Maksymilian Del Mar William Twining Editors

Legal Fictions in Theory and Practice



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Legal Fictions in Theory and Practice Maksymilian Del Mar, William Twining, 2015-03-11 This multi disciplinary multi jurisdictional collection offers the first ever full scale analysis of legal fictions Its focus is on fictions in legal practice examining and evaluating their roles in a variety of different areas of practice e g in Tort Law Criminal Law and Intellectual Property Law and in different times and places e.g. in Roman Law Rabbinic Law and the Common Law The collection approaches the topic in part through the discussion of certain key classical statements by theorists including Jeremy Bentham Alf Ross Hans Vaihinger Hans Kelsen and Lon Fuller The collection opens with the first ever translation into English of Kelsen's review of Vaihinger's As If The 17 chapters are divided into four parts 1 a discussion of the principal theories of fictions as above with a focus on Kelsen Bentham Fuller and classical pragmatism 2 a discussion of the relationship between fictions and language 3 a theoretical and historical examination and evaluation of fictions in the common law and 4 an account of fictions in different practice areas and in different legal cultures The collection will be of interest to theorists and historians of legal reasoning as well as scholars and practitioners of the law more generally in both common and civil law **T&T Clark Handbook of Analytic Theology** James M. Arcadi, James T. Turner, 2021-01-28 This handbook traditions provides theological and philosophical resources that demonstrate analytic theology s unique contribution to the task of theology Analytic theology is a recent movement at the nexus of theology biblical studies and philosophy that marshals resources from the analytic philosophical tradition for constructive theological work Paying attention to the Christian tradition the development of doctrine and solid biblical studies analytic theology prizes clarity brevity and logical rigour in its exposition of Christian teaching Each contribution in this volume offers an overview of specific doctrinal and dogmatic issues within the Christian tradition and provides a constructive conceptual model for making sense of the doctrine Additionally an extensive bibliography serves as a valuable resource for researchers wishing to address issues in theology from an analytic perspective The Making Sense of Politics, Media and Law Gary Watt, 2023-04-13 Makes sense of truthmaking in law media politics and courts of popular opinion including on transgender controversies and cancel culture The Atonement William Lane Craig, 2018-06-21 How did Christ's death overcome the estrangement and condemnation of sinners before a holy God so as to reconcile them to Him A great variety of theories of the atonement have been offered over the centuries to make sense of the fact that Christ by his death has provided the means of reconciliation with God ransom theories satisfaction theories moral influence theories penal substitution theories and so on Competing theories need to be assessed by i their accord with biblical data and ii their philosophical coherence The Democratic Rule of Law on Trial Sonja Grover, 2022-06-23 This book examines selected high profile U S First Amendment cases occurring during the Trump era as a vehicle for exploring a possible fundamental commonality in understanding the democratic rule of law globally In each of these cases the adjudicating body s analytical legal strategy is discussed in terms of how it reinforces or detracts from the

