



Modern Legal Theory Problems And Perspectives

Pedro T. Magalhães



Modern Legal Theory Problems And Perspectives:

Modern Legal Theory Stephen C. Hicks, 1998-01-01 This book of readings was designed for an introductory course in the theory of modern Western law. The materials mine the depths of history, philosophy, politics, ethics to bring to view a certain story of the present, past, future condition of modern Western legal theory, namely that modern legal theory is reaching its end with the new millennium.

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.

Modern Legal Theory & Judicial Impartiality Ofer Raban, 2012-09-10 This book argues that at the core of legal philosophy's principal debates there is essentially one issue: judicial impartiality. Keeping this issue to the forefront, Raban's approach sheds much light on many difficult and seemingly perplexing jurisprudential debates. *Modern Legal Theory and Judicial Impartiality* offers a fresh and penetrating examination of two of the most celebrated modern legal theorists, H.L.A. Hart and Ronald Dworkin. The book explains the relations between these two scholars and other theorists and schools of thought, including Max Weber, Lon Fuller, and the law and economics movement, offering both novices and experts an innovative and lucid look at modern legal theory. The book is written in an engaging and conversational style, tackling highly sophisticated issues in a concise and accessible manner. Undergraduates in jurisprudence and legal theory, as well as more advanced readers, will find it clear and challenging.

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, underexplored, or undertheorised 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 Law in Philosophical Perspectives Luc J. Wintgens, 2013-04-17 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

Research Handbook on Modern Legal Realism Shauhin Talesh, Elizabeth Mertz, Heinz Klug, 2021-03-26 This insightful Research Handbook provides a definitive overview of the New Legal Realism NLR movement reaching beyond historical and national boundaries to form new conversations Drawing on deep roots within the law and society tradition it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law It explores an impressive range of contemporary issues including immigration policing globalization legal education and access to justice concluding with an examination of how different social science disciplines intersect with NLR

Man, Law and Modern Forms of Life Eugenio Bulygin, Jean-Louis Gardies, I. Niiniluoto, 1985-06-30 Proceedings of the 11th IVR World Congress on Philosophy of Law and Social Philosophy held on August 14 20 1983 in Helsinki Introd

A Modern Perspective on Type Theory F.D. Kamareddine, T. Laan, Rob Nederpelt, 2006-03-10 This book provides an overview of type theory The first part of the book is historical yet at the same time places historical systems in the modern setting The second part deals with modern type theory as it developed since the 1940s and with the role of propositions as types or proofs as terms The third part proposes new systems that bring more advantages together

Postmodern Legal Movements Gary Minda, 1996-05-01 A wide ranging and comprehensive survey of modern legal scholarship and the evolution of law in America What do Catharine MacKinnon the legacy of Brown v Board of Education and Lani Guinier have in common All have in recent years become

flashpoints for different approaches to legal reform In the last quarter century the study and practice of law have been profoundly influenced by a number of powerful new movements academics and activists alike are rethinking the interaction between law and society focusing more on the tangible effects of law on human lives than on its procedural elements In this wide ranging and comprehensive volume Gary Minda surveys the current state of legal scholarship and activism providing an indispensable guide to the evolution of law in America *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 **Kazimierz Opalek Selected Papers in Legal Philosophy** Jan Wolenski, 2013-06-29 Philosophical aspects of law and jurisprudence are investigated from various points of view This collection represents the analytic approach to legal philosophy However this approach is not extreme in the sense that it is limited exclusively to linguistic matters The concept of norm as a directive of conduct is the central category analyzed in particular essays The structure of directives as well as their semantic and pragmatic roles are studied Pragmatic functions of directives are linked with their functioning as speech acts Moreover existence and validity of norms are analyzed The author also touches on general methodological problems of legal theory and philosophy particularly their relations to social sciences The collection covers material interesting for philosophers lawyers and social scientists **Dictionary of Modern American Philosophers** John R. Shook, 2005-01-01 The Dictionary of Modern American Philosophers includes both academic and non academic philosophers and a large number of female and minority thinkers whose work has been neglected It includes those intellectuals involved in the development of psychology pedagogy sociology anthropology education theology political science and several other fields before these disciplines came to be considered distinct from philosophy in the late nineteenth century 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 While all the major post Civil War philosophers are present the most valuable feature of this dictionary is its coverage of a huge range of less well known writers including hundreds of presently obscure thinkers In many cases the Dictionary of Modern American Philosophers offers the first scholarly treatment of the life and work of certain writers This book will be an indispensable reference work for scholars working on almost any aspect of modern American thought Law, Liberty, and the Rule of Law Imer B. Flores, Kenneth E. Himma, 2012-09-28 In recent years there has been a substantial increase in concern for the rule of law Not only have there been a multitude of articles and books on the essence nature scope and limitation of the law but citizens elected officials law enforcement officers and the judiciary have all been actively engaged in this debate Thus the concept of the rule of law is as multifaceted and contested as it has ever been and this book explores the essence of that concept including its core principles its rules and the necessity of defining or even redefining the basic concept *Law Liberty and the Rule of Law* offers timely and

