

The Blackwell
Guide to the
Philosophy of Law and Legal Theory



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



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Blackwell Guide To The Philosophy Of Law And Legal Theory

Martin P. Golding



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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

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Law, Liberty, and the Rule of Law Imer B. Flores, Kenneth E. Himma, 2012-09-28 In recent years there has been a substantial increase in concern for the rule of law Not only have there been a multitude of articles and books on the essence nature scope and limitation of the law but citizens elected officials law enforcement officers and the judiciary have all been

actively engaged in this debate Thus the concept of the rule of law is as multifaceted and contested as it s ever been and this book explores the essence of that concept including its core principles its rules and the necessity of defining or even redefining the basic concept Law Liberty and the Rule of Law offers timely and unique insights on numerous themes relevant to the rule of law It discusses in detail the proper scope and limitations of adjudication and legislation including the challenges not only of limiting legislative and executive power via judicial review but also of restraining active judicial lawmaking while simultaneously guaranteeing an independent judiciary interested in maintaining a balance of power It also addresses the relationship not only between the rule of law human rights and separation of powers but also the rule of law constitutionalism and democracy

Law's Ethical, Global and Theoretical Contexts Upendra Baxi,Christopher McCrudden,Abdul Paliwala,2015-10-22 Examines contemporary perspectives on law through Twining s scholarly work and with a focus on ethical global and theoretical contexts

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

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 take 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

Legality's Borders Keith Culver, Michael Giudice, 2010-03-23 English speaking jurisprudence of the last 100 years has devoted considerable attention to questions of identity and continuity H L A Hart Joseph Raz and many others have sought means to identify and distinguish legal from non legal social situations and to explain the enduring legality of those typically dynamic social situations Focus on characterization of legality associated with the state the most prominent legal phenomena available has led to an analytical approach dominated by the idea of legal system and analysis of its constituent norms Yet as far back as Hart's 1961 encounter with international law the system focussed approach to legality has experienced moments of self doubt From international law to the new legal order of the European Union to shared governance and overlapping jurisdiction in transboundary areas what at least appear to be instances of legality are at best weakly explained by approaches which presume the centrality of legal system as the mark and measure of social situations fully worthy of the title of legality What next as phenomena threaten to outstrip theory *Legality's Borders* An Essay in General Jurisprudence explains the rudiments of an inter institutional theory of law a theory which finds legality in the interaction between legal institutions whose legality we characterise in terms of the kinds of norms they use rather than their content or system membership Prominent forms of legality such as the law state and international law are then explained as particular forms of complex agglomeration of legal institutions varying in form and complexity rather than sheer legality This approach enables a fundamental shift in approach to the problems of identity and continuity of characteristically legal situations in social life once legality is decoupled from legal system the patterns of intense mutual reference amongst the legal institutions of the law state can be seen as one justifiably prominent form of legality amongst others including overlapping forms of legality such as the European Union Identity over time on this view is less a fixed set of characteristics than a history of intense mutual interaction of legal institutions comparable against similar other agglomerations of legal institutions

Space, Identity and Discourse in Anglophone Studies Attila Dósa, Ágnes Maguczné Godó, Anett Schäffer, Robin Lee Nagano, 2024-02-20 This book explores the dynamic intersections where cultures languages and spaces converge shaping identities and creating new forms of expression The authors attempt to unravel the complexity of narrative and imaginative spaces by examining cultural identities in global contexts The essays on literary representations consider abstract border crossings through rewriting and reappropriation in various genres while also looking at immigrant fiction post Anthropocene narratives and hybrid spaces through a postcolonial lens The essays on history and politics critically examine identity conflicts in the United States while the contributions on applied linguistics and language pedagogy offer insights into online teaching experiences during COVID 19 sociocultural aspects of language use and the formation of bilingual identities Employing innovative methods in reinterpreting literary works political narratives and different types of discourse past and present this collection contributes to ongoing scholarly dialogues on the multifaceted challenges associated with identity

construction through border crossings

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In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**Blackwell Guide To The Philosophy Of Law And Legal Theory**," an enthralling opus penned by a highly acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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