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[The Blackwell Companion to Hermeneutics](#) Jul 06 2021 A Companion to Hermeneutics is a collection of original essays from leading international scholars that provide a definitive historical and critical compendium of philosophical hermeneutics. Offers a definitive historical, systematic, and critical compendium of hermeneutics Represents state-of-the-art thinking on the major themes, topics, concepts and figures of the hermeneutic tradition in philosophy and those who have influenced hermeneutic thought, including Kant, Hegel, Schleiermacher Dilthey, Heidegger, Gadamer, Ricoeur, Foucault, Habermas, and Rorty Explores the art and theory of interpretation as it intersects with a number of philosophical and inter-disciplinary areas, including humanism, theology, literature, politics, education and law Features contributions from an international cast of leading and upcoming scholars, who offer historically informed, philosophically comprehensive, and critically astute contributions in their individual fields of expertise Written to be accessible to interested non-specialists, as well as professional philosophers

Why the Law Is So Perverse Nov 10 2021 "Katz focuses on four fundamental features of our legal system, all of which seem to not make sense on some level and to demand explanation. First, legal decisions are essentially made in an either/or fashion... Second, the law is full of loopholes... Third, legal systems are loath to punish certain kinds of highly immoral conduct while prosecuting other far less pernicious behaviors... Finally, why does the law often prohibit what are sometimes called win-win transactions, such as organ sales or surrogacy contracts?" - from the University of Chicago Press press release

Social Rights Jurisprudence Mar 22 2020 In the space of two decades, social rights have emerged from the shadows and margins of human rights jurisprudence. The authors in this book provide a critical analysis of almost two thousand judgments and decisions from twenty-nine national and international jurisdictions. The breadth of the decisions is vast, from the resettlement of evictees to the regulation of private medical plans to the development of state programs to address poverty and illiteracy. The jurisprudence not only implicates our understanding of economic, social, and cultural rights, but also challenges the philosophical debates that question whether these rights can and should be justiciable.

Enforcing Obligations Erga Omnes in International Law Jan 20 2020 The concept of obligations erga omnes - obligations to the international community

as a whole - has fascinated international lawyers for decades, yet its precise implications remain unclear. This book assesses how this concept affects the enforcement of international law. It shows that all States are entitled to invoke obligations erga omnes in proceedings before the International Court of Justice, and to take countermeasures in response to serious erga omnes breaches. In addition, it suggests ways of identifying obligations that qualify as erga omnes. In order to sustain these results, the book conducts a thorough examination of international practice and jurisprudence as well as the recent work of the UN International Law Commission in the field of State responsibility. By so doing, it demonstrates that the erga omnes concept is solidly grounded in modern international law, and clarifies one of the central aspects of the international regime of law enforcement.

Understanding Unconstitutionality How a Country Lost Its Way Jun 24 2020 Canadian courts routinely purport to confer temporary validity on laws which have already been adjudged unconstitutional. They do so pragmatically under guise of a self-invented power to deem the law to be what it is not. This has resulted, among other things, in the prosecution and conviction of persons under unconstitutional statutory provisions and the exaction by governments of illegal taxes. No legally coherent explanation has ever been provided for the existence of these remarkable powers. Inevitably, reliance is placed on the Supreme Court of Canada's much-celebrated - though widely misunderstood - decision in the 1985 Manitoba Language Rights case, where the court deemed an entire body of unconstitutional and invalid legislation to be temporarily valid and enforceable. Courts in other common law jurisdictions have sometimes flirted with the Canadian approach, but generally they have refused to recognize invalid law as valid. They have remained faithful to the rule of law. Canadian jurisprudence on the process and effects of constitutional invalidation is a veritable quagmire of incoherence, ambiguity, and contradiction. It is well past time to establish a principle-based order and structure in this embarrassingly muddled area of the law.

Institutionalized Reason Jun 05 2021 This volume gathers leading figures from legal philosophy and constitutional theory to offer a critical examination of the work of Robert Alexy. The contributions explore the issues surrounding the complex relations between rights, law, and morality and reflect on Alexy's distinctive work on these issues. The focus across the contributions is on Alexy's main pre-occupations - his anti-positivist views on the nature of law, his approach to the nature of legal reasoning, and his understanding of constitutional rights as legal principles. In an extended response to the contributions in the volume, Alexy develops his views on these central issues. The volume's juxtaposition of Anglo-American and German perspectives brings into focus the differences as well as the prospect of cross-fertilization between Continental and Anglo-American work in jurisprudence.

