

# THE PHILOSOPHY OF LAW

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*A Brief Introduction*

Silvio Meli

# Philosophy Of Law A Brief Introduction

**SILVIO. MELI**



## **Philosophy Of Law A Brief Introduction:**

*PHILOSOPHY OF LAW* SILVIO. MELI, 2021

**Philosophy of Law: A Very Short Introduction** Raymond

Wacks, 2006-05-18 The concept of law lies at the heart of our social and political life shaping the character of our community and underlying issues from racism and abortion to human rights and international war But what actually is law A set of naturally occurring moral principles or simply rules agreed by a particular society What is a right and what rights should people actually have Is law really colour blind and gender blind Can the law truly tell us whether gay marriages are immoral what s wrong with racism or whether we should go to war Revealing the intriguing and challenging nature of legal philosophy with clarity and enthusiasm Raymond Wacks explores the notion of law and its role in our lives Referring to key thinkers from Aristotle to Rawls Bentham Dworkin H L A Hart and Derrida he looks at the central questions behind legal theory that have fascinated lawyers and philosophers and anyone who ever wondered about law s relation to justice morality and democracy ABOUT THE SERIES The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area These pocket sized books are the perfect way to get ahead in a new subject quickly Our expert authors combine facts analysis perspective new ideas and enthusiasm to make interesting and challenging topics highly readable An Introduction to the Philosophy of Law Roscoe Pound, 1922 Philosophy of Law Edmund L.

Pincoffs, 1991

*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 Introduction to the Philosophy of Law Jefferson White, Dennis Michael Patterson, 1999 Introduction to the Philosophy of Law Readings and Cases employs a combination of case based and theory based materials to show novices in the field how the philosophy of law is related to concrete and actual legal practice Ideal for undergraduates it engages their curiosity about the law without sacrificing philosophical content The authors emphasize a command of legal concepts and doctrine as a prelude to

philosophical analysis Designed to acquaint students with the fundamentals of jurisprudence and legal theory Part I of the book includes readings from influential philosophers representing eight different types of jurisprudence natural law theory positivism constructivism consequentialism critical legal studies feminist theory practice theory and new natural law theory In Part II the authors present a variety of cases that allow students to apply the theories in Part I to the actual practice of law Unlike similar texts which focus primarily on public law this unique book addresses both private and public law and includes cases on statutory interpretation contract law and tort law Brief essays precede and discussion questions follow each case Introduction to the Philosophy of Law Readings and Cases serves as an exceptional text for courses in the philosophy of law jurisprudence and legal theory

**The Oxford Handbook of Law and Economics** Francesco Parisi, 2017-04-04 Covering over one hundred topics on issues ranging from Law and Neuroeconomics to European Union Law and Economics to Feminist Theory and Law and Economics The Oxford Handbook of Law and Economics is the definitive work in the field of law and economics The book gathers together scholars and experts in law and economics to create the most inclusive and current work on law and economics Edited by Francisco Parisi the Handbook looks at the origins of the field of law and economics tracks its progression and increased importance to both law and economics and looks to the future of the field and its continued development by examining a cornucopia of fields touched by work in law and economics The uniqueness of its breadth depth and convenience make the volume essential to scholars students and contributors in the field of law and economics

In Defense of Free Speech in Universities Amy T.Y. Lai, 2023-09-26 In this book Amy Lai examines the current free speech crisis in Western universities She studies the origin history and importance of freedom of speech in the university setting and addresses the relevance and pitfalls of political correctness and microaggressions on campuses where laws on harassment discrimination and hate speech are already in place along with other concepts that have gained currency in the free speech debate including deplatforming trigger warning and safe space Looking at numerous free speech disputes in the United Kingdom the United States and Canada the book argues for the equal application of the free speech principle to all expressions to facilitate respectful debates All in all it affirms that the right to free expression is a natural right essential to the pursuit of truth democratic governance and self development and this right is nowhere more important than in the university

**The Law and Medicine** Robert Mark Jaggs-Fowler, 2022-01-26 The work draws together a rich tapestry of material across many different disciplines covering the crucial relationship between medicine and law from the early apothecaries to the modern day general practitioner It presents an invaluable overview of the subject and offers vital background reading to anyone interested in medico legal medicine as well as providing a springboard for students of medicine and law interested in researching the field through its remarkable diversity of reference resources

The Law-Science Chasm Cedric Charles Gilson, 2012-11-01 THE LAW SCIENCE CHASM is a socio legal study that takes seriously the varying approaches to science that physicians and scientists use as compared to legal actors such as judges and lawyers

Offering a way to mediate and translate their different perspectives and assumptions Gilson uses sociological and philosophical methodologies to explain each discipline to the other Gilson's book takes seriously the idea of the autopoietic closure of society's communicative subsystems and works out the consequences in particular for science and law This analysis both lends support to the credibility of the approach adopted and sheds light on the problems and the direction in which potential solutions might lie The book consequently makes an important contribution not only to the literature dealing with the relationship between science and law but also to the literature dealing with the application of autopoietic systems theory to tangible concerns This book is therefore of clear significance to those continuing to wrestle with the challenges thrown up by science for law and policy even when the spotlight of public attention is directed elsewhere

