



Critical Jurisprudence

THE POLITICAL PHILOSOPHY OF JUSTICE

Costas Douzinas and Adam Gearey

Critical Jurisprudence The Political Philosophy Of Justice

Elisabetta R. Bertolino



Critical Jurisprudence The Political Philosophy Of Justice:

Critical Jurisprudence Costas Douzinas, Adam Gearey, 2005-09-25 Jurisprudence is the prudence of jus law's consciousness and conscience Throughout history when thinkers wanted to contemplate the organisation of society or the relationship between authority and the subject they turned to law All great philosophers from Plato to Hobbes Kant Hegel Marx and Weber had either studied the law or had a deep understanding of legal operations But jurisprudence is also the conscience of law the exploration of law's justice and of an ideal law or equity at the bar of which state law is always judged Jurisprudence brings together is and ought the positive and the normative law and justice But after a long process of decay legal theory is today characterised by cognitive and moral poverty Jurisprudence has become restricted and academically peripheral a guidebook to technocratic legalism and a legitimisation of the existent Critical jurisprudence returns to the classical tradition of a general philosophy of law and adopts a much wider concept of legality It is concerned both with posited law and with the law of the law All legal aspects of the economic political emotional and physical modes of production and reproduction of society are part of critical jurisprudence This widening of scope allows a radical rethinking of the nature of rights justice sovereignty and judgement A political philosophy of justice today must examine the political economy of law transitions from Empire to nation ideological and imaginary constructions through which we understand ourselves and relate to others ways in which gender race or sexuality create forms of identity that both discipline bodies and offer sites of resistance Law's complicity with political oppression violence and racism has to be faced before it is possible to speak of a new beginning for legal thought which in turn is the necessary precondition for a theory of justice Critical Jurisprudence offers an ethics of law against the nihilism of power and an aesthetics of existence for the melancholic lawyer Tolstoy's Political Thought Alexandre Christoyannopoulos, 2019-08-29 Leo Tolstoy 1828 1910 besides writing famous novels such as War and Peace also wrote on political issues especially later in his life putting forward a political philosophy which might be termed Christian anarchism This book provides a comprehensive overview of Tolstoy's political thought It outlines in a systematic way Tolstoy's thought which was originally articulated unsystematically in diverse often informal writing such as pamphlets letters and speeches as well as books and in his novels where Tolstoy's thinking is put forward implicitly through the novels characters The book sets out the basic themes of Tolstoy's political thought his acceptance of the teachings of Jesus his criticism of the way in which Jesus teachings have been relayed by the church through traditional creeds and dogma his passionate rejection of political violence by both the state and those working for reform his plea for a nonviolent response to violence and injustice and his call for society to forego its institutional shackles and enact a community of peace love and justice The book also includes background information on the Russia of Tolstoy's time including the religious context and a discussion of how Tolstoy's political thought has been received by his admirers who included Gandhi and his critics

Research Handbook on Critical Legal Theory Emilios Christodoulidis, Ruth Dukes, Marco Goldoni, 2019 Critical theory

characteristically linked with the politics of theoretical engagement covers the manifold of the connections between theory and praxis This thought provoking Research Handbook captures the broad range of those connections as far as legal thought is concerned and retains an emphasis both on the politics of theory and on the notion of theoretical engagement The first part examines the question of definition and tracks the origins and development of critical legal theory along its European and North American trajectories The second part looks at the thematic connections between the development of legal theory and other currents of critical thought such as Feminism Marxism Critical Race Theory varieties of post modernism as well as the various turns ethical aesthetic political of critical legal theory The third and final part explores particular fields of law addressing the question how the field has been shaped by critical legal theory or what critical approaches reveal about the field with the clear focus on opportunities for social transformation

Althusser and Law Laurent de Sutter, 2013-03-05

Althusser and Law is the first book specifically dedicated to the place of law in Louis Althusser's philosophy The growing importance of Althusser's philosophy in contemporary debates on the left has for practical and political as well theoretical reasons made a sustained consideration of his conception of law more necessary than ever As a form of what Althusser called Ideological State Apparatuses law is at the forefront of political struggles from the destruction of Labour Law to the exploitation of Patent Law from the privatisation of Public Law to the ongoing hegemony of Commercial Law and from the discourse on Human Rights to the practice of judicial courts Is Althusser still useful in helping us to understand these struggles Does he have something to teach us about how law is produced and how it is used and misused This collection demonstrates that Althusser's ideas about law are more important and more contemporary than ever Indeed the contributors to *Althusser and Law* argue that Althusser offers a new and invaluable perspective on the place of law in contemporary life

