

Legal Ontology Of Contract Formation Application To Ecommerce

This book constitutes the proceedings papers of the 13th IFIP Working Conference on the Practice of Enterprise Modeling, held in Riga, Latvia, in November 2020. Due to the COVID-19 pandemic the conference took place virtually. The 19 full papers presented together with 7 short and 2 invited papers in this volume were carefully reviewed and selected from a total of 58 submissions to the main conference. The special focus of PoEM 2020 is on the role of enterprise modelling in the digital age. The selected papers are grouped by the following topics: Enterprise Modeling and Enterprise Architecture, Formal Aspects of Enterprise Modelling, Foundations and Applications of Enterprise Modeling, Enterprise Ontologies, Business Process Modeling, Risk and Security Modeling, Requirements Modeling, and Process Mining.

Theories of discourse bring to realism new ideas about how knowledge develops and how representations of reality are influenced. We gain an understanding of the conceptual aspect of social life and the processes by which meaning is produced. This collection reflects the growing interest realist critics have shown

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towards forms of discourse theory and deconstruction. The diverse range of contributions address such issues as the work of Derrida and deconstruction, discourse theory, Eurocentrism and poststructuralism. What unites all of the contributions is a sense that it is essential to provide a realist alternative to the hitherto dominance of social constructionism, hermeneutics and postmodernism, over many of the issues discussed. By developing a realist perspective the different authors attempt to embed discourse within the structured nature of the reality of the world. Realism can situate language, discourse and ideology within context specific, or 'causally efficacious' circumstances. Realism can help to uncover issues of power, representation, and subjectivity and how discursive and other social practices produce real effects. This can help us understand the manner in which (non-discursive) social structures are reproduced through various forms of ideology and discourse. And by knowing this, we can start to address questions concerning human emancipation and how the world is to be transformed.

This book features essays that investigate the nature of legal validity from the point of view of different traditions and disciplines. Validity is a fascinating and elusive characteristic of law that in itself deserves to be explored, but further investigation is made more acute and necessary by the production, nowadays, of

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soft law products of regulation, such as declarations, self-regulatory codes, and standardization norms. These types of rules may not exhibit the characteristics of formal law, and may lack full formal validity but yet may have a very real impact on people's lives. The essays focus on the structural properties of hard and soft legal phenomena and the basis of their validity. Some propose to redefine validity: to allow for multiple concepts instead of one and/or to allow for a gradual concept of validity. Others seek to analyze the new situation by linking it to familiar historical debates and well-established theories of law. In addition, coverage looks at the functions of validity itself. The discussion considers both international law as well as domestic law arrangements. What does it mean to say that something is valid? Should we discard validity as the determining aspect of law? If so, what does this mean for our concept of law? Should we differentiate between kinds of validity? Or, can we say that rules can be "more" or "less" valid? After reading this book, practitioners, scholars and students will have a nuanced understanding of these questions and more. Chapter 6 is available open access under a Creative Commons Attribution 4.0 International License via link.springer.com.

This title was first published in 2001. After languishing for decades in the domains of rigid doctrinalism and confusing theory, the conflict of laws is

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increasingly being recognized as an important area of law to a global community. To demonstrate its importance, Michael Whincop and Mary Keyes transcend the divide between the English pragmatic tradition and the circularity of American policy-based theory. They argue that the law governing multistage conflicts can minimize the social costs of litigation, increase the extent of co-ordination, facilitate private ordering and limit regulatory monopolies and cross-border spillovers. Pragmatic in outlook and economic in methodology, they pursue these themes across a broad range of doctrinal issues and offer valuable links to parallel analyses in domestic contexts.

This study of legal validity is an expanded and thoroughly revised version of my B.Phil. thesis in philosophy at Oxford University in 1969. I am grateful to Professor R. M. Hare, Dr. P. M. Hacker, and Mr. L. J. Cohen for their patient criticism of earlier drafts, and to Professor Donald H. Regan for several suggestions at a later stage. I owe a much larger debt to Professor H. L. A. Hart for his detailed comments on the completed thesis. His help has been especially generous in light of the fact that I have so often disagreed with him. It should not be assumed that those from whose advice I have benefited share the views expressed in this essay. I am responsible for any mistakes it may contain. In the footnotes I have used the following abbreviations: CL - Hart, *The Concept of Law*

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(1961) GT - Kelsen, General Theory of Law and State (1945) PT - Kelsen, Pure Theory of Law (1967) LJ - Ross, On Law and Justice (1958).

