

COURTING DEATH

EDITED BY DESMOND MANDERSON

LAW AND SOCIAL
THEORY

COURTING DEATH

The Law of Mortality



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DESMOND MANDERSON



Courting Death The Legal Constitution Of Mortality

Carol S. Steiker, Jordan M. Steiker



Courting Death The Legal Constitution Of Mortality:

Courting Death Desmond Manderson, 1999-09-20 This collection deals with complex issues relating to death such as mercy killings the right to die and murder the relationship will always be controversial This timely and provocative collection brings together scholars from Australia Britain and the US

Feminist Perspectives on Public Law Susan Millns, Noel Whitty, 2013-03-04 Feminist scholarship can provide public lawyers with the critical tools and insights to respond to these new challenges This collection begins a dialogue between public law and feminism by offering a range of perspectives on contemporary public law themes and topics

From Noose to Needle Timothy Vance Kaufman-Osborn, 2002-11-06 DIV Discusses the dilemmas of the relationship between the liberal state and capital punishment div

The Politics of Reconciliation in Multicultural Societies Will Kymlicka, Bashir Bashir, 2008 Most countries around the world exhibit a long history of exclusion and discrimination directed against ethnic racial national religious or ideological groups The underlying justifications for these forms of exclusion have been increasingly discredited by the post war human rights revolution decolonization and by contemporary norms of liberal democratic constitutionalism with their commitment to equal rights and non discrimination However even as these older practices and ideologies of exclusion are discredited and repudiated they continue to have enduring effects The legacies of exclusion can still be seen in a wide range of social attitudes cultural practices economic and demographic patterns and institutional rules that obstruct efforts to build genuinely inclusive societies of equal citizens Finding ways to overcome this problem is a major challenge facing virtually every society around the world The Politics of Reconciliation in Multicultural Societies focuses on two parallel intellectual and political movements that have arisen to address this challenge the politics of reconciliation with its focus on reparations truth telling and healing amongst former adversaries and the politics of difference with its focus on the recognition and empowerment of minorities in multicultural societies Both the politics of reconciliation and the politics of difference are having a profound impact on the theory and practice of democracy around the world but remarkably little has been written about the relationship between them This book aims to fill that gap Drawing on both theoretical analysis and case studies from around the world the authors explore how the politics of reconciliation and the politics of difference often interact in mutually supportive ways as reconciliation leads to more multicultural conceptions of citizenship But there are also important ways in which the two may compete in their aims and methods The Politics of Reconciliation in Multicultural Societies is the first attempt to systematically explore these areas of potential convergence and divergence

The Experience of Tragic Judgment Julen Etxabe, 2013-05-02 Adjudication between conflicting normative universes that do not share the same vocabulary standards of rationality and moral commitments cannot be resolved by recourse to traditional principles Such cases are always in a sense tragic And what is called for in our pluralistic and conflictual world is not to be found as many would suppose in an impersonal set of procedures with which all participants could be treated as having rationally agreed

The very idea of such a neutral system is an illusion Rather what is needed Julien Etxabe argues in this book is a heightened awareness of the difficulty of judgment The Experience of Tragic Judgments draws upon Sophocles play Antigone in order to consider this difficulty and the virtues that attend its acknowledgment Based on the transformative experience that the audience undergoes in engaging with this play what is proposed is a reconceptualization of judgment not as it is generally thought to occur in a single isolated moment like the falling of an axe but rather as an experience that develops in and through space and time

When the State Kills Austin Sarat, 2018-06-05 Is capital punishment just Does it deter people from murder What is the risk that we will execute innocent people These are the usual questions at the heart of the increasingly heated debate about capital punishment in America In this bold and impassioned book Austin Sarat seeks to change the terms of that debate Capital punishment must be stopped Sarat argues because it undermines our democratic society Sarat unflinchingly exposes us to the realities of state killing He examines its foundations in ideas about revenge and retribution He takes us inside the courtroom of a capital trial interviews jurors and lawyers who make decisions about life and death and assesses the arguments swirling around Timothy McVeigh and his trial for the bombing in Oklahoma City Aided by a series of unsettling color photographs he traces Americans evolving quest for new methods of execution and explores the place of capital punishment in popular culture by examining such films as Dead Man Walking The Last Dance and The Green Mile Sarat argues that state executions once used by monarchs as symbolic displays of power gained acceptance among Americans as a sign of the people's sovereignty Yet today when the state kills it does so in a bureaucratic procedure hidden from view and for which no one in particular takes responsibility He uncovers the forces that sustain America's killing culture including overheated political rhetoric racial prejudice and the desire for a world without moral ambiguity Capital punishment Sarat shows ultimately leaves Americans more divided hostile indifferent to life's complexities and much further from solving the nation's ills In short it leaves us with an impoverished democracy The book's powerful and sobering conclusions point to a new abolitionist politics in which capital punishment should be banned not only on ethical grounds but also for what it does to Americans and what we cherish