Research Handbook on Law and Utilitarianism Guillaume Tusseau, 2024-10-03 The Research Handbook on Law and Utilitarianism sheds light on contemporary legal culture and the ways in which it interacts with theories of justice Guillaume Tusseau brings together an interdisciplinary range of scholars to analyse the utilitarian standpoint on legal disciplines and legal governance as well as the contribution of utilitarian arguments to current legal debates

Dialogues on Justice Helle Porsdam, Thomas Elholm, 2012-04-02 The contributions presented in this volume are the result of research activities and interdisciplinary encounters organised by the Nordic Network of Law and Literature They focus on current discussions on justice in a Nordic and European context By expanding the focus to justice and humanities beyond law and literature the authors intend to not only cover law and literature in a traditional narrow sense but to embrace different perspectives closely linked to the research and debate about law and literature e g in cultural studies The volume specifically deals with four main themes each of which is described and analysed from different angles by a scholar with a background in the humanities and a scholar with a legal background or lawyer respectively Law and Humanities the Road Ahead History Memory and Human Rights Forgiveness and Law Justice Culture and Copyright

Law, Power, and Justice in Ancient Israel Douglas A.

Knight,2011-01-01 Using socio anthropological theory and archaeological evidence Knight argues that while the laws in the Hebrew Bible tend to reflect the interests of those in power the majority of ancient Israelites located in villages developed their own unwritten customary laws to regulate behavior and resolve legal conflicts in their own communities This book includes numerous examples from village city and cult from publisher description *The End of Law* David McIlroy,2019 The End of Law applies Augustine s questions to modern legal philosophy as well as offering a critical theory of natural law that draws on Augustine s ideas McIlroy argues that such a critical natural law theory is realistic but not cynical about law s relationship to justice and to violence can diagnose ways in which law becomes deformed and pathological and indicates that law is a necessary but insufficient instrument for the pursuit of justice Positioning an examination of Augustine s reflections on law in the context of his broader thought McIlroy presents an alternative approach to natural law theory drawing from critical theory postmodern thought and political theologies in conversation with Augustine **Violence, Law and the**

Impossibility of Transitional Justice Catherine Turner,2016-07-07 The field of transitional justice has expanded rapidly since the term first emerged in the late 1990s Its intellectual development has however tended to follow practice rather than drive it Addressing this gap Violence Law and the Impossibility of Transitional Justice pursues a comprehensive theoretical inquiry into the foundation and evolution of transitional justice Presenting a detailed deconstruction of the role of law in transition the book explores the reasons for resistance to transitional justice It explores the ways in which law itself is complicit in perpetuating conflict and asks whether a narrow vision of transitional justice underpinned by a strictly normative or doctrinal concept of law can undermine the promise of justice Drawing on case material as well as on perspectives from a range of disciplines including law political science anthropology and philosophy this book will be of considerable interest to those concerned with the theory and practice of transitional justice **Adriana Cavarero** Elisabetta R.

Bertolino,2017-12-04 Critical legal scholars have made us aware that law is made up not only of rules but also of language But who speaks the language of law And can one lawfully speak in one s voice For the Italian philosopher Adriana Cavarero to answer these questions we must not separate who is speaking from the very act of speaking moreover we must recuperate the material singularity and relationality of the mouth that speaks Drawing on Cavarero s work this book focuses on the potentiality of the voice for resisting law s sovereign structures For Cavarero it is the voice that expresses one s living and unrepeatable singularity in a way that cannot be subsumed by the universalities and standards of law The voice is essentially a material and singular passage of air and vibration that necessarily reveals one s uniqueness in relationality Speaking discloses this uniqueness and so one s vulnerability It therefore leads to possibilities of resistance that here bring a fresh approach to longstanding legal theoretical concerns with singularity ethics and justice

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