

Ronald Dworkin and Contemporary Jurisprudence

**Edited by
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Ronald Dworkin And Contemporary Jurisprudence

Terry Mills, III



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In Defense of Legal Positivism Matthew H. Kramer, 2003 As an uncompromising defense of legal positivism this book insists on the separability of law and morality After distinguishing among three main dimensions of morality the book explores a variety of ways in which law has been perceived by natural law theorists as integrally connected to each of those dimensions Some of the chapters pose arguments against major philosophers who have written on these issues including David Lyons Lon Fuller Antony Duff Joseph Raz Ronald Dworkin John Finnis Philip Soper Neil MacCormick Robert Alexy Gerald Postema Stephen Perry and Michael Moore Several other chapters extend rather than defend legal positivism they refine the insights of positivism and develop the implications of those insights in strikingly novel directions The book concludes with a long discussion of the obligation to obey the law a discussion that highlights the strengths of legal positivism in the domain of political philosophy as much as in the domain of jurisprudence

The Supreme Court and the Decline of Constitutional Aspiration Gary J. Jacobsohn, 1986 How should the U S Constitution be interpreted and upon what philosophical basis What were the intentions of its framers concerning judicial interpretation the doctrine of natural rights the finality of Supreme Court decisions To what extent are these intentions relevant to modern politics and jurisprudence These and other issues are given a balanced and fresh treatment in Professor Jacobsohn s timely study

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 HLA 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

Evaluation and Legal Theory Julie Dickson, 2001-05 If Raz and Dworkin disagree over how law should be characterised how are we their jurisprudential public supposed to go about adjudicating between the rival theories which they offer us To what considerations would those theorists themselves appeal in order to convince us that their accounts of law are accurate and successful Moreover what is it that makes an account of law successful Evaluation and Legal Theory tackles methodological or meta theoretical issues such as these and does so via

attempting to answer the question to what extent and in what sense must a legal theorist make value judgements about his data in order to construct a successful theory of law Dispelling the obfuscatory myth that legal positivism seeks a value free account of law the author attempts to explain and defend Joseph Raz's position that evaluation is essential to successful legal theory whilst refuting John Finnis and Ronald Dworkin's contentions that the legal theorist must morally evaluate and morally justify the law in order to properly explain its nature The book does not claim to solve the many mysteries of meta legal theory but does seek to contribute to and engender rigorous and focused debate on this topic

New Essays on the Nature of Legal Reasoning Mark McBride, James Penner, 2022-05-19 This is the first book to bring together distinguished jurisprudential theorists as well as up and coming scholars to critically assess the nature of legal reasoning The volume is divided into 3 parts The first part General Jurisprudence and Legal Reasoning addresses issues at the intersection of general jurisprudence those pertaining to the nature of law itself and legal reasoning The second part Rules and Reasons addresses two concepts central to two prominent types of theory of legal reasoning The essays in the third and final part Doctrine and Practice delve into the mechanics of legal practice and doctrine from a legal reasoning perspective

The Concept of Law Herbert Lionel Adolphus Hart, Leslie Green, 2012-10-25 The Concept of Law is one of the most influential texts in English language jurisprudence 50 years after its first publication its relevance has not diminished and in this third edition Leslie Green adds an introduction that places the book in a contemporary context highlighting key questions about Hart's arguments and outlining the main debates it has prompted in the field The complete text of the second edition is replicated here including Hart's Postscript with fully updated notes to include modern references and further reading

Whither Indian Judiciary Justice Markandey Katju, 2018-04-30 The book presents for the first time a comprehensive and analytical inside view of the Indian judiciary Justice Katju traces the evolution of law and proceeds to analyse with incisive insight matters of critical importance like the appointment of judges contempt of court delays in justice and the challenges facing the Indian judiciary The author draws upon his extensive tenure as a justice of the High Court and Supreme Court to draw examples and relate fascinating personal experiences He addresses issues like judicial corruption and propagates novel proposals like lawyers to be brought under the Consumer Protection Act Some memorable judgements which helped in shaping the Indian judiciary have been made by Justice Katju The book covers these judgements in detail and also includes anecdotes which bring out the captivating and complex world of the judiciary A must read book for not just those in the legal field but all those wanting a never before insight into the Indian judiciary

NEGENTROPY and ITS NEW GLOBAL MEANING All We Eat it with Food, in the Environment, in Society, But Not Enough Ing Valter Caggio, 2008-11-21 THIS MULTIDISCIPLINARY ESSAY PASS THE NEGENTROPY OR SINTROPY CONCEPT FROM PHYSICS FROM BIOLOGY FROM INFORMATICS TO ALL OTHER SCIENCES UNIQUE PRINCIPLE THAT POTENTIALLY CAN ACTUALLY DEFINE BOTH PHYSICAL AND SOCIAL WORLD S PROBLEMS

