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# Legal Thinking

*Its Limits and Tensions*

William Read

# Legal Thinking Its Limits And Tensions

**E Durkheim**



## **Legal Thinking Its Limits And Tensions:**

*Legal Thinking* William Read, 2016-11-11 This book delineates the limits that define and the tensions that beset the process of conceiving how laws connect and interact with morals and facts about the ways we do think about these connections and interactions not about the ways we should think *American Bar Foundation Research Journal* American Bar Foundation, 1986 **Michigan Law Review**, 1907 **The Right to Leave and Return and Chinese Migration Law** Guofu Liu, 2007-01-31 Although the Right to Leave and Return RLR is a fundamental human right each State has the sovereign right to regulate RLR in accordance with its own laws In the case of China the country's communist political system has significantly affected the development of RLR and the country's approach to it As a rule China's approach is restrictive As part of its reform and opening up policies China has embarked on a range of reforms to liberalise RLR but the reforms lack cohesion and focus and remain restrictive Given its past and its complex social and economic conditions China may have some justifications for its approach but on balance has more to gain from adopting a more liberal approach The issue of RLR in China is crucial both for the future of China and for development of RLR in the world The Right to Leave and Return RLR and Chinese Migration Law provides a comprehensive and systematic review of the RLR in international and Chinese migration law It has been written on the basis of Chinese statutes pertinent to the RLR also of relevant international instruments and key cases It investigates RLR in international migration law and practice analyses RLR in the context of China and identifies its driving factors investigates the conditions and practical concerns relevant to the protection of RLR and concludes with recommendations on how the Chinese regulatory regime governing RLR can be improved Harvard Law Review, 1921 **Essential Law for Social Workers** Robert G. Madden, 2003-10-01 Whether protecting their own rights or those of their clients or navigating the juvenile justice immigration or welfare systems social workers confront legal issues every day This book explores legal concepts legal reasoning and legal processes illustrated with case vignettes from social work practice in order to provide social work practitioners and students with practical and accessible legal knowledge It introduces readers to scholarship about the law and to conceptual knowledge that can be applied to any interaction with the legal system Social workers are thereby enabled to think like a lawyer and increase their effectiveness The volume features a discussion of recent reform movements including Alternative Dispute Resolution and an appendix of sources for legal information and research on the law **Rethinking the Law of Armed Conflict in an Age of Terrorism** Christopher A. Ford, Amichai Cohen, 2012-01-01 Ten years after the terrorist attacks of September 11 2011 Rethinking the Law of Armed Conflict in an Age of Terrorism edited by Christopher Ford and Amichai Cohen brings together a range of interdisciplinary experts to examine the problematic encounter between international law and challenges presented by conflicts between developed states and non state actors such as international terrorist groups Through examinations of the counter terrorist experiences of the United States Israel and Colombia coupled with legal and historical analyses of trends in

international humanitarian law the authors place post 9 11 practice in the context of the international legal community's broader struggle over the substantive content of international rules constraining state behavior in irregular wars and explore trends in the development of these rules From the beginning of international efforts to rewrite the laws of armed conflict in the 1970s the legal rules to govern irregular conflicts of the state on nonstate variety have been contested terrain Particularly in the wake of the 9 11 attacks policymakers lawyers and scholars have debated the merits relevance and applicability of what are said to be competing war and law enforcement paradigms of legal constraint and even the degree to which international law can be said to apply to counter terrorist conflicts at all Ford Cohen's volume puts such debates in historical and analytical context and offers readers an insight into where the law has been headed in the fraught years since September 2001 The contributors provide the reader with differing perspectives upon these questions but together their analyses make clear that law governed restraint remains a cardinal value in counter terrorist war even as the law stands revealed as being much more contested and indeterminate than many accounts would have it *Rethinking the Law of Armed Conflict in an Age of Terrorism* provides an important conceptual framework through which to view the development of the law as the policy and legal communities move into the second decade of the global war on terrorism *Transnational Law* Miguel Maduro, Kaarlo Tuori, Suvi Sankari, 2014-05 This book examines the effects of law's de-nationalisation by placing European law in the context of transnational law **The Evolution of EU Law** Paul Craig, Gráinne De Búrca, 2021 This last decade has been particularly turbulent for the EU Beset by crises the financial crisis the rule of law crisis the migration crisis Brexit and the pandemic European Law has had to adapt and change in a way not previously seen First published in 1999 the goal then was to reflect on the important developments that had been made since the creation of the EEC That goal has not changed From EU Administrative Law through to the Regulation of Network Industries each chapter in this seminal work assesses the legal and political forces that have shaped the evolution of EU law With new chapters covering the Rule of Law Judicial Reform Brexit Constitutional and Legal Theory Refugee and Asylum law and Data Governance this third edition of *The Evolution of EU Law* is a must read for any student or academic of EU law **Cases on the Conflict of Laws** Ernest Gustav Lorenzen, 1924 **Conflict and Compromise** Edward McWhinney, 2024-12-02 *Self-Determination, International Law and Post-Conflict Reconstruction* Manuela Melandri, 2018-10-03 The right to self-determination has played a crucial role in the process of assisting oppressed people to put an end to colonial domination Outside of the decolonization context however its relevance and application has constantly been challenged and debated This book examines the role played by self-determination in international law with regard to post-conflict state building It discusses the question of whether self-determination protects local populations from the intervention of international state builders in domestic affairs With a focus on the right as it applies to the people of an independent state it explores how self-determination concerns that arise in the post-conflict period play out in relation to the reconstruction process The book analyses the situation in Somalia as a means

of drawing out the impact and significance of the legal principle of self determination in the process of rebuilding post conflict institutions In so doing it seeks to highlight how the relevance of self determination is often overlooked in this context

