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Reasons For Action And The Law

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Reasons For Action And The Law:

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cause of action upon which a plaintiff can rely directly when pleading their action and if so whether that cause of action provides the exclusive remedy This book resolves this controversy by presenting a new conceptual framework for understanding aviation law cause of action in the conventions *Handbook of Legal Reasoning and Argumentation* Giorgio Bongiovanni, Gerald Postema, Antonino Rotolo, Giovanni Sartor, Chiara Valentini, Douglas Walton, 2018-07-02 This handbook addresses legal reasoning and argumentation from a logical philosophical and legal perspective The main forms of legal reasoning and argumentation are covered in an exhaustive and critical fashion and are analysed in connection with more general types and problems of reasoning Accordingly the subject matter of the handbook divides in three parts The first one introduces and discusses the basic concepts of practical reasoning The second one discusses the general structures and procedures of reasoning and argumentation that are relevant to legal discourse The third one looks at their instantiations and developments of these aspects of argumentation as they are put to work in the law in different areas and applications of legal reasoning

Philosophical Foundations of the Nature of Law Wil Waluchow, Stefan Sciaraffa, 2013-03-14 In recent years we have witnessed major developments in philosophical inquiry concerning the nature of law and with the continuing development of international and transnational legal institutions in the phenomenon of law itself This volume gathers leading writers in the field to take stock of current debates on the nature of law and the aims and methods of legal philosophy The volume covers four broad themes The essays within the first theme address and develop the traditional debates between legal positivism natural law theory and Dworkinian interpretivism Papers within the second theme focus on the power of coercion often overlooked in contemporary legal philosophy The third set of papers addresses the aims and methods of legal theory and the role of conceptual analysis The final section explores new methods and issues in the subject and offers fresh starting points for future work in the field Gathering many leading and up and coming writers in the subject the volume offers a snapshot of the best current work in general jurisprudence

The Boundaries of Democracy Ludvig Beckman, 2022-12-06 This book provides a general theory of democratic inclusion for the present world It presents an original contribution to our understanding of the democratic ideal by explaining how democratic inclusion can apply to individuals in a variety of contexts the workplace social clubs religious institutions the family and of course the state The book explores the problem of democratic inclusion what it means to be subject to de facto authority how this conception translates into legal systems and the relationship between territorial claims by the state and law's claim to legitimate authority The volume will be of interest to scholars and researchers of politics especially political theory and democracy

Problems of Normativity, Rules and Rule-Following Michał Araszkiewicz, Paweł Banaś, Tomasz Gizbert-Studnicki, Krzysztof Pleszka, 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 Chapter 8 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4 0 license **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 Federal Administrative Law Christopher Enright, 2001 Federal administrative law is a vast expanse of statutory provisions and case law This text aims to map these provisions setting out the case and statute law in a structured and amenable way Federal Administrative Law commences with discussion of the composition powers and decision making processes of the executive government Then it

covers the major remedies available for those who are dissatisfied by a decision of the executive government reasons for decision access to information under FOI legislation judicial review appeal to the Administrative Appeals Tribunal review by the Ombudsman remaking a decision collateral review and special review Enright also engages with the perennial conceptual problems of administrative law Difficulties with separating legislative executive and judicial power and in distinguishing between law and fact are considered insoluble Enright argues only because they have not been approached in the right way Enright argues for going back to basics emphasising the necessity of asking the right question in the first place In a similar vein Enright investigates problems with legitimate expectation in the law of natural justice and argues that difficulties with standing can be treated better by taking a more analytical approach to the interests involved Federal Administrative Law will serve as a basic text and reference book for those who work in Commonwealth administrative law It is written in a clear and easy to read style that will make it suitable as a textbook in undergraduate courses

