



# The Legal Concept Of Art

**Simon Stokes**



## **The Legal Concept Of Art:**

**Concepts in Law** Jaap C. Hage, Dietmar von der Pfordten, 2009-08-24 During the last decades legal theory has focused almost completely on norms rules and arguments as the constitutive elements of law Concepts were mostly neglected The contributions to this volume try to remedy this neglect by elucidating the role concepts play in law from different perspectives A main aim of this volume is to initiate a debate about concepts in law ke Fr ndberg gives an overview of the many different uses of concepts in law and shows amongst others that concepts in the law should not be confused with the role of concepts in descriptions of the law Dietmar von der Pfordten criticizes the restriction to norms as parts of the law in contemporary legal theory by questioning what concepts are and what their function is both in general and in legal conceptual schemes Giovanni Sartor assumes the inferential analysis of meaning proposed by Alf Ross in his ground breaking paper T t and addresses the question how possession of a concept including the rules defining it is possible without endorsing these rules Jaap Hage argues that 1 legal status words such as owner have a meaning because they denote things or relations in institutional reality 2 the meaning of these words consists in this denotation relation 3 knowledge of this meaning presupposes knowledge of the rules governing these words Torben Spaak contributes to this volume with an exemplary analysis of one of the most central concepts of the law namely that of a legal power Lorenz K hler discusses the role of concepts in determining the scope of application of legal rules and raises from this perspective the question to what extent legal concept formation can be arbitrary Ralf Poscher argues that as soon as a concept is used in stating the law the precise scope of application of this concept has become a legal matter This means that the use of moral concepts in the law does not automatically lead to a moral import into the law Dennis Patterson holds that Hart s concept of law can be understood as a so called practice theory and provides an overview of such a theory

**Interpretation and Legal Theory** Andrei Marmor, 2005-04-30 Prev ed published by Oxford Clarendon Press New York Oxford University Press 1992 *The Autonomous Legal Concept of Communication to the Public* Branka Marušić, 2023-05-09 The economic right of a copyright holder to communicate to the public has become an increasingly important and complex issue in recent years this is partially due to changes in the way that content is accessed and consumed online This innovative book analyses the right of communication to the public taking account of what legal standing an autonomous legal concept can hold and how this is impacted by wider harmonisation efforts at an EU level

**Rights in Context** Professor Reza Banakar, 2013-02-28 This volume offers snapshots of how rights are debated and employed in public discourse to reshape legal and political relations at the beginning of the twenty first century It explores how rights are used to challenge the state of affairs by individuals and groups who seek justice and the strategies devised to defy the existing rights by those who wish to recast the social and political order This volume discusses rights firstly in relation to actual events and issues faced by policy makers courts international agencies or ordinary people These range from the demands of minority groups living in the West to freely

practice their culture and or religion to the threat of terrorism the regulation of asylum rights the investor s rights to disclosure and the rights of artists to freedom of expression Secondly rights discourse is examined in relation to attempts to redefine the form and content of rights for example by banning the right to wear religious symbols in public institutions or detaining terrorism suspects without trial Thirdly rights discourse is explored in connection with the attempts to develop new notions of rights such as human security which can more effectively respond to the challenges of late modern societies Finally the statuses of rights in sociological theory and socio legal research are briefly discussed and analysed

**Art and Copyright** Simon Stokes,2001-06 This is the first text to specifically examine in detail the intellectual property rights protecting artistic works and artists rights in the UK

**The Legal System of Art Auction in China** Zhen Zheng,2022-02-21 This book is the first book to comprehensively and deeply explain and construct the legal system of Chinese art auctions Based on agency theory in traditional contract law this book combs the legal relationship between client auctioneer and buyer Aiming at the most difficult problem of art identification this book shows the obligations that auctioneers must perform and the common methods for auctioneers to avoid these obligations The purpose of this book is to ease the current situation in which the interests of buyers and auctioneers are too opposed and speed up the legalization process of art auctions through the construction of the legal system of art auctions in China Additionally using the method of policy demonstration this book discusses how public power should intervene in the process of art auctions

**Precedents, Statutes, and Analysis of Legal Concepts** Scott Brewer,2013-06-17 At least since plato and Aristotle thinkers have pondered the relationship between philosophical arguments and the sophistical arguments offered by the Sophists who were the first professional lawyers Judges wield substantial political power and the justifications they offer for their decisions are a vital means by which citizens can assess the legitimacy of how that power is exercised However to evaluate judicial justifications requires close attention to the method of reasoning behind decisions This new collection illuminates and explains the political and moral importance in justifying the exercise of judicial power

*When Luxury Meets Art* Olga Louisa Kastner,2013-12-05 Increasingly luxury brands join forces with the arts today Yet these cross over collaborations do not constitute a homogeneous strategy but become manifest in manifold forms and appearances Regardless of their growing practical relevance for the creation of contemporary luxury brands though the varied forms of Luxury Brand Art Collaborations LBACs have remained largely unexplored to date Olga Louisa Kastner aims at systematizing the dominating collaborative patterns between luxury brands and the arts She empirically derives distinct types of LBACs based on methodically developed attributes and a large number of real cases Finally the author describes the main characteristics of the identified types and illustrates them by prototypical cases

