LAW AND ITS PRESUPPOSITIONS

ACTIONS, AGENTS AND RULES

S. C. Coval and Joseph C. Smith

Law And Its Presuppositions Actions Agents And Rules

Michael Sullivan

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Allowing for Exceptions Luís Duarte d'Almeida, 2015 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 Law and Its Presuppositions Samuel Charles Coval, Joseph Carman Smith, 1986-01-01 in Action S. Coval, P.G. Campbell, 2012-12-06 This series will include monographs and collections of studies devoted to the investigation and exploration of knowledge information and data processing systems of all kinds no matter whether human other animal or machine Its scope is intended to span the full range of interests from classical problems in the philosophy of mind and philosophical psychology through issues in cognitive psychology and sociobiology concerning the mental capabilities of other species to ideas related to artificial intelligence and to computer science While primary emphasis will be placed upon theoretical conceptual and epistemological aspects of these problems and domains empirical experimental and methodological studies will also appear from time to time Sam Coval and Peter Campbell provide a painstaking and distinctive analysis of the nature of action and agency They introduce a conception of acts which encompasses the purposes that motivate them the beliefs on the basis of which they are undertaken and the effects that they bring about They compare and contrast their account with ones advanced by Davidson Brand Searle Danto and other while elaborating its consequences for understanding the nature of alibis mistakes accidents inadvertence and the like The valuable diagrams and the discussion of the software program they have developed which implements their theory amply displays the potential of combining philosophy and AI with law and other disciplines focused upon agency J H F **Playing by the Rules** Frederick Schauer, 1991-08-22 This is a philosophical but non technical analysis of the very idea of a rule Although focused somewhat on the role of rules in the legal system it is also relevant to the place of rules in morality religion etiquette games language and family governance In both explaining the idea of a rule and making the case for taking rules seriously the book is a departure both in scope and in perspective from anything that now exists Global Sales and Contract Law Ingeborg Schwenzer, Pascal Hachem, Christopher Kee, 2012-01-26 Although the 1980 United Nations Convention on Contracts for the International Sale of Goods CISG is one of the most successful international conventions to date it remains the case that those involved in the international sale of goods must refer to a multitude of laws Indeed the CISG itself does not cover all issues relating to international sales contracts so it must necessarily be supplemented by domestic law Global Sales and Contract Law provides a truly comparative analysis of domestic laws in over sixty countries so as to deliver a global view of domestic and international sales law The book reports on the real practice of sales law taking into account present day problems Complex questions on the obligations under a sales contract the ways in which these are established as well as the

remedies following the breach of obligations are all discussed By addressing regional uniform projects like OHADA and comparing differences in domestic legal approach where the CISG would not apply the work goes beyond existing commentaries which tend to focus only on the CISG The analysis has been based on an unprecedented survey drawn from the world s top fifty companies as well as international traders lawyers advising international traders arbitral institutions arbitrators and law schools This work encompasses all aspects of a sale of goods transaction and takes a wide view of sale by including general contract law The book gives practitioners invaluable insight into judicial trends and possible solutions in different legal systems whether preparing for litigation or drafting an international contract Global Sales and Contract Law is the most comprehensive and thorough compilation of legal analysis in the field of the sale of goods and is a reliable source for any practitioner dealing in international commerce **Legal Pragmatism** Michael Sullivan, 2007-06-14 In Legal Pragmatism Michael Sullivan looks closely at the place of the individual and community in democratic society After mapping out a brief history of American legal thinking regarding rights from communitarianism to liberalism Sullivan gives a rich and nuanced account of how pragmatism worked to resolve conflicts of self interest and community well being Sullivan's view of pragmatism provides a comprehensive framework for understanding democracy as well as issues such as health care education gay marriage and illegal immigration that will determine its character in the future Legal Pragmatism is a bold carefully argued book that presents a unique understanding of contemporary society law and politics **Elements of Moral** Cognition John Mikhail, 2011-06-13 Is the science of moral cognition usefully modelled on aspects of Universal Grammar Are human beings born with an innate moral grammar that causes them to analyse human action in terms of its moral structure with just as little awareness as they analyse human speech in terms of its grammatical structure Questions like these have been at the forefront of moral psychology ever since John Mikhail revived them in his influential work on the linguistic analogy and its implications for jurisprudence and moral theory In this seminal book Mikhail offers a careful and sustained analysis of the moral grammar hypothesis showing how some of John Rawls original ideas about the linguistic analogy together with famous thought experiments like the trolley problem can be used to improve our understanding of moral and legal judgement Strong Constitutions Maxwell A. Cameron, 2015 A bold argument that constitutional states are not weaker because their powers are divided they are often stronger because they solve collective action problems rooted in speech and communication Action and Agency Roberta Kevelson, 1991 The Law uses the terms Action and Agency in several significant ways which connect them with modern semiotic theory In Law one of the main contexts for the idea of Acts is in Speech Acts which have become a major aspect of the philosophy of Language in the twentieth century to Peirce as the father of modern Semiotics all thought is action and thought has meaning to the extent that it has consequences in the world Agency in law is inseparable from the idea of a Legal Actor and refers to powers which are conferred by a Principal upon a representator to a Third Party Legal Agents are mediators in law as signs are mediators of interpreted meaning in

