



Legal Theory Today

# **Legal Norms and Normativity**

An Essay in Genealogy

Sylvie Delacroix

B L O O M S B U R Y

# Legal Norms And Normativity An Essay In Genealogy Legal Theory Today

**Miodrag A. Jovanović**



## **Legal Norms And Normativity An Essay In Genealogy Legal Theory Today:**

*Legal Norms and Normativity* Sylvie Delacroix, 2006 This book offers a genealogical explanation of law's normativity The term genealogical conveys a commitment to a non metaphysical type of enquiry While it explains how law as a normative phenomenon comes about it does not seek to ground law's normativity in anything but the context of social interaction giving rise to it Legal normativity is brought about on a daily basis Whether in revolutionary circumstances or in the quotidian need for judges lawmakers or citizens to balance law's demands with those of morality or prudence our ability to bind ourselves through law ultimately depends on our capacity to articulate a better way of living together and to commit ourselves to it These efforts of assessment and articulation depend in turn on our conception of normative agency Assert the need to trace the truth of ethical judgments to some independent moral facts conditioning their objectivity and you will get a different understanding of what it is we are doing when we dispute law's authority in the name of moral values Tracing the truth of moral judgements back to our own social practices not only affects the nature of disagreement it also dramatically increases our responsibility when as lawmakers judges or citizens we take the law into our own hands and confront it with our moral expectations

**Law after Modernity** Sionaidh Douglas-Scott, 2014-07-18 How can we characterise law and legal theory in the twenty first century Law After Modernity argues that we live in an age after Modernity and that legal theory must take account of this fact The book presents a dynamic analysis of law which focusses on the richness and pluralism of law on its historical embeddedness its cultural contingencies as well as acknowledging contemporary law's global and transnational dimensions However Law After Modernity also warns that the complexity fragmentation pluralism and globalisation of contemporary law may all too easily perpetuate injustice In this respect the book departs from many postmodern and pluralist accounts of law Indeed it asserts that the quest for justice becomes a crucial issue for law in the era of legal pluralism and it investigates how it may be achieved The approach is fresh contextual and interdisciplinary and unusually for a legal theory work is illustrated throughout with works of art and visual representations which serve to re enforce the messages of the book

*Social and Legal Norms* Matthias Baier, 2016-04-01 In an era where new areas of life and new problems call for normative solutions while the plurality of values in society challenge the very basis for normative solutions this book looks at a growing field of research on the relations between social and legal norms New technologies and social media offer new ways to communicate about normative issues and the

centrality of formal law and how normativity comes about is a question for debate This book offers empirical and theoretical research in the field of social and legal norms and will inspire future debate and research in terms of internationalization and cross national comparative studies It presents a consistent picture of empirical research in different social and organizational areas and will deepen the theoretical understanding regarding the interplay between social and legal norms Including chapters written from four different aspects of normativity the contributors argue that normativity is a result of combinations between law in books law in action social norms and social practice The book uses a variety of different international examples ranging from Sweden Uzbekistan Colombia and Mexico Primarily aimed at scholars in sociology of law socio legal studies law and legal theory the book will also interest those in sociology political science and psychology **Law's**

**Meaning of Life** Ngaire Naffine, 2009-01-06 The perennial question posed by the philosophically inclined lawyer is What is law or perhaps What is the nature of law This book poses an associated but no less fundamental question about law which has received much less attention in the legal literature It is Who is law for Whenever people go to law they are judged for their suitability as legal persons They are given or refused rights and duties on the basis of ideas about who matters These ideas are basic to legal decision making they form the intellectual and moral underpinning of legal thought They help to determine whether law is essentially for rational human beings or whether it also speaks to and for human infants adults with impaired reasoning the comotose foetuses and even animals Are these the right kind of beings to enter legal relationships and so become legal persons Are they for example sufficiently rational or sacred or simply human Is law meant for them This book reveals and evaluates the type of thinking that goes into these fundamental legal and metaphysical determinations about who should be capable of bearing legal rights and duties It identifies and analyses four influential ways of thinking about law s person each with its own metaphysical suppositions One approach derives from rationalist philosophy a second from religion a third from evolutionary biology while the fourth is strictly legalistic and so endeavours to eschew metaphysics altogether The book offers a clear coherent and critical account of these complex moral and intellectual processes entailed in the making of legal persons **The Oxford Handbook of Transnational Law** Peer Zumbansen, 2021-04-30 The Oxford

