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Conceptualising Procedural Fairness in EU Competition Law Haukur Logi Karlsson, 2020-09-17 What constitutes a fair procedure when it comes to EU competition law This innovative book seeks to understand the philosophical considerations at the core of conflicting procedural fairness arguments in EU competition law practice. The author argues for a conceptualisation of procedural fairness as a distributional issue that can be solved by a practical fairness theory and a comprehensive methodology To illustrate the usefulness of the conceptualisation three procedural fairness problems from recent EU competition law practice are analysed the KME Chalkor cases the Groupe Gascogne cases the regulatory question about using a collective redress mechanism for private enforcement of EU competition law This unique approach provides a robust philosophical and methodological foundation for arguing about a wide range of procedural fairness dilemmas The book is a must read for academics and practitioners seeking an imaginative perspective on the philosophical foundations of arguments about procedural fairness in EU competition law and beyond **Rationale-Based Defences in Criminal Law** Mark Dsouza, 2017-05-04 PRAISE FOR THE BOOK Despite the existing scholarly literature on criminal defences many issues remain contested or unresolved Dr Dsouza offers a thorough and scholarly treatment of a complex topic which can be expected to become a point of reference for future work in the field Professor James Chalmers University of Glasgow Mark Dsouza has produced an engaging incisive and cogently argued monograph that makes an original contribution to criminal law theory Required reading for scholars and graduate students working on criminal law defences Professor Paul Roberts University of Nottingham Although it is often accepted that rationale based defences to criminal liability can be justificatory or excusatory disagreements about how best to conceptualise the categories of justification and excuse have appeared so interminable that some theorists argue that they should be abandoned altogether This book offers a novel principled and

intuitively appealing conceptual account of the natures of justifications and excuses showing how they differ and why the distinction between them matters The monograph breaks new ground by defending a model of rationale based defences that turns solely on the quality of the defendant s reasoning This model is shown to generate appealing liability outcomes advance convincing solutions to questions that have puzzled criminal lawyers for years and offer suggestions for doctrinal reform that are both normatively sound and practical By proposing new ways to think about defences this book makes an original contribution to criminal law theory that will be of benefit to academics practitioners and persons interested in law reform

What Makes Law Liam Murphy, 2014-06-16 This book offers an advanced introduction to central questions in legal philosophy What factors determine the content of the law in force What makes a normative system a legal system How does law beyond the state differ from domestic law What kind of moral force does law have The most important existing views are introduced but the aim is not to survey the existing literature Rather this book introduces the subject by stepping back from the fray to sketch the big picture to show just what is at stake in these old debates Legal philosophy has become somewhat arid and inward looking In part this is because the disagreement between the main camps on the important questions is apparently intractable The main aim of the book is to suggest both a diagnosis and a proper practical response to this situation of intractable disagreement about questions that do matter A Treatise of Legal Philosophy and General <u>Jurisprudence</u> Michael Lobban, 2007-01-24 This comprehensive treatment of legal philosophy and general jurisprudence is designed for jurists as well as legal and practical philosophers The treatise is presented in two sections The 5 volume Theoretical part 2005 covers topics of contemporary debate The 6 volume Historical part 2006 2007 traces the development of legal thought from ancient Greece through the twentieth century This release incorporates Vol 6 A History of the Philosophy of Law from the Ancient Greeks to the Scholastics Vol 7 The Jurists Philosophy of Law from Rome to the Seventeenth Century and Vol 8 A History of the Philosophy of Law in the Common Law World 1600 1900 The Legacy of Ronald Dworkin Wilfrid J. Waluchow, Stefan Sciaraffa, 2016 This book comprises sixteen papers selected from the 2014 McMaster University Philosophy of Law Conference lawconf mcmaster ca on the legacy of Ronald Dworkin lawconf mcmaster ca These pieces touch upon many aspects of Ronald Dworkin's wide ranging contributions to philosophy and jurisprudence including his theory of value political philosophy moral philosophy philosophy of international law and legal philosophy The book s organizing principle and theme reflects Dworkin s self conception as a builder of a unified theory of value Part I addresses the most abstract and general aspect of Dworkin's work the unity of value thesis Part II comprises works that address themes from Dworkin's political philosophy including his discussions of authority civil disobedience the legitimacy of states and the international legal system distributive justice collective responsibility and Dworkin's master value of dignity and the associated values of equality and respect Part III addresses various aspects of Dworkin's general theory of law Part IV comprises pieces that offer accounts of the structure and defining values of discrete areas of law including constitutional