The Lawyers Reports Annotated, 1910 Unpacking Normativity Kenneth Einar Himma, Miodrag Jovanovic, Bojan Spaic, 2018-11-01 This book provides a new and wide ranging study of law's normativity examining conceptual descriptive and empirical dimensions of this perennial philosophical issue It also contains essays concerned with among other issues the relationship between semantic and legal normativity methodological concerns pertaining to understanding normativity normativity and legal interpretation and normativity as it pertains to transnational law The contributors come not only from the usual Anglo American and Western European community of legal theorists but also from Latin American and Eastern European communities representing a diversity of perspectives and points of view including essays from both analytic and continental methodologies With this range of topics the book will appeal to scholars in transnational law legal sociology normative legal philosophy concerned with problems of state legitimacy and practical rationality as well as those working in general jurisprudence It comprises a highly important contribution to the study of law's normativity

Antitrust Law Developments (sixth) Jonathan M. Jacobson, 2007 Rev ed of Antitrust law developments fifth c2002 *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 *Legal Norms and Normativity* Sylvie Delacroix,2006-10-05 This book offers a genealogical explanation of law s normativity The term genealogical conveys a commitment to a non metaphysical type of enquiry While it explains how law as a normative phenomenon comes about it does not seek to ground law s normativity in anything but the context of social interaction giving rise to it Legal normativity is brought about on a daily basis Whether in revolutionary circumstances or in the quotidian need for judges lawmakers or citizens to balance law s demands with those of morality or prudence our ability to bind ourselves through law ultimately depends on our capacity to articulate a better way of living together and to commit ourselves to it These efforts of assessment and articulation depend in turn on our conception of normative agency Assert the need to trace the truth of ethical judgments to some independent moral facts conditioning their objectivity and you will get a different understanding of what it is we are doing when we dispute law s authority in the name of moral values Tracing the truth of moral judgements back to our own social practices not only affects the nature of disagreement it also dramatically increases our responsibility when as lawmakers judges or citizens we take the law into our own hands and confront it with our moral expectations **Reports of Cases at Law and in Chancery Argued and Determined in the Supreme Court of Illinois** Illinois. Supreme Court,1880 **Moral Combat** Heidi Margaret Hurd,1999-03-28 This book explores the thesis that legal roles force people to engage in moral combat an idea which is implicit in the assumption that citizens may be morally required to disobey unjust laws while judges may be morally required to punish citizens for civil disobedience Heidi Hurd advances the surprising argument that the law cannot require us to do what morality forbids The role relative understanding of morality is shown to be incompatible with both consequentialist and deontological moral philosophies In the end Hurd shows that our best moral theory is one which never makes one actor s moral success turn on another s moral failure Moral Combat is a sophisticated well conceived and carefully argued book on a very important and controversial topic at the junction between legal and political philosophy It will be of interest to moral legal and political philosophers as well as teachers and students of professional ethics in law *Agency and Action* John Hyman,Helen Steward,2004-11-15 One of the most exciting developments in philosophy in the last fifty years is the resurgence in the philosophy of action The concept of action now occupies a central place in ethics metaphysics and jurisprudence This collection of original essays by some of the most astute and influential philosophers working in this area covers the entire range of the philosophy of action Topics covered include the nature of actions themselves how the concepts of act agent cause and event are related to each other self knowledge emotion autonomy and freedom in human life and the place of the concept of action in criminal law The volume concludes with a major essay by one of America s leading authorities in the philosophy of law on the 3 5 billion dollar

question was the destruction of the World Trade Center one event or two

Philosophical Anarchism and Political Disobedience Chaim Gans, 1992-06-18 This book examines the central questions concerning the duty to obey the law the meaning of this duty whether and where it should be acknowledged and whether and when it should be disregarded Many contemporary philosophers deny the very existence of this duty but take a cautious stance towards political disobedience This toothless anarchism Professor Gans argues should be discarded in favour of a converse position confirming the existence of a duty to obey the law which can be outweighed by values and principles of political morality Informed by the Israeli experience of political disobedience motivated by radically differing moral outlooks the author sets out the principles which should guide our attitude to law and political authority even amidst clashing ideologies and irreconcilable moralities This book will be of interest to students and scholars of law philosophy and politics and anyone concerned with the individual's responsibilities toward his or her political community

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