



AN INTRODUCTION TO THE PHILOSOPHY OF LAW

ROSCOE POUND



Philosophy Of Law

Luc Wintgens



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Philosophy of Law Paul Sayre, 1954 *The Philosophy of Law* Christopher Berry Gray, 1999 This encyclopedia offers systematic and sustained coverage of the many dimensions of legal thought and gives expression to the breadth and depth of the philosophy of law **An Introduction to the Philosophy of Law** Roscoe Pound, 1959-09-10 Among books of similar scope this is the recognized American classic Those who read this book will have the strange privilege of thinking things together in the law from the beginning of written history to the moment Pound sent his writings to the printer Through this writing of Pound s they can see what it is to deal with the whole objective world in the law as a freeman should knowing how things have happened fortunately or unfortunately logically or through some kind of hardly explicable human conduct

Philosophy of Law Andrei Marmor, 2010-12-28 In *Philosophy of Law* Andrei Marmor provides a comprehensive analysis of contemporary debates about the fundamental nature of law an issue that has been at the heart of legal philosophy for centuries What the law is seems to be a matter of fact but this fact has normative significance it tells people what they ought to do Marmor argues that the myriad questions raised by the factual and normative features of law actually depend on the possibility of reduction whether the legal domain can be explained in terms of something else more foundational in nature In addition to exploring the major issues in contemporary legal thought *Philosophy of Law* provides a critical analysis of the people and ideas that have dominated the field in past centuries It will be essential reading for anyone curious about the nature of law **Law, Order and Freedom** C.W. Maris, F.C.L.M. Jacobs, 2011-09-08 The central question in legal philosophy is the relationship between law and morality The legal systems of many countries around the world have been influenced by the principles of the Enlightenment freedom equality and fraternity The position is similar in relation to the accompanying state ideal of the democratic constitutional state as well as the notion of a welfare state The foundation of these principles lies in the ideal of individual autonomy The law must in this view guarantee a social order which secures the equal freedom of all This freedom is moreover fundamental because in modern pluralistic societies a great diversity of views exist concerning the appropriate way of life This freedom ideal is however also strongly contested In *Law Order and Freedom* a historical overview is given pertaining to the question of the extent to which the modern Enlightenment values can serve as the universal foundation of law and society *The Blackwell Guide to the Philosophy of Law and Legal Theory* Martin P. Golding, William A. Edmundson, 2008-04-15 The *Blackwell Guide to the Philosophy of Law and Legal Theory* is a handy guide to the state of play in contemporary philosophy of law and legal theory Comprises 23 essays critical essays on the central themes and issues of the philosophy of law today written by an international assembly of distinguished philosophers and legal theorists Each essay incorporates essential background material on the history and logic of the topic as well as advancing the arguments Represents a wide variety of perspectives on current legal theory The Law in Philosophical Perspectives Luc Wintgens, 1999-06-30 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

Law's Reality Allan Beever, 2021-06-25 Allan Beever lays the foundation for a timely philosophical and empirical study of the nature of law with a detailed examination of the structure of evolving law through declaratory speech acts This engaging book demonstrates both how law itself is achieved and also its ability to generate rights duties obligations permissions and powers

An Introduction to the Philosophy of Law Roscoe Pound, Marshall. L. DeRosa, 2017-11-30 In An Introduction to the Philosophy of Law Roscoe Pound shows how philosophy has been a powerful instrument throughout the history of law He examines what philosophy has done for some of the chief problems of the science of law and how it is possible to look at those problems philosophically without treating them in terms of a particular time period The function of legal philosophy writes Pound is to rationally formulate a general theory of law which conforms to the interests the general security first and foremost of society Marshall DeRosa writes in his new introduction that in the light of twentieth century judicial politics Roscoe Pound s philosophy of law has prevailed to a significant extent This book s relevance to appreciating the development of the American legal system in all its complexities including liability law contract law and property law is in itself notable But in terms of understanding the twentieth century development of the American rule of law An Introduction to the Philosophy of Law is indispensable It will make an invaluable addition to the personal libraries of legal theorists philosophers political scientists and historians of American law

