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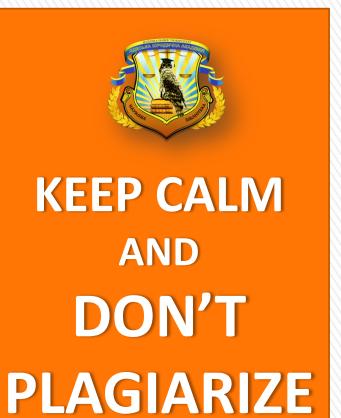




Надія Зубченко кандидат юридичних наук, зав. сектором інформетрії та сприяння публікаційній активності науковців Наукова бібліотека

Національний університет «Одеська юридична академія»

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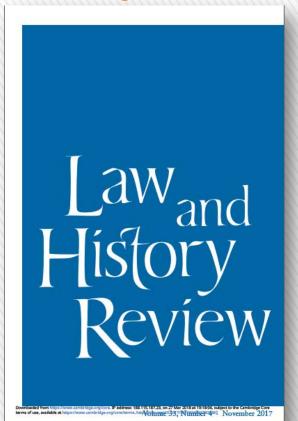






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Фейк

Law_{and} History Review



Law and History Review

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Law and History Review







2017



Law and History Review

The purpose of Law and History Review is to further research and writing in the fields of the social history of law and the history of legal ideas and institutions. The Review is sent to all members of the American Society for Legal History.

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slaves of different masters could marry without the consent of either master. Even more surprisingly, once married, the slaves could not be completely separated from each other. The church could protect the marital and conjugal connection by forbidding masters from interfering with their married slaves' access to visit each other. If one master sought to send his slave out of the city, slaves could petition the church to see that the couple remained together. The church could, and sometimes did, pressure the owner of one of the enslaved spouses to purchase the other slave so that the married couple could remain close to each other.

The ecclesiastical courts entertained jurisdiction over these matters. Beyond coartación, appeals to ecclesiastical courts gave Limean slaves another step up in navigating greater degrees of freedom than American slaves had. Ecclesiastical courts could also enforce promises of future manumission made by owners through the ritual of baptism. By contrast, although the church could prevent slave owners from separating married persons, it had no similar authority to prohibit owners from separating children from parents. And further, ecclesiastical protection of conjugal unity laws only applied if both spouses were enslaved, not if one was free, and, therefore, presumably, free to follow the enslaved marital partner.

The church's enforcement mechanisms were also uniquely ecclesiastical. Censurus, described by McKinley as "spiritual subpoenas," threatened malfeasant parties with excommunion if they did not cooperate with the proceeding or behave according to the ecclesiastical decree (6).

McKinley's writing style is fresh, original, and delightful, livening up the scholarly analysis in some refreshing ways. She uses terms such as "baggy," not tailored to the purpose (14). She describes certain periods of time when Ibero-American governance was "less muscular" (16).

She deftly sidesteps the duality of the dichotomies of many scholarly debates (i.e., Tannebaum's signifier of agency or Genovese's materialist refutation or paternalism vs. exceptionalism) by suggesting that hers is a third way. Rather than agency, McKinley suggests that scholars focus on "protagonism," or perhaps the suggestion here is that one can do both. Can there be regimes of enslavement under which a person can experience both personhood (a protagonist's control over some matters), and property-ness (lacking control over other personal matters)?

McKinley stretches the fabric of the debates as she asks readers to expand their views of what constituted "success" or legal efficacy by considering fractional freedoms; that is, micro-gains in personal liberties. Fractional freedoms were states of quasi-emancipation or conditional liberty. In some ways, this approach is resonant with Rebecca Scott's well-regarded work on the malleability of people's status as they transited different places. (Scott, "Paper Thin: Freedom and Re-enslavement in the Diaspora of the Haitian Revolution." Law and History Review 29 [2011]: 1061).



Law and History Re

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що були наведені вище. Тому, якщо встановлено виконання державою-поручителем її першочергових і прямих зобов'язань, то вона не буде нести відповідальність за невиконання зобов'язань тією організацією, за яку вона поручилася [6, п. 172]. Тобто держава-поручитель може уникнути відповідальності у разі доведення, що нею були виконані її зобов'язання як учасниці діяльності з освоєння моського дна за межами національної юоисдикції.

Виходячи із вищенаведеного можна стверджувати, що у держави-поручителя відповідальність виникає у виладках невихонання, звоїх зобов'язань відповідно до Конвенції 1982 року та при наявності збиткіз, звадвних невиконанням контрактором своїх зобов'язань. При цьому повинен бути встановлений причинний зв'язок між цим невиконанням і збитком, що виник.

Треба зазначити, що в рамках винесеного Консультативного висновку бупо розглянуто важливе питання – субсидіарна відповідальність держав, яка виникає якщо контрактор, за якого поручилася держава, не в змозі повністю покрити збиток, що був завданий в результаті його неправомірної діяльності.

