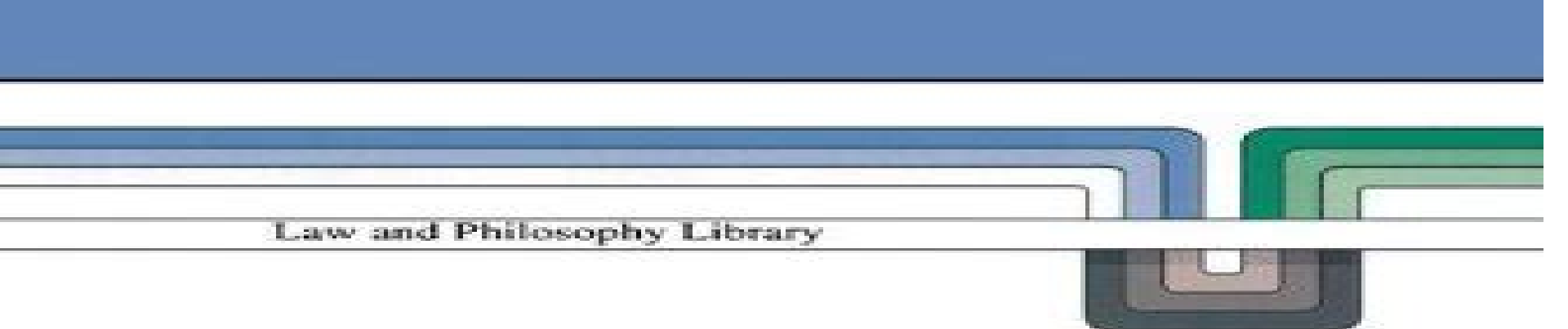




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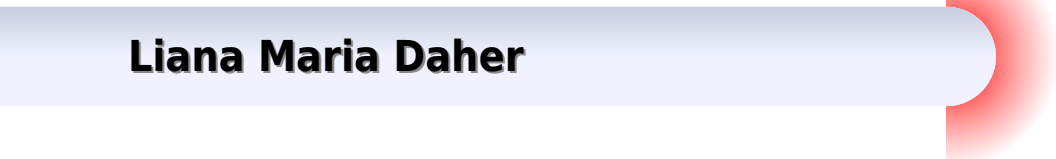
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Aviation Law Cause of Action Exclusivity in the Warsaw and Montreal Conventions Cluxton, David, 2022-02-15 This incisive book tackles a controversy that has plagued the Warsaw Convention 1929 and the Montreal Convention 1999 for decades whether the conventions provide an

independent cause of action upon which a plaintiff can rely directly when pleading their action and if so whether that cause of action provides the exclusive remedy This book resolves this controversy by presenting a new conceptual framework for understanding aviation law cause of action in the conventions **Handbook of Legal Reasoning and Argumentation**

Giorgio Bongiovanni, Gerald Postema, Antonino Rotolo, Giovanni Sartor, Chiara Valentini, Douglas Walton, 2018-07-02 This handbook addresses legal reasoning and argumentation from a logical philosophical and legal perspective The main forms of legal reasoning and argumentation are covered in an exhaustive and critical fashion and are analysed in connection with more general types and problems of reasoning Accordingly the subject matter of the handbook divides in three parts The first one introduces and discusses the basic concepts of practical reasoning The second one discusses the general structures and procedures of reasoning and argumentation that are relevant to legal discourse The third one looks at their instantiations and developments of these aspects of argumentation as they are put to work in the law in different areas and applications of legal reasoning **The Boundaries of Democracy**

Ludvig Beckman, 2022-12-06 This book provides a general theory of democratic inclusion for the present world It presents an original contribution to our understanding of the democratic ideal by explaining how democratic inclusion can apply to individuals in a variety of contexts the workplace social clubs religious institutions the family and of course the state The book explores the problem of democratic inclusion what it means to be subject to de facto authority how this conception translates into legal systems and the relationship between territorial claims by the state and law s claim to legitimate authority The volume will be of interest to scholars and researchers of politics especially political theory and democracy **Philosophical Foundations of the Nature of Law**

Wilfrid J. Waluchow, Stefan Sciaraffa, 2013-03-14 This volume examines power sharing agreements their legitimacy and their compatibility with human rights law Providing a clear accessible introduction to the political science and human rights law on the issue the book is an invaluable guide to all those engaged with transitional justice peace agreements and human rights

