

Failures of the Legal Imagination

A L A N W A T S O N



Failures Of The Legal Imagination

Frances J. Ranney



Failures Of The Legal Imagination:

Failures of the Legal Imagination Alan Watson, 1988 Roman Law & Comparative Law Alan Watson, 1991 Provides a comprehensive description of the system of Roman law discussing slavery property contracts delicts and succession Also examines the ways in which Roman law influenced later legal systems such as the structure of European legal systems tort law in the French civil code differences between contract law in France and Germany parameters of judicial reasoning feudal law and the interests of governments in making and communicating law **The Evolution of Western Private Law** Alan Watson, 2003-05-22 In *The Evolution of Western Private Law* renowned legal scholar Alan Watson presents a comprehensive overview of legal change in the Western world Watson explains why and how such change occurs in mature systems in underdeveloped systems and when legal systems of different levels of sophistication and from different societal roots such as those of the Romans and of Germanic tribes come into contact Originally intended as a second edition of the author's widely acclaimed *The Evolution of Law* 1985 this expanded edition has been completely restructured with more than double the number of examples The result is a work that incorporates all the ideas that Watson has put forward during his twenty five years studying comparative law and the development of legal systems combining a remarkable range of sources with superb insight Aristotle's Ethics and Legal Rhetoric Frances J. Ranney, 2017-07-05 Taking the novel position of dealing with law classical rhetoric and feminism concurrently this book considers the effects of beliefs about language on those who attempt to theorize about and use law to accomplish practical and political purposes The author employs Aristotle's terminology to analyze economic and literary schools of thought in the US legal academy noting the implicit language theory underlying claims by major thinkers in each school about the nature of law and its relationship to justice The underlying assumption is that as law can only work through language beliefs about its relationship to justice are determined by assumptions about the nature of language In addition the author provides an alternative feminist rhetoric that being focused on the production of texts rather than their interpretation offers a practical ethic of intervention Methods of Comparative Law P. G. Monateri, 2012-01-01 Comprising an array of distinguished contributors this pioneering volume of original contributions explores theoretical and empirical issues in comparative law The innovative interpretive approach found here combines explorative scholarship and research with thoughtful qualitative critiques of the field The book promotes a deeper appreciation of classical theories and offers new ways to re orient the study of legal transplants and transnational codes *Methods of Comparative Law* brings to bear new thinking on topics including the mutual relationship between space and law the plot that structures legal narratives identities and judicial interpretations a strategic approach to legal decision making and the inner potentialities of the comparative law and economics approach to the field Together the contributors reassess the scientific understanding of comparative methodologies in the field of law in order to provide both critical insights into the traditional literature and an original overview of the most recent and purposive trends A welcome addition to the lively field

of comparative law Methods of Comparative Law will appeal to students and scholars of law comparative law and economics Judges and practitioners will also find much of interest here

Legal Pragmatism Michael Sullivan, 2007-06-14 In Legal Pragmatism Michael Sullivan looks closely at the place of the individual and community in democratic society After mapping out a brief history of American legal thinking regarding rights from communitarianism to liberalism Sullivan gives a rich and nuanced account of how pragmatism worked to resolve conflicts of self interest and community well being Sullivan's view of pragmatism provides a comprehensive framework for understanding democracy as well as issues such as health care education gay marriage and illegal immigration that will determine its character in the future Legal Pragmatism is a bold carefully argued book that presents a unique understanding of contemporary society law and politics

Circumventing the Law Elana Stein Hain, 2024-01-20 Circumventing the Law probes the rabbinic logic behind the use of loopholes the legal phenomenon of finding and using gaps within law to achieve otherwise illegal outcomes The logic of *ha aramah* a subset of rabbinic legal circumventions mostly defined as a tool for private life underpins both well known circumventions such as selling leaven before Passover and lesser known mechanisms such as designating an animal intended for sacrifice blemished before birth to allow it to be slaughtered for food instead Elana Stein Hain traces the development of these loopholes over time revealing that rabbinic literature does not consistently accept or reject loopholes Instead rabbinic Judaism applies categories of evasion prohibited avoidance permitted and avoision contested to loopholes on a case by case basis The intended outcome of a given loophole determines its classification as does the legal integrity of the circumventive process in question Yet these understandings of loopholes are not static instead rabbinic attitudes toward loopholing change over time Early works display an objective performative understanding of the self and of intention but evolve over time to reflect more subjective and intimate understanding of the self and intention This evolution redefines what legal integrity means in Jewish legal philosophy Circumventing the Law brings readers through the Second Temple period to the modern era to see how loopholing has evolved over millennia With a focus on late antiquity Stein Hain explores tannaitic literature the Palestinian Talmud and contemporaneous Greco Roman and Persian thought to show that when warranted Jewish rhetoric and philosophy around understandings of loopholes was a unique phenomenon that relied on changes in understanding the definition of integrity itself a key finding for scholars of Jewish Studies and of religious and of secular law writ large

