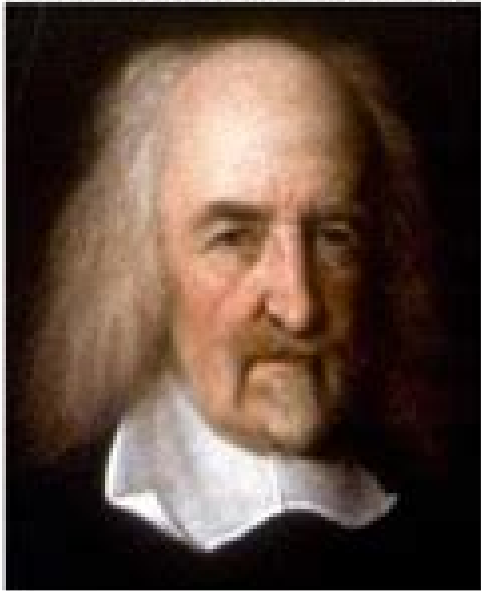


Philosophers of Positive Law:

Thomas Hobbes (1588-1679)



John Locke (1632-1704)



Rousseau (1712-1778)



Rousseau And Law Philosophers And Law

Tony Burns



Rousseau And Law Philosophers And Law:

Rousseau and Law Thom Brooks, 2005 Jean Jacques Rousseau stands as one of the most influential figures in the history of philosophy Rousseau and Law presents for the first time in one collection the most important contemporary work exploring his many contributions to legal theory **The Philosophy of Law** Christopher Berry Gray, 1999 This encyclopedia offers systematic and sustained coverage of the many dimensions of legal thought and gives expression to the breadth and depth of the philosophy of law *The Philosophy of Law in Historical Perspective* Carl Joachim Friedrich, 1963 *A Treatise of Legal Philosophy and General Jurisprudence* Damiano Canale, Paolo Grossi, Hasso Hofmann, Patrick Riley, 2009-08-11 TO VOLUMES 9 AND 10 OF THE TREATISE I am happy to present here the third batch of volumes for the Treatise project This is the batch consisting of Volumes 9 and 10 namely A History of the Philosophy of Law in the Civil Law World 1600 1900 edited by Damiano Canale Paolo Grossi and Hasso Hofmann and The Philosophers Philosophy of Law from the Seventeenth Century to Our Days by Patrick Riley Three volumes will follow Two are devoted to the philosophy of law in the 20th century and the third one will be the index for the entire Treatise which will therefore ultimately comprise thirteen volumes This Volume 9 runs parallel to Volume 8 A History of the Philosophy of Law in the Common Law World 1600 1900 by Michael Lobban published in 2007 Volume 10 for its part takes up where Volume 6 left off which appeared under the title A History of the Philosophy of Law from the Ancient Greeks to the Scholastics edited by Fred Miller Jr in association with Carrie Ann Biondi likewise published in 2007 and which is mainly a history of the philosophers philosophy of law let us refer to this philosophy as A

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 jurists and their biographies All influential schools and methods **The Philosophical Foundations of Environmental Law** Sean Coyle, Karen Morrow, 2004-04 Legal regulation of the environment is often construed as a collection of legislated responses to the problems of modern living Treated as such environmental law refers not to a body of distinctive juristic ideas such as one might find in contract law or tort but to a body of black letter rules out of which a distinct jurisprudence might grow This book challenges the accepted view by arguing that environmental law must be seen not as a mere instrument of social policy but as a historical product of surprising antiquity and considerable sophistication Environmental law it is argued is underpinned by a series of tenets concerning the relationship of human beings to the natural world through the acquisition

and use of property By tracing these ideas to their roots in the political philosophy of the seventeenth century and their reception into the early law of nuisance this book seeks to overturn the perception that environmental law's philosophical significance is confined to questions about the extent to which a state should pursue collective well being and public health through deliberate manipulation and restriction of private property rights Through a close re examination of both early and modern statutes and cases this book concludes that far from being intelligible in exclusively instrumental terms environmental law must be understood as the product of sustained reflection upon fundamental moral questions concerning the relationship between property rights and nature Philosophy, Rights and Natural Law Ian Hunter, 2019-01-22 Over his long and illustrious career Knud Haakonssen has explored the role of natural law in formulating doctrines of obligation and rights in accordance with the interests of early modern polities and churches The essays collected in this volume range across this exciting and contested field These 13 new essays acknowledge Haakonssen's immense academic achievement and give us new insights into the cultural and political role of law and rights in a variety of historical contexts and circumstances

