

The Legal Theory Of Ethical Positivism Applied

Introduction to Critical Legal Theory The Concept of Ideals in Legal Theory Legal Reasoning and Legal Theory Introduction to Legal Theory Interpretation and Legal Theory The Legal Theory of Carl Schmitt A Dictionary of Legal Theory Theory of Legal Evidence - Evidence in Legal Theory Theory of Legal Principles The Methodology of Legal Theory Legal Theory and the Legal Academy The Methodology of Legal Theory Legal Theory and the Social Sciences Nutshell: Legal Theory Theory of Legal Science The Blackwell Guide to the Philosophy of Law and Legal Theory Epistemic Uncertainty and Legal Theory Introduction to Jurisprudence and Legal Theory Current Legal Theory The Blackwell Guide to the Philosophy of Law and Legal Theory Ian Ward Sanne Taekema Neil MacCormick John D. Finch Andrei Marmor Mariano Croce Brian Bix Verena Klappstein Humberto Avila Michael Giudice Maksymilian Del Mar Michael Giudice Maksymilian Del Mar Jonathan Crowe Aleksander Peczenik Martin P. Golding Brian Burge-Hendrix Anne Barron Martin P. Golding

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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

talk about law often includes reference to ideals of justice equality or freedom but what do we refer to when we speak about ideals in the context of law this book explores the concept of ideals by combining an investigation of different theories of ideals with a discussion of the role of ideals in law a comparison of the theories of gustav radbruch and philip selznick leads up to a pragmatist theory of legal ideals which provides an interesting new position in the debate about values in law between legal positivists and natural law thinkers attention for law s central ideals enables us to understand law s autonomous character while at the same time tracing its connection to societal values essential reading for anyone interested in the role of values or ideals in law

what makes an argument in a law case good or bad can legal decisions be justified by purely rational argument or are they ultimately determined by more subjective influences these questions are central to the study of jurisprudence and are thoroughly and critically examined in legal reasoning and legal theory now with a new and up to date foreword its clarity of explanation and argument make this classic legal text readily accessible to lawyers philosophers and any general reader interested in legal processes human reasoning or practical logic

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 wavering 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

the legal theory of carl schmitt provides a detailed analysis of schmitt s institutional theory of law mainly developed in the books published between the end of the 1920s and the beginning of the 1930s by reading schmitt s overall work through the lens of his institutional turn the authors offer a strikingly different interpretation of schmitt s theory of politics law and the relation between these two domains the book argues that schmitt s adhesion to legal institutionalism was a key theoretical achievement based on serious reconsideration of the main flaws of his own decisionist paradigm in the light of the french and italian institutional theories of law in so doing the authors elucidate how schmitt was able to unravel many of the impasses that affected his previous conceptual framework the authors also make comparisons between schmitt and other leading legal theorists h kelsen m hauriou s romano and c mortati and explain why the current legal debate should take into serious account his legacy

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

this book addresses theoretical problems concerning legal evidence the concept of evidence is expected to fulfill a number of distinct roles in science and philosophy but also in legal theory and law some of which are complementary while others are conflicting in their profession lawyers have to deal with evidence and proof yet the legal concept of evidence is constantly changing and the debate concerning the distinction between a legal concept of evidence the ordinary concept of evidence and the concept of

evidence in science is far from being settled what is more the problem of evidence is central to both epistemology and the philosophy of science and by extension to our academic thinking on law in short legal theorists interest in evidence may include such diverse objects as a bloody knife sensory data linguistic entities or psychologically recognized beliefs the book surveys selected theoretical roles that the concept of evidence plays and explores their relations and interconnections the content is divided into three parts investigating 1 evidence in epistemology and the philosophy of science which focuses on evidence methodologies and the problem of proof in legal scholarship 2 evidence in legal theory and legal philosophy where particular attention is paid to the interplay between evidence legal reasoning and the binding force of such reasoning and 3 evidence in law where theoretical problems pertaining to witnesses expert opinions explanations of the accused statistical evidence and neuroscientific evidence are examined

this book intends to help understand and apply principles and rules better its target is to keep the distinction between principles and rules whereas structuring it on different foundations than those jurisprudence ordinarily employs the first object of investigation is the phenomenon of interpretation in law in order to understand that the classification of certain normative species as either principles or rules depends in the first place on axiological connections that are not ready prior to the interpretation process that unveils them then a definition of principles is proposed aiming to understand what their unique characteristics are when compared to other norms of the legal order thirdly the conditions for the application of principles and rules are examined which are the normative applicative postulates it will be shown on one hand that principles not only explicit values but also set forth precise species of behaviors though indirectly on the other hand the creation of conducts by rules is also to be weighed even though the behavior set forth in advance may be overcome depending on the accomplishment of a few requirements that will surpass both the mere praise of values which does not create behaviors and the automatic application of rules a model is proposed to explain the normative species which includes structured weighing on the application process while encompassing substantive criteria of justice in its argument through the analytical reconstruction of the concrete use of normative postulates especially those of reasonableness and proportionality all of that is done with a focus on the ability of intersubjective control of the argumentation which often degenerates into capricious decisionism

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

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

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ever since h l a hart's self description of the concept of law as an exercise in descriptive sociology contemporary legal theorists have been debating the relationship between legal theory and sociology and between legal theory and social science more generally there have been some who have insisted on a clear divide between legal theory and the social sciences citing fundamental methodological differences others have attempted to bridge gaps revealing common challenges and similar objects of inquiry collecting the work of authors such as martin krygier david nelken brian tamanaha lewis kornhauser gunther teubner and nicola lacey this volume the second in a three volume series provides an overview of the major developments in the last thirty years the volume is divided into three sections each discussing an aspect of the relationship of legal theory and the social sciences 1 methodological disputes and collaboration 2 common problems especially as they concern different modes of explanation of social behaviour and 3 common objects including most prominently the study of language in its social context and normative pluralism

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

proceedings of the conference on legal theory and philosophy of science lund sweden december 11 14 1983

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

crossing the usual boundaries of abstract legal theory this book considers actual charter systems legal systems with explicitly posited moral political rights as well as cases in constitutional adjudication it shows the worth of careful reflection on

methodological and meta theoretical issues for a comprehensive account of a present day legal system which is fast becoming the norm

this text lays out a course of study combining the traditional subject matter of jurisprudence with a series of introductions to a variety of other theoretical perspectives it is designed for those taking jurisprudence legal theory courses and political science philosophy and sociology students

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