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The Max Planck Encyclopedia of Public International Law

Property and Human Flourishing

The Law of Armed Conflict and the Use of Force

The Oxford Handbook of Ethics of War

Justice, Responsibility and Redress

Refugee Repatriation

Promoting Peace Through International Law

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The Crime of Aggression, Humanity, and the Soldier

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Encyclopedia of Public
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Science & Business Media
What are the implications
of colonialism for a theory
of global justice today?
What does rectificatory
justice mean in the light
of colonialism? What does

global rectificatory justice
require in practice? The
author seeks to answer
these questions covering
a significant gap in the
literature on global
justice.

*Property and Human
Flourishing* Routledge

It is estimated that 20,000
people were subjected to
rape and other forms of
sexual violence during the
1992–1995 Bosnian war.
Today, these men and

women have been largely
forgotten. Where are they
now? To what extent do
their experiences
continue to affect and
influence their lives, and
the lives of those around
them? What are the
principal problems that
these individuals face?
Such questions remain
largely unanswered. More
broadly, the long-term
consequences of conflict-
related rape and sexual

violence are often overlooked. Based on extensive interviews with male and female survivors from all ethnic groups in Bosnia-Herzegovina (BiH), this interdisciplinary book addresses a critical gap in the current literature on rape and sexual violence in conflict situations. In so doing, it uniquely situates and explores the legacy of these crimes within a transitional justice framework. Demonstrating that transitional justice processes in BiH have neglected the long-term

effects of rape and sexual violence, it develops and operationalizes a new holistic approach to transitional justice that is based on an expanded conception of 'legacy' and has a wider application beyond BiH.

The Law of Armed Conflict and the Use of Force Cambridge University Press
Justice for Victims brings together the world's leading scholars in the fields of study surrounding victimization in a pioneering international collection.

This book focuses on the current study of victims of crime, combining both legal and social-scientific perspectives, articulating both in new directions and questioning whether victims really do have more rights in our modern world. This book offers an interdisciplinary approach, covering large-scale (political) victimization, terrorist victimization, sexual victimization and routine victimization. Split into three sections, this book provides in-depth coverage of: victims'

rights, transitional justice and victims' perspectives, and trauma, resilience and justice. Victims' rights are conceptualised in the human rights framework and discussed in relation to supranational, international and regional policies. The transitional justice section covers victims of war from those caught between peace and justice, as well as post-conflict justice. The final section focuses on post-traumatic stress, connecting psychological and anthropological perceptions in analysing

collective violence, mass victimization and trauma. This book addresses challenging and new issues in the field of victimology and the study of transitional and restorative justice. As such, it will be of interest to researchers, practitioners and students interested in the fields of victimology, transitional justice, restorative justice and trauma work. The Oxford Handbook of Ethics of War Cambridge University Press
Many prosecutors and commentators have

praised the victim provisions at the International Criminal Court (ICC) as 'justice for victims', which for the first time include participation, protection and reparations. This book critically examines the role of victims in international criminal justice, drawing from human rights, victimology, and best practices in transitional justice. Drawing on field research in Northern Uganda, Luke Moffet explores the nature of international crimes and

assesses the role of victims in the proceedings of the ICC, paying particular attention to their recognition, participation, reparations and protection. The book argues that because of the criminal nature and structural limitations of the ICC, justice for victims is symbolic, requiring State Parties to complement the work of the Court to address victims' needs. In advancing an innovative theory of justice for victims, and in offering solutions to current

challenges, the book will be of great interest and use to academics, practitioners and students engaged in victimology, the ICC, transitional justice, or reparations. *Justice, Responsibility and Redress* Oxford University Press

This book argues that states have a special obligation to offer asylum as a form of reparation to refugees for whose flight they are responsible. It shows the great relevance of reparative justice, and the importance of the causes of contemporary

forced migration, for our understanding of states' responsibilities to refugees. Part I explains how this view presents an alternative to the dominant humanitarian approach to asylum in political theory and some practice. Part II outlines the conditions under which asylum should act as a form of reparation, arguing that a state owes this form of asylum to refugees where it bears responsibility for the unjustified harms that they experience, and where asylum is the most

fitting form of reparation available. Part III explores some of the ethical implications of this reparative approach to asylum for the workings of states' asylum systems and the international politics of refugee protection.

