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WHY LAW MATTERS

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Philosophical Foundations of European Union Law Julie Dickson, Pavlos Eleftheriadis, 2012-10-11 The supranational law of the European Union represents a uniquely powerful far reaching and controversial instance of the growth of international legal governance one that has forever altered the political and legal landscape of its Member States The EU has attracted significant attention from political scientists economists and lawyers who have analysed its polity and constructed theoretical models of the integration process Yet it has been almost entirely neglected by analytic philosophers and the philosophical tools that have been developed to analyse and evaluate the Union are still in their infancy This book brings together legal philosophers political philosophers and EU legal academics in the service of developing the philosophical analysis of EU law In a series of original and complementary essays they bring their varied disciplinary expertise and theoretical perspectives to bear on central issues facing the Union and its law Combining both abstract thought in legal and political philosophy and more tangible theoretical work on specific legal issues the essays in this volume make a significant contribution to developing work on the philosophical foundations of EU law and will engender further debate between philosophers political philosophers and EU legal academics They will be of interest to all those engaged in understanding the nature and purpose of this unique legal entity

Research Handbook on Modern Legal Realism Shaubin Talesh, Elizabeth Mertz, Heinz Klug, 2021-03-26 This insightful Research Handbook provides a definitive overview of the New Legal Realism NLR movement reaching beyond historical and national boundaries to form new conversations Drawing on deep roots within the law and society tradition it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law It explores an impressive range of contemporary issues including immigration policing globalization legal education and access to justice concluding with an examination of how different social science disciplines intersect with NLR

Law, Legal Culture and Society Alberto Febbrajo, 2018-07-04 This volume addresses the pluralistic identity of the legal order It argues that the mutual reflexivity of the different ways society perceives law and law perceives society eclipses the unique formal identity of written law It advances a distinctive approach to the plural ways in which legal cultures work in a modern society through the metaphor of the mirror As a mirror of society it distinguishes between the structure and function of legal culture within the legal system and the external representation of law in society This duality is further problematized in relation to the increasing transnationalisation of law Based on a multi level interpretation of the concept of legal culture the work is divided into three parts the first addresses the mutual reflections of social and legal norms that support a pluralist representation of internal legal cultures the second concentrates on the external legal cultures that constantly enable pragmatic adjustments of the legal order to its social environment and the third concludes the book with a theoretical discussion of the issues presented

(Im)politeness and Moral Order in Online Interactions Chaoqun Xie, 2020-06-04 Im politeness and Moral Order in Online Interactions presents a timely response to the

moral turn in im politeness studies This volume presented by a roster of prominent figures in the field documents and showcases the complexity of im politeness as social practice by focusing on the morality of im politeness in internet mediated interactions It includes among others studies on how the moral order is made explicit and salient in the production and perception of online impoliteness as social practice and how situated impoliteness can perform positive social and communicative functions This volume confirms once again that im politeness can serve as a lens through which a variety of topics genres and contexts are intertwined together pointing to the very presence and existence of human beings and is bound to be of interest to not only students and scholars engaged in the area of im politeness and internet pragmatics but also to all those with a more general interest in the study of human inter actions in various situations and contexts Originally published as special issue of *Internet Pragmatics* 1 2 2018 Chinese Language in Law Deborah Cao,2017-11-01 The book explores some of the intricacies dilemmas and idiosyncrasies of the Chinese language used in the legal context analyzing linguistic matters in both monolingual Chinese context and cross linguistically when Chinese and English are compared It investigates the linguistic and cultural landscape through an examination of a number of keywords and linguistic usage associated with Chinese law It is suggested that to understand Chinese society and law we need to understand the rich and idiosyncratic Chinese language and cultural traditions and the legal and political context and subtext and also to be cognizant of the tension and interaction between legal norms and cultural and linguistic values in their legal realization in the changing Chinese society The book is a collection of the author s interpretation of Chinese law from a linguistic and cultural perspective both as a user and interpreter of this ancient and changing language *Responding to the Culpable State* Leo Zaibert,Julian V Roberts,Jesper Ryberg,2025-02-06 This volume explores ethical aspects relating to claims for mitigation arising from culpable state action or inaction It answers the important and controversial question to what extent should the state mitigate sentencing for defendants who have been victims of state misconduct The volume explores the normative justifications for mitigation and answers many intriguing questions For example in terms of the procedural challenges should the offender have to prove a causal link between state wrongdoing or neglect and the offending Can a court take judicial notice of state induced social adversity and apply this consideration to all affected offenders Other questions relate to the implications for courts and sentencing commissions which issue guidance to courts regarding mitigation at sentencing To what extent is the offender less culpable as a result of state misconduct and what are the limits of any resulting sentence reductions Do sentence reductions for state misconduct undermine proportionality or deprecate the seriousness of the impact on the victim of crime Should this factor be included in any sentencing guidelines or possibly even as a statutory mitigating factor Each contribution explores a distinct cross jurisdictional claim for mitigation on the basis of State negligence or misconduct towards the offender The chapters all address the appropriate response of courts at sentencing **The Good Chinese Lawyer** ,2023-01-19 The Good Chinese Lawyer explores the ethical and professional