democratic rule of law It was and continues to be highly internationally anticipated as to what legal examples are being set by this established democracy when confronted by legal contests between the former Trump administration and those alleging their rights were somehow violated by the executive of that time Thus the book is instructive for an international audience on the essential role of the courts in protecting democracy through providing where supported by the law and the facts a remedy for the aggrieved comparatively powerless The book will be essential reading for academics and researchers working in the areas of constitutional law politics and human rights Gelübde im antiken Judentum und frühesten Christentum Daniel Schumann, 2020-11-04 In Gel bde im antiken Judentum und fr hesten Christentum stellt Daniel Schumann auf breiter Quellenbasis die Diskurse zum Gel bdewesen dar wie sie sich in antik j dischen und fr hchristlichen Quellen aus der Zeit des Zweiten Tempels schriftlich niedergeschlagen haben Er zeigt dabei auf wie Judentum und Christentum seit der Sp tantike durch die Rezeption dieser Diskurse in ihrer Religionspraxis an antiken Formen des Gel bdewesen partizipierten und dieses auch weiterentwickelten Ferner legt er offen wie sich in j discher wie auch christlicher Wahrnehmung Stimmen der Wertsch tzung aber auch der Reserviertheit durch die Jahrhunderte hindurch aneinanderreihen handelt es sich doch beim Gel bdewesen um eine kultpraktische bung bei der Heil und Unheil so nah beieinander zu liegen scheinen wie wohl sonst bei kaum einer anderen fr mmigkeitlichen Handlung In Gel bde im antiken Judentum und fr hesten Christentum Daniel Schumann aims to trace the earliest discourses on vows as they are recorded in ancient Jewish and early Christian sources from the time of the Second Temple He also shows how Judaism and Christianity have participated in ancient forms of your making since late antiquity and how they also have developed these discourses further By presenting these discourses on the basis of a broad range of sources he reveals how in Jewish as well as in Christian perception voices of esteem but also of reservation have been raised throughout the centuries After all vows are a cult practical exercise in which well being and disaster are in closer proximity than in most other acts of devotion **Landmark Cases in Property Law** Simon Douglas, Robin Hickey, Emma Waring, 2015-06-25 Landmark Cases in Property Law explores the development of basic principles of property law in leading cases Each chapter considers a case on land personal property or intangibles discussing what that case contributes to the dominant themes of property jurisprudence How are property rights acquired What is the content of property rights What are the limits or boundaries of property How are property rights extinguished Individually and collectively the chapters identify a number of important themes for the doctrinal development of property institutions and their broader justification These themes include the obscure and incremental development of seemingly foundational principles the role of instrumentalism in property reasoning the influence of the law of tort on the scope of property doctrines and the impact of Roman legal reasoning on the common law of property One or more of these themes and others is revealed through careful case analysis in each chapter and they are collected and critically explored in the editors introductions This makes for a coherent and provocative collection and ensures that Landmark Cases in Property Law will be lively and

essential reading for scholars practitioners and all those interested in the development of property principles at law Legal Writing, Legal Practice Yael Landman, 2022-03-04 Prescriptive law writings rarely mirror the ways a society practices law a fact that raises special problems for the social and legal historian Through close analysis of the laws of bailment i e temporary safekeeping in Exodus 22 Yael Landman probes the relationship of law in the biblical law collections and law in practice in ancient Israel and exposes a vision of divine justice at the heart of pentateuchal law Landman further demonstrates that ancient Near Eastern bailment laws continue to influence postbiblical Jewish law This book advances an approach to the study of biblical law that connects pentateuchal and ancient Near Eastern law collections biblical narrative and prophecy and Mesopotamian legal documents and joins philological and comparative analysis with humanistic legal approaches in order to access how people thought about and practiced law in ancient Israel Politics and the Slavic <u>Languages</u> Tomasz Kamusella, 2021-06-17 During the last two centuries ethnolinguistic nationalism has been the norm of nation building and state building in Central Europe The number of recognized Slavic languages in line with the normative political formula of language nation state gradually tallied with the number of the Slavic nation states especially after the breakups of Czechoslovakia the Soviet Union and Yugoslavia But in the current age of borderless cyberspace regional and minority Slavic languages are freely standardized and used even when state authorities disapprove As a result since the turn of the 19th century the number of Slavic languages has varied widely from a single Slavic language to as many as 40 Through the story of Slavic languages this timely book illustrates that decisions on what counts as a language are neither permanent nor stable arguing that the politics of language is the politics in Central Europe The monograph will prove to be an essential resource for scholars of linguistics and politics in Central Europe A Dynamic Approach to Hans Kelsen's General **Theory of Norms** Monika Zalewska, 2024-12-12 This timely and compelling book delves into the dynamic interpretation of Hans Kelsen's General Theory of Norms through the lens of 21st century jurisprudential debates Engaging with key contemporary philosophical concepts such as fictionalism in the philosophy of science explanation and understanding and supervenience this book sheds new light on Kelsen's original ideas By offering a contemporary interpretation of his later work it re examines classic concepts known from the Pure Theory of Law like the basic norm the separation of is and ought validity and efficacy imputation and the concept of the legal norm Integrating modern philosophy with Kelsen's lasting ideas this book presents a novel theoretical landscape inviting readers to explore fresh perspectives on Kelsen's contributions to legal theory and emphasising its enduring relevance <u>Library of Congress Subject Headings</u> Library of Congress, Library of Congress. Subject Cataloging Division, Library of Congress. Office for Subject Cataloging Policy, 2013 Library of Congress <u>Subject Headings</u> Library of Congress. Office for Subject Cataloging Policy,1992 Library of Congress Subject Headings Library of Congress. Cataloging Policy and Support Office, 2007 The Oxford Handbook of Roman Law and Society Paul J du Plessis, Clifford Ando, Kaius Tuori, 2016-10-20 The Oxford Handbook of Roman Law and Society surveys the landscape of

