



OVERCOMING

LAW

RICHARD A. POSNER

A NEW YORK TIMES BOOK REVIEW EDITORS' CHOICE FOR BEST BOOK OF 1995

# Overcoming Law

**Earl M. Maltz**



## Overcoming Law:

Overcoming Law Richard A. Posner, 1995 Legal theory must become more factual and empirical and less conceptual and polemical Richard Posner argues in this wide ranging new book The topics covered include the structure and behavior of the legal profession constitutional theory gender sex and race theories interdisciplinary approaches to law the nature of legal reasoning and legal pragmatism Posner analyzes in witty and passionate prose schools of thought as different as social constructionism and institutional economics and scholars and judges as different as Bruce Ackerman Robert Bork Ronald Dworkin Catharine MacKinnon Richard Rorty and Patricia Williams He also engages challenging issues in legal theory that range from the motivations and behavior of judges and the role of rhetoric and analogy in law to the rationale for privacy and blackmail law and the regulation of employment contracts Although written by a sitting judge the book does not avoid controversy it contains frank appraisals of radical feminist and race theories the behavior of the German and British judiciaries in wartime and the excesses of social constructionist theories of sexual behavior Throughout the book is unified by Posner's distinctive stance which is pragmatist in philosophy economic in methodology and liberal in the sense of John Stuart Mill's liberalism in politics Brilliantly written eschewing jargon and technicalities it will make a major contribution to the debate about the role of law in our society

*Overcoming Law* Richard A. Posner, 1995

Law's Quandary Steven D. Smith, 2009-07-01 Smith argues that our legal vocabulary and methods of reasoning presuppose classical ontological commitments that were articulated by thinkers from Aquinas to Coke to Blackstone to Story But these commitments are out of sync with the world view that now prevails in academic and professional thinking So our law talk degenerates into just words

**Law's Interior** Kevin Crotty, 2001 In *Law's Interior* Kevin M Crotty draws on several important literary works to offer a new model of the relation between citizens and their laws one that emphasizes the power of law to shape citizens and to foster or discourage their autonomy Crotty maintains that citizens are inside the law they are the law's interior Literature he finds can be relevant to law by emphasizing the connections between law and the world around it a stance that corrects the tendency of legal theory to treat law as a separate autonomous entity The texts Crotty examines Aeschylus Oresteia St Augustine's Confessions and the poetry of Wallace Stevens question the rationalist optimism that Crotty regards as distorting much recent theorizing about law Further he asserts that the inability of courts to state clearly the principles animating their decisions demonstrates the stranglehold the positivist model has on us and our legal imaginations Crotty sketches a model of the relation between citizens and laws that supplements the more familiar idea of law as something deliberated and enacted by rational inherently autonomous citizens The most important legal decisions of the past fifty years Crotty says rest on the perception that the state far from merely respecting the innate autonomy of its citizens actively shapes that autonomy *Law's Interior* should contribute to a better understanding of the real principles underlying some landmark decisions by the Supreme Court

The Army Lawyer, 2009

*Law Notes*, 1904

**Postmodern Philosophy and Law** Douglas E.

Litowitz,1997 The author presents a two tiered analysis that views postmodern legal thought as both a collective intellectual movement and as the work of particular theorists notably Friedrich Nietzsche Michel Foucault Jacques Derrida Francois Lyotard and Richard Rorty He concludes that even though postmodern thought does not give rise to a normative theory of right that can be used as a framework for deciding cases it can focus attention on genealogy and discourse and can empower those who have been denied a voice in the legal system Annotation copyrighted by Book News Inc Portland OR Civil Rights Journal ,1997

**Justifying Judgment** Vincent Joseph Samar,1998 Samar philosophy Loyola U seeks to develop a metatheory of law that judges could use to decide very hard cases in which the law offers no firm precedents or it is not clear whether the applicable law is just He discusses theories of political philosophy that set a foundation for the duty to obey law presents a natural law justification for a legal system containing morally just laws uses his metatheory to resolve five historically significant constitutional cases and offers suggestions for legal education Annotation copyrighted by Book News Inc Portland OR

Rehnquist Justice Earl M. Maltz,2003 With seven of its justices appointed by Republican presidents today s Supreme Court has significantly altered America s legal landscape since 1986 by tilting constitutional jurisprudence to the right That was the goal of Presidents Reagan and Bush in filling court vacancies and has been felt in cases related to federalism economic rights and affirmative action However liberal issues such as abortion have moved only marginally to the right while rulings by the Court on school prayer and gay rights have moved constitutional doctrine slightly to the left In this collection of original articles prominent constitutional scholars are joined by new voices from the cutting edge of academia to subject the Rehnquist Court to closer scrutiny and to show that its brand of conservatism is less extreme than many have supposed Reflecting views across the political spectrum the contributors help readers understand the Court dynamic its constrained conservatism and the forces that shape constitutional law in general As these authors show the overall pattern of decision making in the Rehnquist era cannot be attributed to any single unified approach to constitutional analysis Instead today s Court can only be understood as the product of a complex interaction among individual justices each with an idiosyncratic view of the proper interpretation of the Constitution and the role of the Court in the American political system These provocative essays are designed to provide readers with insight into this interaction by focusing on each member of the bench From the staunch conservatism of Clarence Thomas to the accommodationism of Sandra Day O Connor to the liberal constitutionalism of David Souter the essays analyze the unique approach of each justice to interpreting the Constitution They also show that the current justices are the product of a nomination and confirmation process that has undergone a major transformation in recent decades one which favors experienced often unknown jurists over high profile public servants By concentrating attention on its members Rehnquist Justice allows us to better understand the Supreme Court as a whole And by assessing today s judiciary in light of a public philosophy that looks askance at government it shows us that the Supreme Court has truly become a mirror of its times

**Now** ,1910 **The Springfield Survey** Shelby Millard

Harrison,1920      **The Complete Works of Friedrich Nietzsche** Friedrich Wilhelm Nietzsche,1915      **The Complete Works of Friedrich Nietzsche: The twilight of idols** Friedrich Wilhelm Nietzsche,1915      **The Triumph of Venus** Jeanne Lorraine Schroeder,2004-02-23 The theory of law and economics that dominates American jurisprudence today views the market as rational and individuals as driven by the desire to increase their wealth It is a view riddled with misconceptions as Jeanne Lorraine Schroeder demonstrates in this challenging work which looks at contemporary debates in legal theory through the lens of psychoanalysis and continental philosophy Through metaphors drawn from classical mythology and interpreted via Lacanian psychoanalysis and Hegelian philosophy Schroeder exposes the hidden and repressed erotics of the market Her work shows how the predominant economic analysis of markets and the standard romantic critique of markets are in fact mirror images reflecting the misconception that reason and passion are inalterably opposed      **The Schoolmasters' Association of New York and Vicinity** Schoolmasters' Association of New York and Vicinity,1893      **The Christs of the Past and Present** Moses Hull,1901      *Michigan Law Review* ,1996      **Law and Religion** Richard O'Dair,A. D. E. Lewis,2001 Law and Religion is a comprehensive treatment of an area that will stimulate and enlighten anyone interested in law and religion Both common and civil law jurisdictions and a wide variety of cultural contexts are represented      *Publications* ,1920

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