

THE
LEGAL
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Abridged Edition

James Boyd
White

The Legal Imagination

**Richard Mullender, Matteo
Nicolini, Thomas D.C. Bennett, Emilia
Mickiewicz**

The Legal Imagination:

The Legal Imagination James Boyd White, 1985-12-15 White extends his theory of law as constitutive rhetoric asking how one may criticize the legal culture and the texts within it A fascinating study of the language of the law This book is to be highly recommended certainly for those who find the time to read it it will broaden the mind and give lawyers a new insight into their role New Law Journal

Shakespeare and the Legal Imagination Ian Ward, 1999-07 This work offers an analysis of constitutional law examining Shakespeare's plays as legal texts Professor Ward uses the plays as a starting point to investigate the development of constitutional ideas such as sovereignty commonwealth conscience and moral law and the art of government In the developing area of law and literature this book examines how Shakespeare's work offers a rich source of textual material on legal subjects

The Legal Imagination James Boyd White, 1973 *Law and Imagination in Troubled Times* Richard Mullender, Matteo Nicolini, Thomas D.C. Bennett, Emilia Mickiewicz, 2020-05-12 This collection focuses on how troubled times impact upon the law the body politic and the complex interrelationship among them It centres on how they engage in a dialogue with the imagination and literature thus triggering an emergent but thus far underdeveloped field concerning the legal imagination Legal change necessitates a close examination of the historical cultural social and economic variables that promote and affect such change This requires us to attend to the variety of non legal variables that percolate throughout the legal system The collection probes the transatlantic constitution and focuses attention on imagination in a common law context that seems to foster imagination as a cultural capability The book is divided into four parts The first part begins with a set of insights into the historical development of legal education in England and concludes with a reflection on the historical transition of England from an absolute monarchy to a republic The second part of the volume examines the role that imagination plays in the functioning of the courts The third part focuses on patterns of thought in legal scholarship and detects how legal imagination contributes to the process of producing new legal categories and terminology The fourth part focuses on patterns of thought in legal scholarship and looks to the impact of the imagination on legal thinking in the future The work provides stimulating reading for those working in the areas of legal philosophy legal history and law and humanities and law and language

Failures of the Legal Imagination Alan Watson, 2016-12-09 In this masterful choreography of legal philosophy legal history and comparative law Alan Watson draws from ancient Roman English and French law to assess how lawmakers fail to envision ways to provide society with laws geared toward precise political or social goals

Constitutional Imaginaries Jiří Příbáň, 2021-09-30 This book offers a social theoretical analysis of imaginaries as constituent social forces of positive law and politics Constitutional imaginaries invite constitutional and political theorists philosophers and sociologists to rethink the concept of constitution as the normative legal limitation and control of political power They show that political constitutions include societal forces impossible to contain by legal norms and political institutions The constitution of society as one polity defined by the unity of topos ethnos

nomos that is the unity of territory people and their laws informed the rise of modern nations and nationalisms as much as constitutional democratic statehood and its liberal and republican regimes However the imaginary of polity as one nation living on a given territory under the constitutional rule of law is challenged by the process of European integration and its imaginaries informed by transnational legal and societal pluralism administrative governance economic performativity and democratically mobilised polity This book discusses the sociology of imagined communities and the philosophy of modern social imaginaries in the context of transnational European constitutionalism and its recent theories most notably the theory of societal constitutions It offers a new approach to the legal constitutions as societal power formations evolving at national European and global levels The book will be of interest to scholars and students interested in constitutional and European law theory and philosophy as much as interdisciplinary and socio legal studies of transnational law and society

Legal Theory and the Legal Academy Maksymilian Del Mar, 2017-07-05 The third in a series of three volumes on Contemporary Legal Theory this volume deals with four topics 1 the role of legal theory in the legal curriculum 2 the teaching of legal theory 3 the relationship of legal theory to legal scholarship and 4 the relationship of legal theory to comparative law The focus of the first two topics is on the common law world where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since John Austin's 1828 lecture The Uses and the Study of Jurisprudence These first two parts offer a selection of the most important papers including surveys as well as pedagogical viewpoints and particular course descriptions from analytical critical feminist law and literature and global perspectives The last three decades have seen just as many changes for legal scholarship and comparative law These changes such as the rise of empirical legal scholarship have often attracted the attention of legal theorists Within comparative law the last thirty years have witnessed intense methodological reflection within the discipline the results of these reflections are themselves properly recognised as legal theoretical contributions The volume collects the key papers including those by Neil MacCormick Mark Van Hoecke Andrew Halpin William Ewald and Geoffrey Samuel

Yearbook on International Investment Law and Policy 2020 Lisa E. Sachs, 2022 The Yearbook on International Investment Law Policy is an annual publication which provides a comprehensive overview of current developments in the international investment law and policy field

