

Thinking about Law

In Silence with Heidegger

Oren Ben-Dor

Thinking About Law In Silence With Heidegger

Scott Veitch, Emilios Christodoulidis, Marco Goldoni

Thinking About Law In Silence With Heidegger:

Thinking about Law Oren Ben-Dor, 2007-10-04 What calls for thinking about law What does it mean to think about What is aboutness Could it be that law in its essence has not yet been thought about In exploring these questions this book closely reads Heidegger's thought especially his later poetical writings Heidegger's transformation of the very notion and process of thinking has destabilising implications for the formation of any theory of law however critical this theory may be The transformation of thinking also affects the notions of ethics and morality and the manner in which law relates to them Interpretations of Heidegger's unique understanding of notions such as essence thinking language truth and nearness come together to indicate the otherness of the essence of law from what is referred to as the legal If the essence of law has not yet been thought about what generates deafness to the call for such thinking thereby entrenching a refuge for legalism The ambit of the legal is traced to Levinasian ethics especially to his notion of otherness despite such a notion being apparently highly critical of the totality of the legal In entrenching the legal it is argued that Levinas s notion of otherness does not reflect thinking that is otherwise than ontology but rather radicalises and maintains a derivative ontology A call for thinking about law is then connected to Heideggerian ontologically based otherness upon which ethical reflection that the essence of law protects is grounded Law and the Humanities Austin Sarat, Matthew Anderson, Cathrine O. Frank, 2009-10-30 Law and the Humanities An Introduction brings together a distinguished group of scholars from law schools and an array of the disciplines in the humanities Contributors come from the United States and abroad in recognition of the global reach of this field This book is at one and the same time a stock taking both of different national traditions and of the various modes and subjects of law and humanities scholarship It is also an effort to chart future directions for the field By reviewing and analyzing existing scholarship and providing thematic content and distinctive arguments it offers to its readers both a resource and a provocation Thus Law and the Humanities marks the maturation of this law and enterprise and will spur its Ontological Terror Calvin L. Warren, 2018-05-18 Calvin L Warren intervenes in Afro pessimism further development Heideggerian metaphysics and black humanist philosophy illustrating how blacks embody a metaphysical nothing while showing how this nothingness destabilizes whiteness makes blacks a target of violence and explains why humanism has failed to achieve equality for blacks New Critical Legal Thinking Matthew Stone, Illan Wall, Costas Douzinas, 2012-10-12 New Critical Legal Thinking articulates the emergence of a stream of critical legal theory which is directly concerned with the relation between law and the political The early critical legal studies claim that all law is politics is displaced with a different and more nuanced theoretical arsenal Combining grand theory with a concern for grounded political interventions the various contributors to this book draw on political theorists and continental philosophers in order to engage with current legal problematics such as the recent global economic crisis the Arab spring and the emergence of biopolitics The contributions instantiate the claim that a new and radical political legal scholarship has come into being one which critically

interrogates and intervenes in the contemporary relationship between law and power **Human Rights and Constituent Power** Illan Wall, 2013-03 Engaging the current political and jurisprudential thought on constituent power with a radical political re thinking of human rights Ilan Rua Wall develops the idea that human rights must be considered as a non Legal Positivism in a Global and Transnational Age Luca Siliguini-Cinelli, 2019-08-30 A metaphysical process of right ing theme of growing importance in both the law and philosophy and socio legal literature is how regulatory dynamics can be identified that is conceptualised and operationalised and normative expectations met in an age when transnational actors operate on a global plane and in increasingly fragmented and transformative contexts A reconsideration of established theories and axiomatic findings on regulatory phenomena is an essential part of this discourse There is indeed an urgent need for discontinuity regarding what we think we know about among other things law legality sovereignty and political legitimacy power relations institutional design and development and pluralist dynamics of ordering under processes of globalisation and transnationalism Making an important contribution to the scholarly debate on the subject this volume features original and much needed essays of theoretical and applied legal philosophy as well as socio legal accounts that reflect on whether legal positivism has anything to offer to this intellectual enterprise This is done by discussing whether global and transnational cultural socio political economic and juridical challenges as well as processes of diversification fragmentation and transformation significantly de formalisation reinforce or weaken legal positivists assumptions claims and methods The themes covered include but are not limited to absolute and limited state sovereignty the new international legal positivism Hartian legal positivism and the normative positivist account the relationship between modern secularisation social conventionalism and meta ontological issues of temporality in postnational jurisprudence the social positivisation of human rights the formation and content of jus cogens norms feminist critique the global and transnational migration of principles of justice and morality the Vienna Convention on the Law of Treaties rule of interpretation and the responsibility of Jurisprudence Scott Veitch, Emilios Christodoulidis, Marco Goldoni, 2013-07-04 Jurisprudence transnational corporations Themes and Concepts offers an original introduction to and critical analysis of the central themes studied in jurisprudence courses The book is presented in three parts each of which contains General Themes Advanced Topics tutorial questions and guidance on further reading Law and Politics locating the place of law within the study of institutions of government Legal Reasoning examining the contested nature of the application of law Law in Modernity exploring the social forces that shape legal development This second edition includes enhanced discussion of the rise of legal positivism within the context of the rise of the modern state the changing role of natural and human rights discourse concepts of justice in and beyond the nation state the impact of emergency doctrines in contemporary legal regulation and challenges to the rule of law in light of shifting and competing demands for new types of social solidarity Accessible interdisciplinary and socially informed this book has been revised to take into account the latest developments in jurisprudential scholarship Thinking and Be-ing in

