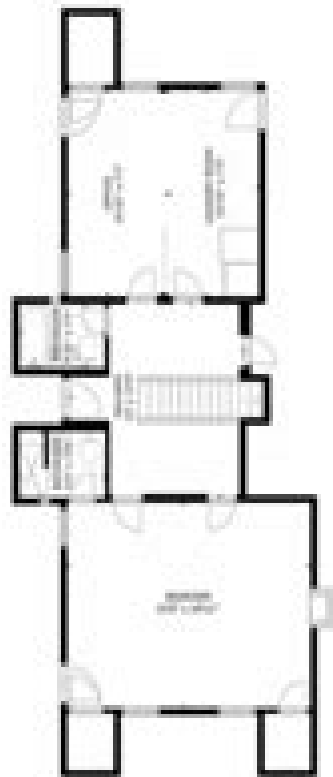


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Shapiros Plan

**Maciej Dybowski, Weronika
Dzięgielewska, Wojciech Rzepiński**

Shapiros Plan:

The Planning Theory of Law Damiano Canale, Giovanni Tuzet, 2012-09-14 This collection of essays is the outcome of a workshop with Scott Shapiro on The Planning Theory of Law that took place in December 2009 at Bocconi University It brings together a group of scholars who wrote their contributions to the workshop on a preliminary draft of Shapiro s Legality Then after the workshop they wrote their final essays on the published version of the book The contributions clearly highlight the difference of the continental and civil law perspective from the common law background of Shapiro but at the same time the volume tries to bridge the gap between the two The essays provide a critical reading of the planning theory of law highlighting its merits on the one hand and objecting to some parts of it on the other hand Each contribution discusses in detail a chapter of Shapiro s book and together they cover the whole of Shapiro s theory So the book presents a balanced and insightful discussion of the arguments of Legality

Pragmatics and Law Francesca Poggi, Alessandro Capone, 2016-12-01 This volume is the second part of a project which hosts an interdisciplinary discussion about the relationship among law and language legal practice and ordinary conversation legal philosophy and the linguistics sciences An international group of authors from cognitive science philosophy of language and philosophy of law question about how legal theory and pragmatics can enrich each other In particular the first part is devoted to the analysis of how pragmatics can solve problems related to legal theory What can pragmatics teach about the concept of law and its relationship with moral and in particular about the eternal dispute between legal positivism and legal naturalism What can pragmatics teach about the concept of law and or legal disagreements The second part is focused on legal adjudication it aims to construct a pragmatic apparatus appropriate to legal trial and or to test the tenure of the traditional pragmatics tools in the field The authors face questions such as Which interesting pragmatic features emerge from legal adjudication What pragmatic theories are better suited to account for the practice of judgment or its particular aspects such as the testimony or the binding force of legal precedents Which pragmatic and socio linguistic problems are highlighted by this practice

Law Under a Democratic Constitution Lisa Burton Crawford, Patrick Emerton, Dale Smith, 2019-05-16 Jeffrey Goldsworthy is a renowned constitutional scholar and legal theorist whose work on the powers of Parliament and the interpretation of constitutional and statute laws has helped shape debates on these topics across the English speaking world The importance of democratic constitutionalism is central to Professor Goldsworthy s work it lies at the heart of his defence of Parliamentary supremacy and shapes his approach to both constitutional and statutory interpretation In honour of Professor Goldsworthy s retirement this collection provides new perspectives from a range of leading public law scholars and theorists on the legal and philosophical principles that govern the making and interpretation of laws in a constitutional democracy It also addresses some of the challenges to democratic constitutionalism that have arisen in light of contemporary developments in Australia Canada New Zealand the United Kingdom and the United States

New Essays on the Normativity of Law Stefano Bertea, George Pavlakos, 2011-08-10 An

important part of the legal domain has to do with rule governed conduct and is expressed by the use of notions such as norm obligation duty and right These require us to acknowledge the normative dimension of law Normativity is accordingly to be regarded as a central feature of law lying at the heart of any comprehensive legal theoretical project The essays collected in this book are meant to further our understanding of the normativity of law More specifically the book stages a thorough discussion of legal normativity as approached from three strands of legal thought that are particularly influential and which play a key role in shaping debates on the normative dimension of law the theory of planning agency legal conventionalism and the constitutivist approach While the essays presented here do not aspire to give an exhaustive picture of these debates an aspiration that would be by its very nature unrealistic they do provide the reader with some authoritative statements of some widely discussed families of views of legal normativity In pursuing this objective these essays also encourage a dialogue between different traditions of study of legal normativity stimulating those who would not otherwise look outside their tradition of thought to engage with new ideas and ultimately to arrive at a more comprehensive account of the normativity of law

