

PRAGMATISM

in LAW & SOCIETY

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Pragmatism In Law And Society

Raimo Siltala



Pragmatism In Law And Society:

Pragmatism In Law And Society Michael Brint, William Weaver, 1991-12-29 A work which addresses the question What constructive role can pragmatism play either in structuring public debate or in dealing with life The contributors examine what pragmatism can offer in the way of a positive social programme in the field of law and political science

Encyclopedia of Law and Society David S. Clark, 2007-07-10 Introduction to and survey of the field of law and society Includes interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics *Classic Writings in Law and Society* A. Javier Trevino, 2011-12-31 This volume consists of outstanding essays by contemporary scholars and specialists on classic writings in law and society This second edition expands the previous volume by adding additional statements Included are commentaries on Edward A Ross s Social Control A Survey of the Foundations of Order Karl N Llewellyn s Jurisprudence Realism in Theory and Practice Jerome Frank s Law and the Modern Mind Leon Petrazycki s Law and Morality and Karl Renner s The Institutions of Private Law and their Social Functions The goal of Classic Writings in Law and Society is to acquaint a new generation of students with classic writings by diverse social and legal scholars ranging from Henry Sumner Maine Oliver Wendell Holmes Jr and Hans Kelsen to Eugen Ehrlich Nicholas S Timasheff and Richard Quinney This work continues to demonstrate their contemporary theoretical relevance Accordingly each chapter speaks of the scholars work in general how the particular book under consideration fits into that corpus and how the book is assessed in a present day context These essays have a clear relation to the classic tradition in sociolegal thought Reading the classics is useful in gaining a better understanding and appreciation of the essential foundation for a post classic approach in law and social inquiry an approach that can be found in such orientations as critical legal studies chaos theory in law and legal semiotics Classic Writings in Law and Society includes commentaries that consider early writings that set the standard for the social scientific approach in examining issues of law and punishment social control joint stock companies business firms and nation states in the study of law and society Law and Society Steven Vago, Adie Nelson, Veronica Nelson, Steven E. Barkan, 2017-09-26 Law and Society provides a balanced and comprehensive analysis of the interplay between law and society using both Canadian and international examples This clear and readable text is filled with interesting information ideas and insights All materials and supporting statistics have been carefully updated This edition includes an expanded discussion of the law and First Nations people recent developments impacting LGBTIQ2S persons and persons with disabilities and a new section on civil procedures Each chapter is structured similarly with an outline learning objectives key terms chapter summaries critical thinking questions and an array of additional resources **Pragmatism and Law** Michal Alberstein, 2017-03-02 Pragmatism and Law provides a textual reading of the American legal discourse as it unfolds through various genres of pragmatism which evolve and transform during the twentieth century The historical narrative which the book weaves traces the transformation of the pragmatic idea

from the forefront of philosophical intellectual inquiries at the turn of the twentieth century to a common sense lawyers practical rule of action at the turn of the twenty first century During this sequence a fresh look at American history and legal history in particular is offered through the emphasis on recurring discursive structures which assume incommensurable treatments of basic liberal notions like justice politics and truth Underlying the writing is an interpretative mode of inquiry based on European post structural methodologies while claiming to represent their next intellectual phase This contemporary mode of inquiry is that of a reading which insists on healing through the paradoxes It is the same mode that sets in the author s view the updated interpretative model of dispute resolution studies *Legal Intellectuals in Conversation* James R Hackney,2023-11-21 In this unique volume James Hackney invites readers to enter the minds of 10 legal experts that in the late 20th century changed the way we understand and use theory in law today True to the title of the book Hackney spent hours in conversation with legal intellectuals interviewing them about their early lives as thinkers and scholars their contributions to American legal theory and their thoughts regarding some fundamental theoretical questions in legal academe particularly the law politics debate *Legal Intellectuals in Conversation* is a veritable Who s Who of legal thought presented in a sophisticated yet intimate manner *The Philosopher's Index* ,1993 Vols for 1969 include a section of abstracts *A Pragmatist's Progress?* John Pettegrew,2000 In this volume a host of distinguished scholars examine Richard Rorty s influence on twentieth century American pragmatism and its commitment to achieving social democracy Rorty s reclaiming of the pragmatist tradition and his contribution to the discipline of intellectual history are highlighted at the same time each essay finds Rorty s pragmatism most fully enunciated in Contingency Irony and Solidarity lacking in its privatist vision of the good life This criticism is drawn out through explicit comparisons between Rorty and his grandfather Walter Rauschenbusch William James John Dewey Randolph Bourne Richard J Bernstein and other twentieth century pragmatist thinkers This volume offers the most complete historical treatment of this controversial intellectual to date *Law, Society and Community* Richard Nobles,David Schiff,2016-04-22 This collection of socio legal studies written by leading theorists and researchers from around the world offers original perceptive and critical contributions to ideas and theories that have been expounded by Roger Cotterrell over a long and distinguished career Engaging with many classic issues and theories of the sociology of law the contributions are likely to become classics themselves as they tackle some of the most significant challenges that modern law faces They do not shy away from what one of the contributors describes as the complexity and multiplicity of our contemporary legal world The book is organized in three parts socio legal themes methodological and jurisprudential themes globalization cultural and comparative law themes Starting with a chapter that re engages with the need to interpret legal ideas sociologically and ending with one that explores the global significance of modern fascination with the idea of the rule of law this selection offers important additions to the oeuvre of Roger Cotterrell a list of whose academic writings is included in the book *Observing Law through Systems Theory* Richard Nobles,David