contemporary research and charts principal directions of future inquiry More than a history of doctrine or an account of jurisprudence the Handbook brings to bear upon Roman legal study the full range of intellectual resources of contemporary legal history from comparison to popular constitutionalism from international private law to law and society thereby setting itself apart from other volumes as a unique contribution to scholarship on its subject The Handbook brings the study of Roman law into closer alignment and dialogue with historical sociological and anthropological research into law in other periods It will therefore be of value not only to ancient historians and legal historians already focused on the ancient world but to historians of all periods interested in law and its complex and multifaceted relationship to society Singularity Michele Lowrie, Susanne Lüdemann, 2015-04-17 This book pursues a strand in the history of thought ranging from codified statutes to looser social expectations that uses particulars more specifically examples to produce norms Much intellectual history takes ancient Greece as a point of departure But the practice of exemplarity is historically rooted firmly in ancient Roman rhetoric oratory literature and law genres that also secured its transmission Their pragmatic approach results in a conceptualization of politics social organization philosophy and law that is derived from the concrete It is commonly supposed that with the shift from pre modern to modern ways of thinking as modern knowledge came to privilege abstraction over exempla the general over the particular exemplarity lost its way This book reveals the limits of this understanding Tracing the role of exemplarity from Rome through to its influence on the fields of literature politics philosophy psychoanalysis and law it shows how Roman exemplarity has subsisted not only as a figure of thought but also as an alternative way to organize and to transmit knowledge <u>Library of Congress Subject Headings</u> Library of Congress. Subject Cataloging Division, 1980 Talmudic Reasoning Leib Moscovitz, 2002 The development of explicit legal concepts and principles in rabbinic literature reflects rabbinic legal thought at its most creative and sophisticated as many of these concepts and principles deal with abstract metaphysical entities In this study Leib Moscovitz systematically surveys the development and impact of abstraction and conceptualization in the various legal corpora of rabbinic literature illustrating the critical and unique role that conceptualization plays in talmudic reasoning He demonstrates how the analysis of rabbinic conceptualization can shed light on numerous important aspects of rabbinic scholarship such as the character and development of rabbinic legal thought techniques of rabbinic legal exegesis rabbinic jurisprudence and various philological and historical issues in rabbinics such as the chronology of the anonymous stratum of the Babylonian Talmud Rabbinic conceptualization though unique in many respects shares certain features with cognate disciplines and this study utilizes these disciplines mainly jurisprudence cognitive psychology and philosophy to illuminate rabbinic conceptualization wherever relevant The themes addressed in this study include the use of casuistics generalization and implicit conceptualization in the earlier strata of rabbinic literature classification and legal definition legal fictions legal explanation analogy and association and the development and use of explicit legal concepts and principles in the later strata of rabbinic literature **Law Books**

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