

Volume 7 · Number 3 · October 2013

CRIMINAL LAW AND PHILOSOPHY

**An International Journal
for Philosophy of Crime,
Criminal Law and Punishment**

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Fifty Years On**

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Philosophy Of Law 1975

B.A. Brody, H. Tristram Engelhardt Jr.

Philosophy Of Law 1975:

Philosophy of Law in Korea Jeong-Oh Kim, Hak Tai Kim, Joon-Seok Park, Dong-Ryong Shin, 2022-10-21 When Korea began as a newly independent state in 1948 its economy was very underdeveloped and the rule of law was just established. The journey of democratization in Korea was not without challenges. This book traces the history of the legal philosophy development in Korea and highlights Korea's unique experience. This book shows how Western legal philosophy has been accepted in Korea, a non-Western country that has newly introduced the Western legal system and what role the legal philosophy has played in social context. The book also examines academic scholars' intellectual activities in a historical context and how their intellectual products are yielded through their continuous response to the circumstances of the time. It specifically looks at the many challenging tasks legal philosophers had to overcome in a society when the rule of law and democracy had not yet settled. The book explores how Korean legal philosophers coped during such unique historical situations. It also illustrates how Korean scholars accepted German and Anglo-American legal philosophies and integrated them to change social realities of Korea. Through Korea's experience, this book will provide insights into how modern legal philosophy develops in a new state and what legal philosophers' responses would be like during such a process. The developing process of legal philosophy in Korean society will interest not only readers in countries who have had similar experiences to Korea but also readers in the West.

A Treatise of Legal Philosophy and General Jurisprudence Enrico Pattaro, Corrado Roversi, 2016-07-13 A Treatise of Legal Philosophy and General Jurisprudence is the first ever multivolume treatment of the issues in legal philosophy and general jurisprudence from both a theoretical and a historical perspective. The work is aimed at jurists as well as legal and practical philosophers. Edited by the renowned theorist Enrico Pattaro and his team, this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholars at all levels. The work is divided in two parts. The theoretical part, published in 2005, consisting of five volumes, covers the main topics of the contemporary debate. The historical part, consisting of six volumes, Volumes 6-8 published in 2007, Volumes 9 and 10 published in 2009, Volume 11 published in 2011, and Volume 12 forthcoming in 2016, accounts for the development of legal thought from ancient Greek times through the twentieth century. Volume 12, Legal Philosophy in the Twentieth Century: The Civil Law World, Volume 12 of A Treatise of Legal Philosophy and General Jurisprudence, titled Legal Philosophy in the Twentieth Century: The Civil Law World, functions as a complement to Gerald Postema's volume 11, titled Legal Philosophy in the Twentieth Century: The Common Law World, and it offers the first comprehensive account of the complex development that legal philosophy has undergone in continental Europe and Latin America since 1900. In this volume, leading international scholars from the different language areas, making up the civil law world, give an account of the way legal philosophy has evolved in these areas in the 20th century, the outcome being an overall mosaic of civil law legal philosophy in this arc of time. Further, specialists in the field describe the development that

legal philosophy has undergone in the 20th century by focusing on three of its main subjects namely legal positivism natural law theory and the theory of legal reasoning and discussing the different conceptions that have been put forward under these labels The layout of the volume is meant to frame historical analysis with a view to the contemporary theoretical debate thus completing the Treatise in keeping with its overall methodological aim namely that of combining history and theory as a necessary means by which to provide a comprehensive account of jurisprudential thinking Karl Marx, Anthropologist Thomas C. Patterson, 2020-05-31 After being widely rejected in the late 20th century the work of Karl Marx is now being reassessed by many theorists and activists Karl Marx Anthropologist explores how this most influential of modern thinkers is still highly relevant for Anthropology today Marx was profoundly influenced by critical Enlightenment thought He believed that humans were social individuals that simultaneously satisfied and forged their needs in the contexts of historically particular social relations and created cultures Marx continually refined the empirical philosophical and practical dimensions of his anthropology throughout his lifetime Assessing key concepts from the differences between class based and classless societies to the roles of exploitation alienation and domination in the making of social individuals Karl Marx Anthropologist is an essential guide to Marx's anthropological thought for the 21st century **The Jewish Law Annual** Bernard S.