semiotic theory and semiotic processes This collection of papers is a transcultural and transdisciplinary project in law and semiotics by distinguished scholars Trust in Electronic Commerce: The Role of Trust from a Legal, an Organizational, and a Technical Point of View J. E. J. Prins, P. M. A. Ribbers, Henk C. A. Van Tilborg, 2002-07-03 Electronic commerce is here to stay No matter how big the dot com crisis was or how far the e entrepreneurs shares fell in the market the fact remains that there is still confidence in electronic trading At least it would appear that investors are confident in e companies again However not only trust of venture capitalists is of importance consumers also have to have faith in on line business After all without consumers there is no e business Interacting lawyers technicians and economists are needed to create a trustworthy electronic commerce environment To achieve this environment thorough and inter disciplinary research is required and that is exactly what this book is about Researchers of the project Enabling Electronic Commerce from the Dutch universities of Tilburg and Eindhoven have chosen a number of e topics to elaborate on trust from their point of view This volume makes clear that the various disciplines can and will play a role in developing conditions for trust and thus contribute to a successful Legal Method and the Rule of Law Sebastián Urbina, 2002-08-31 We cannot see the world as it is electronic market because we face it in a contaminated vein That is our conceptual scheme and biological constitution condition our world view The legal normative world we are dealing with has some special features like the primacy of practical reason over theoretical reason and the primacy of the internal point of view over the external point of view Although it is not a feature of all legal traditions legal dogmatics is a privileged way of knowing legal normative object that is our legal orders But we are not undertaking as legal scholars an empiricist enterprise because among other reasons we are not interested in the reality in itself but in the relevant reality at least for us In this respect we do not only depend on theories like physicists but also on legal authoritative sources that is power and legitimacy Legal scholars and other participants in the legal life are not neutral observers of their own world trying to discover some hidden truth They are committed experts trying to describe justify and Kant's Transition Project and Late Philosophy Oliver Thorndike, 2018-01-11 Kant s improve the legal order Transition Project and Late Philosophy is the first study to provide a close reading of the connection between texts written by Kant during 1796 and 1798 Connecting Kant's unfinished book project the Opus postumum with the Metaphysics of Morals it identifies and clarifies issues at the forefront of Kant's focus towards the end of his life Labelled by Kant as the Transition Project the Opus postumum generates debate among commentators as to why Kant describes the project as filling a gap within his system of critical philosophy This study argues for a pervasive transition project that can be traced through Kant s entire critical philosophy and is the key to addressing current debates in the scholarship By showing that there is not only a Transition Project in Kant's theoretical philosophy but also a Transition Project in his practical philosophy it reveals why an accurate assessment of Kant's critical philosophy requires a new understanding of the Opus postumum and Kant's parallel late writings on practical philosophy Rather than seeing Kant's late thoughts on a Transition as afterthoughts they must be