Refugee Repatriation

UBC Press

This book delves into the issue of reparations in relation to Palestinian refugees in their search for a solution to their displacement and dispossession. Highlighting the broad

spectrum of reparations available as forms of remedy for a historical injustice, the author probes the reasons behind the failure to reach a reparations agreement till the present day and discusses the significance of issues of apology, recognition and acknowledgement of responsibility. In its approach, the book departs from traditional and modern perceptions of reparations as featuring in international law, history, politics and philosophy. The analysis

is focused on a comparative study of two other cases - the German-Jewish reparations agreement of 1952 and the Cypriot conflict - in search of parameters that may constitute a framework to a potential reparations model applicable to the case of Palestinian refugees. When compared to the history of negotiations over reparations in the Israeli-Palestinian case, the findings of the comparison shed light on why reparations are still illusive. The book thus

offers an explanation of why reparations to Palestinian refugees have failed, and offers suggestions on how to enhance prospects for reparations to Palestinian displacement and dispossessions. A unique contribution to the study of the Arab-Israeli peace process, this book will be an important reference for scholars of the Arab-Israeli conflict, and for students and scholars of politics, conflict resolution and history.

Promoting Peace Through International

Law Routledge
 This book examines how justice and reconciliation in world politics should be conceived in response to the injustice and alienation of modern colonialism?
Review: Jon Miller, Rahul Kumar (eds.):
Reparations.
Interdisciplinary Inquiries
 Oxford University Press
 Police shootings and incarceration inequalities are two examples of the legacy of slavery in the US and UK. Offering a criminological exploration of the case for slavery

and anti-black racism reparations in the context of enduring harms and differential treatment of black citizens, this book refutes the policy perspectives that oppose reparations.

The Crime of Aggression, Humanity, and the Soldier Oxford University Press

What does it mean to do public policy ethics today? How should philosophers engage with ethical issues in policy-making when policy decisions are circumscribed by political and pragmatic concerns?

How do ethical issues in public policy differ between areas such as foreign policy, criminal justice, or environmental policy? The Routledge Handbook of Ethics and Public Policy addresses all these questions and more, and is the first handbook of its kind. It is comprised of 41 chapters written by leading international contributors, and is organised into four clear sections covering the following key topics: Methodology: philosophical approaches to public policy, ethical

expertise, knowledge, and public policy Democracy and public policy: identity, integration and inclusion: voting, linguistic policy, discrimination, youth policy, religious toleration, and the family Public goods: defence and foreign policy, development and climate change, surveillance and internal security, ethics of welfare, healthcare and fair trade, sovereignty and territorial boundaries, and the ethics of nudging Public policy challenges: criminal justice, policing, taxation, poverty,

disability, reparation, and ethics of death policies. The Routledge Handbook of Ethics and Public Policy is essential reading for students and researchers in philosophy, politics, and social policy. It will be equally useful to those in related disciplines, such as economics and law, or professional fields, such as business administration or policy-making in general. *Justice for Victims before the International Criminal Court* Oxford University Press The international

criminality of waging illegal war, alongside only a few of the gravest human wrongs, is rooted not in its violation of sovereignty, but in the large-scale killing war entails. Yet when soldiers refuse to kill in illegal wars, nothing shields them from criminal sanction for that refusal. This seeming paradox in law demands explanation. Just as soldiers have no right not to kill in criminal wars, the death and suffering inflicted on them when they fight against aggression has been

excluded repeatedly from the calculation of post-war reparations, whether monetary or symbolic. This, too, is jarring in an era of international law infused with human rights principles. Tom Dannenbaum explores these ambiguities and paradoxes, and argues for institutional reforms through which the law would better respect the rights and responsibilities of soldiers. *Being Relational* Springer In this book, a group of renowned legal experts and activists investigate

the right of indigenous peoples to reparations for breaches of their individual and collective rights. Cambridge University Press Modern international criminal law typically traces its origins to the twentieth-century Nuremberg and Tokyo trials, excluding the slave trade and abolition. Yet, as this book shows, the slave trade and abolition resound in international criminal law in multiple ways. Its central focus lies in a close examination of