Unequal Profession Dec 31 2020 Introduction : investigating raceXgender in legal academia -- Barriers to entry -- Ugly truths behind the mask of collegiality -- Connections and confrontations with students -- Tenure and promotion challenges -- Leading the charge -- In pursuit of work/life balance -- Conclusion : support, strategies, and solutions

Law Unlimited Mar 26 2023 This book engages with a traditional yet persistent question of legal theory - what is law? However, instead of attempting to define and limit law, the aim of the book is to unlimit law, to take the idea of law beyond its conventionally accepted boundaries into the material and plural domains of an interconnected human and nonhuman world. Against the backdrop of analytical jurisprudence, the book draws theoretical connections and continuities between different experiences, spheres, and modalities of law. Taking up the many forms of critical and socio-legal thought, it presents a broad challenge to legal essentialism and abstraction, as well as an important contribution to more general normative theory. Reading, crystallising, and extending themes that have emerged in legal thought over the past century, this book is the culmination of the author's 25 years of engagement with legal theory. Its bold attempt to forge a thoroughly contemporary approach to law will be of enormous value to those with interests in legal and socio-legal theory.

Law and Globalization from Below Oct 29 2020 This book is an unprecedented attempt to analyze the role of the law in the global movement for social justice. Case studies in the book are written by leading scholars from both the global South and the global North, and combine empirical research on the ground with innovative sociolegal theory to shed new light on a wide array of topics. Among the issues examined are the role of law and politics in the World Social Forum; the struggle of the anti-sweatshop movement for the protection of international labour rights; and the challenge to neoliberal globalization and liberal

human rights raised by grassroots movements in India and indigenous peoples around the world. These and other cases, the editors argue, signal the emergence of a subaltern cosmopolitan law and politics that calls for new social and legal theories capable of capturing the potential and tensions of counter-hegemonic globalization.

Just Algorithms Dec 23 2022 Statistically-derived algorithms, adopted by many jurisdictions in an effort to identify the risk of reoffending posed by criminal defendants, have been lambasted as racist, de-humanizing, and antithetical to the foundational tenets of criminal justice. *Just Algorithms* argues that these attacks are misguided and that, properly regulated, risk assessment tools can be a crucial means of safely and humanely dismantling our massive jail and prison complex. The book explains how risk algorithms work, the types of legal questions they should answer, and the criteria for judging whether they do so in a way that minimizes bias and respects human dignity. It also shows how risk assessment instruments can provide leverage for curtailing draconian prison sentences and the plea-bargaining system that produces them. The ultimate goal of Christopher Slobogin's insightful analysis is to develop the principles that should govern, in both the pretrial and sentencing settings, the criminal justice system's consideration of risk.

Re-Visiting the Chinese 'Land-Mark Cases' of Employment Discrimination in Light of Theories of Employment Discrimination and American Adjudication

Pra Aug 27 2020 The People's Republic of China (PRC) is an old country with a socialist orientation of its characteristics. Thus, actual empowerment and rights recognized by the working force are something that seeks attention. But the age of labor law as well as social movements for guaranteeing worker's rights is a very young legal regime and practice while comparing it with the American counterpart. The Labour Contract Law of PRC started and promulgated in 1994 and the first social movement of workers against employment discrimination happened only at the beginning of this millennium. The social movements of Chinese workers against employment discrimination and passed through right-based litigation gave a clue and hint that workers can guarantee their constitutional rights if properly alleged before courts of law as per constitutional rights. Because the Chinese courts have an active role in judicial activism, it is difficult to say that the Chinese employment discrimination cases are judge-made. Thus, this paper tried to re-examine the 'grand employment discrimination cases in light of the distinguished jurisprudence of theories of discrimination and American adjudication. The paper argued that though the employment discrimination cases of Chinese are at the beginning stage, they are a breakthrough by themselves and should be developed further in light of the basic theories of discrimination and Chinese Courts should draw lessons as well strengthen their independence.

