

# Contents

---

<i>Acknowledgements</i>	vii
<i>Series Preface</i>	ix
<i>Introduction</i>	xi

## PART I POLITICAL PHILOSOPHY, GENEALOGY, LAW

1 Philippe Nonet (1990), 'What is Positive Law?', <i>Yale Law Journal</i> , <b>100</b> , pp. 667–99.	3
2 Marianne Constable (1994), 'Genealogy and Jurisprudence: Nietzsche, Nihilism, and the Social Scientification of Law', <i>Law and Social Inquiry</i> , <b>19</b> , pp. 551–90.	37
3 Nathan Widder (2004), 'The Relevance of Nietzsche to Democratic Theory: Micropolitics and the Affirmation of Difference', <i>Contemporary Political Theory</i> , <b>3</b> , pp. 188–211.	77
4 Charles M. Yablon (2003), 'Nietzsche and the Nazis: The Impact of National Socialism on the Philosophy of Nietzsche', <i>Cardozo Law Review</i> , <b>24</b> , pp. 739–55.	101

## PART II LEGAL HERMENEUTICS

5 P. Christopher Smith (2007), 'From Strife to Understanding: Pathological Argument in Nietzsche and Gadamer', in Francis J. Mootz III (ed.), <i>Gadamer and Law</i> , Aldershot: Ashgate Publishing, pp. 339–59.	121
6 Francis J. Mootz III (2007), 'Responding to Nietzsche: The Constructive Power of <i>Destruktion</i> ', <i>Law, Culture and the Humanities</i> , <b>3</b> , pp. 127–54.	143
7 Frederick M. Dolan (2003), 'Nietzsche's Gnosis of Law', <i>Cardozo Law Review</i> , <b>24</b> , pp. 757–67.	171
8 Roger Berkowitz (2003), 'Friedrich Nietzsche, the Code of Manu, and the Art of Legislation', <i>Cardozo Law Review</i> , <b>24</b> , pp. 1131–49.	183
9 Adam Gearey (2003), 'African Nietzsche: Poetry, Philosophy and African Legal Thinking', <i>Cardozo Law Review</i> , <b>24</b> , pp. 903–23.	203
10 Richard H. Weisberg (1997), 'It's a Positivist, It's a Pragmatist, It's a <i>Codifier!</i> Reflections on Nietzsche and Stendhal', <i>Cardozo Law Review</i> , <b>18</b> , pp. 85–96.	225
11 John Linarelli (2004), 'Nietzsche in Law's Cathedral: Beyond Reason and Postmodernism', <i>Catholic University Law Review</i> , <b>53</b> , pp. 413–48.	237

**PART III LEGAL CRITIQUE**

- |    |  |     |
|----|--|-----|
| 12 | Peter Goodrich (1986), 'Law and Modernity', <i>Modern Law Review</i> , <b>49</b> , pp. 545–59.   | 275 |
| 13 | Adam Gearey (2000), 'We Fearless Ones: Nietzsche and Critical Legal Studies', <i>Law and Critique</i> , <b>11</b> , pp. 167–84.  | 291 |
| 14 | H.W. Siemens (2002), 'Agonal Communities of Taste: Law and Community in Nietzsche's Philosophy of Transvaluation', <i>Journal of Nietzsche Studies</i> , <b>24</b> , pp. 83–112.   | 309 |
| 15 | Joseph Pugliese (1996), 'Rationalized Violence and Legal Colonialism: Nietzsche contra Nietzsche', <i>Cardozo Studies in Law and Literature</i> , <b>8</b> , pp. 277–93.           | 339 |
| 16 | Adam Thurschwell (2003), 'Specters of Nietzsche: Potential Futures for the Concept of the Political in Agamben and Derrida', <i>Cardozo Law Review</i> , <b>24</b> , pp. 1193–259. | 357 |

**PART IV TIMELY REFLECTIONS ON THE SCHOLARLY ENTERPRISE**

- |    |  |     |
|----|--|-----|
| 17 | Friedrich Nietzsche (1966), 'We Scholars', Walter Kaufmann translation in <i>Beyond Good and Evil: Prelude to a Philosophy of the Future</i> , New York: Vintage Books, pp. 1–7. | 427 |
|    | <i>Name Index</i>  | 435 |