seen at the centre of his critical philosophy Conceptual Structures: Fulfilling Peirce's Dream Dickson Lukose, 1997-07-16 This book constitutes the refereed proceedings of the Fifth International Conference on Conceptual Structures ICCS 97 held in Seattle Washington USA in August 1997 The 39 full papers presented were carefully selected and revised for inclusion in the volume Also included are 9 abstracts of conceptual graphs tools. The papers are organized in sections on knowledge representation knowledge modeling formal concept analysis formal reasoning applications of conceptual graphs and conceptual graphs tools This book competently documents the progress achieved in the area since the predecessor conference ICCS 96 the proceedings of which have been published as LNAI 1115 Natural Law and Practical Rationality Mark C. Murphy, 2001-06-11 Natural law theory has been undergoing a revival especially in political philosophy and jurisprudence Yet most fundamentally natural law theory is not a political theory but a moral theory or more accurately a theory of practical rationality According to the natural law account of practical rationality the basic reasons for actions are basic goods that are grounded in the nature of human beings Practical rationality aims to identify and characterize reasons for action and to explain how choice between actions worth performing can be appropriately governed by rational standards These standards are justified by reference to features of the human goods that are the fundamental reasons for action This book is a defence of a contemporary natural law theory of practical rationality demonstrating its inherent plausibility and engaging systematically with rival egoist consequentialist Kantian and virtue accounts Waseda Proceedings of Comparative Law ,2009 Political Ideas of Enlightenment Women Lisa Curtis-Wendlandt, Paul Gibbard, Karen Green, 2016-04-22 This edited collection showcases the contribution of women to the development of political ideas during the Enlightenment and presents an alternative to the male authored canon of philosophy and political thought Over the course of the eighteenth century increasing numbers of women went into print and they exploited both new and traditional forms to convey their political ideas from plays poems and novels to essays journalism annotated translations and household manuals as well as dedicated political tracts Recently considerable scholarly attention has been paid to women s literary writing and their role in salon society but their participation in political debates is less well studied This volume offers new perspectives on some better known authors such as Mary Wollstonecraft Catharine Macaulay and Anna Laetitia Barbauld as well as neglected figures from the British Isles and continental Europe The collection advances discussion of how best to understand women s political contributions during the period the place of salon sociability in the political development of Europe and the interaction between discourses on slavery and those on women s rights It will interest scholars and researchers working in women s intellectual history and Enlightenment thought and serve as a useful adjunct to courses in political theory women s studies the history of feminism and European history Thinking and Doing Hector-Neri Castañeda, 2012-12-06 Philosophy is the search for the large patterns of the world and of the large patterns of experience perceptual theoretical aesthetic and practical the patterns that regardless of specific contents characterize the main types of

experience In this book I carry out my search for the large patterns of practical experience the experience of deliberation of recognition of duties and their conflicts of attempts to guide other person s conduct of deciding to act of influencing the physical world with one s doings and the like This is the experience that makes possible our social life the formulation of plans for teamwork the building of institutions the development of nations and the adoption of the ideal of morality Here I develop a network of theories about the most fundamental aspects of practical thinking what is thought in such thinking what makes that thinking correct what makes it practical and the structure of the doings that accrue to the world when such thinking is effective I have attempted to build each theory in sufficient detail so that it il luminates its subject matter with a certain degree of fullness But I have also aimed at producing an harmonious system of theories so that the grand pattern of practical thinking can be admired not only for the beauty of the separate structures of its parts but also for its architectonic unity Chapter 1 gives the details of the many facets of this project and discusses some methodological techniques Tort Theory Kenneth D. Cooper-Stephenson, 1993 The Oxford Handbook of Moral Realism Paul Bloomfield, David Copp, 2023 Morality seems to play a special role in human life distinct from conventional norms like those of etiquette or simple preferences based on subjective tastes There are various theories of the foundations of morality some of which treat morality as subjective in an important way Moral realism is however a family of theories that take morality to have an objective factual basis such that morality is not up to us and is not under our control The contributions in this Oxford Handbook explore the central ideas and themes constituting moral realism and defend particular views about it **Plural to Institutional Agency** Kirk Ludwig, 2017-10-13 Kirk Ludwig presents a philosophical account of institutional action such as action by corporations and nation states arguing that it can be understood exhaustively in terms of the agency of individuals and concepts constructed out of materials that are already at play in our understanding of individual action He thus argues for a strong form of methodological individualism The book provides a new account of the logical form of grammatically singular group action sentences e g Company laid off 10 000 workers and features new analyses of the concepts of a constitutive rule status function status role collective acceptance and proxy agency He also provides an analysis of the structure of corporate action including the status of corporations as legal persons and of the nature of state action in relation to its citizens This is the companion volume to From Individual to Plural Agency OUP 2016 extending the multiple agents account of collective action set out in the earlier volume

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