The Jurisprudence of Sport Apr 15 2022 This textbook, the first of its kind, makes it easy--and fun!--to teach an exciting new course on the "jurisprudence of sport." Unlike sports law, which treats sports as objects of regulation by ordinary legal systems, this course treats sports and games as legal systems to be studied in their own right. The book is appropriate not only for law students but also for undergraduates; it offers an introduction to legal thinking but requires no background in legal doctrine. Student-friendly and deeply comparative, the text draws examples from the world's most popular team and individual sports and games (including baseball, football, soccer, tennis, golf, gymnastics, chess, boxing, and esports) and also from less widely known competitions (competitive eating, cornhole, etc.). Chapters are organized in an intuitive sports-focused manner, covering such issues as scoring systems, penalties, league structure, player eligibility and assignment, amateurism, officiating, replay review, and cheating. The jurisprudence of sport is a fast-developing field of academic study. The authors, one of them a leading figure in the field and both professors at top law schools, maintain a high degree of analytical rigor and theoretical sophistication. Icons sprinkled throughout introduce students to fundamental concepts, some law-particular (such as rules vs. standards and prices vs. sanctions) and others from cognate disciplines (such as agency costs, the Coase Theorem, and psychological biases and heuristics). Richly filled with comments, questions, and exercises, the text facilitates a large variety of pedagogical approaches and is suitable for 2- to 4-credit courses.

Natural Law and the Nature of Law Nov 22 2022 Presents a systematic, contemporary defence of the natural law outlook in ethics, politics and jurisprudence.

Torts and Rights Jul 18 2022 The law of torts is concerned with the secondary obligations generated by the infringement of primary rights. This work seeks to

show that this apparently simple proposition enables us to understand the law of torts as found in the common law. Using primarily English materials, but drawing heavily upon the law of other common law jurisdictions, Stevens seeks to give an account of the law of torts which relies upon the core material familiar to most students and practitioners with a grasp of the law of torts. This material is drawn together in support of a single argument in a provocative and accessible style, and puts forward a new theoretical model for analysing the law of torts, providing an overarching framework for radically reconceiving the subject.

The Province of Jurisprudence Determined Nov 29 2020

Civil Procedure in Russia Jul 26 2020 Derived from the renowned multi-volume International Encyclopaedia of Laws, this very useful analysis of constitutional law in Romania provides essential information on the country's sources of constitutional law, its form of government, and its administrative structure. Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application. Throughout the book, the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure. Thorough coverage by a local expert fully describes the political system, the historical background, the role of treaties, legislation, jurisprudence, and administrative regulations. The discussion of the form and structure of government outlines its legal status, the jurisdiction and workings of the central state organs, the subdivisions of the state, its decentralized authorities, and concepts of citizenship. Special issues include the legal position of aliens, foreign relations, taxing and spending powers, emergency laws, the power of the military, and the constitutional relationship between church and state. Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for both practising and academic jurists. Lawyers representing parties with interests in Romania will welcome this guide, and academics and researchers will appreciate its value in the study of comparative constitutional law.

Time, Law, and Change Feb 13 2022 Offering a unique perspective on an overlooked subject – the relationship between time, change, and lawmaking – this edited collection brings together world-leading experts to consider how time considerations and social, political and technological change affect the legislative process, the interpretation of laws, the definition of the powers of the government and the ability of legal orders to promote innovation. Divided into four parts, each part considers a different form of interaction between time and law, and change. The first part offers legal, theoretical and historical perspectives on the relationship between time and law, and how time shaped law and influences legal interpretation and constitutional change. The second part offers the reader an analysis of the different ways in which courts approach the impact of time on law, as well as theoretical and empirical reflections upon the meaning of the principle of legal certainty, legitimate expectations and the influence of law over time. The third part of the book analyses how legislation and the legislative process addresses time and change, and the various challenges they create to the legal order. The fourth and final part addresses the complex relationship between fast-paced technological change and the regulation of innovations.