The Routledge Handbook of Law and Death Marc Trabsky, Imogen Jones, 2024-10-01 The Routledge Handbook of Law and Death provides a comprehensive survey of contemporary scholarship on the intersections of law and death in the 21st century It showcases how socio-legal scholars have contributed to the critical turn in death studies and how the sociology of death has impacted upon the discipline of law In bringing together prominent academics and emerging experts from a diverse range of disciplines the Handbook shows how far from shunning questions of mortality legal institutions incessantly talk about death Touching upon the epistemologies and materialities of death and problems of contested deaths and posthumous harms the Handbook questions what is distinctive about the disciplinary alignment of law and death how law regulates and manages death in the everyday and how thinking with law can enrich our understandings of the presence of death in our lives In a time when the world is

facing global inequalities in living and dying and legal institutions are increasingly interrogating their relationships to death this Handbook makes for essential reading for scholars students and practitioners in law humanities and the social sciences

Research Handbook on Voluntary Assisted Dying Law, Regulation and Practice Ben P. White, 2025-09-10 This unique Research Handbook examines voluntary assisted dying VAD laws through the lens of regulatory theory It sheds light on interdisciplinary perspectives and outlines policy debates around the revision and implementation of these laws Ben P White brings together global experts to discuss the law and practice of VAD in all permitting jurisdictions This title contains one or more Open Access chapters

Proximity, Levinas, and the Soul of Law Desmond Manderson, 2006-05-29 Without compromising the integrity of either Levinas poetic evocations of our spirit or the law's dense descriptions of our society Manderson brings the two into constructive dialogue For the student of Levinas the author offers an understanding of the implications and difficulties involved in applying ethics to law major issues in continental philosophy For the student of law he provides a powerful framework through which to reconceptualize duty of care the law of negligence and the nature of legal judgment itself major issues in legal theory

Death by Prison Christopher Seeds, 2022-07-12 In recent decades life imprisonment without the possibility of parole LWOP has developed into a distinctive penal form in the United States one firmly entrenched in US policy making judicial and prosecutorial decision making correctional practice and public discourse LWOP is now a routine practice but how it came to be so remains in question Fifty years ago imprisonment of a person until death was an extraordinary punishment today it accounts for the sentences of an increasing number of prisoners in the United States What explains the shifts in penal practice and social imagination by which we have become accustomed to imprisoning people until death without any reevaluation or expectation of release Combining a wide historical lens with detailed state and institutional level research *Death by Prison* offers a provocative new foundation for questioning this deeply problematic practice that has escaped close scrutiny for too long

Is the Death Penalty Dying? Austin Sarat, 2008-01-18 Drawing together an array of distinguished scholars from political science criminology sociology and law this volume examines the death penalty in the US

The Oxford Handbook of Comparative Health Law David Orentlicher, Tamara K. Hervey, 2021 The Oxford Handbook of Comparative Health Law addresses some of the most critical issues facing scholars legislators and judges today When matters of life and death literally hang in the balance it is especially important for policymakers to get things right Comparative analysis has become an essential component of the decision making process and The Oxford Handbook of Comparative Health Law is the only resource available that provides such an analysis in health law

Re-Imaging Death and Dying, 2020-09-25 The 6th Global Conference Making Sense of Dying and Death held in Salzburg Austria in October and November 2008 is a component of the Inter Disciplinary Net's Probing the Boundaries project The project's purpose is to create working encounter groups between people of differing perspectives disciplines professions vocations and contexts A

[Strengthening legal and regulatory frameworks for maternal and perinatal death](#)

surveillance and response World Health Organization,2024-12-12 This manual for strengthening legal and regulatory frameworks for maternal and perinatal death surveillance and response MPDSR aims to support various state actors in enhancing national MPDSR frameworks This may involve applying existing laws and regulations to MPDSR developing new laws or regulations or amending current ones to establish a legal and regulatory mandate for the creation and implementation of MPDSR This manual emphasizes the importance of a structured approach to monitoring and responding to maternal and perinatal deaths aiming to enhance accountability including legal accountability to enable quality improvements reduce preventable deaths and strengthen interventions to improve maternal and newborn health outcomes The manual is divided into three parts Part 1 outlines the scope and objectives of MPDSR laws and regulations Part 2 provides a checklist for assessing the quality of current or new laws regulations or policies and Part 3 offers a step by step guide to undertaking such a legal and regulatory process

