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# Philosophy Law Contemporary Readings Commentary

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Legal Positivism OUP Oxford  
The Philosophy of Law Classic  
and Contemporary Readings  
with Commentary Houghton  
Mifflin Harcourt P

**Beyond Camelot** Oxford  
University Press

Rape is one of the oldest crimes, yet in some ways it is the least understood. Criminal law classifies rape as a crime against the person along with murder, robbery, and battery. But in at least one respect rape is unique--with few exceptions its perpetrators are male and its victims

are female. The gendered nature of rape raises questions of equality and fairness as well as about the scope of individual rights to autonomy, privacy, security, and bodily integrity. Rape is therefore an important subject for political and social philosophy as well as for ethics, feminist philosophy, and the philosophy of law. This collection of original essays by leading philosophers investigates the philosophical dimensions of rape in all of its manifestations: act, crime, practice, and institution. The essays examine such issues as the nature of rape; the wrongfulness and harmfulness of rape; the relation of rape to racism,

sexism, classism, and other forms of oppression; and the legitimacy of various rape-law doctrines (such as the corroboration requirement, the marital-rape exemption, and the reasonable-belief defense). Each contributor advances a novel argument and seeks to disentangle the conceptual, evaluative, and empirical issues that arise in connection with the crime. Editor Keith Burgess-Jackson provides a substantive introduction, a history of rape law, two extensive bibliographies, and a detailed index to round out this major addition to a much-needed philosophical discussion of rape. A Most Detestable Crime is among the first philosophical anthologies

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devoted exclusively to the subject of rape--as complex and interesting intellectually as it is pervasive and disturbing socially. It is an essential reference work not only for legal and feminist philosophers, but for feminist scholars and practitioners in every field, including law, medicine, social work, and counseling. This volume will also be of interest to social, political, and legal theorists of every ideological and methodological persuasion.

Homosexuality in the Jurisprudence of the Supreme Court of India  
BRILL

The book analyses the Indian Supreme Court's jurisprudence on homosexuality, its current approach and how its position has evolved in the past ten years. It critically analyses the Court's landmark judgments and its perception of equality, family, marriage and human rights from an international perspective. With the help of European Court of Human Rights' judgments and international conventions, it compares the legal and

social discrimination meted out to the Indian LGBTI community with that in the international arena. From a social anthropological perspective, it demonstrates how gay masculinity, although marginalized, serves as a challenge to patriarchy and hegemonic masculinity. This unique book addresses the lack of in-depth literature on gay masculinity, elaborately narrating and analysing contemporary gay masculinity and emerging gay lifestyles in India and highlighting the latest research on the subject of homosexuality in general and in particular with respect to India. It also discusses several new issues concerning the gay men in India supported by the living law approach put forth by Eugen Ehrlich. *2nd Edition* Springer  
Does the Law exist? And if so, what is it? Can we know it? This book tries to answer these questions by approaching as a whole the problem of Law, its justification and demonstration. Because when facing multiple legal

theories, many of which are contradictory, we have to ask ourselves what the true Law is, if it exists indeed, its origin, meaning and perspective. We are in pursuit of something more: the Law and its truth. This fundamental question must be scientifically solved, and in such an in-depth approach that only philosophy, traditionally understood as "knowledge by its first and principle causes, obtained under the natural light of reason," can give us the answer. The current thesis takes up the problem of knowledge and its theories of being and truth, to later contrast them with various juridical currents. Two different paths, processes and objects to reach the same conclusion. The result wasn't easy, but we believe we contributed with a juridical theory with seven rules of truthfulness, that from our humble point of view, solves the

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conflict over Law, its essence and properties. What is Right? What is Law? Does a juridical science exist? Does a true theory of Law exist or does each one of us have their own truth? These were the central questions we tried to answer in the current thesis; to demonstrate through reason the considerations raised here and to somehow contribute in a positive way to the growing relativism of this subject.

The Bloomsbury Companion to Analytic Philosophy Cambridge Scholars Publishing

Is the Miranda warning, which lets an accused know of the right to remain silent, more about procedural fairness or about the conventions of speech acts and silences? Do U.S. laws about Native Americans violate the preferred or traditional "silence" of the peoples whose religions and languages they aim to "protect" and "preserve"? In *Just Silences*, Marianne Constable draws on such examples to explore what is at stake in modern law: a potentially new silence as to justice. Grounding her claims about modern law in rhetorical analyses of U.S. law and legal texts and locating those claims within the tradition of Nietzsche, Heidegger, and

Foucault, Constable asks what we are to make of silences in modern law and justice. She shows how what she calls "sociolegal positivism" is more important than the natural law/positive law distinction for understanding modern law. Modern law is a social and sociological phenomenon, whose instrumental, power-oriented, sometimes violent nature raises serious doubts about the continued possibility of justice. She shows how particular views of language and speech are implicated in such law. But law--like language--has not always been positivist, empirical, or sociological, nor need it be. Constable examines possibilities of silence and proposes an alternative understanding of law--one that emerges in the calling, however silently, of words to justice. Profoundly insightful and fluently written, *Just Silences* suggests that justice today lies precariously in the silences of modern positive law.

