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Military occupation and the rule of law;: Occupation government in the Rhineland, 1918-1923 (Studies of the Institute of World Affairs) [Ernst Fraenkel] on ...

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Military Occupation and the Rule of Law. By Ernst Fraenkel. 267 pp, Oxford University Press, 1944. Purchase. Stay informed. Get the latest book reviews delivered bi-weekly. Sign Up . Get the Magazine. Save up to 55%. on Foreign Affairs magazine! subscribe. Foreign Affairs ...

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Military Occupation and the Rule of Law: Occupation Government in the Rhineland, 1918-1923 By Ernst Fraenkel, Carnegie Endowment for International Peace Read preview

Military Occupation and the Rule of Law: Occupation ...

1 Military Occupation and the Rule of Law, 1944, by Ernst Fraenkel, pp. x and 267 (with index) New York: Oxford University Press \$3.5?. 120 MODERN LAW REVIEW July, 1945

MILITARY OCCUPATION AND THE

In his critical analysis, Military Occupation and the Rule of Law (Oxford University Press, 1944), page 4, Ernst Fraenkel speaks of the application of. Wilsoman principles to the field of military occupation. He characterizes the regime as. a 'symbolic mixture of realism and idealism.'

Washington Law Review

See E. Fraenkel, Military Occupation and the Rule of Law (1944); C. J. Friedrich, ed., American Experiences in Military Government in World War II (1948); and D. A.

Occupation - Law of War

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5 Ernst Fraenkel, *Military Occupation and the Rule of Law: Occupation Government in the Rhineland, 1918-1923*, (New York: Oxford University Press, 1944), x. 6 Ruti G. Teitel, *Transitional Justice* (New York: Oxford University Press, 2000), 11 -12. 7 Robert M. Perito, "Special Report 104: Establishing the Rule of Law in Iraq," United States

Rule of Law in Iraq: Transitional Justice under Occupation

Military or belligerent occupation, often simply occupation, is provisional control by a ruling power over a territory, without a claim of formal sovereignty.

Military occupation - Wikipedia

In recent years, the most prominent military occupation of a region has been that by Israeli forces of the West Bank and Gaza Strip. Bibliography See E. Fraenkel, *Military Occupation and the Rule of Law* (1944); C. J. Friedrich, ed., *American Experiences in Military Government in World War II* (1948); D.

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armed conflicts (1971); f. fraenkel, *military occupation and the rule of law* (1944); g. von glahn, *the occupation of enemy territory* (1957); j. moore, *law and civil war in the modern world* (1974); the future of the international legal order (c. black and r. falk eds. 1971); r.

Law and Armed Conflict: Some of the Shared Policies

Fraenkel, ' *Military Occupation and the Rule of Law*, ' 244.

Carl Schmitt, *the Law of Occupation, and the Iraq War* ...

Military occupation and the rule of law. by Ernst Fraenkel. First published in 1944. 2 editions. Not in Library.

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Military Occupation and the Rule of Law--Occupation Government in the Rhineland, 1918-1923. by Ernst Fraenkel (pp. 359-360)

Vol. 39, No. 2, Apr., 1945 of *The American Journal of* ...

In recent years, the most prominent military occupation of a region has been that by Israeli forces of the West Bank and Gaza Strip. See E. Fraenkel, *Military Occupation and the Rule of Law* (1944); C. J.

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5 See, for example, Ernst Fraenkel, *Military Occupation and the Rule of Law: Occupationa l Government of the Rhineland 1918-1923* (1944), at 10; and Earl F. Ziemke, *The U.S. Army in the Occupation of Germany 1944-1946* (1975), at 404. 6 Bing West, *No True Glory: A Frontline Account of the Battle for Fallujah* (2005), at 21-22, 319.

Evolution of Policy and Law Concerning the Role of ...

Military occupation and the rule of law. by Ernst Fraenkel. First published in 1944. 1 edition. Not in Library.

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10, c. 3. Fraenkel suggests "occupation crimes" as another type of war crime. Fraenkel, "*Military Occupation and the Rule of Law*," c. 3 (1944).

Military occupation is a recurrent feature of modern international politics and yet has received little attention from political scientists. This book sets out to remedy this neglect, offering: * an account of military occupation as a form of government * an assessment of key trends in the development of military occupations over the last two centuries * an explanation the conceptual and practical difficulties encountered by occupiers * examples drawn from, amongst others, the First and Second World Wars, US occupations in Latin America and Japan, the Israeli occupation of the West Bank, and the current occupation of Iraq. After a survey of the evolving practice and meaning of military occupation the book deals with its contested definitions, challenging restrictive approaches that disguise the true extent of the incidence of military occupation. Subsequent chapters explain the diverse forms that military government within occupation regimes take on and the role of civilian governors and agencies within occupation regimes; the significance of military occupation for our understanding of political obligation; the concept of sovereignty; the nature and meaning of justice; and our evaluation of regime transformation under conditions of military occupation.

