4. Rights and justice
Raymond Wacks

‘Rights and justice’ asks: What is a right? Is there a distinction between my rights as recognized by the law, and rights that I believe I ought to have? It examines the two major theories of rights: ‘will’ theory which holds that when I have a right to do something, what is effectively protected is my choice whether or not to do it; and ‘interest’ theory which claims that the purpose of rights is to protect, not my individual choice, but certain of my interests. Rights, legal and moral, pervade the law and legal system, and are thus a central concern of jurisprudence. John Rawls’ concept of justice as fairness is also considered.

6. Critical legal theory
Raymond Wacks

‘Critical legal theory’ examines how critical thought repudiates what is taken to be the natural order of things, be it patriarchy (in the case of feminist jurisprudence), the conception of ‘race’ (critical race theory), the free market (critical legal studies), or ‘metanarratives’ (postmodernism). The myth of determinacy is a significant component of the critical assault on law. Far from being a determinate, coherent body of rules and doctrine, the law is depicted as uncertain, ambiguous, and unstable. And instead of expressing rationality, the law reproduces political and economic power. In the view of critical legal studies, social justice is a hollow promise.

9. The many forms of environmental justice
Elizabeth Fisher

For many lawyers and non-lawyers alike environmental law is, and should be, about justice. The socio-political complexity of environmental problems means, however, that justice in...
the environmental law context is not a single ideal. It is many ways of forging meaning that cross and intersect the landscape of environmental law. ‘The many forms of environmental justice’ first considers the environmental rule of law, which has been aided by the creation of courts and tribunals with the expertise to hear and adjudicate environmental law disputes. It then discusses environmental democracy and the creation and enforcement of legal rights, followed by new ideas, including Earth jurisprudence and wild law, and indigenous concepts of environmental protection.

Philosophy of Law: A Very Short Introduction

Raymond Wacks

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The concept of law lies at the heart of our social and political life. Legal philosophy, or jurisprudence, explores the notion of law and its role in society, illuminating its meaning and its relation to the universal questions of justice, rights, and morality. Philosophy of Law: A Very Short Introduction analyses the nature and purpose of the legal system, and the practice by courts, lawyers, and judges. Referring to significant works by Ronald Dworkin, Scott Shapiro, John Finnis, and Neil McCormick, it reveals the intriguing and challenging nature of legal philosophy with clarity and enthusiasm, providing an enlightening guide to the central questions of legal theory.