An Introduction to the Philosophy of Law Roscoe Pound, 2019-11-21 In An Introduction to the Philosophy of Law Roscoe Pound presents a comprehensive examination of legal theory through an analytical lens that intertwines historical context jurisprudential principles and social realities His literary style is characterized by clarity and lucidity employing both philosophical discourse and practical examples to elucidate the complex interplay between law and society Set against the backdrop of early 20th century legal thought Pound s work serves as both a critique of positivism and a call for a more dynamic understanding of law emphasizing the necessity of integrating ethical considerations into legal frameworks Roscoe Pound an influential legal

scholar and pragmatist served as a dean at Harvard Law School and was deeply engaged with the evolving landscape of American jurisprudence. His background in sociology and philosophy informed his quest to reconcile the rigid structures of law with the fluid nature of human experience. This interplay of disciplines propelled Pound to question established norms and advocate for a legal philosophy that prioritizes the social good, ultimately shaping his approach in this text. An Introduction to the Philosophy of Law is essential reading for anyone seeking to understand the foundations of legal thought and the philosophical dilemmas inherent in the practice of law. It is particularly recommended for students, practitioners, and scholars who wish to grasp the significance of law in shaping societal values and the ethical implications that arise from its application.

Philosophy of Law John Finnis, 2011-04-07 John Finnis has been a central figure in the fundamental re-shaping of legal philosophy over the past half century. This volume of his Collected Essays shows the full range and power of his contributions to the philosophy of law. The volume collects nearly thirty papers on the foundations of law's authority, major theories and theorists of law, legal reasoning, revolutions, rights and law, and the logic of law-making. The essays collected include Finnis' recent appreciations and root and branch critiques of Hart's legal and political theories, his engagements with other central figures and works in the field including Dworkin's Law's Empire, Raz on authority and coordination, Coleman, Leiter, and Gardner on legal positivism and naturalism, Aquinas as founder of legal positivism, Weber on the fact-value distinction and legitimation, Unger on indeterminacy in law, Posner on intention and economics, Kelsen and courts on revolutions, game theory and rational choice theory with misinterpreters of Hohfeld on rights logic, John Paul II on voting for unjust laws, analogy's role in legal reasoning, the distribution of constitutional authority in the Empire and its dissolution, the judicial opportunism of separation of powers doctrine in the Australian constitution, the architecture of Blackstone's Commentaries, restitution in civil wrongs, and many other aspects of law and legal theory. Several papers bring to bear his extensive work as a constitutional adviser and lawyer on persistent problems of constitutional theory. Previously unpublished papers include two on critical or post-modern legal theory and an introduction reflecting on legal philosophy's development and future.

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.

Philosophy of Law Josef Kohler, 1914 **Philosophy of Law** Joel Feinberg, Jules L. Coleman, Christopher Kutz, 2014 This leading anthology contains essays and cases written by some of the most influential figures in legal philosophy, representing the major theoretical positions in the field. Its primary focus is to

relate traditional themes of legal philosophy to the concerns of modern society in a way that invigorates the former and illuminates the latter This classic text is distinguished by its clarity and accessibility balance of topics balance of positions on controversial questions topical relevance imaginative use of cases and stories and the inclusion of only lightly edited or untouched legal classics This revision is distinguished by its inclusion of new material on law and economics international law distributive justice religion and freedom of expression feminist legal theory and critical race theory as well as a greater emphasis on concrete legal problems

