

Radical

PHILOSOPHY OF LAW

CONTEMPORARY CHALLENGES
TO MAINSTREAM LEGAL THEORY
AND PRACTICE

EDITED BY
DAVID S. CAUDILL AND STEVEN JAY GOLD

Radical Philosophy Of Law Contemporary Challenges To Mainstream Legal Theory And Practice

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Radical Philosophy Of Law Contemporary Challenges To Mainstream Legal Theory And Practice:

Radical Philosophy of Law David Stanley Caudill, Steven Jay Gold, 1995 Radical Philosophy of Law represents a cross section of contemporary critiques of the legal establishment its theoretical foundations and its institutions and processes Recognizing that proposals for alternatives to mainstream legal theory and practice do not belong to any single discipline Caudill and Gold select essays by scholars in philosophy sociology criminology and political theory in addition to law professors and practitioners Recognizing as well that no single perspective dominates radical legal theory the essays exemplify the approaches associated with Marxian and neo Marxian analyses American Critical Legal Studies and Critical Race Theory radical feminism semiotics liberal theology and psychoanalytic theory and criticism *Psychological Jurisprudence* Bruce A. Arrigo, 2012-02-01 Psychological jurisprudence or the use of psychology in the legal realm relies on theories and methods of criminal justice and mental health to make decisions about intervention policy and programming While the intentions behind the law psychology field are humane the results often are not This book provides a radical agenda for psychological jurisprudence one that relies on the insights of literary criticism psychoanalysis feminist theory political economy analysis postmodernism and related strains of critical thought Contributors reveal the roots of psycholegal logic and demonstrate how citizen justice and structural reform are displaced by so called science and facts A number of complex issues in the law psychology field are addressed including forensic mental health decision making parricide competency to stand trial adolescent identity development penal punitiveness and offender rehabilitation In exploring how the current resolution to these and related controversies fail to promote the dignity or empowerment of persons with mental illness this book suggests how the law psychology field can meaningfully contribute to advancing the goals of justice and humanism in psycholegal theory research and policy Radical Critiques of the Law Stephen M. Griffin, Robert C. L. Moffat, 1997 The past two decades have seen an outpouring of work in legal theory that is self consciously critical of aspects of American law and the institutions of the liberal state In this lively volume eminent scholars in philosophy law and political science respond to this recent scholarship by exploring what constitutes a radical critique of the law examining such theories as critical legal studies feminist theory and theories of difference and critical race theory The authors consider whether the critiques advanced in recent legal theory can truly be called radical and what form a radical critique of American law should take Writing at the cutting edge of the critique of critical legal theory they offer insights first on critical legal scholarship then on feminist political and legal theory A third group of contributions questions the radicalness of these approaches in light of their failure to challenge fundamental aspects of liberalism while a final section focuses on current issues of legal reform through critical views on criminal punishment including observations on rape and hate speech Each major essay describes the underlying principles in the development of a radical legal theory and addresses unresolved questions relating to it while accompanying commentaries present conflicting views The resulting dialogue explores wide ranging issues like

equity value relativism adversarial and empathic legal advocacy communitarianism and the social contract impartiality and contingency natural law and corrective justice A common thread for many of the articles is a focus on the social dimension of society and law which finds the individualism of prevailing liberal theories too limiting Radical Critiques of the Law is particularly unique in presenting critical and feminist approaches in one volume along with skeptical commentary about just how radical some critiques really are Proposing alternative critiques that embody considerably greater promise of being truly radical it offers provocative reading for both philosophers and legal scholars by showing that many claims to radicalism are highly problematic at best

The Philosophy of Law Christopher Berry Grey, 2013-07-04 From articles centering on the detailed and doctrinal exposition of the law to those which reside almost wholly within the realm of philosophical ethics this volume affords comprehensive treatment to both sides of the philosophico legal equation Systematic and sustained coverage of the many dimensions of legal thought gives ample expression to the true breadth and depth of the philosophy of law with coverage of The modes of knowing and the kinds of normativity used in the law Studies in international constitutional criminal administrative persons and property contracts and tort law including their historical origins and worldwide ramifications Current legal cultures such as common law and civilian European and Aboriginal Influential jurisprudents and their biographies All influential schools and methods