This contextual analysis of Islamic financial law challenges our understanding of both Islamic law and global financial markets.

This very first analysis of Spinoza's philosophy of law from the viewpoint of his deterministic ontology shows that he revolutionized modern philosophy from within by developing an entirely new natural law theory connecting his ontology to radically democratic political views. The book forms a balanced structure in which the three conceptual pillars of Spinoza's natural law theory (individuality, natural laws, and power) are first analyzed from the viewpoint of his ontology and then from the viewpoint of his political theory. Spinoza's revolutionary equivalence of law to power is regarded as the core simultaneously of an ethical individualistic project, of a democratic alternative to modern State politics, and of an amoral naturalistic philosophy of law. The author concludes that Spinoza develops a new type of progressive individualism still left to explore that revolutionizes both modern natural law and contemporary radical democratic studies.

Issues that are drawn from, and bear on, disciplines including philosophy, law and legal studies, feminist studies, social and political theory, communication studies, critical theory and cultural studies.

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Informatics and the Foundations of Legal Reasoning represents a close collaboration between a wide range of disciplines and countries. Fourteen papers, together with a long analytical introduction by the editors, were selected from the contributions of legal theorists, computer scientists, philosophers and logicians who were members of an International Working Group supported by the European Commission. The Group was mandated to work towards determining how far the law is amenable to formal modeling, and in what ways computers might assist legal thinking and practice. The book is the result of discussions held by the Group over two and half years. It will help students and researchers from different backgrounds to focus on a common set of topics of increasing general interest. It embodies the results of work in progress and suggests many issues for further discussion. A stimulating text for undergraduate and graduate courses in law, philosophy and computer science departments, as well as for those interested in the place of computers in legal practice, especially at the international level.

How are core social phenomena to be understood as modes of being? This book offers an alternative approach to social ontology. Recent interest in social ontology on the part of mainstream philosophy and the social sciences presupposes from the outset that the human being can be cast as a conscious

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subject whose intentionality can be collective. By contrast, the present study insistently poses the crucial question of who the human being is and how they sociate as whos. Such whoness is a clean-cut departure from the venerable tradition of questioning whatness (quidditas, essence) in philosophical thinking. Casting human being hermeneutically as whoness opens up new insights into how human beings sociate in interplays of mutual estimation that are simultaneously social power plays. Hitherto, the ontology of social power in all its various guises, has only ever been implicit. This book makes it explicit. The kind of social power prevalent in capitalist societies is that of the reified value embodied in commodities, money, capital, & co. Reified value itself is constituted through an interplay of mutual estimation among things that reflects back on the power interplay among whos. In this way a new critique of capitalism becomes possible.

Legal thinkers typically justify contract law on the basis of economics or promissory morality. But Peter Benson takes another approach. He argues that contract is best explained as a transfer of rights governed by a conception of justice. The result is a comprehensive theory of contract law congruent with Rawlsian liberalism.

From articles centering on the detailed and doctrinal exposition of the law to

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those which reside almost wholly within the realm of philosophical ethics, this volume affords comprehensive treatment to both sides of the philosophico-legal equation. Systematic and sustained coverage of the many dimensions of legal thought gives ample expression to the true breadth and depth of the philosophy of law, with coverage of: The modes of knowing and the kinds of normativity used in the law; Studies in international, constitutional, criminal, administrative, persons and property, contracts and tort law-including their historical origins and worldwide ramifications; Current legal cultures such as common law and civilian, European, and Aboriginal; Influential jurists and their biographies; All influential schools and methods

Contract Law: A Case & Problem-Based Approach is a unique casebook that provides an organizational structure introducing students to each major area of contract law before exploring these areas in greater depth later in the casebook. Specifically, the casebook is broken into three major parts, each of which is designed not only to orient the students to the major subject areas of contract law but also meant to help them appreciate the connections and relationships between and among these various subject areas. Part I, the “30,000-foot view,” familiarizes students with contract law, discusses the sorts of problems with which contract law is concerned, and introduces them to some of the basic rules