Comparative International Law Apr 22 2020 "The chapters of this volume were presented at the twenty-seventh and twenty-eighth Sokol Colloquia on Private International Law, held at the University of Virginia School of Law in September 2014 and September 2015." -- Acknowledgments, p. [xi].

A Realistic Theory of Law Apr 27 2023 The book re-orientes jurisprudence and develops an empirically informed theory of law that applies throughout history and across different societies.

Privacy on the Ground Apr 03 2021 An examination of corporate privacy management in the United States, Germany, Spain, France, and the United Kingdom, identifying international best practices and making policy recommendations. Barely a week goes by without a new privacy revelation or scandal. Whether by hackers or spy agencies or social networks, violations of our personal information have shaken entire industries, corroded relations among nations, and bred distrust between democratic governments and their citizens. Polls reflect this concern, and show majorities for more, broader, and stricter regulation—to put

more laws “on the books.” But there was scant evidence of how well tighter regulation actually worked “on the ground” in changing corporate (or government) behavior—until now. This intensive five-nation study goes inside corporations to examine how the people charged with protecting privacy actually do their work, and what kinds of regulation effectively shape their behavior. And the research yields a surprising result. The countries with more ambiguous regulation—Germany and the United States—had the strongest corporate privacy management practices, despite very different cultural and legal environments. The more rule-bound countries—like France and Spain—trended instead toward compliance processes, not embedded privacy practices. At a crucial time, when Big Data and the Internet of Things are snowballing, *Privacy on the Ground* helpfully searches out the best practices by corporations, provides guidance to policymakers, and offers important lessons for everyone concerned with privacy, now and in the future.

Normative Jurisprudence Oct 09 2021 Normative Jurisprudence aims to reinvigorate normative legal scholarship that both criticizes positive law and suggests reforms for it, on the basis of stated moral values and legalistic ideals. It looks sequentially and in detail at the three major traditions in jurisprudence – natural law, legal positivism and critical legal studies – that have in the past provided philosophical foundations for just such normative scholarship. Over the last fifty years or so, all of these traditions, although for different reasons, have taken a number of different turns – toward empirical analysis, conceptual analysis or Foucaultian critique – and away from straightforward normative criticism. As a result, normative legal scholarship – scholarship that is aimed at criticism and reform – is now lacking a foundation in jurisprudential thought. The book criticizes those developments and suggests a return, albeit with different and in many ways larger challenges, to this traditional understanding of the purpose of legal scholarship.

The Last Common Law Justice Dec 19 2019 When Justice John Paul Stevens announced his retirement from the Supreme Court in April 2010, the news was accompanied by the inevitable counting of votes on the Supreme Court. The conventional wisdom was that Stevens's retirement meant the departure of the most senior liberal Justice from the Court and that his successor would not substantially change the political orientation of the conservative Court led by Chief Justice John Roberts. The focus on the political implications of Stevens's retirement obscured a significant aspect of his retirement: the loss of the Supreme Court's preeminent common law lawyer.

The Roots of Modern Psychology and Law May 04 2021 "The Roots of Modern Psychology and Law: A Narrative History reveals how the field of psychology and law developed during the first decade following the founding of the American Psychology-Law Society"--

Principled Labor Law Jan 12 2022 The gig economy, precarious work, and nonstandard employment have forced labor law scholars to rethink their discipline. Classical remedies for unequal power, capabilities approaches, "third way" market regulation, and laissez-faire all now vie for attention - at least in English. Despite a deep history of labor activism, Latin American scholarship has had scant presence in these debates. This book introduces to an English-language audience another approach: principled labor law, based on Latin American perspectives, using a jurisprudential method focused on worker protection. The authors apply this methodology to the least likely case of labor-protective jurisprudence in the industrialized world: the United States. In doing so, Gamonal and Rosado focus on the Thirteenth Amendment as a labor-protective constitutional provision, the National Labor Relations Act, and the Fair Labor Standards Act. This book shows how principled labor law can provide a clear and simple method for consistent, labor-protective jurisprudence in the United States and beyond.

Introduction to Law and Global Governance May 24 2020 This innovative textbook introduces the idea of law existing, operating, and functioning beyond the Nation State. Offering a structured approach, Elaine Fahey breaks down the core aspects of theory, practice and regulation in order to examine the key conceptual and factual components of the relationship between law and global governance.

