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JURISTS: PROFILES IN LEGAL THEORY

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Harvard Law Review



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Understanding Jurisprudence Raymond Wacks, 2015 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 **Ronald Dworkin** Stephen Guest, 1992-01-01 Law Books Published ,1992 **A Personalist Jurisprudence, the Next Step** Samuel J. M. Donnelly, 2003 In 1880 Oliver Wendell Holmes Jr defined law as the predictions of what courts would do Others particularly his intellectual opponent Christopher Columbus Langdell perceived law as a system of language and rules This book offers an interpretation of American law and a method for judicial decision making Donnelly offers a vision of American law as an activity engaged in by a variety of players including judges advocates for the plaintiff and defendants law reformers scholars and perhaps all of us A central argument is that law is concerned with persons and their relations Arguably during the 20th century there was in jurisprudential thought a step by step piecemeal recovery of a role for the person in the law The next logical step in the 21st century is an explicitly person centered jurisprudence as interpretation of American law An important aspect of this book is its critique of both legal and general intellectual method Lawyers concerned with critiques of judicial decision making judges law professors and law students will find this book invaluable as will political scientists philosophers and social scientists The foreword to A Personalist Jurisprudence The Next Step is written by Vice President Joseph Biden I think Donnelly s work may well be an invaluable guide in considering what counts most in a Supreme Court justice a method for interpretation which will be in accord with his commitment to afford all persons deep respect and concern and try to understand persons their needs and their horizons Joseph R Biden Jr Vice President This book is recommended for those interested in jurisprudence legal philosophy or constitutional theory Bimonthly Review of Law Books May June 2003 All seven chapters are readable and superbly presented with excellent subsections and summary conclusions Highly recommended CHOICE Magazine December 2003 *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 The New Zealand Law Journal ,1975 The Defence of Natural Law Charles Covell, 2016-07-27 The Defence of Natural Law comprises a study of the philosophies of law expounded by Lon L Fuller Michael Oakeshott F A Hayek Ronald Dworkin and John Finnis The work of these theorists

is situated in relation to the modern tradition in legal philosophy In this way it is demonstrated that the theorists adhered closely to the natural law standpoint in legal philosophy while also defending the particular view of the proper functions of law and the state that distinguished the tradition of modern liberalism Gadamer and Law Francis J. Mootz Iii, 2017-07-05

Hans Georg Gadamer's philosophical hermeneutics is especially relevant for law which is grounded in the interpretation of authoritative texts from the past to resolve present day disputes In this collection leading scholars consider the importance of Gadamer's philosophy for ongoing disputes in legal theory The work of prominent philosophers including Fred Dallmayr P Christopher Smith and David Hoy is joined with the work of leading legal theorists such as William Eskridge Lawrence Solum and Dennis Patterson to provide an overview of the connections between law and Gadamer's hermeneutical philosophy Part I considers the relevance of Gadamer's philosophy to longstanding disputes in legal theory such as the debate over originalism the rule of law and proper modes of statutory and constitutional exegesis Part II demonstrates Gadamer's significance for legal theory by comparing his approach to the work of Nietzsche Habermas and Dworkin *The Judicial Process* Ruggero J. Aldisert, 1996 Exposes readers to the nuances of precedent retroactivity statutory construction inductive and deductive reasoning the exercise of discretion and standards of review in appellate courts Also includes teachings from American masters in the law and succinct discussions of the fundamental theories of philosophy and jurisprudence *Harvard Law Review: Volume 125, Number 1 - November 2011* Harvard Law Review, 2011-11-22 The Harvard Law Review is offered in a digital edition for ereaders featuring active Table of Contents linked footnotes and cross references legible tables and proper ebook formatting The Review generally publishes articles by professors judges and practitioners and solicits reviews of important recent books from recognized experts Most student writing takes the form of Notes Recent Cases Recent Legislation and Book Notes This current issue of the Review is November 2011 the first issue of academic year 2011 2012 Volume 125 The November issue is the special annual review of the Supreme Court's previous term Each year the issue is introduced by noteworthy and extensive articles from recognized scholars In this issue the Foreword is authored by Dan Kahan and examines the idea of neutral judicial review and the Supreme Court's methodology of constitutional decisionmaking and establishment of precedent as well as the problem of motivated cognition particularly in light of notable cases from the 2010 Term An article by Judith Resnik offers an extensive Comment on three recent notable cases *Wal-Mart v. Dukes* *AT-T v. Concepcion* and *Turner v. Rogers* In addition the first issue of each new volume provides an extensive summary of the important cases of the previous Supreme Court docket on a wide range of legal political and constitutional subjects This issue surveys in a series of case notes the 2010 Term Finally the issue includes statistical summaries and tables of the 2010 Term and recent book notes **Encyclopedia of Philosophy** Donald M. Borchert, 2006 This volume covering entries from *Oakeshott Michael* to *Presupposition* presents articles on Eastern and Western philosophies medical and scientific ethics the Holocaust terrorism censorship biographical entries and much more Systemic Racism in South Africa Rupert

