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this carefully selected set of readings presents some of the most important articles in the field the collection is essential reading for anyone with an interest in legal philosophy gathers together some of the most important articles in the field of philosophy of law and legal theory complements dennis patterson s a companion to philosophy of law and legal theory blackwell 1999 represents essential reading for the beginning law student the third in a series of three volumes on contemporary legal theory this volume deals with four topics 1 the role of legal theory in the legal curriculum 2 the teaching of legal theory 3 the relationship of legal theory to legal scholarship and 4 the relationship of legal theory to comparative law the focus of the first two topics is on the common law world where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since john austin s 1828 lecture the uses and the study of jurisprudence these first two parts offer a selection of the most important papers including surveys as well as pedagogical viewpoints and particular course descriptions from analytical critical feminist law and literature and global perspectives the last three decades have seen just as many changes for legal scholarship and comparative law these changes such as the rise of empirical legal scholarship have often attracted the attention of legal theorists within comparative law the last thirty years have witnessed intense methodological reflection within the discipline the results of these reflections are themselves properly recognised as legal theoretical contributions the volume collects the key papers including those by neil maccormick mark van hoecke andrew halpin william ewald and geoffrey samuel ambitious legal thinkers have become mesmerized by moral philosophy believing that great figures in the philosophical tradition hold the keys to understanding and improving law and justice and even to resolving the most contentious issues of constitutional law they are wrong contends richard posner in this book posner characterizes the current preoccupation with moral and constitutional theory as the latest form of legal mystification an evasion of the real need of american law which is for a greater understanding of the social economic and political facts out of which great legal controversies arise in pursuit of that understanding posner advocates a rebuilding of the law on the pragmatic basis of open minded and systematic empirical inquiry and the rejection of cant and nostalgia the true professionalism foreseen by oliver wendell holmes a century ago a bracing book that pulls no punches and leaves no pieties unpunctured or sacred cows unkicked the problematics of moral and legal theory offers a sweeping tour of the current scene in legal studies and a hopeful prospect for its future the last decade has witnessed a particularly intensive debate over methodological issues in legal theory the publication of julie dickson s evaluation and legal theory 2001 was significant as were collective returns to h l a hart s postscript to the concept of law while influential articles have been written in disparate journals no single collection of the most important papers exists this volume the first in a three volume series aims not only to fill that gap but also propose a systematic agenda for future work the editors have selected articles written by leading legal theorists including among others leslie green brian leiter joseph raz ronald dworkin and william twining and organized under four broad categories 1 problems and purposes of legal theory 2 the role of epistemology and semantics in theorising about the nature of law 3 the relation between morality and legal theory and 4 the scope of phenomena a general jurisprudence ought to address this book argues that at the core of legal philosophys principal debates there is essentially one issue judicial impartiality keeping this issue to the forefront raban s approach sheds much light on many difficult and seemingly perplexing jurisprudential debates modern legal theory and judicial impartiality offers a fresh and penetrating examination of two of the most celebrated modern legal theorists hla hart and ronald dworkin the book explains the relations between these two scholars and other theorists and schools of thought including max weber lon fuller and the law and economics movement offering both novices and experts an innovative and lucid look at modern legal theory the book is written in an engaging and conversational style tackling highly sophisticated issues in a concise and accessible manner undergraduates in jurisprudence and legal theory as well as more advanced readers will find it clear and challenging the articles in this new edition of

