

# THE OXFORD HANDBOOK OF JURISPRUDENCE AND PHILOSOPHY OF LAW

PHILOSOPHY OF LAW JURISPRUDENCE THE PHILOSOPHY OF LAW PHILOSOPHY OF LAW JURISPRUDENCE LECTURES ON JURISPRUDENCE, OR, THE PHILOSOPHY OF POSITIVE LAW THE GREAT LEGAL PHILOSOPHERS ESSAYS IN JURISPRUDENCE AND PHILOSOPHY THE POLITICS OF JURISPRUDENCE JURISPRUDENCE JURISPRUDENCE: THE PHILOSOPHY AND THE METHOD OF LAW A TREATISE OF LEGAL PHILOSOPHY AND GENERAL JURISPRUDENCE MODERN JURISPRUDENCE READINGS IN JURISPRUDENCE AND LEGAL PHILOSOPHY JURISPRUDENCE AN INTRODUCTION TO THE PHILOSOPHY OF LAW THE PHILOSOPHY OF LAW RATIONAL INDIVIDUALISM JURISPRUDENCE THE OXFORD HANDBOOK OF JURISPRUDENCE AND PHILOSOPHY OF LAW JOSEPH I. OMOREGBE SYDNEY WILLIAM TEMPLEMAN BARON TEMPLEMAN IMMANUEL KANT JEFFRIE G. MURPHY EDGAR BODENHEIMER JOHN AUSTIN CLARENCE MORRIS H. L. A. HART ROGER B. M. COTTERRELL MICHAEL DOHERTY BODENTIEIMER EDGAR ENRICO PATTARO SEAN COYLE MORRIS RAPHAEL COHEN MICHAEL DOHERTY ROSCOE POUND IMMANUEL KANT ROGER SIMONDS EDGAR BODENHEIMER JULES L. COLEMAN

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IN THIS REVISED EDITION TWO DISTINGUISHED PHILOSOPHERS HAVE EXTENDED AND STRENGTHENED THE MOST AUTHORITATIVE TEXT AVAILABLE ON THE PHILOSOPHY OF LAW AND JURISPRUDENCE WHILE RETAINING THEIR COMPREHENSIVE COVERAGE OF CLASSICAL AND MODERN THEORY MURPHY AND COLEMAN HAVE ADDED NEW DISCUSSIONS OF THE CRITICAL LEGAL STUDIES MOVEMENT AND FEMINIST JURISPRUDENCE AND THEY HAVE STRENGTHENED THEIR TREATMENT OF NATURAL LAW THEORY CRIMINALIZATION AND THE LAW OF TORTS THE CHAPTER ON LAW AND ECONOMICS REMAINS THE BEST SHORT INTRODUCTION TO THAT DIFFICULT CONTROVERSIAL AND INFLUENTIAL TOPIC STUDENTS WILL APPRECIATE THE CAREFUL ORGANIZATION AND CLEAR PRESENTATION OF COMPLICATED ISSUES AS WELL AS THE EMPHASIS ON THE RELEVANCE OF BOTH LAW AND LEGAL THEORY TO CONTEMPORARY SOCIETY

AN ATTEMPT TO GIVE READERS IN ONE VOLUME A SPEAKING ACQUAINTANCE WITH THE GREAT LEGAL PHILOSOPHERS OF THE AGES PREFACE

THIS IMPORTANT COLLECTION OF ESSAYS INCLUDES PROFESSOR HART'S FIRST DEFENSE OF LEGAL POSITIVISM HIS DISCUSSION OF THE DISTINCTIVE TEACHING OF AMERICAN AND

SCANDINAVIAN JURISPRUDENCE AN EXAMINATION OF THEORIES OF BASIC HUMAN RIGHTS AND THE NOTION OF SOCIAL SOLIDARITY AND ESSAYS ON JHERING KELSEN HOLMES AND LON FULLER

