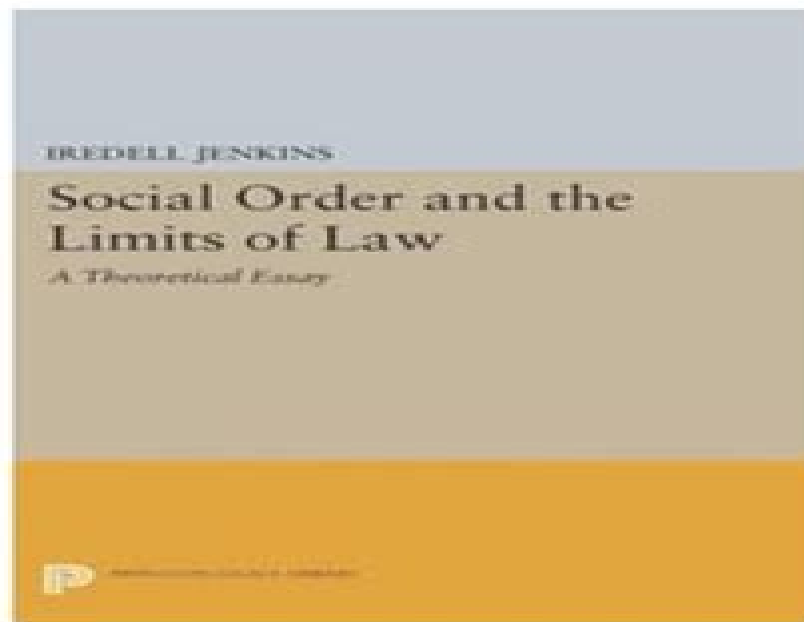


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# Social Order And The Limits Of Law A Theoretical Essay

**Helen Xanthaki**



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law is given the policy of law analysis Finally whether and to what extent the policy of law analysis can be encompassed within the traditional legal discipline and more particularly as a part of jurisprudence is explored Zamboni ranges broadly and knowledgeably over vast areas of legal theory But it is no mere taxonomising his argument is valuable and original It is clear learned and never boring Zenon Bankowski University of Edinburgh *A Three-Dimensional Theory of Law* María José Falcon y Tella, 2010-04-27 What this book intends to do is to study three dimensionalism the distinction values norms facts not in what could be called its historical dimension but in its substantive aspect as a form that when applied to different legal themes would add a material content to the three dimensional theory We can point out as a study plan the distinction between three perspectives Those of the legal norm of the legal order and the legal relationship Three dimensionalism also appears in this work when one analyzes the three phases of the life of the law The formation the interpretation and the application and in the distinction between the three characteristics of the legal order Fullness coherence and unity the theory of legal validity intended as legitimacy as validity strictly speaking or as effectiveness

**Dictionary Of Modern American Philosophers** John R. Shook, 2005-05-15 The Dictionary of Modern American Philosophers includes both academic and non academic philosophers and a large number of female and minority thinkers whose work has been neglected It includes those intellectuals involved in the development of psychology pedagogy sociology anthropology education theology political science and several other fields before these disciplines came to be considered distinct from philosophy in the late nineteenth century Each entry contains a short biography of the writer an exposition and analysis of his or her doctrines and ideas a bibliography of writings and suggestions for further reading While all the major post Civil War philosophers are present the most valuable feature of this dictionary is its coverage of a huge range of less well known writers including hundreds of presently obscure thinkers In many cases the Dictionary of Modern American Philosophers offers the first scholarly treatment of the life and work of certain writers This book will be an indispensable reference work for scholars working on almost any aspect of modern American thought

**Le plateau continental dans la Convention de 1982 sur le droit de la mer**, 1987-10-20 Annotation The Academy is an institution for the study and teaching of public and private international law and related subjects Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law

Translating Law Deborah Cao, 2007-04-12 The translation of law has played an integral part in the interaction among nations in history and is playing a greater role in our increasingly interconnected world today The book investigates legal translation in its many facets as an intellectual pursuit and a profession It examines legal translation from an interdisciplinary perspective covering theoretical and practical grounds and linguistic as well as legal issues It analyses legal translation competence and various types of legal texts

including contracts statutes and multilateral legal instruments presents a comparative analysis of the Common Law and the Civil Law and examines the case law from Canada Hong Kong and the European Court of Justice It attempts to demonstrate that translating law is a complex act that can enrich law culture and human experience as a whole      **Globalisation and the Western Legal Tradition** David B. Goldman,2008-02-07