a companion to philosophy of law and legal theory have been updated throughout and the addition of ten new articles ensures that the volume continues to offer the most up to date coverage of current thinking in legal philosophy represents the definitive handbook of philosophy of law and contemporary legal theory invaluable to anyone with an interest in legal philosophy now features ten entirely new articles covering the areas of risk regulatory theory methodology overcriminalization intention coercion unjust enrichment the rule of law law and society and kantian legal philosophy essays are written by an international team of leading scholars this book seeks to examine the relations that obtain between law and a theory of law and legal reasoning and a theory of legal reasoning this book argues that at the core of legal philosophy's principal debates there is essentially one issue judicial impartiality keeping this issue to the forefront raban's approach sheds much light on many difficult and seemingly perplexing jurisprudential debates modern legal theory and judicial impartiality offers a fresh and penetrating examination of two of the most celebrated modern legal theorists hla hart and ronald dworkin the book explains the relations between these two scholars and other theorists and schools of thought including max weber lon fuller and the law and economics movement offering both novices and experts an innovative and lucid look at modern legal theory the book is written in an engaging and conversational style tackling highly sophisticated issues in a concise and accessible manner undergraduates in jurisprudence and legal theory as well as more advanced readers will find it clear and challenging the blackwell guide to the philosophy of law and legal theory is a handy guide to the state of play in contemporary philosophy of law and legal theory comprises 23 essays critical essays on the central themes and issues of the philosophy of law today written by an international assembly of distinguished philosophers and legal theorists each essay incorporates essential background material on the history and logic of the topic as well as advancing the arguments represents a wide variety of perspectives on current legal theory this major reference series brings together a wide range of key international articles in law and legal theory many of these essays are not readily accessible and their presentation in these volumes will provide a vital new resource for both research and teaching each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction in the long standing debate between positivism and non positivism legal validity has always been a subject of controversy while positivists deny that moral values play any role in the determination of legal validity non positivists affirm the opposite thesis in departing from this narrow point of view the book focuses on the notion of legal knowledge apart from what one takes to constitute the grounds of legal validity there is a more fundamental issue about cognitive validity how do we acquire knowledge of whatever is assumed to constitute the elements of legal validity when the question is posed in this form a fundamental shift takes place given that knowledge is a philosophical concept for anything to constitute an adequate ground for legal validity it must satisfy the standards set by knowledge in exploring those standards the author argues that knowledge is the outcome of an activity of judging which is constrained by reasons reflexive while these reasons may vary with the domain of judging the reflexive structure of the practice of judging imposes certain constraints on what can constitute a reason for judging amongst these constraints are found not only general metaphysical limitations but also the fundamental principle that one with the capacity to judge is autonomous or in other words capable of determining the reasons that form the basis of action one sees as soon as autonomy has been introduced into the parameters of knowledge that law is necessarily connected with every other practical domain the author shows in the end that the issue of knowledge is orthogonal to questions about the inclusion or exclusion of morality for what really matters is whether the putative grounds of legal validity are appropriate to the generation of knowledge the outcome is far more integral than much work in current theory neither an absolute deference to either universal moral standards or practice independent values nor a complete adherence to conventionality and institutional arrangements will do in suggesting that the current positivism versus non positivism debate when it comes to determining law's nature misses the crux of the matter the book aims to provoke a fertile new debate in legal theory george pavlakos engaging book tackles the fundamental question of what makes legal knowledge possible since all articulate thought has to conform to implicit rules of grammar it is necessarily normatively structured thus normativity cannot be something external to human thinking that we study from the outside but is intrinsic to all human practices including the natural sciences this insight opens up fascinating new lines of inquiry into the