The Normative Force of the Factual Nicoletta Bersier Ladavac, Christoph Bezemek, Frederick Schauer, 2019-06-26 This book explores the interrelation of facts and norms How does law originate in the first place What lies at the roots of this phenomenon How is it preserved And how does it come to an end Questions like these led Georg Jellinek to speak of the normative force of the factual in the early 20th century emphasizing the human tendency to infer rules from recurring events and to perceive a certain practice not only as a fact but as a norm a norm which not only allows us to distinguish regularity from irregularity but at the same time to treat deviances as transgressions Today Jellinek s concept still provides astonishing insights on the dichotomy of is and ought to be the emergence of the normative the efficacy and the defeasibility of legal norms and the distinct character of what legal theorists refer to as normativity It leads us back to early legal history it connects anthropology and legal theory and it demonstrates the interdependence of law and the social sciences In short it invites us to fundamentally reassess the interrelation of facts and norms from various perspectives The contributing authors

to this volume have accepted that invitation *Problems of Normativity, Rules and Rule-Following* Michał Araszkiewicz, Paweł Banaś, Tomasz Gizbert-Studnicki, Krzysztof Pleszka, 2014-11-07 This book focuses on the problems of rules rule following and normativity as discussed within the areas of analytic philosophy linguistics logic and legal theory Divided into four parts the volume covers topics in general analytic philosophy analytic legal theory legal interpretation and argumentation logic as well as AI Law area of research It discusses inter alia Kripkenstein s sceptical argument against rule following and normativity of meaning the role of neuroscience in explaining the phenomenon of normativity conventionalism in philosophy of law normativity of rules of interpretation some formal approaches towards rules and normativity as well as the problem of defeasibility of rules The aim of the book is to provide an interdisciplinary approach to an inquiry into the questions concerning rules rule following and normativity Metaethical Issues in Contemporary Legal Philosophy Stefano Berteau, Jorge Silva Sampaio, 2024-12-31 This volume explores the importance of constitutivism for legal studies Constitutivism is the view that the normative force or authority of practical reasons is grounded in principles capacities aims or functions that are essential to and thus constitutive of agency While the implications that the constitutivist approach has on the fundamental metaethical disputes and central ethical debates have been extensively explored the literature on the relations between constitutivism and law remains scarce unsystematic and sporadic This collection brings together world renowned practical philosophers and legal theorists to fill a noticeable gap in the literature The authors systematically and innovatively address key dimensions of the relationships between constitutivism and the theoretical study of law as well as programmatically offering novel insights into the conceptual connections between constitutivist claims fundamental legal concepts and practices legal issues and ultimately the law as a distinctive concept The book will be of interest to academics and researchers working in the areas of Legal Philosophy Legal Theory Jurisprudence Moral Philosophy and Metaethics

Federal Administrative Law Christopher Enright, 2001 Federal administrative law is a vast expanse of statutory provisions and case law This text aims to map these provisions setting out the case and statute law in a structured and amenable way Federal Administrative Law commences with discussion of the composition powers and decision making processes of the executive government Then it covers the major remedies available for those who are dissatisfied by a decision of the executive government reasons for decision access to information under FOI legislation judicial review appeal to the Administrative Appeals Tribunal review by the Ombudsman remaking a decision collateral review and special review Enright also engages with the perennial conceptual problems of administrative law Difficulties with separating legislative executive and judicial power and in distinguishing between law and fact are considered insoluble Enright argues only because they have not been approached in the right way Enright argues for going back to basics emphasising the necessity of asking the right question in the first place In a similar vein Enright investigates problems with legitimate expectation in the law of natural justice and argues that difficulties with standing can be treated better by taking a more analytical approach to

the interests involved Federal Administrative Law will serve as a basic text and reference book for those who work in Commonwealth administrative law It is written in a clear and easy to read style that will make it suitable as a textbook in undergraduate courses **The Lawyers Reports Annotated** ,1910 **Antitrust Law Developments (sixth)** Jonathan M. Jacobson,2007 Rev ed of Antitrust law developments fifth c2002 *Legal Norms and Normativity* Sylvie Delacroix,2006-10-05 This book offers a genealogical explanation of law s normativity The term genealogical conveys a commitment to a non metaphysical type of enquiry While it explains how law as a normative phenomenon comes about it does not seek to ground law s normativity in anything but the context of social interaction giving rise to it Legal normativity is brought about on a daily basis Whether in revolutionary circumstances or in the quotidian need for judges lawmakers or citizens to balance law s demands with those of morality or prudence our ability to bind ourselves through law ultimately depends on our capacity to articulate a better way of living together and to commit ourselves to it These efforts of assessment and articulation depend in turn on our conception of normative agency Assert the need to trace the truth of ethical judgments to some independent moral facts conditioning their objectivity and you will get a different understanding of what it is we are doing when we dispute law s authority in the name of moral values Tracing the truth of moral judgements back to our own social practices not only affects the nature of disagreement it also dramatically increases our responsibility when as lawmakers judges or citizens we take the law into our own hands and confront it with our moral expectations

