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The Planning Theory of Law Damiano Canale, Giovanni Tuzet, 2012-09-14 This collection of essays is the outcome of a workshop with Scott Shapiro on The Planning Theory of Law that took place in December 2009 at Bocconi University It brings together a group of scholars who wrote their contributions to the workshop on a preliminary draft of Shapiro s Legality Then after the workshop they wrote their final essays on the published version of the book The contributions clearly highlight the difference of the continental and civil law perspective from the common law background of Shapiro but at the same time the volume tries to bridge the gap between the two The essays provide a critical reading of the planning theory of law highlighting its merits on the one hand and objecting to some parts of it on the other hand Each contribution discusses in detail a chapter of Shapiro s book and together they cover the whole of Shapiro s theory So the book presents a balanced and insightful discussion of the arguments of Legality *Pragmatics and Law* Francesca Poggi, Alessandro Capone, 2016-12-01 This volume is the second part of a project which hosts an interdisciplinary discussion about the relationship among law and language legal practice and ordinary conversation legal philosophy and the linguistics sciences An international group of authors from cognitive science philosophy of language and philosophy of law question about how legal theory and pragmatics can enrich each other In particular the first part is devoted to the analysis of how pragmatics can solve problems related to legal theory What can pragmatics teach about the concept of law and its relationship with moral and in particular about the eternal dispute between legal positivism and legal naturalism What can pragmatics teach about the concept of law and or legal disagreements The second part is focused on legal adjudication it aims to construct a pragmatic apparatus appropriate to legal trial and or to test the tenure of the traditional pragmatics tools in the field The authors face questions such as Which interesting pragmatic features emerge from legal adjudication What pragmatic theories are better suited to account for the practice of judgment or its particular aspects such as the testimony or the binding force of legal precedents Which pragmatic and socio linguistic problems are highlighted by this practice Law Under a Democratic Constitution Lisa Burton Crawford, Patrick Emerton, Dale Smith, 2019-05-16 Jeffrey Goldsworthy is a renowned constitutional scholar and legal theorist whose work on the powers of Parliament and the interpretation of constitutional and statute laws has helped shape debates on these topics across the English speaking world The importance of democratic constitutionalism is central to Professor Goldsworthy s work it lies at the heart of his defence of Parliamentary supremacy and shapes his approach to both constitutional and statutory interpretation In honour of Professor Goldsworthy s retirement this collection provides new perspectives from a range of leading public law scholars and theorists on the legal and philosophical principles that govern the making and interpretation of laws in a constitutional democracy It also addresses some of the challenges to democratic constitutionalism that have arisen in light of contemporary developments in Australia Canada New Zealand the United Kingdom and the United States **Oxford Studies in Philosophy of Law Volume 3** John Gardner, Leslie Green, Brian

Leiter, 2018-09-13 Oxford Studies in Philosophy of Law is a forum for some of the best new philosophical work on law by both senior and junior scholars from around the world The essays range widely over issues in general jurisprudence the nature of law adjudication and legal reasoning the philosophical foundations of specific areas of law from criminal law to evidence to international law the history of legal philosophy and related philosophical topics that illuminate the problems of legal theory OSPL will be essential reading for philosophers academic lawyers political scientists and historians of law who wish to keep up with the latest developments in this flourishing field

New Essays on the Normativity of Law Stefano Berteau, George Pavlakos, 2011-08-10 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

Collective Agency and Cooperation in Natural and Artificial Systems Catrin Misselhorn, 2015-09-01 This book brings together philosophical approaches to cooperation and collective agency with research into human machine interaction and cooperation from engineering robotics computer science and AI Bringing these so far largely unrelated fields of study together leads to a better understanding of collective agency in natural and artificial systems and will help to improve the design and performance of hybrid systems involving human and artificial agents Modeling collective agency with the help of computer simulations promises also philosophical insights into the emergence of collective agency The volume consists of four sections The first section is dedicated to the concept of agency The second section of the book turns to human machine cooperation The focus of the third section is the transition from cooperation to collective agency The last section concerns the explanatory value of social simulations of collective agency in the broader framework of cultural evolution