Pilgrims in Medicine: Conscience, Legalism and Human Rights Thomas Alured Faunce, 2005-01-01 This arrestingly novel work develops a normative synthesis of medical humanities virtue ethics medical ethics health law and human rights It presents an ambitious complex and coherent argument for the reconceptualisation of the doctor patient relationship and its regulation utilising approaches often thought of as being separate if not opposed virtue based ethics and universal human rights The case is argued gracefully with moderation but also with respect for opposing positions The book's analysis of the foundational professional virtue of therapeutic loyalty is an original departure from the traditional discourse of patient

autonomy and the ethical and legal duties of the medical practitioner The central argument is not merely presented as bookends in the introduction and conclusion It is cogently represented in each chapter and section and measured against the material considered A remarkable feature is the use of aptly selected canonical literature to inform the argument These references run from Hesse's *The Glass Bead Game* in the abstract to Joyce's *Ulysses* in the conclusion They include excerpts from and discussion about Bergman Borges Boswell Tolstoy de Beauvoir Chekhov Dostoevsky Samuel Johnson Aristotle Orwell Osler Chaucer Schweitzer Shakespeare Thorwalds Kafka and William Carlos Williams Such references are used not merely as an artistic and decorative leitmotif but become a critical narrative element and another complex and rich layer to this work The breadth and quality of the references are testimony to the author's clear understanding of the modern law and literature movement This work provides the basis of a medical school course As many medical educators as possible should also be encouraged to read this work for the insights it will give them into using their own personal life narratives and those of their patients to inform their decision making process This thesis will also be of value to the judiciary whose members are often called upon to make normatively difficult judgments about medical care and medical rules The human rights material leads to a hopeful view of an international movement toward a universal synthesis between medical ethics and human rights in all doctor patient relationships

Scholars of the Law Richard A. Cosgrove, 1996-04 Cosgrove's account begins with the emergence of the positivist belief that jurisprudence can solve the truly important social issues of the day and leads us through the gradual divorce of legal theory from legal history Legal theory in the twentieth century argues Cosgrove has become narrow and abstract irrelevant to the daily practice of the law Contemporary theory ever anxious to debunk elitism ironically has become elitist itself

Challenges to Authority and the Recognition of Rights Catharine MacMillan, Charlotte Smith, 2018-08-16 A unique volume demonstrating how law changes by reason of challenges to authority which seek the recognition of rights

The African Canadian Legal Odyssey Barrington Walker, 2012-01-01 The African Canadian Legal Odyssey explores the history of African Canadians and the law from the era of slavery until the early twenty first century This collection demonstrates that the social history of Blacks in Canada has always been inextricably bound to questions of law and that the role of the law in shaping Black life was often ambiguous and shifted over time Comprised of eleven engaging chapters organized both thematically and chronologically it includes a substantive introduction that provides a synthesis and overview of this complex history This outstanding collection will appeal to both advanced specialists and undergraduate students and makes an important contribution to an emerging field of scholarly inquiry

What Should Legal Analysis Become? Roberto Mangabeira Unger, 1996-06-17 Unger criticizes the dominant rationalizing style of legal doctrine with its obsessional focus upon adjudication and its urge to suppress or contain conflict or contradiction in law He shows how we can turn legal analysis into a way of talking about the alternative institutional futures of a democratic society The programmatic proposals of Unger's *Politics* are here placed within a wider field of possibilities

Law, Society, and

Economy Richard Rawlings, London School of Economics and Political Science, 1997 This centenary volume of essays explores a number of related themes which differentiate and characterize the approach of the LSE Central to this is the assumption that law is one of the social sciences and that law should be studied in context as a social

Legal Geography Matteo Nicolini, 2022-12-05 This book invites readers to critically rethink the interrelations between geography and the law Traditionally legal geographical interrelations have been dominated by scholars with backgrounds in geopolitics economics or geography More recently a new interdisciplinary approach has been developed with the aim of offering a fresh perspective on how law and geography intersect There has been a steady growth in cross disciplinary research in this field how legal geographical taxonomies interrelate has attracted attention from scholars and academics with a diverse range of backgrounds namely law anthropology and human physical geography thus giving rise to several publications Against this backdrop the book adopts a legal comparative perspective and assesses normative spatialities which are the outcomes of processes of legal spatial production In addition the comparative analysis offers readers new insights on some traditional geographic features which are essential to legal studies territorial identity regional demarcation territorial alternation and place name policy Examples are drawn from several jurisdictions both from the Global North and the Global South and partly employ a diachronic perspective As its subversive character is ideally suited to revealing policies and agendas comparative law is used to identify the ethnocentric and colonial biases underpinning the use and misuse of legal geographic devices by policymakers and academics In sum the book presents legal geography as an interdisciplinary undertaking in which geographers and legal scholars can jointly examine common concepts in the historical cultural political and social contexts in which law is practised The book transcends the boundaries between disciplines to engage in a fruitful dialogue on how the law can help to address the current socio geographic and ecological crises