unique insights on numerous themes relevant to the rule of law It discusses in detail the proper scope and limitations of adjudication and legislation including the challenges not only of limiting legislative and executive power via judicial review but also of restraining active judicial lawmaking while simultaneously guaranteeing an independent judiciary interested in maintaining a balance of power It also addresses the relationship not only between the rule of law human rights and separation of powers but also the rule of law constitutionalism and democracy

Legal Interpretation: Perspectives from Other Disciplines and Private Texts Kent Greenawalt, 2010-10-27 In *Legal Interpretation* Kent Greenawalt focuses on the complex and multi faceted topic of textual interpretation of the law All law needs to be interpreted and there are many ways to do it But what sorts of questions must one seek to answer in interpreting law and what approach should one take in each case Whose interpretations should be prioritized Why would one be drawn to one strategy over another And should legal interpretation seek to satisfy specific aims or general objectives In order to provide the answers to these questions Greenawalt explores the ways in which interpretive strategies from other disciplines the philosophy of language literary and musical interpretation religious interpretation and general interpretive theory can augment and enrich methods of legal interpretation Over the course of the book he suggests how such forms of interpretation are analogous to legal interpretation and points to those cases in which interpretation must rest on the distinctive aspects of legal theory such as is the case with private documents Furthermore Greenawalt's meditation suggests that interpretive strategies from other disciplines can shed light on the essential nature of legal interpretation and provide roads by which to account for dissonance between various methods of interpretation *Legal Interpretation* is a thought provoking reflection on the ways that insights from a range of intellectual traditions can deepen our understanding of law particularly with regard to constitutional law

Current Publications in Legal and Related Fields, 1998 **The Legitimacy of Modern Democracy** Pedro T.

Magalhães, 2020-12-30 By re examining the political thought of Max Weber Carl Schmitt and Hans Kelsen this book offers a reflection on the nature of modern democracy and the question of its legitimacy Pedro T Magalhães shows that present day elitist populist and pluralist accounts of democracy owe in diverse and often complicated ways an intellectual debt to the interwar era German speaking scholarly and political controversies on the problems of modern democracy A discussion of Weber's ambivalent diagnosis of modernity and his elitist views on democracy as they were elaborated especially in the 1910s sets the groundwork for the study Against that backdrop Schmitt's interwar political thought is interpreted as a form of neo authoritarian populism whereas Kelsen evinces robust though not entirely unproblematic pluralist consequences In the conclusion the author draws on Claude Lefort's concept of indeterminacy to sketch a potentially more fruitful way than can be gleaned from the interwar German discussions of conceiving the nexus between the elitist populist and pluralist faces of modern democracy *The Legitimacy of Modern Democracy* will be of interest to political theorists political philosophers intellectual historians theoretically oriented political scientists and legal scholars working in the subfields of constitutional

law and legal theory The Open Access version of this book available at <https://doi.org/10.4324/9781315157566> has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

