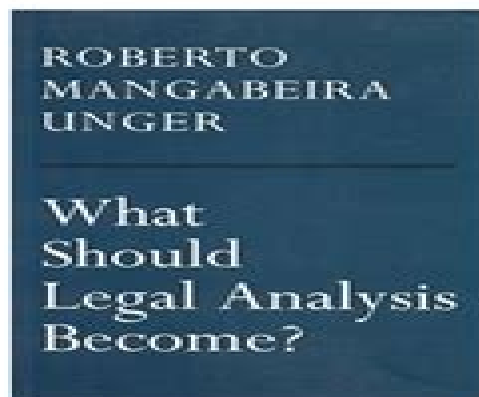


What Should Legal Analysis Become?



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András Sajó, Renáta Uitz



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Research Handbook on Law and Marxism O'Connell, Paul, Özsu, Umut, 2021-12-14 This Research Handbook offers unparalleled insights into the large scale resurgence of interest in Marx and Marxism in recent years with contributions devoted specifically to Marxist critiques of law rights and the state

The End of Law William E. Scheuerman, 2019-10-18 Scholarly and political interest in the work of the controversial twentieth century German thinker Carl Schmitt has exploded in the 20 years since William E Scheuerman's important book was first published However Scheuerman's work remains distinctive Firstly it focuses directly on Schmitt's complex ideas about law situating his views within broader debates about the rule of law and its fate The volume shows how every facet of his political thinking was decisively shaped by his legal reflections Secondly the volume takes Schmitt's Nazi era political and legal writings no less seriously Finally the volume offers a series of studies on figures in postwar US political thought Friedrich Hayek and Joseph Schumpeter demonstrating how Schmitt shaped their own influential theories This timely second edition underscores how and why the recent growth of interest in Schmitt has been prompted by political developments for example debates about counterterrorism and emergency government and the rise of authoritarian populism

The Cultural Study of Law Paul W. Kahn, 1999 Drawing on philosophers from Plato to Foucault and cultural anthropologists and historians such as Clifford Geertz and Perry Miller Kahn outlines the conceptual tools necessary for such an inquiry He analyzes the concepts of time space citizen judge sovereignty and theory within the culture of law's rule and goes on to consider the methodological problems entailed in stripping the study of law of its reformist ambitions

Proportionality and the Rule of Law Grant Huscroft, Bradley W. Miller, Grégoire Webber, 2014-04-21 To speak of human rights in the twenty first century is to speak of proportionality Proportionality has been received into the constitutional doctrine of courts in continental Europe the United Kingdom Canada New Zealand Israel South Africa and the United States as well as the jurisprudence of treaty based legal systems such as the European Convention on Human Rights Proportionality provides a common analytical framework for resolving the great moral and political questions confronting political communities But behind the singular appeal to proportionality lurks a range of different understandings This volume brings together many of the world's leading constitutional theorists proponents and critics of proportionality to debate the merits of proportionality the nature of rights the practice of judicial review and moral and legal reasoning Their essays provide important new perspectives on this leading doctrine in human rights law

Philosophy of International Law Anthony Carty, 2007-03-11 A fundamental challenge to the foundations of the

discipline of international law This book offers an internal critique of the discipline of international law whilst showing the necessary place for philosophy within this subject area By reintroducing philosophy into the heart of the study of international law Anthony Carty explains how traditional philosophy has always been an integral part of the discipline However this has been driven out by legal positivism which has in turn become a pure technique of law He explores the extent of the disintegration and confusion in the discipline and offers various ways of renewing philosophical practice A range of approaches are covered post structuralism neo Marxist geopolitics social democratic constitutional theory and existential phenomenology encouraging the reader to think afresh about how far to bring order to or find order in contemporary international society

The Future of Liberation Theology Ivan Petrella, 2017-03-02 The Future of Liberation Theology envisions a radical new direction for Latin American liberation theology One of a new generation of Latin American theologians Ivan Petrella shows that despite the current dominance of end of history ideology liberation theologians need not abandon their belief that the theological rereading of Christianity must be linked to the development of historical projects models of political and economic organization that would replace an unjust status quo In the absence of historical projects liberation theology currently finds itself unable to move beyond merely talking about liberation toward actually enacting it in society Providing a bold new interpretation of the current state and potential future of liberation theology Ivan Petrella brings together original research on the movement with developments in political theory critical legal theory and political economy to reconstruct liberation theology's understanding of theology democracy and capitalism The result is the recovery of historical projects thus allowing liberation theologians to once again place the reality of liberation and not just the promise at the forefront of their task

Contingency in International Law Ingo Venzke, Kevin Jon Heller, 2021 This volume brings together a group of renowned experts to discuss the question of whether international law could have developed differently Contributors explore contingency in theory and practice across a range of fields including those related to migrants and refugees the sea and natural resources and human rights

The Constitution of Freedom András Sajó, Renáta Uitz, 2017-11-04 Constitutional democracy is more fragile and less natural than autocracy While this may sound surprising to complacent democrats more and more people find autocracy attractive because they were never forced to understand or imagine what despotism is Generations who have lived in stable democracies with the promise that their enviable world will become the global normal find government rule without constitutionalism difficult to conceive It is difficult but never too late to see one's own constitutional system as something that is fragile or up for grabs and in need of constant attention and care In this book András Sajó and Renáta Uitz explore how constitutionalism protects us and how it might be undone by its own means Sajó and Uitz's intellectual history of the constitutional ideal is rich in contextual detail and informed by case studies that give an overview of both the theory and practice of constitutionalism worldwide Classic constitutions are contrasted with twentieth century and contemporary endeavours and experimentations in checks and balances Their endeavour is neither

apologetic and certainly not celebratory nor purely defensive this book demonstrates why constitutionalism should continue to matter Between the rise of populist anti constitutional sentiment and the normalization of the apparatus of counter terrorism it is imperative that the political communities who seek to sustain democracy as freedom understand the importance of constitutionalism This book is essential reading for students of law and general readers without prior knowledge of the field as well as those in politics who believe they know how government works It shows what is at stake in the debate on constitutionalism

The Limits of Legal Reasoning and the European Court of Justice Gerard Conway, 2012-01-12 The European Court of Justice is widely acknowledged to have played a fundamental role in developing the constitutional law of the EU having been the first to establish such key doctrines as direct effect supremacy and parallelism in external relations Traditionally EU scholarship has praised the role of the ECJ with more critical perspectives being given little voice in mainstream EU studies From the standpoint of legal reasoning Gerard Conway offers the first sustained critical assessment of how the ECJ engages in its function and offers a new argument as to how it should engage in legal reasoning He also explains how different approaches to legal reasoning can fundamentally change the outcome of case law and how the constitutional values of the EU justify a different approach to the dominant method of the ECJ

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