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and theories governing contract law. Part II, the “10,000-foot view,” exposes students to each major substantive area of contract law in more depth by discussing one classic case in each area, along with additional historical, theoretical, and contextual materials to supplement the black-letter doctrine. After finishing Parts I and II, the student will have a basic understanding of each major area of contract law, along with a good understanding of how these parts fit together. Part III is therefore designed to explore each of the major subject areas in greater depth, and is organized along the lines of a traditional contracts casebook, including a healthy mix of classic and modern cases, short problems, and exercises. New to the Second Edition: Additional materials and cases added to explore the contract doctrines of impossibility and impracticability in light of past and current epidemics (in the case of polio) and pandemics (in the case of COVID-19). Additional case added to explore the relationship between Contract Law, Civil Rights, and Constitutional Law. Reorganization of some materials in Chapter 8 (defenses). More focused notes and appendices Professors and student will benefit from: Organization exposes students to main concepts, and gives professors a number of choices about how to teach their course. Helpful doctrinal introductions to each new major substantive section. Historical, theoretical, and comparative materials are presented to help students understand

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and think critically about the black-letter rules. “Thinking tools” feature that helps the student think critically about the law, along with theoretical, historical, doctrinal, contextual, and practice-oriented notes enrich the students’ black-letter experience. Enjoyable, contextual materials that are included after a number of classic cases help to bring to light fascinating background information.

Legal Programming: Designing Legally Compliant RFID and Software Agent Architectures for Retail Processes and Beyond provides a process-oriented discussion of the legal concerns presented by agent-based technologies, processes and programming. It offers a general outline of the potential legal difficulties that could arise in relation to them, focusing on the programming of negotiation and contracting processes in a privacy, consumer and commercial context. The authors will elucidate how it is possible to create form of legal framework and design methodology for transaction agents, applicable in any environment and not just in a specific proprietary framework, that provides the right level of compliance and trust. Key elements considered include the design and programming of legally compliant methods, the determination of rights in respect of objects and variables, and ontologies and programming frameworks for agent interactions. Examples are used to illustrate the points made and provide a practical perspective.

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This book offers comparative ontologies of both Islam and liberalism as discourses more broadly construed. The author argues that, despite recent efforts to speak of overlapping consensuses and discursive congruence, the fundamental categories that constitute "Islam" and "Liberalism" remain very different, and that these differences should be taken seriously. Thus far, no recent scholarly works have explicitly or meticulously broken down where these differences lie. The author rigorously explores questions related to rights, moral epistemologies, the role of religion in the public sphere, and more general approaches to legal discourse, via primary and canonical sources constitutive of both Islam and liberalism. He then goes on to articulate why communitarian modes of thought are better suited for engaging with Islam and contemporary socio-political modes of organization than liberalism is. This book will be of great interest to students and scholars of politics and international relations, Islam, liberalism, and communitarianism.

Artificial Intelligence and Legal Analytics
New Tools for Law Practice in the Digital Age
Cambridge University Press

This book constitutes the refereed proceedings of the 4th International Conference on Electronic Government and the Information Systems Perspective, EGOVIS 2015, held in Valencia, Spain, in September 2015, in conjunction with DEXA 2015. The 26 revised

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full papers presented together with one invited talk were carefully reviewed and selected from 30 submissions. The papers are organized in the following topical sections: semantic technologies in e-government; identity management in e-government; e-government cases; open innovation and G-cloud; intelligent systems in e-government; open government; e-government solutions and approaches. This book is an innovative contribution to analytical jurisprudence. It is mainly based on the distinct premises of linguistic philosophy and Carnapian semantics, but also addresses the issues of institutional philosophy, social pragmatism, and legal principles as envisioned by Dworkin, among others. Wróblewski's three ideologies (bound/free/legal and rational) and Makkonen's three situations (isomorphic/semantically vague/normative gap) of judicial decision-making are further developed by means of 10 frames of legal analysis as discerned by the author. With the philosophical theories of truth serving as a reference, the frames of legal analysis include the isomorphic theory of law (Wittgenstein, Makkonen), the coherence theory of law (Alexy, Peczenik, Dworkin), the new rhetoric and legal argumentation theory (Perelman, Aarnio), social consequentialism (Posner), natural law theory (Fuller, Finnis), and the sequential model of legal reasoning by Neil MacCormick and the Bielefelder Kreis. At the end, some key issues of legal metaphysics are addressed, like the notion of legal systematics and the future potential of the analytical approach in jurisprudence.

