



Modern Legal Theory Problems And Perspectives

S. Eng



Modern Legal Theory Problems And Perspectives:

Modern Legal Theory Stephen C. Hicks, 1998-01-01 This book of readings was designed for an introductory course in the theory of modern Western law. The materials mine the depths of history, philosophy, politics, ethics to bring to view a certain story of the present, past, future condition of modern Western legal theory, namely that modern legal theory is reaching its end with the new millennium.

Legal Theory and the Legal Academy Maksymilian Del Mar, 2017-07-05 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.

Modern Legal Theory & Judicial Impartiality Ofer Raban, 2012-09-10 This book argues that at the core of legal philosophy's principal debates there is essentially one issue: judicial impartiality. Keeping this issue to the forefront, Raban's approach sheds much light on many difficult and seemingly perplexing jurisprudential debates. *Modern Legal Theory and Judicial Impartiality* offers a fresh and penetrating examination of two of the most celebrated modern legal theorists, H.L.A. Hart and Ronald Dworkin. The book explains the relations between these two scholars and other theorists and schools of thought, including Max Weber, Lon Fuller, and the law and economics movement, offering both novices and experts an innovative and lucid look at modern legal theory. The book is written in an engaging and conversational style, tackling highly sophisticated issues in a concise and accessible manner. Undergraduates in jurisprudence and legal theory, as well as more advanced readers, will find it clear and challenging.

Research Handbook on Modern Legal Realism Shaubin Talesh, Elizabeth Mertz, Heinz Klug, 2021-03-26 This insightful Research Handbook provides a definitive overview of the New Legal Realism (NLR) movement, reaching beyond historical and national boundaries to form new conversations. Drawing on deep roots within the law and society tradition, it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law. It explores an impressive range of contemporary issues, including immigration, policing, globalization, legal education, and access to justice, concluding with an examination of how different

social science disciplines intersect with NLR **Current Publications in Legal and Related Fields** ,1998 *The Law in Philosophical Perspectives* Luc J. Wintgens,2013-04-17 In this age of collections that is ours many volumes of collections are published They contain contributions of several well known authors and their aim is to present a selective overview of a relevant field of study This book has the same purpose Its aim is to introduce students scholars and all those interested in current problems of legal theory and legal philosophy to the work of the leading scholars in this field The large number of publications both books and articles that have been produced over recent decades makes it quite difficult however for those who are making their first steps in this domain to find firm guidelines The book is new in its genre because of its method The choice was made not to reprint an example of contributors earlier basic articles or a part of one of their books This would only give a partial view of the rich texture of their work Rather the authors were asked to make an original synthesis of their own contributions to the field of legal theory and legal philosophy Brought together in this volume they constitute a truly author ised view of their work This book is also new in that each essay is complemented with bibliographical information in order to encourage further research on the author s self selected work This will help the reader rapidly to become familiar with the whole of the published work of the contributors **Man, Law and Modern Forms of Life** Eugenio Bulygin,Jean-Louis Gardies,I. Niiniluoto,1985-06-30 Proceedings of the 11th IVR World Congress on Philosophy of Law and Social Philosophy held on August 14 20 1983 in Helsinki Introd *Postmodern Philosophy and Law* Douglas E. Litowitz,1997 The author presents a two tiered analysis that views postmodern legal thought as both a collective intellectual movement and as the work of particular theorists notably Friedrich Nietzsche Michel Foucault Jacques Derrida Francois Lyotard and Richard Rorty He concludes that even though postmodern thought does not give rise to a normative theory of right that can be used as a framework for deciding cases it can focus attention on genealogy and discourse and can empower those who have been denied a voice in the legal system Annotation copyrighted by Book News Inc Portland OR **Kazimierz Opalek Selected Papers in Legal Philosophy** Jan Wolenski,2013-06-29 Philosophical aspects of law and jurisprudence are investigated from various points of view This collection represents the analytic approach to legal philosophy However this approach is not extreme in the sense that it is limited exclusively to linguistic matters The concept of norm as a directive of conduct is the central category analyzed in particular essays The structure of directives as well as their semantic and pragmatic roles are studied Pragmatic functions of directives are linked with their functioning as speech acts Moreover existence and validity of norms are analyzed The author also touches on general methodological problems of legal theory and philosophy particularly their relations to social sciences The collection covers material interesting for philosophers lawyers and social scientists **A Modern Perspective on Type Theory** F.D. Kamareddine,T. Laan,Rob Nederpelt,2006-03-10 This book provides an overview of type theory The first part of the book is historical yet at the same time places historical systems in the modern setting The second part deals with modern type theory as it developed since the 1940s and with the role of

