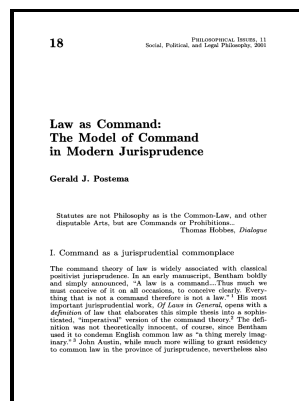


# Philosophical issues in law

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Notes: Bibliography, p.

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## Law and Philosophy

For words or in certain cases gestures, as in voting or other forms of behavior to have such operative effect, there must exist legal rules providing that if the words or gestures are used in appropriate circumstances by appropriately qualified persons, the general law or the legal position of individuals is to be taken as changed. It is plausible to think that this wrong is of concern to the criminal law in its own right. If there is no such reason, the absence of consent is necessary to give us an act we have general reason not to perform.

## John Oberdiek, Philosophical issues in tort law

This collection of topically organized articles and cases provides an accessible yet thorough introduction to the philosophy of law. Although much empirical study of the judicial process remains to be done, it is obvious that this description and the dichotomy of logical deduction and arbitrary decision, if taken as exhaustive, is misleading.

## John Oberdiek, Philosophical issues in tort law

It is plausible to think that whatever further effects it might have, preventing the wrong of murder itself helps justify criminalizing murder, and bringing criminal proceedings against murderers. . Perhaps most modern writers would agree up to this point with this account of judicial decision where legal rules are indeterminate, but beyond this point there is a divergence.

## Philosophical Foundations of Constitutional Law

Hohfeld, Fundamental Legal Concepts , CT: Press, 1964.

## Philosophy of Law

What those elements are is a separate question. Some communities, however, are characterised by systematic neglect of important values—by patriarchy, or racism, or distributive inequality. Features of Criminal Law The life of the criminal law begins with criminalization.

## **Philosophical Foundations of Constitutional Law**

A third factor calling for clarification is the fact that many of the commonest notions used in referring to legal phenomena can be explicated only when certain distinctive ways in which language functions in conjunction with practical rules have been understood.

## **PHIL 114 A: Philosophical Issues in the Law**

A number of writers appeal to one or both values to justify the existence of criminal law Feinberg 1987, 146—155; Alexander and Ferzan 2009, 17; Simister and von Hirsch 2011, 29—30.

## **Philosophy of Law, Problems of**

Responsibility is understood here as answerability Duff 2007, 19—36.

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