Collective Agency and Cooperation in Natural and Artificial Systems Catrin Misselhorn, 2015-09-01 This book brings together philosophical approaches to cooperation and collective agency with research into human machine interaction and cooperation from engineering robotics computer science and AI Bringing these so far largely unrelated fields of study together leads to a better understanding of collective agency in natural and artificial systems and will help to improve the design and performance of hybrid systems involving human and artificial agents Modeling collective agency with the help of computer simulations promises also philosophical insights into the emergence of collective agency The volume consists of four sections The first section is dedicated to the concept of agency The second section of the book turns to human machine cooperation The focus of the third section is the transition from cooperation to collective agency The last section concerns the explanatory value of social simulations of collective agency in the broader framework of cultural evolution

Practice Theory and Law Maciej Dybowski, Weronika Dzięgielewska, Wojciech Rzepiński, 2024-10-02 This book engages the field of practice theory in order to consider law as a social practice Taking up the theoretical concept of practices the contributors to this volume maintain that law can be fruitfully understood as one among other social practices Including perspectives from philosophers of language experts in practice theory linguists and legal philosophers the book examines the twin questions of what it means for law to be considered a practice and what law's place is among other social practices The book is comprised of three parts The first provides a broad methodological framework for discussing how the concept of practice is used in the social sciences and in law The second deals with specific problems arising from the use of the concept of practice in the legal context and from the intersection of different social practices The third part identifies and addresses the consequences of applying insights from practice theory to law Together they offer a comprehensive consideration of what is at stake in understanding law as a social practice This book will appeal to sociolegal scholars sociologists of law philosophers of

language and action as well as philosophers of law and legal theorists Chapter 15 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution CC BY 4.0 license

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Dimensions of Normativity David Plunkett, Scott J. Shapiro, Kevin Toh, 2019-01-10 Understood one way the branch of contemporary philosophical ethics that goes by the label metaethics concerns certain second order questions about ethics questions not in ethics but rather ones about our thought and talk about ethics and how the ethical facts insofar as there are any fit into reality Analogously the branch of contemporary philosophy of law that is often called general jurisprudence deals with certain second order questions about law questions not in the law but rather ones about our thought and talk about the law and how legal facts insofar as there are any fit into reality Put more roughly and using an alternative spatial metaphor metaethics concerns a range of foundational questions about ethics whereas general jurisprudence concerns analogous questions about law As these characterizations suggest the two sub disciplines have much in common and could be thought to run parallel to each other Yet the connections between the two are currently mostly ignored by philosophers or at least under scrutinized The new essays collected in this book are aimed at changing this state of affairs *Dimensions of Normativity* collects together works by metaethicists and legal philosophers that address a number of issues that are of common interest with the goal of accomplishing a new rapprochement between the two sub disciplines

Morality and the Nature of Law Kenneth Einar Himma, 2019-03-07 *Morality and the Nature of Law* explores the conceptual relationship between morality and the criteria that determine what counts as law in a given society the criteria of legal validity Is it necessary condition for a legal system to include moral criteria of legal validity Is it even possible for a legal system to have moral criteria of legal validity The book considers the views of natural law theorists ranging from Blackstone to Dworkin and rejects them arguing that it is not conceptually necessary that the criteria of legal validity include moral norms Further it rejects the exclusive positivist view arguing instead that it is conceptually possible for the criteria of validity to include moral norms In the process of considering such questions this book considers Raz's views concerning the nature of authority and Shapiro's views about the guidance function of law which have been thought to repudiate the conceptual possibility of moral criteria of legal validity The book then articulates a thought experiment that shows that it is possible for a legal system to have such criteria and concludes with a chapter that argues that any legal system like that of the United States which affords final authority over the content of the law to judges who are fallible with respect to the requirements of morality is a legal system with purely source based criteria of validity

Law's Humility Triantafyllos Gkouvras, 2021-02-25 This book invites newcomers to analytical legal philosophy to reconsider the terms in which they are accustomed to describing and defending their jurisprudential allegiances It argues that familiar taxonomic labels such as legal positivism natural law theory and legal interpretivism are

poor guides to the actual diversity of views on the nature and normativity of law mainly because they fail to carve up the reality of jurisprudential disagreement at its joints. These joints, the author suggests, are elusive because the semantics of law systematically misplaces them. Their true nature resides in the metaontological and metanormative features that dictate or indicate the target of a theory's jurisprudential commitments. The book advocates a new vocabulary for articulating these commitments without eliminating the use of familiar criteria of division among competing theories of law. The resulting picture is a much broader platform of meaningful disagreement about the nature and grounds of legal truth and legal normativity. Albeit based on a factualist cognitivist understanding of the sources and grounds of law, the book reserves ample room for the unconvinced. Those suspicious of the project of ontologising theoretical disagreements in law can avail themselves of the quietist or anti-metaphysical avenue that the book's alternative taxonomy also makes available. The humblest path to law's reality may not be metaphysically ambitious after all.