Taylor,2024-12-06 This book takes a critical macro level political sociological perspective to understanding South African politics and society Applying systemic racism theory to South Africa the author argues that South African society through its exclusionary social mechanisms has assumed a systemically racist form that deeply compromises questions of truth and justice Constitutive of and embedded in the structure of South African society racism has a reach and a durability that runs deep through the successive stages of segregationism apartheid and liberal democracy Showing the limits of the rule of law in a racist society the author offers a theoretically informed interpretation as to why the national liberation struggle has fallen short of its promise to deliver a better life for all and as to why truth and justice remain so deeply compromised in South Africa today The arguments advanced are supported by over thirty semi structured interviews conducted by the author with high profile South African politicians jurists and intellectuals as well as by using Truth and Reconciliation Commission hearing transcripts both public and top secret This thought provoking book is driven by the imperative to offer a compelling and sustained argument for taking a systemic racism approach to interpreting South Africa for scholars and students of sociology political science race and ethnic studies law and South African history *The Economics of Peace* J. Frederick Arment,2014-11-19 From the Arab Spring to the Occupy and Tea Party movements the What now solution to economic disparity and power politics has been largely unarticulated This work details how the Golden Rule ethic and a technology driven global consciousness are causing epic shifts in our economic and governing systems The evolution from nation state capitalism to a collaborative economy with judicial governance is proving that prosperity is compatible with peace With ten case studies of successful Golden Rule organizations and an innovative study of the reciprocal ethic this book provides accessible thought provoking analysis of rapid worldwide change and forecasts a future of freedom purpose and hope

Supreme Court Decision-Making Cornell W. Clayton,Howard Gillman,1999 What influences decisions of the U S Supreme Court For decades social scientists focused on the ideology of individual justices Supreme Court Decision Making moves beyond this focus by exploring how justices are influenced by the distinctive features of courts as institutions and their place in the political system Drawing on interpretive historical institutionalism as well as rational choice theory a group of leading scholars consider such factors as the influence of jurisprudence the unique characteristics of supreme courts the dynamics of coalition building and the effects of social movements The volume s distinguished contributors and broad range make it essential reading for those interested either in the Supreme Court or the nature of institutional politics Original essays contributed by Lawrence Baum Paul Brace Elizabeth Bussiere Cornell Clayton Sue Davis Charles Epp Lee Epstein Howard Gillman Melinda Gann Hall Ronald Kahn Jack Knight Forrest Maltzman David O Brien Jeffrey Segal Charles Sheldon James Spriggs II and Paul Wahlbeck **The Wheel of Law** Gary Jeffrey Jacobsohn,2009-01-10 How can religious liberty be guaranteed in societies where religion pervades everyday life In The Wheel of Law Gary Jacobsohn addresses this dilemma by examining the constitutional development of secularism in India within an unprecedented cross national framework that

includes Israel and the United States He argues that a country's particular constitutional theory and practice must be understood within its social and political context The experience of India where religious life is in profound tension with secular democratic commitment offers a valuable perspective not only on questions of jurisprudence and political theory arising in countries where religion permeates the fabric of society but also on the broader task of ensuring religious liberty in constitutional polities India's social structure is so entwined with religion Jacobsohn emphasizes that meaningful social reform presupposes state intervention in the spiritual domain Hence India's ameliorative model of secular constitutionalism designed to ameliorate the disabling effects of the caste system and other religiously based practices Jacobsohn contrasts this with the visionary secularism of Israel where the state identifies itself with a particular religion and with America's assimilative secularism Constitutional globalization is as much a reality as economic globalization Jacobsohn concludes and within this phenomenon the place of religion in liberal democracy is among the most vexing challenges confronting us today A richly textured account of the Indian experience with secularism developed in a broad comparative framework this book is for all those seeking ways to respond to this challenge *The British National Bibliography* Arthur James Wells,1993