SELECTED BY CHOICE MAGAZINE AS AN OUTSTANDING ACADEMIC TITLE

THIS TEXT OFFERS A CONCISE REPRESENTATION OF THE CONTEMPORARY STATE OF JURISPRUDENTIAL DEBATE IT MENTIONS A NUMBER OF IMPORTANT ARTICLES AND PUBLICATIONS AMONG THEM A DISCUSSION OF NEW APPROACHES TO JUDICIAL REASONING AND STATUTORY INTERPRETATION AND THE ADVANTAGES OF THE ECONOMIC ANALYSIS OF LAW AND THE ATTEMPTS TO PROVIDE PRACTICAL APPLICATIONS OF JURISPRUDENTIAL THOUGHT AS SEEN IN THE WORK OF POSNER AND SUNSTEIN

A TREATISE OF LEGAL PHILOSOPHY AND GENERAL JURISPRUDENCE IS THE FIRST EVER MULTIVOLUME TREATMENT OF THE ISSUES IN LEGAL PHILOSOPHY AND GENERAL JURISPRUDENCE FROM BOTH A THEORETICAL AND A HISTORICAL PERSPECTIVE THE WORK IS AIMED AT JURISTS AS WELL AS LEGAL AND PRACTICAL PHILOSOPHERS EDITED BY THE RENOWNED THEORIST ENRICO PATTARO AND HIS TEAM THIS BOOK IS A CLASSICAL REFERENCE WORK THAT WOULD BE OF GREAT INTEREST TO LEGAL AND PRACTICAL PHILOSOPHERS AS WELL AS TO JURISTS AND LEGAL SCHOLAR AT ALL LEVELS THE WORK IS DIVIDED IN TWO PARTS THE THEORETICAL PART PUBLISHED IN 2005 CONSISTING OF FIVE VOLUMES COVERS THE MAIN TOPICS OF THE CONTEMPORARY DEBATE THE HISTORICAL PART CONSISTING OF SIX VOLUMES VOLUMES 6 8 PUBLISHED IN 2007 VOLUMES 9 AND 10 PUBLISHED IN 2009 VOLUME 11 PUBLISHED IN 2011 AND VOLUME 12 FORTHCOMING IN 2016 ACCOUNTS FOR THE DEVELOPMENT OF LEGAL THOUGHT FROM ANCIENT GREEK TIMES THROUGH THE TWENTIETH CENTURY VOLUME 12 LEGAL PHILOSOPHY IN THE TWENTIETH CENTURY THE CIVIL LAW WORLD VOLUME 12 OF A TREATISE OF LEGAL PHILOSOPHY AND GENERAL JURISPRUDENCE TITLED LEGAL PHILOSOPHY IN THE TWENTIETH CENTURY THE CIVIL LAW WORLD FUNCTIONS AS A COMPLEMENT TO GERALD POSTEMA'S VOLUME 11 TITLED LEGAL PHILOSOPHY IN THE TWENTIETH CENTURY THE COMMON LAW WORLD AND IT OFFERS THE FIRST COMPREHENSIVE ACCOUNT OF THE COMPLEX DEVELOPMENT THAT LEGAL PHILOSOPHY HAS UNDERGONE IN CONTINENTAL EUROPE AND LATIN AMERICA SINCE 1900 IN THIS VOLUME LEADING INTERNATIONAL SCHOLARS FROM THE DIFFERENT LANGUAGE AREAS MAKING UP THE CIVIL LAW WORLD GIVE AN ACCOUNT OF THE WAY LEGAL PHILOSOPHY HAS EVOLVED IN THESE AREAS IN THE 20TH CENTURY THE OUTCOME BEING AN OVERALL MOSAIC OF CIVIL LAW LEGAL PHILOSOPHY IN THIS ARC OF TIME FURTHER SPECIALISTS IN THE FIELD DESCRIBE THE DEVELOPMENT THAT LEGAL PHILOSOPHY HAS UNDERGONE IN THE 20TH CENTURY BY FOCUSING ON THREE OF ITS MAIN SUBJECTS NAMELY LEGAL POSITIVISM NATURAL LAW THEORY AND THE THEORY OF LEGAL REASONING AND DISCUSSING THE DIFFERENT CONCEPTIONS THAT HAVE BEEN PUT FORWARD UNDER THESE LABELS THE LAYOUT OF THE VOLUME IS MEANT TO FRAME HISTORICAL ANALYSIS WITH A VIEW TO THE CONTEMPORARY THEORETICAL DEBATE THUS COMPLETING THE TREATISE IN KEEPING WITH ITS OVERALL METHODOLOGICAL AIM NAMELY THAT OF COMBINING HISTORY AND THEORY AS A NECESSARY MEANS BY WHICH TO PROVIDE A COMPREHENSIVE ACCOUNT OF JURISPRUDENTIAL THINKING