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This book constitutes the thoroughly refereed proceedings of eight international workshops held in Gdańsk, Poland, in conjunction with the 24th International Conference on Advanced Information Systems Engineering, CAiSE 2012, in June 2012. The 35 full and 17 short revised papers were carefully selected from 104 submissions. The eight workshops were Agility of Enterprise Systems (AgilES), Business/IT Alignment and Interoperability (BUSITAL), Enterprise and Organizational Modeling and Simulation (EOMAS), Governance, Risk and Compliance (GRCIS), Human-Centric Process-Aware Information Systems (HC-PAIS), System and Software Architectures (IWSSA), Ontology, Models, Conceptualization and Epistemology in Social, Artificial and Natural Systems (ONTOSE), and Information Systems Security Engineering (WISSE).

This book constitutes the refereed proceedings of the 7th International Semantic Web Conference, ISWC 2008, held in Karlsruhe, Germany, during October 26-30, 2008. The volume contains 43 revised full research papers selected from a total of 261 submissions, of which an additional 3 papers were referred to the semantic Web in-use track; 11 papers out of 26 submissions to the semantic Web in-use track, and 7 papers and 12 posters accepted out of 39 submissions to the doctoral consortium. The topics covered in the research track are ontology engineering; data management; software and service engineering; non-standard reasoning with ontologies; semantic retrieval; OWL; ontology alignment; description logics; user interfaces; Web data and knowledge;

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semantic Web services; semantic social networks; and rules and relatedness. The semantic Web in-use track covers knowledge management; business applications; applications from home to space; and services and infrastructure.

What does computable law mean for the autonomy, authority, and legitimacy of the legal system? Are we witnessing a shift from Rule of Law to a new Rule of Technology? Should we even build these things in the first place? This unique volume collects original papers by a group of leading international scholars to address some of the fascinating questions raised by the encroachment of Artificial Intelligence (AI) into more aspects of legal process, administration, and culture. Weighing near-term benefits against the longer-term, and potentially path-dependent, implications of replacing human legal authority with computational systems, this volume pushes back against the more uncritical accounts of AI in law and the eagerness of scholars, governments, and LegalTech developers, to overlook the more fundamental - and perhaps 'bigger picture' - ramifications of computable law. With contributions by Simon Deakin, Christopher Markou, Mireille Hildebrandt, Roger Brownsword, Sylvie Delacroix, Lyria Bennet Moses, Ryan Abbott, Jennifer Cobbe, Lily Hands, John Morison, Alex Sarch, and Dilan Thampapillai, as well as a foreword from Frank Pasquale.

This set compiles more than 240 chapters from the world's leading experts to provide a foundational body of research to drive further evolution and innovation of these next-generation technologies and their applications, of which scientific, technological, and

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commercial communities have only begun to scratch the surface.

Presenting legal and philosophical essays on money, this book explores the conditions according to which an object like a piece of paper, or an electronic signal, has come to be seen as having a value. Money plays a crucial role in the regulation of social relationships and their normative determination. It is thus integral to the very nature of the “social”, and the question of how society is kept together by a network of agreements, conventions, exchanges, and codes. All of which must be traced down. The technologies of money discussed here by Searle, Ferraris, and Condello show how we conceive the category of the social at the intersection of individual and collective intentionality, documentality, and materiality. All of these dimensions, as the introduction to this volume demonstrates, are of vital importance for legal theory and for a whole set of legal concepts that are crucial in reflections on the relationship between law, philosophy, and society.