Legal Form and the End of Law Cosmin Cercel, Gian-Giacomo Fusco, Przemyslaw Tacik, 2024-10-14 Following the 100th anniversary of Pashukanis General Theory of Law and Marxism 1924 this volume aims to breathe new life into the main category of Pashukanian legacy the concept of legal form This book offers new deeper and more general ways in which the concept of legal form can be used to push forward Marxist post Marxist or hauntingly Marxist legal theory Accordingly this book does not pledge allegiance to reconstructing and reconsidering the official interpretative legacy of the legal form Instead it mobilises the revolutionary conceptual potentialities that this term contains When investigated thoroughly and in many dimensions the legal form becomes a privileged vantage point not only into the greatest law related riddles of Marxism such as the relation between economy and the state or withering away of statal apparatuses but the whole of modernity as the epoch determined by if not overlapping with capitalism This book aims to think with the legal form rather than explain this concept In so doing it offers a panoply of theoretical perspectives that address legal subjectivity abstraction autonomy of the law and last but not least withering away of the law This contemporary interrogation of the relevance of the concept of legal form will be of considerable interest to scholars and students of legal and political theory

Christian Perspectives on Legal Thought Michael W. McConnell, Robert Cochran, Angela C. Carmella, 2008-10-01 This book explores for the first time the broad range of ways in which Christian thought intersects with American legal theory Eminent legal scholars including Stephen Carter Thomas Shaffer Elizabeth Mensch Gerard Bradley and Marci Hamilton describe how various Christian traditions including the Catholic Calvinist Anabaptist and Lutheran traditions understand law and justice society and the state and human nature and

human striving The book reveals not only the diversity among Christian legal thinkers but also the richness of the Christian tradition as a source for intellectual and ethical approaches to legal inquiry The contributors bring various perspectives to the subject Some engage the prominent schools of legal thought liberalism legal realism critical legal studies feminism critical race theory and law and economics Others address substantive areas including environmental criminal contract torts and family law as well as professional responsibility Together the essays introduce a new school of legal thought that will make a signal contribution to contemporary discussions of law

Acts of Rebellion Ward Churchill, 2003-12-16 What could be more American than Columbus Day Or the Washington Redskins For Native Americans they are bitter reminders that they live in a world where their identity is still fodder for white society The law has always been used as toilet paper by the status quo where American Indians are concerned writes Ward Churchill in *Acts of Rebellion* a collection of his most important writings from the past twenty years Vocal and incisive Churchill stands at the forefront of American Indian concerns from land issues to the American Indian Movement from government repression to the history of genocide Churchill one of the most respected writers on Native American issues lends a strong and radical voice to the American Indian cause *Acts of Rebellion* shows how the most basic civil rights laws put into place to aid all Americans failed miserably and continue to fail when put into practice for our indigenous brothers and sisters Seeking to convey what has been done to Native North America Churchill skillfully dissects Native Americans struggles for property and freedom their resistance and repression cultural issues and radical Indian ideologies

A Little Matter of Genocide Ward Churchill, 1997 Ward Churchill has achieved an unparalleled reputation as a scholar activist and analyst of indigenous issues in North America Here he explores the history of holocaust and denial in this hemisphere beginning with the arrival of Columbus and continuing on into the present He frames the matter by examining both revisionist denial of the nazi perpetrated Holocaust and the opposing claim of its exclusive uniqueness using the full scope of what happened in Europe as a backdrop against which to demonstrate that genocide is precisely what has been and still is carried out against the American Indians Churchill lays bare the means by which many of these realities have remained hidden how public understanding of this most monstrous of crimes has been subverted not only by its perpetrators and their beneficiaries but by the institutions and individuals who perceive advantages in the confusion In particular he outlines the reasons underlying the United States s 40 year refusal to ratify the Genocide Convention as well as the implications of the attempt to exempt itself from compliance when it finally offered its endorsement In conclusion Churchill proposes a more adequate and coherent definition of the crime as a basis for identifying punishing and preventing genocidal practices wherever and whenever they occur Ward Churchill enrolled Keetoowah Cherokee is Professor of American Indian Studies with the Department of Ethnic Studies at the University of Colorado Boulder A member of the American Indian Movement since 1972 he has been a leader of the Colorado chapter for the past fifteen years Among his previous books have been *Fantasies of a Master Race* *Struggle for the Land* *Since Predator Came* and *From a Native Son*