Philosophy in the Development of Law Pierre de Tourtoulon, 1922

The Philosophy of Law Jeffrie G. Murphy, Jules L. Coleman, 1984

Law and Morality David Dyzenhaus, Sophia Reibetanz Moreau, Arthur Ripstein, 2007-01-01 Since its first publication in 1996 *Law and Morality* has filled a long standing need for a contemporary Canadian textbook in the philosophy of law Now in its third edition this anthology has been thoroughly revised and updated and includes new chapters on equality judicial review and terrorism and the rule of law The volume begins with essays that explore general questions about morality and law surveying the traditional literature on legal positivism and contemporary debates about the connection between law and morality These essays explore the tensions between law as a protector of individual liberty and as a tool of democratic self rule and introduce debates about adjudication and the contribution of feminist approaches to the philosophy of law New material on the Chinese Canadian head tax case is also featured The second part of *Law and Morality* deals with philosophical questions as they apply to contemporary issues Excerpts from judicial decisions as well as essays by practicing lawyers are included to provide theoretically informed legal analyses of the issues Striking a balance between practical and more analytic philosophical approaches the volume's treatment of the philosophy of law as a branch of political philosophy enables students to understand law in its function as a social institution *Law and Morality* has proved to be an essential text in both departments of philosophy and faculties of law and this latest edition brings the debates fully up to date filling gaps in the previous editions and adding to the array of contemporary issues previously covered

Philosophy of Law Martin Philip Golding, 1974 This book discusses some basic problems in legal philosophy critically examining the major positions of philosophers and jurists from Aristotle to Oliver Wendell Holmes

A Treatise of Legal Philosophy and General Jurisprudence Enrico Pattaro, Corrado Roversi, 2016-07-13 *A Treatise of Legal Philosophy and General Jurisprudence* is the first ever multivolume treatment of the issues in legal philosophy and general jurisprudence from both a theoretical and a historical perspective The work is aimed at jurists as well as legal and practical philosophers Edited by the renowned theorist Enrico Pattaro and his team this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholar at all levels The work is divided in two parts The theoretical part published in 2005 consisting of five volumes covers the main topics of the contemporary debate the historical part consisting of six volumes Volumes 6-8 published in 2007 Volumes 9 and 10 published in 2009 Volume 11 published in 2011 and Volume 12 forthcoming in 2016 accounts for the

development of legal thought from ancient Greek times through the twentieth century Volume 12 Legal Philosophy in the Twentieth Century The Civil Law World Volume 12 of A Treatise of Legal Philosophy and General Jurisprudence titled Legal Philosophy in the Twentieth Century The Civil Law World functions as a complement to Gerald Postema's volume 11 titled Legal Philosophy in the Twentieth Century The Common Law World and it offers the first comprehensive account of the complex development that legal philosophy has undergone in continental Europe and Latin America since 1900 In this volume leading international scholars from the different language areas making up the civil law world give an account of the way legal philosophy has evolved in these areas in the 20th century the outcome being an overall mosaic of civil law legal philosophy in this arc of time Further specialists in the field describe the development that legal philosophy has undergone in the 20th century by focusing on three of its main subjects namely legal positivism natural law theory and the theory of legal reasoning and discussing the different conceptions that have been put forward under these labels The layout of the volume is meant to frame historical analysis with a view to the contemporary theoretical debate thus completing the Treatise in keeping with its overall methodological aim namely that of combining history and theory as a necessary means by which to provide a comprehensive account of jurisprudential thinking

The Routledge Companion to Philosophy of Law Andrei Marmor, 2012-04-27 The Routledge Companion to the Philosophy of Law provides a comprehensive non technical philosophical treatment of the fundamental questions about the nature of law Its coverage includes law's relation to morality and the moral obligations to obey the law the main philosophical debates about particular legal areas such as criminal responsibility property contracts family law law and justice in the international domain legal paternalism and the rule of law The entirely new content has been written specifically for newcomers to the field making the volume particularly useful for undergraduate and graduate courses in philosophy of law and related areas All 39 chapters written by the world's leading researchers and edited by an internationally distinguished scholar bring a focused philosophical perspective to their subjects The Routledge Companion to the Philosophy of Law promises to be a valuable and much consulted student resource for many years

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