Heidegger's Beiträge zur Philosophie (Vom Ereignis) George Kovacs,2015-10-30 Heidegger s major be ing historical treatise Beitr ge zur Philosophie Vom Ereignis opens up the full depth and final range of his experience of thinking It has a substantial bearing on the understanding assessment and appropriation of his lifework not just on the interpretation of his later writings The exploration of this unique work raises basic questions about the nature and task of thinking not simply about Heidegger s claims and insights Thinking and Be ing in Heidegger s Beitr ge zur Philosophie Vom Ereignis by George Kovacs is a questioning confrontation with the main issues at stake in Heidegger s thought In contending with Heidegger s venture George Kovacs clearly demonstrates that the re thinking of the entire question of Being of the ubiquitous and indispensable is is at the same time a re thinking of the way of thinking itself it is a rediscovery of and an experience with language This comprehensive focused research contributes to the reawakening of the sense of wonder and curiosity about Being beings and human being s dwelling in the world the primordial concern of Heidegger s thought

Lyotard and the Political James Williams, 2002-01-31 Lyotard and the Political is the first book to consider the full range of the political thought of the French philosopher Fran ois Lyotard and its broader implications for an understanding of the political James Williams clearly and carefully traces the development of Lyotard's thought from his early Marxist essays on the Algerian struggle for independence to his break with the thought of Marx and Freud This is compared with Lyotard s later highly influental writings on the politics of desire and his attempts to base a postmodern political discourse on the sublime An indispensable work for all who are interested in modern continental philosophy Lyotard and the Political offers the first systematic analysis of the political dimension of the work of one of the most controversial and influential philosophers of the twentieth century Also available in this series Lacan and the Political Pb 0 415 17187 3 12 99 Heidegger and the Political Pb 0 415 13064 6 12 99 Derrida and the Political Pb 0 415 10967 1 13 99 Nietzche and the Political Pb 0 41510069 0 12 99 Foucault and the Political Pb 0 415 10066 6 12 99 Heidegger's Entscheidung Norman K. Swazo, 2020-04-08 This book critically examines the debate on Martin Heidegger's concept of Entscheidung decision and his engagement and confrontation with Nazism in terms of his broader philosophical thought It argues that one cannot explain Heidegger's actions without accounting for his idea of decision and its connection to his understanding of individual fate and national and European destiny The book looks at the relation of biography to philosophy and the ethical and political implications of appropriating Heidegger's thinking in these domains of inquiry It highlights themes such as Heidegger's differences with the neo Kantians in Germany Heidegger on Kant and practical reason and his reading of Nietzsche and Hegel It offers a philosophical assessment grounded in Heidegger's own texts with reference to historical and other philosophical commentaries on the rise of National Socialism in post Weimar Germany and the philosophical issues associated with the interpretation of Nazi genocide and ideology An important intervention in Western philosophy this book will be of great interest to scholars and researchers of political philosophy continental philosophy German philosophy

philosophy in general and political studies

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