Jackson, 2023-04-12 **The Moral Structure of Legal Obligation** John-Michael Kuczynski, 2006 What are laws and do they necessarily have any basis in morality The present work argues that laws are governmental assurances of protections of rights and that concepts of law and legal obligation must therefore be understood in moral terms There are of course many immoral laws But once certain basic truths are taken into account in particular that moral principles have a dimension of weight to use an expression of Ronald Dworkin's and also that principled relations are not always expressed by perfect statistical concomitances the existence of iniquitous laws poses no significant threat to a moralistic analysis of law Special attention is paid to the debate between Ronald Dworkin and H L A Hart Dworkin's overall position is argued to be correct but issue is taken with his argument for that position Hart's analysis is found to be vitiated by an impoverished conception of morality and also of the nature of government Our analysis of law enables us to answer three questions that at this juncture of history are of special importance Are there international laws If not could such laws exist And if they could exist would their existence necessarily be desirable The answers to these questions are respectively no yes and no Our analysis of law enables us to hold onto the presumption that so called legal interpretation is a principled endeavor and that some legal interpretations are truer to existing laws than others At the same time it accommodates the obvious fact that the sense in which a physicist interprets meter readings or in which a physician interprets a patient's symptoms is different from the sense in which judges interpret the law So our analysis of law enables us to avoid the extreme views that have thus far dominated debates concerning the nature of legal interpretation On the one hand it becomes possible to avoid the cynical view held by the so called legal realists that legal interpretation is mere legislation and that no legal interpretation is more

correct than any other On the other hand it becomes possible to avoid Blackstone's view rightly described by Austin as a childish fiction that judges merely discover and do not create the law

The Autonomy of Law Robert P. George, 1996 This collection of essays from legal philosophers offers an assessment of the nature and viability of legal positivism It addresses questions such as to what extent is the law adequately described as autonomous and should legal theorists maintain a conceptual separation of law and morality

Law, Ideology and Punishment A.W. Norrie, 2012-12-06 This book is about Kantianism in both a narrow and a broad sense In the former it is about the tracing of the development of the retributive philosophy of punishment into and beyond its classical phase in the work of a number of philosophers one of the most prominent of whom is Kant In the latter it is an exploration of the many instantiations of the Kantian ideas of individual guilt responsibility and justice within the substantive criminal law On their face such discussions may owe more or less explicitly to Kant but in their basic intellectual structure they share a recognisably common commitment to certain ideas emerging from the liberal Enlightenment and embodied within a theory of criminal justice and punishment which is in this broader sense Kantian The work has its roots in the emergence in the 1970s and early 1980s in the United States and Britain of the justice model of penal reform a development that was as interesting in terms of the sociology of philosophical knowledge as it was in its own right Only a few years earlier I had been taught in undergraduate criminology which appeared at the time to be the only discipline to have anything interesting to say about crime and punishment that classical criminology that is Beccaria and the other Enlightenment reformers who had been colonised as a school within criminology had died a major death in the 19th century from which there was no hope of resuscitation

Philosophical Law Richard N. Bonaugh, 1978-03-29 This is a collection of essays touching on four distinct areas of interest to philosophers lawyers and political scientists the philosophical justification for the adversary system the problems of truth finding in an adversarial setting the issue of justice in relation to social policy making the right to privacy