THIS BOOK PROVIDES A CONCISE AND ACCESSIBLE GUIDE TO MODERN JURISPRUDENCE OFFERING AN EXAMINATION OF THE MAJOR THEORIES AND SYSTEMATIC DISCUSSION OF THEMES SUCH AS LEGALITY AND JUSTICE IT GIVES READERS A BETTER UNDERSTANDING OF THE RIVAL VIEWPOINTS BY EXPLORING THE HISTORICAL DEVELOPMENTS WHICH GIVE MODERN THINKING ITS DISTINCTIVE SHAPE AND PLACING LAW IN ITS POLITICAL CONTEXT A KEY FEATURE OF THE BOOK IS THAT READERS ARE NOT SIMPLY PRESENTED WITH OPPOSING THEORIES BUT ARE GUIDED THROUGH THE RIVAL STANDPOINTS ON THE BASIS OF A COHERENT LINE OF REFLECTION FROM WHICH AN OVERALL SENSE OF THE SUBJECT CAN BE GAINED CHAPTERS ON HART FULLER RAWLS DWORKIN AND FINNIS TAKE THE READER SYSTEMATICALLY THROUGH THE TERRAIN OF MODERN LEGAL PHILOSOPHY TRACING

THE ISSUES BACK TO FUNDAMENTAL QUESTIONS OF PHILOSOPHY AND INDICATING LINES OF CRITICISM THAT BUILD TO A FRESH AND ORIGINAL PERSPECTIVE ON THE SUBJECT

A CLEAR AND CONCISE REPRESENTATION OF THE STATE OF JURISPRUDENTIAL DEBATE THIS EDITION MENTIONS A NUMBER OF IMPORTANT ARTICLES AND PUBLICATIONS AMONG THEM A REPLY BY DWORKIN TO HART S POSTSCRIPT TO THE CONCEPT OF LAW NEW THINKING IN RELATION TO RAWLS AND EHRLICH ARE OTHER NOTABLE INCLUSIONS

IN AN INTRODUCTION TO THE PHILOSOPHY OF LAW ROSCOE POUND OFFERS A PROFOUND EXPLORATION OF LEGAL THEORY EXAMINING THE INTRICATE RELATIONSHIP BETWEEN LAW AND SOCIETY HIS LITERARY STYLE COMBINES CLARITY AND RIGOR ALLOWING READERS TO NAVIGATE COMPLEX PHILOSOPHICAL IDEAS EASILY SET AGAINST THE BACKDROP OF EARLY 20TH CENTURY LEGAL REALISM POUND CRITIQUES EXISTING LEGAL DOCTRINES AND EMPHASIZES THE IMPORTANCE OF UNDERSTANDING LAW AS A LIVING INSTITUTION THAT REFLECTS SOCIETAL VALUES AND NEEDS THROUGH THOUGHTFUL ANALYSIS HE INTRODUCES FOUNDATIONAL CONCEPTS SUCH AS SOCIAL ENGINEERING AND THE INTERPLAY BETWEEN LAW AND MORAL PHILOSOPHY ROSCOE POUND A PROMINENT AMERICAN JURIST AND LEGAL SCHOLAR SERVED AS THE DEAN OF HARVARD LAW SCHOOL AND WAS INSTRUMENTAL IN SHAPING MODERN LEGAL THOUGHT HIS DIVERSE BACKGROUND IN SOCIOLOGY AND LAW INFORMED HIS BELIEF THAT LEGAL SYSTEMS MUST EVOLVE TO SERVE THE DYNAMIC NEEDS OF SOCIETY INSPIRED BY THE CHALLENGES OF HIS TIME POUND SOUGHT TO BRIDGE THE GAP BETWEEN LEGAL THEORY AND PRACTICAL APPLICATION LEADING TO HIS PIVOTAL CONTRIBUTIONS TO LEGAL PHILOSOPHY THIS SEMINAL WORK IS ESSENTIAL READING FOR SCHOLARS PRACTITIONERS AND STUDENTS OF LAW BY DELVING INTO POUND S INSIGHTS READERS WILL GAIN A DEEPER UNDERSTANDING OF THE PHILOSOPHICAL UNDERPINNINGS OF LEGAL SYSTEMS AND THEIR ROLE IN PROMOTING JUSTICE AND SOCIAL ORDER