propositions as types or proofs as terms The third part proposes new systems that bring more advantages together **On Crime, Society, and Responsibility in the Work of Nicola Lacey** Iyiola Solanke, 2021 Few contemporary scholars have done more in their work to develop the idea of responsibility than Nicola Lacey She ranks alongside thinkers and writers such as HLA Hart and Antony Honor in developing approaches to understanding responsibility Like these authors the influence of her work has spread beyond academia to change the perception of responsibility amongst practitioners Both Hart and Honor have during their lifetime had volumes dedicated to their work This book does the same for Nicola Lacey marking her ongoing influence and accomplishments in the common law world through a collection of essays by leading international scholars reflecting and interrogating her contribution to understanding criminal responsibility Additionally the book aims to promote the best legal scholarship on responsibility in the common law world and inspire the brightest legal scholars through a collection of essays designed to mark Professor Lacey's ongoing contribution to the understanding of criminal responsibility The role of Professor Lacey's work in this area as well as others cannot be overlooked her scholarship includes not only a prize winning biography of HLA Hart himself but numerous articles and tomes on the subject culminating with her most recent work *In Search of Criminal Responsibility Ideas Interests and Institutions* OUP 2016 This Festschrift one of few common law publications to pay homage to the erudition of a female jurist can be seen as a continuation of the themes in this book via reflection and interrogation of her work by leading scholars on the topic The Festschrift will therefore not only be a celebration of her work but also an attempt to take forward intellectual engagement with the topic of responsibility by continued engagement with her ideas Each author brings new ideas to bear on her work touching upon important aspects of responsibility that are current in the scholarship categorization frameworks for understanding criminal responsibility and the relationships between them women in criminal law the history of criminal law blameworthiness and ascriptions of responsibility moral responsibility the role of politics and political economy Nicola Lacey is a School Professor of Law Gender and Social Policy From 1998 to 2010 she held a Chair in Criminal Law and Legal Theory at the LSE she returned to the LSE in 2013 after spending three years as Senior Research Fellow at All Souls College and Professor of Criminal Law and Legal Theory at the University of Oxford She has held a number of visiting appointments most recently at Harvard Law School and the Australian National University She is an Honorary Fellow of New College Oxford and University College Oxford and a Fellow of the British Academy In 2011 she was awarded the Hans Sigrist Prize by the University of Bern for outstanding scholarship on the function of the rule of law in late modern societies and in 2018 an Honorary Doctorate by the University of Edinburgh In 2017 she was awarded a CBE for services to Law Justice and Gender Politics

Epistemic Uncertainty and Legal Theory Brian Burge-Hendrix, 2016-12-05 Crossing the usual boundaries of abstract legal theory this book considers actual charter systems legal systems with explicitly posited moral political rights such as those of Canada and the United States 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 The author explicitly connects the ongoing Methodology Debate within legal philosophy to constitutional adjudication and Canadian law By drawing out the implications of the Methodology Debate and the challenge of giving a proper account of constitutional adjudication in a general theory of law the study examines how a descriptive morally and politically neutral legal theory can deal with epistemic uncertainty uncertainty about the actual status of moral political legal provisions and their jurisprudential function in a thoroughgoing manner It also demonstrates the merits of a minimalist version of Legal Positivism with regard to the practical importance of charters in charter systems and societies **Modern**

