

LITERATURE
AND
LEGAL PROBLEM SOLVING

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Law and Literature as Ethical Discourse

Edited by
PAUL J. HEALD

Literature And Legal Problem Solving Law And Literature As Ethical Discourse

Teresa Godwin Phelps



Literature And Legal Problem Solving Law And Literature As Ethical Discourse:

Literature and Legal Problem Solving Paul J. Heald, 1998 In *Equity and Mercy* she examines both classical and modern literature to shed light on the current confusing state of the law involving the disparate treatment of aggravating and mitigating factors in capital sentencing procedures

Law and Literature María José Falcón y Tella, 2016-04-26 Mar a Jos Falc n y Tella invites us on a fascinating journey through the world of law and literature travelling through the different eras and exploring eternal and as such current issues such as justice power resistance vengeance rights and duties This is an unending conversation which brings us back to Sophocles and Dickens Cervantes and Kafka Dostoyevsky and Melville among many others There are many ways to approach the concept of Law and Literature In the classical manner the author distinguishes three paths the Law of Literature involving a technical approach to the literary theme Law as Literature a hermeneutical and rhetorical approach to examining legal texts and finally Law in Literature which is undoubtedly the most fertile and documented perspective the fundamental part of the work focusses on this direction This timely volume offers an introduction to this enormous field of study which was born in the United States over a century ago and is currently taking root in the European continent

Law and Literature Richard A. Posner, 2009-04-30 First edition published in 1988 *Law and literature a misunderstood relation revised and enlarged edition published in 1998* *A Critical Introduction to Law and Literature* Kieran Dolin, 2007-03-15 Despite their apparent separation law and literature have been closely linked fields throughout history Linguistic creativity is central to the law with literary modes such as narrative and metaphor infiltrating legal texts Equally legal norms of good and bad conduct of identity and human responsibility are reflected or subverted in literature s engagement with questions of law and justice Law seeks to regulate creative expression while literary texts critique and sometimes openly resist the law Kieran Dolin introduces this interdisciplinary field focusing on the many ways that law and literature have addressed and engaged with each other He charts the history of the shifting relations between the two disciplines from the open affiliation between literature and law in the sixteenth century Inns of Court to the less visible links of contemporary culture Originally published in 2007 this book provides an accessible guide to one of the most exciting areas of interdisciplinary scholarship

Law and Literature: A Still-thriving Relationship Pedro Talavera, 2025-04-17 What kind of relationship exists between law and literature Why have so many great jurists and philosophers used literature to explore their own disciplines What were they looking for and what did they find What can law learn from literature and how does literature reflect legal praxis This book takes us on a fascinating journey through those questions and their answers The first part offers a diachronic and thematic overview of the law and literature movement showing how literature has influenced new ways of thinking about law from a narrative hermeneutic humanistic ethical and critical perspective The second part analyzes the value of literature in the education of students lawyers and judges And the third section presents a captivating analysis of the literary notion of justice and the relationship between literature and the