THIS BOOK IS A STUDY OF THE THEORY OF LEGAL INTERPRETATION THAT UNDERLIES THE LEGAL SYSTEMS OF EUROPE ENGLAND AND THE UNITED STATES THE PRINCIPLES OF INTERPRETIVE JURISPRUDENCE ARE TRACED THROUGH GREEK AND LATIN PHILOSOPHERS AND LEGAL THEORISTS AND RENAISSANCE ITALIAN GLOSSATORS AND COMMENTATORS IN ADDRESSING HUMAN NATURE THESE PRINCIPLES HAVE A SELF SUSTAINING LOGICAL INTEGRITY THEY ARE DEFENSIBLE AS A WORTHY TRADITION OF LEGAL RESPECT FOR THE VALUE OF THE INDIVIDUAL

THE OXFORD HANDBOOK OF JURISPRUDENCE AND PHILOSOPHY OF LAW BRINGS TOGETHER SPECIALLY COMMISSIONED ESSAYS BY TWENTY SEVEN OF THE FOREMOST LEGAL THEORISTS CURRENTLY WRITING TO PROVIDE A STATE OF THE ART OVERVIEW OF JURISPRUDENTIAL SCHOLARSHIP EACH AUTHOR PRESENTS AN ACCOUNT OF THE CONTENDING VIEWS AND SCHOLARLY DEBATES ANIMATING THEIR FIELD OF ENQUIRY AS WELL AS SETTING THE AGENDA FOR FURTHER STUDY THIS LANDMARK PUBLICATION WILL BE ESSENTIAL READING FOR ANYONE WORKING IN LEGAL THEORY AND OF INTEREST TO LEGAL SCHOLARS GENERALLY PHILOSOPHERS AND LEGAL THEORISTS LOOKING FOR A WAY IN TO UNDERSTAND CURRENT JURISPRUDENTIAL THINKING

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## INTRODUCTION

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## BENEFITS OF FREE EBOOK SITES

WHEN IT COMES TO READING, FREE EBOOK SITES OFFER NUMEROUS ADVANTAGES.

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## VARIETY OF CHOICES

MOREOVER, THE VARIETY OF CHOICES AVAILABLE IS ASTOUNDING. FROM CLASSIC LITERATURE TO CONTEMPORARY NOVELS, ACADEMIC TEXTS TO CHILDREN'S BOOKS, FREE EBOOK SITES COVER ALL GENRES AND INTERESTS.

## TOP FREE EBOOK SITES

THERE ARE COUNTLESS FREE EBOOK SITES, BUT A FEW STAND OUT FOR THEIR QUALITY AND RANGE OF OFFERINGS.

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## LEARNING NEW SKILLS

YOU CAN ALSO FIND BOOKS ON VARIOUS SKILLS, FROM COOKING TO PROGRAMMING, MAKING THESE SITES GREAT FOR PERSONAL DEVELOPMENT.

