

Law As Institutional Normative Order

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maccormick's institutions of law is the culmination of a lifetime's work in legal theory by one of the world's most respected legal theorists featuring an impressive collection of contributions from well known legal theorists from around the world all of whom are familiar with maccormick's work this collection provides a cutting edge account of the book's significance

this volume offers a collection of articles by leading legal and political theorists originally intended as a celebration of maccormick's work on the occasion of the completion of the four volume series on law state and practical reason it has turned into a homage and salute after maccormick's passing cast in maccormick's reflexive spirit the book presents a critical reconstruction of the scottish philosopher's work with the aim of revealing the connections between law and democracy in his writings

and furthering his insights in each specific field neil maccormick made outstanding contributions to the understanding of law and democracy under conditions of pluralism his institutional theory of law has elucidated the close connection between the normative character of law as a means of social integration and legal social practices this has produced a synthesis of the key insights of the legal and political theories of kelsen hart alexy and dworkin and has broken new ground by undermining the monolithic and nation state centered character of standard legal theories

this book which is the result of several years of research discussion writing and re writing consists of three parts and eight chapters the rst part is given by the two rst chapters introducing the issue of validity and facticity in law the second part chapters 3 4 and 5 is the core of this study and tries to present a theory based on a specific view about language and social practice the third part deal with the issue of value judgments and views about morality and consists of chapters 6 and 7 chapter 8 should nally serve as epilogue in the rst chapter a discussion is started about the relationship between law and power seen as a presupposition for an assessment of the nature of law as a matter of fact as has been remarked general theories of law struggle to do justice to the 1 multiple dualities of the law indeed law has a dual nature it is a fact but it also a norm a sort of ideal entity law is sanction but it is also discourse it is effectivity or facticity but it is also a vehicle of principles among which the central one is justice but this duality is not only a phenomenological or a matter of justi cation and implementation as two separate moments

the criminalization series arose from an interdisciplinary investigation into criminalization focusing on the principles that might guide decisions about what kinds of conduct should be criminalized and the forms that criminalization should take developing a normative theory of criminalization the series tackles the key questions at the heart of the issue what principles and goals should guide legislators in deciding what to criminalize how should criminal wrongs be classified and differentiated how should law enforcement officials apply the law s specifications of offences the fourth book in the series examines the political morality of the criminal law exploring general principles and theories of criminalization chapters provide accounts of the criminal law in the light of ambitious theories about moral and political philosophy republicanism and contractarianism or reflect upon on the success of important theories of criminalization by viewing them in a novel light ideas that are fundamental to any complete theory of the criminal law liberty harm and the effect on victims are investigated in depth sociological investigation of the criminal law grounds a critical investigation into the principles of criminalization both as a legislative matter and with respect to criminalization practices in contemporary and historical contexts the volume broadens our conceptions of the theory of criminalization and clarifies the role of the series in the development of this theory it is essential reading for all interested in legal political and social theories of criminalization

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

this book examines the conceptual puzzles that multilevel pluralism poses for our constitutional theories it offers fresh perspectives by addressing the pluralism of norms and authorities from the viewpoint of legality and legitimacy proposing novel solutions for pluralizing constitutional theory in the light of multilevel governance

this collection of essays by a group of leading legal philosophers from the us the usa and australasia centres of the juridification of politics through enhancing the entrenched power of judges the issues are examined in the context of a critique of the revival of legal positivism as a prescriptive political philosophy closely tied to the tradition of parliamentary democracy the papers originated in an extended workshop held at the australian national university in 1998 on judicial activism and judicial review in australian democracy some of the essays focus on the recent australian developments with respect to implied constitutional rights and others concentrate on tom campbell s legal theory of ethical positivism the book as a whole presents powerful and conflicting arguments bearing on the global debate about the changing role of judges

focus on management theory and practice

collected papers address various research issues and their relevance to language pedagogy topics discussed include interaction formal instruction variability and learning styles the book begins with an overview of the development of second language acquisition research

drawing upon critical social theorists like habermas depth psychologists like jung and phenomenologists like hussert denhardts shows how the ethic of organization inhibits the individual s search for meaning and then discusses strategies for enhancing the individual s role he champions independence expressiveness and creativity over discipline regulation and obedience

what is the relation between changes in states and the practice of public administration and developments in the sciences of administration this work

addresses this question by surveying the development of administrative sciences in europe and the us

the proceedings of the 1987 meeting of the semiotic society of america includes a distinguished cross section of scholars exploring the expanse of semiotics research today sections include a maxim for semiotics i issues at the foundation of semiotics ii on semiotic methodology iii the semiotics of architectural drawings iv developments in empirical semiotics v semiotics of discourse vi medieval textuality after the colon vii semiotics of literature viii semiotics of film ix estrangement the discourse of twentieth century theater x new directions in music semiotics xi semioticizing logic and philosophy xii variations on the theme of semiotic analysis xiii semiotic historiography co published with the semiotic society of america

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Introduction

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