Practice Theory and Law Maciej Dybowski, Weronika Dzięgielewska, Wojciech Rzepiński, 2024-10-02 This book engages the field of practice theory in order to consider law as a social practice Taking up the theoretical concept of practices the contributors to this volume maintain that law can be fruitfully understood as one among other social practices Including perspectives from philosophers of language experts in practice theory linguists and

legal philosophers the book examines the twin questions of what it means for law to be considered a practice and what law's place is among other social practices The book is comprised of three parts The first provides a broad methodological framework for discussing how the concept of practice is used in the social sciences and in law The second deals with specific problems arising from the use of the concept of practice in the legal context and from the intersection of different social practices The third part identifies and addresses the consequences of applying insights from practice theory to law Together they offer a comprehensive consideration of what is at stake in understanding law as a social practice This book will appeal to sociolegal scholars sociologists of law philosophers of language and action as well as philosophers of law and legal theorists Chapter 15 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution CC BY 4.0 license Chapter 8 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution ShareAlike CC BY-SA 4.0 license

Dimensions of Normativity David Plunkett, Scott J. Shapiro, Kevin Toh, 2019-01-10 Understood one way the branch of contemporary philosophical ethics that goes by the label metaethics concerns certain second order questions about ethics questions not in ethics but rather ones about our thought and talk about ethics and how the ethical facts insofar as there are any fit into reality Analogously the branch of contemporary philosophy of law that is often called general jurisprudence deals with certain second order questions about law questions not in the law but rather ones about our thought and talk about the law and how legal facts insofar as there are any fit into reality Put more roughly and using an alternative spatial metaphor metaethics concerns a range of foundational questions about ethics whereas general jurisprudence concerns analogous questions about law As these characterizations suggest the two sub disciplines have much in common and could be thought to run parallel to each other Yet the connections between the two are currently mostly ignored by philosophers or at least under scrutinized The new essays collected in this book are aimed at changing this state of affairs *Dimensions of Normativity* collects together works by metaethicists and legal philosophers that address a number of issues that are of common interest with the goal of accomplishing a new rapprochement between the two sub disciplines

Morality and the Nature of Law Kenneth Einar Himma, 2019-03-07 *Morality and the Nature of Law* explores the conceptual relationship between morality and the criteria that determine what counts as law in a given society the criteria of legal validity Is it necessary condition for a legal system to include moral criteria of legal validity Is it even possible for a legal system to have moral criteria of legal validity The book considers the views of natural law theorists ranging from Blackstone to Dworkin and rejects them arguing that it is not conceptually necessary that the criteria of legal validity include moral norms Further it rejects the exclusive positivist view arguing instead that it is conceptually possible for the criteria of validity to include moral norms In the process of considering such questions this book considers Raz's views concerning the nature of authority and Shapiro's views about the guidance function of law which have been thought to repudiate the conceptual possibility of moral criteria of legal

validity The book then articulates a thought experiment that shows that it is possible for a legal system to have such criteria and concludes with a chapter that argues that any legal system like that of the United States which affords final authority over the content of the law to judges who are fallible with respect to the requirements of morality is a legal system with purely source based criteria of validity Law's Humility Triantafyllos Gkouvas, 2021-02-25 This book invites newcomers to analytical legal philosophy to reconsider the terms in which they are accustomed to describing and defending their jurisprudential allegiances It argues that familiar taxonomic labels such as legal positivism natural law theory and legal interpretivism are poor guides to the actual diversity of views on the nature and normativity of law mainly because they fail to carve up the reality of jurisprudential disagreement at its joints These joints the author suggests are elusive because the semantics of law systematically misplaces them Their true nature resides in the metaontological and metanormative features that dictate or indicate the target of a theory's jurisprudential commitments The book advocates a new vocabulary for articulating these commitments without eliminating the use of familiar criteria of division among competing theories of law The resulting picture is a much broader platform of meaningful disagreement about the nature and grounds of legal truth and legal normativity Albeit based on a factualist cognitivist understanding of the sources and grounds of law the book reserves ample room for the unconvinced Those suspicious of the project of ontologising theoretical disagreements in law can avail themselves of the quietist or anti metaphysical avenue that the book's alternative taxonomy also makes available The humblest path to law's reality may not be metaphysically ambitious after all

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