## SUPPORTING HOMESCHOOLING

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## GENRES AVAILABLE ON FREE EBOOK SITES

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### FICTION

FROM TIMELESS CLASSICS TO CONTEMPORARY BESTSELLERS, THE FICTION SECTION IS BRIMMING WITH OPTIONS.

### NON-FICTION

NON-FICTION ENTHUSIASTS CAN FIND BIOGRAPHIES, SELF-HELP BOOKS, HISTORICAL TEXTS, AND MORE.

### TEXTBOOKS

STUDENTS CAN ACCESS TEXTBOOKS ON A WIDE RANGE OF SUBJECTS, HELPING REDUCE THE FINANCIAL BURDEN OF EDUCATION.

### CHILDREN'S BOOKS

PARENTS AND TEACHERS CAN FIND A PLETHORA OF CHILDREN'S BOOKS, FROM PICTURE BOOKS TO YOUNG ADULT NOVELS.

## ACCESSIBILITY FEATURES OF EBOOK SITES

EBOOK SITES OFTEN COME WITH FEATURES THAT ENHANCE ACCESSIBILITY.

## AUDIOBOOK OPTIONS

MANY SITES OFFER AUDIOBOOKS, WHICH ARE GREAT FOR THOSE WHO PREFER LISTENING TO READING.

## ADJUSTABLE FONT SIZES

YOU CAN ADJUST THE FONT SIZE TO SUIT YOUR READING COMFORT, MAKING IT EASIER FOR THOSE WITH VISUAL IMPAIRMENTS.

## TEXT-TO-SPEECH CAPABILITIES

TEXT-TO-SPEECH FEATURES CAN CONVERT WRITTEN TEXT INTO AUDIO, PROVIDING AN ALTERNATIVE WAY TO ENJOY BOOKS.

## TIPS FOR MAXIMIZING YOUR EBOOK EXPERIENCE

TO MAKE THE MOST OUT OF YOUR EBOOK READING EXPERIENCE, CONSIDER THESE TIPS.

## CHOOSING THE RIGHT DEVICE

WHETHER IT'S A TABLET, AN E-READER, OR A SMARTPHONE, CHOOSE A DEVICE THAT OFFERS A COMFORTABLE READING EXPERIENCE FOR YOU.

## ORGANIZING YOUR EBOOK LIBRARY

USE TOOLS AND APPS TO ORGANIZE YOUR EBOOK COLLECTION, MAKING IT EASY TO FIND AND ACCESS YOUR FAVORITE TITLES.

## SYNCING ACROSS DEVICES

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## FUTURE OF FREE EBOOK SITES

THE FUTURE LOOKS PROMISING FOR FREE EBOOK SITES AS TECHNOLOGY CONTINUES TO ADVANCE.

## TECHNOLOGICAL ADVANCES

IMPROVEMENTS IN TECHNOLOGY WILL LIKELY MAKE ACCESSING AND READING EBOOKS EVEN MORE SEAMLESS AND ENJOYABLE.

## EXPANDING ACCESS

EFFORTS TO EXPAND INTERNET ACCESS GLOBALLY WILL HELP MORE PEOPLE BENEFIT FROM FREE EBOOK SITES.

## ROLE IN EDUCATION

AS EDUCATIONAL RESOURCES BECOME MORE DIGITIZED, FREE EBOOK SITES WILL PLAY AN INCREASINGLY VITAL ROLE IN LEARNING.

## CONCLUSION

IN SUMMARY, FREE EBOOK SITES OFFER AN INCREDIBLE OPPORTUNITY TO ACCESS A WIDE RANGE OF BOOKS WITHOUT THE FINANCIAL BURDEN. THEY ARE INVALUABLE

RESOURCES FOR READERS OF ALL AGES AND INTERESTS, PROVIDING EDUCATIONAL MATERIALS, ENTERTAINMENT, AND ACCESSIBILITY FEATURES. SO WHY NOT EXPLORE THESE SITES AND DISCOVER THE WEALTH OF KNOWLEDGE THEY OFFER?

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