Oxford Studies in Philosophy of Law Volume 3 John Gardner, Leslie Green, Brian Leiter, 2018-09-13 *Oxford Studies in Philosophy of Law* is a forum for some of the best new philosophical work on law by both senior and junior scholars from around the world. The essays range widely over issues in general jurisprudence, the nature of law, adjudication and legal reasoning, the philosophical foundations of specific areas of law from criminal law to evidence to international law, the history of legal philosophy and related philosophical topics that illuminate the problems of legal theory. *OSPL* will be essential reading for philosophers, academic lawyers, political scientists and historians of law who wish to keep up with the latest developments in this flourishing field.

Shared Authority Dimitrios Kyritsis, 2015-01-22 This new book advances a fresh philosophical account of the relationship between the legislature and courts, opposing the common conception of law in which it is legislatures that primarily create the law and courts that primarily apply it. This conception has eclectic affinities with legal positivism and although it may have been a helpful intellectual tool in the past, it now increasingly generates more problems than it solves. For this reason, the author argues, legal philosophers are better off abandoning it. At the same time, they are asked to dismantle the philosophical and doctrinal infrastructure that has been based on it and which has been hitherto largely unquestioned. In its place, the book offers an alternative framework for understanding the role of courts and the legislature, a framework which is distinctly anti-positivist and which builds on Ronald Dworkin's interpretive theory of law. But contrary to Dworkin, it insists that legal duty is sensitive to the position one occupies in the project of governing. Legal interpretation is not the solitary task of one super-judge but a collaborative task structured by principles of institutional morality such as separation of powers which impose a moral duty on participants to respect each other's contributions. Moreover, this collaborative task will often involve citizens taking an active role in their interaction with the law.

Understanding Jurisprudence Raymond Wacks, 2012-02-02 Perfect for the student new to jurisprudence, this book provides an illuminating introduction to the central questions of legal theory. An experienced teacher of jurisprudence, Professor Wacks' approach is both accessible and entertaining, providing the

ideal base for further study **A Guest in a Nightmare** Barry Igdaloff, 2008-05 Barry Igdaloff's *A Guest in a Nightmare* is a story of a money manager looking for a superior growth investment for himself and his clients that veers wildly off course. That he made money is irony; the costs incurred along the way are the real story. They serve as a captivating tale of corporate mismanagement and misfeasance to say nothing of dubious ethics and sexual harassment. As Igdaloff goes from passive investor to active and then a member of the board, he will guide you through a story of how the fallibility of human nature, the lust for money and power, can permeate the corporate structure. If you've ever wondered how an investment can make you run from the boardroom to the restroom, this is your book. In the end, *A Guest in a Nightmare* is not only an enjoyable ride but a lesson every investor should learn. Scott Lasser, Author of *Battle Creek* and *All I Could Get* **Flexibility in Modern Business Law** Mark Fenwick, Stefan Wróblewski, 2016-01-08 This book brings together a number of contributions examining how changes associated with economic globalization have contributed to the creation of new pressures on and expectations of those fields of law connected to the regulation of cross-border commercial transactions. These new demands of law, in particular that it be more agile or flexible in regulating the economy, have prompted lawmakers and regulators in multiple jurisdictions to adopt a range of new regulatory techniques and legal forms to respond to this challenge. In many cases, these adaptations in law have entailed compromising traditional legal principles such as legal certainty in favor of empowering regulators with greater discretion than has traditionally been permitted in modern law. This change raises important questions about the meaning of fairness, certainty, or flexibility, as well as the relationship between the public and private good. **Morality and Revelation in Islamic Thought and Beyond** Amir Saemi, 2024 The book is about the moral problem generated by morally controversial passages in scripture and in the Qur'an, in particular passages that seem to allow violence and discrimination against women and sexual and religious minorities. The conservatives argue that scripture can override our own moral judgments and thus certain acts of violence or discrimination can be morally justified through scripture. The book explores this conservative argument and finds ways to undermine it. The book aims to show how a progressive Muslim or a theist in general can reject violence and discrimination without renouncing scripture as God's word. Moreover, the book provides a refreshing overview of the history of ethics in the Islamic tradition. *Interpretivism and the Limits of Law* Tomasz Gózbart-Studnicki, Francesca Poggi, Izabela Skoczeń, 2022-12-08 What does it mean to understand the law? This challenging book discusses whether and how understanding the law is qualitatively different from understanding a different non-legal text or linguistic utterance and whether knowledge of a language is sufficient to understand legal content in that language. *Social Ontology, Normativity and Law* Miguel García-Godínez, Rachael Mellin, Raimo Tuomela, 2020-07-06 This volume contains the proceedings of the Social Ontology, Normativity and Philosophy of Law conference which took place on May 30-31, 2019, at the University of Glasgow. At the invitation of the Social Ontology Research Group, a panel of prominent scholars shed light on normativity from the perspective of social ontology and the