JOHN PATERSON  
Professor of Law University of Aberdeen from the Foreword Part of the new Dissertation Series from Quid Pro Books *Law in a Social Context* Lon Luvois Fuller, Thomas W. Bechtler, 1978

**Philosophy of Law** Mark Tebbit, 2000 Philosophy of Law is an ideal introduction to this vital topic Assuming no prior knowledge of philosophy or law Mark Tebbit eases readers into the most fundamental theories of law and links them to the most prevalent philosophical questions encountered in legal studies The book is clearly structured around key issues and themes including the meaning of law legal and moral rights responsibility and guilt insanity and diminished responsibility and theories of punishment Throughout Tebbit links classical problems posed by such thinkers as Hume Bentham Mill and Austin to issues discussed by more recent theorists like Hart Rawls and Dworkin All the major theories of law are lucidly discussed with the non specialist in mind

The Rule of Law Under Fire? Raymond Wacks, 2021-10-21 Does the rise of populism authoritarianism and nationalism threaten the welfare of the rule of law Is this fundamental democratic ideal under siege In this timely and important book Raymond Wacks examines the philosophical roots of the rule of law and its modern often contentious interpretation He then investigates 16 potential ideological economic legal and institutional dangers to the rule of law They range from the exercise of judicial and administrative discretion and parliamentary sovereignty to the growth of globalisation the war on terror and the disquieting power of Big Tech He also considers the enactment and enforcement in several countries of Draconian measures to curtail the spread of COVID 19 which has generated fears that these emergency powers may outlive the pandemic and become a permanent feature of the legal landscape thereby impairing the rule of law Wacks identifies which issues among this extensive array pose genuine risks to the rule of law and suggests how they might be confronted to ensure its defence and preservation

**Understanding Jurisprudence** Raymond Wacks, 2021 Understanding Jurisprudence provides an illuminating and engaging introduction to the central questions of legal theory It is the perfect starting point for those new to the subject

**Philosophical Foundation of Human Rights** Paul Tiedemann, 2023-10-05 This textbook presents a range of classical philosophical approaches in order to show that they are unsuitable as a foundation for human rights Only the conception of human dignity based on the Kantian distinction between price and dignity can provide a sufficient basis The

derivation of human rights from the principle of human dignity allows us to identify the most crucial characteristic of human rights namely the protection of personhood This in turn makes it possible 1 to distinguish between real moral human rights and spurious ones 2 to assess the scope of protection for many codified human rights according to the criteria of core and yard and 3 offers a point of departure for creating new unwritten human rights This philosophical basis supports a substantial reassessment of the case law on human rights which will ultimately allow us to improve it with regard to legal certainty clarity and cogency In the second edition errors have been corrected in numerous places the text has been made clearer and easier to understand In addition more recent human rights issues have been newly included especially those related to the Corona epidemic and climate change The textbook is primarily intended for advanced law students who are interested in a deeper understanding of human rights It is also suitable for humanities students and for anyone in the political or social arena whose work involves human rights and their enforcement Each chapter is divided into four parts Abstracts Lecture Recommended Reading and Questions to check reader comprehension Sample answers are included at the end of the book

**Justifying Contract in Europe** Martijn Willem Hesselink, 2021 This title uses contemporary political theories to address fundamental questions on European contract law It also places these theories in the context of the current European contract law landscape This book highlights future options for contract law in the EU and how it may need to change

Philosophy, Law and the Family Laurence D. Houlgate, 2017-01-21 This textbook uses cases in family law to illustrate both traditional philosophical problems in the law as well as problems that are unique to family law In the beginning chapters family law cases are employed to introduce the reader to philosophical debates about the relationship between law and morals about how one ought to interpret the U S Constitution and its amendments about the conditions under which individual liberty is justifiably limited by law about the justification of punishment and about the justification of remedies and standards of care in determining negligence in tort cases Later chapters are devoted to contemporary issues unique to family law including justifiable limits of access to marriage alternatives to marriage the rights of children child custody disputes involving surrogate births quasi property disputes involving custody of frozen embryos and the justifiable limits of the right not to procreate The book reflects current movements contemporary debates and recent research on the philosophical problems in family law

Law Notes, 1913

Natural Law and the Origin of Political Economy Arild Saether, 2017-06-26 Samuel Pufendorf's work on natural law and political economy was extensive and has been cited by several important figures in the history of economic thought Yet his name is rarely mentioned in textbooks on the history of economic thought the history of political science or the history of philosophy In this unprecedented study Arild S ther sheds new light both on Pufendorf's own life and work as well as his influence on his contemporaries and on later scholars This book explores Pufendorf's doctrines of political economy and his work on natural law which was translated into several major European languages Natural Law and the Origin of Political Economy considers the influence he had on the writings on

political economy of John Locke Charles Montesquieu Jean Jacques Rousseau Francis Hutcheson and Adam Smith amongst others If Smith can be called the father of modern economics this book claims that Pufendorf can be called the grandfather This volume is of great importance to those who study Pufendorf s extensive works as well as those interested in history of economic thought political economy and political philosophy ,

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