



Reason In Law

Lief H. Carter, Thomas F. Burke



Reason In Law:

Reason in Law Lief H. Carter, Thomas F. Burke, 2016-03-04 Newly updated ninth edition A superbly written pedagogically rich historically and conceptually informed introduction to legal reasoning Law and Politics Book Review Over the decades it has been in print Reason in Law has established itself as the place to start for understanding legal reasoning a critical component of the rule of law This ninth edition brings the book s analyses and examples up to date adding new cases while retaining old ones whose lessons remain potent It examines several recent controversial Supreme Court decisions including rulings on the constitutionality and proper interpretation of the Affordable Care Act and Justice Scalia s powerful dissent in Maryland v King Also new to this edition are cases on same sex marriage the Voting Rights Act and the legalization of marijuana A new appendix explains the historical evolution of legal reasoning and the rule of law in civic life The result is an indispensable introduction to the workings of the law *Reason in Law* Lief H. Carter, Thomas Frederick Burke, 2015

Over the years Reason in Law has established itself as the leading textbook for courses in legal reasoning a critical aspect of the rule of law This eighth edition brings the book s analyses and examples fully up to date adding new cases while retaining old ones whose lessons remain potent It takes full account of the dramatic changes and challenges to legal reasoning that emerged from the Bush administration s attempts to fight terrorism and also explores recent conflicts over same sex marriage gun control hate crimes and climate change The result is an indispensable introduction to an issue that lies at the heart of the workings of the law Practical Reason in Law and Morality Neil MacCormick, 2011-04-28 The concept of practical reason is central to contemporary thought on ethics and the philosophy of law acting well means acting for good reasons Explaining this requires several stages How do reasons relate to actions at all as incentives and in explanations What are values how do they relate to human nature and how do they enter practical reasoning How do the concepts of right and wrong fit in and in what way do they involve questions of mutual trust among human beings How does our moral freedom our freedom to form our own moral commitments relate to our responsibilities to each other How is this final question transposed into law and legal commitments This book explores these questions vital to understanding the nature of law and morality It presents a clear account of practical reason valuable to students of moral philosophy and jurisprudence at undergraduate or postgraduate levels For more advanced scholars it also offers a reinterpretation of Kant s views on moral autonomy and Smith s on self command marrying Smith s moral sentiments to Kant s categorical imperative in a novel way The book concludes and underpins the author s Law State and Practical Reason series Taken together the books offer an overarching theory of the nature of law and legal reason the role of the State and the nature of moral reason and judgement Reason in Law Lief Carter, Tom Burke, 2017-10-05 Arguing that good legal reasoning remains the best device by which we can ensure that judicial impartiality the rule of law and social trust and peace are preserved Thomas F Burke and Lief H Carter present an accessible and lively text that analyzes the politics of the judicial process Looking at the larger social and institutional

contexts that affect the rule of law including religious beliefs and media coverage of the courts Reason in Law uses cases ripped from the headlines to illustrate its theory in real world practice **New Essentials of Unification Thought: Head-Wing Thought** Sang Hun Lee, 2014-04-25 Unification Thought is the philosophy derived from the Divine Principle of the Reverend Sun Myung Moon It is a powerful key that is capable of solving any problem no matter how difficult it might be This Thought presents a new view of life of the world of the universe and God's work in history It is a principle of integration that can bring different religious doctrines and philosophies into unity while preserving their diverse characteristics **Reason, Value, and Respect** Mark Timmons, Robert Neal Johnson, 2015 In 13 specially written essays leading philosophers explore Kantian themes in moral and political philosophy that are prominent in the work of Thomas E Hill Jr such as respect and self respect practical reason conscience and duty In conclusion Hill offers an overview of his work and responses to the preceding essays

