

LIBERTARIAN THEORY OF LAW — AND — JUSTICE



Rights And Law Analysis And Theory

Andrew Halpin



Rights And Law Analysis And Theory:

Rights and Law, Analysis and Theory Andrew Halpin, 1997-07-19 Analyses the views of key jurisprudential thinkers on the subject of rights **Rights and Law** Andrew Halpin, 1997 *The Science of Law According to the American Theory of Government* Edward L. Campbell, 1887 **Theory and Principles of Law** Smith, 1884 Wegweiser durch die neue Litteratur der rechts- und staatswissenschaften Otto Mülbrecht, 1893 The Concept of Rights George W. Rainbolt, 2006-07-08 Discussions of rights are ubiquitous One constantly hears things such as The Chinese are violating Tibetan rights Landlords have a right that their tenants pay their rent Students have a right to be graded fairly Animals have a right not to suffer merely to bring pleasure to humans Abortion violates a fetus right to life We violate the rights of future generations when we pollute the water These statements assert that Tibetans landlords students animals fetuses and future generations all have rights Tibetans landlords students animals fetuses and future generations do not seem to have much in common When one presses for clarity it is very difficult to say precisely what a right is What is it to have a right That is the question this book seeks to answer To paint with an overly broad brush previous answers to this question can be divided into two groups Some hold interest benefit theories of rights while others hold choice will theories of rights Perhaps the first person to propose an interest benefit theory was Jeremy Bentham Its most cited contemporary defender is Joseph Raz The seminal statement of the choice theory was made by H L A Hart Carl Wellman is perhaps the most able defender of a will theory of rights The debate between these two groups of theories has been a productive one **Forced Migration and Separated Families** Marja Tiilikainen, Johanna Hiitola, Abdirashid A. Ismail, Jaana Palander, 2023-03-15 This open access book examines the impacts and experiences of family separation on forced migrants and their transnational families On the one hand it investigates how people with a forced migration background in Europe the Middle East and Latin America experience separation from their families and on the other how family and kin in the countries of origin or transit are impacted by the often precarious circumstances of their family members in receiving countries In particular this book provides new knowledge on the nexus between transnational family separation forced migration and everyday in security Additionally it yields comparative information for assessing the impacts of relevant legislation and administrative practice in a number of national contexts Based on rich empirical data including unique cases about South South migration the findings in this book are highly relevant to academics in migration and refugee studies as well as policy makers legislators and practitioners *Białostockie Studia Prawnicze 23(4)* Anna Drabarz, 2018-12-18 Jurisprudence and Practical Logic of Civil Code Xianzhong Sun, 2024-11-06 This book is a collection of articles that the author has pondered for a long time on the legal theory and practice of China's civil law It mainly discusses the systematic scientific and practical issues of Chinese civil law At the macro level it covers the relationship between the general provisions and the specific provisions of the Civil Code the introduction decline and revival of the Pandekton system in the process of drafting the Civil Code in China and the important

position of the Civil Code in the national governance system at the meso level it analyses the legislative arrangement and practical significance of the real right of the Civil Code at the micro level it explains the attribute of unauthorised disposal and the legal basis for the abolition of this clause in the Contract Law

Wegweiser durch die neuere Litteratur der Rechts- und Staatswissenschaften Otto Mühlbrecht, 1893

Legal Theory and the Social Sciences Maksymilian Del Mar, Michael Giudice, 2017-07-05

Ever since H L A Hart's self description of The Concept of Law as an exercise in descriptive sociology contemporary legal theorists have been debating the relationship between legal theory and sociology and between legal theory and social science more generally There have been some who have insisted on a clear divide between legal theory and the social sciences citing fundamental methodological differences Others have attempted to bridge gaps revealing common challenges and similar objects of inquiry Collecting the work of authors such as Martin Krygier David Nelken Brian Tamanaha Lewis Kornhauser Gunther Teubner and Nicola Lacey this volume the second in a three volume series provides an overview of the major developments in the last thirty years The volume is divided into three sections each discussing an aspect of the relationship of legal theory and the social sciences 1 methodological disputes and collaboration 2 common problems especially as they concern different modes of explanation of social behaviour and 3 common objects including most prominently the study of language in its social context and normative pluralism