character of law and its relations to other normative domains professor sir neil maccormick edinburgh university with admirable analytical acumen george pavlakos underscores the practical character of legal knowledge as well as the importance of argumentation in legal theory he rejects those approaches to the nature of law that rest on conventional criteria as well as those that turn on factors altogether independent of practice developing instead the thesis that objectivity and knowledge emerge from practical activity reflecting the spontaneity of human reason in light of this notion of legal cognition as a practical activity directed and constrained by reason the law is seen as an enduring institution jurisprudence as a humanistic discipline a truly important work professor dr robert alexy christian albrechts universität zu kiel in this age of collections that is ours many volumes of collections are published they contain contributions of several well known authors and their aim is to present a selective overview of a relevant field of study this book has the same purpose its aim is to introduce students scholars and all those interested in current problems of legal theory and legal philosophy to the work of the leading scholars in this field the large number of publications both books and articles that have been produced over recent decades makes it quite difficult however for those who are making their first steps in this domain to find firm guidelines the book is new in its genre because of its method the choice was made not to reprint an example of contributors earlier basic articles or a part of one of their books this would only give a partial view of the rich texture of their work rather the authors were asked to make an original synthesis of their own contributions to the field of legal theory and legal philosophy brought together in this volume they constitute a truly author ised view of their work this book is also new in that each essay is complemented with bibliographical information in order to encourage further research on the author s self selected work this will help the reader rapidly to become familiar with the whole of the published work of the contributors introduction to critical legal theory provides an accessible introduction to the study of law and legal theory it covers all the seminal movements in classical modern and postmodern legal thought engaging the reader with the ideas of jurists as diverse as aristotle hobbes and kant marx foucault and dworkin at the same time it impresses the interdisciplinary nature of critical legal thought introducing the reader to the philosophy the economics and the politics of law this new edition focuses even more intently upon the narrative aspect of critical legal thinking and the re emergence of a distinctive legal humanism as well as the various related challenges posed by our new world order introduction to critical theory is a comprehensive text for both students and teachers of legal theory jurisprudence and related subjects this is a revised and extensively rewritten edition of one of the most influential monographs on legal philosophy published in recent years writing in the introduction to the first edition the author characterized anglophone philosophers as being divided and often waver ing between two main philosophical objectives the moral evaluation of law and legal institutions and an account of its actual nature questions of methodology have therefore tended to be sidelined but were bound to surface sooner or later as they have in the later work of ronald dworkin the main purpose of this book is to provide a critical assessment of dworkin s methodological turn away from analytical jurisprudence towards a theory of interpretation and the issues it gives rise to the author argues that the importance of dworkin s interpretative turn is not that it provides a substitute for semantic theories of law a dubious concept but that it provides a new conception of jurisprudence aiming to present itself as a comprehensive rival to the conventionalism manifest in legal positivism furthermore once the interpretative turn is regarded as an overall challenge to conventionalism it is easier to see why it does not confine itself to a critique of method law as interpretation calls into question the main tenets of its positivist rival in substance as well as method the book re examines conventionalism in the light of this interpretative challenge essential reading for all those who wish to understand why legal theory is important to legal education and for those who wish to extend their understanding of this dynamic academic discipline a variety of perspectives are drawn together including social literary feminist and postmodernist theories perfect for the student new to jurisprudence this book provides an illuminating introduction to the central questions of legal theory an experienced teacher of jurisprudence professor wacks approach is both accessible and entertaining providing the ideal base for further study 1 what is legal theory 2 critical reasoning 3 classical natural law theories 4 legal positivism 5 contemporary natural law theories 6 liberalism and law 7 critical legal theories 8 fundamental legal conceptions 9 the role of the judge 10 ethical theories 11 theories of justice it is twenty five years since the publication of neil maccormick s book legal

reasoning and legal theory a book that has been in print continuously since its first publication this book looks at how examining legal reasoning can bring up important theoretical and ethical issues as maccormick revisits the issues anew in his current work this book provides a selective and somewhat cheeky account of prominent positions in legal theory such as american legal realism modern legal positivism sociological systems theory institutionalism and critical legal studies it presents a relational approach to law and a new perspective on legal sources the book explores topics of legal theory in a playful manner it is written and composed in a way that refutes the widespread prejudice that legal theory is a dreary subject with a cast of characters that occasionally interact in order to illustrate the claims of the book legal experts claim to know what the law is legal theory or jurisprudence explores whether such claims are warranted the discipline first emerged at the turn of the 20th century when the self confidence of both legal scholarship and judicial craftsmanship became severely shattered but the crisis continues to this day this introductory series of books provides concise studies of the philosophical foundations of law of perennial topics in the philosophy of law and of important and opposing schools of thought the series is aimed principally at students in philosophy law and political science the past two decades have seen an outpouring of work in legal theory that is self consciously critical of aspects of american law and the institutions of the liberal state in this lively volume eminent scholars in philosophy law and political science respond to this recent scholarship by exploring what constitutes a radical critique of the law examining such theories as critical legal studies feminist theory and theories of difference and critical race theory the authors consider whether the critiques advanced in recent legal theory can truly be called radical and what form a radical critique of american law should take writing at the cutting edge of the critique of critical legal theory they offer insights first on critical legal scholarship then on feminist political and legal theory a third group of contributions questions the radicalness of these approaches in light of their failure to challenge fundamental aspects of liberalism while a final section focuses on current issues of legal reform through critical views on criminal punishment including observations on rape and hate speech each major essay describes the underlying principles in the development of a radical legal theory and addresses unresolved questions relating to it while accompanying commentaries present conflicting views the resulting dialogue explores wide ranging issues like equity value relativism adversarial and empathic legal advocacy communitarianism and the social contract impartiality and contingency natural law and corrective justice a common thread for many of the articles is a focus on the social dimension of society and law which finds the individualism of prevailing liberal theories too limiting radical critiques of the law is particularly unique in presenting critical and feminist approaches in one volume along with skeptical commentary about just how radical some critiques really are proposing alternative critiques that embody considerably greater promise of being truly radical it offers provocative reading for both philosophers and legal scholars by showing that many claims to radicalism are highly problematic at best the most exciting development in legal thinking since world war ii has been the growth of interdisciplinary legal studies judge richard posner has been a leader in this movement and his new book explores its rapidly expanding frontier modern legal theory contains a wide range of approaches and topics from economic analysis of law to feminist legal theory to traditional analytical legal philosophy to a range of theories about justice this healthy variety of jurisprudential work has created a problem students and theorists working in one tradition may have difficulty understanding the concepts and terminology of a different tradition this book works to make terminology and ways of thinking accessible this dictionary covers topics from the autonomy of law to the will theory of rights from autopoiesis to wealth maximization and from john austin to ludwig wittgenstein the most important concepts and ideas are presented in a simple dictionary format there are also many longer entries where the initial definition gives an accessible explanation but the entry goes on to give more detailed information about the history of an idea and the debates currently surrounding it

