

J. L. Austin **and the Law**

Exculpation and the Explication of Responsibility



Daniel Yeager

J L Austin And The Law Exculpation And The Explication Of Responsibility

A Loxley



J L Austin And The Law Exculpation And The Explication Of Responsibility:

J.L. Austin and the Law Daniel Brian Yeager, 2006 In investigating the relationship between accusation and excuse this study uncovers something about the criminal law's peculiar way of interpreting human action Identifying that something can move us a little closer to discovery or agreement and just what it is that is at stake in criminal law What is at stake in any discussion of criminal law is the meaning and operation of responsibility which makes human action and its consequences so tragic The author confronts the idea of responsibility by mapping the work of J L Austin onto the criminal law J. L. Austin and the Law Daniel Yeager, 2005-11 In investigating the relationship between accusation and excuse this study uncovers something about the criminal law's peculiar way of interpreting human action Identifying that something can move us a little closer to discovery or agreement and just what it is that is at stake in criminal law What is at stake in any discussion of criminal law is the meaning and operation of responsibility which makes human action and its consequences so tragic The author confronts the idea of responsibility by mapping the work of J L Austin onto the criminal law Doing so entails considering the extent to which the language of criminal law can be reconciled with ordinary language a project that entails considering whether the language of criminal law is ordinary language This method of philosophizing attempts to get a sharpened perception of the world by seeking to understand why we speak as we do in specific speech situations Ordinary language philosophy presupposes that to attain knowledge of our language is to attain knowledge of whatever Allowing for Exceptions Luís Duarte d'Almeida, 2015-03-26 You find yourself in a court of law accused of having hit someone What can you do to avoid conviction You could simply deny the accusation No I didn't do it But suppose you did do it You may then give a different answer Yes I hit him you grant but it was self defence or Yes but I was acting under duress To answer in this way to offer a Yes but reply is to hold that your particular wrong was committed in exceptional circumstances Perhaps it is true that as a rule wrongdoers ought to be convicted But in your case the court should set the rule aside You should be acquitted Within limits the law allows for exceptions Or so we tend to think In fact the line between rules and exceptions is harder to draw than it seems How are we to determine what counts as an exception and what as part of the relevant rule The distinction has important practical implications But legal theorists have found the notion of an exception surprisingly difficult to explain This is the longstanding jurisprudential problem that this book seeks to solve The book is divided into three parts Part I Defeasibility in Question introduces the topic and articulates the core puzzle of defeasibility in law Part II Defeasibility in Theory develops a comprehensive proof based account of legal exceptions Part III Defeasibility in Action looks more closely into the workings of exceptions in accusatory contexts including the criminal trial Democracy, Emergency, and Arbitrary Coercion Nick Sagos, 2014-10-30 States of emergency are declared by governments with alarming frequency When they are declared it is taken for granted that their nature is understood This book argues against this established view Instead the view advanced here analyzes what makes emergencies different from other types of similar events Defending a

hybrid liberal republican approach the book proposes that states of emergency are in fact poorly understood and therefore needlessly mismanaged when they occur This mismanagement leads to a troubling derogation of established liberal democratic rights in the name of an unattainable form of hollow security Further the book argues that the existing rights of citizens ought to be defended and not simply derogated during states of emergency Failure to do so is failure to comply with the formal values of liberal democracy itself

The Ethics of Conceptualization Matthieu Queloz, 2025-01-31 Philosophy strives to give us a firmer hold on our concepts But what about their hold on us Why place ourselves under the sway of a concept and grant it the authority to shape our thought and conduct Another conceptualization would carry different implications What makes one way of thinking better than another The Ethics of Conceptualization develops a framework for concept appraisal Its guiding idea is that to question the authority of concepts is to ask for reasons of a special kind reasons for concept use which tell us which concepts to adopt adhere to or abandon thereby shoring up or undercutting the reasons for action and belief that guide our deliberations Traditionally reasons for concept use have been sought either in timeless rational foundations or in concepts inherent virtues such as precision and consistency Against this the book advances two main claims that we find reasons for concept use in the conceptual needs we discover when we critically distance ourselves from a concept by viewing it from the autoethnographic stance and that sometimes concepts that conflict or exhibit other vices such as vagueness or superficiality are just what we need By considering which concepts we need rather than which are absolutely best we can reconcile ourselves to the contingency of our concepts determine the proper place of efforts to tidy up thought and adjudicate between competing conceptions of things even things as contested as liberty or free will A needs based approach separates helpful clarification from hobbling tidy mindedness and authoritative definition from conceptual gerrymandering This is an open access title available under the terms of a CC BY NC ND 4.0 International licence It is free to read on the Oxford Academic platform and offered as a free PDF download from OUP and selected open access locations

Social Work Ethics Eileen Gambrill, 2017-05-15 This collection of essays highlights ethical issues in social work which are often overlooked as well as recurring clashes that influence how they play out for example among different values and related moral judgements A wide range of ethical issues are addressed such as the types of technologies incorporated into social work issues raised by the common position of social workers as double agents required to carry out state mandates while also honoring obligations to clients and issues concerning the distribution of scarce resources These topics are integrally related to other often neglected concerns such as harming in the name of helping the ethics of claims making regarding what is true and what is not and related concerns regarding empowerment and social justice This collection which includes essays from an array of professions and disciplines is designed to bring these neglected topics to the attention of readers and to offer suggestions for addressing them in a manner that is faithful to obligations described in social work codes of ethics

Joyce in the Belly of the Big Truck; Workbook Joyce A. Cascio, 2005-05 *The AALS Directory of Law*

Teachers, 2007 Harvard Law Review, 1974 **Issues in Contemporary German Social Psychology** Gün R Semin, Barbara Krahe, 1987-05 Until now language barriers have prevented the well established and prolific social psychology of German speaking countries from being easily accessible to the Anglo American scholar Covering the breadth of contemporary study this unique volume presents original work by German speaking social psychologists who have been prominently involved in the establishment and development of their field in the post war period These exceptional contributions most of which appear in English for the first time arise from an intellectual tradition different in part from that underlying most Anglo American social psychology **The Legacy of Logical Positivism** Peter Achinstein, Stephen Francis Barker, 1969 **Criminal Law and Its Processes** Sanford H. Kadish, Stephen J. Schulhofer, 1995 This carefully updated revision of Kadish and Schulhofer's classic casebook on substantive criminal law retains the same interdisciplinary material sharp analysis and provocative questions that have made it the bestselling book in the field for more than 25 years In CRIMINAL LAW AND ITS PROCESSES Cases and Materials Sixth Edition leading cases are juxtaposed with the best of recent commentary The authors insightful notes and interesting non case literature that addresses the social contexts of the various legal issues The authors begin by explaining how guilt is established then address justification of punishment rape homicide The significance of resulting harm group criminality exculpation And The theft offenses New topical coverage includes blackmail expanded treatment of RICO suicide and euthanasia including the Cruzan case And The most recent Michigan Court of Appeal case involving Dr Kevorkian sentencing guidelines And The nature of prison punishment in America Among the new principal cases you ll find Commonwealth v Berkowitz and in re M T S significant rape cases from Pennsylvania and New Jersey Staples v United States The latest strict liability decision of the Supreme Court Harmelin v Michigan on cruel and unusual punishment Cheek v United States The most recent venture of the Supreme Court into the mistake of law Shannon v United States on legal insanity Numerous questions and comments help students develop the analytical skills they need to master the doctrine *Index to Legal Periodicals*, 1993

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