

AN ANTHOLOGY
**PHILOSOPHY
OF LAW AND
LEGAL THEORY**
EDITED BY DENNIS PATTERSON



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Philosophy Of Law And Legal Theory An Anthology

Karin van Marle



Philosophy Of Law And Legal Theory An Anthology:

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Formalism and the Sources of International Law Jean d'Aspremont, 2013-05-23 This book revisits the theory of the sources of international law from the perspective of formalism. It critically analyses the virtues of formalism construed as a theory of law ascertainment as a means of distinguishing between law and non law. The theory of formalism is re-evaluated against the backdrop of the growing acceptance by international legal theorists of the blurring of the lines between law and non law. At the same time the book acknowledges that much international normative activity nowadays takes place outside the ambit of traditional international law and that only a limited part of the exercise of public authority at the international level results in the creation of international legal rules. The theory of ascertainment that the book puts forward attempts to dispel some of the illusions of formalism that accompany the traditional sources of international law. It also sheds light on the tendency of scholars, theorists, and advocates to de-formalize the identification of international legal rules with a view to expanding international law. The book seeks to revitalize and refresh the formal identification of rules by engaging with some tenets of the postmodern critique of formalism. As a result the book not only grapples with the practice of law making at the international level but it also offers broad theoretical insights on international law dealing with the main schools of thought in legal theory: positivism, naturalism, legal realism, policy oriented jurisprudence, and postmodernism. This paperback edition features the author's discussion of this book on the EJIL Talk blog.

The Blackwell Guide to the Philosophy of Law and Legal Theory Martin P. Golding, William A. Edmundson, 2008-04-15 The *Blackwell Guide to the Philosophy of Law and Legal Theory* is a handy guide to the state of play in contemporary philosophy of law and legal theory. Comprises 23 essays: critical essays on the central themes and issues of the philosophy of law today written by an international assembly of distinguished philosophers and legal theorists. Each essay incorporates essential background material on the history and logic of the topic as well as advancing the

arguments Represents a wide variety of perspectives on current legal theory The SAGE Encyclopedia of Surveillance, Security, and Privacy Bruce A. Arrigo, 2016-06-15 Although surveillance hit the headlines with revelations by Edward Snowden that the National Security Agency had been tracking phone calls worldwide surveillance of citizens by their governments actually has been conducted for centuries Only now with the advent of modern technologies it has exponentially evolved so that today you can barely step out your door without being watched or recorded in some way In addition to the political and security surveillance unveiled by the Snowden revelations think about corporate surveillance each swipe of your ID card to enter your office is recorded not to mention your Internet activity Or economic surveillance what you buy online or with a credit card is recorded and your trip to the supermarket is videotaped Drive through a tollbooth and your license plate is recorded Simply walk down a street and your image is recorded again and again and again Where does this begin and end In all levels of social structure from the personal to the political to the economic to the judicial The SAGE Encyclopedia of Surveillance Security and Privacy uncovers and explains how surveillance has come to be an integral part of how our contemporary society operates worldwide and how it impacts our security and privacy Key features include Approximately 450 signed entries from contributors around the globe Further readings and cross references conclude each article to guide students further as they explore a topic A Reader's Guide organizes entries by broad thematic areas **Law's Task** Louis E. Wolcher, 2016-04-22 What is the ultimate task of law This deceptively simple question guides this volume towards a radically original philosophical interpretation of law and justice Weaving together the philosophical jurisprudential and ethical problems suggested by five general terms thinking human suffering legal meaning time and tragedy the book places the idea of law's ultimate task in the context of what actually happens when people seek to do justice and enforce legal rights in a world that is inflected by the desperation and suffering of the many It traces the rule of law all the way down to its most fundamental level the existence of universal human suffering and how it is that law does inflict or tolerate that suffering

Searching the Law, 3d Edition Frank Bae, Edward Bander, Francis Doyle, Joel Fishman, Paul Richert, 2021-12-13

