

A CRITIQUE OF  
ADJUDICATION

*(fin de siècle)*



Duncan Kennedy

# Critique Of Adjudication

**Benjamin N. Cardozo School of Law**



## **Critique Of Adjudication:**

**A Critique of Adjudication [fin de Siècle]** Duncan Kennedy, 2009-06-01 A major statement from one of the foremost legal theorists of our day this book offers a penetrating look into the political nature of legal and especially judicial decision making It is also the first sustained attempt to integrate the American approach to law an uneasy balance of deep commitment and intense skepticism with the Continental tradition in social theory philosophy and psychology At the center of this work is the question of how politics affects judicial activity and how in turn lawmaking by judges affects American politics Duncan Kennedy considers opposing views about whether law is political in character and if so how He puts forward an original distinctive and remarkably lucid theory of adjudication that includes accounts of both judicial rhetoric and the experience of judging With an eye to the current state of theory legal or otherwise he also includes a provocative discussion of postmodernism Ultimately concerned with the practical consequences of ideas about the law *A Critique of Adjudication* explores the aspects and implications of adjudication as few books have in this century As a comprehensive and powerfully argued statement of a critical position in modern American legal thought it will be essential to any balanced picture of the legal political and cultural life of our nation

**A Critique of Adjudication : Fin de Siècle** Duncan Kennedy, 2013

*Law and Sacrifice* Johan Van der Walt, 2014-06-11 In the wake of apartheid *Law and Sacrifice* draws on the uniquely expansive protection of fundamental rights now entrenched in the South African Constitution to outline a new theory of law The South African Constitution not only protects the rights of people against abuses of power by the state but also against abuses of power by private legal subjects Drawing upon the work of contemporary thinkers such as Martin Heidegger Hannah Arendt George Bataille Jacques Derrida Emmanuel Levinas and Jean Luc Nancy the author elicits the radical democratic potential of this horizontal notion of rights Johan van der Walt argues that apartheid must be understood as more than a racist abuse of power and here he articulates its sacrificial logic It is in going beyond this logic he maintains that the truly democratic potential of the South African Constitution can be understood in a radical formal and substantive equality that offers the legal basis for rethinking a post apartheid future Combining a rigorous theoretical understanding with a subtle political engagement *Law and Sacrifice* is a dazzling interrogation of the limits and possibilities of democratic pluralism It will be of interest to political and legal theorists as well as to those who are concerned with South African law and politics

*Current Law Index* , 2002 *Symposium* Benjamin N. Cardozo School of Law, 2001 **Recueil périodique et critique de jurisprudence, de législation et de doctrine** , 1893 **Gadamer and Law** Francis J. Mootz III, 2017-07-05 Hans Georg Gadamer's philosophical hermeneutics is especially relevant for law which is grounded in the interpretation of authoritative texts from the past to resolve present day disputes In this collection leading scholars consider the importance of Gadamer's philosophy for ongoing disputes in legal theory The work of prominent philosophers including Fred Dallmayr P Christopher Smith and David Hoy is joined with the work of leading legal theorists such as William Eskridge Lawrence Solum and Dennis

Patterson to provide an overview of the connections between law and Gadamer's hermeneutical philosophy Part I considers the relevance of Gadamer's philosophy to longstanding disputes in legal theory such as the debate over originalism the rule of law and proper modes of statutory and constitutional exegesis Part II demonstrates Gadamer's significance for legal theory by comparing his approach to the work of Nietzsche Habermas and Dworkin **Bimonthly Review of Law Books**, 1996

*Critical Legal Studies (Début de Siècle)*, 2001 **Recueil périodique et critique de jurisprudence, de législation et de doctrine en matière civile, commerciale, criminelle, administrative et de droit public**, **Recueil critique de jurisprudence et de législation**, 1887 Vols for 1909 1922 include sections Chronique and Bibliographie 1923 includes

Chronique only **Radical Critiques of the Law** Stephen M. Griffin, Robert C. L. Moffat, 1997 The past two decades have seen an outpouring of work in legal theory that is self-consciously critical of aspects of American law and the institutions of the liberal state In this lively volume eminent scholars in philosophy law and political science respond to this recent scholarship by exploring what constitutes a radical critique of the law examining such theories as critical legal studies feminist theory and theories of difference and critical race theory The authors consider whether the critiques advanced in recent legal theory can truly be called radical and what form a radical critique of American law should take Writing at the cutting edge of the critique of critical legal theory they offer insights first on critical legal scholarship then on feminist political and legal theory A third group of contributions questions the radicalness of these approaches in light of their failure to challenge fundamental aspects of liberalism while a final section focuses on current issues of legal reform through critical views on criminal punishment including observations on rape and hate speech Each major essay describes the underlying principles in the development of a radical legal theory and addresses unresolved questions relating to it while accompanying commentaries present conflicting views The resulting dialogue explores wide-ranging issues like equity value relativism adversarial and empathic legal advocacy communitarianism and the social contract impartiality and contingency natural law and corrective justice A common thread for many of the articles is a focus on the social dimension of society and law which finds the individualism of prevailing liberal theories too limiting **Radical Critiques of the Law** is particularly unique in presenting critical and feminist approaches in one volume along with skeptical commentary about just how radical some critiques really are Proposing alternative critiques that embody considerably greater promise of being truly radical it offers provocative reading for both philosophers and legal scholars by showing that many claims to radicalism are highly problematic at best **The Hastings Law Journal**, 2015-05 **Handbook of Research on Science Learning**

**Progressions** Hui Jin, Duanli Yan, Joseph Krajcik, 2024-07-30 Gathering contributions from leading scholars around the world this handbook offers a comprehensive resource on the most recent advances in research surrounding the theories methodologies and applications of science learning progressions Researchers and educators have used learning progressions to guide the design and alignment of curriculum instruction and assessment and to help students learn scientific knowledge

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