Jsl Vol 14-N1 JOURNAL OF SCHOOL LEADERSHIP,2004-01-20 The Journal of School Leadership is broadening the conversation about schools and leadership and is currently accepting manuscripts We welcome manuscripts based on cutting edge research from a wide variety of theoretical perspectives and methodological orientations The editorial team is particularly interested in working with international authors authors from traditionally marginalized populations and in work that is relevant to practitioners around the world Growing numbers of educators and professors look to the six bimonthly issues to deal with problems directly related to contemporary school leadership practice teach courses on school leadership and policy use as a quality reference in writing articles about school leadership and improvement **Science, Colonialism, and Indigenous Peoples** Laurelyn Whitt,2009-08-24 Examines how contemporary relations between indigenous and Western nations are shaped by the dynamics of power the politics of property and the apologetics of law **Punishing the Mentally Ill** Bruce A. Arrigo,2012-02-01 A powerful sophisticated and original critique on how the disciplines of law and psychiatry behave and on how the mental health and justice systems operate Punishing the Mentally Ill reveals where how and why the identity and humanity of persons with psychiatric disorders are consciously and unconsciously denied Author Bruce A Arrigo contends that despite periodic and well intentioned efforts at reform the current law psychiatry system functions to punish the mentally ill for being different The book synthesizes a wide range of mainstream and critical literature in sociology law philosophy history psychology and psychoanalysis to establish a new theory of punishment at the law psychiatry divide To situate the analysis enduring psycholegal issues are explored including the meaning of mental illness definitions and predictions of dangerousness the ethics of advocacy the right to community based treatment the logic of forensic courtroom verdicts transcarceration and the execution of mentally disordered offenders among others Punishing the Mentally Ill shows that current mental disability law research programming and policy are seriously flawed and that wholesale reform is necessary if the goals of citizen justice social well being and humanism are to be realized

Encyclopedia of Criminal Justice Ethics Bruce A. Arrigo,2014-07-17 Federal state county and municipal police forces all have their own codes of conduct yet the ethics of being a police officer remain perplexing and are often difficult to apply in dynamic situations The police misconduct statistics are staggering and indicate that excessive use of force comprises almost a quarter of misconduct cases with sexual harassment fraud theft and false arrest being the next most prevalent factors The ethical issues and dilemmas in criminal justice also reach deep into the legal professions the structure and administration of justice in society and the personal characteristics of those in the criminal justice professions The Encyclopedia of Criminal Justice Ethics includes A to Z entries by experts in the field that explore the scope of ethical decision making and behaviors within the spheres of criminal justice systems including policing corrections courts forensic science and policy analysis and research This two volume set is available in both print and electronic formats Features Entries are authored and signed by experts in the field and conclude with references and further readings as well as cross references to related entries that

guide readers to the next steps in their research journeys A Reader's Guide groups related entries by broad topic areas and themes making it easy for readers to quickly identify related entries A Chronology highlights the development of the field and places material into historical context a Glossary defines key terms from the fields of law and ethics and a Resource Guide provides lists of classic books academic journals websites and associations focused on criminal justice ethics Reports and statistics from such sources as the FBI the United Nations and the International Criminal Court are included in an appendix In the electronic version the Reader's Guide index and cross references combine to provide effective search and browse capabilities The Encyclopedia of Criminal Justice Ethics provides a general non technical yet comprehensive resource for students who wish to understand the complexities of criminal justice ethics

Film Noir, American Workers, and Postwar Hollywood Dennis Broe, 2009-01-25 Film noir which flourished in 1940s and 50s reflected the struggles and sentiments of postwar America Dennis Broe contends that the genre with its emphasis on dark subject matter paralleled the class conflict in labor and union movements that dominated the period By following the evolution of film noir during the years following World War II Broe illustrates how the noir figure represents labor as a whole In the 1940s both radicalized union members and protagonists of noir films were hunted and pursued by the law Later as labor unions achieve broad acceptance and respectability the central noir figure shifts from fugitive criminal to law abiding cop Expanding his investigation into the Cold War and post 9 11 America Broe extends his analysis of the ways film noir is intimately connected to labor history A brilliant interdisciplinary examination this is a work that will appeal to a broad spectrum of readers