Constitutionalism and Legal Reasoning Massimo La Torre, 2007-04-10

This book which consists of three chapters and two appendices is intended to connect subjects that have usually been considered as detached or not strongly connected: constitutionalism, legal argumentation and legal ethics. Its main contention is that contemporary constitutionalism pushes towards a new style of legal reasoning which needs to take into account moral criteria and principles and that eventually the interpretative and moralist approach will lead to a somewhat unorthodox and less authoritarian concept of law. A constitution to be taken seriously and as a distinct and superior source of law will end up referring to some sort of constitutional justice or judicial review. And constitutional reasoning and justice need to make recourse to principles but principles to be given an operative content should be elaborated through some form of moral reasoning. This reasoning however if it does not want to betray the spirit of constitutional democracy and the very idea of a constitution as a special moment of self-determination could not be just Platonism, a cognitivism without roots in the practice of public discourse and deliberation. So that constitutionalism will not really do without a public sphere and some activism of the latter. But if this is so the traditional concept of law based on hierarchy, commands, prescription, sanction and in the last instance violence becomes obsolete. A law which is a command cannot be congruent with a practice ruled by discourse that is I argue with constitution. Rights Robin West, 2017-03-02 Rights brings together the most influential essays of the last thirty years critiquing and defending the liberal rights tradition. Modern rights critics have focused on the perceived conflict between liberal rights and progressive or egalitarian political objectives, the preference of liberal states for negative over positive rights and also the dangers to community of the overly atomistic conception of human nature which is arguably at the heart of the liberal rights tradition. Proceedings of the ... World Congress of the International Association for Philosophy of Law and Social Philosophy (IVR) Internationale Vereinigung für Rechts- und Sozialphilosophie, 2004

Judging Social Rights Jeff King, 2012-05-10 Countries that now contemplate constitutional reform often grapple with the question of whether to constitutionalise social rights. This book presents an argument for why under the right conditions doing so can be a good way to advance social justice. In making such a case the author considers the nature of the social minimum, the role of courts among other institutions, the empirical record of judicial impact and the role of constitutional text. He argues however that when enforcing such rights judges ought to adopt a theory of judicial restraint structured around four principles: democratic legitimacy, polycentricity, expertise and flexibility. These four principles when taken collectively commend an incrementalist approach to adjudication. The book combines theoretical, doctrinal, empirical and comparative analysis and is written to be accessible to lawyers, social scientists, political theorists and human rights advocates. *In the Shadow of Justice* Katrina Forrester, 2021-03-09 *In the Shadow of Justice* tells the story of how liberal political philosophy was transformed in the second half of the twentieth century under the influence of John Rawls. In this first ever history of contemporary liberal theory Katrina Forrester shows how liberal egalitarianism, a set of ideas about justice, equality, obligation and the state became dominant and traces its emergence from the political and ideological context of the postwar

United States and Britain In the aftermath of the civil rights movement and the Vietnam War Rawls's *A Theory of Justice* made a particular kind of liberalism essential to political philosophy Using archival sources Forrester explores the ascent and legacy of this form of liberalism by examining its origins in midcentury debates among American antistatists and British egalitarians She traces the roots of contemporary theories of justice and inequality civil disobedience just war global and intergenerational justice and population ethics in the 1960s and 70s and beyond In these years political philosophers extended developed and reshaped this liberalism as they responded to challenges and alternatives on the left and right from the New International Economic Order to the rise of the New Right These thinkers remade political philosophy in ways that influenced not only their own trajectory but also that of their critics Recasting the history of late twentieth century political thought and providing novel interpretations and fresh perspectives on major political philosophers In the Shadow of Justice offers a rigorous look at liberalism's ambitions and limits

Law, Morality and the Private Domain Raymond Wacks, 2000-09-01 Are judges morally accountable Is legal validity value free Do animals have rights These are some of the questions considered in this collection of essays Moral problems argues Professor Raymond Wacks pervade the legal system and he shows how the judicial function the sources of legitimacy and the protection of rights have an inescapable ethical dimension The second part of the book focuses on the private domain and the legal concept of privacy The extent to which the law ought to preserve a distinctly private realm is a pressing concern in our surveillance society in which personal information is increasingly collected transferred and stored This controversial and difficult subject is one into which Professor Wacks a leading expert in this field is uniquely qualified to offer important insights Raymond Wacks analysis will be of interest not only to lawyers legal philosophers and students of law but also to the general reader seeking an understanding of the jurisprudential underpinning of rights and moral values their legal recognition and practical application Raymond Wacks is Professor of Law and Legal Theory at the University of Hong Kong He is an international authority on the legal protection of privacy and has also published widely in the field of legal theory

The Politics of Principle Theunis Roux, 2013-03-28 Uses a single country case study to enrich research on the role of constitutional courts in new democracies

Harvard Law Review: Volume 130, Number 8 - June 2017 Harvard Law Review, 2017-06-01 Contents of Harvard Law Review Volume 130 Number 8 June 2017 include Article The Judicial Presumption of Police Expertise by Anna Lvovsky Essay The Debate That Never Was by Nicos Stavropoulos Essay Hart's Posthumous Reply by Ronald Dworkin Book Review Cooperative and Uncooperative Foreign Affairs Federalism by Jean Galbraith Note Rethinking Actual Causation in Tort Law Note The Justiciability of Servicemember Suits Note The Substantive Waiver Doctrine in Employment Arbitration Law Furthermore student commentary analyzes Recent Cases on requiring proof of administrative feasibility to satisfy class action Rule 23 whether prison gerrymandering violates the Equal Protection Clause justiciability of suit against the government for military sexual assaults whether criminal procedure requires retroactive application of *Hurst v Florida* to pre

Ring cases whether statutory interpretation s rule of lenity requires fixing cocaine possession penalties by total drug weight and in international law the UN s Security Council asserting Israel s settlement activities to be illegal Finally the issue includes several summaries of Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2300 pages per volume Student editors make all editorial and organizational decisions This is the final issue of academic year 2016 2017

Instrumental Data for Drug Analysis, Second Edition

Terry Mills, III, 1992-09-17 Compiled with the most sophisticated chromatographic and spectrometric instruments available this complete and self contained seven volume reference provides forensic toxicology and clinical laboratories with up to date information on 1 600 drugs and drug related compounds one of the largest collections of analytical data generated from a single source Instrumental Data for Drug Analysis contains timely quality data presented in a large easily usable format It is an essential reference in the libraries of all toxicology analytical chemistry and forensic specialists and laboratories

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