economic analysis of law **Law in the Liberal Arts** Austin Sarat, 2018-08-06 Should law be left to the lawyers Is legal education properly understood as technical education Law in the Liberal Arts answers no and suggests that our society is not well served by the current professionalization of legal knowledge An ideal approach to legal education in Austin Sarat's view would open up law and legal knowledge by making them the proper objects of inquiry in the liberal arts Legal education in the United States is generally located in law schools dedicated to professional training Sarat believes that this situation impoverishes our ability to see the complex relations of law culture and society in all their variety and to connect theorizing about law with its application in the humanities and social sciences The contributors to this book aim to assess the place of legal scholarship in the liberal arts by asking whether and how legal research and pedagogy are different in liberal arts settings than they are in law schools *Searching the Law, 3d Edition* Frank Bae, Edward Bander, Francis Doyle, Joel Fishman, Paul Richert, 2021-12-13 **Florida Journal of International Law**, 2004 **Dialogues on Justice** Helle Porsdam, Thomas Elholm, 2012-04-02 The contributions presented in this volume are the result of research activities and interdisciplinary encounters organised by the Nordic Network of Law and Literature They focus on current discussions on justice in a Nordic and European context By expanding the focus to justice and humanities beyond law and literature the authors intend to not only cover law and literature in a traditional narrow sense but to embrace different perspectives closely linked to the research and debate about law and literature e.g. in cultural studies The volume specifically deals with four main themes each of which is described and analysed from different angles by a scholar with a background in the humanities and a scholar with a legal background or lawyer respectively Law and Humanities the Road Ahead History Memory and Human Rights Forgiveness and Law Justice Culture and Copyright *Shattered Voices* Teresa Godwin Phelps, 2010-11-24 Following periods of mass atrocity and oppression states are faced with a question of critical importance in the transition to democracy how to offer redress to victims of the old regime without perpetuating cycles of revenge Traditionally balance has been restored through arrests trials and punishment but in the last three decades more than twenty countries have opted to have a truth commission investigate the crimes of the prior regime and publish a report about the investigation often incorporating accounts from victims Although many praise the work of truth commissions for empowering and healing through words rather than violence some condemn the practice as a poor substitute for traditional justice achieved through trials and punishment There has been until now little analysis of the unarticulated claim that underlies the truth commissions very existence that language in this case narrative stories can substitute for violence Acknowledging revenge as a real and deep human need *Shattered Voices* explores the benefits and problems inherent when a fragile country seeks to heal its victims without risking its own future In developing a theory about the role of language in retribution Teresa Godwin Phelps takes an interdisciplinary approach delving into sources from Greek tragedy to Hamlet from Kant to contemporary theories about retribution from the Babylonian law codes to the South African Truth and Reconciliation Report She argues that given the

historical and psychological evidence about revenge starting afresh by drawing a bright line between past crimes and a new government is both unrealistic and unwise When grievous harm happens a rebalancing is bound to occur whether it is orderly and lawful or disorderly and unlawful Shattered Voices contends that language is requisite to any adequate balancing and that a solution is viable only if it provides an atmosphere in which storytelling and subsequent dialogue can flourish In the developing culture of ubiquitous truth reports Phelps argues that we must become attentive to the form these reports take the narrative structure the use of victims stories and the way a political message is conveyed to the citizens of the emerging democracy By looking concretely at the work and responsibilities of truth commissions Shattered Voices offers an important and thoughtful analysis of the efficacy of the ways human rights abuses are addressed **Citation and**

Precedent Thomas Oliver Beebee,2014-03-27 Among Western literatures only the German speaking countries can boast a list of world class writers such as Goethe Hoffmann Kleist Kafka Schmitt and Schlink who were trained as legal scholars Yet this list only hints at the complex interactions between German law and literature It can be supplemented for example with the unique interventions of the legal system into literature ranging from attempts to save literature from the tidal wave of Schund pulp fiction in the early twentieth century to audiences suing theaters over the improper production of classics in the twenty first The long list of instances where German literature cites law or where German law serves literature as a precedent signal the dream of German culture of a unity of interests and objectives between spheres of activity Yet the very vitality of this dream stems from real historical and social processes that increasingly autonomize and separate these domains from each other Beebee examines the history of this dialectical tension through close readings of numerous cases in the modern era ranging from Grimm to Schmitt **A Culture of Rights** Benjamin James Authers,2016-06-16 With the

passage into law of the Canadian Charter of Rights and Freedoms in 1982 rights took on new legal political and social significance in Canada In the decades following Canadian jurisprudence has emphasised the importance of rights determining their shape and asserting their centrality to legal ideas about what Canada represents At the same time an increasing number of Canadian novels have also engaged with the language of human rights and civil liberties reflecting like their counterparts in law the possibilities of rights and the failure of their protection In A Culture of Rights Benjamin Authers reads novels by authors including Joy Kogawa Margaret Atwood Timothy Findley and Jeanette Armstrong alongside legal texts and key constitutional rights cases arguing for the need for a more complex interdisciplinary understanding of the sources of rights in Canada and elsewhere He suggests that at present even when rights are violated popular insistence on Canada s rights driven society remains Despite the limited scope of our rights and the deferral of more substantive rights protections to some projected ideal Canada we remain keen to promote ourselves as members of an entirely just society