The Philosophy of Law
Christopher Berry Grey, 2013-07-04 From articles centering on the detailed and doctrinal exposition of the law to those which reside almost wholly within the realm of philosophical ethics this volume affords comprehensive treatment to both sides of the philosophico legal equation Systematic and sustained coverage of the many dimensions of legal thought gives ample expression to the true breadth and depth of the philosophy of law with coverage of The modes of knowing and the kinds of normativity used in the law Studies in international constitutional criminal administrative persons and property contracts and tort law including their historical origins and worldwide ramifications Current legal cultures such as common law and civilian European and Aboriginal Influential jurists and their biographies All influential schools and methods

Analysis of Dis/agreement - with particular reference to Law and Legal Theory
S. Eng, 2013-03-09 In order to determine whether two participants in a discussion are in real disagreement one must compare their propositions Comparison presupposes yardsticks in common Analysis of Dis agreement thematises such yardsticks in that it demonstrates the existence content and factual significance of a relatively well delimited set of proposition types and proposition patterns with their accompanying tenability criteria and motivating interests The book is a work in the field of legal theory by virtue of its demonstrating how lawyers power of judgement is constituted in and through these yardsticks The book is interdisciplinary by virtue of its demonstrating how the same yardsticks come into play more generally in argumentation formulated in everyday language i.e. independently of law And the book is a work in the field of philosophy by virtue of its demonstrating the existence and factual significance of language and argumentation actions with a certain independence in relation to the level of controversial fundamental philosophical positions

Islamic Legal Theory
Mashood A. Baderin, 2017-03-02 Islamic legal theory us l al fiqh is literally regarded as the roots of the law whilst Islamic jurists consider it to be the basis of Islamic jurisprudence and thus an essential aspect of Islamic law This volume addresses the sources methods and principles of Islamic law leading to an appreciation of the skills of independent juristic and legal reasoning necessary for deriving specific rulings from the established sources of the law The articles engage critically with relevant traditional views to enable a diagnostic understanding of the different issues covering both Sunn and Sh perspectives on some of the issues for comparison The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research Islamic legal theory is a complex subject which challenges the ingenuity of any expert and therefore special care has been taken to select articles for their clarity as well as their quality variety and critique to ensure an in depth engaging and easy understanding of what is normally a highly theoretical subject

ICLHR 2021
Bernard Nainggolan, Ani Wijayati, Hulman Panjaitan, Dwi Fajar Saputra, Robbi Rahim, 2021-10-28 This book contains the proceedings of the First International Conference on law and human rights ICLHR 2021 Where held on 14rd 15th April 2021 by virtually meeting in GMT 7 Asia

Jakarta This conference was held by Universitas Kristen Indonesia with the theme ASEAN diversities and its principles toward ASEAN Legal Integration in Pandemic Era The papers from this conference were collected in a proceedings book entitled Proceedings of the First International Conference on law and human rights ICLHR 2021 The presentation of such a multi discipline conference will provide a lot of inspiring inputs and new knowledge on current trends in the fields of human rights criminal law civil law politics public policy health law education law economic law international law and international private law According to the argument this conference will act as a valuable reference for numerous relevant research efforts in the future especially in ASEAN The committee recognizes that the smoothness and success of this conference cannot be separated from the cooperation of numerous stakeholders As such we like to offer our profound gratitude to the distinguished keynote speaker invited speaker paper presenters and participants for their enthusiastic support of joining the First International Conference on law and human rights We are convinced that the contents of the study from various papers are not only encouraged productive discussion among presenters and participants but also inspire further research in the respected field We are greatly grateful for your willingness to join and share your knowledge and expertise at our conference Your input was essential in ensuring the success of our conference Finally we hope that this conference will serve as a forum for learning in building togetherness especially for academic networks and the realization of a meaningful academic atmosphere for the development of digital literacy in various fields of life Thus we hope to see you all at the second ICLHR

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