What can globalisation teach us about law in the Western tradition This important new work seeks to explore that question by analysing key ideas and events in the Western legal tradition including the Papal Revolution the Protestant Reformations and the Enlightenment Addressing the role of law morality and politics it looks at the creation of orders which offer the possibility for global harmony in particular the United Nations and the European Union It also considers the unification of international commercial laws in the attempt to understand Western law in a time of accelerating cultural interconnections The title will appeal to scholars of legal history and globalisation as well as students of jurisprudence and all those trying to understand globalisation and the Western dynamic of law and authority      *Murder Stories* Paul Kaplan,2012-01-18

*Murder Stories* engages with the current theoretical debate in death penalty research on the role of cultural commitments to American ideologies in the retention of capital punishment The central aim of the study is to illuminate the elusive yet powerful role of ideology in legal discourses Through analyzing the content and processes of death penalty narratives this research illuminates the covert life of the American Creed a nexus of ideologies liberty egalitarianism individualism populism and laissez faire said to be unique to the United States in the law *Murder Stories* draws on the entire record of California death sentence resulting trials from three large and diverse California counties for the years 1996 2004 as well as interviews with 26 capital caseworkers attorneys judges and investigators from the same counties Employing the theoretical framework proposed by Ewick and Silbey 1995 to study hegemonic and subversive narratives and also the ethnographic approach advocated by Amsterdam and Hertz 1992 to study the producers and processes of constructing legal narratives this book traces the ideological content carried within the stories told by everyday practitioners of capital punishment by investigating the content process and ideological implications of these narratives The central theoretical finding is that the narratives constructed by both prosecutors and defenders tend to instantiate rather than subvert the ideological tenets of the American Creed      The Rights of the Child and the Changing Image of Childhood Philip E. Veerman,2021-11-01

In this book Philip E Veerman presents and discusses milestones in the evolution of children s rights as well as the work of a number of important pioneers in this field in order to examine whether the concept of childhood has changed in our century With Samuel Shye s Systemic Quality of Life Model as a conceptual framework and uniform standard more than forty Declarations and Conventions are analysed and compared Veerman thus unfolds an exciting picture of the changing image of childhood starting at the beginning of this century and culminating in the United Nations Convention on the Rights of the Child of 1989 and the World Summit for Children of 1990 Finally the author proposes together with Samuel Shye a Declaration on the Rights of the Child based on the Systemic Quality of Life

Model All the important Declarations and Conventions are reprinted as appendices This makes Veerman's study a complete and up to date textbook on children's right Dr Veerman is the coordinator of the Israel Section of Defence for Children International DCI and Fellow of the Youth Policy Center of Haifa University

**Legislative Drafting for the EU** Helen Xanthaki, 2024-04-12 Legislative Drafting for the EU calls for reform in the design of EU legislation to bolster its strength in political social and economic spheres The book offers technical guidance on how to achieve such reform through drafting and underlines the importance of accessible communication to create collective ownership of the regulatory aims

**Bentham and the Common Law Tradition** Gerald J. Postema, 2019-12-19 This work explores the relationship between Bentham's utilitarian practical philosophy and his positivist jurisprudence These theories appear to be in tension because his utilitarian commitment to the sovereignty of utility as a practical decision principle seems inconsistent with his positivist insistence on the sovereignty of the will of the lawmaker Two themes emerge from the attempt in this work to reconcile these two core elements of Bentham's practical thought First Bentham's conception of law does not fit the conventional model of legal positivism Bentham was not just a utilitarian and a positivist he was a positivist by virtue of his commitment to a utilitarian understanding of the fundamental task of law Moreover his emphasis on the necessary publicity and the systemic character of law led him to insist on an essential role for utilitarian reasons in the regular public functioning of law Second Bentham's radical critique of common law theory and practice convinced him of the necessity to reconcile the need for certainty of law with an equally great need for its flexibility He eventually developed a constitutional framework for adjudication in the shadow of codified law that accorded to judges discretion to decide particular cases according to their best judgment of the balance of utilities guaranteeing the accountability and appropriate motivation of judicial decision making through institutional incentives The original text of this work first published in 1986 remains largely unchanged but an afterword reconsiders and revises some themes in response to criticism

