

MORAL ASPECTS OF LEGAL THEORY

ESSAYS ON LAW,
JUSTICE, AND POLITICAL
RESPONSIBILITY

DAVID LYONS

Moral Aspects Of Legal Theory

Tom D. Campbell



Moral Aspects Of Legal Theory:

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 The Problematics of Moral and Legal Theory Richard A. Posner, 2009-06-01 Ambitious legal thinkers have become mesmerized by moral philosophy believing that great figures in the philosophical tradition hold the keys to understanding and improving law and justice and even to resolving the most contentious issues of constitutional law They are wrong contends Richard Posner in this book Posner characterizes the current preoccupation with moral and constitutional theory as the latest form of legal mystification an evasion of the real need of American law which is for a greater understanding of the social economic and political facts out of which great legal controversies arise In pursuit of that understanding Posner advocates a rebuilding of the law on the pragmatic basis of open minded and systematic empirical inquiry and the rejection of cant and nostalgia the true professionalism foreseen by Oliver Wendell Holmes a century ago A bracing book that pulls no punches and leaves no pieties unpunctured or sacred cows unkicked The Problematics of Moral and Legal Theory offers a sweeping tour of the current scene in legal studies and a hopeful prospect for its future Ethical Dimensions of Legal Theory , 2021-11-15 The Blackwell Guide to the Philosophy of Law and Legal Theory Martin P. Golding, William A. Edmundson, 2008-04-15 The Blackwell Guide to the Philosophy of Law and Legal Theory is a handy guide to the state of play in contemporary philosophy of law and legal theory Comprises 23 essays critical essays on the central themes and issues of the philosophy of law today written by an international assembly of distinguished philosophers and legal theorists Each essay incorporates essential background material on the history and logic of the topic as well as advancing the arguments Represents a wide variety of perspectives on current legal theory

Evaluation and Legal Theory Julie Dickson, 2001-05 If Raz and Dworkin disagree over how law should be characterised how are we their jurisprudential public supposed to go about adjudicating between the rival theories which they offer us To what considerations would those theorists themselves appeal in order to convince us that their accounts of law are accurate and successful Moreover what is it that makes an account of law successful Evaluation and Legal Theory tackles methodological or meta theoretical issues such as these and does so via attempting to answer the question to what extent and in what sense must a legal theorist make value judgements about his data in order to construct a successful theory of law Dispelling the obfuscatory myth that legal positivism seeks a value free account of law the author attempts to explain and defend Joseph Raz's position that evaluation is essential to successful legal theory whilst refuting John Finnis and Ronald Dworkin's contentions that the legal theorist must morally evaluate and morally justify the law in order to properly explain its nature The book does not claim to solve the many mysteries of meta legal theory but does seek to contribute to and engender rigorous and focused debate on this topic **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

The Legal Theory of Ethical Positivism Tom D. Campbell, 2016-12-05 The Legal Theory of Ethical Positivism re-establishes some of the dogmas of classical legal positivism regarding the separation of legislation and adjudication and the feasibility of institutionalizing the morally neutral application of rules as an ideal capable of significant realization This is supplemented by an analysis of the formal similarities of the morally and legally adjudicative points of view which offers the prospects of attributing a degree of moral authority to positivistic rule application in particular cases These theories are worked through in their application to specific problem areas particularly freedom of communication

The Methodology of Legal Theory Michael Giudice, Wil Waluchow, 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

Interpretation and Legal Theory Andrei Marmor, 2005-04-25 This is a revised and extensively rewritten edition of one of the most influential monographs on legal philosophy published in recent years Writing in the introduction to the first edition the author characterized Anglophone philosophers as being divided and often wavering between two main philosophical objectives the moral evaluation of law and legal institutions and an account of its actual nature Questions of methodology have therefore tended to be sidelined but were bound to surface sooner or later as they have in the later work of Ronald Dworkin The main purpose of this book is to provide a critical assessment of Dworkin's methodological turn away from analytical jurisprudence towards a theory of interpretation and the issues it gives rise to The author argues that the importance of Dworkin's interpretative turn is not that it provides a substitute for semantic theories of law a dubious concept but that it provides a new conception of jurisprudence aiming to present itself as a comprehensive rival to the conventionalism manifest in legal positivism Furthermore once the interpretative turn is regarded as an overall challenge to conventionalism it is easier to see why it does

not confine itself to a critique of method Law as interpretation calls into question the main tenets of its positivist rival in substance as well as method The book re examines conventionalism in the light of this interpretative challenge

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 *Feminist Legal Theory (Vol. 2)* Frances Olsen, 1995-10 A collection of previously published articles Jurisprudence (Legal Theory) Dr Chandrani Shashikant Bagadi, 2023-07-12 Jurisprudence is the basis of all law Jurisprudence is the living science of Law Jurisprudence deals with the knowledge of the law and legal principles As it is the basis of law it is necessary to reach students It is solid foundation of knowledge and it also includes critical understanding Jurisprudence and Legal Theory Author has taught Jurisprudence for many years Author has tried to reach students in easy language Jurisprudence is the base of all subjects Author has tried his best to reach students through his book It includes all schools concepts sources Academically also it is useful for LL B LL M NET SET exam and research students This book aim is to give knowledge of what is law and explain the principles of Jurisprudence and Legal Theory to students advocate society and researchers As this is my effort to publish First Edition I therefore welcome if there are any suggestions to improve this book 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 *Law and Legal Theory* Thom Brooks, 2013-11-07 What is the relation between law and democracy and how might it be improved What values should inform the body of laws that govern us all How should we determine crimes from non crimes What justifies state punishment if anything Law and Legal Theory brings together some of the most important essays in the area of the philosophy of law written by leading international scholars and offering significant contributions to how we understand law and legal theory to help shape future debates Contributors include Christopher Bennett Samantha Besson Thom Brooks Brian Butler Sean Coyle Rowan Cruft Leonard Kahn Richard Lippke Andrew March Matt Matravers Adina Preda Maria Cristina Redondo Hanoch Sheinman and Leo Zaibert **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 **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 HLA 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

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 **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 **A Companion to Philosophy of Law and Legal Theory** Dennis Patterson, 2010-01-15 The articles in this new edition of *A Companion to Philosophy of Law and Legal Theory* have been updated throughout and the addition of ten new articles ensures that the volume continues to offer the most up to date coverage of current thinking in legal philosophy Represents the definitive handbook of philosophy of law and contemporary legal theory invaluable to anyone with an interest in legal philosophy Now features ten entirely new articles covering the areas of risk regulatory theory methodology overcriminalization intention coercion unjust enrichment the rule of law law and society and Kantian legal philosophy Essays are written by an international team of leading scholars *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

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