The Legal Order Åke Frändberg, 2018-08-16 In this monograph a fundamental distinction is made between law and juridical thinking Law is the content of legal rules and the systems of legal rules Juridical thinking is the handling of the law by the lawyers To this distinction corresponds a basic distinction between the language of law and the language of juridical thinking and correlatively between L concepts law concepts and J concepts juridical or jurisprudential concepts The monograph is devoted to the J concepts especially of technical not ideological or evaluative J concepts Four kinds of J concepts are investigated morphological J concepts those that help us to structure the law in a logical and functional way topological J concepts those that help us to indicate the phenomena to which the law is applicable and to separate the areas

of application for different legal systems praxeological J concepts those that help us to explore the relations between law and action and methodological J concepts those that help us to describe the methods of the professional juridical handling of the law The work can be characterised as presenting a lawyer s philosophy of law

Sexuality in the Legal Arena Didi Herman, Carl Stychin, 2000-01-01 The essays in this book explore a wide range of themes of current interest and controversy with a particular focus on lesbian and gay issues nationality postcoloniality sexuality and criminality and the politics of rights struggles

European Constitutional Imaginaries Jan Komárek, 2023 What does it mean to say that the European Union has a constitution theoretically but more importantly practically What sort of possibilities such assertion opens for various actors politicians legal professionals or the general public And what is the role of constitutional thinkers in establishing constitutional discourse as the dominant way in which European law is or was conceived after 1989 This volume seeks to answer such questions with a special emphasis on the last one European Constitutional Imaginaries are the central focus of the book These are sets of ideas and beliefs that help to motivate and at the same time justify the practice of government and collective self rule established by the constitution written or unwritten Such imaginaries are as important as institutions and office holders They provide political action with an overarching sense and purpose recognized by those governed as legitimate The book brings together reflections by lawyers philosophers sociologists or political economists who shed light on various constitutional imaginaries of Europe They provide critical intellectual histories of particular legal approaches to European integration and look behind the language of law to reach deeper insights into the contested history and political economy of Europe They ask us to think about European law differently

The Oxford Handbook of International Environmental Law Lavanya Rajamani, Jacqueline Peel, 2021-08-06 The second edition of this leading reference work provides a comprehensive discussion of the dynamic and important field of international law concerned with environmental protection It is edited by globally recognised international environmental law scholars Professor Lavanya Rajamani and Professor Jacqueline Peel and features 67 chapters authored by 76 renowned experts in their fields The Handbook discusses the key principles underpinning international environmental law its relevant actors and tools and rules applying in its substantive sub fields such as climate law oceans law wildlife and biodiversity law and hazardous substances regulation It also explores the intersection of international environmental law with other areas of international law such as those concerned with trade investment disaster migration armed conflict intellectual property energy and human rights The Handbook sets its discussion of international environmental law in the broader interdisciplinary context of developments in science ethics politics and economics which inform the way in which environmental rules are made implemented and enforced It provides an introduction to the foundations of international environmental law while also engaging with questions at the frontiers of research teaching and practice in the field including the role of Global South perspectives the contribution made by Earth jurisprudence and the growing role of a diverse range of actors from indigenous peoples to business and industry Like the

first edition this second edition of the Handbook is an essential reference text for all engaged with environmental issues at the international level and the applicable governance and regulatory structures

Lawyering Skills and the Legal Process Caroline Maughan, Julian Webb, 2005-09-29 Lawyering Skills and the Legal Process bridges the gap between academic and practical law for students undertaking skills based and clinical legal education courses at university It develops oral and written communication group working problem solving and conflict resolution skills in a range of legal contexts client interviewing drafting managing cases legal negotiation and advocacy The book is designed specifically to help students to practise and develop skills that will be essential in a range of occupations develop a deeper understanding of the English legal process and the lawyer's role in that process enhance their understanding of the relationship between legal skills and ethics and understand how they learn and how they can make their learning more effective This book provides a stimulating accessible and challenging approach to understanding the problems and uncertainties of practising law that goes beyond the standard approaches to lawyers skills

The Legal Thriller from Gardner to Grisham Lars Ole Sauerberg, 2016-11-10 This book offers a critically informed yet relaxed historical overview of the legal thriller a unique contribution to crime fiction where most of the titles have been written by professionals such as lawyers and judges The legal thriller typically uses court trials as the suspense creating background for presenting legal issues reflecting a wide range of concerns from corporate conflicts to private concerns all in a dramatic but highly informed manner With authors primarily from the USA and the UK the genre is one which nonetheless enjoys a global reading audience As well as providing a survey of the legal thriller this book takes a gender focused approach to analyzing recently published titles within the field It also argues for the fascination of the legal thriller both in the way its narrative pattern parallels that of an actual court trial and by the way it reflects frequently quite critically the concerns of contemporary society