Philosophy of Law and Legal Theory 2003-02-24 this carefully selected set of readings presents some of the most important articles in the field the collection is essential reading for anyone with an interest in legal philosophy gathers together some of the most important articles in the field of philosophy of law and legal theory complements dennis patterson s a companion to philosophy of law and legal theory blackwell 1999 represents essential reading for the beginning law student

Legal Theory and the Legal Academy 2017-07-05 the third in a series of three volumes on contemporary legal theory this volume deals with four topics 1 the role of legal theory in the legal curriculum 2 the teaching of legal theory 3 the relationship of legal theory to legal scholarship and 4 the relationship of legal theory to comparative law the focus of the first two topics is on the common law world where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since john austin s 1828 lecture the uses and the study of jurisprudence these first two parts offer a selection of the most important papers including surveys as well as pedagogical viewpoints and particular course descriptions from analytical critical feminist law and literature and global perspectives the last three decades have seen just as many changes for legal scholarship and comparative law these changes such as the rise of empirical legal scholarship have often attracted the attention of legal theorists within comparative law the last thirty years have witnessed intense methodological reflection within the discipline the results of these reflections are themselves properly recognised as legal theoretical contributions the volume collects the key papers including those by neil maccormick mark van hoecke andrew halpin william ewald and geoffrey samuel

The Problematics of Moral and Legal Theory 2009-06-01 ambitious legal thinkers have become mesmerized by moral philosophy believing that great figures in the philosophical tradition hold the keys to understanding and improving law and justice and even to resolving the most contentious issues of constitutional law they are wrong contends richard posner in this book posner characterizes the current preoccupation with moral and constitutional theory as the latest form of legal mystification an evasion of the real need of american law which is for a greater understanding of the social economic and political facts out of which great legal controversies arise in pursuit of that understanding posner advocates a rebuilding of the law on the pragmatic basis of open minded and systematic empirical inquiry and the rejection of cant and nostalgia the true professionalism foreseen by oliver wendell holmes a century ago a bracing book that pulls no punches and leaves no pieties unpunctured or sacred cows unkicked the problematics of moral and legal theory offers a sweeping tour of the current scene in legal studies and a hopeful prospect for its future

The Methodology of Legal Theory 2017-07-05 the last decade has witnessed a particularly intensive debate over methodological issues in legal theory the publication of julie dickson s evaluation and legal theory 2001 was significant as were collective returns to h l a hart s postscript to the concept of law while influential articles have been written in disparate journals no single collection of the most important papers exists this volume the first in a three volume series aims not only to fill that gap but also propose a systematic agenda for future work the editors have selected articles written by leading legal theorists including among others leslie green brian leiter joseph raz ronald dworkin and william twining and organized under four broad categories 1 problems and purposes of legal theory 2 the role of epistemology and semantics in theorising about the nature of law 3 the relation between morality and legal theory and 4 the scope of phenomena a general jurisprudence ought to address

