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H41G7P - DUNCAN JOHNNY

In this revised edition, two distinguished philosophers have extended and strengthened the most authoritative text available on the philosophy of law and jurisprudence. While retaining their comprehensive coverage of classical and modern theory, Murphy and Coleman have added new discussions of the Critical Legal Studies movement and feminist jurisprudence, and they have strengthened their treatment of natural law theory, criminalization, and the law of torts. The chapter on law and economics remains the best short introduction to that difficult, controversial, and influential topic. Students will appreciate the careful organization and clear presentation of complicated issues as well as the emphasis on the relevance of both law and legal theory to contemporary society.

Offers an accessible discussion of conceptual and moral questions on international law and advances the debate on many of these topics.

Collective Action, Philosophy and Law

brings together two important strands of philosophical analysis. It combines general philosophical inquiry into collective agency with analyses of specific questions about plural entities and activities in the legal domain. These are issues of growing interest in areas of philosophy like action theory and social ontology, as well as in philosophy of law. The book contains 13 original chapters written by an international team of leading philosophers and legal theorists and is divided into 4 parts: The nature of law and of legislative intention Practical reasoning and duties Causality, blameworthiness and responsibility Citizens, states and institutions. These sections cut across, and build on, different accounts to advance the debate on classical and new issues in collective agency. Each part also features legal-philosophical analyses that draw on general accounts of collective agency to cast new light on the law, descriptive as well as normatively. Collective Action, Philosophy and Law is the first major interdisciplinary and multi-authored work bridging legal and philosophical approaches to collective agency. As

such, it is essential reading for students and researchers of philosophy of law, ethics, political philosophy, jurisprudence and legal theory.

The second edition of *Readings in the Philosophy of Law* is a concise anthology of key arguments in the philosophy of law, organized around the ideas of law and legal reasoning, limits on individual liberty, responsibility, and international law. Selections new to this edition update the anthology while continuing to present legal theory as a set of closely intertwined arguments. Critical Race Theory is addressed, as are challenges to legal theory posed by the emergence of the European Union. The readings provide superb coverage of both classic and contemporary views, and they are edited only lightly to allow readers to grapple with arguments in their original form. Culver's clear, accessible introductions discuss key terms, claims, issues, connections and points of conflict in each section. Culver takes particular care to place arguments in their historical and social context, with analogies and examples emphasizing the continuing relevance of historical and contemporary arguments.

Raymond Wacks reveals the intriguing and challenging nature of legal philosophy, exploring the notion of law and its role in our lives. He refers to key thinkers from Aristotle to Rawls, from Bentham to Derrida and looks at the central questions behind legal theory, and law's relation to justice, morality, and democracy.

This advanced introduction to central questions in legal philosophy attempts to breathe new life into stalled research.

"Updated content will continue to be published as 'Living Reference Works'"--Publisher.

"Simultaneously published in the USA

and Canada."

Oxford Studies in the Philosophy of Law is an annual forum for new philosophical work on law. The essays range widely over general jurisprudence (the nature of law, adjudication, and legal reasoning), philosophical foundations of specific areas of law (from criminal to international law), and other philosophical topics relating to legal theory.

Law, Human Agency and Autonomic Computing interrogates the legal implications of the notion and experience of human agency implied by the emerging paradigm of autonomic computing, and the socio-technical infrastructures it supports. The development of autonomic computing and ambient intelligence – self-governing systems – challenge traditional philosophical conceptions of human self-constitution and agency, with significant consequences for the theory and practice of constitutional self-government. Ideas of identity, subjectivity, agency, personhood, intentionality, and embodiment are all central to the functioning of modern legal systems. But once artificial entities become more autonomic, and less dependent on deliberate human intervention, criteria like agency, intentionality and self-determination, become too fragile to serve as defining criteria for human subjectivity, personality or identity, and for characterizing the processes through which individual citizens become moral and legal subjects. Are autonomic – yet artificial – systems shrinking the distance between (acting) subjects and (acted upon) objects? How 'distinctively human' will agency be in a world of autonomic computing? Or, alternatively, does autonomic computing merely disclose that we were never, in this sense, 'human' anyway? A dialogue between philosophers of technology and

philosophers of law, this book addresses these questions, as it takes up the unprecedented opportunity that autonomic computing and ambient intelligence offer for a reassessment of the most basic concepts of law.

