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Richard A. Posner

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Problematics Of Moral Legal Theory

Roger Cotterrell



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African Legal Theory and Contemporary Problems Oche Onazi, 2013-11-26 The book is a collection of essays which aim to situate African legal theory in the context of the myriad of contemporary global challenges from the prevalence of war to the misery of poverty and disease to the crises of the environment Apart from being problems that have an indelible African mark on them a common theme that runs throughout the essays in this book is that African legal theory has been excluded under explored or under theorised in the search for solutions to such contemporary problems The essays make a modest attempt to reverse this trend The contributors investigate and introduce readers to the key issues questions concepts impulses and problems that underpin the idea of African legal theory They outline the potential offered by African legal theory and open up its key concepts and impulses for critical scrutiny This is done in order to develop a better understanding of the extent to which African legal theory can contribute to discourses seeking to address some of the challenges that confront African and non African societies alike

The Methodology of Legal Theory Michael Giudice, 2017-07-05 The last decade has witnessed a particularly intensive debate over methodological issues in legal theory The publication of Julie Dickson s *Evaluation and Legal Theory* 2001 was significant as were collective returns to H L A Hart s *Postscript to The Concept of Law* While influential articles have been written in disparate journals no single collection of the most important papers exists This volume the first in a three volume series aims not only to fill that gap but also propose a systematic agenda for future work The editors have selected articles written by leading legal theorists including among others Leslie Green Brian Leiter Joseph Raz Ronald Dworkin and William Twining and organized under four broad categories 1 problems and purposes of legal theory 2 the role of epistemology and semantics in theorising about the nature of law 3 the relation between morality and legal theory and 4 the scope of phenomena a general jurisprudence ought to address

Current Legal Problems 1998 M. D. A. Freeman, 2000 This book is the fifty first volume of *Current Legal Problems* and contains the now customary selection of high

quality essays by a group of outstanding scholars This volume gathers together a particularly valuable and broad ranging set of contributions which makes for a stimulating study of legal theory at the end of the millennium *Living Law* Roger Cotterrell, 2017-07-05 *Living Law* presents a comprehensive overview of relationships between legal and social theory and of current approaches to the sociological study of legal ideas It explores the nature of legal theory and sociolegal studies today as teaching and research fields and the work of many of the major sociolegal theorists In addition it sets out the author's distinctive approach to sociological analysis of law applying this in a range of studies in specific legal fields such as the law of contract property and trusts constitutional analysis and comparative law **Frontiers of Legal Theory** Richard A. Posner, 2004-03 The most exciting development in legal thinking since World War II has been the growth of interdisciplinary legal studies Judge Richard Posner has been a leader in this movement and his new book explores its rapidly expanding frontier Liberalism at the Crossroads Christopher Wolfe, 2003 *Liberalism at the Crossroads* offers succinct accessible and well written surveys of the ideas of the leading participants in the contemporary philosophical debate about liberalism Christopher Wolfe brings together analyses of leading liberal thinkers from across the spectrum as well as influential critics of liberalism including John Rawls Ronald Dworkin Robert Nozick Michael Sandel Richard Rorty Joseph Raz and William Galston For the second edition each chapter has been thoroughly revised and new chapters on Susan Moller Okin Richard Posner and John Finnis have been added to include representatives of liberal feminism law and economics and natural law The result is an invaluable overview of contemporary political theory ideal for both students and scholars **Feminist Legal Theory (Vol. 1)** Frances Olsen, 1995-10 A collection of previously published articles Moral Aspects of Legal Theory David Lyons, 1993-01-29 In this volume Professor Lyons outlines his fundamental views about the nature of law and its relation to morality and justice Republican Legal Theory M. Sellers, 2003-09-07 Republican legal theory developed out of the jurisprudential and constitutional legacy of the Roman *res publica* as interpreted over two millennia in Europe and North America In this book the most comprehensive study of republican legal ideas to date Professor Sellers traces the development of republican legal theory Explaining the importance of popular sovereignty the rule of law the separation of powers and other essential republican legal characteristics he argues that these republican institutions have introduced a new era of justice into politics **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

Interpretation and Legal Theory Andrei Marmor, 2005-04-30 Prev ed published by Oxford Clarendon Press New York Oxford University Press 1992 **The Concept of Ideals in Legal Theory** Sanne Taekema, 2002-12-31 Talk about law often includes reference to ideals of justice equality or freedom But what do we refer to when we speak about ideals in the context of law This book explores the concept of ideals by combining an investigation of different theories of ideals with a discussion of the role of ideals in law A comparison of the theories of Gustav Radbruch and Philip Selznick leads up to a pragmatist theory of legal ideals which provides an interesting new position in the debate about values in law between legal positivists and natural law thinkers Attention for law's central ideals enables us to understand law's autonomous character while at the same time tracing its connection to societal values Essential reading for anyone interested in the role of values or ideals in law

Epistemic Uncertainty and Legal Theory Brian Burge-Hendrix, 2016-12-05 Crossing the usual boundaries of abstract legal theory this book considers actual charter systems legal systems with explicitly posited moral political rights such as those of Canada and the United States as well as cases in constitutional adjudication It shows the worth of careful reflection on methodological and meta theoretical issues for a comprehensive account of a present day legal system which is fast becoming the norm The author explicitly connects the ongoing Methodology Debate within legal philosophy to constitutional adjudication and Canadian law By drawing out the implications of the Methodology Debate and the challenge of giving a proper account of constitutional adjudication in a general theory of law the study examines how a descriptive morally and politically neutral legal theory can deal with epistemic uncertainty uncertainty about the actual status of moral political legal provisions and their jurisprudential function in a thoroughgoing manner It also demonstrates the merits of a minimalist version of Legal Positivism with regard to the practical importance of charters in charter systems and societies