Modern Legal Theory & Judicial Impartiality 2012-09-10 this book argues that at the core of legal philosophys principal debates there is essentially one issue judicial impartiality keeping this issue to the forefront raban s approach sheds much light on many difficult and seemingly perplexing jurisprudential debates modern legal theory and judicial impartiality offers a fresh and penetrating examination of two of the most celebrated modern legal theorists hla hart and ronald dworkin the book explains the relations between these two scholars and other theorists and schools of thought including max weber lon fuller and the law and economics movement offering both novices and experts an innovative and lucid look at modern legal theory the book is written in an engaging and conversational style tackling highly sophisticated issues in a concise and accessible manner undergraduates in jurisprudence and legal theory as well as more advanced readers will find it clear and challenging

Jurisprudence and Legal Theory 19?? the articles in this new edition of a companion to philosophy of law and legal theory have been updated throughout and the addition of ten new articles ensures that the volume continues to offer the most up to date coverage of current thinking in legal philosophy represents the definitive handbook of philosophy of law and contemporary legal theory invaluable to anyone with an interest in legal philosophy now features ten entirely new articles covering the areas of risk regulatory theory methodology overcriminalization intention coercion unjust enrichment the rule of law law and society and kantian legal philosophy essays are written by an international team of leading scholars

Introduction to Jurisprudence and Legal Theory 2002 this book seeks to examine the relations that obtain between law and a theory of law and legal reasoning and a theory of legal reasoning

A Companion to Philosophy of Law and Legal Theory 2010-01-15 this book argues that at the core of legal philosophy's principal debates there is essentially one issue judicial impartiality keeping this issue to the forefront raban's approach sheds much light on many difficult and seemingly perplexing jurisprudential debates modern legal theory and judicial impartiality offers a fresh and penetrating examination of two of the most celebrated modern legal theorists hla hart and ronald dworkin the book explains the relations between these two scholars and other theorists and schools of thought including max weber lon fuller and the law and economics movement offering both novices and experts an innovative and lucid look at modern legal theory the book is written in an engaging and conversational style tackling highly sophisticated issues in a concise and accessible manner undergraduates in jurisprudence and legal theory as well as more advanced readers will find it clear and challenging

On Law and Legal Reasoning 2001 the blackwell guide to the philosophy of law and legal theory is a handy guide to the state of play in contemporary philosophy of law and legal theory comprises 23 essays critical essays on the central themes and issues of the philosophy of law today written by an international assembly of distinguished philosophers and legal theorists each essay incorporates essential background material on the history and logic of the topic as well as advancing the arguments represents a wide variety of perspectives on current legal theory

Hegel and Legal Theory 1991 this major reference series brings together a wide range of key international articles in law and legal theory many of these essays are not readily accessible and their presentation in these volumes will provide a vital new resource for both research and teaching each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction

Modern Legal Theory and Judicial Impartiality 2003 in the long standing debate between positivism and non positivism legal validity has always been a subject of controversy while positivists deny that moral values play any role in the determination of legal validity non positivists affirm the opposite thesis in departing from this narrow point of view the book focuses on the notion of legal knowledge apart from what one takes to constitute the grounds of legal validity there is a more fundamental issue about cognitive validity how do we acquire knowledge of whatever is assumed to constitute the elements of legal validity when the question is posed in this form a fundamental shift takes place given that knowledge is a philosophical concept for anything to constitute an adequate ground for legal validity it must satisfy the standards set by knowledge in exploring those standards the author argues that knowledge is the outcome of an activity of judging which is constrained by reasons reflexive while these reasons may vary with the domain of judging the reflexive structure of the practice of judging imposes certain constraints on what can constitute a reason for judging amongst these constraints are found not only general metaphysical limitations but also the fundamental principle that one with the capacity to judge is autonomous or in other words capable of determining the reasons that form the basis of action one sees as soon as autonomy has been introduced into the parameters of knowledge that law is necessarily connected with every other practical domain the author shows in the end that the issue of knowledge is orthogonal to questions about the inclusion or exclusion of morality for what really matters is whether the putative grounds of legal validity are appropriate to the generation of

