

# Analyzing Law New Essays In Legal Theory

Analyzing Law New Essays in Legal Theory The Theory of Contract Law New Essays on the Normativity of Law New Essays on the Nature of Legal Reasoning New Essays on the Nature of Rights Ten Great Religions: An essay in comparative theology A Bibliographical Essay on the Common Law and Customary Law in the Legal Systems of English-speaking Sub-Saharan Africa Law in Theory and History The Adelaide Law Review Michigan Law Review Ten Great Religions Michigan Journal of Community Service Learning Customary Law in a Changing Society Celebration Legal Essays, by Various Authors, to Mark the Twenty-fifth Year of Service of John H. Wigmore, as Professor of Law in Northwestern University Rutgers Law Journal American Law School Review The American Current Publications in Legal and Related Fields The Cambridge Review Brian Bix Peter Benson Stefano Bertea Mark McBride Mark McBride James Freeman Clarke R. ( ) Charles Mwalimu Maksymilian Del Mar James Freeman Clarke Digby Sghelo Koyana Northwestern University (Evanston, Ill.)

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*Maksymilian Del Mar James Freeman Clarke Digby Sghelo Koyana Northwestern University (Evanston, Ill.)*

although the law of contract is largely settled there appears to be no widely accepted comprehensive theory of its main principles and doctrines or of its normative basis contract law theory raises issues concerning the relation between law and morality the role and the importance of rights the connection between justice and economics and the distinction between private and public law this collection of six full length essays written by some of the most eminent scholars in the field explores the general theory of contract law from a variety of theoretical perspectives the volume addresses a wide range of issues both methodological and substantive in the theory and practice of contract law while the essays build upon past theoretical contributions they also attempt to take contract theory further and suggest promising ways to develop theory of contract law

an important part of the legal domain has to do with rule governed conduct and is expressed by the use of notions such as norm obligation duty and right these require us to acknowledge the normative dimension of law normativity is accordingly to be regarded as a central feature of law lying at the heart of any comprehensive legal theoretical project the essays collected in this book are meant to further our understanding of the normativity of law more specifically the book stages a thorough discussion of legal normativity as approached from three strands of legal thought that are particularly influential and which play a key role in shaping debates on the normative dimension of law the theory of planning agency legal conventionalism and the constitutivist approach while the essays presented here do not aspire to give an exhaustive picture of these debates an aspiration that would be by its very nature unrealistic they do provide the reader with some authoritative statements of some widely discussed families of views of legal normativity in pursuing this objective these essays also encourage a dialogue between different traditions of study of legal normativity stimulating those who would not otherwise look outside their tradition of thought to engage with new ideas and ultimately to arrive at a more comprehensive account of the normativity of law

this is the first book to bring together distinguished jurisprudential theorists as well as up and coming scholars to critically assess the nature of legal reasoning the volume is divided into 3 parts the first part general jurisprudence and legal reasoning addresses issues at the intersection of general jurisprudence those pertaining to the nature of law itself and legal reasoning the second part rules and reasons addresses two concepts central to two prominent types of theory of legal reasoning the essays in the third and final part doctrine and practice delve into the mechanics of legal practice and doctrine from a legal reasoning perspective

this original collection of jurisprudential essays furthers our understanding of the nature of rights in part 1 halpin considers the value of hohfeldian neutrality when theorising about law in general and legal rights in particular and kurki focuses on hohfeld's operative notion of power in part 2 kramer rebuts wenar's objections to his interest theory of rights and may provides a comparative defence of the interest theory against wenar's kind desire theory of claim rights penner then pursues legal doctrine focusing on whether judges hold the powers of their office as rights an issue over which wenar and kramer have clashed sreenivasan utilising a novel test case involving pure public goods argues that the third party beneficiary objection to the interest theory is fatal mcbride builds on sreenivasan's hybrid theory of claim rights to construct his new tracking theory of rights cruft then argues that the best extant versions of the interest and will theories of rights cannot avoid a form of circularity and van duffel argues that meeting four adequacy constraints which he proposes counts in favour of any theory of rights in part 3 andersson proposes a tie breaking procedure for rights conflicts in the applied realm of politics and steiner concludes by alleging that kant's principle of right a standard of corrective justice has distributive implications a fine collection of cutting edge essays on the most important normative concept of modernity professor leif wenar king's college london this important collection proceeds much beyond the famous 1998 a debate over rights which sets the stage for the debates concerning rights since then it explores three aspects of rights first it re examines the hohfeldian classification and highlights its importance and relevance second it investigates and develops the

debates between the interest and the will theory it includes essays by the main established proponents of these two positions as well as essays by newcomers to this field the different essays in this part address each other in ways which sharpen and clarify the disagreements and provide new original arguments for the contending views last it provides a new perspective on the debates concerning conflicts of rights and the ways to overcome them this collection will no doubt dominate the future conceptual discussions concerning the nature of rights and their role in political theory professor alon harel the hebrew university of jerusalem

this collection of original essays brings together leading legal historians and theorists to explore the oft neglected but important relationship between these two disciplines legal historians have often been sceptical of theory the methodology which informs their own work is often said to be an empirical one of gathering information from the archives and presenting it in a narrative form the narrative produced by history is often said to be provisional insofar as further research in the archives might falsify present understandings and demand revisions on the other side legal theorists are often dismissive of historical works history itself seems to many theorists not to offer any jurisprudential insights of use for their projects at best history is a repository of data and examples which may be drawn on by the theorist for her own purposes the aim of this collection is to invite participants from both sides to ask what lessons legal history can bring to legal theory and what legal theory can bring to history what is the theorist to do with the empirical data generated by archival research what theories should drive the historical enterprise and what wider lessons can be learned from it this collection brings together a number of major theorists and legal historians to debate these ideas résumé de l'éditeur

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