements will find this book a rich and provocative contribution to this complex debate.

Taking Back the Streets Temma Kaplan 2004-02-16 Annotation A passionate and beautifully written book about women's political and social activism, mobilization, and resistance in Argentina, Chile, and Spain.

A History of Political Trials John Laughland 2008 "This is a formidable and well-documented counterblast to a developing modern orthodoxy, expressing a point of view that many readers will not even have suspected existed, let alone read."--Anthony Daniels, *Spectator* "A useful and controversial contribution to the debate about victor's justice, and a valuable warning that international war crimes tribunals need to operate with precision and care."--Jonathan Steele, *Guardian* The rapid development of the use of international courts and tribunals to try heads of state for genocide and other crimes against humanity has been welcomed by most people, because they think that the establishment of international tribunals and courts to try notorious dictators represents a triumph of law over impunity. In *A History of Political Trials*, John Laughland takes a very different and controversial view, namely that political trials are inherently against the rule of law and almost always involve the abuse of process, as well as being seriously hypocritical. By means of detailed consideration of the trials of figures as disparate as Charles I, Louis XVI, Erich Honecker and Saddam Hussein, Laughland shows that the guilt of the accused has always been assumed in advance, that the judges are never impartial,

that the process is always unfair and biased in favor of the prosecution, that the defense is not permitted to use all the arguments at its disposal, and that often the accusers have done exactly what they accuse the defence of having done. All the trials he recounts were marked by arbitrariness and injustice, often gross injustice. Although the chapters are short and easy to read, they are the fruit of formidable erudition and wide reading. The general reader will be forced by this book to re-examine the ideas on this subject, and will be much less sanguine about the possibility of bringing dictators and other leaders to genuine justice. John Laughland lives in Bath and is an author, journalist, and has been a university lecturer in France. He has published *The Tainted Source: The Undemocratic Origins of the European Idea* (Time Warner Paperbacks) and has written for the *Spectator*, the *Economist*, and the *New York Times*. Table of Contents Introduction The Trial of Charles I and the Last Judgement The Trial of Louis XVI and the Terror War Guilt after World War I Defeat in the Dock: the Riom Trial Justice as Purge: Marshal Peacut;tain faces his Accusers Treachery on Trial: the Case of Vidkun Quisling Nuremberg : Making War Illegal Creating Legitimacy: the Trial of Marshal Antonescu Ethnic Cleansing and National Cleansing in Czechoslovakia, 19451947 Peoples"s Justice in Liberated Hungary From Mass Execution to Amnesty and Pardon: Postwar Trials in Bulgaria, Finland, and Greece Politics as Conspiracy: the Tokyo Trials The Greek Colonels, the Emperor Bokassa, and the Argentine Generals: Transitional Justice, 19752007 Revolution Returns: the Trial of Nicolae Ceausescu A State on Trial: Erich Honecker in Moabit Jean Kambanda, Convicted without Trial Kosovo and the New World Order: the Trial of Slobodan Miloscaron;evic Regime Change and the Trial of Saddam Hussein Conclusion Notes Bibliography and Further Reading Index