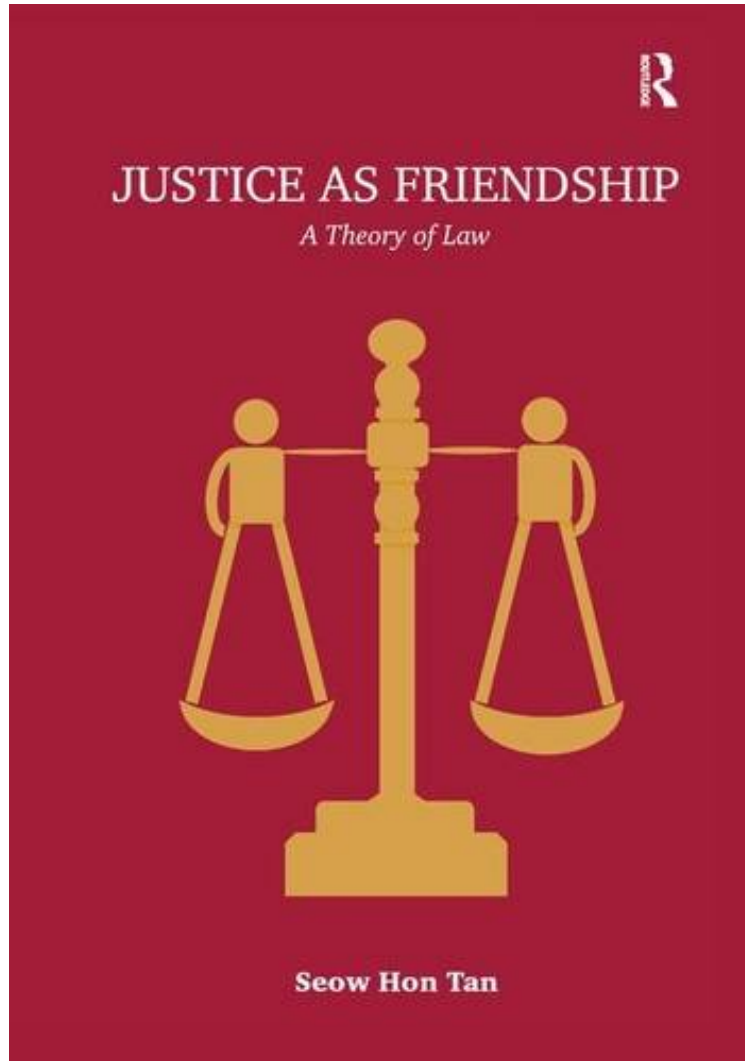


(Download) Justice as Friendship: A Theory of Law

Justice as Friendship: A Theory of Law

Seow Hon Tan

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Seow Hon Tan : Justice as Friendship: A Theory of Law before purchasing it in order to gage whether or not it would be worth my time, and all praised Justice as Friendship: A Theory of Law:

This book explores the question of justification of law. It examines some perennial jurisprudential debates and suggests that law must find its justification in morality. Drawing upon the Aristotelian inspiration that friends have no need for justice - in (ideal) friendship, we behave justly - Seow Hon Tan develops a theory of law based on the universal phenomenon of friendship. Friendships and legal relations attract rights and obligations by virtue of the manner in which parties are situated. Friendship teaches us that how parties are situated gives rise to legitimate

expectations; it attests to the intrinsic worth of each person. The methodology for deciphering norms within, and moral lessons from, friendship can be transposed to law, resulting in an inter-subjectively agreeable and rich conception of justice. In determining the content of legal rights and obligations, we can and should draw upon such determination in friendship. Justice as Friendship aims to provide a vision for laws development and invites the practitioner to advance its central claims in their area of expertise. In dealing with selected legal doctrines, the book draws upon illustrative cases from the United States, the United Kingdom, and the Commonwealth. The book traverses the fields of jurisprudence, philosophy, ethics, political theory, contract law, and tort law.

'This is an impressive piece of scholarship that will constitute an important contribution to contemporary debates about the nature of law, its normativity and authority, and its relationship to justice (and morality more generally). Seow Hon Tan makes excellent use of the work of contemporary writers in jurisprudence and political philosophy, drawing on their insights and, where appropriate, offering thoughtful and measured criticism. In dealing with other writers, she is consistently fair minded. In her expositions, she presents the arguments of opponents in the best possible light, and makes a serious effort to engage possible lines of counterargument they or their supporters might advance against her criticisms. I find this highly commendable. This is highly original work, though, as I say, it engages the ideas of many of the leading scholars in the field today. There is not another book quite like it. No informed person will read it and say, "Oh she's just rehashing the arguments of ..." Critics, I believe, will mainly be drawn from the legal positivist and utilitarian schools. The former will want to defend the idea of a purely descriptive legal theory; the latter will quarrel with Seow Hon Tan's Aristotelianism. Honest critics will acknowledge that Seow Hon Tan is a worthy adversary. There is every reason for optimism that the book's publication will provoke some illuminating debates.' Robert George, Princeton University, USA 'This book in the legal idealist tradition treats "friendship" as a model for the practical orientation of law. It will be of considerable interest not only to those who debate the concept of law but also to those who wonder how positions taken in those debates might engage with the doctrinal questions of substantive law.' Roger Brownsword, King's College London, UK 'This book is remarkable in its bold originality. It conducts careful and apt discussion of a wide range of pertinent views in ethical and legal philosophy, and at the same time maintains a strong, clean-lined positive argument which is not only impressive - I believe it is inspiring.' From the Foreword by Lewis D. Sargentich, Harvard Law School, USA About the Author Dr Seow Hon Tan is an Associate Professor at the School of Law, Singapore Management University. Her primary teaching and research interests are in the area of jurisprudence. She also researches and writes on legal education and lawyering. She was previously tenured at the National University of Singapore where she taught jurisprudence. She has won multiple teaching awards at Singapore Management University and National University of Singapore. As a former Byse Fellow at Harvard Law School, where she received a Doctor of Juridical Science in jurisprudence, she conducted a series of workshops on natural law theory. She was a Landon Gammon Fellow at Harvard Law School during her LL.M. studies and graduated top of her LL.B. class at the National University of Singapore with First Class Honors.