Legal Interpretation Marko Novak,Vojko Strahovnik,2019-01-24 Legalism or legal formalism usually depicts judges as resolving cases by allegedly merely applying pre existing legal rules They do not seem to legislate exercise discretion balance or pursue policies and they definitely do not look outside of conventional legal texts for guidance in deciding new cases For them the law is an autonomous domain of knowledge and technique What they follow are the maxims of clarity determinacy and coherence of law This perception of law and adjudication is sometimes designated as an orthodox lawyering However at least in certain cases it is very difficult to say that legalism is not an inappropriate theory or a method of legal interpretation Different theories have attested that legal interpretation is much more than just legalism which appears to be far too na ve In the framework of modern legal interpretation the following questions can be raised Is it possible to integrate legalism in a coherent theory of legal interpretation Is legalism as a distinctive theory of legal interpretation still a feasible theory of interpretation How can such a formalist approach withstand a critique from Dworkinian moral interpretivism or accusations of being a myth masking political preferences from legal realists These and many other issues about legal interpretation are discussed in this book by prominent legal philosophers and legal theorists **Analysis of Dis/agreement - with particular**

reference to Law and Legal Theory S. Eng,2013-03-09 In order to determine whether two participants in a discussion are in real dis agreement one must compare their propositions Comparison presupposes yardsticks in common Analysis of Dis agreement thematises such yardsticks in that it demonstrates the existence content and factual significance of a relatively well delimited set of proposition types and proposition patterns with their accompanying tenability criteria and motivating interests The book is a work in the field of legal theory by virtue of its demonstrating how lawyers power of judgement is constituted in and through these yardsticks The book is interdisciplinary by virtue of its demonstrating how the same yardsticks come into play more generally in argumentation formulated in everyday language i e independently of law And the book is a work in the field of philosophy by virtue of its demonstrating the existence and factual significance of language and argumentation actions with a certain independence in relation to the level of controversial fundamental philosophical positions Dictionary of Modern American Philosophers John R. Shook,2005-01-01 The Dictionary of Modern American

Philosophers includes both academic and non academic philosophers anda large number of female and minority thinkers

whose work has been neglected It includes those intellectuals involved in the development of psychology pedagogy sociology anthropology education theology political science and several other fields before these disciplines came to be considered distinct from philosophy in the late nineteenth century Each entry contains a short biography of the writer an exposition and analysis of his or her doctrines and ideas a bibliography of writings and suggestions for further reading While all the major post Civil War philosophers are present the most valuable feature of this dictionary is its coverage of a huge range of less well known writers including hundreds of presently obscure thinkers In many cases the Dictionary of Modern

American Philosophers offers the first scholarly treatment of the life and work of certain writers This book will be an indispensable reference work for scholars working on almost any aspect of modern American thought **Posthuman**

Legal Subjectivity Jana Norman, 2021-08-12 This book provides a reimagining of how Western law and legal theory structures the human earth relationship As a complement to contemporary efforts to establish rights of nature and non human legal personhood this book focuses on the other subject in the human earth relationship the human Critical ecological feminism exposes the dualistic nature of the ideal human legal subject as a key driver in the dynamic of instrumentalism that characterises the human earth relationship in Western culture This book draws on conceptual fields associated with the new sciences including new materialism posthuman critical theory and Big History to demonstrate that the naturalised hierarchy of humans over nature in the Western social imaginary is anything but natural It then sets about constructing a counternarrative The proposed Cosmic Person as alternative non dualised human legal subject forges a pathway for transforming the Western cultural understanding of the human earth relationship from mastery and control to ideal co habitation Finally the book details a case study highlighting the practical application of the proposed reconceptualisation of the human legal subject to contemporary environmental issues This original and important analysis of the legal status of the human in the Anthropocene will be of great interest to those working in legal theory jurisprudence environmental law and the environmental humanities as well as those with relevant interests in gender studies cultural studies feminist theory critical theory and philosophy [EU Citizenship: Towards a Postmodern Conception of Citizenship?](#) Sanja Ivic, 2019-03-15