The Limits of Experimental Jurisprudence Sep 27 2020 This chapter offers a critique of experimental jurisprudence. While experimental jurisprudence can make an important contribution to legal knowledge and legal theory, theorists and practitioners of experimental should also be aware of its limitations. Experimental jurisprudence cannot, by itself, resolve legal theoretical debates. It is just one limited tool, with an important but partial role to play in the

collective project of understanding and evaluating law and legal rules, institutions, and practices. This chapter explores some of the limitations of experimental jurisprudence in special jurisprudence (i.e., legal theories concerned with specific legal concepts or areas of law) and general jurisprudence (i.e., legal theories concerned with the nature of law, legal rules, and institutions). It also argues that, if we want to fully understand law and legal concepts, practices, and institutions, experimental jurisprudence needs to be supplemented with other perspectives - such as those provided by anthropology, qualitative research, and the humanities - that can capture precisely what experimental jurisprudence must necessarily ignore: the fact that law is a complex institutional social practice. *Law and Leviathan* Oct 21 2022 From two legal luminaries, a highly original framework for restoring confidence in a government bureaucracy increasingly derided as “the deep state.” Is the modern administrative state illegitimate? Unconstitutional? Unaccountable? Dangerous? Intolerable? American public law has long been riven by a persistent, serious conflict, a kind of low-grade cold war, over these questions. Cass Sunstein and Adrian Vermeule argue that the administrative state can be redeemed, as long as public officials are constrained by what they call the morality of administrative law. *Law and Leviathan* elaborates a number of principles that underlie this moral regime. Officials who respect that morality never fail to make rules in the first place. They ensure transparency, so that people are made aware of the rules with which they must comply. They never abuse retroactivity, so that people can rely on current rules, which are not under constant threat of change. They make rules that are understandable and avoid issuing rules that contradict each other. These principles may seem simple, but they have a great deal of power. Already, without explicit enunciation, they limit the activities of administrative agencies every day. But we can aspire for better. In more robust form, these principles could address many of the concerns that have critics of the administrative state mourning what they see as the demise of the rule of law. The bureaucratic Leviathan may be an inescapable reality of complex modern democracies, but Sunstein and Vermeule show how we can at last make peace between those who accept its necessity and those who yearn for its downfall.

Law, Rights and Discourse Sep 08 2021 A philosophical system is not what one would expect to find in the work of a contemporary legal thinker. Robert Alexy's work counts as a striking exception. Over the past 28 years Alexy has been developing, with remarkable clarity and consistency, a systematic philosophy covering most of the key areas of legal philosophy. Kantian in its inspiration, his work admirably combines the rigour of analytical philosophy with a repertoire of humanitarian ideals reflecting the tradition of the Geisteswissenschaften, rendering it one of the most far-reaching and influential legal philosophies in our time. This volume has been designed with two foci in mind: the first is to reflect the breadth of Alexy's philosophical system, as well as the varieties of jurisprudential and philosophical scholarship in the last three decades on which his work has had an impact. The second objective is to provide for a critical exchange between Alexy and a number of specialists in the field, with an eye to identifying new areas of inquiry and offering a new impetus to the discourse theory of law. To that extent, it was thought that a critical exchange such as the one undertaken here would most appropriately reflect the discursive and critical character of Robert Alexy's work. The volume is divided into four parts, each dealing with a key area of Alexy's contribution. A final section brings together concise answers by Robert Alexy. In composing these, Alexy has tried to focus on points and criticisms that address new aspects of discourse theory or otherwise point the way to future developments and applications. With its range of topics of coverage, the number of specialists it engages and the originality of the answers it provides, this collection will become a standard work of reference for anyone working in legal theory in general and the discourse theory of law in particular.