An understanding of military occupation as a distinct phenomenon first emerged in the 18th century. This book shows how this understanding developed and the problems that the occupiers, the occupied, commentators and the courts encountered.

Unterschiedliche historische Spielarten der Menschenrechtskritik und deren Wirkungsgeschichte. Während die 1990er Jahre als eine Hochzeit der internationalen Menschenrechtsbewegung galten, ist die Debatte über Menschenrechte seit einigen Jahren zunehmend von Skepsis und Pessimismus geprägt. Schlagworte wie "Endzeit" oder "Dämmerung" der Menschenrechte sollen signalisieren, dass mit dem Internationalen Recht auch die Menschenrechte in eine Legitimationskrise geraten sind. Teilweise speist sich die gegenwärtige Kritik aus tagespolitischen Entwicklungen, greift vielfach aber auch auf grundsätzlichere Argumente zurück. Diese haben die Auseinandersetzung über Gehalt und Geltungskraft der Menschenrechtsidee von Anfang an begleitet. Denn schon immer war die Genese moderner Menschenrechtskonzeptionen eng mit deren jeweiligen Gegenentwürfen verwoben. Dabei lassen sich pragmatische Kritik und grundsätzliche Gegnerschaft nur selten auseinanderhalten. Menschenrechtskritik entsprang vielschichtigen Motivlagen und trat zudem in unterschiedlichen Mischungsverhältnissen und Schattierungen auf. Dieser Befund fordert dazu heraus, das Phänomen der Menschenrechtskritik zu historisieren und zu systematisieren.

This book reexamines the crucial debates on law and politics, which rose during the Weimar Republic. The authors show the continued relevance of these debates for the constitutional culture of the Federal Republic, and indeed for liberal democracy in general.

Der Band untersucht den Transfer rechtsstaatlicher Strukturen zwischen staatlichen und überstaatlichen Rechtsordnungen als spezifisch rechtlichen Vorgang. Den Ausgangspunkt bildet dabei die Annahme, dass Rechtsstaatstransfers das Recht nicht nur zum Gegenstand haben, sondern zugleich selbst in Ursprung und Umsetzung eine eigene rechtliche Dimension aufweisen ("the law behind rule of law transfers"). Das besondere Interesse des Bandes gilt der Identifizierung und Erforschung solcher die vielfältigen rechtsstaatlichen Transferprozesse steuernden Rechtsnormen und -mechanismen. In insgesamt acht Beiträgen nähert der Band sich dem Thema aus der Perspektive unterschiedlicher Rechtsgebiete - etwa des EU-Rechts, des allgemeinen Völkerrechts, des internationalen Menschenrechtsschutzes, des Völkerstrafrechts, des humanitären Völkerrechts sowie des Wirtschaftsvölkerrechts.

This volume was produced to celebrate the fortieth anniversary of the Israel Yearbook on Human Rights. Forty years have yielded an impressive forty annual volumes. When it was started in 1971, the Yearbook was the first of its kind anywhere in the world. It has always understood its mandate as transcending the narrow borders of the discipline of either national or international human rights. From the outset, international humanitarian law and international criminal law were understood as coming within the proper framework of the Yearbook, as were on occasion articles on diverse freedoms that may seem out of bounds to a strict interpreter of the phrase "human rights".

This monograph analyses the historical evolution of the laws of occupation as a special branch of international humanitarian law (IHL), focusing on the extent to which this body of law has been transformed by its interaction with the development of international human rights law. It argues that a large part of the laws of occupation has proved to be malleable while being able to accommodate changing demands of civilians and any other persons affected by occupation in modern context. Its examinations have drawn much on archival research into the drafting documents of the instruments of IHL, including the aborted Brussels Declaration 1874, the 1899/1907 Hague Regulations, the 1949 Geneva Conventions and the 1977 Additional Protocol I. After assessing the complementary relationship between international human rights law and the laws of occupation, the book examines how to provide a coherent explanation for an emerging framework on the rights of individual persons affected by occupation. It engages in a theoretical appraisal of the role of customary IHL and the Martens clause in building up such a normative framework.

This book presents a systematic analysis of the notion of control in the law of military occupation. The work demonstrates that in present-day occupations, control as such occurs in different forms and variations. The polymorphic features of occupation can be seen in the way states establish control over territory either directly or indirectly, and in the manner in which they retain, relinquish or regain it. The question as to what level and type of control is needed to determine the existence and ending of military occupation is explored in great detail in light of various international humanitarian law instruments. The book provides an anatomy of the required tests of control in determining the existence of military occupation based on the law. It also discusses control in relation to occupation by proxy and when and how the end of control over territory occurs so that military occupation is considered terminated. The study is informed by relevant international jurisprudence. It draws on numerous pertinent case studies from all over the world, various reports by different UN entities and other international organisations, as well as legal doctrine. The book will be a valuable resource for academics, researchers and practitioners working in the fields of international humanitarian law, international public law, and security studies

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