Organized around specific questions, theses and arguments, *Philosophy of Law: Introducing Jurisprudence* helps students get to grips with the fascinating yet often complex realm of legal philosophy. This comprehensive introduction explores fundamental questions about legal systems, legal reasoning, and legal concepts, covering a wide range of topics in jurisprudence including:

- Liability
- Punishment
- Causation
- Discretion
- Precedent
- Constitutional disobedience
- The rule of law

Packed with boxed case studies, chapter discussion questions, guides to further reading, a glossary of key terms and online resources for lecturers and students, Jeffrey Brand guides the reader through ideas in an accessible way. *Philosophy of Law* is ideal for use as a core textbook or as a companion to a set of primary sources.

Legality is a profound work in analytical jurisprudence, the branch of legal philosophy which deals with metaphysical questions about the law. In the twentieth century, there have been two major approaches to the nature of law. The first and most prominent is legal positivism, which draws a sharp distinction between law as it is and law as it might be or ought to be. The second are theories that view law as embedded in a moral framework. Scott Shapiro is a positivist, but one who tries to bridge the differences between the two approaches. In *Legality*, he shows how law can be thought of as a set of plans to achieve complex human goals. His new "planning" theory of law is a way to solve the "possibility problem", which is the

problem of how law can be authoritative without referring to higher laws.

This book proves to be an excellent guide through the labyrinth of law. Its crucial point is legal order viewed from the perspective of a situated *ÖWeÖ*. Jurisprudence appears as an implicit sort of thinking, embedded in moral, political, epistemological, and linguistic contexts. Numerous example cases lead us from everyday issues to the abysses of violence. Anyone who practises or studies law will highly profit from reading this book. One sees how law functions by being more than mere law. Æ Bernhard Waldenfels, Ruhr-University Bochum, Germany *Legal Thought and Philosophy* clarifies background questions in legal research projects, such as the relationship between law and justice, law and politics, law and knowledge, facts and norms, normativity and validity, constituent and constitutional power, and rule and context. It provides advanced students in law and philosophy with an account of legal thinking that combines analytical and phenomenological insights. From a conception of justice as principled political self-restraint, the book explains why there are moral reasons to separate law from morality conceptually and in what sense a legal order is positive Æ that is, set by authority and bound up with history. The book explores the conditions under which law may become an object of knowledge and theorizing, before finally discussing how these features come together in law as rule-following by citizens, officials, judges, and legislators alike. Addressing advanced students in law and philosophy, this key book: ¥ bridges separate traditions in legal philosophy (in particular analytical philosophy and phenomenology) ¥ develops a view of law as

an institution of authority from a conception of justice in the socio-political relationship between 'we' and 'the other' – presents a systematic account of normativity and validity – explains in what sense law is 'doing things with rules'.

This book's aims are to determine the importance of legal philosophy in legal education and in addition to develop alternative methods for teaching law in general and the philosophy of law in particular. In this context, the individual essays in this volume discuss the alternatives and tendencies in the quest for an adequate model of teaching and learning jurisprudence. Common to all of them is a commitment to the necessary integration of theoretical and practical knowledge, of traditional case and lecture methods with non-traditional models such as cinema, drama, and literature, and of the dominant legal perspective with alternative approaches utilizing information technologies such as computers and the internet. Effective teaching and learning must favor critical and strategic thinking, dialectical and dialogical inquiry or research, problem-solving, role-playing, and skill-developing over mere rote memorization of existing rules and standard answers.

Mr. Friedrich develops his own position within the framework of the history of Western legal philosophy from the Old Testament down to contemporary writers. In addition, he highlights some important problems of the present day, including certain aspects of legal realism. First published in 1958, this book has been revised and enlarged.

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 cen-

tral 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

Philosophy of Law: An Introduction provides an ideal starting-point for students of philosophy and law. Setting it clearly against the historical background, Mark Tebbit quickly leads readers into the heart of the philosophical questions that dominate philosophy of law today. He provides an exceptionally wide-ranging overview of the contending theories that have sought to resolve these problems. He does so without assuming prior knowledge either of philosophy or law on the part of the reader. The book is structured in three parts around the key issues and themes in philosophy of law: * What is the law? - the major legal theories addressing the question of what we mean by law, including natural law, legal positivism and legal realism. * The reach of the law - the various legal theories on the nature and extent of the law's authority, with regard to obligation and civil disobedience, rights, liberty and privacy. * Criminal law - responsibility and mens rea, intention, recklessness and murder, legal defences, insanity and philosophies of punishment. This new third edition has been updated and extended again to include assessments of important developments in philosophy and law in the early years of the 21st century. Revisions include a more detailed analysis of natural law, new chapters on common law and the development of positivism, a re-assessment of the Austin-Hart dispute in the light of recent criticism of Hart, a