На думку ж Камери, режим відповідальності, встановлений ст. 139 Конвенції 1982 року і пов'язаними з нею документами, не залишає місця для залишкової відповідальності. Відповідальність держави-поручителя і відповідальність контрактора, за якого вона поручилася, співіснують паралельно і не є солідарними (6. п. 2041.

Але в такому випадку може виникнути ситуація, коли збиток, заподіяний діяльністю в Районі, виявиться невідшкодованим. Задля уникнення подібної ситуації та врегулювання даного питання держави повинні встановлювати режим цивільної відповідальності контракторів. Так, виходячи з аналізу національних нормативно-правових актів такий режим був створений Німеччиною, Сінгапуром, Новою Зеландією та іншими країнами.

Наприклад, в законодавстві Нової Зеландії передбачено, що міністр не повинен видавати ліцензію, якщо надання ліцензії йде всупереч правам та обов'язкам Нової Зеландії за Частиною XI Конвенції [8, ч. 2 ст. 7]. При цьому кожна особа, яка потребує ліцензію на здійснення будь-якої діяльності в Районі вчиняє злочин, якщо ця особа здійснює будь-яку діяльність в Районі іняше, ніж за ліцензію та у відповідності з умовами ліцензії. І у разі здійснення даного протиправного діяння така особа несе відповідальність — на неї накладається штраф до 200 ткс. \$ [8, ч. 1,2 ст. 8]. При цьому в обов'язки держави в такому ви-



To whom it may concern

Dear colleagues!

This year the Ministry of Education and Science of Ukraine decided to tighten the requirements for scientific activity, such as to establish a mandatory obligation for every scientist to publish at least 1 article in any foreign peer-reviewed scientific journal.

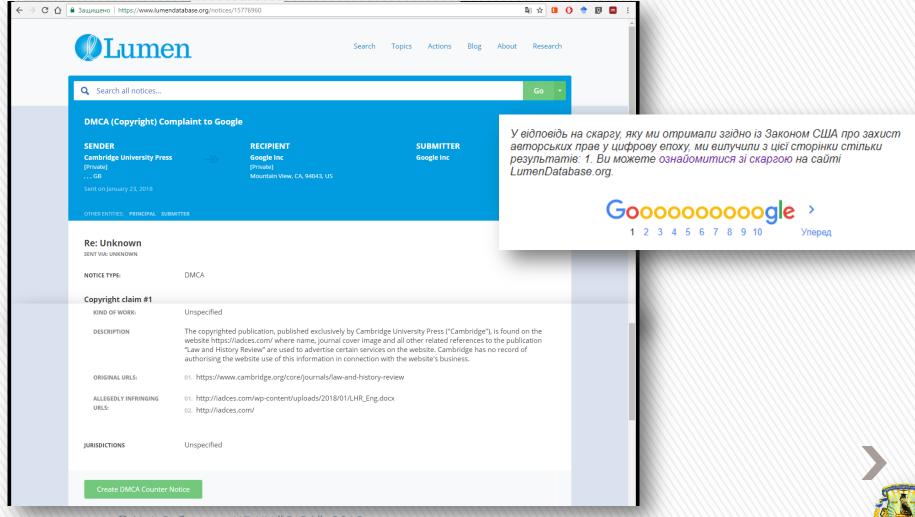
A few our scientists decided to publish their articles in <u>Law ans History Review (Cambridge University Press)</u>. They submitted their articles, but after a while it became clear that they were victims of scammers. They sent articles to the proposal of IADCES - fake organization that illegally used the data of your journal, and under the guise of your journal compiled an issue with articles. I attach here the PDF of fake "issue" and their proposal. It should be noted, that this agency collected manuscripts without peer-review and forced our authors to pay for it. Also almost all articles written in Ukrainian or Russian, according Ukrainian style of citation etc. IADCES are using the name of journals to solicit content from authors.

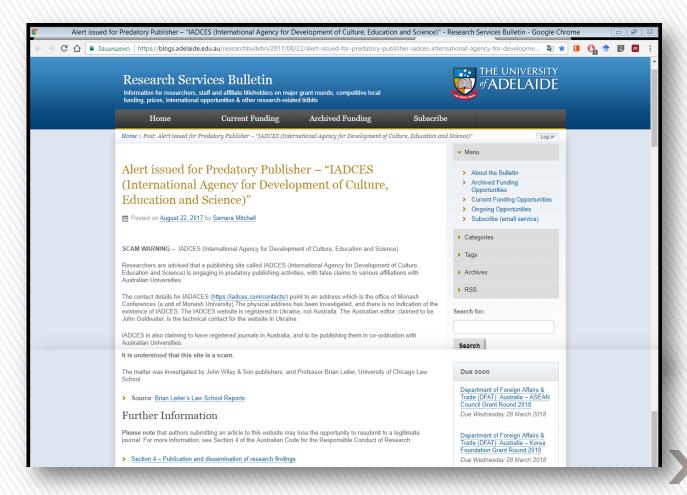
As for other proposals from IADCES - they are also fake, and you can verify this by reading their site proposals to the publication. Also, several publishers have already tried to warn about the illegal activities of this organization, I attach links to their opinions

- British Journal of Psychology, John Wiley & Son publishers
- Professor Brian Leiter, University of Chicago Law School
- The Research Services Bulletin (University of Adelaide)

IADCES (International Agency for Development of Culture, Education and Science) is one of the publishers that are included in the Beall List (https://beallslist.weebly.com/) as predatory publisher.