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

A Research Agenda for Administrative Law Carol Harlow, 2023-02-14 With the aim of expanding

legal scholarly imagination this Research Agenda takes a tripolar approach to administrative law It opens the boundaries of administrative law scholarship to new subject areas exemplifies and opens for consideration several different attitudes to research and illustrates a multiplicity of different ways of writing about the subject The Legal Nature of International Human Rights Michael K. Addo, 2010-05-17 The role and influence human rights in society has been enhanced by its association with international law and yet despite this legal springboard the scope of its legal nature remains uncertain By analysing the work of international human rights courts and treaty bodies alongside a brief historical review this book assesses the distinctive legal dimension of human rights It concludes that the legalisation of human rights is an unplanned and evolving social construct that continues under the managerial oversight of international human rights courts and treaty bodies which employ the primary tool of treaty interpretation These characteristics of the legal environment of human rights in international law provide a good appreciation of the law itself and its limits **Constitutional Semiotics** Martin Belov, 2022-06-30 This book offers an outline of the foundations of a theory of constitutional semiotics It provides a systematic account of the concept of constitutional semiotics and its role in the representation and signification of meaning in constitution constitutional law and constitutionalism The book explores the constitutional signification of meaning that is stretched between rational entrenchment and constitutional imagination It provides a critical assessment of the rationalist entrapment of constitutional modernity and justifies the need to turn to shadow constitutionalisms textual symbolic imaginary and visual constitutionalism The book puts forward innovative incentives for constitutional analysis based on constitutional semiotics as a paradigm for representation of meaning in rational textual symbolic imaginary and visual constitutionalism The book focuses on the textual imaginative and visual discourse of constitutionalism which is built upon collective constitutional imaginaries and on the peculiar normativity of constitutional geometry and constitutional mythology as borderline phenomena entrenched in rational textual symbolic imaginary and visual constitutionalism The book analyses concepts such as constitutional text and texture authoritative constitutional narratives and authoritative constitutional narrators constitutional semiotic community constitutional utopia constitutional taboo normative ideology and normative ideas constitutional myth and mythology constitutional symbolism constitutional code and constitutional geometric form It explores the textual entrenchment of constitutionalism and its repercussions for representation and signification of meaning Law, Literature, and Violence Against Women Erin L. Kelley, 2024-06-10 This book engages legal and literary texts in order to examine acquaintance crimes such as rape sexual harassment stalking and domestic abuse and to challenge how the victim's physical or psychological freeze response is commonly and inaccurately mistaken for her consent Following increased interest in the MeToo movement and the discoveries of sexual abuse by numerous public figures this book analyzes themes in law and literature that discredit victims and protect wrongdoers Interpreting a present day novel alongside legislation and written court cases each chapter pairs a fictional text with a nonfictional counterpart In these pairings the

themes events and arguments of each are carefully unpacked and compared against one another As the cross readings unfold we learn that a victim does not ask for it and she should not arouse suspicions just because she does not fight run away or report the crime Instead and as this book demonstrates the more common and most practical response is to become physically and mentally paralyzed by fear the victim dissociates shuts down and remains stuck in the fright and captivity of abuse This book will interest scholars and students working in and especially at the intersection of law literature gender studies and criminology

Literature and the Legal Imaginary Subha Mukherji, Dunstan Roberts, 2025-01-06

Tuning into the collective understanding of law as lived experience Knowing Justice is a timely and distinctive intervention in the field of law and literature It seeks to understand and inhabit the intersection between judicial procedure legal thinking and imaginative practice where epistemic processes that elude the formal discourses of law and legal history are generated and brought into view But the law in early modern England the focus of this book though not its horizon was also an imaginative resource and a repository of structures of feeling These are functions uniquely grasped through literary mediation because literature shares the representational modes and structures of law but not its methods or ends Bringing together established and younger scholars from literary studies legal history theology and law and employing a variety of approaches this collection of essays eschews flat description in favour of layered analysis cognisant of the plurality of concept practice and representation In using a literary lens it treats apparent binaries or distinct registers as interlinked constituents of an ecology and navigates the gap between abstract jurisprudence and the affective composite social event of justice or judgment Its perception of literature likewise is capacious including imaginative method literary strategies used by law and its cognate disciplines and hermeneutic and critical methods that are traditionally regarded as literary Its notion of epistemology meanwhile encompasses not simply the condition of judicial knowledge but also its process psychology and ethics it attempts to know justice at the same time as it attends to what justice knows fails to know or resists knowing

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Table of Contents The Legal Imagination

1. Understanding the eBook The Legal Imagination
 - The Rise of Digital Reading The Legal Imagination
 - Advantages of eBooks Over Traditional Books
2. Identifying The Legal Imagination
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an The Legal Imagination
 - User-Friendly Interface
4. Exploring eBook Recommendations from The Legal Imagination
 - Personalized Recommendations
 - The Legal Imagination User Reviews and Ratings
 - The Legal Imagination and Bestseller Lists
5. Accessing The Legal Imagination Free and Paid eBooks

- The Legal Imagination Public Domain eBooks
- The Legal Imagination eBook Subscription Services
- The Legal Imagination Budget-Friendly Options
- 6. Navigating The Legal Imagination eBook Formats
 - ePub, PDF, MOBI, and More
 - The Legal Imagination Compatibility with Devices
 - The Legal Imagination Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of The Legal Imagination
 - Highlighting and Note-Taking The Legal Imagination
 - Interactive Elements The Legal Imagination
- 8. Staying Engaged with The Legal Imagination
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers The Legal Imagination
- 9. Balancing eBooks and Physical Books The Legal Imagination
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection The Legal Imagination
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine The Legal Imagination
 - Setting Reading Goals The Legal Imagination
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of The Legal Imagination
 - Fact-Checking eBook Content of The Legal Imagination
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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