

PHILOSOPHY OF LAW

EIGHTH EDITION

JOEL FEINBERG AND JULES COLEMAN



Philosophy Law Joel Feinberg

J.D. Hodson



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Freedom and Fulfillment Joel Feinberg, 2020-09-01 Dealing with a diverse set of problems in practical and theoretical ethics these fourteen essays three of them previously unpublished reconfirm Joel Feinberg's leading position in the field of legal philosophy With a clarity and humor that will be familiar to readers of his other works Feinberg writes on topics including wrongful life suits in the law of torts or whether there is any sense in the remark that a person is so badly off that he would be better off not existing at all the morality of abortion educational options free expression civil disobedience and the duty of easy rescue in criminal law He continues with a three part defense of moral rights in the abstract a discussion of voluntary euthanasia and an inquiry into arguments of various kinds for not granting legal rights in enforcement of a person's acknowledged moral rights This collection concludes with two essays dealing with concepts used in appraising the whole of a person's life absurdity and self fulfillment and their interplay *Philosophy of Law* Joel Feinberg, Jules L.

Coleman, Christopher Kutz, 2014 This leading anthology contains essays and cases written by some of the most influential figures in legal philosophy representing the major theoretical positions in the field Its primary focus is to relate traditional themes of legal philosophy to the concerns of modern society in a way that invigorates the former and illuminates the latter This classic text is distinguished by its clarity and accessibility balance of topics balance of positions on controversial questions topical relevance imaginative use of cases and stories and the inclusion of only lightly edited or untouched legal classics This revision is distinguished by its inclusion of new material on law and economics international law distributive justice religion and freedom of expression feminist legal theory and critical race theory as well as a greater emphasis on concrete legal problems **In Harm's Way** Joel Feinberg, Jules L. Coleman, Allen Buchanan, 1994-06-24 This 1994 volume contains fifteen essays by leading philosophers exploring themes developed in the work of Joel Feinberg Problems at the

Roots of Law Joel Feinberg, 2002-12-26 Feinberg is one of the leading philosophers of law of the last forty years This volume collects recent articles both published and unpublished on what he terms basic questions about the law particularly in regard to the relationship to morality Accessibly and elegantly written this volume's audience will reflect the diverse nature of Feinberg's own interests scholars in philosophy of law legal theory and ethical and moral theory **In Harm's Way**, 2007

Philosophy of law. Edited by Joel Feinberg and Hyman Gross Joel Feinberg, Hyman Gross, 1975 *Offense to Others* Joel Feinberg, 1985-05-16 The second volume in Joel Feinberg's series *The Moral Limits of the Criminal Law* *Offense to Others* focuses on the offense principle which maintains that preventing shock disgust or revulsion is always a morally relevant reason for legal prohibitions Feinberg clarifies the concept of an offended mental state and further contrasts the concept of offense with harm He also considers the law of nuisance as a model for statutes creating moral offenses showing its inadequacy as a model for understanding profound offenses and discusses such issues as obscene words and social policy pornography and the Constitution and the differences between minor and profound offenses The Philosophy of Criminal

Law Douglas N. Husak, 2010 This volume collects 17 of Douglas Husak's influential essays in criminal law theory. The essays span Husak's original and provocative contributions to the major topics in the field including the grounds of criminal liability, the significance of culpability, the role of defences, and the justification of punishment. The volume includes an extended introduction by the author drawing together the themes of his work and exploring the goals of criminal theory. Together, the essays present a desert-based analysis of issues in criminal theory that rejects the consequentialist approach more familiar among legal scholars. The foremost concern of these essays is to ensure that the principles and doctrines of the criminal law preserve justice and do not sacrifice individuals for the common welfare. Engagingly written, the essays are accessible to non-specialists and represent an excellent introduction to current issues and debates in the theory of criminal law.

Philosophy, Law and the Family Laurence D. Houlgate, 2017-01-21 This textbook uses cases in family law to illustrate both traditional philosophical problems in the law as well as problems that are unique to family law. In the beginning chapters, family law cases are employed to introduce the reader to philosophical debates about the relationship between law and morals, about how one ought to interpret the U.S. Constitution and its amendments, about the conditions under which individual liberty is justifiably limited by law, about the justification of punishment, and about the justification of remedies and standards of care in determining negligence in tort cases. Later chapters are devoted to contemporary issues unique to family law, including justifiable limits of access to marriage alternatives to marriage, the rights of children, child custody disputes involving surrogate births, quasi-property disputes involving custody of frozen embryos, and the justifiable limits of the right not to procreate. The book reflects current movements, contemporary debates, and recent research on the philosophical problems in family law.

