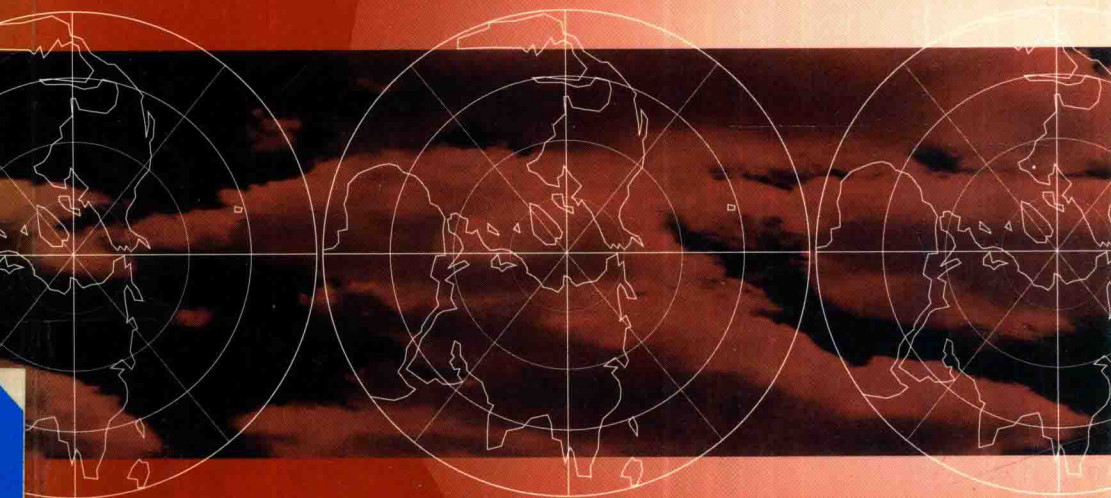


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CAMBRIDGE STUDIES IN INTERNATIONAL AND COMPARATIVE LAW

# **Law in Times of Crisis**

Emergency Powers in Theory and Practice



OREN GROSS AND FIONNUALA NÍ AOLÁIN

# Law in Times of Crisis

## Emergency Powers in Theory and Practice

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Oren Gross

and

Fionnuala Ní Aoláin



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## **Law in Times of Crisis**

**Emergency powers in theory and practice**

The terrorist attacks of September 11, 2001, and the ensuing “war on terror” have focused attention on issues that have previously lurked in a dark corner at the edge of the legal universe. This book presents the first systematic and comprehensive attempt by legal scholars to conceptualize the theory of emergency powers, combining post-September 11 developments with more general theoretical, historical and comparative perspectives. The authors examine the interface between law and violent crises through history and across jurisdictions, bringing together insights gleaned from the Roman republic and Jewish law through to the initial responses to the July 2005 attacks in London. The book examines three unique models of emergency powers that are used to offer a novel conceptualization of emergency regimes, giving a coherent insight into law’s interface with and regulation of crisis and a distinctive means to evaluate the legal options open to states for dealing with crises. Particular attention is given to the interface between international law and regulatory mechanisms and emergency powers, as a key element of the contemporary political response to violent crises.

**FIONNUALA NÍ AOLÁIN** Professor of Law and Associate Director of the Transitional Justice Institute at the University of Ulster and Dorsey & Whitney Professor of Law at the University of Minnesota Law School.

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*For Aodhtan, Noa, and Malachi*

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Finally, some segments of this book rely to a certain extent on work that we have already published. As the list of relevant publications is (fortunately) not a short one, we simply wish to incorporate here our joint acknowledgment of such publications and the cumulative assistance we have received from law review editors, colleagues, and editors of the collected essays where our work has been published and reference to the relevant works as they appear in the bibliography under our names. We would like to note, however, that even in cases where we relied more heavily on such previously published work, we updated, revised, reworked, and rearranged our arguments.



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