The modern liberal idea of citizenship is constructed by a fixed notion of identity which gains meaning through a number of binary oppositions such as we they citizen foreigner self other and so forth Defined by these binaries where the first term is perceived as dominant because it is considered to be derived from reason the fixed notion of identity inevitably produces exclusion and marginalization Importantly the postmodern concept of citizenship stems from a critique of these essentialist and universalist conceptions of identity Exploring European identity and European citizenship from a philosophical perspective this book reveals the discursive construction of these two concepts whilst at the same time attempting to define them as either modernist or postmodernist categories Dr Ivic takes a hermeneutic approach in her interpretation of European citizenship and identity through a close reading of European treaties and other official documents Through her

detailed analysis Dr Ivic is able to present the reader with well informed and concrete examples of modern and postmodern concepts of identity within Europe Moreover this book explores the impact that contemporary issues such as Brexit the migration crisis in Europe and the proliferation of nationalist discourses have on European citizenship and identity Where existing research literature has failed this book offers a dynamic and textual analysis of citizenship that takes into account the complex philosophical legal political and theoretical background of Europe Dealing with issues that have not yet been sufficiently explored EU Citizenship is an important contribution to the field of philosophical analysis Aimed at university students this book will also provide a baseline and set of reference points for researchers and practitioners of European studies that are working with projects that look at European citizenship

Legal Interpretation: Perspectives from Other Disciplines and Private Texts Kent Greenawalt, 2010-10-27 In Legal Interpretation Kent Greenawalt focuses on the complex and multi faceted topic of textual interpretation of the law All law needs to be interpreted and there are many ways to do it But what sorts of questions must one seek to answer in interpreting law and what approach should one take in each case Whose interpretations should be prioritized Why would one be drawn to one strategy over another And should legal interpretation seek to satisfy specific aims or general objectives In order to provide the answers to these questions Greenawalt explores the ways in which interpretive strategies from other disciplines the philosophy of language literary and musical interpretation religious interpretation and general interpretive theory can augment and enrich methods of legal interpretation Over the course of the book he suggests how such forms of interpretation are analogous to legal interpretation and points to those cases in which interpretation must rest on the distinctive aspects of legal theory such as is the case with private documents Furthermore Greenawalt's meditation suggests that interpretive strategies from other disciplines can shed light on the essential nature of legal interpretation and provide roads by which to account for dissonance between various methods of interpretation Legal Interpretation is a thought provoking reflection on the ways that insights from a range of intellectual traditions can deepen our understanding of law particularly with regard to constitutional law

Paradoxes and Inconsistencies in the Law Oren Perez, Gunter Teubner, 2005-12-13 Is law paradoxical This book seeks to unravel the riddle of legal paradoxes It focuses on two main questions the nature of legal paradoxes and their social ramifications In exploring the structure of legal paradoxes the book focuses both on generic paradoxes such as those associated with the self referential character of legal validity and the endemic incoherence of legal discourse and on paradoxes that permeate more restricted fields of law such as contract law euthanasia and human rights the prohibition of torture The discussion of the social effects of legal paradoxes focuses on the role of paradoxes as drivers of legal change and explores the institutional mechanisms that ensure the stability of the law in spite of its paradoxical makeup The essays in the book discuss these questions from various perspectives invoking insights from philosophy systems theory deconstruction and economics

Law's Community Roger Cotterrell, 1995 Law's Community offers a distinctive analysis of law identifying political and moral problems that are

fundamental to contemporary legal theory It portrays contemporary law as institutionalized doctrine emphasizing ways in which legal modes of thought influence wider currents of understanding and belief in contemporary Western societies Exploring relationships between law and sociology as contrasting and competing fields of knowledge Law s Community develops ideas from social theory to identify key problems for legal development in particular those of restoring moral authority to law and of elaborating a concept of community that can guide legal regulation The analysis leads to radical conclusions among them that law s functions need reconsideration at the most general level that a unitary state legal system as portrayed in traditional kinds of legal theory may no longer be adequate in complex contemporary societies and that law should be reconceptualized as a diverse but co ordinated plurality of systems sites and forms of regulation

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