Classic and Contemporary Readings in Sociology Broadview Press

With over sixty cases as support, this text presents the philosophy of law as a perpetual series of debates with overlapping lines and cross connections. Using law as a focus to bring into relief many social and political issues of pressing importance in contemporary society, this

book encourages readers to think critically and philosophically. *Classic Readings and Cases in the Philosophy of Law* centers on five major questions: What is law? What, if any, connection must there be between law and morality? When should law be used to restrict the liberty of individuals? To what extent should democratic states permit civil disobedience? What, if anything, justifies the infliction of punishment on those who violate the law? The extensive anthology of cases covers the mundane to the grandest of constitutional issues, including controversial topics like ownership of genetic material, capital punishment, and gay rights. Brief introductions to each case describe the central issue being litigated, the legal reasoning of the justices – both majority and dissenting – the decision of the court, and its philosophical significance.

*Just Silences* Lulu.com

An introductory textbook on critical thinking full of real-life examples and exercises from contemporary sources.

Critical Essays Springer Nature  
*International Criminal Procedure: Principles and Rules* is a comprehensive study of international criminal proceedings written by over forty leading experts in the field.

The book offers a systematic overview and detailed comparison of the standards governing the conduct of proceedings in all major international and internationalized criminal courts from the Nuremberg and Tokyo Tribunals to the recently established Cambodian Extraordinary Chambers and the Special Tribunal for Lebanon. Based on a major research project, the study covers all procedural phases from the initiation of investigation to the appeals process. It pays special attention to the crosscutting themes which shape the contemporary discourse on international criminal justice, including the law of evidence, the defence issues, the procedural role of victims, and negotiated dismissal of international crime cases. The book not only takes stock of the procedural legacy of the UN ad hoc Tribunals for the former Yugoslavia and Rwanda and the International Criminal Court, but also reflects on the future directions of international criminal procedure. Investigating the tribunals' procedural law and practice through the prism of human rights law, domestic legal traditions, and tribunals' special objectives, the expert group puts forth proposals on how the challenges facing international criminal jurisdictions can best be met. *International Criminal Procedure* will be an indispensable work for

practitioners involved in the adjudication of serious crimes on both national and international level, as well as international law students and academics.

*International Criminal Procedure*  
Routledge

This book evaluates the democratic theory of America's Christian Right (CR). The CR has been examined extensively in academic literature. However, most analyses focus on its origins, policy preferences, or successful mobilization. Hudson instead examines the normative assumptions about governance that inform CR activism. The CR has its own answers to the core questions asked in democratic theory, such as "What legitimizes power?" and "What is the proper relationship between the state and the individual?" The author outlines ten normative assumptions of the CR and compares each to its counterpoint in liberal democratic theory. Much of what the CR believes about democracy comes from the same authors as modern and postmodern democratic theory but differs in its interpretation and application. The book describes in detail the theory of CR and demonstrates how the CR operates from a different view of governance than is usually associated with the United States.

*Philosophy of Law* Oxford University Press on Demand  
*Thinking on Screen: Film as Philosophy* is an accessible and thought-provoking examination of the way films raise and explore complex philosophical ideas. Written in a clear and engaging style, Thomas Wartenberg examines films'

ability to discuss, and even criticize ideas that have intrigued and puzzled philosophers over the centuries such as the nature of personhood, the basis of morality, and epistemological skepticism. Beginning with a demonstration of how specific forms of philosophical discourse are presented cinematically, Wartenberg moves on to offer a systematic account of the ways in which specific films undertake the task of philosophy. Focusing on the films *The Man Who Shot Liberty Valance*, *Modern Times*, *The Matrix*, *Eternal Sunshine of the Spotless Mind*, *The Third Man*, *The Flicker*, and *Empire*, Wartenberg shows how these films express meaningful and pertinent philosophical ideas. This book is essential reading for students of philosophy with an interest in film, aesthetics, and film theory. It will also be of interest to film enthusiasts intrigued by the philosophical implications of film.

*Principles and Rules* Walter de Gruyter

Despite persistent criticism from a variety of different perspectives including natural law, legal realism and socio-legal studies, legal positivism remains as an enduring theory of law. The essays contained in this volume represent the most balanced responses toward legal positivism and although largely sympathetic, the essays do not fail to criticize elements of the tradition wherever appropriate.

Cambridge University Press  
*Philosophy of Psychology: Contemporary Readings* is a comprehensive anthology that

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includes classic and contemporary readings from leading philosophers. Addressing in depth the major topics within philosophy of psychology, the editor has carefully selected articles under the following headings: pictures of the mind commonsense psychology representation and cognitive architecture. Articles by the following philosophers are included: Blackburn, Churchland, Clark, Cummins, Dennett, Davidson, Fodor, Kitcher, Lewis, Lycan, McDowell, McLeod, Rey, Segal, Stich. Each section includes a helpful introduction by the editor which aims to guide the student gently into the topic. The book is highly accessible and provides a broad-ranging exploration of the subject, including discussion of the leading philosophers in the field. Ideal for any student of philosophy of psychology or philosophy of mind.

