

The Blackwell
Guide to the
Philosophy of Law and Legal Theory



Edited by **Martin P. Golding** and **William A. Edmundson**



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The Blackwell Guide To The Philosophy Of Law And Legal Theory

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The Oxford Handbook of American Philosophy Cheryl Misak, 2008-09-25 This is the first collective study of the development of philosophy in America from the 18th century to the present Leading experts examine distinctive features of American philosophy trace notable themes and consider the legacy of key figures A fascinating resource for anyone interested in modern philosophy or American intellectual history

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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

Theory of Legal Evidence - Evidence in Legal Theory Verena Klappstein, Maciej Dybowski, 2022-01-03 This book addresses theoretical problems concerning legal evidence The concept of evidence is expected to fulfill a number of distinct roles in science and philosophy but also in legal theory and law some of which are complementary while others are conflicting In their profession lawyers have to deal with evidence and proof Yet the legal concept of evidence is constantly changing and the debate concerning the distinction between a legal concept of evidence the ordinary concept of evidence and the concept of evidence in science is far from being settled What is more the problem of evidence is central to both epistemology and the philosophy of science and by extension to our academic thinking on law In short legal theorists interest in evidence may include such diverse objects as a bloody knife sensory data linguistic entities or psychologically recognized beliefs The book surveys selected theoretical roles that the concept of evidence plays and explores their relations and interconnections The content is divided into three parts investigating 1 evidence in epistemology and the philosophy of science which focuses on evidence methodologies and the problem of proof in legal scholarship 2 evidence in legal theory and legal philosophy where particular attention is paid to the interplay between evidence legal reasoning and the binding force of such reasoning and 3 evidence in law where theoretical problems pertaining to witnesses expert opinions explanations of the accused statistical evidence and neuroscientific evidence are examined

Research Handbook on Legal Evolution Wojciech Zaluski, Sacha Bourgeois-Gironde, Adam Dyrda, 2024-03-14 Adopting an evolutionary perspective this Research Handbook presents novel and cutting edge insights into the interdisciplinary field of legal evolution Engaging with various scientific approaches it provides a versatile analysis of legal evolution examining the field as a whole as well as in the context of specific branches of law

The Cambridge Companion to Legal Positivism Torben Spaak, Patricia Mindus, 2021-02-04 The book brings together 33 state of the art chapters on the import and the pros and cons of legal positivism

Moral Realism as a Moral Doctrine Matthew H. Kramer, 2009-03-30 In this major new work Matthew Kramer seeks to establish two main conclusions On the one hand moral requirements are strongly objective On the other hand the objectivity of ethics is itself an ethical matter that rests primarily on ethical considerations Moral realism the doctrine that morality is indeed objective is a moral doctrine Major new volume in our new series New Directions in Ethics Takes on the big picture defending the objectivity of ethics whilst rejecting the grounds of much of the existing debate between realists and anti realists Cuts across both ethical theory and metaethics Distinguished by the quality of the scholarship and its ambitious range