This book constitutes the refereed proceedings of the 37th International Conference on Conceptual Modeling, ER 2018, held in XI'an, China, in October 2018. The 30 full and 13 short papers presented together with 3 keynotes were carefully reviewed and selected from 151 submissions. This events covers a wide range of following topics: Conceptual modeling studies, ontological modeling, semi-structured data modeling, process modeling and management, spatio-temporal modeling, cloud-based modeling, schema and view modeling, languages and models, NoSQL modeling, conceptual

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modeling for machine learning and reasoning, applications of conceptual modeling. Once, humans were what they believed. Now, the modern person is determined by data exhaust—an invisible anthropocentric ether of ones and zeros that is a product of our digitally monitored age. Author Mark Jarzombek argues that the world has become redesigned to fuse the algorithmic with the ontological, and the discussion of ontology must be updated to rethink the question of Being. In *Digital Stockholm Syndrome in the Post-Ontological Age*, Jarzombek provocatively studies the new interrelationship between human and algorithm. *Forerunners* is a thought-in-process series of breakthrough digital works. Written between fresh ideas and finished books, *Forerunners* draws on scholarly work initiated in notable blogs, social media, conference plenaries, journal articles, and the synergy of academic exchange. This is gray literature publishing: where intense thinking, change, and speculation take place in scholarship.

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Reflecting the most recent changes in the law, the third edition of this popular textbook provides a fully updated, comparative introduction to the law of contract. Accessible and clear, it is perfectly pitched for international students and courses with a global outlook. Jan Smits' unique approach treats contract law as a discipline that can be studied on the basis of common principles and methods without being tied to a particular jurisdiction or legal culture. Notable updates include the consequences of Brexit, the implementation of new European

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directives 1999/770 and 2019/771 as well as coverage of the effect of COVID-19 on contracts.

This volume is devoted to problems within analytic metaphysics. It defends an ontology and theory of categories inspired by Aristotle, but revised in such a way as to be compatible with modern science. The ontology of both natural and social reality is addressed, starting out from the view that universals exist but only in the spatiotemporal world (immanent realism). In attempting to bring Aristotle's ontology up-to-date, the author relies very much on the thinking of Edmund Husserl, conceiving the cement of the universe as Husserlian relations of existential dependence and regarding intentionality as a non-reducible category in the ontology of mind. The work is thoroughly realistic in spirit, but large parts of it should nonetheless be of interest to conceptualists and nominalists, too.

This book constitutes the refereed proceedings of the Third IFIP WG 5.5/SOCOLNET Doctoral Conference on Computing, Electrical and Industrial Systems, DoCEIS 2012, held in Costa de Caparica, Portugal, in February 2012. The 65 revised full papers were carefully reviewed and selected from numerous submissions. They cover a wide spectrum of topics ranging from collaborative enterprise networks to microelectronics. The papers are organized in topical sections on collaborative systems, service orientation, knowledge and content

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management, human interaction, Petri nets, smart systems, robotic systems, perceptual systems, signal processing, energy, renewable energy, energy smart grid, power electronics, electronics, optimization in electronics, telecommunications and electronics, and electronic materials. The book also includes papers from the Workshop on Data Analysis and Modeling Retina in Health and Disease.

Social ontology, in its broadest sense, is the study of the nature of social reality, including collective intentions and agency. The starting point of Tuomela's account of collective intentionality is the distinction between thinking and acting as a private person ("I-mode") versus as a "we-thinking" group member ("we-mode"). The we-mode approach is based on social groups consisting of persons, which may range from simple task groups consisting of a few persons to corporations and even to political states. Tuomela extends the we-mode notion to cover groups controlled by external authority. Thus, for instance, cooperation and attitude formation are studied in cases where the participants are governed "from above" as in many corporations. The volume goes on to present a systematic philosophical theory related to the collectivism-versus-individualism debate in the social sciences. A weak version of collectivism (the "we-mode" approach) depends on group-based collective intentionality. We-mode collective

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intentionality is not individualistically reducible and is needed to complement individualistic accounts in social scientific theorizing. The we-mode approach is used in the book to account for collective intention and action, cooperation, group attitudes, and social practices and institutions, as well as group solidarity. Tuomela establishes the first complete theory of group reasons (in the sense of members' reasons for participation in group activities). The book argues in terms of game-theoretical group-reasoning that the kind of weak collectivism that the we-mode approach involves is both conceptually and rational-functionally different from what an individualistic approach ("pro-group I-mode" approach) entails.

Moral and social philosophers often assume that humans beings are and ought to be autonomous. This tradition of individualism, or atomism, underlies many of our assumptions about ethics and law; it provides a legitimating framework for liberal democracy and free market capitalism. In this powerful book, David Weissman argues against atomistic ontologies, affirming instead that all of reality is social. Every particular is a system created by the reciprocal causal relations of its parts, he explains. Weissman formulates an original metaphysics of nature that remains true to what is known through the empirical sciences, and he applies his hypothesis to a range of topics in psychology, morals, sociology, and politics.

