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PHILOSOPHERS AND LAW

# ROUSSEAU AND LAW

THOM BROOKS

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# Rousseau And Law Philosophers And Law

**Joel Colón-Ríos**



## **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 *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 **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 **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 **Rousseau's Platonic Enlightenment** David Lay Williams, 2010-11-01 In this sterling deeply researched study Williams explores how thinkers ranging from Hobbes to d'Holbach highlight various sets of ideas that Rousseau combated in developing his philosophical teaching The account of Rousseau's predecessors who might be called Platonists is especially interesting as is the account of those who qualify as materialists Moreover Williams provides a good overview of Rousseau's teaching demonstrates a commendable grasp of the relevant secondary literature and argues ably for the superiority of his own interpretations Clearly written and superbly organized this book contributes much to Rousseau studies An indispensable book for Rousseau scholars this volume also will appeal to general readers and students at all levels C E Butterworth CHOICE *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 Law and the Philosophy of Privacy

Janice Richardson,2015-08-20 Situating privacy within the context of political philosophy this book highlights the way in which struggles concerning the meaning of privacy have always been political Different conceptions of privacy are here shown to involve diverse assumptions about ontology our conceptions of self culture society and communication Privacy theory s debt to Locke Kant or Mill and what is at stake in their conceptual frameworks is examined The extent to which the term privacy has been used to the detriment of and to create weaker parties in marriage in the workplace and now as citizens or non citizens and consumers as well as employees is also demonstrated In contrast Janice Richardson pursues the relevance of Floridi s philosophy of information before turning to her application of Spinoza the philosopher of communication in order to outline a more useful framework through which to think about privacy today The book will be of interest to those working in political philosophy feminist philosophy law the philosophy of information sociology media and cultural studies

**Philosophical Foundations of Criminal Law** R. A. Duff,Stuart Green,2013-01-24 Twenty five leading contemporary theorists of criminal law tackle a range of foundational issues about the proper aims and structure of the criminal law in a liberal democracy The challenges facing criminal law are many There are crises of over criminalization and over imprisonment penal policy has become so politicized that it is difficult to find any clear consensus on what aims the criminal law can properly serve governments seeking to protect their citizens in the face of a range of perceived threats have pushed the outer limits of criminal law and blurred its boundaries To think clearly about the future of criminal law and its role in a liberal society foundational questions about its proper scope structure and operations must be re examined What kinds of conduct should be criminalized What are the principles of criminal responsibility How should offences and defences be defined The criminal process and the criminal trial need to be studied closely and the purposes and modes of punishment should be scrutinized Such a re examination must draw on the resources of various disciplines notably law political and moral philosophy criminology and history it must examine both the inner logic of criminal law and its place in a larger legal and political structure it must attend to the growing field of international criminal law it must consider how the criminal law can respond to the challenges of a changing world Topics covered in this volume include the question of criminalization and the proper scope of the criminal law the grounds of criminal responsibility the ways in which offences and defences should be defined the criminal process and its values criminal punishment the relationship between international criminal law and domestic criminal law Together the essays provide a picture of the exciting state of criminal law theory today and the basis for further research and debate in the coming years

*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 philosophe 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 **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

*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

**Australasian Journal of Philosophy**, 1928

**Rousseau's Economic Philosophy** Bertil Fridén, 2012-12-06 An increasing body of literature concerns the economics of those highly appreciated qualities of life that are not easily provided by market exchange Today these problems are visible as never before for example environmental problems But already at the dawn of industrial society the problem had been observed by Rousseau His statements on the economy claim to take these problems into account with due importance In this way his economic philosophy concerns a different domain of the economy from for example Adam Smith's work Rousseau's philosophy attempts to consider phenomena later labeled information asymmetries and information costs bargaining collective good problems Some of Rousseau's most puzzling social proposals on theater women music etc can be explained by his well argued conviction that an optimal economy demands a high social morale a communicative morale He proposes an economic philosophy for the most important properties of richness such as experiencing the unique and being free although dependent on others empowerment It is for the adult capable of true deliberation not for the trifle of the innocent child He develops a concept of

richness that is close to the Aristotelian capability concept later explored by Amartya Sen Rousseau's economic philosophy has not been treated in a monograph before The book should be rewarding to those interested in social theory the history of social and economic thought problems at the margins of market exchange e g cultural economics environmental economics students of Rousseau and the thought of the 18th century welfare economic theory in the direction of Arrow or Sen and Poanyi's and others theses about the transition from self-sufficiency to market      *The Australasian Journal of Psychology and Philosophy*, 1928



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