Law's Ethical, Global and Theoretical Contexts

Upendra Baxi, Christopher McCrudden, Abdul Paliwala, 2015-10-22 *Law's Ethical Global and Theoretical Contexts* examines William Twining's principal contributions to law and jurisprudence in the context of three issues which will receive significant scholarly attention over the coming decades. Part I explores human rights including torture, the role of evidence in human rights cases, the emerging discourse on traditional values, the relevance of Southern voices to human rights debates and the relationship between human rights and peace agreements. Part II assesses the impact of globalization through the lenses of sociology and comparative constitutionalism and features an analysis of the development of pluralistic ideas of law in the context of privatization. Finally, Part III addresses issues of legal theory including whether global legal pluralism needs a concept of law, the importance of context in legal interpretation, the effect of increasing digitalization on legal theory and the utility of feminist and postmodern approaches to globalization and legal theory. *Between Text, Meaning and Legal Languages* Jan Engberg, 2023-12-04 This collection on legal interpretation in a broad sense presents state of the art linguistic approaches that are applied for studying interpretation and meaning generation in various legal settings. It covers different aspects of the concepts like judicial dissent, court argumentation, investigating sociological meaning or comparing legal meaning in comparative law. Scholars can turn to the volume for methods and findings to ground their own inquiries and students will find guides to topics and methods in the field of law, meaning generation and language. **An Introduction to Rights** William A. Edmundson, 2012-01-23 A thoroughly updated second edition that is an accessible introduction to the history, logic, moral implications and political tendencies of the idea of rights. **Reproductive Health and Assisted Reproductive Technologies In Sub-Saharan Africa** Olanike S. Adelakun, Erebi Ndoni, 2023-08-28 This book focuses on reproductive health rights and assisted reproductive technologies (ART) in sub-Saharan Africa. Each chapter is connected to the other by focusing on different aspects of ART as a means of achieving conception. Topics such as regulation of ART, practices, surrogacy and specific aspects of ART which are gradually becoming acceptable but largely unregulated in Africa, promises to be of interest to scholars, researchers and fertility practitioners. Research in the book takes a rights-based approach and ethical analysis of ART practice in sub-Saharan Africa by authors from diverse backgrounds, bringing together law and society perspectives. Readers stand to gain new knowledge on the societal, legal, medical and psychological requirements, effects and challenges of reproductive health rights and ART in the African context. The book is also relevant to UN Sustainable Development Goal 3: Good Health and Well-being given that it promotes and advocates for access to reproductive healthcare for persons who have difficulty or are unable to conceive without medical assistance. **The Function of Proportionality Analysis in European Law** Tor-Inge Harbo, 2015-03-20 The proportionality principle has become ever more important in European law and elsewhere. The career of the principle has attracted considerable attention from legal practitioners, legal theorists and political scientists alike but the debate so far has been quite fragmented. In this new book, the author offers a broad and systematic analysis of the proportionality principle. Discussing and comparing

proportionality analysis as applied by European courts in part one of the book the author proceeds to contrast proportionality analysis with alternative assessment schemes In the third part of the book the author reaches beyond doctrinal reconstructions as he deciphers the functions of proportionality jurisprudence In view of the various facets of proportionality analysis the author departs from the asserted infringement of a legally protected position by some regulatory act proceeds to discuss the legitimacy of this intervention and undertakes an analysis of its suitability appropriateness and necessity According to the author the safe grounds of proportionality means ends rationality do not suffice where the legitimacy of an infringement has to be assessed where conflicting values have to be balanced or where courts engage in a proportionality analysis *stricto sensu* In the concluding remarks the author proposes how proportionality analysis may be structured in order to better secure the legitimacy of the analysis

A Companion to Ayn Rand Allan Gotthelf, Gregory Salmieri, 2021-11-08

The first volume to offer a comprehensive scholarly treatment of Rand's entire corpus including her novels her philosophical essays and her analysis of the events of her times this Companion provides vital orientation and context for scholars and educated readers grappling with a controversial and understudied thinker whose enduring influence on American and world culture is increasingly recognized The first publication to provide an in depth scholarly treatment ranging over the whole of Rand's corpus Provides informed contextual analysis for scholars in a variety of disciplines Presents original research on unpublished material and drafts from the Rand archives in California Features insightful and fair minded interpretations of Rand's controversial positions

The Functions of Law Kenneth M. Ehrenberg, 2016 This book seeks to contribute to a legal positivist picture of law by defending two metaphysical claims about law and investigating their methodological implications One claim is that the law is a kind of artifact a thoroughgoing human creation for performing certain tasks or accomplishing certain goals That is artifacts are generally understood in terms of their functions When discussing artifacts the notion of function need not be as mysterious or problematic as might be the case with biological functions The other claim is that the law is an institution a specific kind of artifact that creates artificial roles which allow for the establishment and manipulation of rights and duties among those subject to the institution The methodological implication of this picture of law is that it is best understood in terms of the social functions that it performs and that the job of the legal philosopher is to investigate those functions This position is advanced against non positivist theories of law that nonetheless rely upon notions of law's function and is also advanced against positivist pictures that tend to de-emphasize or overlook the central role that function must play to understand the nature of law One key implication of this picture is that it can help explain how law might give people reasons to act beyond its use of force to do

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