**The Limits and Possibilities of Modern Law** Princeton University Press

**Leviathan or The Matter, Forme and Power of a Common-Wealth Ecclesiastical and Civil** is a book written by an English materialist philosopher Thomas Hobbes about problems of the state existence and development. Leviathan is a name of a Bible monster, a symbol of nature powers that belittles a man. Hobbes uses this character to describe a powerful state ( “ God of the death ” ). He starts with a postulate about a natural human state ( “ the war of all against all ” ) and develops the idea “ man is a wolf to a man ” . When people

stay for a long time in the position of an inevitable extermination they give a part of their natural rights, for the sake of their lives and general peace, according to an unspoken agreement to someone who is obliged to maintain a free usage of the rest of their rights – to the state. The state, a union of people, where the will of a single one (the state) is compulsory for everybody, has a task to regulate the relations between all the people. The book was banned several times in England and Russia.

**Contemporary Readings in the Philosophy of Literature** Greenwood Publishing Group  
Featuring chapters on the latest developments in fifteen core subjects in analytic philosophy, **The Bloomsbury Companion to Analytic Philosophy** is an essential guide for all those working in the field today. Introducing its history and looking ahead to new research directions, this companion brings together a team of internationally renowned philosophers to explore the major concepts, thinkers and areas of inquiry in the analytic tradition With an extensive glossary, an annotated bibliography, a timeline of major events and publications, and a guide to further resources, this comprehensive companion is ideal for use on courses. Broken down into three parts, it covers: The history of analytic philosophy, from Frege, Moore

and Russell to Wittgenstein, the Vienna Circle and beyond the more recent work of four influential American philosophers: Quine, Davidson, Putnam and Kripke Current analytic philosophy in action in subjects such as philosophy of mind and language, moral and political philosophy, metaphysics, epistemology and the philosophy of science, mathematics, perception, free will and personal identity Recent trends and developments such as the rise of specialisation and science, self-consciousness and analytic metaphysics Broaching the controversial question of what analytical philosophy is, explaining how it differs from Continental Philosophy and exploring the extent to which it is in a state of crisis, **The Bloomsbury Companion to Analytic Philosophy** presents an authoritative introduction to the origins and future of Anglo-America's dominant philosophical tradition. Now available in paperback, this edition includes updated references and a chapter on Ethics and the problem of overdemandingness.  
**Philosophy of Psychology: Contemporary Readings** Broadview Press  
This book analyzes the impact of Solvency II. In recent years, EU legislators have sought to introduce fundamental reforms. Whether these reforms were indeed fundamental is critically investigated with regard to a post-crisis piece of financial legislation

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affecting the EU ' s largest institutional investors: Solvency II. Namely, the last financial and economic crisis, the worst financial catastrophe of the last decade, revealed that financial law in particular was not sufficiently mature to maintain the existence of a robust and trust-worthy financial system that could protect society from economic decline. The work also makes concrete recommendations on achieving a more sustainable future. As such, it offers a valuable resource for anyone who is interested in the financial system, the EU political economy, insurance, sustainability, and Critical Legal Studies.

Essential Readings with Commentary Routledge

This in-depth introduction to the pivotal arguments for and against legalizing same-sex marriage attempts to exemplify the high quality of thoughtful discussion that is possible.

Philosophy of Psychology: Contemporary Readings John Wiley & Sons

Contributors address aspects of presidential leadership in essays on how presidential values are determined or constructed, how they are condoned and criticized, how they are packaged and conveyed, and how they are interpreted and acted upon. Includes scholars from communication, history, law, philosophy, political science, and psychology

The Values of Presidential Leadership Palibrio

Philosophy of Law provides a rich overview of the diverse theoretical justifications for our

legal rules, systems, and practices. Utilizes the work of both classical and contemporary philosophers to illuminate the relationship between law and morality Introduces students to the philosophical underpinnings of International Law and its increasing importance as we face globalization Features concrete examples in the form of cases significant to the evolution of law Contrasts Anglo-American law with foreign institutions and practices such as those in China, Japan, India, Ireland and Canada Incorporates diverse perspectives on the philosophy of law ranging from canonical material to feminist theory, critical theory, postmodernism, and critical race theory

Marriage and Same-sex Unions Houghton Mifflin Harcourt P This comprehensive anthology draws together writings by leading philosophers of science and will prove invaluable for any philosophy of science course.

A Debate Routledge

The problem of definition has a long history and has engaged the minds of some of the most eminent thinkers in the Western tradition, from Plato and Aristotle onwards. But it is also an everyday problem constantly confronting all who have to draft or interpret the countless texts on which modern society depends. Definition in Theory and Practice focuses on two areas where difficulties arise in a particularly acute

form: lexicography and the law. Examining a wide range of approaches and definitional techniques, backed up by detailed analyses of dictionary entries and court cases, the authors provide a comprehensive survey of their subject. They argue that what underlies the problem of definition are conflicting assumptions about the way language functions. This in-depth study of definition will be of interest to academics researching lexicography, semantics and the intersection of linguistics and jurisprudence.