new chapter on the natural law - positivist controversy over Nazi law and legality, and new chapters on criminal law, extending the analysis of the dispute over the viability of the defences of necessity and duress. The broadly sympathetic but ultimately critical stance taken in response to the radical theories, critical legal studies and critical race theories, along with postmodernist, feminist and socialist perspectives, which are covered in separate chapters, remains essentially the same.

"This volume is based on, although not exclusively composed of, papers presented at MANCEPT Workshops at the University of Manchester, September 2017" -- page x.

Fifty years on from its first publication, *The Concept of Law* is still the starting point for the study of legal philosophy and is widely heralded as a classic work of modern philosophy. This third edition features a new introduction by Leslie Green, looking at Hart's work from the perspective of modern jurisprudence.

An accessible, comprehensive, and high quality companion to legal philosophy written by a stellar cast of international contributors.

The book explores a variety of problems connected to philosophy and philosophy of law. It discusses the problem of monism-pluralism in philosophy and philosophy of law, criticizes philosophy of post-positivism and postmodernism, and investigates dialectics as a universal global methodological basis of scientific cognition and philosophy of law. The volume also pays particular attention to contemporary legal education, offering potential solutions to problems in this field. The book is the result of a range of sociological studies conducted both in Russia and abroad concerning the legal process and

legal consciousness.

This textbook uses cases in family law to illustrate both traditional philosophical problems in the law as well as problems that are unique to family law. In the beginning chapters family law cases are employed to introduce the reader to philosophical debates about the relationship between law and morals, about how one ought to interpret the U.S. Constitution and its amendments, about the conditions under which individual liberty is justifiably limited by law, about the justification of punishment, and about the justification of remedies and standards of care in determining negligence in tort cases. Later chapters are devoted to contemporary issues unique to family law, including justifiable limits of access to marriage, alternatives to marriage, the rights of children, child custody disputes involving surrogate births, quasi-property disputes involving custody of frozen embryos, and the justifiable limits of the right not to procreate. The book reflects current movements, contemporary debates, and recent research on the philosophical problems in family law.

Among books of similar scope, this is the recognized American classic. Those who read this book will have the strange privilege of thinking things together in the law from the beginning of written history to the moment Pound sent his writings to the printer. Through this writing of Pound's they can see what it is to deal with the whole objective world in the law as a freeman should, knowing how things have happened fortunately or unfortunately, logically or through some kind of hardly explicable human conduct. In *Philosophy of Law*, Andrei Marmor provides a comprehensive analysis of contemporary debates about the fundamental nature of law—an issue that has been at the heart of legal philosophy for cen-

turies. What the law is seems to be a matter of fact, but this fact has normative significance: it tells people what they ought to do. Marmor argues that the myriad questions raised by the factual and normative features of law actually depend on the possibility of reduction—whether the legal domain can be explained in terms of something else, more foundational in nature. In addition to exploring the major issues in contemporary legal thought, *Philosophy of Law* provides a critical analysis of the people and ideas that have dominated the field in past centuries. It will be essential reading for anyone curious about the nature of law.

"Recognizing Wrongs is about tort law, also commonly known as "personal injury law." The book's central thesis is that tort law fulfills a basic obligation that government owes to each of us: to provide law that defines and proscribes a special class of wrongs - wrongs that involve one person mistreating another - and to provide a means for victims of such wrongs to obtain redress from those who have wronged them. This book aims to recover the traditional understanding of tort law by helping readers to recognize what it is all about. It does so by offering a systematic statement of a theory now known in academic circles as "civil recourse theory." In providing a comprehensive statement of that theory, the book aims to unseat both the leading philosophical theory of tort law - corrective justice theory, as put forward by Jules Coleman, John Gardner, Arthur Ripstein, Ernest Weinrib, and others - as well as the economic approach favored by scholars such as Guido Calabresi and Richard Posner"--