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Macmillan, 2003-05-12 The International Corporate Law Series is dedicated to the publication of scholarly writing on issues in the area of international and comparative corporate law This volume includes contributions from the following Dr Adedeji Adekunle of the University of Lagos writing on Nigerian corporate regulation Professor Stephen Bottomley of the Australian National University writing on corporate governance Professor John Braithwaite of the Australian National University and Dr Peter Drahos of the Queen Mary Intellectual Property Research Institute writing on the globalisation of corporate regulation Professor Yves Chaput of the Universit de Paris I writing on developments in French corporate law Rasiah Gengatharen of the University of Western Australia writing on corporate law reform and futures regulation in Australia Dr John Gillespie of Deakin University writing on the transplantation of company law in Vietnam Desmond Guobadia writing on developments in Nigerian corporate law Jean Phillipe Robe writing on the globalised enterprise within the world economy Richard Tudway writing on the juridical nature of the corporation and Professor Junko Ueda writing on recent developments in Japanese corporate law **Democratizing Constitutional Law** Thomas Bustamante, Bernardo Gonçalves Fernandes, 2016-04-19 This volume critically discusses the relationship between democracy and constitutionalism It does so with a view to respond to objections raised by legal and political philosophers who are sceptical of judicial review based on the assumption that judicial review is an undemocratic institution The book builds on earlier literature on the moral justification of the authority of constitutional courts and on the current attempts to develop a system on weak judicial review Although different in their approach the chapters all focus on devising institutions procedures and in a more abstract way normative conceptions to democratize constitutional law These democratizing strategies may vary from a radical objection to the institution of judicial review to a more modest proposal to justify the authority of constitutional courts in their deliberative performance or to create constitutional juries that may be more aware of a community s constitutional morality than constitutional courts are The book connects abstract theoretical discussions about the moral justification of constitutionalism with concrete problems such as the relation between constitutional adjudication and deliberative democracy the legitimacy of judicial review in international institutions the need to create new institutions to democratize constitutionalism the connections between philosophical conceptions and constitutional practices the judicial review of constitutional amendments and the criticism on strong judicial review Hans Kelsen in America - Selective Affinities and the Mysteries of Academic Influence D.A. Jeremy Telman, 2016-08-26 This volume explores the reasons for Hans Kelsen's lack of influence in the United States and proposes ways in which Kelsen's approach to law philosophy and political democratic and international relations theory could be relevant to current debates within the U S academy in those areas Along the way the volume examines Kelsen's relationship and often hidden influences on other members of the mid century Central European migr community whose work helped shape twentieth century social science in the United States The book includes major contributions to the history of ideas and

to the sociology of the professions in the U S academy in the twentieth century Each section of the volume explores a different aspect of the puzzle of the neglect of Kelsen's work in various disciplinary and national settings Part I provides reconstructions of Kelsen's legal theory and defends that theory against negative assessments in Anglo American jurisprudence Part II focuses both on Kelsen's theoretical views on international law and his practical involvement in the post war development of international criminal law Part III addresses Kelsen's theories of democracy and justice while placing him in dialogue with other major twentieth century thinkers including two fellow migr scholars Leo Strauss and Albert Ehrenzweig Part IV explores Kelsen's intellectual legacies through European and American perspectives on the interaction of Kelsen's theoretical approach to law and national legal traditions in the United States and Germany Each contribution features a particular applications of Kelsen's approach to doctrinal and interpretive issues currently of interest in the legal academy The volume concludes with two chapters on the nature of Kelsen's legal theory as an instance of modernism

Advances in Experimental Philosophy of Law Karolina Prochownik, Stefan Magen, 2023-05-18 Only recently have philosophers and psychologists begun to consider empirical research methods to inform questions and debates in legal philosophy With the field ripe for further experimental inquiry this collection explores the most topical empirical developments and anticipates future research directions Bringing together legal scholars psychologists and philosophers chapters address questions such as Do people share a stable set of intuitions about what the law is What are common perceptions about causation intentionality and culpability and are they consistent with the corresponding legal concepts To what extent can experimental research methods advance theoretical debates in legal philosophy about the nature of law With fascinating implications for legal philosophy ethics and moral psychology Advances in Experimental Philosophy of Law sets the agenda for the emerging field of experimental jurisprudence and will be of interest to both researchers and practitioners New Essays on the Fish-Dworkin Debate Thomas Bustamante, Margaret Martin, 2023-08-24 This book considers alike the seminal debate in jurisprudence between Ronald Dworkin and Stanley Fish It looks at the exchange between Dworkin and Fish initiated in the 1980s and analyses the role the exchange has played in the development of contemporary theories of interpretation legal reasoning and the nature of law The book encompasses 4 key themes of the debate between these authors legal theory and its critical role interpretation and critical constraints pragmatism and interpretive communities and some general implications of the debate for issues like the nature of legal theory and the possibility of objectivity The collection brings together prominent legal theorists and one of the protagonists of the debate Professor Stanley Fish who concludes the collection with an interview in which he discusses the main topics discussed in the collection

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