knowledge the outcome is far more integral than much work in current theory neither an absolute deference to either universal moral standards or practice independent values nor a complete adherence to conventionality and institutional arrangements will do in suggesting that the current positivism versus non positivism debate when it comes to determining law's nature misses the crux of the matter the book aims to provoke a fertile new debate in legal theory george pavlakos engaging book tackles the fundamental question of what makes legal knowledge possible since all articulate thought has to conform to implicit rules of grammar it is necessarily normatively structured thus normativity cannot be something external to human thinking that we study from the outside but is intrinsic to all human practices including the natural sciences this insight opens up fascinating new lines of inquiry into the character of law and its relations to other normative domains professor sir neil maccormick edinburgh university with admirable analytical acumen george pavlakos underscores the practical character of legal knowledge as well as the importance of argumentation in legal theory he rejects those approaches to the nature of law that rest on conventional criteria as well as those that turn on factors altogether independent of practice developing instead the thesis that objectivity and knowledge emerge from practical activity reflecting the spontaneity of human reason in light of this notion of legal cognition as a practical activity directed and constrained by reason the law is seen as an enduring institution jurisprudence as a humanistic discipline a truly important work professor dr robert alexy christian albrechts universität zu kiel

Legal Reasoning and Legal Theory 1995 in this age of collections that is ours many volumes of collections are published they contain contributions of several well known authors and their aim is to present a selective overview of a relevant field of study this book has the same purpose its aim is to introduce students scholars and all those interested in current problems of legal theory and legal philosophy to the work of the leading scholars in this field the large number of publications both books and articles that have been produced over recent decades makes it quite difficult however for those who are making their first steps in this domain to find firm guidelines the book is new in its genre because of its method the choice was made not to reprint an example of contributors earlier basic articles or a part of one of their books this would only give a partial view of the rich texture of their work rather the authors were asked to make an original synthesis of their own contributions to the field of legal theory and legal philosophy brought together in this volume they constitute a truly author ised view of their work this book is also new in that each essay is complemented with bibliographical information in order to encourage further research on the author's self selected work this will help the reader rapidly to become familiar with the whole of the published work of the contributors

The Blackwell Guide to the Philosophy of Law and Legal Theory 2008-04-15 introduction to critical legal theory provides an accessible introduction to the study of law and legal theory it covers all the seminal movements in classical modern and postmodern legal thought engaging the reader with the ideas of jurists as diverse as aristotle hobbes and kant marx foucault and dworkin at the same time it impresses the interdisciplinary nature of critical legal thought introducing the reader to the philosophy the economics and the politics of law this new edition focuses even more intently upon the narrative aspect of critical legal thinking and the re emergence of a distinctive legal humanism as well as the various related challenges posed by our new world order introduction to critical theory is a comprehensive text for both students and teachers of legal theory jurisprudence and related subjects

Introduction to Legal Theory 1979 this is a revised and extensively rewritten edition of one of the most influential monographs on legal philosophy published in recent years writing in the introduction to the first edition the author characterized anglophone philosophers as being divided and often waver ing between two main philosophical objectives the moral evaluation of law and legal institutions and an account of its actual nature questions of methodology have therefore tended to be sidelined but were bound to surface sooner or later as they have in the later work of ronald dworkin the main purpose of this book is to provide a critical assessment of dworkin's methodological turn away from analytical jurisprudence towards a theory of interpretation and the issues it gives rise to the author argues that the importance of dworkin's interpretative turn is not that it provides a substitute for semantic theories of law a dubious concept but that it provides a new conception of jurisprudence

aiming to present itself as a comprehensive rival to the conventionalism manifest in legal positivism furthermore once the interpretative turn is regarded as an overall challenge to conventionalism it is easier to see why it does not confine itself to a critique of method law as interpretation calls into question the main tenets of its positivist rival in substance as well as method the book re examines conventionalism in the light of this interpretative challenge

Jurisprudence and Legal Theory 1990 essential reading for all those who wish to understand why legal theory is important to legal education and for those who wish to extend their understanding of this dynamic academic discipline a variety of perspectives are drawn together including social literary feminist and postmodernist theories

Legal Reasoning (Vol. 2) 1992-02 perfect for the student new to jurisprudence this book provides an illuminating introduction to the central questions of legal theory an experienced teacher of jurisprudence professor wacks approach is both accessible and entertaining providing the ideal base for further study

Our Knowledge of the Law 2007-07-14 1 what is legal theory 2 critical reasoning 3 classical natural law theories 4 legal positivism 5 contemporary natural law theories 6 liberalism and law 7 critical legal theories 8 fundamental legal conceptions 9 the role of the judge 10 ethical theories 11 theories of justice