challenges that will confront a law student and will help them to prepare for life as a lawyer The book offers principled and pragmatic advice about how to overcome such challenges It urges readers to examine motives for seeking a career in law to foster a deep understanding of what it means to be good lawyer and how to draw on virtue and judgment when difficult choices arise rather than simply relying on rushed compliance with rules or codes The Good Chinese Lawyer analyses four important areas of legal ethics truth and deception professional secrets conflicts of interest and professional competence and explains the choices that are available when determining a course of moral action It links theory to practice and includes many diagrams and scenarios to illustrate ethical concepts and good decision making Judicial Protection of Fundamental Rights on the Internet Oreste Pollicino,2021-04-22 This book explores how the Internet impacts on the protection of fundamental rights particularly with regard to freedom of speech and privacy In doing so it seeks to bridge the gap between Internet Law and European and Constitutional Law The book aims to emancipate the debate on internet law and jurisprudence from the dominant position with specific reference to European legal regimes This approach aims to inject a European and constitutional soul into the topic Moreover the book addresses the relationship between new technologies and the protection of fundamental rights within the theoretical debate surrounding the process of European integration with particular emphasis on judicial dialogue This innovative book provides a thorough analysis of the forms models and styles of judicial protection of fundamental rights in the digital era and compares the European vision to that of the United States The book offers the first comparative analysis in which the notion of judicial frame borrowed from linguistic and cognitive studies is systematically applied to the theories of interpretation and argumentation With a Foreword by Robert Spano President of the European Court of Human Rights **Challenges to the Global Issue of End of Life Care** Pierre Mallia,Nathan Emmerich,Bert Gordijn,Francesca Pistoia,2022-02-10 This book addresses the problems faced by people and hospitals dedicated to providing optimal end of life care and asks whether ethicists can function as experts on this subject Though ethics consultation is a growing practice in medical contexts difficult questions surrounding the role of ethicists in professional decision making remain The chapters in this book examine the nature and plausibility of moral expertise the relationship between character and expertise the nature and limits of moral authority the question of how one might become a moral expert and the trustworthiness of moral testimony This volume not only engages with the growing literature in the debate on end of life care but also offers new perspectives from both academics and practitioners Such perspectives include ways on how to get together to optimize end of life care This book is of particular interest to bioethicists clinicians ethics committees students of social epistemology patient groups and institutions especially religious who may not be sufficiently imparting the social teachings of end of life care It also shows how they are indeed stakeholders for what is today called a good death These new essays advance discussions and provide practical information on dying as well as acting as a guide to those interested in actively effecting change **Political Disinformation and the Law** Christopher Phiri,2025-12-02

Political disinformation broadly understood as disinformation relating to matters of public interest presents a pervasive challenge in today's information landscape. This book argues that the state can and indeed has a duty to regulate the phenomenon of political disinformation in a holistic manner while both preserving and safeguarding freedom of expression in particular by providing for a suitable combination of correction and sanction mechanisms. The book builds on relevant analytical and normative insights from the field of political philosophy and uses the legal framework of the Council of Europe as its main point of reference. It begins by dissecting key concepts underpinning the ongoing scholarly and policy discourse on disinformation, clarifying the meaning and scope of freedom in general and freedom of expression in particular, as well as disinformation in general and political disinformation in particular. This conceptual groundwork in turn helps make out the case for regulating political disinformation and informs the choice of the suggested regulatory strategies. The book promises to be a valuable resource for academics, judges, and policymakers, particularly those working in the areas of human rights law, media law, public law, legal philosophy, media studies, communication studies, and information science.

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