Therapeutic Jurisprudence Feb 19 2020 Therapeutic jurisprudence, developed in the late 1980s, is a field of inquiry. It is a lens through which to examine the effects of substantive laws, legal rules, legal procedures, and the behavior of legal actors, including judges, lawyers, court personnel, and service providers, on the psychological and emotional well-being of justice system participants, including the legal actors themselves. Therapeutic Jurisprudence is a perspective or framework, and its use suggests the need to conduct empirical research to determine whether outcomes resulting from the application of substantive laws, legal rules, and legal procedures and from the behavior of legal actors have therapeutic (helpful) or antitherapeutic (harmful) consequences, both intended and unintended. In addition, therapeutic jurisprudence involves a reform agenda, as it urges that findings from the behavioral and social sciences be used to

transform laws, rules, procedures. and the behavior of legal actors in a manner that promotes well-being. This interdisciplinary focus enables therapeutic jurisprudence scholarship and practice to encompass a broad array of subject areas.

Law and the Invisible Hand Aug 19 2022 A contemporary interpretation of Adam Smith's work on jurisprudence, revealing Smith's belief that progress emerges from cooperation and a commitment to justice. In Smith's theory, the tension between self-interest and the interests of others is mediated by law, so that the common interest of the community can be promoted. Moreover, Smith informs us that successful societies do at least three things well. They promote the common interest, advance justice through the rule of law, and they facilitate our natural desire to truck, barter, and exchange. In this process, law functions as an invisible force that holds society together and keeps it operating smoothly and productively. Law enhances social cooperation, facilitates trade, and extends the market. In these ways, law functions like Adam Smith's invisible hand, guiding and facilitating the progress of humankind.

The Cambridge Companion to the Philosophy of Law May 16 2022 What is the nature of law as a form of social order? What bearing do values like justice, human rights, and the rule of law have on law? Which values should law serve, and what limits must it respect in serving them? Are we always morally bound to obey the law? What are the philosophical problems that arise in specific areas of law, from criminal and tort law to contract law and public international law? The book provides an accessible, comprehensive, and high quality introduction to the major themes of legal philosophy written by a stellar international cast of contributors, including John Finnis, Martha Nussbaum, Fred Schauer, Onora O'Neill and Antony Duff. The volume is an exceptional teaching tool that provides a critical introduction to cutting-edge work in the philosophy of law.

Naturalizing Jurisprudence Feb 25 2023 Brian Leiter is widely recognized as the leading philosophical interpreter of the jurisprudence of American Legal Realism, as well as the most influential proponent of the relevance of the naturalistic turn in philosophy to the problems of legal philosophy. This volume collects newly revised versions of ten of his best-known essays, which set out his reinterpretation of the Legal Realists as prescient philosophical naturalists; critically engage with jurisprudential responses to Legal Realism, from legal positivism to Critical Legal Studies; connect the Realist program to the methodology debate in contemporary jurisprudence; and explore the general implications of a naturalistic world view for problems about the objectivity of law and morality. Leiter has supplied a lengthy new introductory essay, as well as postscripts to several of the essays, in which he responds to challenges to his interpretive and philosophical claims by academic lawyers and philosophers. This volume will be essential reading for anyone interested in jurisprudence, as well as for philosophers concerned with the consequences of naturalism in moral and legal philosophy.

Environmental Jurisprudence - Polluter's Liability Mar 02 2021 Environmental Jurisprudence has drawn its knowledge base from different disciplines of studies like basic sciences, earth science and Common Law jurisprudence. Study of this discipline is concerned more with enforcement 'rights', for environmental pollution may affect individuals as well as the public at large. The impact of pollution may be on the lives of people in the place of occurrence as well as in a larger geographical territory. Further, the impact might be even larger on generations to come. Therefore, if pollution is termed either as a wrong or crime, it required different understanding of law because of its very nature, wherein the study of environmental jurisprudence gains importance. This book seeks to find the answer of the question, in case of pollution, who is responsible for the pollution, i.e., how is the onus to be fixed on the polluter and how is his liability to be quantified. The perspective of the book is based on Indian law, but references to other jurisdictional laws and international instruments have been made at appropriate place. Relevant international instruments have been added at the end of the book for easy reference.

General Jurisprudence Jan 24 2023 This book explores the implications of globalisation for the theoretical study of law, justice, and human rights.

In Pursuit of Pluralist Jurisprudence Mar 14 2022 This book presents and evaluates theoretical approaches to 'pluralist jurisprudence' and assesses the viability of theorising law extending beyond the state.

