The Plurality Trilemma A Geometry Of Global Legal Thought Philosophy Public Policy And Transnational Law

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Not content with merely telling us how to find a way back to objective idealism, Hosle exhibits his philosophy in a wide-ranging series of essays on topics ranging from the greatness and limits of Kant's practical philosophy to the moral ends and means of world population policy, from moral reflection and the decay of institutions in the Enlightenment and Counter-Enlightenment to a reflection on philosophical foundations of a future humanism in our world of overinformation.

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Shows that law it is often better understood as an entangled web rather than as a coherent, orderly system.

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A theme of growing importance in both the law and philosophy and socio-legal literature is how regulatory dynamics can be identified (that is, conceptualised and operationalised) and normative expectations met in an age when transnational actors operate on a global plane and in increasingly fragmented and transformative contexts. A reconsideration of established theories and axiomatic findings on regulatory phenomena is an essential part of this discourse. There is indeed an urgent need for discontinuity regarding what we (think we) know about, among other things, law, legality, sovereignty and political legitimacy, power relations, institutional design and development, and pluralist dynamics of ordering under processes of globalisation and transnationalism. Making an important contribution to the scholarly debate on the subject, this volume features original and much-needed essays of theoretical and applied legal philosophy as well as socio-legal accounts that reflect on whether legal positivism has anything to offer to this intellectual enterprise. This is done by discussing whether global and transnational cultural, socio-political, economic, and juridical challenges as well as processes of diversification, fragmentation, and transformation (significantly, de-formalisation) reinforce or weaken legal positivists’ assumptions, claims, and methods. The themes covered include, but are not limited to, absolute and limited state sovereignty; the ‘new international legal positivism’; Hartian legal positivism and the ‘normative positivist’ account; the relationship between modern secularisation, social conventionalism, and meta-ontological issues of temporality in postnational jurisprudence; the social positivisation of human rights; the formation and content of jus cogens norms; feminist critique; the global and transnational migration of principles of justice and morality; the Vienna Convention on the Law of Treaties rule of interpretation; and the responsibility of transnational corporations.

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This book provides a comprehensive introduction to global legal thought. It argues that economic globalization and digitalization have induced significant insecurity about the future of human social organization. While traditional international law as a system based on the consent of national states is in the process of rapid adaptation to its new social preconditions, a variety of transnational regulatory levels compete for legal authority. In this process of change, there is more need than ever to guide the theoretical understanding because academic concepts have a crucial influence on the emerging practice of global law. This book highlights which choices are available and argues that global law requires taking a stand in mutually irreconcilable choices.
The Plurality TrilemmaA Geometry of Global Legal ThoughtSpringer
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