Capital Punishment C. Cliff,2003 The issue of capital punishment is a continually debated issue because it calls into question the values and direction of society How is a civilisation supposed to handle lawbreakers Are some crimes so heinous and some people so dangerous that the death penalty is the only appropriate response The United States Constitution prohibits cruel and unusual punishment but opinions on whether that includes capital punishment are vehement on both sides Many states have some form of death penalty and public opinion seems to indicate support of it in principle However many firestorms have erupted recently over the application of the penalty including the topics of its use on minors and those with mental disabilities There are also questions raised about how much of a factor race plays in a capital sentence Internationally several countries have foresworn the death penalty with certain countries in Europe and the Americas refusing to extradite criminal suspects including suspected terrorists to the US if capital punishment is a possible sentence With such politically flammable and ethically challenging issues hanging over it capital punishment is a vitally important issue to understand To help facilitate that study this book assembles a carefully selected and substantial listing of literature focussing on the death penalty Anyone researching this area of criminal justice will find this book an important tool as it offers easy access to the most relevant works about capital punishment Following the bibliography further access is provided with author title and subject indexes

Capital Punishment Bruce E. R. Thompson,2009-06-25 This volume provides an abundance of information on the history of capital punishment and ongoing opposition to it Author Bruce E R Thompson includes narratives on well known figures on both sides of the issue Various methods of execution are explained and their use placed in historical context Legal terminology important to the debate is defined and explained

Death & Dying Kalman Dubov,2021-11-26 Death and dying especially in the midst of a global pandemic is a timely subject As medical science advances technology can continue the physiologic life of the patient with profound questions regarding the patient s dignity and value driven life A patient in a persistent vegetative state must have completed legal documents to permit caregivers to terminate life This review covers the United States

Supreme Court case concerning Nancy Beth Cruzan and the legal entanglements associated with end of life care I review the case the majority concurring and dissenting opinions I then review the legal documents necessary for end of life care together with a Jewish view relevant to such care I also include a personal view of this important topic In addition I include sample documents that may be of use to a person considering an advance directive the disposition of remains and related documents These documents are only valid when the person has prepared signed and notarized them before death Health care professionals and courts will not create these documents after death It was this scenario that was faced with Nancy Beth Cruzan and a person considering the legal ramifications of dying without such documents can review and make use of the review and decide how to proceed

Material Law John Brigham, Law is part of the process by which people construct their views of the world In Material Law distinguished scholar John Brigham focuses on the places where law and material life intersect and how law creates and alters our social reality Brigham looks at an eclectic group of bodies and things from maps and territories and trends in courthouse architecture to a woman s womb and a judge s body to make connections between the material and the legal Theoretically sophisticated and consistently fascinating Material Law integrates law and society political science and popular culture in a truly interdisciplinary fashion Brigham examines how the meaning of law is influenced by politics reviewing for example whether the authority of global law supersedes that of national law in the context of anglo american cultural colonialism What emerges is a well reasoned look at how the authority of law constitutes what we see as real in our lives

The Rehnquist Court and the Constitution Tinsley E. Yarbrough, 2000-03-30 In The Rehnquist Court and the Constitution Tinsley Yarbrough provides a comprehensive look at today s Supreme Court Justices and their record a study all the more valuable for the Court s mixed decisions and hard to categorize course An accomplished biographer Yarbrough offers incisive portraits of the nine who now sit on the high bench and tellingly reviews their nomination hearings He also explores the workings of the Court ranging from the selection and role of the clerks to the work load including the end of term June crunch and assignment of opinions But the heart of the book is a systematic exploration of the Court s record in such fields as government power economic regulation and criminal justice In decision after decision the author discusses the various justices opinions arguments and legal theories he also offers his own analysis including a sharp critique of the decision to allow the Paula Jones lawsuit to move forward Like many writers on the Rehnquist Court Yarbrough finds a general continuity with the past shaded by a conservative outlook especially in matters of criminal justice and affirmative action but he identifies a significant departure in its rulings on economic regulation Since 1937 he writes the Supreme Court had generally adopted an expansive view of federal power over economic matters the Rehnquist Court has reversed that trend The Rehnquist Court has not launched an all out assault on the Warren Court s precedents as many conservatives hoped but as Yarbrough shows it has embarked on important new departures Thoughtful wide ranging intelligently written this book will stand as the finest study of the Rehnquist Court for years to come

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Carol S. Steiker, Jordan M. Steiker, 2016-11-07 Before constitutional regulation The Supreme Court steps in The invisibility of race in the constitutional revolution Between the Supreme Court and the states The failures of regulation An unsustainable system Recurring patterns in constitutional regulation The future of the American death penalty Life after death

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