**Hindu Women's Property Rights in Rural India** Reena Patel, 2018-02-06 Hindu women in India have independent right of ownership to property under the Law of Succession The Hindu Succession Act 1956 However during the last five decades of its operation not many women have exercised their rights under the enactment This volume addresses the issue of Hindu peasant women's ability to effectuate the statutory rights to succession and assert ownership of their share in family land The work combines a critical evaluation of law with economic analyses into allocation of resources within the family as a means of addressing gender relations and explaining resulting gender inequalities

**MacCormick's Scotland** Neil Walker, 2012-03-26 A Gedenkschrift to one of Scotland's most prominent jurists and legal thinkers

**Drafting Legislation** Helen Xanthaki, 2014-10-16 This book constitutes the first thorough academic analysis of legislative drafting By placing the study of legislation and its principles within the paradigm of Flyvberg's phronetic social sciences it offers a novel approach which breaks the tradition of unimaginative past descriptive reiterations of drafting conventions Instead of prescribing rules for legislation it sets out to identify efficacy as

the main aim of the actors in the policy legislative and drafting processes and effectiveness as the main goal in the drafting of legislation Through the prism of effectiveness as synonymous with legislative quality the book explores the stages of the drafting process guides the reader through structure and sections in their logical sequence and introduces rules for drafting preliminary substantive and final provisions Special provisions comparative legislative drafting and training for drafters complete this thorough analysis of the drafting of legislation as a tool for regulation Instead of teaching the reader which drafting rules prevail the book explores the reasons why drafting rules have come about thus encouraging readers to understand what goal is served by each rule and how each rule applies The book is aimed at academics and practitioners who draft or use statutory law in the common or civil law traditions

**The Sociology of Law** Roman Tomasic, 1985 The Sociology of Law highlights the major concerns of legal sociologists and provides the reader with an overview of the diversity of the field and the theoretical approaches within it As such it provides a useful introduction for students to the sociology of law The first part of the book explores the theoretical paradigms in the sociology of law the application and development of the ideas of the classical theorists and discussion of behaviourist theories as well as Marxian and critical legal studies The second and third parts of the book examine two areas which have provided the core of the sociological study of law the legal profession and the courts The fourth part examines the study of policing social control and the sociology of criminal law It seeks to evaluate the nature of various sociological theories which have been developed in the context of policing and criminal law research Finally law making and social change are examined in particular the framing of law the implementation of law regulation knowledge and opinion about law and legal change

**God, Rights, Law and a Good Society** Peter Herrmann, 2012-08 Recent debates on and around the economic crisis frequently highlighted the issue of rights social rights fundamental rights and human rights and not least the question of ethics and politics Politics and ethics are surely a major issue both part of a complex hegemonic system And equally important is to think about rights on the said level in more complex ways seeing them not as static or simply developing in a linear way towards any kind of an absolute idea Equally misleading is thinking about rights in terms of relativism leaving their definition to discourses and making them negotiable The present author bringing different perspectives from social policy social work and economics together and drawing on extensive experiences from different regions of the world aims on overcoming both relativist and moralist stances Not least this continues the elaboration from the first chapter of the previous volume of the Writings on Philosophy and Economy of Power the Prolegomena in the New Princedoms published 2011 at Rozenberg Amsterdam One important aim of this second volume of the Writings on Philosophy and Economy of Power is to localise the changes of the current mode of regulation in a more fundamental way emphasising the need to elaborate the changes of the political economy The guiding question can be spelled out in a nutshell Do we face a new renaissance

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effectiveness of legal intervention especially regarding normativity the relationship between law and norms

**Interlinkages and the Effectiveness of Multilateral Environmental Agreements** W. Bradnee Chambers, 2008 In recent years there has been growing awareness that a major reason for the worsening global environment is the failure to create adequate institutional responses to fully address the scope magnitude and complexity of environmental problems Much of the criticism directed at the global institutions has focused on the necessity for greater coordination and synergism among environmental institutions policies and legal instruments and the need for approaches that take better account of the inter relationships between ecological and societal systems This book seeks to fill the gap in knowledge and policy making that exists particularly in international law Publisher s description



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