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Laurence D. Houlgate

Philosophy, Law and the Family

A New Introduction to the Philosophy of
Law

AMINTAPHIL

 Springer

My Philosophy Of Law

George W. Liebmann



My Philosophy Of Law:

My Philosophy of Law, 1941 **My philosophy of law : credos of sixteen American scholars**, 1941 The Law in Philosophical Perspectives Luc Wintgens, 1999-06-30 In this age of collections that is ours many volumes of collections are published They contain contributions of several well known authors and their aim is to present a selective overview of a relevant field of study This book has the same purpose Its aim is to introduce students scholars and all those interested in current problems of legal theory and legal philosophy to the work of the leading scholars in this field The large number of publications both books and articles that have been produced over recent decades makes it quite difficult however for those who are making their first steps in this domain to find firm guidelines The book is new in its genre because of its method The choice was made not to reprint an example of contributors earlier basic articles or a part of one of their books This would only give a partial view of the rich texture of their work Rather the authors were asked to make an original synthesis of their own contributions to the field of legal theory and legal philosophy Brought together in this volume they constitute a truly author ised view of their work This book is also new in that each essay is complemented with bibliographical information in order to encourage further research on the author s self selected work This will help the reader rapidly to become familiar with the whole of the published work of the contributors

The Later Works, 1925-1953 John Dewey, 1981 John Dewey s Experience and Nature has been considered the fullest expression of his mature philosophy since its eagerly awaited publication in 1925 Irwin Edman wrote at that time that with monumental care detail and completeness Professor Dewey has in this volume revealed the metaphysical heart that beats its unvarying alert tempo through all his writings whatever their explicit themes In his introduction to this volume Sidney Hook points out that Dewey s Experience and Nature is both the most suggestive and most difficult of his writings The meticulously edited text published here as the first volume in the series The Later Works of John Dewey 1925 1953 spans that entire period in Dewey s thought by including two important and previously unpublished documents from the book s history Dewey s unfinished new introduction written between 1947 and 1949 edited by the late Joseph Ratner and Dewey s unedited final draft of that introduction written the year before his death In the intervening years Dewey realized the impossibility of making his use of the word experience understood He wrote in his 1951 draft for a new introduction Were I to write or rewrite Experience and Nature today I would entitle the book Culture and Nature and the treatment of specific subject matters would be correspondingly modified I would abandon the term experience because of my growing realization that the historical obstacles which prevented understanding of my use of experience are for all practical purposes insurmountable I would substitute the term culture because with its meanings as now firmly established it can fully and freely carry my philosophy of experience

The Later Works of John Dewey, Volume 14, 1925 - 1953 John Dewey, 2008 This volume republishes forty four essays reviews and miscellaneous pieces from 1939 1940 and 1941 In his Introduction R W Sleeper characterizes the contents of this volume as vintage Dewey Ranging widely

over problems of theory and practice they reveal him commencing his ninth decade at the peak of his intellectual powers Nature in Experience Dewey's reply to Morris R Cohen and William Ernest Hocking is a model of clarity and responsiveness writes Sleeper perhaps his clearest statement of why it is that metaphysics does not play the fundamental role for him that it had regularly played for his predecessors **The Philosophy of Law in Historical Perspective** Carl Joachim Friedrich, 1963 Review of My Philosophy of Law Felix S. Cohen, 1943 The History of Nebraska Law Alan G. Gless, 2008