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

Legal academics and progressive politics in South Africa: Moving beyond the ivory tower - PULP FICTIONS No.2 Karin van Marle, 2006-01-01 Legal academics and progressive politics in South Africa Moving beyond the ivory tower PULP FICTIONS No 2 Edited by Karin van Marle 2006 ISSN 1992 5174 Pages 30 Print version Available Electronic version Free PDF available About PULP FICTIONS A space for dialogue Central to the becoming of a society in the context of posts postapartheid postcolonial postmodern and in the context of transformations of the political legal socio economic and cultural is the creation of a vibrant and active public sphere Of particular concern is an insistence on democracy and transparency radically different from strategic and instrumental conceptions a space for dialogue and dissent an opportunity for creativity experimentation and re imaginings About the publication In the second edition of PULP FICTIONS we continue the search for a vibrant and active public sphere through debate As in the first edition the dialogue is one between two academics from the faculty of law and as in the first edition different conceptions of law politics and the role of the academic are teased out The context of the debate in this edition is a series of research meetings of the Department of Legal History Comparative Law and Jurisprudence at the UP Law Faculty Over a course of a few of these meetings different perspectives on law politics and the limits potential of the law were voiced by different colleagues Tshepo Madlingozi presented in one of the meetings his views on the role of legal academics in progressive politics In this contribution which appears here he urges all of us to move beyond the ivory tower get out of our air conditioned offices and embrace participatory action research Madlingozi defines the latter as field research where the researcher interacts and participates with communities and engages in research that is unashamedly political Anton Kok in response takes what he calls a pragmatic instrumentalist view in contrast to Madlingozi s more ambitious critique Focusing more on law s potential he highlights the areas where law could contribute to transformation Both colleagues are not afraid to put their personal political ideological views on the table In this way they contribute to the vision of creating a space for dialogue dissent creativity and re imaginings About the authors Mr Tshepo Madlingozi works at the Department of Legal History Comparative Law and Jurisprudence Faculty of Law University of Pretoria His article Legal academics and progressive politics in South Africa Moving beyond the ivory tower Mr Anton Kok is a Senior Lecturer at the Department of Legal History Comparative Law and Jurisprudence Faculty of Law University of Pretoria His article Legal academics and progressive politics in South Africa Moving beyond the ivory tower A reply to Tshepo Madlingozi About the editor Karin van Marle is a Professor at the Department of Legal History Comparative Law and Jurisprudence at the Faculty of Law University

of Pretoria Arguing About Law Aileen Kavanagh, John Oberdiek, 2013-12-16 Arguing about Law introduces philosophy of law in an accessible and engaging way The reader covers a wide range of topics from general jurisprudence law the state and the individual to topics in normative legal theory as well as the theoretical foundations of public and private law In addition to including many classics Arguing About Law also includes both non traditional selections and discussion of timely topical issues like the legal dimension of the war on terror The editors provide lucid introductions to each section in which they give an overview of the debate and outline the arguments of the papers helping the student get to grips with both the classic and core arguments and emerging debates in the nature of law legality and morality the rule of law the duty to obey the law legal enforcement of sexual morality the nature of rights rights in an age of terror constitutional theory tort theory Arguing About Law is an inventive and stimulating reader for students new to philosophy of law legal theory and jurisprudence

Proceedings and Addresses of the American Philosophical Association American Philosophical Association, 2003
List of members in v 1 **Creativity and Limitation in Political Communities** Ignas Kalpokas, 2017-10-16 There is an inherent tension between popular and establishment powers in political communities With anti establishment sentiment on the rise across Western democracies exploring the underpinnings of this dualism and rethinking theories of political life within states is of paramount importance By combining the theories of Carl Schmitt and Benedict Spinoza this book develops a framework of continuous reproduction whereby the two powers simultaneously hold one another in tension and supersede one another In the same vein political communities are shown to be perpetually caught in a cycle of creativity contestation derived primarily from Schmitt the tragic groundlessness of politics and limitation derived primarily from Spinoza as a quasi theological belief in the status quo Providing a novel theoretical framework explaining the workings of democratic politics this book also offers a non traditional reading of Spinoza and Schmitt Whereas traditionally both have been treated as almost polar opposites here they are held in creative tension providing equally important building blocks for the proposed theory By furthering their analysis the author creates a new theory of political action Language, Meaning and the Law Christopher Hutton, 2009-01-19 Language Meaning and the Law offers an accessible critical guide to debates about linguistic meaning and interpretation in relation to legal language Law is an ideal domain for considering fundamental questions relating to how we assign meanings to words understand and comment on texts and deal with socially and ideologically significant questions of interpretation The book argues that theoretical issues of concern to linguists philosophers literary theorists and others are illuminated by the demands of the legal context since law is driven by the need for practical solutions and for determinate outcomes based on explicit reasoning Topics covered include the relationship of linguistics to legal theory indeterminacy and statutory interpretation the theory and practice of using dictionaries in law defamation and language in the public sphere and the distinction between perjury and deception This book does not assume specialist knowledge of the field and is designed as a self contained advanced introduction to a fascinating area of study The reader will gain an overall insight into