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Wednesday, March 1, 2017

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By Brian Leiter

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MOVING TO FRONT FROM LAST FRIDAY, IN CASE ANYONE MISSED IT!

The University of Chicago Law School has issued the following statement; prospective authors take note!

It has come to our attention that a website run by the International Agency for Development of Culture, Education and Science (IADCES) is purporting to assist authors with submission of academic work to nearly 20 academic journals in various fields. One of these journals is the University of Chicago Law School's Journal of Legal Studies. This website is in no way affiliated with the University of Chicago Law School, nor the Journal of Legal Studies, and submitting an article through this website will not in any way get an article submitted to JLS. We believe that is true of the other esteemed academic journals the site lists as well.

This website, at http://iadces.com/, provides instructions for submissions by emailing to a gmail address and requires the payment of a fee to have the article reviewed. At least as far as JLS is concerned, this website is a scam. The Journal of Legal Studies does not charge a review fee. Submitting to the email address on this site will not get the piece submitted to JLS. The instructions on how to format your paper have nothing to do with JLS. The fee will be paid to those who run the website, not toJLS.

Authors wishing to submit their work to the Journal of Legal Studies should visit the journal's website for instructions. Authors wishing to submit to any of the other journals listed on this website should visit those journals' official web pages.

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Academics and scientists: Beware of predatory journal publishers

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Стаття 190. Шахрайство

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2. Шахрайство, вчинене повторно, або за попередньою змовою групою осіб, або таке, що завдало значної шкоди потерпілому, -

карається штрафом від п'ятдесяти до ста неоподатковуваних мінімумів доходів громадян або виправними роботами на строк від одного до двох років, або обмеженням волі на строк до п'яти років, або позбавленням волі на строк до трьох років.

3. Шахрайство, вчинене у великих розмірах, або шляхом незаконних операцій з використанням електронно-обчислювальної техніки, -

карається позбавленням волі на строк від трьох до восьми років.

4. Шахрайство, вчинене в особливо великих розмірах або організованою групою, -

карається позбавленням волі на строк від п'яти до дванадцяти років з конфіскацією майна.

{Стаття 190 із змінами, внесеними згідно із Законом № 270-VI від 15.04.2008}



Стаття 192. Заподіяння майнової шкоди шляхом обману або зловживання довірою

1. Заподіяння значної майнової шкоди шляхом обману або зловживання довірою за відсутності ознак шахрайства -

караються штрафом до п'ятдесяти неоподатковуваних мінімумів доходів громадян або громадськими роботами на строк до двохсот сорока годин, або виправними роботами на строк до двох років, або арештом на строк до шести місяців.

2. Ті самі діяння, вчинені за попередньою змовою групою осіб, або такі, що заподіяли майнову шкоду у великих розмірах, -

караються штрафом від п'ятдесяти до ста неоподатковуваних мінімумів доходів громадян або обмеженням волі на строк до трьох років.

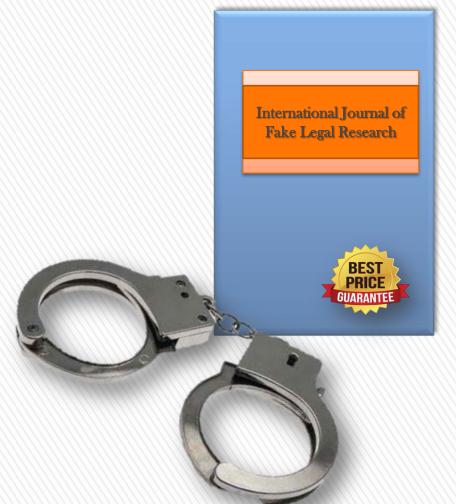




Шахрайство?

Порушення прав споживачів?

Шахрайські практики?





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Новий Порядок формування Переліку наукових фахових видань України

Увати В Майстиротно постивий парвотрумать нашам МОН Украйни пило изволо Торкатоу формулания Пераціку мультик фактиви кацаты Украйни Цей докумать сприм покращанном пист ін ігиниченнях мультик достигання, розвитну системам система подном, католифамий за ностігориету мультики фактиви вышка з амогою підвишання пакоті неучових публикацій та інтеграції українських видама до світового журкового простотурі.







Підписатись на розсилку

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Дякую за Вашу увагу!