Handbook of Transnational Law offers a comprehensive compendium for the field of Transnational Law by providing a unique and unparalleled treatment and presentation in an area that has become one of the most intriguing and innovative developments in legal doctrine scholarship theory as well as practice today With a considerable contribution from and engagement with social sciences the Handbook features numerous reflections on the relationship between transnational law and legal practice **Answering for Crime** R A Duff, 2007-11-16 In this long awaited book Antony Duff offers a new perspective on the structures of criminal law and criminal liability His starting point is a distinction between responsibility understood as answerability and liability and a conception of responsibility as relational and practice based This focus on responsibility as a matter of being answerable to those who have the standing to call one to account throws new light on a

range of questions in criminal law theory on the question of criminalisation which can now be cast as the question of what we should have to answer for and to whom under the threat of criminal conviction and punishment on questions about the criminal trial as a process through which defendants are called to answer and about the conditions bars to trial given which a trial would be illegitimate on questions about the structure of offences the distinction between offences and defences and the phenomena of strict liability and strict responsibility and on questions about the structures of criminal defences The net result is not a theory of criminal law but it is an account of the structure of criminal law as an institution through which a liberal polity defines a realm of public wrongdoing and calls those who perpetrate or are accused of perpetrating such wrongs to account

**Legal Pluralism and Development** Brian Z. Tamanaha, Caroline Sage, Michael Woolcock, 2012-05-28 Previous efforts at legal development have focused almost exclusively on state legal systems many of which have shown little improvement over time Recently organizations engaged in legal development activities have begun to pay greater attention to the implications of local informal indigenous religious and village courts or tribunals which often are more efficacious than state legal institutions especially in rural communities Legal pluralism is the term applied to these situations because these institutions exist alongside official state legal systems usually in a complex or uncertain relationship Although academics especially legal anthropologists and sociologists have discussed legal pluralism for decades their work has not been consulted in the development context This book brings together in a single volume contributions from academics and practitioners to explore the implications of legal pluralism for legal development

**The Nature of International Law** Miodrag A. Jovanović, 2019-04-25 The Nature of International Law provides a comprehensive analytical account of international law within the prototype theory of concepts

**New Waves in Philosophy of Law** Maksymilian Del Mar, 2011-08-15 A collection of 11 cutting edge essays by leading young scholars challenging long held assumptions and offering new research paradigms in Philosophy of Law in five parts 1 methodology metatheory 2 reasoning evaluating 3 values the moral life 4 institutions the social life and 5 the global international dimension

Why the Law Matters to You Christoph Hanisch, 2013-08-29 This book presents an answer to the question of why modern legal institutions and the idea of citizenship are important for leading a free life The majority of views in political and legal philosophy regard the law merely as a useful instrument employed to render our lives more secure and to enable us to engage in cooperative activities more efficiently The view developed here defends a non instrumentalist alternative of why the law matters It identifies the law as a constitutive feature of our identities as citizens of modern states The constitutivist argument rests on the Kantian assumption that a person's practical identity its normative self conception as an agent is the result of its actions The law co constitutes these identities because it maintains the external conditions that are necessary for the actions performed under its authority Modern legal institutions provide these external prerequisites for achieving a high degree of individual self constitution and freedom Only public principles can establish our status as individuals who pursue their life plans and actions as a matter of

right and not because others contingently happen to let us do so The book thereby provides resources for a reply to anarchist challenges to the necessity of legal ordering      *Unpacking Normativity* Kenneth Einar Himma, Miodrag Jovanovic, Bojan Spaic, 2018-11-01 This book provides a new and wide ranging study of law's normativity examining conceptual descriptive and empirical dimensions of this perennial philosophical issue It also contains essays concerned with among other issues the relationship between semantic and legal normativity methodological concerns pertaining to understanding normativity normativity and legal interpretation and normativity as it pertains to transnational law The contributors come not only from the usual Anglo American and Western European community of legal theorists but also from Latin American and Eastern European communities representing a diversity of perspectives and points of view including essays from both analytic and continental methodologies With this range of topics the book will appeal to scholars in transnational law legal sociology normative legal philosophy concerned with problems of state legitimacy and practical rationality as well as those working in general jurisprudence It comprises a highly important contribution to the study of law's normativity      **Jurisprudence in the Mirror** Luka Burazin, 2024-08-30 There is something quite puzzling about the global conversation on jurisprudence On the one hand jurisprudence is supposed to deal with abstract questions concerning the nature structure and distinctive features of the law These questions are not tightly associated with or dependent on the particular legal practices in one jurisdiction or another But on the other hand it seems that jurists are tacitly affected by their background institutional context there is an evident divide between theorizing about the law in the civil law world and in the common law world *Jurisprudence in the Mirror The Common Law World Meets the Civil Law World* systematically presents the major achievements of contemporary civil law jurisprudence to the common law world and bridges the gap in analytic jurisprudence as it is currently practiced in the two traditions The volume seeks to bring different voices to the table and overcome the cultural and linguistic divides that have created barriers in philosophical exchanges The book's structure is dialogical it includes twelve essays written by prominent and influential jurists from the civil law world each followed by a response by a jurist from the common law world This approach highlights what the two worlds share where they part ways and why The varied contributions reveal how their respective legal traditions shape fundamental legal concepts and jurisprudential debates and will be invaluable to readers from both the civil and common law worlds      *Research Handbook on Legal Evolution* Wojciech Zaluski, Sacha Bourgeois-Gironde, Adam Dyrda, 2024-03-14 Adopting an evolutionary perspective this Research Handbook presents novel and cutting edge insights into the interdisciplinary field of legal evolution Engaging with various scientific approaches it provides a versatile analysis of legal evolution examining the field as a whole as well as in the context of specific branches of law      **Bruno Latour** Kyle McGee, 2014-06-23 The first extended study of Bruno Latour's legal theory this book presents a critical reconstruction of the whole of Latour's oeuvre to date from *Laboratory Life* to *An Inquiry into the Modes of Existence* Based on the powerful insights into normative effects that actor