Ethics at the Heart of Higher Education C. R. Crespo,Rita Kirk,2020-08-26 Today s college students have more knowledge available to them than can be absorbed mastery of a subject area creates siloes where nearly every course is

tailored to comprehending subject matter that may be outdated before they graduate But learning is more than subject matter expertise Our fast paced environment requires instantaneous reactions to complex questions Our instant messaging age champions quick response over reflection or thought even the president governs by Twitter Yet the ethical dilemmas are no less complex than the subject matter cyber security prison reform labor rights abortion artificial intelligence or gun laws are common table topics over lunch Struggling through that complexity is central to understanding its implications for our culture This book brings together some of the leading ethicists in the country to consider the rightful place of ethics in the university today The authors make the case that higher education has a special duty to empower students to cultivate their character ethically assess situations and prepare them for an increasingly complex world With contributions from Mary Camp Alexander Cole Charles E Curran Robert J Howell D Stephen Long Robin Lovin Richard O Mason William F May Thomas Wm Mayo John Sadler *The Journal of the Legal Profession* ,2003 Derecho y Literatura Jorge Roggero,2017-11-23 Cu l es el aporte de los estudios Derecho y Literatura para la Filosof a del Derecho Cu l es su potencial cr tico en relaci n con las teor as jur dicas dominantes A fin de responder estos interrogantes el presente volumen recoge una selecci n de los principales textos de Law and Literature Movement y de los textos m s significativos de esta modalidad de la Teor a Cr tica del Derecho en otros contextos La naturaleza de lo jur dico las mec nicas de constituci n de la comunidad y de instituci n de lo social la educaci n jur dica la relaci n entre ret rica y poder el impacto de las nuevas tecnolog as la dimensi n po tica y narrativa del discurso jur dico el estatuto de interpretaci n y la funci n parad jica del Derecho son algunas de las tem ticas que estos textos instalan como problemas urgentes para la iusfilosof a **There Was a Woman** Domino Renee Perez,2008-07-01 How is it that there are so many lloronas A haunting figure of Mexican oral and literary traditions La Llorona permeates the consciousness of her folk community From a ghost who haunts the riverbank to a murderous mother condemned to wander the earth after killing her own children in an act of revenge or grief the Weeping Woman has evolved within Chican imaginations across centuries yet no truly comprehensive examination of her impact existed until now Tracing La Llorona from ancient oral tradition to her appearance in contemporary material culture There Was a Woman delves into the intriguing transformations of this provocative icon From La Llorona s roots in legend to the revisions of her story and her exaltation as a symbol of resistance Domino Renee Perez illuminates her many permutations as seductress hag demon or pitiful woman Perez draws on more than two hundred artifacts to provide vivid representations of the ways in which these perceived identities are woven from abstract notions such as morality or nationalism and from concrete often misunderstood concepts from advertising to television and literature The result is a rich and intricate survey of a powerful figure who continues to be reconfigured *Violent Women in Contemporary Theatres* Nancy Taylor Porter,2017-12-14 This book brings together the fields of theatre gender studies and psychology sociology in order to explore the relationships between what happens when women engage in violence how the events and their reception intercept with cultural understandings of

gender how plays thoughtfully depict this topic and how their productions impact audiences Truthful portrayals force consideration of both the startling reality of women s violence not how it s been sensationalized or demonized or sexualized but how it is and what parameters what possibilities should exist for its enactment in life and live theatre These women appear in a wide array of contexts they are mothers daughters lovers streetfighters boxers soldiers and dominatrixes Who they are and why they choose to use violence varies dramatically They stage resistance and challenge normative expectations for women This fascinating and balanced study will appeal to anyone interested in gender feminism issues and theatre

Forthcoming Books Rose Arny,1998 Forgiveness Charles L. Griswold,2007 This is a comprehensive text on forgiveness in both its interpersonal and political contexts as well as its relation to reconciliation **Harvard Blackletter Law Journal** ,2002

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