the often-controversial litigation, in the first part of the nineteenth century, arising from British efforts to capture slave ships, much of it before Mixed Commissions. With archival-based research into this litigation, it explores the legal construction of so-called 'recaptives' (slaves found on board captured slave ships). The book argues that, notwithstanding its promise of freedom, the law actually constructed recaptives restrictively. In particular, it focused on questions of intervention

rather than recaptives' rights. At the same time it shows how a critical reading of the archive reveals that recaptives contributed to litigation in important, but hitherto largely unrecognized, ways. The book is, however, not simply a contribution to the history of international law. Efforts to deliver justice through international criminal law continue to face considerable challenges and raise testing questions about the construction – and alternative construction –

of victims. By inscribing the recaptive in international criminal legal history, the book offers an original contribution to these contentious issues and a reflection on critical international criminal legal history writing and its accompanying methodological and political choices.

Enduring Injustice

Routledge

This volume breaks new ground by investigating the ethics of vulnerability. Drawing on various ethical traditions, the

contributors explore the nature of vulnerability, the responsibilities owed to the vulnerable, and by whom.

Gender Politics in Transitional Justice

Routledge

This book provides detailed analyses of systems that have been established to provide reparations to victims of genocide, crimes against humanity and war crimes, and the way in which these systems have worked and are working in practice. Many of these systems are described

and assessed for the first time in an academic publication. The publication draws upon a groundbreaking Conference organised by the Clemens Nathan Research Centre (CNRC) and REDRESS at the Peace Palace in The Hague, with the support of the Dutch Carnegie Foundation. Both CNRC and REDRESS had become very concerned about the extreme difficulty encountered by most victims of serious international crimes in attempting to access

effective and enforceable remedies and reparation for harm suffered. In discussions between the Conference organisers and Judges and officials of the International Criminal Court, it became ever more apparent that there was a great need for frank and open exchanges on the question of effective reparation, between the representatives of victims, of NGOs and IGOs, and other experts. It was clear to all that the many current initiatives of governments and regional and international

institutions to afford reparations to victims of genocide, crimes against humanity and war crimes could benefit greatly by taking into full account the wide and varied practice that had been built up over several decades. In particular, the Hague Conference sought to consider in detail the long experience of the Conference on Jewish Material Claims against Germany (the Claims Conference) in respect of Holocaust restitution programmes, as well as the practice of truth

commissions, arbitral proceedings and a variety of national processes to identify common trends, best practices and lessons. This book thus explores the actions of governments, as well as of national and international courts and commissions in applying, processing, implementing and enforcing a variety of reparations schemes and awards. Crucially, it considers the entire complex of issues from the perspective of the beneficiaries - survivors and their communities -

and from the perspective of the policy-makers and implementers tasked with resolving technical and procedural challenges in bringing to fruition adequate, effective and meaningful reparations in the context of mass victimisation.

The Slave Trade, Abolition and the Long History of International Criminal Law Routledge
John Rawls (1921-2002) is widely held to be amongst the most important political philosophers for over a century. This volume, which is the first

work of its kind to publish in one place the most influential essays in the field, features articles on a wide range of subjects including constitutionalism, democratic theory, egalitarianism, feminism, global justice, political liberalism, the rule of law, and public reason. The collection informs scholars and students coming to the study of Rawls's work for the first time of the importance and complexity of Rawl's ideas, and sheds light on how these ideas might be

further improved and applied.

Justice for Victims Oxford University Press on Demand

This book addresses the theoretical underpinnings of the field of transitional justice, something that has hitherto been lacking both in study and practice. With the common goal of clarifying some of the theoretical profiles of transitional justice strategies, the study is organized along crucial intersections evaluating aspects connected to the

genealogy, the nature, the scope and the most appropriate methodology for the study of transitional justice. The chapters also take up normative and political considerations pertaining to specific transitional instruments such as war crime tribunals, truth commissions, administrative purges, reparations, and historical commissions. Bringing together some of the most original writings from established experts as well as from promising young scholars in the

field, the collection will be an essential resource for researchers, academics and policy-makers in Law, Philosophy, Politics, and Sociology.

