

# Radical Critiques of the Law

Edited by Stephen M. Griffin & Robert C. L. Moffat

# Radical Critiques Of The Law

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## **Radical Critiques Of The Law:**

**Radical Critiques of the Law** Stephen M. Griffin, Robert C. L. Moffat, 1997 The past two decades have seen an outpouring of work in legal theory that is self consciously critical of aspects of American law and the institutions of the liberal state In this lively volume eminent scholars in philosophy law and political science respond to this recent scholarship by exploring what constitutes a radical critique of the law examining such theories as critical legal studies feminist theory and theories of difference and critical race theory The authors consider whether the critiques advanced in recent legal theory can truly be called radical and what form a radical critique of American law should take Writing at the cutting edge of the critique of critical legal theory they offer insights first on critical legal scholarship then on feminist political and legal theory A third group of contributions questions the radicalness of these approaches in light of their failure to challenge fundamental aspects of liberalism while a final section focuses on current issues of legal reform through critical views on criminal punishment including observations on rape and hate speech Each major essay describes the underlying principles in the development of a radical legal theory and addresses unresolved questions relating to it while accompanying commentaries present conflicting views The resulting dialogue explores wide ranging issues like equity value relativism adversarial and empathic legal advocacy communitarianism and the social contract impartiality and contingency natural law and corrective justice A common thread for many of the articles is a focus on the social dimension of society and law which finds the individualism of prevailing liberal theories too limiting *Radical Critiques of the Law* is particularly unique in presenting critical and feminist approaches in one volume along with skeptical commentary about just how radical some critiques really are Proposing alternative critiques that embody considerably greater promise of being truly radical it offers provocative reading for both philosophers and legal scholars by showing that many claims to radicalism are highly problematic at best

*A Companion to Philosophy of Law and Legal Theory* Dennis Patterson, 2010-01-15 The articles in this new edition of *A Companion to Philosophy of Law and Legal Theory* have been updated throughout and the addition of ten new articles ensures that the volume continues to offer the most up to date coverage of current thinking in legal philosophy Represents the definitive handbook of philosophy of law and contemporary legal theory invaluable to anyone with an interest in legal philosophy Now features ten entirely new articles covering the areas of risk regulatory theory methodology overcriminalization intention coercion unjust enrichment the rule of law law and society and Kantian legal philosophy Essays are written by an international team of leading scholars *The Rule of Law History, Theory and Criticism* Pietro Costa, Danilo Zolo, 2007-05-06 Authors Costa and Zolo share the conviction that a proper understanding of the rule of law today requires reference to a global problematic horizon This book offers some relevant guides for orienting the reader through a political and legal debate where the rule of law and the doctrine of human rights is a concept both controversial and significant at the national and international levels **The Identity of God's People and the Paradox of Hebrews** Ole

Jakob Filtvedt,2015-08-03 Does the letter to the Hebrews display Jewish or Christian identity Ole Jakob Filtvedt shows that it takes up a traditional Jewish category namely membership in God s people and proposes it for its audience as a collective identity but also significantly reshapes that category in light of belief in Jesus Publisher

**Law: Key Concepts in Philosophy** David Ingram,2006-11-02 The philosophy of law inquiry into the origins nature and theory of laws and legal principles and those concepts that structure the practice of law is of great importance in moral and political philosophy as well as being a major area of philosophical concern in its own right Clear concise and comprehensive this is the ideal introduction to the philosophy of law for those studying it for the first time Drawing upon both the analytic Anglo American and Continental schools of philosophy Law Key Concepts in Philosophy summarises the work of key thinkers in the philosophy of law including Rousseau Hobbes Austin Hegel Mill Marx Dworkin and Rawls It provides lucid and thorough explication and analysis of central concerns in legal philosophy covering criminal law civil law and constitutional law Finally the text also addresses key issues in contemporary philosophy of law including human rights international law and questions of race and gender

**Legal Positivism, Politics, and Critical Ethics** Elena Namli,2025-07-10 This book challenges the view that legal positivism should be reduced to a conceptual analysis of legal validity Instead Elena Namli reclaims legal positivism as a theory of the relationship between law morality and politics Presenting novel interpretations of the classical works of Herbert L A Hart Joseph Raz and J rgen Habermas Namli frames legal positivism as a theory that makes possible a moral and political critique of valid law Moreover this book defends the dialectical relationship between law politics and morality by combining a positivist approach to legal validity with a constructivist ethical theory which strengthens the critical potential of legal positivism Legally valid norms may not always be morally justified but understanding the moral quality of legal regulations is essential for comprehending modern law