*The Analysis, Communication, and Perception of Risk* B.John Garrick,Willard C. Gekler,2013-11-11 The 1989 Annual Meeting of the Society for Risk Analysis dramatically demonstrated one of the most important reasons for having the Society to bring together people with highly diverse backgrounds and disciplines to assess the common problems of societal and individual risks The physical scientists emphasized the analytical tools for assessing environmental effects and for modeling risks from engineered systems and other human activities The health scientists presented numerous methods of analyzing health effects including the subject of dose response relationships especially at low exposure levels never an easy analysis The social and political scientists concentrated on issues of risk perception communication acceptability and human touch Others discussed such issues as cost benefit analysis and the risk based approach to decision analysis Use of risk assessment methods for risk management continued to be a matter of strong opinion and debate The impacts of state and federal regulations existing and planned were assessed in sessions and in luncheon speeches These impacts show that risk analysis practitioners will have an increasingly important role in the future They will be challenged to provide clear easily understood evaluations of risk that are responsive to society s concern for risk as evidenced in laws and regulations Of course the various risk analysis specialties overlapped in domains of interest

Conflict and Transformation Christian Joerges,2022-10-06 In this important compendium one of the leading scholars of EU law and its legal framework reflects on his previous writings in the context of current challenges the European project is facing More than a simple restatement it offers an important theoretical comment at this defining time for EU law The author offers a welcome counterbalance to what some perceive to be a surfeit of optimism when assessing the EU and its development In so doing Professor Joerges identifies three flaws in the current European ideology Firstly he points to the intellectual weakness of the integration through law ideology Secondly the book sets out the systematic neglect of the economic and its political dynamics Finally it addresses the complacency with respect to Europe s darker legacies This is an important critical and candid assessment of Europe at its half century

The Frontiers of Human Rights Nehal Bhuta,2016-02-19 In an epoch of transnational armed conflict global environmental harm and rising inequality the extraterritorial application of human rights law has become a pressing and controversial legal issue Human rights are invoked to address a number of global scale problems such as trans border environmental harm social and economic development global inequality the repression of piracy in ungoverned spaces and military occupation and armed conflict in the territory of a third state The chapters collected in this volume grapple with the promise and the dilemmas of the extraterritorial application of human rights law through an analysis of the legal theoretical and practical questions raised by extending states human rights obligations beyond their national territories

**The 'War on Terror' and the Framework of International Law** Helen Duffy,2015-04-09 This book analyses the

international legal framework governing terrorism and counter terrorism and assesses the legal issues relating to post 9 11 international practice

**Jus Post Bellum: The Rediscovery, Foundations, and Future of the Law of Transforming War into Peace** Jens Iverson, 2021-05-31 In *Jus Post Bellum* Jens Iverson provides the Just War foundations of the concept reveals the function of jus post bellum and integrates the law that governs the transition from armed conflict to peace This volume traces the history of jus post bellum avant la lettre tracing important writings on the transition to peace from Augustine Aquinas and Kant to more modern jurists and scholars It explores definitional aspects of jus post bellum including current its relationship to sister terms and related fields It also critically evaluates the current state and possibilities for future development of the law and normative principles that apply to the transition to peace Peacebuilders scholars and diplomats will find this book a crucial resource

Islam Beyond Conflict Wayne Hudson, 2017-03-02 Politically Islam in Indonesia is part of a rich multi cultural mix Religious tolerance is seen as the cornerstone of relations between different faiths and moderation is built into the country s constitutional framework However the advent of democracy coupled with the impact of the South East Asian economic collapse in 1997 and the arrival of a tough new breed of Middle Eastern Islamic preachers sowed the seeds of the current challenge to Indonesia s traditionally moderate form of Islam This volume explores the extent to which moderate Indonesian Islam is able to assimilate leading concepts from Western political theory The essays in the collection explore how concepts from Western political theory are compatible with a liberal interpretation of Islamic universals and how such universals can form the basis for a contemporary approach to the protection of human rights and the articulation of a modern Islamic civil society

Hybridity, Conflict, and the Global Politics of Cybersecurity Fabio Cristiano, Bibi van den Berg, 2023-10-02 *Hybridity Conflict and the Global Politics of Cybersecurity* explores how emerging normative practices technologies and actors shape the global politics of cybersecurity through hybridity and conflict

**Ideological Conflict and the Rule of Law in Contemporary China** Samuli Seppänen, 2016-10-20 This book studies ideological divisions within Chinese legal academia and their relationship to arguments about the rule of law The book describes argumentative strategies used by Chinese legal scholars to legitimize and subvert China s state sanctioned ideology It also examines Chinese efforts to invent new alternative rule of law conceptions In addition to this descriptive project the book advances a more general argument about the rule of law phenomenon insisting that many arguments about the rule of law are better understood in terms of their intended and actual effects rather than as analytic propositions or descriptive statements To illustrate this argument the book demonstrates that various paradoxical contradictory and otherwise implausible arguments about the rule of law play an important role in Chinese debates about the rule of law Paradoxical statements about the rule of law in particular can be useful for an ideological project

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