Bentham and the Common Law Tradition Gerald J. Postema, 2019 Presentation de l'auteur This second edition of a classic in Anglo American legal philosophy reopens the dialogue between Bentham's work and contemporary legal philosophy Gerald J Postema revisits the themes of the first edition in light of the latest scholarly criticism and provides new insights into the historical philosophical roots of international law **On Law and Reason** Aleksander Peczenik, 2008-09-13 This is an

outline of a coherence theory of law Its basic ideas are reasonable support and weighing of reasons All the rest is commentary These words at the beginning of the preface of this book perfectly indicate what On Law and Reason is about It is a theory about the nature of the law which emphasises the role of reason in the law and which refuses to limit the role of reason to the application of deductive logic In 1989 when the first edition of On Law and Reason appeared this book was ground breaking for several reasons It provided a rationalistic theory of the law in the language of analytic philosophy and based on a thorough understanding of the results including technical ones of analytic philosophy That was not an obvious combination at the time of the book's first appearance and still is not The result is an analytical rigor that is usually associated with positivist theories of the law combined with a philosophical position that is not natural law in a strict sense but which shares with it the emphasis on the role of reason in determining what the law is If only for this rare combination On Law and Reason still deserves careful study On Law and Reason also foreshadowed and influenced a development in the field of Legal Logic that would take place in the nineties of the 20th century namely the development of non monotonic defeasible logics for the analysis of legal reasoning In the new Introduction to this second edition this aspect is explored in some more detail **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 *Chambers's Cyclopædia of English Literature* Robert Chambers, Robert Carruthers, 1879 **Practical Reason in Law and Morality** Neil MacCormick, 2008 This text offers a clear account of the philosophy of practical reason in ethics and legal theory It explains how reasons relate to actions the nature of values and their relation to reasons and the relation of morality to legal reasoning

Archives of Philosophy ..., 1914 **Natural Law and the Nature of Law** Jonathan Crowe, 2019-04-25 Presents a systematic contemporary defence of the natural law outlook in ethics politics and jurisprudence *A Short Study of Ethics* Charles Frederick D'Arcy, 1901 **The Reign of Law** George Douglas Campbell Duke of Argyll, 1873 **Meaning in Law: A Theory of Speech** Charles W. Collier, 2009-08-07 Despite widespread admiration for the First Amendment's protection of speech this iconic feature of American legal thought has never been adequately theorized Existing theories of speech proceed on the basis of legal doctrine and judicial decisionmaking social and political philosophy or legal and intellectual history But these are not the disciplines one would most naturally turn to in analyzing speech *Meaning in Law: A Theory of Speech* takes a new and different approach This book develops a general legal theory of speech on the basis of linguistic theory and the philosophy of language The opening chapters retrace the main conceptual stages in the expression of meaning from natural meaning through symbolism to signification Later chapters analyze symbolic speech communication by nonlinguistic means as the key to developing an intention based theory of speech The essential elements of the theory are 1 nonnatural meaning 2 the signaling of intent 3 the recognition of intent and 4 establishing a convention A final chapter applies these insights to the case law of symbolic speech and resolves some basic confusions in the legal literature This analysis proceeds by way of an original distinction between actual conduct in the real world and the ideal conduct described in a statute The former may be described both as communicative and noncommunicative while the latter has already been conceptualized as either communicative or noncommunicative This distinction clears up a major legal quandary how conduct that counts as communication may nevertheless be regulated or prohibited without running afoul of the First Amendment's protection of speech **University of Toronto Studies** University of Toronto, 1914 **Leo XIII and Modern Civilization** John Bleeker Miller, 1897 **The Yale Law Journal**, 1894 **The Nature of Customary Law** Amanda Perreau-Saussure, James B. Murphy, 2007-05-17 Some legal rules are not laid down by a legislator but grow instead from informal social practices In contract law for example the customs of merchants are used by courts to interpret the provisions of business contracts in tort law customs of best practice are used by courts to define professional responsibility Nowhere

are customary rules of law more prominent than in international law The customs defining the obligations of each State to other States and to some extent to its own citizens are often treated as legally binding However unlike natural law and positive law customary law has received very little scholarly analysis To remedy this neglect a distinguished group of philosophers historians and lawyers has been assembled to assess the nature and significance of customary law The book offers fresh insights on this neglected and misunderstood form of law

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