Law at War Ola Engdahl, Pål Wrange, 2008 The authors of this volume have been inspired by the scholar to which this *Liber Amicorum* is dedicated Professor Ove Bring to look into both the past and the future of international law Like Ove Bring they have dealt with many aspects of the law governing the use of force from arms control to human rights international criminal law the UN Charter and of course international humanitarian law Like Professor Bring they have allowed themselves to draw trajectories from history and into the future and have shunned away from neither the controversial nor the speculative be it on the Middle East the invasion of Iraq or the independence of Kosovo This collection brings together insights from a former UN Legal Counsel a former Executive Chairman of UNMOVIC present and former judges of the European Court of Justice the International Criminal Tribunal for the former Yugoslavia and the International Tribunal for the Law of the Sea one present and one former member of the International Law Commission as well as law professors and practitioners from all Nordic countries Germany and Australia Together they form a highly challenging mosaic of perspectives on topical issues like cluster munitions targeting human rights in peace operations and the purposes of sentencing in international tribunals The volume also contains a bibliography and a presentation of Professor Bring's work

Marx's Discourse with Hegel N. Levine, 2012-02-21 The end of Stalinist Russia China's change under Deng Xiaoping and the publication of previously unexplored documents of Marx in the MEGA2 opened a new epoch in the analysis of Marx Marx's Discourse With Hegel is both a product and contribution to this rebirth of Marxism by its reformulation of the relationship between Hegel and Marx **Columbia Law Review**, 1921 *Social Institutions and the Politics of Recognition: From the Reformation to the French Revolution* Tony Burns, 2020-08-19 This second volume continues the story told in the first by focusing on the writings of a selection of seminal thinkers in the seventeenth and eighteenth centuries in England the German speaking world and in France ending with the debate around the French Revolution of 1789 Tony Burns

discusses the work of Thomas Hobbes John Selden Sir Matthew Hale John Locke Samuel Clarke Johannes Althusius Samuel Pufendorf Gottfried Wilhelm Leibniz Jean Barbeyrac the anonymous author of Militaire philosophie Claude Buffier l abb de Saint Pierre Jean Jacques Burlamaqui Montesquieu Jean Jacques Rousseau l abb de Siey s Jeremy Bentham Immanuel Kant Mary Wollstonecraft and Claude Henri de Saint Simon The author concludes with an analysis of the concept of administration in the writings of Saint Simon as a point of transition to the discussion of the themes of bureaucracy technocracy and managerialism in the third volume

Constituent Power and the Law Joel Colón-Ríos, 2020-03-26 Constituent power is the power to create new constitutions Frequently exercised during political revolutions it has been historically associated with extra legality and violations of the established legal order This book examines the relationship between constituent power and the law It considers the place of constituent power in constitutional history focusing on the legal and institutional implications that theorists politicians and judges have derived from it Commentators and citizens have relied on the concept of constituent power to defend the idea that electors have the right to instruct representatives to negate the doctrine of parliamentary sovereignty and to argue that the creation of new constitutions must take place through extra legislative processes including primary assemblies open to all citizens More recently several Latin American constitutions explicitly incorporate the theory of constituent power and allow citizens acting through popular initiative to trigger constitution making episodes that may result in the replacement of the entire constitutional order Constitutional courts have also at times employed constituent power to justify their jurisdiction to invalidate constitutional amendments that alter the fundamental structure of the constitution and thus amount to a constitution making exercise Some governments have used it to defend the legality of attempts to transform the constitutional order through procedures not contemplated in the constitution s amendment rule but considered participatory enough to be equivalent to the people in action sometimes sanctioned by courts Building on these findings Constituent Power and the Law argues that constituent power unlike sovereignty should be understood as ultimately based on a legal mandate to produce a particular type of juridical content In practice this makes it possible for a constitution making body to be understood as legally subject to popularly ratified substantive limits

Law in the First Person Plural Bert van Roermund, 2020-09-25 This incisive book offers an innovative understanding of Rousseau s politico legal philosophy to illustrate the legal significance of plural agency and what it means for a people to act together Testing these ideas in controversial contemporary debates Bert van Roermund provides a critical assessment of political theology and establishes a new interpretation of joint action as bodily entrenched