The Ethics of Legal Coercion J.D. Hodson, 2012-12-06 Are all of the commonly accepted aims of the use of law justifiable? Which kinds of behavior are justifiably prohibited, which kinds justifiably required? What uses of law are not defensible? How can the legitimacy or the illegitimacy of various uses of law be explained or accounted for? These are questions the answering of which involves one in many issues of moral principle, for the answers require that one adopt positions even if only implicitly on further questions of what kinds of actions or policies are morally or ethically acceptable. The present work, aimed at questions of these kinds, is thus a study in the ethical evaluation of major uses of legal coercion. It is an attempt to provide a framework within which many questions about the proper uses of law may be fruitfully discussed. The framework, if successful, can be used by anyone asking questions about the defensibility of particular or general uses of law, whether from the perspective of someone considering whether to bring about some new legal provision, from the perspective of someone concerned to evaluate an existing provision, or from that of someone concerned more abstractly with questions about the appropriate substance of an ideal legal system. In addressing these and associated issues, I shall be exploring the extent to which an ethics based on respect for persons and their autonomy can handle satisfactorily the problems arising here.

The Oxford Handbook of Philosophy of Criminal Law John Deigh, David Dolinko, 2011-09-22 This

title contains 17 original essays by leading thinkers in the field and covers the field's major topics including limits to criminalization obscenity and hate speech blackmail the law of rape attempts accomplice liability causation responsibility justification and excuse duress and more

Philosophy of Law Larry May, Jeff Brown, 2009-05-18 Philosophy of Law provides a rich overview of the diverse theoretical justifications for our legal rules systems and practices Utilizes the work of both classical and contemporary philosophers to illuminate the relationship between law and morality Introduces students to the philosophical underpinnings of International Law and its increasing importance as we face globalization Features concrete examples in the form of cases significant to the evolution of law Contrasts Anglo American law with foreign institutions and practices such as those in China Japan India Ireland and Canada Incorporates diverse perspectives on the philosophy of law ranging from canonical material to feminist theory critical theory postmodernism and critical race theory

Paternalism Rolf E. Sartorius, 1983 Paternalism was first published in 1984 Minnesota Archive Editions uses digital technology to make long unavailable books once again accessible and are published unaltered from the original University of Minnesota Press editions Over a hundred years of controversy have established that the antipaternalistic principle so passionately argued by Mill in On Liberty is anything but simple There are difficulties in interpreting the principle in reconciling it with Mill's general utilitarian position and defending it under any particular interpretation The fourteen essays collected in Paternalism represent the shape philosophical discussions have taken in the past decade and include the classical contemporary statements as well as important new work This book will provide philosophers policymakers doctors lawyers and students with all the major arguments that are part of the current controversy

A Companion to Philosophy of Law and Legal Theory Dennis Patterson, 2010-01-15 The articles in this new edition of A Companion to Philosophy of Law and Legal Theory have been updated throughout and the addition of ten new articles ensures that the volume continues to offer the most up to date coverage of current thinking in legal philosophy Represents the definitive handbook of philosophy of law and contemporary legal theory invaluable to anyone with an interest in legal philosophy Now features ten entirely new articles covering the areas of risk regulatory theory methodology overcriminalization intention coercion unjust enrichment the rule of law law and society and Kantian legal philosophy Essays are written by an international team of leading scholars

Philosophy of Law Joel Feinberg, 1991 **Legal Philosophy** International Association for Philosophy of Law and Social Philosophy. World Congress, 2002 Many recent political and economic transformations pose difficult questions of legal and social theory Yet although these questions are now raised with new urgency the basic questions are not new They have long been central features of legal and social philosophy in its most general form What principles explain or justify legal institutions or decisions thereby transforming coercion to authority Are there or could there be any such universal principles Can any philosophical theory account for such principles How if at all do philosophical theories of law and politics apply to particular issues And finally what if any do such practical applications tell us about general theories and principles The

essays in this volume represent the efforts of an international group of scholars to understand these general aspects of legal philosophy *Natural Law and Modern Moral Philosophy: Volume 18, Social Philosophy and Policy, Part 1* Ellen Frankel Paul, Fred D. Miller (Jr.), Jeffrey Paul, 2001-01-29 The essays in this volume written by academic lawyers as well as legal and moral philosophers address some of the most intriguing questions raised by natural law theory and its implications for law morality and public policy Some of the essays explore the implications that natural law theory has for jurisprudence asking what natural law suggests about the use of legal devices such as constitutions and precedents Other essays examine the connections between natural law and natural rights

Postmodern Philosophy and Law Douglas E. Litowitz, 1997 The author presents a two tiered analysis that views postmodern legal thought as both a collective intellectual movement and as the work of particular theorists notably Friedrich Nietzsche Michel Foucault Jacques Derrida Francois Lyotard and Richard Rorty He concludes that even though postmodern thought does not give rise to a normative theory of right that can be used as a framework for deciding cases it can focus attention on genealogy and discourse and can empower those who have been denied a voice in the legal system Annotation copyrighted by Book News Inc Portland OR

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The Limits of Freedom of Contract Michael J. Trebilcock, 1997-03-25 Our legal system is committed to the idea that private markets and the law of contracts that supports them are the primary institutions for allocating goods and services in a modern economy Yet the market paradigm this book argues leaves substantial room for challenge For example should people be permitted to buy and sell blood bodily organs surrogate babies or sexual favors Is it fair to allow people with limited knowledge about a transaction and its consequences to enter into it without guidance from experts

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