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in

ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends Justice, Law, and Argument Ch. Perelman, 2012-12-06 This collection contains studies on justice juridical reasoning and argumentation which contributed to my ideas on the new rhetoric My reflections on justice from 1944 to the present day have given rise to various studies The first of these was published in English as *The Idea of Justice and the Problem of Argument* Routledge Kegan Paul London 1963 The others of which several are out of print or have never previously been published are reunited in the present volume As justice is for me the prime example of a confused notion of a notion which like many philosophical concepts cannot be reduced to clarity without being distorted one cannot treat it without recourse to the methods of reasoning analyzed by the new rhetoric In actuality these methods have long been put into practice by jurists Legal reasoning is fertile ground for the study of argumentation it is to the new rhetoric what mathematics is to formal logic and to the theory of demonstrative proof It is important then that philosophers should not limit their methodological studies to mathematics and the natural sciences They must not neglect law in the search for practical reason I hope that these essays lead to a better understanding of how law can enrich philosophical thought CH P The Logos of Law: Parmenides – Hegel – Dostoevsky S.I. Zakhartsev, D.V. Maslennikov, V.P. Salnikov, 2021-04-30 This monograph develops an extensively fresh approach for interpreting logical philosophy as a way to understand the universal unity of thinking and being Fichte and Hegel and interpreting the meaning of its harmony Dostoevsky The book offers a starting easy to read overview of the essence and meaning of the universal unity of thought and being as a core concept of the classical philosophy from the teachings of Parmenides to those of the early Christian Fathers and the philosophy of law that tries to demonstrate how this universal unity which is the foundation of the absolute harmony of existence manifests in itself the certainty of law and legal awareness Gradually it proceeds to introduce increasingly difficult aspects of the German philosophy of 18th 19th centuries by presenting a synthesis of the logical form of philosophy until landing in metaphysics of law as well as major long term issues of modern jurisprudence The authors present a specialized knowledge about law as a complex and multidimensional notion they discuss the problem of monism dualism look at the law morality law religion dualisms and at the concept of the Absolute in law Their approach is aimed to develop theoretical and methodological premises of a modern comprehensive theory of law based on an updated notion of

freedom in law This paper synthesizes the results that this trio of researchers regarded as experts by the Russian scientific community has achieved after many years of systematic studies of philosophy of law It is addressed to specialists in the field of theory and philosophy of law university tutors post graduate students graduate students legal experts and to everyone who is interested in improving their knowledge of history of philosophy and legal thought as well as exploring Dostoevsky's ideas from an unusual perspective

Justice and Reverse Discrimination Alan H. Goldman, 2015-03-08 Through careful consideration of the mutually plausible yet conflicting arguments on both sides of the issue Alan Goldman attempts to derive a morally consistent position on the justice or injustice of reverse discrimination From a philosophical framework that appeals to a contractual model of ethics he develops principles of rights compensation and equal opportunity He then applies these principles to the issue at hand bringing his conclusions to bear on an evaluation of Affirmative Action programs as they tend to work in practice Originally published in 1979 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

Reason, Religion, and Natural Law Jonathan A. Jacobs, 2012-11-08 This edited volume examines the ways in which theological considerations have figured in natural law theorizing from Plato to Spinoza Theological considerations have long had a pronounced role in Catholic natural law theories but have not been seriously examined from a wider perspective The contributors to this volume take a more inclusive view of the relation between conceptions of natural law and theistic claims and principles They do not jointly defend one particular thematic claim but articulate diverse ways in which natural law has both been understood and related to theistic claims In addition to exploring Plato and the Stoics the volume also looks at medieval Jewish thought the thought of Aquinas Scotus and Ockham and the ways in which Spinoza's thought includes resonances of earlier views and intimations of later developments Taken as a whole these essays enlarge the scope of the discussion of natural law through study of how the naturalness of natural law has often been related to theses about the divine The latter are often crucial elements of natural law theorizing having an integral role in accounting for the metaethical status and ethical bindingness of natural law At the same time the question of the relation between natural law and God and the relation between natural law and divine command has been addressed in a multiplicity of ways by key figures throughout the history of natural law theorizing and these essays accord them the explanatory significance they deserve