Law and the Humanities Austin Sarat,Matthew Anderson,Cathrine O. Frank,2009-10-30 Law and the Humanities An Introduction brings together a distinguished group of scholars from law schools and an array of the disciplines in the humanities Contributors come from the United States and

abroad in recognition of the global reach of this field This book is at one and the same time a stock taking both of different national traditions and of the various modes and subjects of law and humanities scholarship It is also an effort to chart future directions for the field By reviewing and analyzing existing scholarship and providing thematic content and distinctive arguments it offers to its readers both a resource and a provocation Thus Law and the Humanities marks the maturation of this law and enterprise and will spur its further development

Kearns, European University Institute. Law Department, 1994

**The Legal Concept of Art** Christopher Paul

**Information Technology and Traditional Legal**

**Concepts** Richard Jones, Roksana Moore, 2013-10-18 Information technology has served to revolutionise the use exchange and protection of information The growth of the internet the convergence of technologies as well as the development of user generated and social networking sites has meant that significant amounts of person data as well as copyrighted materials are now readily accessible Within this changing cultural landscape the legal concepts of privacy data protection intellectual property and criminality have necessarily had to develop and adapt In this volume a number of international scholars consider this process and whether it has merely been a question of the law adapting to technology or whether technology has been forced to adapt to law Technologies have wrought a culture shift it is therefore apposite to ask whether legal concepts as reflections of culture should also change It is in this volume where papers on privacy data protection intellectual protection and cyber crime begin address this question This book was published as a special issue of International review of Law Computers and Technology

*New Insights into the Semantics of Legal Concepts and the Legal Dictionary* Martina Bajčić, 2017-04-12 This book focuses on legal concepts from the dual perspective of law and terminology While legal concepts frame legal knowledge and take center stage in law the discipline of terminology has traditionally been about concept description Exploring topics common to both disciplines such as meaning conceptualization and specialized knowledge transfer the book gives a state of the art account of legal interpretation legal translation and legal lexicography with special emphasis on EU law The special give and take of law and terminology is illuminated by real life legal cases which demystify the ways courts do things with concepts This original approach to the semantics of legal concepts is then incorporated into the making of a legal dictionary thus filling a gap in the theory and practice of legal lexicography With its rich repertoire of examples of legal terms in different languages the book provides a blend of theory and practice making it a valuable resource not only for scholars of law language and lexicography but also for legal translators and students

**Law, Art and the Commons** Merima Bruncevic, 2017-10-12 The concept of the cultural commons has become increasingly important for legal studies Within this field however it is a contested concept at once presented as a sphere for creativity democratic access and freedom of speech but one that denies property rights and misappropriates the public domain In this book Merima Bruncevic takes up the cultural commons not merely as an abstract notion but in its connection to physical spaces such as museums and libraries A legal cultural commons can she argues be envisioned as a lawscape that can quite literally be entered and

engaged with Focusing largely on art in the context of the copyright regime but also addressing a number of cultural heritage issues the book draws on the work of Deleuze and Guattari in order to examine the realm of the commons as a potential space for overcoming the dichotomy between the owner and the consumer of culture Challenging this dichotomy it is the productive and creative potential of law itself that is elicited through the book s approach to the commons as the empirical basis for a new legal framework which is able to accommodate a multitude of interests and values

**Handbook of Communication in the Legal Sphere** Jacqueline Visconti,2018-09-24 This volume explores communication and its implications on interpretation vagueness multilingualism and multiculturalism It investigates cross cultural perspectives with original methods models and arguments emphasizing national EU and international perspectives Both traditional fields of investigations along with an emerging new field Legal Visual Studies are discussed Communication addresses the necessity of an ongoing interaction between jurilinguists and legal professionals This interaction requires persuasive convincing and acceptable reasons in justifying transparency visual analyses and dialogue with the relevant audience The book is divided into five complementary sections Professional Legal Communication Legal Language in a Multilingual and Multicultural Context Legal Communication in the Courtroom Laws on Language and Language Rights and Visualizing Legal Communication The book shows the diversity in the understanding and practicing of legal communication and paves the way to an interdisciplinary and cross cultural operation in our common understanding of legal communication This book is suitable for advanced students in Linguistics and Law and for academics and researchers working in the field of Language and Law and jurilinguists

**Art and Human Rights** Fiana Gantheret,Nolwenn Guibert,Sofia Stolk,2023-05-09 This timely book builds bridges between the notions of art and aesthetics human rights universality and dignity It explores a world in which art and justice enter a discussion to answer questions such as can art translate the human experience How does humanity link individuality and community building How do human beings define and look for their identity The fields of human rights and art are brought together in order to open the discussion and contribute to the promotion and protection of human rights

*The Common European Sales Law in Context* Gerhard Dannemann,Stefan Vogenauer,2013-03-21 The recently proposed Common European Sales Law is intended to overcome differences between national contract laws 19 chapters co authored by British and German scholars investigate for the first time how the projected CESL would interact with various aspects of English and German law