In the aftermath of the Civil War legislators in the Nebraska Territory grappled with the responsibility of forming a state government as well as with the larger issues of reconstructing the Union protecting civil rights and redefining federal state relations In the years that followed Nebraskans coped with regional and national economic collapses Nebraska women struggled for full recognition in the legal profession Meyer v Nebraska a case involving a teacher in a one room rural Nebraska schoolhouse changed the course of American constitutional doctrine and remains one of the cornerstones of civil liberties law And Roscoe Pound a boy from Lincoln went on to become one of the nation's great legal philosophers Nebraska holds a prominent position in the field of Native American legal history and the state's original inhabitants have been at the center of many significant developments in federal Indian policy Nebraska Indian legal history is replete with stories of failure and success heartache and triumph hardship and hope These stories are more than a mere record of the past of treaties broken or trials won they are reminders of the ongoing and sometimes tense relations among the many peoples and nations that make up the heartland Much of Nebraska law reflects mainstream American law yet Nebraskans also have been open to experiment and innovation The state revamped the legislative process by establishing the nation's only unicameral legislature and pioneered public employment collective bargaining and dispute resolution through its industrial relations commission and its relaxation of strict separation of powers These seemingly contradictory trends however are but differing expressions of a single underlying principle inscribed in the state's motto Equality Before the Law **Roscoe Pound and Karl Llewellyn** N. E. H. Hull, 1997 American legal history is traditionally viewed as a succession of discrete schools of thought or landmark court decisions not as the work of individuals Such an approach however hardly does justice to the lives of two of the foremost teachers and theorists of American jurisprudence In Roscoe Pound and Karl Llewellyn Searching for an American Jurisprudence N E H Hull reconstructs the historical cultural and intellectual context of the work of Pound and Llewellyn bringing to light their private and public relationship as well as the diverse sources from psychology to plant ecology to Icelandic sagas they separately drew upon in making their contributions to the American legal tradition *The Crisis of Democratic Theory* Edward A. Purcell Jr., 2014-04-23 Widely acclaimed for its originality and penetration this award winning study of American thought in the twentieth century examines the ways in which the spread of pragmatism and scientific naturalism affected developments in philosophy social science and law and traces the effects of these developments on traditional assumptions of democratic theory Philosophy, Law and the Family Laurence D. Houlgate, 2017-01-21 This

textbook uses cases in family law to illustrate both traditional philosophical problems in the law as well as problems that are unique to family law In the beginning chapters family law cases are employed to introduce the reader to philosophical debates about the relationship between law and morals about how one ought to interpret the U S Constitution and its amendments about the conditions under which individual liberty is justifiably limited by law about the justification of punishment and about the justification of remedies and standards of care in determining negligence in tort cases Later chapters are devoted to contemporary issues unique to family law including justifiable limits of access to marriage alternatives to marriage the rights of children child custody disputes involving surrogate births quasi property disputes involving custody of frozen embryos and the justifiable limits of the right not to procreate The book reflects current movements contemporary debates and recent research on the philosophical problems in family law

Stateless Law Helge Dedek,Shauna Van Praagh,2016-03-03 This volume offers a critical analysis and illustration of the challenges and promises of stateless law thought pedagogy and approaches to governance that is understanding and conceptualizing law in a post national condition From common civil and international law perspectives the collection focuses on the definition and role of law as an academic discipline and hybridity in the practice and production of law With contributions by a diverse and international group of scholars the collection includes fourteen chapters written in English and three in French Confronting the transnational challenge posed to the traditional theoretical and institutional structures that underlie the teaching and study of law in the university the seventeen authors of *Stateless Law* *Evolving Boundaries of a Discipline* bring new insight to the ongoing and crucial conversation about the future shape of legal scholarship education and practice that is emblematic of the early twenty first century This collection is essential reading for academics institutions and others involved in determining the future roles responsibilities and education of jurists as well as for academics interested in Law Sociology Political Science and Education