network theory makes possible the book advances a new theory of legal normativity and the force of law rethinking Latour's work on technology the image and referential scientific inscriptions among others and placing them within the ambit of legality The book also captures and deepens the contrast between the modern legal institution and the value of law as a mode of existence and provides a fulsome theoretical account of legal veridiction Throughout Latour's thought is put into dialogue with important progenitors and adversaries as well as historical and contemporary strands of legal and political philosophy But the thread of legality is not confined to Latour's reflections on the making of law rather it cuts through the whole of his highly diverse body of work The empire of mononaturalism augured by modern philosophies of science is thoroughly juridical as such the actor network theory that promises to undo that empire by freeing the value of the sciences from its epistemological clutches is unthinkable without the device of the trial and the descriptive semiotics of normativity that sustain ANT The democratization of the sciences and the vibrancy of ecologized politics that become possible once the bifurcation of nature into essential primary and disposable secondary qualities is disabled and once the modern Constitution is called into doubt also have important legal dimensions that have gone largely unexamined Bruno Latour The Normativity of Networks remedies this and other omissions evaluating Latour's thought about law while carrying it in striking new directions This book introduces legal scholars and students to the thought of the philosopher and sociologist Bruno Latour whilst also presenting a critical analysis of his work in and around law This interdisciplinary study will be of interest to those researching in Law Philosophy and Sociology **Vienna Lectures on Legal Philosophy, Volume 2** Christoph

Bezemek, Michael Potacs, Alexander Somek, 2020-07-23 This second volume of the Vienna Lectures on Legal Philosophy series presents 11 chapters which are dedicated to normativist and anti normativist approaches to law The book focuses on the question What is law Is it a set of obligations imposed on courts and officials to guide their conduct and to assess the conduct of others Or is it the result of settlements reached by opposing sides that accept arrangements and understandings to sustain peaceful cooperation If law is the former its significance and meaning are independent of a shifting constellation of forces if it is not then what the law says depends on the relative power and prestige of the actors involved With contributions from some of the leading scholars in the field the collection presents a balanced and nuanced assessment of what is perhaps the most controversial debate in contemporary legal philosophy today A Theory of Law and Literature Angela

Condello, Tiziano Toracca, 2020-11-16 In the present work a legal philosopher Angela Condello and a literary scholar Tiziano Toracca develop the idea that a comparison between law and literature must be framed starting from the modes in which law and literature function In this sense they read law and literature as arts of compromising characterized by an analogous and yet at the same time profoundly different structure Both in fact mediate conflicts between norms and transgressions and more precisely between a principle of normativity repression on the one hand and a principle of counternormativity repressed on the other hand Through a progression in three steps aimed at clarifying some peculiarities of law 1 and

literature 2 by referring to examples of their interaction 3 the authors finally sketch some relevant hypotheses on why a placement across these two arts of compromising suggests some theoretical itineraries on their threshold *Jurisprudence in a Globalized World* Jorge Luis Fabra-Zamora, 2020-02-28 Leading legal scholars and philosophers provide a breadth of perspectives and inspire stimulating debate around the transformations of jurisprudence in a globalized world This innovative book considers modifications to jurisprudence's methodological approaches driven by globalization the concepts and theoretical tools required to account for putative new forms of legal phenomena and normative issues relating to the legitimacy and democratic character of these legal orders *Research Handbook on the Sociology of Law* Jiří Přibáň, 2020-12-25 This unique Research Handbook maps the historical theoretical and methodological concepts in sociology of law exploring the rich and complex nature of this area of research It argues that sociology of law flourishes due to its strong capacity for interdisciplinary engagement and links to other scientific concepts methodologies and research fields

**Legal Traditions of the World** H. Patrick Glenn, 2010 a superb book J South Pacific L



## Whispering the Secrets of Language: An Psychological Quest through **Legal Norms And Normativity An Essay In Genealogy Legal Theory Today**

In a digitally-driven world where screens reign great and instant conversation drowns out the subtleties of language, the profound secrets and emotional nuances concealed within phrases often go unheard. Yet, nestled within the pages of **Legal Norms And Normativity An Essay In Genealogy Legal Theory Today** a charming fictional value pulsating with raw feelings, lies an extraordinary journey waiting to be undertaken. Penned by a talented wordsmith, this enchanting opus encourages visitors on an introspective journey, softly unraveling the veiled truths and profound impact resonating within the material of every word. Within the emotional depths of this touching review, we can embark upon a genuine exploration of the book is key subjects, dissect its charming writing model, and succumb to the strong resonance it evokes strong within the recesses of readers hearts.

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