Schiff,2012-12-07 This book uses Niklas Luhmann's systems theory to explore how the legal system operates as one of modern society's subsystems. The authors demonstrate how this theory alters our understanding of some of the most important and controversial issues within law: the nature of judicial communication and legal argument; the claim that it can be right to disobey law; the character of legal pluralism and globalisation; time and its construction within law; the significance of the rule of law and human rights; and the role of appeals to and within law. Systems theory enables the authors to demonstrate how the legal system observes its own operations through its own communications and how this contrasts with the manner in which law is observed by other systems such as the media and politics. In this context the authors explore the constraints imposed by systems in particular the legal system upon the individuals who participate in them. Richard Rorty

Alan R. Malachowski,2002 Law/Society John Sutton,2001 A core text for the Law and Society or Sociology of Law course offered in Sociology Criminal Justice Political Science and Schools of Law. John Sutton offers an explicitly analytical perspective to the subject: how does law change? What makes law more or less effective in solving social problems? What do lawyers do? Chapter 1 contrasts normative and sociological perspectives on law and presents a brief primer on the logic of research and inference as it is applied to law-related issues. Theories of legal change are discussed within a common conceptual framework that highlights the explanatory strengths and weaknesses of different arguments. Discussions of law in action are explicitly comparative, applying a consistent model to explain the variable outcomes of civil rights legislation. Many concrete in-depth examples throughout the chapters.

Pragmatics and Law Alessandro Capone,Francesca Poggi,2016-05-02 This volume highlights important aspects of the complex relationship between common language and legal practice. It hosts an interdisciplinary discussion between cognitive science, philosophy of language and philosophy of law in which an international group of authors aims to promote, enrich and refine this new debate. Philosophers of law have always shown a keen interest in cognitive science and philosophy of language in order to find tools to solve their problems; recently this interest was reciprocated and scholars from cognitive science and philosophy of language now look to the law as a testing ground for their theses. Using the most sophisticated tools available to pragmatics, sociolinguistics, cognitive sciences and legal theory, an interdisciplinary international group of authors address questions like: Does legal interpretation differ from ordinary understanding? Is the common pragmatic apparatus appropriate to legal practice? What can pragmatics teach about the concept of law and pervasive legal phenomena such as testimony or legal disagreements.

Law, Truth, and Reason Raimo Siltala,2011-07-29 This book is an innovative contribution to analytical jurisprudence. It is mainly based on the distinct premises of linguistic philosophy and Carnapian semantics but also addresses the issues of institutional philosophy, social pragmatism and legal principles as envisioned by Dworkin, among others. Wrblewski's three ideologies: bound, free, legal and rational; and Makkonen's three situations: isomorphic, semantically vague, normative gap of judicial decision making are further developed by means of 10 frames of legal analysis as discerned by the author. With the philosophical theories of

truth serving as a reference the frames of legal analysis include the isomorphic theory of law Wittgenstein Makkonen the coherence theory of law Alexy Peczenik Dworkin the new rhetoric and legal argumentation theory Perelman Aarnio social consequentialism Posner natural law theory Fuller Finnis and the sequential model of legal reasoning by Neil MacCormick and the Bielefelder Kreis At the end some key issues of legal metaphysics are addressed like the notion of legal systematics and the future potential of the analytical approach in jurisprudence