philosophy of law **Big Data, Databases and "Ownership" Rights in the Cloud** Marcelo Corrales

Compagnucci, 2019-11-02 Two of the most important developments of this new century are the emergence of cloud computing and big data. However, the uncertainties surrounding the failure of cloud service providers to clearly assert ownership rights over data and databases during cloud computing transactions and big data services have been perceived as imposing legal risks and transaction costs. This lack of clear ownership rights is also seen as slowing down the capacity of the Internet market to thrive. Click-through agreements drafted on a take-it-or-leave-it basis govern the current state of the art and they do not allow much room for negotiation. The novel contribution of this book proffers a new contractual model advocating the extension of the negotiation capabilities of cloud customers, thus enabling an automated and machine-readable framework orchestrated by a cloud broker. Cloud computing and big data are constantly evolving and transforming into new paradigms where cloud brokers are predicted to play a vital role as innovation intermediaries adding extra value to the entire life cycle. This evolution will alleviate the legal uncertainties in society by means of embedding legal requirements in the user interface and related computer systems or its code. This book situates the theories of law and economics and behavioral law and economics in the context of cloud computing and takes database rights and ownership rights of data as prime examples to represent the problem of collecting, outsourcing, and sharing data and databases on a global scale. It does this by highlighting the legal constraints concerning ownership rights of data and databases and proposes finding a solution outside the boundaries and limitations of the law. By allowing cloud brokers to establish themselves in the market as entities coordinating and actively engaging in the negotiation of service level agreements (SLAs) with individual customers as well as small and medium-sized enterprises, they could efficiently and effortlessly choose a cloud provider that best suits their needs. This approach, which the author calls plan-like architectures, endeavors to create a more trustworthy cloud computing environment and to yield radical new results for the development of the cloud computing and big data markets. Getting Our Act Together Anne Schwenkenbecher, 2020-12-31 Together we can often achieve things that are impossible to do on our own. We can prevent something bad from happening or we can produce something good even if none of us could do it by ourselves. But when are we morally required to do something of moral importance together with others? This book develops an original theory of collective moral obligations. These are obligations that individual moral agents hold jointly but not as unified collective agents. The theory does not stipulate a new type of moral obligation but rather suggests that to think of some of our obligations as joint or collective is the best way of making sense of our intuitions regarding collective moral action problems. Where we have reason to believe that our efforts are most efficient as part of a collective endeavor, we may incur collective obligations together with others who are similarly placed as long as we are able to establish compossible individual contributory strategies towards that goal. The book concludes with a discussion of massively shared obligations to major-scale moral problems such as global poverty. Getting Out Act Together: A Theory of Collective Moral Obligations will

appeal to researchers and advanced students working in moral political and social philosophy philosophy of action social epistemology and philosophy of social science Color and Money Peter Schmidt, 2025-03-14 What is the real story behind the fight over affirmative action at colleges Veteran journalist Peter Schmidt exposes truths that will outrage readers and forever transform the debate He reveals how colleges use affirmative action to mask how much they cater to the country club crowd and to solicit support from the big corporations they steer minority students toward conservatives have used opposition to affirmative action to advance a broader agenda that includes gutting government programs that help level the playing field selective colleges reward families for shielding their children from contact with other races and classes and help perpetuate societal discrimination by favoring applicants from expensive private schools or public schools in exclusive communities racial tensions like those witnessed at Duke University the University of Michigan and scores of other campuses in recent decades are a direct result of college admissions policies affirmative action preferences for women and minorities may have survived recent court challenges but in much of the nation they are unlikely to survive the forces of democracy and regardless of what happens with affirmative action African Americans are going to be denied equal access to colleges for many decades to come unless American society undergoes revolutionary change This is a startling brave and thoroughly researched book that will ignite a national debate on class and education for years to come

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