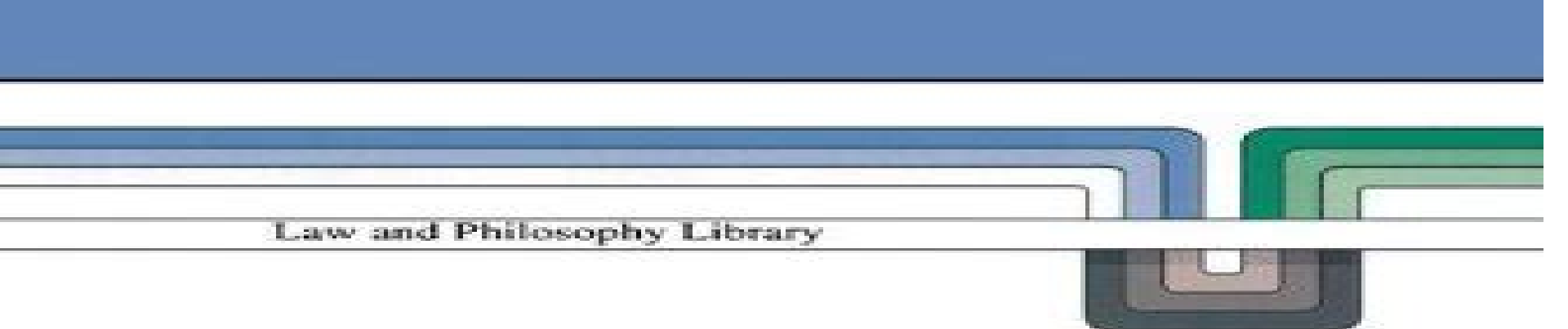




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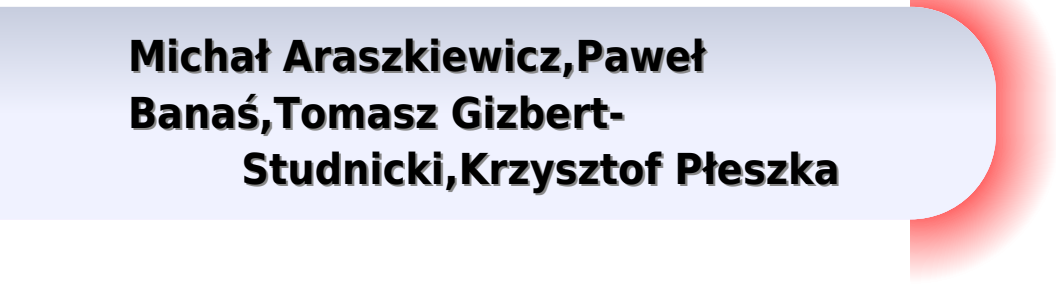
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The Normative Force of the Factual Nicoletta Bersier Ladavac, Christoph Bezemek, Frederick Schauer, 2019-06-26 This book explores the interrelation of facts and norms How does law originate in the first place What lies at the roots of this phenomenon How is it preserved And how does it come to an end Questions like these led Georg Jellinek to speak of the normative force of the factual in the early 20th century emphasizing the human tendency to infer rules from recurring events and to perceive a certain practice not only as a fact but as a norm a norm which not only allows us to distinguish regularity from irregularity but at the same time to treat deviances as transgressions Today Jellinek s concept still provides astonishing insights on the dichotomy of is and ought to be the emergence of the normative the efficacy and the defeasibility of legal norms and the distinct character of what legal theorists refer to as normativity It leads us back to early legal history it connects anthropology and legal theory and it demonstrates the interdependence of law and the social sciences In short it invites us to fundamentally reassess the interrelation of facts and norms from various perspectives The contributing authors

to this volume have accepted that invitation **Problems of Normativity, Rules and Rule-Following** Michał Araszkiewicz, Paweł Banaś, Tomasz Gizbert-Studnicki, Krzysztof Płeszka, 2014-11-07 This book focuses on the problems of rules rule following and normativity as discussed within the areas of analytic philosophy linguistics logic and legal theory Divided into four parts the volume covers topics in general analytic philosophy analytic legal theory legal interpretation and argumentation logic as well as AI Law area of research It discusses inter alia Kripkenstein s sceptical argument against rule following and normativity of meaning the role of neuroscience in explaining the phenomenon of normativity conventionalism in philosophy of law normativity of rules of interpretation some formal approaches towards rules and normativity as well as the problem of defeasibility of rules The aim of the book is to provide an interdisciplinary approach to an inquiry into the questions concerning rules rule following and normativity Metaethical Issues in Contemporary Legal Philosophy Stefano Berteau, Jorge Silva Sampaio, 2024-12-31 This volume explores the importance of constitutivism for legal studies Constitutivism is the view that the normative force or authority of practical reasons is grounded in principles capacities aims or functions that are essential to and thus constitutive of agency While the implications that the constitutivist approach has on the fundamental metaethical disputes and central ethical debates have been extensively explored the literature on the relations between constitutivism and law remains scarce unsystematic and sporadic This collection brings together world renowned practical philosophers and legal theorists to fill a noticeable gap in the literature The authors systematically and innovatively address key dimensions of the relationships between constitutivism and the theoretical study of law as well as programmatically offering novel insights into the conceptual connections between constitutivist claims fundamental legal concepts and practices legal issues and ultimately the law as a distinctive concept The book will be of interest to academics and researchers working in the areas of Legal Philosophy Legal Theory Jurisprudence Moral Philosophy and Metaethics

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