Democratic Protests and New Forms of Collective Action Liana Maria Daher,2023-11-29 Following a dialogic and interdisciplinary approach this book highlights changes in the concept and action of disobedience presenting a theoretical framework and applied case studies Disobedience has traditionally been played out through collective actions and protests which configure and propose alternative social scenarios to the status quo Today in a changing socio historical context disobedience represents a mode of political participation and a form of an active citizenship attempt to correct authoritarian drifts Furthermore it often highlights social problems and morally controversial issues Disobedience is not only a right granted to the individual within democratic systems and or duty imposed in the interest of society in a pro social sense i e defense of human rights and a tendency towards equalization but it also became an alternative process often symbolic of construction of reality The book focuses on a reconstructing the concept of social disobedience and the field s state of the art from an innovative contemporary theoretical and conceptual perspective and b analyzing its phenomenology within a specific territorial horizon with the objective of uncovering social and pro social aspects related to today s forms of disobedience The book therefore will appeal to students scholars and researchers of contemporary political theory political science democratization studies social movement studies criminology legal theory and moral philosophy *Moral Combat* Heidi Margaret Hurd,1999-03-28 This book explores the thesis that legal roles force people to engage in moral combat an idea which is implicit in the assumption that citizens may be morally required to disobey unjust laws while judges may be morally

required to punish citizens for civil disobedience Heidi Hurd advances the surprising argument that the law cannot require us to do what morality forbids The role relative understanding of morality is shown to be incompatible with both consequentialist and deontological moral philosophies In the end Hurd shows that our best moral theory is one which never makes one actor's moral success turn on another's moral failure Moral Combat is a sophisticated well conceived and carefully argued book on a very important and controversial topic at the junction between legal and political philosophy It will be of interest to moral legal and political philosophers as well as teachers and students of professional ethics in law

Law, Morality, and Legal Positivism International Association for Philosophy of Law and Social Philosophy. World Congress, 2004 Contents P Capps Positivism in Law and International Law D von Daniels Is Positivism a State Centered Theory K E Himma Legal Positivism's Conventionality Thesis and the Methodology of Conceptual Analysis R Nunan A Modest Rehabilitation of the Separability Thesis A Oladosu Choosing Legal Theory on Cultural Grounds An African Case for Legal Positivism C Orrego Hart's Last Legal Positivism Morality Might Be Objective Legality Certainly is Not M Pavcnik Die Unproduktivitat der Positivistischen Jurisprudenz M Haase The Hegelianism in Kelsen's Pure Theory of Law S Papaefthymiou The House Kelsen Built U J Pak Legal Practitioners Need of Reflective Application of Legal Philosophy in Korea U Schmill Jurisprudence and the Concept of Revolution D Venema Judicial Discretion a Necessary Evil J Baker Rights Obligations and Duties and the Intersection of Law Conventions and Morals S Berteau Legal Systems Claim to Normativity and the Concept of Law J Dalberg Larsen On the Relevance of Habermas and Theories of Legal Pluralism for the Study of Environmental Law A Philippopoulos Mihalopoulos A Connection of No Connection in Luhmann and Derrida **Philosophical Anarchism and**

Political Disobedience Chaim Gans, 1992-06-18 This book examines the central questions concerning the duty to obey the law the meaning of this duty whether and where it should be acknowledged and whether and when it should be disregarded Many contemporary philosophers deny the very existence of this duty but take a cautious stance towards political disobedience This toothless anarchism Professor Gans argues should be discarded in favour of a converse position confirming the existence of a duty to obey the law which can be outweighed by values and principles of political morality Informed by the Israeli experience of political disobedience motivated by radically differing moral outlooks the author sets out the principles which should guide our attitude to law and political authority even amidst clashing ideologies and irreconcilable moralities This book will be of interest to students and scholars of law philosophy and politics and anyone concerned with the individual's responsibilities toward his or her political community **Law's Humility** Triantafyllos Gkouvas, 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 *Reports of Cases in Law and Equity, Determined in the Supreme Court of the State of Iowa* Iowa. Supreme Court, 1880

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