**Freedom of Artistic Expression** Paul Kearns,2013-10-10 This book presents a unique and comprehensive examination of the human and moral rights of artists In what is arguably the first exhaustive book length account of artists rights Paul Kearns explores the problems associated with censorship both from philosophical and legal perspectives and focuses on the various ways in which the morality of art is legally regulated in different jurisdictions In relation to human rights English French and American law the law of the European Convention on Human Rights European Union law and public international law are all closely scrutinised to discover the extent to which

they offer protection for artistic freedom The author also examines domestic and international law in respect of artists moral rights the law of copyright and related laws In short the book provides an original and sometimes controversial analysis of persistent concerns regarding the legal regulation of the arts universally doctrinally and theoretically and seeks to offer an holistic treatment which will appeal to art lawyers artists and those interested in the future of the arts **The Legal**

**Reasoning of the Court of Justice of the EU** Gunnar Beck, 2013-01-21 The Court of Justice of the European Union has often been characterised both as a motor of integration and a judicial law maker To what extent is this a fair description of the Court s jurisprudence over more than half a century The book is divided into two parts Part one develops a new heuristic theory of legal reasoning which argues that legal uncertainty is a pervasive and inescapable feature of primary legal material and judicial reasoning alike which has its origin in a combination of linguistic vagueness value pluralism and rule instability associated with precedent Part two examines the jurisprudence of the Court of Justice of the EU against this theoretical framework The author demonstrates that the ECJ s interpretative reasoning is best understood in terms of a tripartite approach whereby the Court justifies its decisions in terms of the cumulative weight of purposive systemic and literal arguments That approach is more in line with orthodox legal reasoning in other legal systems than is commonly acknowledged and differs from the approach of other higher especially constitutional courts more in degree than in kind It nevertheless leaves the Court considerable discretion in determining the relative weight and ranking of the various interpretative criteria from one case to another The Court s exercise of its discretion is best understood in terms of the constraints imposed by the accepted justificatory discourse and certain extra legal steadying factors of legal reasoning which include a range of political factors such as sensitivity to Member States interests political fashion and deference to the EU legislator In conclusion the Court of Justice of the EU has used the flexibility inherent in its interpretative approach and the choice it usually enjoys in determining the relative weight and order of the interpretative criteria at its disposal to resolve legal uncertainty in the EU primary legal materials in a broadly communautaire fashion subject however to i regard to the political constitutional and budgetary sensitivities of Member States ii depending on the constraints and extent of interpretative manoeuvre afforded by the degree of linguistic vagueness of the provisions in question the relative status of and degree of potential conflict between the applicable norms and the range and clarity of the interpretative topoi available to resolve first order legal uncertainty and finally iii bearing in mind the largely unpredictable personal element in all adjudication Only in exceptional cases which the Court perceives to go to the heart of the integration process and threaten its *acquis communautaire* is the Court of Justice likely not to feel constrained by either the wording of the norms in issue or by the ordinary conventions of interpretative argumentation and to adopt a strongly communautaire position if need be in disregard of what the written laws says but subject to the proviso that the Court is assured of the express or tacit approval or acquiescence of national governments and courts *The Arts and the Legal Academy* Zenon Bankowski, Maksymilian Del

Mar,Paul Maharg,2016-04-01 In Western culture law is dominated by textual representation Lawyers academics and law students live and work in a textual world where the written word is law and law is interpreted largely within written and printed discourse Is it possible however to understand and learn law differently Could modes of knowing feeling memory and expectation commonly present in the Arts enable a deeper understanding of law s discourse and practice If so how might that work for students lawyers and academics in the classroom and in continuing professional development Bringing together scholars legal practitioners internationally from the fields of legal education legal theory theatre architecture visual and movement arts this book is evidence of how the Arts can powerfully revitalize the theory and practice of legal education Through discussion of theory and practice in the humanities and Arts linked to practical examples of radical interventions the chapters reveal how the Arts can transform educational practice and our view of its place in legal practice Available in enhanced electronic format the book complements The Moral Imagination and the Legal Life also published by Ashgate

**Postmigration, Transculturality and the Transversal Politics of Art** Anne Ring Petersen,2023-11-16 This is the first book to develop a postmigrant analytical perspective for the study of art concentrating on how postmigration reopens the study of contemporary art and migration The book introduces art historians and other scholars with a methodological interest in cultural analysis to the innovative concept of postmigration offering a comprehensive introduction to the various meanings and uses of the term as well as translating it methodologically to an art historical context The book analyses art projects from Denmark Germany and Great Britain which address some of the current challenges to European societies of immigration and by drawing on theory from fields such as migration studies transcultural studies and feminist postcolonial and political theory as well as re engaging established concepts such as imagination commemoration belonging identity racialization community public space and participation The book will be of interest to scholars working in art history art and politics migration studies and transcultural studies The Open Access version of this book available at [www.taylorfrancis.com](http://www.taylorfrancis.com) has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4 0 license Funded by The Novo Nordisk Foundation The Novo Nordisk Foundation s Committee on Research in Art and Art History Grant No NNF19OC0053992



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