The Methodology and Practice of Therapeutic Jurisprudence Jun 17 2022

Law as a Moral Idea Aug 07 2021 This book argues that the institutions of law, and the structures of legal thought, are to be understood by reference to a

moral ideal. The idea of law is an ideal of freedom, or independence from the power of others. The moral value and justificatory force of law are not contingent upon circumstance, but intrinsic to its character as law. Doctrinal legal arguments are shaped by rival conceptions of the conditions for realisation of the idea of law. In making these claims, the author rejects the viewpoint of much contemporary legal theory, and seeks to move jurisprudence closer to an older tradition of philosophical reflection upon law, exemplified by Hobbes and Kant. Modern analytical jurisprudence has tended to view these older philosophies as confused precisely in so far as they equate an understanding of law's nature with a revelation of its moral basis. According to most contemporary legal theorists, the understanding and analysis of existing institutions is quite distinct from any enterprise of moral reflection. But the relationship between ideals and practices is much more intimate than this approach would suggest. Some institutions can be properly understood only when they are viewed as imperfect attempts to realise moral or political ideals; and some ideals can be conceived only by reference to their expression in institutions.

The End of Sex and the Future of Human Reproduction Dec 11 2021 Within twenty, maybe forty, years most people in developed countries will stop having sex for the purpose of reproduction. Instead, prospective parents will be told as much as they wish to know about the genetic makeup of dozens of embryos, and they will pick one or two for implantation, gestation, and birth. And it will be safe, lawful, and free. In this work of prophetic scholarship, Henry T. Greely explains the revolutionary biological technologies that make this future a seeming inevitability and sets out the deep ethical and legal challenges humanity faces as a result. "Readers looking for a more in-depth analysis of human genome modifications and reproductive technologies and their legal and ethical implications should strongly consider picking up Greely's *The End of Sex and the Future of Human Reproduction*...[It has] the potential to empower readers to make informed decisions about the implementation of advancements in genetics technologies." —Dov Greenbaum, *Science* "[Greely] provides an extraordinarily sophisticated analysis of the practical, political, legal, and ethical implications of the new world of human reproduction. His book is a model of highly informed, rigorous, thought-provoking speculation about an immensely important topic." —Glenn C. Altschuler, *Psychology Today*

Common Good Constitutionalism Feb 01 2021 The way that Americans understand their Constitution and wider legal tradition has been dominated in recent decades by two exhausted approaches: the originalism of conservatives and the "living constitutionalism" of progressives. Is it time to look for an alternative? Adrian Vermeule argues that the alternative has been there, buried in the American legal tradition, all along. He shows that US law was, from the founding, subsumed within the broad framework of the classical legal tradition, which conceives law as "a reasoned ordering to the common good." In this view, law's purpose is to promote the goods a flourishing political community requires: justice, peace, prosperity, and morality. He shows how this legacy has been lost, despite still being implicit within American public law, and convincingly argues for its recovery in the form of "common good constitutionalism." This erudite and brilliantly original book is a vital intervention in America's most significant contemporary legal debate while also being an enduring account of the true nature of law that will resonate for decades with scholars and students.

Between Authority and Interpretation Sep 20 2022 In this book Joseph Raz develops his views on some of the central questions in practical philosophy: legal, political, and moral. The book provides an overview of Raz's work on jurisprudence and the nature of law in the context of broader questions in the philosophy of practical reason. The book opens with a discussion of methodological issues, focusing on understanding the nature of jurisprudence. It asks how the nature of law can be explained, and how the success of a legal theory can be established. The book then addresses central questions on the nature of law, its relation to morality, the nature and justification of authority, and the nature of legal reasoning. It explains how legitimate law, while being a branch of applied morality, is also a relatively autonomous system, which has the potential to bridge moral differences among its subjects. Raz offers responses to some critical reactions to his theory of authority, adumbrating, and modifying the theory to meet some of them. The final part of the book brings together for the first time Raz's work on the nature of interpretation in law and the humanities. It includes a new essay explaining interpretive pluralism and the possibility of interpretive innovation. Taken together, the essays in the volume offer a valuable introduction for students coming for the first time to Raz's work in the philosophy of law, and an original contribution to many of the current debates in practical philosophy.