

Short History of Legal Thinking in the West

Stromholm, Stig

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Short History Of Legal Thinking In The West

Stig Strömholm



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A Short History of Legal Thinking in the West Stig Strömholm, 1985 Medieval Church Law and the Origins of the Western Legal Tradition Kenneth Pennington, 2006 In this volume leading scholars from around the world discuss the contribution of medieval church law to the origins of the western legal tradition Subdivided into four topical categories the essays cover the entire range of the history of medieval canon law from the sixth to the sixteenth century **Essays on the Doctrinal Study of Law** Aulis Aarnio, 2011-07-10 Essays on the Doctrinal Study of Law is a summary of the author's 40 years of research in the fields of civil law and the philosophy of law The main focus is on the two main tasks in the doctrinal study of law the interpretation and systematisation of legal norms In this regard Professor Aarnio deals with the theory of argumentation as well as with its foundations i e with the ontology epistemology and methodology of legal thinking and develops the ideas that were first presented in *The Rational as Reasonable* Kluwer 1987 in all of these dimensions The work includes an updated discussion on the writings of Robert Alexy Jürgen Habermas Ronald Dworkin and Alf Ross A focal point of view concerns the distinction between positivism and non positivism in which the core of the criticism focuses on Scandinavian realism Epistemology and Method in Law Geoffrey Samuel, 2016-12-05 This book seeks to question the widely held assumption in Europe that to have knowledge of law is simply to have knowledge of rules There is a knowledge dimension beyond the symbolic which reaches right into the way facts are perceived constructed and deconstructed In support of this thesis the book examines generally the question of what it is to have knowledge of law and this examination embraces not just the conceptual foundations methods taxonomy and theories used by jurists It also examines the epistemological schemes used by social scientists in general in order to show that such schemes are closely related to the schemes of intelligibility used by lawyers and judges *The American Indian in Western Legal Thought* Robert A. Williams Jr., 1992-11-26 Exploring the history of contemporary legal thought on the rights and status of the West's colonized indigenous tribal peoples Williams here traces the development of the themes that justified and impelled Spanish English and American conquests of the New World *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

Informatics and the Foundations of Legal Reasoning Z. Bankowski, I. White, Ulrike Hahn, 2013-03-09 Informatics and the Foundations of Legal Reasoning represents a close collaboration between a wide range of disciplines and countries Fourteen papers together with a long analytical introduction by the editors were selected from the contributions of legal theorists computer scientists philosophers and logicians who were members of an International Working Group supported by the European Commission The Group was mandated to work towards determining how far the law is amenable to formal modeling and in what ways computers might assist legal thinking and practice The book is the result of discussions held by the Group over two and half years It will help students and researchers from different backgrounds to focus on a common set of topics of increasing general interest It embodies the results of work in progress and suggests many issues for further discussion A stimulating text for undergraduate and graduate courses in law philosophy and computer science departments as well as for those interested in the place of computers in legal practice especially at the international level

Law of Obligations & Legal Remedies Geoffrey Samuel, 2013-03-04 This book examines the notion of a law of obligations as a conceptual category in itself and in doing this it presents the foundational material in a context that draws on some comparative and theoretical ideas while at the same time emphasising the special characteristics of the common law The book is specifically designed to act as an introduction to the legal research skills of reasoning and method It also looks at the foundations of civil liability in a way that emphasises the interrelationship of source materials problem solving and conceptual analysis and justification

The Origins of the Western Legal Tradition Ellen Goodman, 1995 Ellen Goodman uses extensive extracts from original writings to highlight the main themes of the Western legal tradition The strength of the book is its clear focus on the heart of the tradition constitutionalism representative institutions and rule by law Goodman links Christianity to its origins in Greek philosophy

and Judaism She delves into the position of the Roman Church as the tenuous Dark Ages conduit Feudalism lives and dies and the common law and parliament emerge The author accurately and vividly charts the main currents avoiding both the shoals and the myriad tributaries and so enables readers to have a clearer and deeper understanding of our present legal system

Foucault, Buddhism and Disciplinary Rules Malcolm Voyce, 2016-12-01 This book suggests that previous critiques of the rules of Buddhist monks Vinaya may now be reconsidered in order to deal with some of the assumptions concerning the legal nature of these rules and to provide a focus on how Vinaya texts may have actually operated in practice Malcolm Voyce utilizes the work of Foucault and his notions of power and subjectivity in three ways First he examines The Buddha's role as a lawmaker to show how Buddhist texts were a form of lawmaking that had a diffused and lateral conception of authority While lawmakers in some religious groups may be seen as authoritative in the sense that leaders or founders were coercive or charismatic the Buddhist concept of authority allows for a degree of freedom for the individual to shape or form themselves Second he shows that the confession ritual acted as a disciplinary measure to develop a unique sense of collective governance based on self regulation self governance and self discipline Third he argues that while the Vinaya has been seen by some as a code or form of regulation that required obedience the Vinaya had a double nature in that its rules could be transgressed and that offenders could be dealt with appropriately in particular situations Voyce shows that the Vinaya was not an independent legal system but that it was dependent on the Dharma shastra for some of its jurisprudential needs and that it was not a form of customary law in the strict sense but a wider system of jurisprudence linked to Dharma shastra principles and precepts

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