Interdisciplinary Inquiries

BRILL

What are the moral obligations of participants and bystanders during—and in the wake of—a conflict? How have theoretical understandings of justice, peace and responsibility changed in the face of contemporary realities of war? Drawing on the work of leading scholars in the

fields of philosophy, political theory, international law, religious studies and peace studies, the collection significantly advances current literature on war, justice and post-conflict reconciliation.

Contributors address some of the most pressing issues of international and civil conflict, including the tension between attributing individual and collective responsibility for the wrongs of war, the trade-offs made between the search for truth and demands for justice, and

the conceptual intricacies of coming to understand just what is meant by 'peace' and 'conflict.' Individual essays also address concrete topics including the international criminal court, reparations, truces, political apologies, truth commissions and criminal trials, with an eye to contemporary examples from conflicts in the Middle East, Africa and North and South America.

Reparations for Indigenous Peoples

Springer Nature

Governments today often

apologize for past injustices and scholars increasingly debate the issue, with many calling for apologies and reparations. Others suggest that what matters is victims of injustice today, not injustices in the past. Spinner-Halev argues that the problem facing some peoples is not only the injustice of the past, but that they still suffer from injustice today. They experience what he calls enduring injustices, and it is likely that these will persist without action to address

them. The history of these injustices matters, not as a way to assign responsibility or because we need to remember more, but in order to understand the nature of the injustice and to help us think of possible ways to overcome it. Suggesting that enduring injustices fall outside the framework of liberal theory, Spinner-Halev spells out the implications of his arguments for conceptions of liberal justice and progress, reparations, apologies, state legitimacy, and

post-nationalism. *Vulnerability* Routledge Historical Justice and Memory highlights the global movement for historical justice—acknowledging and redressing historic wrongs—as one of the most significant moral and social developments of our times. Such historic wrongs include acts of genocide, slavery, systems of apartheid, the systematic persecution of presumed enemies of the state, colonialism, and the oppression of or discrimination against

ethnic or religious minorities. The historical justice movement has inspired the spread of truth and reconciliation processes around the world and has pushed governments to make reparations and apologies for past wrongs. It has changed the public understanding of justice and the role of memory. In this book, leading scholars in philosophy, history, political science, and semiotics offer new essays that discuss and assess these momentous global developments.

They evaluate the strength and weaknesses of the movement, its accomplishments and failings, its philosophical assumptions and social preconditions, and its prospects for the future. **Reparations and Anti-Black Racism** Oxford University Press
Many people assume that what morally justifies private ownership of property is either individual freedom or social welfare, defined in terms of maximizing personal preference-satisfaction. This book

offers an alternative way of understanding the moral underpinning of private ownership of property. Rather than identifying any single moral value, this book argues that human flourishing, understood as morally pluralistic and objective, is property's moral foundation. The book goes on to develop a theory that connects ownership and human flourishing with obligations. Owners have obligations to members of the communities that enabled the owners to live

flourishing lives by cultivating in their community members certain capabilities that are essential to leading a well-lived life. These obligations are rooted in the interdependence that exists between owners and their community members, and inherent in the human condition. Obligations have always been inherent in ownership. Owners are not free to inflict nuisances upon their neighbors, for example, by operating piggeries in residential

neighborhoods. The human flourishing theory explains why owners at times have obligations that enable their fellow community members to develop certain necessary capabilities, such as health care and security. This is why, for example, farm owners may be required to allow providers of health care and legal assistance to enter their property to assist employees who are migrant workers. Moving from the abstract and theoretical to the practical, this book

considers implications for a wide variety of property issues of importance both in the literature and in modern society. These include questions such as: When is a government's expropriation of property legitimated for the reason it is for public use? May the owner of a historic or architecturally significant house destroy it without restriction? Do institutions that owned African slaves or otherwise profited from the slave trade owe any obligations to members of the African-American community? What insights

may be gained from the
human flourishing

concept into resolving
current housing problems
like homelessness,

eviction, and mortgage
foreclosure?

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