Rebellion and Violence in Islamic Law Khaled Abou El Fadl, 2001-11-01 Khaled Abou El Fadl's book represents the first systematic examination of the idea and treatment of political resistance and rebellion in Islamic law Pre modern jurists produced an extensive and sophisticated discourse on the legality of rebellion and the treatment due to rebels under Islamic law The book examines the emergence and development of these discourses from the eighth to the fifteenth centuries and considers juristic responses to the various terror inducing strategies employed by rebels including assassination stealth attacks and rape The study demonstrates how Muslim jurists went about restructuring several competing doctrinal sources in order to construct a highly technical discourse on rebellion Indeed many of these rulings may have a profound influence on contemporary practices This is an important and challenging book which sheds light on the complexities of Islamic law and pre modern attitudes to dissidence and rebellion

Military Law Review, 1994

Writing as Resistance Paul Gready, 2003-01-01 Writing as Resistance charts the inner workings of apartheid through the encounters imprisonment exile and homecoming that crucially defined its violent reign and ultimate overthrow Author Paul Gready demonstrates the transformative nature of autobiographical narrative as resistance in the

context of political struggle This multidisciplinary study addresses a range of important contemporary topics migration postcolonialism globalization nationalism human rights and political democratization among others While informed by the work of South African writers including Breytenbach Coetzee First Krog Modisane and Serote and adding to the literature on the apartheid era this book speaks to all cultures of violence With this important work Gready sheds new light on the relationship between violence and creativity

Law and Commerce in Pre-Industrial Societies Barry Hawk,2015-10-20 Well before states literacy or legal systems there were commerce and trade which are found in all societies irrespective of politics social norms or ideologies Athenian landowners Roman senators and Qing mandarins screened their participation in commerce and trade Legal and informal institutions were developed to secure persons and property resolve commercial disputes raise capital and share risk promote fair dealing regulate agents and gather market information Law and Commerce in Pre Industrial Societies examines commerce its participants and these institutions through the lens of nine pre industrial societies Hunter gatherers Mesopotamia Egypt Athens Rome the early Islamic world medieval Europe medieval Southern India and Qing China The book provides historical perspective to contemporary debates about the relationship between commerce and law public ordering versus privately created systems of law the rule of law and the relative merits of courts versus merchant networks to resolve disputes

Private Law and Competition Regulation Alberto Brown,2024-07-12 This book explores the distinction between private and public aspects in competition law and focuses on how the concept of competition is incorporated into the legal framework Distinguishing between antitrust regulations and competition related legal rules in private law such as unfair competition and contract laws the book also differentiates between the utilitarian and deontological principles that underpin competition regulation This historical and philosophical approach is used to compare two influential jurisdictions England and Spain These legal systems have had a significant impact on the development of legal rules in Common law and Civilian Latin American countries respectively Through this lens the book further analyses the concept of competition and its value in each legal tradition This understanding in turn helps clarify the scope of competition regulation within antitrust and private law and how the two fields coexist Additionally the book examines the role of property law theory in the context of competition regulation The book will be of interest to students and scholars in the field of competition law tort law and legal history

Foreordained Failure Steven Douglas Smith,1999 Ever since the Supreme Court began enforcing the First Amendment s religion clauses in the 1940s courts and scholars have tried to distill the meaning of those clauses into a useable principle of religious freedom In Foreordained Failure Smith argues that efforts to find a principle of religious freedom in the original meaning are futile but not because the original meaning is irrecoverable The difficulty is that the religion clauses were not originally intended to approve any principle or right of religious freedom Rather the clauses were purely jurisdictional in nature they were intended to do nothing more than confirm that authority over questions of religion remained with the states This work will be of great interest to law scholars lawyers

judges and other readers concerned with the subject of religious freedom

Whispering the Strategies of Language: An Emotional Journey through **Failures Of The Legal Imagination**

In a digitally-driven world wherever screens reign supreme and quick connection drowns out the subtleties of language, the profound secrets and mental subtleties hidden within phrases frequently move unheard. Yet, located within the pages of **Failures Of The Legal Imagination** a fascinating fictional treasure pulsing with natural emotions, lies an extraordinary quest waiting to be undertaken. Published by an experienced wordsmith, this wonderful opus invites visitors on an introspective trip, delicately unraveling the veiled truths and profound influence resonating within the fabric of each and every word. Within the psychological depths of this poignant evaluation, we can embark upon a honest exploration of the book is core themes, dissect their charming writing fashion, and succumb to the strong resonance it evokes deep within the recesses of readers hearts.

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