Introduction to Critical Legal Theory Ian Ward, 2012-10-02 Introduction to Critical Legal Theory provides an accessible introduction to the study of law and legal theory It covers all the seminal movements in classical modern and postmodern legal thought engaging the reader with the ideas of jurists as diverse as Aristotle Hobbes and Kant Marx Foucault and Dworkin At the same time it impresses the interdisciplinary nature of critical legal thought introducing the reader to the philosophy the economics and the politics of law This new edition focuses even more intently upon the narrative aspect of critical legal thinking and the re emergence of a distinctive legal humanism as well as the various related challenges posed by our new world order Introduction to Critical Theory is a comprehensive text for both students and

teachers of legal theory jurisprudence and related subjects Law and Democracy in Neil MacCormick's Legal and Political Theory Agustín José Menéndez, John Erik Fossum, 2011-03-29 This volume offers a collection of articles by leading legal and political theorists Originally intended as a celebration of MacCormick's work on the occasion of the completion of the four volume series on Law State and Practical Reason it has turned into a homage and salute after MacCormick's passing Cast in MacCormick's reflexive spirit the book presents a critical reconstruction of the Scottish philosopher's work with the aim of revealing the connections between law and democracy in his writings and furthering his insights in each specific field Neil MacCormick made outstanding contributions to the understanding of law and democracy under conditions of pluralism His institutional theory of law has elucidated the close connection between the normative character of law as a means of social integration and legal social practices This has produced a synthesis of the key insights of the legal and political theories of Kelsen Hart Alexy and Dworkin and has broken new ground by undermining the monolithic and nation state centered character of standard legal theories **A Treatise of Legal Philosophy and General Jurisprudence** Enrico

Pattaro, 2007-10-08 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 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 2012 2013 accounts for the development of legal thought from ancient Greek times through the twentieth century The entire set will be completed with an index Volume 1 The Law and the Right a Reappraisal of the Reality that ought to be by Enrico Pattaro This work brings out and recovers the normative dimension of law called the reality that ought to be placing within this reality the idea of what is right Part I reconstructs the current as well as the traditional civil law conception of the reality that ought to be and raises some critical theoretical issues Part II introduces some basic concepts on language and behaviour and presents a conception of norms as beliefs Part III aims to find explanations for the idea of a reality that ought to be Part IV consists of inquiries focussed on Homeric epic the natural law school and the normativistic view of positive law *University of Chicago Law School*

roundtable, 2000 **Structures of Judicial Decision Making from Legal Formalism to Critical Theory** Roy Lavon Brooks, 2005 To order a paperback version of this book please click [here](#) This is a general book on jurisprudence designed for both the novice and more experienced student which makes it suitable for first year law students It is the first book to distinguish and connect traditional theories of judicial decision making e.g. legal formalism textualism legal realism and legal process with critical process which is critical theory transformed from a theory of legal criticism into a theory of judicial

decision making Brooks breaks new ground on several other fronts as well he employs an innovative framework that divides judicial decision making models into the logical method and the policy method offers a more nuanced conceptualization of judicial policy formulation in which judges are seen as not only making policy but also and more typically as discovering and vindicating policy redefines policy making in a manner that is different from our traditional understanding of the term and synthesizes critical process into three judicial models symmetrical asymmetrical and hybrid The book is written in two parts Part 1 Traditional Process discusses five major traditional judicial models each reflective of either the logical method or the policy method Part 1 ends with a synthesis of the traditional models dividing them into three categories which judges who have used the book find to be most useful Part 2 Critical Process begins with a discussion of critical theory's central theme and operating elements and then transforms these features into a theory of outsider oriented judicial decision making something judges can actually use in deciding cases Critical theory is thus transformed into critical process

Legal and Ethical Issues in Nursing Education Mary Ellen Smith Glasgow, H. Michael Dreher, Michael D. Dahnke, John Gyllenhammer, 2020-09-20 Understand the legal framework that provides the structure of Nursing This is the only current text to critically examine the vast array of legal and ethical matters confronting nursing faculty in classroom and clinical settings Designed to assist students preparing to be nurse educators academic nursing administrators and novice and seasoned faculty in making real life decisions about academic issues within a legal and ethical framework Replete with practical advice from experts in the fields of nursing law and ethics this text guides the reader through legal and ethical principles analyses of relevant case based scenarios and practical recommendations for handling problems in accordance with existing laws and institutional policy Clearly and concisely written and organized this text provides a comprehensive description of the legal process including higher education law the courts case law the role of a university attorney and how to read and cite judicial decisions Real world case scenarios and detailed analyses of pertinent issues including coverage of incivility discrimination harassment academic dishonesty and freedom of speech are examined from the perspective of students faculty and administrators Key Features Written by a nursing dean a former nursing dean an ethicist and a higher education attorney An entire section of legal and ethical cases featuring a unique philosophical and ethical perspective Delivers best practices for nursing faculty Provides tips on when to consult the university attorney critical elements to consider actions to take when law and ethics conflict helpful resources and a glossary of legal terms An Instructor's Manual and discussion questions facilitate teaching

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