Structure and Justification in Private Law C.E.F. Rickett,Ross Grantham,2008-02-27 Peter Birks s tragically early death and his immense influence around the world led immediately to the call for a volume of essays in his honour by scholars who had known him as a colleague teacher and friend One such volume published in 2006 contained essays largely from scholars working in England *Mapping the Law* *Essays in Memory of Peter Birks* edited by Andrew Burrows and Lord Rodger This volume contains the essays of those outside England who chose to honour Peter and appears later than the English volume reflecting the far flung habitations of its authors The essays contained in this volume are focussed around the law of unjust enrichment but are not narrowly preoccupied instead they move freely from unjust enrichment to some of the most profound questions in private law concerning taxonomy the relationship between contract property and unjust enrichment and the place of remedies within private law This volume featuring the work of some of the world s great private lawyers provides a fitting tribute to a great scholar and a series of thought provoking essays inspired by his example Contributors Kit Barker Michael Bryan Peter Butler Hanoch Dagan Simone Degeling Daniel Friedmann Mark

Gergen Ross Grantham Steve Hedley John McCamus Mitchell McInnes Eoin O Dell Charles Rickett Struan Scott Emily Sherwin Stephen Smith Richard Sutton Michael Tilbury Stephen Waddams Peter Watts Ernest Weinrib Eric Descheemaeker

Intellectual Property and the Common Law Shyamkrishna Balganesh, 2013-09-02 In this volume leading scholars of intellectual property and information policy examine what the common law a method of reasoning an approach to rule making and a body of substantive law can contribute to discussions about the scope structure and function of intellectual property The book presents an array of methodologies substantive areas and normative positions tying these concepts together by looking to the common law for guidance Drawing on interdisciplinary ideas and principles that are embedded within the working of common law it shows that the answers to many of modern intellectual property law s most puzzling questions may be found in the wisdom versatility and adaptability of the common law The book argues that despite the degree of interdisciplinary specialization in the field intellectual property is fundamentally a creation of the law therefore the basic building blocks of the law can shed important light on what intellectual property can and should and was perhaps meant to be

The Policy of Law Mauro Zamboni, 2007-11-19 The book focuses on the relationship between law and politics as perceived by the legal community and more specifically the transformation of politics into law After exploring the relationship between law and politics as considered by the major modern schools of legal theory the focus moves to the regions of interaction in which law and politics meet termed the policy of law The policy of law is characterized in this work as the stage of the law making process at which values entrenched in political decisions are transformed into legal concepts in order to fit the existing legal system The space labeled as policy of law is today mainly but not exclusively the domain of legal actors Consequently the identification of a branch of the legal discipline specifically devoted to the investigation of the transformations of values into law is given the policy of law analysis Finally whether and to what extent the policy of law analysis can be encompassed within the traditional legal discipline and more particularly as a part of jurisprudence is explored Zamboni ranges broadly and knowledgeably over vast areas of legal theory But it is no mere taxonomising his argument is valuable and original It is clear learned and never boring Zenon Bankowski University of Edinburgh

The Common Law Tradition George W. Liebmann, 2006-04-30 This book commemorates a place and a time in American law teaching but more importantly an outlook the common law tradition That outlook was empirical and tolerant These values were carried into expression by a group of people who were not part of a cult or faction nor ruled by the herd instinct Now in paperback The Common Law Tradition is a collective portrait of five scholars who epitomize the tradition The focus is Chicago in the 1960s The five figures considered Edward H Levi Harry Kalven Jr Karl Llewellyn Philip Kurland and Kenneth Culp Davis did much to broaden the perspectives of the legal academy Levi made use of sociology economics and comparative law Kalven collaborated with sociologists on the Jury Project and with economists on tax law and auto compensation plans Llewellyn s commitment to empirical research underpinned his work on the Uniform Commercial Code

Kurland's approach to constitutional law was highlighted by his insistence on the relevance of legal history. Davis was an energetic comparativist in his work on administrative law. What distinguished these Chicagoans is that their work was practical and rooted in the law and hence yielded concrete applications. The group's diversity, the tolerant atmosphere in which they taught and wrote, and the attachment of its individual members to empirical approaches differentiate them from today's legal scholars and make their ideas of continuing importance.