Legal Theory 1967 it is twenty five years since the publication of neil maccormick s book legal reasoning and legal theory a book that has been in print continuously since its first publication this book looks at how examining legal reasoning can bring up important theoretical and ethical issues as maccormick revisits the issues anew in his current work

A Companion to the Philosophy of Law and Legal Theory 2004 this book provides a selective and somewhat cheeky account of prominent positions in legal theory such as american legal realism modern legal positivism sociological systems theory institutionalism and critical legal studies it presents a relational approach to law and a new perspective on legal sources the book explores topics of legal theory in a playful manner it is written and composed in a way that refutes the widespread prejudice that legal theory is a dreary subject with a cast of characters that occasionally interact in order to illustrate the claims of the book legal experts claim to know what the law is legal theory or jurisprudence explores whether such claims are warranted the discipline first emerged at the turn of the 20th century when the self confidence of both legal scholarship and judicial craftsmanship became severely shattered but the crisis continues to this day

A Study of Epistemology in Legal Theory 1994 this introductory series of books provides concise studies of the philosophical foundations of law of perennial topics in the philosophy of law and of important and opposing schools of thought the series is aimed principally at students in philosophy law and political science

The Law in Philosophical Perspectives 1999-06-30 the past two decades have seen an outpouring of work in legal theory that is self consciously critical of aspects of american law and the institutions of the liberal state in this lively volume eminent scholars in philosophy law and political science respond to this recent scholarship by exploring what constitutes a radical critique of the law examining such theories as critical legal studies feminist theory and theories of difference and critical race theory the authors consider whether the critiques advanced in recent legal theory can truly be called radical and what form a radical critique of american law should take writing at the cutting edge of the critique of critical legal theory they offer insights first on critical legal scholarship then on feminist political and legal theory a third group of contributions questions the radicalness of these approaches in light of their failure to challenge fundamental aspects of liberalism while a final section focuses on current issues of legal reform through critical views on criminal punishment including observations on rape and hate speech each major essay describes the underlying principles in the development of a radical legal theory and addresses unresolved questions relating to it while accompanying commentaries present conflicting views the resulting dialogue explores wide ranging issues like equity value relativism adversarial and empathic legal advocacy communitarianism and the social contract impartiality and contingency natural law and corrective justice a common thread for many of the articles is a focus on the social dimension of society and law which finds the individualism of prevailing liberal theories too limiting radical critiques of the law is particularly unique in presenting critical and feminist approaches in one volume along with skeptical commentary about just how radical some critiques really are proposing alternative critiques that embody considerably greater

promise of being truly radical it offers provocative reading for both philosophers and legal scholars by showing that many claims to radicalism are highly problematic at best

Jurisprudence and legal theory 1995 the most exciting development in legal thinking since world war ii has been the growth of interdisciplinary legal studies judge richard posner has been a leader in this movement and his new book explores its rapidly expanding frontier

Law and Legal Theory in England and America 1996 modern legal theory contains a wide range of approaches and topics from economic analysis of law to feminist legal theory to traditional analytical legal philosophy to a range of theories about justice this healthy variety of jurisprudential work has created a problem students and theorists working in one tradition may have difficulty understanding the concepts and terminology of a different tradition this book works to make terminology and ways of thinking accessible this dictionary covers topics from the autonomy of law to the will theory of rights from autopoiesis to wealth maximization and from john austin to ludwig wittgenstein the most important concepts and ideas are presented in a simple dictionary format there are also many longer entries where the initial definition gives an accessible explanation but the entry goes on to give more detailed information about the history of an idea and the debates currently surrounding it

Jurisprudence and Legal Theory 1978

Introduction to Critical Legal Theory 2012-10-02

Jurisprudence and Legal Theory 1996

Interpretation and Legal Theory 2005-04-25

Asking the Law Question 2002

Understanding Jurisprudence 2015

Nutshell: Legal Theory 2013

The Universal and the Particular in Legal Reasoning 2006

V.D. Mahajan's Jurisprudence & Legal Theory 1987

Jurisprudence and Legal Theory 1993

V.D. Mahajan's Jurisprudence & Legal Theory 1987

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