Current Legal Theory, 1998

Feminist Legal Theory Nancy E. Dowd, Michelle S. Jacobs, 2003 Feminist Legal Theory is a groundbreaking collection of feminist work proceeding from the core assumption that the differences among women are essential to feminist analysis Rather than presenting feminist legal theory sequentially with African American feminism or critical race feminism added on at the end the volume thoroughly integrates key readings from non white non middle class and non mainstream writers throughout The volume explores the intersections of race class and gender in such areas as theory family work and economic issues and violence against women Each section of the book begins with an introduction providing context and insights into how the particular pieces included challenge norms and create new paradigms This vibrant challenging collection of work by a broad range of authors represents the cutting edge of feminist theory in concrete applications essential to gender equality Contributors include Patricia Hill Collins Bonnie Thornton Dill Angela P Harris Sylvia A Law Mari Matsuda Martha Minow Esther Ngan Ling Chow John A. Powell Jenny Rivera and Maxine Baca Zinn

International Law Theories Andrea Bianchi, 2016 Two fish are swimming in a pond Do you know what the fish asks his friend No tell me I was talking to a frog the other day And he told me that we are surrounded by water His friend looks at him with great scepticism Water What's that Show me some water International lawyers often find themselves focused on the practice of the law rather than the underlying theories This book is an attempt to stir up the water that international lawyers swim in It analyses a range of theoretical approaches to international law and invites readers to engage with different ways of legal thinking in order to familiarize themselves with the water all around us of which we hardly have any perception The main aim of this book is to

provide interested scholars practitioners and students of international law and other disciplines with an introduction to various international legal theories their genealogies and possible critiques By providing an analytical approach to international legal theory the book encourages readers to enhance their sensitivity to these different approaches and to consider how the presuppositions behind each theory affect analysis research and practice in international law International Law Theories is intended to assist students scholars and practitioners in reflecting more generally about how knowledge is formed in the field *Lectures on Jurisprudence, Or, The Philosophy of Positive Law* John Austin, Sarah Austin, 1879

Lectures on Jurisprudence Or the Philosophy of Positive Law Robert Campbell, 1885 Business, Religion and the Law Matteo Corsalini, 2022-12-30 This book investigates the intersection between business and religion from a legal perspective Taking a fresh look at some of the most compelling literature in law and religion it proposes a rethinking of what scholars on both sides of the Atlantic have dubbed church autonomy or more recently corporate religious freedom The volume explores how in the wake of a decade of US Supreme Court case law corporate religious freedom is now increasingly being extended to protect the religious liberty of another corporate entity the for profit corporation By exposing this shift from church to business autonomy in American law it is argued that a similar narrative has also begun to take place in Europe Through a comparative and interdisciplinary approach to corporate religious freedom the work provides the reader with a new comprehensive and easily accessible history of the genesis and evolution of this legal category in American and European law The book combines material that straddles international law and religion corporate law and economic theory The diversity of views contained within it makes it a valuable resource for scholars and students in law and religion corporate social responsibility and law and economics **Launching Liberalism** Michael P. Zuckert, 2002 In this volume prominent political theorist Michael Zuckert presents an important and pathbreaking set of meditations on the thought of John Locke In more than a dozen provocative essays many appearing in print for the first time Zuckert explores the complexity of Locke's engagement with his philosophical and theological predecessors his profound influence on later liberal thinkers and his amazing success in transforming the political understanding of the Anglo American world At the same time he also demonstrates Locke's continuing relevance in current debates involving such prominent thinkers as Rawls and MacIntyre Zuckert's careful reconsideration of Locke's role as launcher of liberalism involves a sustained engagement with the hermeneutical issues surrounding Locke an innovator who faced special rhetorical needs in addressing his contemporaries and the future It also involves highlighting the novelty of Locke's position by examining his stance toward the philosophical and religious traditions in place when he wrote Zuckert argues that neither of the dominant ways of understanding Locke's relations to his predecessors and contemporaries is adequate he is not well seen as a follower of any orthodoxy nor of any anti orthodoxy of his day either philosophical or theological He found a path to innovation that was philosophically radical but which was also able to connect with prevailing and accepted traditions That allowed him to exercise a practical influence

in history rarely if ever matched by any other philosopher Zuckert illustrates that influence by showing how William Blackstone used Lockean philosophy to reshape the common law and how the Americans of the eighteenth century used Lockean philosophy to reshape Whig political thought Zuckert argues that Locke's philosophy has continuing philosophic and political force a proposition he demonstrates by arguing that Locke presents a form of political philosophy superior to that of the liberal theorists of our day and that he has solid rejoinders to contemporary critics of liberalism The Yale Law Journal, 1989 **Rethinking Constitutional Law** Earl M. Maltz, 1994 Maltz reformulates the justification for originalist review and refines originalist theory itself he argues that a pure originalist approach mandates excessive judicial intervention under the Constitution and he shows that most nonoriginalist theorists have failed to provide a sufficient functional justification for nonoriginalist intervention

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