Boundaries of the State in US History James T. Sparrow, William J. Novak, Stephen W. Sawyer, 2015-10-12. The question of how the American state defines its power is not what it is but what it does. It has become central to a range of historical discourses from the founding of the Republic and the role of the educational system to the functions of agencies and America's place in the world. Here James Sparrow, William J. Novak, and Stephen Sawyer assemble some definitional work in this area, showing that the state is an integral actor in physical, spatial, and economic exercises of power. They further imply that traditional conceptions of the state cannot grasp the subtleties of power and its articulation. Contributors include C. J. Alvarez, Elisabeth Clemens, Richard John, Robert Lieberman, Omar McRoberts, Gautham Rao, Gabriel Rosenberg, Jason Scott Smith, Tracy Steffes, and the editors.

Reconstructing American Legal Realism & Rethinking Private Law Theory Hanoch Dagan, 2013-09-19. In the myriad choices of interpretation judges face when confronted with rules and cases, legal realists are concerned with how these doctrinal materials carry over into judicial outcomes. What can explain past judicial behavior and predict its future course? How can law constrain judgments made by unelected judges? How can the distinction between law and politics be maintained despite the collapse of law's autonomy in its positivist rendition? In *Reconstructing American Legal Realism: Rethinking Private Law Theory*, Hanoch Dagan provides an innovative and useful interpretation of legal realism. He revives the legal realists' rich account of law as a growing institution accommodating three sets of constitutive tensions: power and reason, science and craft, and tradition and progress. He demonstrates how the major claims attributed to legal realism fit into this conception of law. Dagan seeks to rein in realist descendants who have become fixated on one aspect of the big picture and to dispel the misconceptions that those gone astray represent the tradition accurately or that realism is now merely a historical signpost. He draws upon the realist texts of Oliver Wendell Holmes, Karl Llewellyn, and others to explain how legal realism offers important and unique jurisprudential insights that are not just a part of legal history but are also relevant and useful for a contemporary understanding of legal theory. Building on this realist conception of law and enriching its texture, Dagan addresses more particular jurisprudential questions. He shows that the realist achievement in capturing law's irreducible complexity is crucial to the reinvigoration of legal theory as a distinct scholarly subject matter and is also inspiring for a host of other, more specific theoretical topics such as the rule of law, the autonomy and taxonomy of private law, the relationships between rights and remedies, and the pluralism and perfectionism that typify private law.

Scholars of Tort Law James Goudkamp, Donal Nolan, 2019-10-03. The publication of *Scholars of Tort Law* marks the beginning of a long overdue rebalancing of private law.

scholarship Instead of concentrating on judicial decisions and academic commentary only for what that commentary says about judicial decisions the book explores the contributions of scholars of tort law in their own right The work of a selection of leading scholars of tort law from across the common law world ranging from Thomas Cooley 1824 1898 to Patrick Atiyah 1931 2018 is addressed by eminent current scholars in the field The focus of the contributions is on the nature of the work produced by each of the scholars in question important influences on their work and the influence which that work in turn had on thinking about tort law The process of subjecting tort law scholarship to sustained analysis provides new insights into the intellectual development of tort law and reveals the important role played by scholars in that development By focusing on the work of influential tort scholars the book serves to emphasise the importance of legal scholarship to the development of the common law more generally

Law and Nature David Delaney, 2003-10-13 This interdisciplinary study explores the relationship between conceptions of nature and largely American legal thought and practice It focuses on the politics and pragmatics of nature talk as expressed in both extra legal disputes and their transformation and translation into forms of legal discourse tort property contract administrative law criminal law and constitutional law Delaney begins by considering the pragmatics of nature in connection with the very idea of law and the practice of American legal theorization He then traces a set of specific political legal disputes and arguments The set consists of a series of contexts and cases organized around a conventional distinction between external and internal nature forces of nature endangered species animal experiments bestiality reproductive technologies genetic screening biological defenses in criminal cases and involuntary medication of inmates He demonstrates throughout that nearly any construal of nature entails an interpretation of what it is to be distinctively human

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