issues and debates about meaning and interpretation as well as an understanding of how these questions are shaped by the legal context

Poznań School of Legal Theory Paweł Kwiatkowski, Marek Smolak, 2021-02-08 This book grew out of the conviction that the original concepts of the Pozna School of Legal Theory are still perfectly suited for application in the era of moral pluralism and multicentric legal systems Moreover the legal theoretical proposals put forward by the circle of Pozna legal theorists and supported by firm methodological foundations have not by any means lost their value Although each of the authors tackles issues from different perspectives there is a discernible unity in their approaches expressed in the conviction that modest analysis makes more sense than ambitious analysis of the concept of law or the nature of law The Pozna School has made several valuable contributions to contemporary legal theory its works have drawn from Polish philosophy of language and therefore embedded its theoretical and legal considerations in the Polish philosophical culture it created an original model method which consists of considering ideal situations in which dependencies are not disturbed by the influence of other factors and it treats the human being as a rational person and thus as a cognizing subject and a rational agent

DNP Role Development for Doctoral Advanced Nursing Practice H. Michael Dreher, Mary Ellen Smith Glasgow, Michael D. Dahnke, Valerie T. Cotter, 2024-04-26 Provides important new content on specific ethical leadership and advocacy capabilities that advance the DNP role in nursing practice This core text for the DNP curriculum encompasses all facets of the evolving advanced practice role including diverse professional opportunities and options for career advancement With ten completely new chapters the third edition conveys the latest developments in doctoral level capabilities including the specific ethical leadership and advocacy components that advance these roles New content addresses health equity role negotiation ethical and leadership dilemmas for the clinician and the preceptor role in relation to doctoral level advanced practice Considering the predominance of students seeking the Nurse Practitioner role the book emphasizes the clinical context for the DNP along with the new AACN Domain of Professionalism There also are contributions from Nurse Midwives Nurse Anesthetists Clinical Nurse Specialists and DNPs in the Nurse Educator role The text is distinguished by distinctive Reflective Responses to the authors of all chapters These may be characterized as a Point Counterpoint feature consisting of commentaries by scholars of varying points of view that stimulates substantive critical dialogue It examines the role of evidence both practice based evidence and evidence based practice in the context of clinical problems and policy formation and focuses on how the doctoral advanced prepared nurse can discriminate translate and sometimes generate new nursing evidence The text addresses the need for both forms of evidence and underscores the importance of innovative healthcare intervention models Included is practical information illustrated with examples geared for both BSN DNP students and MSN DNP students Content on the DNP PhD double doctorate and the impact of DNP leadership on organizations further examines the relationship between nursing practice education and science New to the Third Edition Ten new chapters including coverage of COVID 19 BSN DNP Trajectories Practice Based Evidence and