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The author contends that systems are sometimes mutually independent, but many systems, and human ones especially, are joined in higher order systems, such as families, friendships, businesses, and states, that are overlapping or nested. Weissman tests this schematic claim with empirical examples in chapters on persons, sociality, and value. He also considers how the scheme applies to particular issues related to deliberation, free speech, conflict, and ecology.

This collection of essays, derived from an international workshop, explores the significance of implicit understandings and tacit expectations of the parties to different kinds of contractual agreements, ranging from simple discrete transactions to long-term associational agreements such as those formed in companies. An interdisciplinary and comparative approach is used to investigate how the law comprehends and gives effect to the these implicit dimensions of contracts. The significance of this enquiry is found not only in relation to the interpretation of contracts in many different contexts, but more fundamentally in how social practices involved in making contracts should be analysed and comprehended.

Cybercrimes committed against persons include various crimes like transmission of child-pornography harassment of any one with the use of a computer such as email. The trafficking, distribution, posting and dissemination of obscene material including

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pornography and indecent exposure, constitutes one of the most important cybercrimes known today. The worldwide information infrastructure is today increasingly under attack by cyber criminals and terrorists—and the number, cost, and sophistication of the attacks are increasing at alarming rates. The challenge of controlling transnational cyber crime requires a full range of responses, including both voluntary and legally mandated cooperation. This book makes a serious attempt to understand the Cyber Crime which involves activities like Credit Card Frauds, unauthorized access to other's computer system, Pornography, Software piracy and Cyber stalking etc.

This comprehensive Research Handbook provides an unparalleled overview of contemporary private law theory. Featuring original contributions by leading experts in the field, its extensive examinations of the core areas of contracts, property and torts are complemented by an exploration of a breadth of topics that cross the divide between private and public law, including labor law and corporate law.

One of the hallmarks of the present era is the discourse surrounding Human Rights and the need for the law to recognise them. Various national and supranational human rights instruments have been developed and implemented in order to transition society away from atrocity and callousness toward a more just and inclusive future. In some countries this is done by means of an overarching constitution, while in others international conventions or ordinary legislation hold sway. Contract law plays a pivotal role in this context. According to many, this is done through the much-debated

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'civilising mission' of the contract, a notion which itself constitutes the canon of the Western liberal principle of 'civilised economy'. The movement away from the belief in the absolute freedom of contract, which reached its zenith in the nineteenth century, to the principles of fairness and justice that underpin contract law today, is often deemed to be a testament to this civilising influence. Delving into the interplay between human rights policies, constitutional law, and contract law from both theoretical and practical perspectives, this first volume of a two-book collection offers a totally new reappraisal of the subject by gathering a collection of essays written by contract law scholars from Europe, South Africa, Canada, and Australia. Instead of providing the reader with a sterile compilation of positivistic norms and policies on the impact of fundamental rights and constitutional law issues on contract law's development, the authors build on their personal experience to analyse specific topics related to contracting that include a constitutional dimension. The book fills an important void in comparative law scholarship and in so doing represents the starting point for further debate on the subject.

The field of artificial intelligence (AI) and the law is on the cusp of a revolution that began with text analytic programs like IBM's Watson and Debater and the open-source information management architectures on which they are based. Today, new legal applications are beginning to appear and this book - designed to explain computational processes to non-programmers - describes how they will change the practice of law,

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specifically by connecting computational models of legal reasoning directly with legal text, generating arguments for and against particular outcomes, predicting outcomes and explaining these predictions with reasons that legal professionals will be able to evaluate for themselves. These legal applications will support conceptual legal information retrieval and allow cognitive computing, enabling a collaboration between humans and computers in which each does what it can do best. Anyone interested in how AI is changing the practice of law should read this illuminating work.

This book constitutes the refereed proceedings of the 40th International Conference on Conceptual Modeling, ER 2021, which will be held as virtual event, in October 2021. The 14 full and 18 short papers were carefully reviewed and selected from 85 submissions. The conference presents topics on conceptual modeling, its foundations and applications. Celebrating its 40th anniversary this year, the overall theme of ER 2021 is: Conceptual Modeling in an Age of Uncertainty.

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