Introduction to Company Law Paul Davies,2020-01-31 Since the financial crisis of 2007 to 2009 the role of the company in society especially the role of publicly traded companies has acquired a political salience that was largely absent in the decades before the crisis This concern has been reflected in both enhanced reporting requirements and in the latest version of the Corporate Governance and Stewardship Codes applicable to the largest companies This books analyses these developments in full as well as the more fundamental proposals for reform of corporate law that have been advanced outside official circles The book also examines the functions of the five core features of company law separate legal personality limited liability centralized management shareholder control and transferability of shares It finally analyses the legal strategies available for moderating the frictions that these core features nevertheless generate for those providing the necessary inputs for a company s business Written by one of the field s foremost experts Paul Davies Introduction to Company Law provides a comprehensive conceptual introduction to the subject giving readers a clear framework with which to navigate the intricacies of company law

**The Ethics of Consent** Franklin Miller,Alan Wertheimer,2010 Consent is a basic component of the ethics of human relations making permissible a wide range

of conduct that would otherwise be wrongful Consent marks the difference between slavery and employment permissible sexual relations and rape borrowing or selling and theft medical treatment and battery participation in research and being a human guinea pig This book assembles the contributions of a distinguished group of scholars concerning the ethics of consent in theory and practice Part One addresses theoretical perspectives on the nature and moral force of consent and its relationship to key ethical concepts such as autonomy and paternalism Part Two examines consent in a broad range of contexts including sexual relations contracts selling organs political legitimacy medicine and research

**The Law of Worldwide Value** Samir Amin, 2010-12 Portions of this book were originally published as *The Law of value and historical materialism* c1978 by Monthly Review Press

**A Critique of Sovereignty** Daniel Loick, 2018-11-06 In this important new book Daniel Loick argues that in order to become sensible to the violence imbedded in our political routines philosophy must question the current forms of political community the ways in which it organizes and executes its decisions in which it creates and interprets its laws much more radically than before It must become a critical theory of sovereignty and in doing so eliminate coercion from the law The book opens with a historical reconstruction of the concept of sovereignty in Bodin Hobbes Rousseau and Kant Loick applies Adorno and Horkheimer's notion of a dialectic of Enlightenment to the political sphere demonstrating that whenever humanity deemed itself progressing from chaos and despotism it at the same time prolonged exactly the violent forms of interaction it wanted to rid itself from He goes on to assemble critical theories of sovereignty using Walter Benjamin's distinction between law positing and law preserving violence as a terminological source engaging with Marx Arendt Foucault Agamben and Derrida and adding several other dimensions of violence in order to draw a more complete picture Finally Loick proposes the idea of non coercive law as a consequence of a critical theory of sovereignty The translation of this work was funded by Geisteswissenschaften International Translation Funding for Humanities and Social Sciences from Germany a joint initiative of the Fritz Thyssen Foundation the German Federal Foreign Office the collecting society VG WORT and the B rsenverein des Deutschen Buchhandels German Publisher Booksellers Association

*Welfare: Needs, Rights and Risks* Mary Langan, 2005-10-27 *Welfare Needs Rights and Risks* addresses the question of how people get access to social welfare in the UK today It explores the public political and professional definitions constructions and conflicts about who should receive social welfare and under what conditions In a period during which the rationing targeting and selective provision of welfare have become more significant more visible and more disputed this book examines how individuals and groups come to be defined as in need at risk or deserving of welfare

Liberal Democracy and the Limits of Tolerance Raphael Cohen-Almagor, 2009-12-22 How to prevent the enemies of democracy from using its freedoms to attack its existence

**Ideology and Community in the First Wave of Critical Legal Studies** Richard W. Bauman, 2002-01-01 Bauman examines several major themes and arguments in the first decade of critical legal scholarship predominantly in the U S in the period dating roughly from the mid 1970s to the mid 1980s