Kant and the Law of Peace C. Covell, 1998-03-04 Kant and the Law of Peace is a critical examination of the jurisprudential aspects of Kant s international thought with reference to the argument of his treatise Perpetual Peace 1795 Kant s international thought is situated in the wider context of his moral and political philosophy Particular attention is given to explaining how Kant saw law as providing the basis for peace among men and states in the international sphere and how in his exposition of the elements of the law of

peace he broke with the secular natural law tradition of Grotius Hobbes Wolff and Vattel **Lawyers and the Rule of Law** Andrew Boon, 2022-10-20 This book examines lawyers contributions to creating and maintaining the rule of law one of the pillars of a liberal democracy It moves from the European Enlightenment to the modern day exploring the role of judges government lawyers and private practitioners in creating defining and being defined by the demands of modern society The book is divided into 4 parts representing the big themes The first part considers lawyers contribution to the growth of constitutionalism the second the formulation of roles and identities and the third the formation of values The fourth part focuses on the challenges faced by lawyers and the rule of law in the past 50 years the neoliberal period and how they challenge both conceptions of lawyers and the rule of law Each part is illustrated by defining events from the execution of Charles I through the Nuremberg Trials to the insurrection by supporters of Donald Trump in January 2021 Although the focus is on England and Wales parallel developments in other jurisdictions Australia Canada New Zealand and the USA are considered This allows analysis of lawyers historical and contemporary engagement with the rule of law in jurisdictional systems based on the Common Law Each chapter is thematic but the passage through the book is broadly chronological

Foundations of Public Law Martin Loughlin, 2012-09-27 Foundations of Public Law offers an account of the formation of the discipline of public law with a view to identifying its essential character explaining its particular modes of operation and specifying its unique task Building on the framework first outlined in The Idea of Public Law OUP 2003 the book conceives public law broadly as a type of law that comes into existence as a consequence of the secularization rationalization and positivization of the medieval idea of fundamental law Formed as a result of the changes that give birth to the modern state public law establishes the authority and legitimacy of modern governmental ordering Public law today is a universal phenomenon but its origins are European Part I of the book examines the conditions of its formation showing how much the concept borrowed from the refined debates of medieval jurists Part II then examines the nature of public law Drawing on a line of juristic inquiry that developed from the late sixteenth to the early nineteenth centuries extending from Bodin Althusius Lipsius Grotius Hobbes Spinoza Locke and Pufendorf to the later works of Montesquieu Rousseau Kant Fichte Smith and Hegel it presents an account of public law as a special type of political reason The remaining three Parts unpack the core elements of this concept state constitution and government By taking this broad approach to the subject Professor Loughlin shows how rather than being viewed as a limitation on power law is better conceived as a means by which public power is generated And by explaining the way that these core elements of state constitution and government were shaped respectively by the technological bourgeois and disciplinary revolutions of the sixteenth century through to the nineteenth century he reveals a concept of public law of considerable ambiguity complexity and resilience Australasian Journal of Philosophy ,1928 **The Australasian Journal of Psychology and Philosophy** ,1928 **Political Philosophy from Plato to**

Jeremy Bentham G'eza Engelmann, Oszkár Jászi, 1927 *System, Order, and International Law* Stefan Kadelbach, Thomas

Kleinlein, David Roth-Isigkeit, 2017-04-28 For many centuries thinkers have tried to understand and to conceptualize political and legal order beyond the boundaries of sovereign territories Their concepts deeply entangled with ideas of theology state formation and human nature form the bedrock of today's theoretical discourses on international law This volume engages with models of early international legal thought from Machiavelli to Hegel before international law in the modern sense became an academic discipline of its own The interplay of system and order serves as a leitmotiv throughout the book helping to link historical models to contemporary discourse Part I of the book covers a diverse collection of thinkers in order to scrutinize and contextualize their respective models of the international realm in light of general legal and political philosophy Part II maps the historical development of international legal thought more generally by distilling common themes and ideas such as the relationship between universality and particularity the role of the state the influence of power and economic interests on the law and the contingencies of time space and technical opportunities In the current political climate where it appears that the reinvigorated concept of the nation state as an ordering force competes with internationalist thinking the problems at issue in the classic theories point to contemporary questions is an international system without central power possible How can a normative order come about if there is no central force to order relations between states These essays show that uncovering the history of international law can offer ways in which to envisage its future

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