Biomedical Ethics and the Law James M. Humber, 2013-03-09 In the past few years an increasing number of colleges and universities have added courses in biomedical ethics to their curricula To some extent these additions serve to satisfy student demands for relevance But it is also true that such changes reflect a deepening desire on the part of the academic community to deal effectively with a host

of problems which must be solved if we are to have a health care delivery system which is efficient humane and just To a large degree these problems are the unique result of both rapidly changing moral values and dramatic advances in biomedical technology The past decade has witnessed sudden and conspicuous controversy over the morality and legality of new practices relating to abortion therapy for the mentally ill experimentation using human subjects forms of genetic intervention and euthanasia Malpractice suits abound and astronomical fees for malpractice insurance threaten the very possibility of medical and health care practice Without the backing of a clear moral consensus the law is frequently forced into resolving these conflicts only to see the moral issues involved still hotly debated and the validity of the existing law further questioned Take abortion for example Rather than settling the legal issue the Supreme Court's original abortion decision in *Roe v Wade* 1973 seems only to have spurred further legal debate And of course whether or not abortion is a morally acceptable procedure is still the subject of heated dispute

Law, Legal Culture and Politics in the Twenty First Century Günther Doeker-Mach, Klaus A. Ziegert, 2004 This is a collection of essays on general and specific topics of comparative private and comparative public law by distinguished legal scholars from every part of the world in honour to the work of Alice Erh Soon Tay The essays demonstrate the changing approach to common law in legal culture and present a body of texts on comparative law problems arching from Asia to Europe to Australia The volume furthermore indicates that there is no area where comparative law has proved more dominant and useful than in regard to human rights and comparative constitutional analysis Finally this book is an outstanding cross cultural contribution to comparative private law and comparative constitutional law in terms of understanding legal culture and law It will be invaluable to all those who practise teach or judge law Articles by Kim Santow Saul Fridman W M C Gummow J A Jolowicz Hiroshi Matsuo Ivan Shearer Christopher Birch Tom Campbell Roland Drago Jennifer Hill Michael Kirby Karin Lemercier Aleksander Peczenik Robert S Summers Albert H Y Chen Jianfu Chen Edward McWhinney Eric Smithburn Klaus A Ziegert Margaret Allars Han Depei Guenther Doeker Mach Hoang Van Hao Tommy Koh Adam Lopatka Gabriel A Moens Cao Duc Thai Wang Gungwu Peter Wesley Smith Murray Gleeson Julia Horne List of Publications of Alice Erh Soon Tay

Policy Studies and the Social Sciences Stuart S. Nagel, Monograph of selected readings describing the potential contributions of various social sciences disciplines to decision making evaluation social research and general study of social policy examines the application methodology advantages and uses of applied mathematics economic theory geography the study of jurisprudence and law psychology political science social and cultural anthropology social philosophy and social theory Flow charts references and statistical tables

The Elgar Companion to Law and Economics Jürgen G. Backhaus, 2005-01-01 Acclaim for the first edition Backhaus's book is a good companion Pablo Salvador Coderch Indret A most valuable collection of papers serving to provide the reader both with an overview of some key areas in law and economics and with a biographical introduction to the work of some important if also neglected sources of scholarship in the discipline Anthony I Ogus CBE University of

Manchester UK This thoroughly updated and revised edition of a popular and authoritative reference work introduces the reader to the major concepts and leading contributors in the field of law and economics The Companion features accessible informative and provocative entries on all the significant issues and breaks new ground by bringing together widely dispersed yet theoretically congruent ideas Following a comprehensive introduction by the editor the renowned contributors look in detail at several critical areas including fundamentals of the law and economics approach private law and economics public law and economics labour law and economics regulation taxation and public enterprise dispute resolution different sources of the law economic analysis of a legal problem classical authors in law and economics Students and scholars interested in a comprehensive and rigorous overview of the field of law and economics will find this volume to be a unique and welcome resource The Companion will also have a broad appeal amongst industrial economists and historians of economic thought