Law, Society, and Industrial Justice Philip Selznick, 2020-05-23 LAW SOCIETY AND INDUSTRIAL JUSTICE is a foundational study of workplace justice still engaging and referenced a half century after its original publication The 50th Anniversary Edition adds an extensive substantive Foreword by Berkeley's Lauren Edelman She writes that the book remains important for how it conceptualizes law for how it conceptualizes organizations and for the theory Selznick offers regarding the moral evolution of organizations as they become institutions or living entities infused with values It is a profound book for many reasons as she critically examines Norms and values still matter in organizational governance even in what amounts to private government as this classic work reminds us Selznick's classic text invites the reader to understand the interplay of formal and informal structures that produce new organizational norms which at their best would replace workplace arbitrariness with due process protections like those embodied in the Rule of Law It is not just an extraordinary contribution to the fields of sociology and jurisprudence it is the theoretically foundational precursor to entire subfields in sociology and law Laura Beth Nielsen Chair Department of Sociology Northwestern University Research Professor ABF Philip Selznick laid the foundation for one of law and society's most vibrant areas of inquiry law and organizations Although this book has often been underappreciated its 50th anniversary is a good opportunity to reassess its significance Indeed the current MeToo movement lends more urgency to Selznick's highly relevant ideas about conceptualizing organizations as legal orders the importance of changing norms and values the role of law within organizations and organizations influence on the law Ashley T Rubin Sociology University of Hawai'i at Manoa Selznick's study is undoubtedly the most erudite and imaginative example of the natural law approach to appear It is a very fine even extraordinary piece of legal scholarship It displays much craftsmanship depth of learning and creativity It is elegant in style and graceful in presentation Every legal sociologist should read it Donald J Black American Journal of Sociology A contribution brilliant and substantial to the literature on private government Winston M Fisk American Political Science Review Very enlightening and reminiscent of a good lecturer able to pull all the strings together chapter by chapter The volume can be recommended to all students of law industrial organization and industrial relations Industrial and Labor Relations Review

Current Legal Theory, 1992

The Anthem Companion to Philip Selznick Paul van Setters, 2021-08-17

The Anthem Companion to Philip Selznick is a collection of essays by renowned authors on the preeminent sociologist Philip Selznick 1919-2010 He is widely recognized for his major contributions to a number of fields including general sociology sociology of organizations industrial sociology sociology of law and moral sociology The contributions in the book cross

disciplinary boundaries bridge disciplinary divides and display an awareness of and respect for Selznick's humanist sensibility Selznick would have felt very comfortable in this company In that sense all the chapters of *The Anthem Companion to Philip Selznick* are true companions to Selznick's sociology *Philip Selznick* Martin Krygier, 2012-05-23 Philip Selznick's wide ranging writings engaged with fundamental questions concerning society politics institutions law and morals Never confined by a single discipline or approach he proved himself a major figure across a range of fields including sociology organizations and institutions leadership political science sociology of law political theory and social philosophy This volume the first book length treatment of Selznick's ideas discusses Selznick's various intellectual contributions Reading across Selznick's work one appreciates the coherence of his fundamental preoccupations with the social conditions for frustration and the vindication of values and ideas Exploring Selznick's insights into the nature and quality of institutional legal and social life the book also examines his particular ways of thinking concerns values and sensibility Martin Krygier brings to light the coherence of Selznick's fundamental preoccupations allowing readers to fully engage with his unique insights and distinctive moral intellectual sensibility

The Law as a System of Signs Roberta Kevelson, 2012-12-06 Even if Peirce were well understood and there existed general agreement among Peirce scholars on what he meant by his semiotics or philosophy of signs the undertaking of this book which intends to establish a theoretical foundation for a new approach to understanding the interrelations of law economics and politics against referent systems of value would be a risky venture But since such general agreement on Peirce's work is lacking one's sense of adventure in ideas requires further qualification Indeed the proverbial nerve for failure must in any case be attendant If one succeeds one has introduced for further inquiry the strong possibility that should our social systems of law economics and politics our means of interpersonal transaction as a whole be understood against the theoretical back ground of a dynamic motion picture universe that is continually becoming that is infinitely developing and changing in response to genuinely novel elements that emerge as existents then the basic concepts of rights resources and reality take on new dimensions of meaning in correspondence with n dimensional infinite value judgments or truth like beliefs which one holds If such a view as Peirce maintained were possible and tenable not only for philosophy but as the basis for action and interaction in the world of human experience and practical affairs one would readily say that risk taking is a small price for the realization of such possibility

Revolution and Evolution in Private Law Sarah Worthington, Andrew Robertson, Graham Virgo, 2018-01-11 The development of private law across the common law world is typically portrayed as a series of incremental steps each one delivered as a result of judges dealing with marginally different factual circumstances presented to them for determination This is said to be the common law method According to this process change might be assumed to be gradual almost imperceptible If this were true however then even Darwinian style evolution which is subject to major change inducing pressures such as the death of the dinosaurs would seem unlikely in the law and radical and revolutionary paradigms shifts perhaps impossible And yet the history of the common law

is to the contrary The legal landscape is littered with quite remarkable revolutionary and evolutionary changes in the shape of the common law The essays in this volume explore some of the highlights in this fascinating revolutionary and evolutionary development of private law The contributors expose the nature of the changes undergone and their significance for the future direction of travel They identify the circumstances and the contexts which might have provided an impetus for these significant changes The essays range across all areas of private law including contract tort unjust enrichment and property No area has been immune from development That fact itself is unsurprising but an extended examination of the particular circumstances and contexts which delivered some of private law s most important developments has its own special significance for what it might indicate about the shape and the shaping of private law regimes in the future

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