Politics, Polarity, and Peace, 2023-05-08 The arguments within the contemporary literature paint a clear picture popular discourse is marked with extreme partisanship and polarization threatening democracy tolerance diversity pluralism and cooperation Polarization simplifies and deforms language ideas and people Polarization reduces the complexities of social life into an oppositional binary based on crude distinctions revolving around partial and harmful reified conceptions of self and other Since the egocentric us versus them narratives catalyze conflicts which tend to violence polarization is itself a cause of violence The project of peace then is aided by the project of depolarization But what can we do to bring about a transformation away from polarity to peace What are the real polarities obscuring the path to peace Is it a question of freedom versus control Is it one of absolutism versus open mindedness Is it good versus evil In a time of increasingly poisonous national politics widening tribal polarity and fragmented and fragmenting communities what sense does it even make to appeal to reason discourse and compromise The authors in this volume attempt to answer these and other questions relating to polarity and politics in the pursuit of peace and justice the guiding ideals of the Concerned Philosophers for Peace and Brill's Philosophy of Peace series

Struggle for the Land Ward Churchill, 2002-09 Landmark work illustrates the history of North American indigenous resistance and the struggle for land rights

Justifying Judgment Vincent Joseph Samar, 1998 Samar philosophy Loyola U seeks to develop a metatheory of law that judges could use to decide very hard cases in which the law offers no firm

precedents or it is not clear whether the applicable law is just He discusses theories of political philosophy that set a foundation for the duty to obey law presents a natural law justification for a legal system containing morally just laws uses his metatheory to resolve five historically significant constitutional cases and offers suggestions for legal education Annotation copyrighted by Book News Inc Portland OR Recognition Theory as Social Research Shane O'Neill, Nicholas H. Smith, 2012-07-30 Presents the case for an exciting new research program in the social sciences based on the theory of recognition developed by Axel Honneth and others in recent years The theory provides a frame for revealing new insights about conflicts and the potential of recognition theory to guide just resolutions of these conflicts is also explored **My Daily Constitution Vol. I** Richard J. Rolwing, 2001-02-02 Subtitled A NATURAL LAW PERSPECTIVE 365 essays each 365 words on Uncle Sams birthright genealogy and orientation OR the Constitutions philosophical and historical presuppositions and implications OR Philosophy for Dummies Many modern historians and thinkers describe western history as a progressive movement toward freedom freedom from religious and rational morality For them Uncle Sam rides the current crest of this wave The American government is said to be agnostic about religion and indifferent about philosophy There is no universal anthropology behind political judgements no rational psychology behind political institutions no history behind arguments no epistemology behind communications no metaphysics behind American independence no ethics behind our Constitution no moral authority behind our laws and no logic behind their interpretation In fact there are no bonds to anything past especially since there are no foundations either temporal or ontological for any convictions whatsoever This view grossly distorts Uncle Sams basic orientation and the distortion is really an attempted abortion because many moderns have a phobia about that orientation which is Natural Law *Pseudolaw and Sovereign Citizens* Harry Hobbs, Stephen Young, Joe McIntyre, 2025-02-20 Can you avoid any law you do not consent to Can you avoid paying taxes by declaring yourself sovereign Do courts operate under admiralty or maritime law No But welcome to the strange world of pseudolaw This is the first ever edited volume solely dedicated to examining pseudolaw and its most prominent adherents sovereign citizens Drawing on the expertise of judges criminologists legal theorists and political sociologists this collection offers insights into the global growth and alarming adaptability of pseudolaw While it might be tempting to laugh at the ridiculousness of pseudolaw it is a serious matter People who make these claims rob themselves of meaningful legal opportunities and impose great costs to themselves the administration of justice and the community Pseudolaw is also linked to violent extremism and indicative of growing social insecurity Part I offers ways to analyse and differentiate pseudolaw from other forms of conspiracy ideation and fringe legal interpretation Part II examines the rise of sovereign citizens and the global spread of pseudolaw Part III explores contemporary issues arising from pseudolaw including the rise of far right extremism lay persons in judicial proceedings fake claims of indigeneity and fraudulent get out of jail schemes It concludes by considering how we can respond to this phenomenon **The Newcastle Law Review** ,1997

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