Sovereignty in Post-Sovereign Society Jiří Přibáň, 2016-03-09 Sovereignty marks the boundary between politics and law Highlighting the legal context of politics and the political context of law it thus contributes to the internal dynamics of both political and legal systems This book comprehends the persistence of sovereignty as a political and juridical concept in the post sovereign social condition The tension and paradoxical relationship between the semantics and structures of sovereignty and post sovereignty are addressed by using the conceptual framework of the autopoietic social systems theory Using a number of contemporary European examples developments and paradoxes the author examines topics of immense interest and importance relating to the concept of sovereignty in a globalising world The study argues that the modern question of sovereignty permanently oscillating between de iure authority and de facto power cannot be discarded by theories of supranational and transnational globalized law and politics Criticising quasi theological conceptualizations of political sovereignty and its juridical form the study reformulates the concept of sovereignty and its persistence as part of the self referential communication of the systems of positive law and politics The book will be of considerable interest to academics and researchers in political legal and social theory and philosophy **The Radical Review** ,1883 *Encyclopedia of Criminology* J. Mitchell Miller, Richard A. Wright, 2013-12-17 This three volume work offers a comprehensive review of the pivotal concepts measures theories and practices that comprise criminology and criminal justice No longer just a subtopic of sociology criminology has become an independent academic field of study that incorporates scholarship from numerous disciplines including psychology political science behavioral science law economics public health family studies social work and many others The three volume Encyclopedia of Criminology presents the latest research as well as the traditional topics which reflect the field's multidisciplinary nature in a single authoritative reference work More than 525 alphabetically arranged entries by the leading authorities in the discipline comprise this definitive international resource The pivotal concepts measures theories and practices of the field are addressed with an emphasis on comparative criminology and criminal justice While the primary focus of the work is on American criminology and contemporary criminal justice in the United States extensive global coverage of other nations justice systems is included and the increasing international nature of crime is explored thoroughly Providing the most up to date scholarship in addition to the traditional theories on criminology the Encyclopedia of Criminology is the essential one stop reference for students and scholars alike to explore the broad expanse of this multidisciplinary field **The Oxford Handbook of the Theory of International Law** Anne Orford, Florian Hoffmann, Martin Clark, 2016 Histories Approaches Regimes and doctrines Debates How Interpretation Makes International Law Ingo Venzke, 2012-09-06 Challenging the classic narrative that sovereign states make the law that constrains them this book argues that treaties and other sources of international law form only the starting point of legal authority Interpretation can shift the meaning of texts and in its own way make law In the practice of interpretation actors debate the meaning of the written and customary laws and so contribute to the making of new law In such cases it is the

actor's semantic authority that is key the capacity for their interpretation to be accepted and become established as new reference points for legal discourse The book identifies the practice of interpretation as a significant space for international lawmaking using the key examples of the UN High Commissioner for Refugees and the Appellate Body of the WTO to show how international institutions are able to shape and develop their constituent instruments by adding layers of interpretation and moving the terms of discourse The book applies developments in linguistics to the practice of international legal interpretation building on semantic pragmatism to overcome traditional explanations of lawmaking and to offer a fresh account of how the practice of interpretation makes international law It discusses the normative implications that arise from viewing interpretation in this light and the implications that the importance of semantic changes has for understanding the development of international law The book tests the potential of international law and its doctrine to respond to semantic change and ultimately ponders how semantic authority can be justified democratically in a normative pluriverse Critique and Praxis Bernard E. Harcourt, 2020-08-11 Critical philosophy has always challenged the division between theory and practice At its best it aims to turn contemplation into emancipation seeking to transform society in pursuit of equality autonomy and human flourishing Yet today's critical theory often seems to engage only in critique These times of crisis demand more Bernard E Harcourt challenges us to move beyond decades of philosophical detours and to harness critical thought to the need for action In a time of increasing awareness of economic and social inequality Harcourt calls on us to make society more equal and just Only critical theory can guide us toward a more self-reflexive pursuit of justice Charting a vision for political action and social transformation Harcourt argues that instead of posing the question What is to be done we must now turn it back onto ourselves and ask and answer What more am I to do Critique and Praxis advocates for a new path forward that constantly challenges each and every one of us to ask what more we can do to realize a society based on equality and justice Joining his decades of activism social justice litigation and political engagement with his years of critical theory and philosophical work Harcourt has written a magnum opus **The Epistemology of Protest** José Medina, 2023 The Epistemology of Protest offers a polyphonic theory of protest as a mechanism for political communication group constitution and epistemic empowerment The book analyzes the communicative power of protest to break social silences and disrupt insensitivity and complicity with injustice Philosopher Jos Medina also elucidates the power of protest movements to transform social sensibilities and change the political imagination Medina's theory of protest examines the obligations that citizens and institutions have to give proper uptake to protests and to communicatively engage with protesting publics in all their diversity without excluding or marginalizing radical voices and perspectives Throughout the book Medina gives communicative and epistemic arguments for the value of imagining with protest movements and for taking seriously the radical political imagination exercised in social movements of liberation Medina's theory sheds light on the different ways in which protest can be silenced and the different communicative and epistemic injustices that protest movements can face

arguing for forms of epistemic activism that resist silencing and communicative epistemic injustices while empowering protesting voices While arguing for democratic obligations to give proper uptake to protest the book underscores how demanding listening to protesting voices can be under conditions of oppression and epistemic injustice A central claim of the book is that responsible citizens have an obligation to echo or express communicative solidarity with the protests of oppressed groups that have been silenced and epistemically marginalized Studying social uprisings the book further argues that citizens have a duty to join protesting publics when grave injustices are in the public eye



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## **Table of Contents Radical Critiques Of The Law**

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

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