Evidence Based Practice Health Equity Role Negotiation Ethical Leadership and Advocacy Roles and 2021 AACN Essentials Expanded roles and content for students of varying experience levels Emphasis on the new AACN Domain of Professionalism throughout Key Features Focuses on DNP role development with extensive contributions by leading DNP scholars and clinicians Delivers Reflective Responses in a Point Counterpoint format to stimulate vigorous class discussion Provides critical thinking questions throughout including Reflective Response Knowing What the Law Is Alexander Somek, 2021-08-26 This book provides a selective and somewhat cheeky account of prominent positions in legal theory such as American legal realism modern legal positivism sociological systems theory institutionalism and critical legal studies It presents a relational approach to law and a new perspective on legal sources The book explores topics of legal theory in a playful manner It is written and composed in a way that refutes the widespread prejudice that legal theory is a dreary subject with a cast of characters that occasionally interact in order to illustrate the claims of the book Legal experts claim to know what the law is Legal theory or jurisprudence explores whether such claims are warranted The discipline first emerged at the turn of the 20th century when the self confidence of both legal scholarship and judicial craftsmanship became severely shattered but the crisis continues to this day **Q&A Jurisprudence 2009-2010** David Brooke, 2009-06-02 Routledge Cavendish Q advice on preparing for your exams revision checklists discussion forums and more But don't just take our word for it The book was an answer to my prayers I've been begging tutors to give us ready made answers so we get a structure as to what we should be including and revising and the Q As do exactly that Azmina Thanda 2nd year LLB The Routledge Cavendish Q As are very well designed and helpful giving a good indication of what comes up in exams Deaglan McArdle 3rd year LLB LAW - Volume I Aaron Schwabach, Arthur Cockfield, 2009-10-18 Law is a component of Encyclopedia of Social Sciences and Humanities in the global Encyclopedia of Life Support Systems EOLSS which is an integrated compendium of twenty one Encyclopedias The Theme on Law provides certain general perspectives and discusses such aspects as Philosophies and Systems of Law Fields of Law Specialization Law Ethics and Justice This volume is aimed at the following five major target audiences University and College Students Educators Professional Practitioners Research Personnel and Policy Analysts Managers and Decision Makers and NGOs From Violence to Peace Alex Deagon, 2017-08-24 This book contributes to the literature on jurisprudence and theology by arguing for the role of a theoretically robust Christian theology in a legal community dominated by secular and liberal ideology It is not a doctrinal or empirical analysis but a theoretical exposition of the way in which modern law has contingently drifted from its theological origins As a result the legal system and the ideal of individual and communal relationship it envisages is characterised by antagonism and alienation or more broadly violence The book contends that the way to restore a legal community of peace is to return to a Christian theology which is informed by Trinitarian thinking or the notion of unity in diversity and reunites faith with reason Returning reason to its ground in being allows peaceful persuasion by the revelation of God's perfect being through the Trinity and Incarnation

which models and enables the peaceful coexistence of difference through self sacrificing love This in turn produces the law of love to love your neighbour as yourself Since love does no wrong to a neighbour a legal community operating by the law of love can fulfil the obligations of law by going beyond merely what is required by law and love individuals as part of a community

Legal and Ethical Issues in Nursing Education Mary Ellen Smith Glasgow,H. Michael Dreher,Michael D. Dahnke,John Gyllenhammer,2020-09-20 Understand the legal framework that provides the structure of Nursing This is the only current text to critically examine the vast array of legal and ethical matters confronting nursing faculty in classroom and clinical settings Designed to assist students preparing to be nurse educators academic nursing administrators and novice and seasoned faculty in making real life decisions about academic issues within a legal and ethical framework Replete with practical advice from experts in the fields of nursing law and ethics this text guides the reader through legal and ethical principles analyses of relevant case based scenarios and practical recommendations for handling problems in accordance with existing laws and institutional policy Clearly and concisely written and organized this text provides a comprehensive description of the legal process including higher education law the courts case law the role of a university attorney and how to read and cite judicial decisions Real world case scenarios and detailed analyses of pertinent issues including coverage of incivility discrimination harassment academic dishonesty and freedom of speech are examined from the perspective of students faculty and administrators Key Features Written by a nursing dean a former nursing dean an ethicist and a higher education attorney An entire section of legal and ethical cases featuring a unique philosophical and ethical perspective Delivers best practices for nursing faculty Provides tips on when to consult the university attorney critical elements to consider actions to take when law and ethics conflict helpful resources and a glossary of legal terms An Instructor s Manual and discussion questions facilitate teaching

The Enigmatic Realm of **Philosophy Of Law And Legal Theory An Anthology**: Unleashing the Language is Inner Magic

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