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Reason and Law



Reason And Law Studies In Juristic Philosophy

Dalia Tsuk Mitchell



Reason And Law Studies In Juristic Philosophy:

Reason and Law Morris Raphael Cohen, 1972 **ABA Journal** , 1950-10 The ABA Journal serves the legal profession. Qualified recipients are lawyers and judges, law students, law librarians, and associate members of the American Bar Association. *Reason and Law : Studies in Juristic Philosophy* Thomas J. Sheehan, 1972 *Architect of Justice* Dalia Tsuk Mitchell, 2007 A major figure in American legal history during the first half of the twentieth century, Felix Solomon Cohen (1907-1953) is best known for his realist view of the law and his efforts to grant Native Americans more control over their own cultural, political, and economic affairs. A second-generation Jewish American, Cohen was born in Manhattan where he attended the College of the City of New York before receiving a Ph.D. in philosophy from Harvard University and a law degree from Columbia University. Between 1933 and 1948, he served in the Solicitor's Office of the Department of the Interior where he made lasting contributions to federal Indian law, drafting the Indian Reorganization Act of 1934, the Indian Claims Commission Act of 1946, and as head of the Indian Law Survey, authoring *The Handbook of Federal Indian Law* (1941) which promoted the protection of tribal rights and continues to serve as the basis for developments in federal Indian law. In *Architect of Justice*, Dalia Tsuk Mitchell provides the first intellectual biography of Cohen, whose career and legal philosophy she depicts as being inextricably bound to debates about the place of political, social, and cultural groups within American democracy. Cohen, she finds, was deeply influenced by his own experiences as a Jewish American and discussions within the Jewish community about assimilation and cultural pluralism, as well as the persecution of European Jews before and during World War II. Dalia Tsuk Mitchell uses Cohen's scholarship and legal work to construct a history of legal pluralism, a tradition in American legal and political thought that has immense relevance to contemporary debates and that has never been examined before. She traces the many ways in which legal pluralism informed New Deal policymaking and demonstrates the importance of Cohen's work on behalf of Native Americans in this context, thus bringing federal Indian law from the margins of American legal history to its center. By following the development of legal pluralism in Cohen's writings, *Architect of Justice* demonstrates a largely unrecognized continuity in American legal thought between the Progressive Era and ongoing debates about multiculturalism and minority rights today. A landmark work in American legal history, this biography also makes clear the major contribution Felix S. Cohen made to America's legal and political landscape through his scholarship and his service to the American government. *A New Introduction to Jurisprudence* Paul Cliteur, Afshin Ellian, 2019-03-28 *A New Introduction to Jurisprudence* takes one of the central problems of law and jurisprudence as its point of departure: what is the law? Adopting an intermediate position between legal positivism and natural law, this book reflects on the concept of liberal democracy or constitutional democracy. In five chapters, the book analyses: i) the idea of higher law; ii) liberal democracy as a legitimate model for the state; iii) the separation of church and state or secularism as essential for the democratic state; iv) the universality of higher law principles; v) the history of modern political thought. This interdisciplinary approach to jurisprudence

is relevant for legal scholars philosophers political theorists public intellectuals historians and politicians

Legal Reasoning, Legal Theory and Rights Martin P. Golding, 2017-07-05 This book is a selection of articles and chapters published over Martin Golding's academic career Golding's approach to the philosophy of law is that it contains conceptual and normative issues and in this volume logical issues in legal reasoning are examined and various theories of law are critically discussed Normative questions are dealt with regarding the rule of law and criminal law defenses and the concept of rights and the terminology of rights are analyzed Much of Golding's work is critical historical as well as constructive This volume will prove an informative and useful collection for scholars and students of the philosophy of law

Law, Morality and Judicial Reasoning Thomas Bustamante, Saulo de Matos, André L. S. Coelho, 2024-08-28 This book provides a critical outlook on and an inquiry into the practical implications of the works of Professor W J Waluchow one of the most important jurisprudence scholars of the early twenty first century while also reflecting on the interconnections between his legal theory and his theory of constitutional interpretation It also features an interview with Waluchow in which he responds to some of the chapters and shares a first person perspective on his main philosophical ideas how they emerged and how they can be further developed and applied The book makes a valuable contribution to contemporary legal philosophy by asking and providing different answers from prominent legal philosophers and newer scholars in the field to questions such as How does Waluchow's jurisprudence relate to his theories of legal reasoning and constitutional interpretation On what terms should we understand inclusive legal positivism Can inclusive legal positivism be reconciled with an interpretivist theory of adjudication How does it compare with Raz's model of legal authority Can Waluchow's notion of community constitutional morality be applied to contexts such as international law pluralist legal communities and indigenous laws and Is Waluchow's methodology equipped to provide interpretive directives in unstable and extremely unequal legal systems The chapters all written by experts on jurisprudence including some of the scholars who helped develop the tradition known as inclusive legal positivism offer a unique analysis of Waluchow's most complex and intriguing theses providing not only a valuable exegetical analysis of his work but also a range of answers to the challenge of interpreting legal and constitutional values as well as practical resolutions to persisting controversies in the philosophy of law

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 *Law, Truth, and Reason* Raimo Siltala, 2011-07-29 This book is an innovative contribution to analytical jurisprudence. It is mainly based on the distinct premises of linguistic philosophy and Carnapian semantics but also addresses the issues of institutional philosophy, social pragmatism and legal principles as envisioned by Dworkin among others. Wrblewski's three ideologies bound free legal and rational and Makkonen's three situations isomorphic semantically vague normative gap of judicial decision making are further developed by means of 10 frames of legal analysis as discerned by the author. With the philosophical theories of truth serving as a reference, the frames of legal analysis include the isomorphic theory of law, Wittgenstein, Makkonen, the coherence theory of law, Alexy, Peczenik, Dworkin, the new rhetoric and legal argumentation theory, Perelman, Aarnio, social consequentialism, Posner, natural law theory, Fuller, Finnis and the sequential model of legal reasoning by Neil MacCormick and the Bielefelder Kreis. At the end, some key issues of legal metaphysics are addressed like the notion of legal systematics and the future potential of the analytical approach in jurisprudence.

[The Bloomsbury Encyclopedia of Philosophers in America](#) John R. Shook, 2016-02-11 For scholars working on almost any aspect of American thought, *The Bloomsbury Encyclopedia to Philosophers in America* presents an indispensable reference work. Selecting over 700 figures from the *Dictionary of Early American Philosophers* and the *Dictionary of Modern American Philosophers*, this condensed edition includes key contributors to philosophical thought. From 1600 to the present day, entries cover psychology, pedagogy, sociology, anthropology, education, theology and political science before these disciplines came to be considered distinct from philosophy. Clear and accessible, each entry contains a short biography of the writer, an exposition and analysis of his or her doctrines and ideas, a bibliography of writings and suggestions for further reading. Featuring a new preface by the editor and a comprehensive introduction, *The Bloomsbury Encyclopedia to Philosophers in America* includes 30 new entries on twenty-first century thinkers including Martha Nussbaum and Patricia Churchland. With in-depth overviews of Waldo Emerson, Margaret Fuller, Noah Porter, Frederick Rauch, Benjamin Franklin, Thomas Paine and Thomas Jefferson, this is an invaluable one-stop research volume to understanding leading figures in American thought and the development of American intellectual history.

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