Idealism, Metaphysics and Community William Sweet, 2017-07-12 This title was first published in 2001 Idealism Metaphysics and Community examines the place of idealism in contemporary philosophy and its relation to problems of metaphysics political thought and the study of the history of philosophy Following an extensive introduction by the editor and drawing on the work of the Canadian idealist Leslie Armour the book is divided into three main parts Part 1 focuses on F H Bradley Part 2 examines metaphysical issues and idealism such as the realism anti realism debate the relation of classical and idealist metaphysics rational psychology time and eternity and the divine Part 3 draws on idealism to address contemporary concerns in ethical theory political philosophy social philosophy and culture and the history of philosophy Presenting new insights into the work of classical and contemporary authors this book provides a better understanding of classical idealism and addresses important areas of contemporary philosophical social and political concern

Mental Illness: Law and Public Policy B.A. Brody, H. Tristram Engelhardt Jr., 2012-12-06 This volume developed from and around a series of six lectures sponsored by Rice University and the University of Texas Medical Branch at Galveston in the Fall of 1976 Though these lectures on the concepts of mental health mental illness and personal responsibility and the social treatment of the mentally ill were given to general audiences in Houston and Galveston they were revised and expanded to produce six extensive formal essays by Dan Brock Jules Coleman Joseph Margolis Michael Moore Jerome Neu and Rolf Sartorius The five remaining contributions by Daniel Creson Corinna Delkeskamp Edmund Erde James Speer and Stephen Wear were in various ways engendered by the debates occasioned by the original six lectures In fact the majority of the last five contributions emerged from informal discussions occasioned by the original lecture series The result is an interlocking set of essays that address the law and public policy insofar as they bear on the treatment of the mentally ill special attention being given to the definition of mental illness generally and in the law to the issues of the bearing of mental incompetence in cases of criminal and civil liability and to the issue of involuntary commitment for the purpose of treatment or for institutional care There is as well a critical defense of Thomas Szasz's radical proposal that mental illnesses are best

understood as problems in living not as diseases
cumulation covers six years 1965 70

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Table of Contents Philosophy Of Law 1975

1. Understanding the eBook Philosophy Of Law 1975
 - The Rise of Digital Reading Philosophy Of Law 1975
 - Advantages of eBooks Over Traditional Books
2. Identifying Philosophy Of Law 1975
 - 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 Philosophy Of Law 1975
 - User-Friendly Interface
4. Exploring eBook Recommendations from Philosophy Of Law 1975
 - Personalized Recommendations
 - Philosophy Of Law 1975 User Reviews and Ratings
 - Philosophy Of Law 1975 and Bestseller Lists
5. Accessing Philosophy Of Law 1975 Free and Paid eBooks

- Philosophy Of Law 1975 Public Domain eBooks
 - Philosophy Of Law 1975 eBook Subscription Services
 - Philosophy Of Law 1975 Budget-Friendly Options
6. Navigating Philosophy Of Law 1975 eBook Formats
 - ePub, PDF, MOBI, and More
 - Philosophy Of Law 1975 Compatibility with Devices
 - Philosophy Of Law 1975 Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Philosophy Of Law 1975
 - Highlighting and Note-Taking Philosophy Of Law 1975
 - Interactive Elements Philosophy Of Law 1975
 8. Staying Engaged with Philosophy Of Law 1975
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Philosophy Of Law 1975
 9. Balancing eBooks and Physical Books Philosophy Of Law 1975
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Philosophy Of Law 1975
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Philosophy Of Law 1975
 - Setting Reading Goals Philosophy Of Law 1975
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Philosophy Of Law 1975
 - Fact-Checking eBook Content of Philosophy Of Law 1975
 - 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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