Profiles, Probabilities, and Stereotypes Frederick Schauer,2009-07-01 When the law makes decisions about groups based on averages the public benefit can be enormous On the other hand profiling and stereotyping may lead to injustice As Schauer argues there is good profiling and bad profiling If we can effectively determine which is which we stand to gain not lose a measure of justice **Rethinking Abortion** Mark Graber,1999-03-23 Mark Graber looks at the history of abortion law in action to argue that the only defensible constitutional approach to the issue is to afford all women equal choice abortion should remain legal or bans should be strictly enforced Steering away from metaphysical critiques of privacy Graber compares the philosophical constitutional and democratic merits of the two systems of abortion regulation witnessed in the twentieth century pre Roe v Wade statutory prohibitions on abortion and Roe's ban on significant state interference with the market for safe abortion services He demonstrates that before Roe pro life measures were selectively and erratically administered thereby subverting our constitutional commitment to equal justice Claiming that these measures would be similarly administered if reinstated the author seeks to increase support for keeping abortion legal even among those who have reservations about its morality Abortion should remain legal Graber argues because statutory bans on abortion have a history of being enforced in ways that intentionally discriminate against poor persons and persons of color In the years before Roe the same law enforcement officials who routinely ignored and sometimes assisted those physicians seeking to terminate pregnancies for their private patients too often prevented competent abortionists from offering the same services to the general public This double standard violated the fundamental human and constitutional right of equal justice under law a right that remains a major concern of the equal protection clause of the Fourteenth Amendment *The Listener* ,1984

Western Ontario law review ,1974

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Table of Contents Ronald Dworkin Jurists Pro In Legal Theory Series

1. Understanding the eBook Ronald Dworkin Jurists Pro In Legal Theory Series
 - The Rise of Digital Reading Ronald Dworkin Jurists Pro In Legal Theory Series
 - Advantages of eBooks Over Traditional Books
2. Identifying Ronald Dworkin Jurists Pro In Legal Theory Series
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Ronald Dworkin Jurists Pro In Legal Theory Series
 - User-Friendly Interface
4. Exploring eBook Recommendations from Ronald Dworkin Jurists Pro In Legal Theory Series
 - Personalized Recommendations
 - Ronald Dworkin Jurists Pro In Legal Theory Series User Reviews and Ratings
 - Ronald Dworkin Jurists Pro In Legal Theory Series and Bestseller Lists
5. Accessing Ronald Dworkin Jurists Pro In Legal Theory Series Free and Paid eBooks
 - Ronald Dworkin Jurists Pro In Legal Theory Series Public Domain eBooks
 - Ronald Dworkin Jurists Pro In Legal Theory Series eBook Subscription Services
 - Ronald Dworkin Jurists Pro In Legal Theory Series Budget-Friendly Options

6. Navigating Ronald Dworkin Jurists Pro In Legal Theory Series eBook Formats
 - ePub, PDF, MOBI, and More
 - Ronald Dworkin Jurists Pro In Legal Theory Series Compatibility with Devices
 - Ronald Dworkin Jurists Pro In Legal Theory Series Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Ronald Dworkin Jurists Pro In Legal Theory Series
 - Highlighting and Note-Taking Ronald Dworkin Jurists Pro In Legal Theory Series
 - Interactive Elements Ronald Dworkin Jurists Pro In Legal Theory Series
8. Staying Engaged with Ronald Dworkin Jurists Pro In Legal Theory Series
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Ronald Dworkin Jurists Pro In Legal Theory Series
9. Balancing eBooks and Physical Books Ronald Dworkin Jurists Pro In Legal Theory Series
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Ronald Dworkin Jurists Pro In Legal Theory Series
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Ronald Dworkin Jurists Pro In Legal Theory Series
 - Setting Reading Goals Ronald Dworkin Jurists Pro In Legal Theory Series
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Ronald Dworkin Jurists Pro In Legal Theory Series
 - Fact-Checking eBook Content of Ronald Dworkin Jurists Pro In Legal Theory Series
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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wife get back on track and adjust to life outside the psychiatric hospital

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