This book is an attempt to provide a philosophical answer to the simple ques-

tion, "What is the law?" as well as address the various debates this question has spawned. Along the way, it develops a unique position within analytic jurisprudence by carefully distinguishing between a theory of the nature of a legal system and a theory of the nature of legal content (that is, of individual laws). Finally, it applies the framework established in the first part of the book to two substantive areas within legal theory: legal reasoning and international legal systems. The result is a unique introduction to the philosophy of law, one that presents and tests a theory of analytic jurisprudence, while it introduces students and others to this sub-field of philosophy. It explains and clarifies for students the views of the most significant scholars in the philosophy of law—"those of H.L.A. Hart, Hans Kelsen, Joseph Raz, Ronald Dworkin, and John Finnis"—and offers a critique of each. This approach should appeal to all types of philosophers--students and scholars alike--who are wary of wading into the field of legal theory as well as philosophers of law who wouldn't find useful or interesting a mere survey of the field.

The book presents a new focus on the legal philosophical texts of Aristotle, which offers a much richer frame for the understanding of practical thought, legal reasoning and political experience. It allows understanding how human beings interact in a complex world, and how extensive the complexity is which results from humans' own power of self-construction and autonomy. The Aristotelian approach recognizes the limits of rationality and the inevitable and constitutive contingency in Law. All this offers a helpful instrument to understand the changes globalisation imposes to legal experience today. The contributions in this collection do not merely pay atten-

tion to private virtues, but focus primarily on public virtues. They deal with the fact that law is dependent on political power and that a person can never be sure about the facts of a case or about the right way to act. They explore the assumption that a detailed knowledge of Aristotle's epistemology is necessary, because of the direct connection between Enlightened reasoning and legal positivism. They pay attention to the concept of proportionality, which can be seen as a precondition to discuss liberalism.

A rigorous introduction to profound questions about the nature and role of law.

Academic legal production, when it focuses on the study of law, generally grasps this concept on the basis of a reference to positive law and its practice. This book differs clearly from these analyses and integrates the legal approach into the philosophy of normative language, philosophical realism and pragmatism. The aim is not only to place the examination of law in the immanence of its practice, but also to take note of the fact that legal enunciation must be taken seriously. In order to arrive at this analysis, it is necessary to go beyond traditional perspectives and to base reflection on an investigation of the conditions for enunciating law in our democracies. This analysis thus offers a renewal of the ethics inherent in the action of jurists and an original reflection on the role of certain legal tools such as concepts, categories, or "provisions". In this sense, the work nourishes its originality not only by the transversality of its approach, but also by the will to situate legal thought in concrete forms of its implementation. The book will be essential reading for academics working in the areas of legal theory, legal philosophy and constitutional theory.

This book uses contemporary analytical tools to provide basic accounts of values and principles, community and 'common good', justice and human rights, authority, law, the varieties of obligation, unjust law, and even the question of divine authority.

Philosophy of Law provides a rich overview of the diverse theoretical justifications for our legal rules, systems, and practices. Utilizes the work of both classical and contemporary philosophers to illuminate the relationship between law and morality Introduces students to the philosophical underpinnings of International Law and its increasing importance as we face globalization Features concrete examples in the form of cases significant to the evolution of law Contrasts Anglo-American law with foreign institutions and practices such as those in China, Japan, India, Ireland and Canada Incorporates diverse perspectives on the philosophy of law ranging from canonical material to feminist theory, critical theory, postmodernism, and critical race theory

With over sixty cases as support, this text presents the philosophy of law as a perpetual series of debates with overlapping lines and cross connections. Using law as a focus to bring into relief many social and political issues of pressing importance in contemporary society, this book encourages readers to think critically and philosophically. Classic Readings and Cases in the Philosophy of Law centers on five major questions: What is law? What, if any, connection must there be between law and morality? When should law be used to restrict the liberty of individuals? To what extent should democratic states permit civil disobedience? What, if anything, justifies the infliction of punishment on those who violate the law? The extensive anthology of

cases covers the mundane to the grandest of constitutional issues, including controversial topics like ownership of genetic material, capital punishment, and gay rights. Brief introductions to each case describe the central issue being litigated, the legal reasoning of the justices both majority and dissenting, the decision of the court, and its philosophical significance.

Adam Smith and the Philosophy of Law and Economics is a unique book. Malloy and Evensky bring together a team of international and interdisciplinary scholars to address the work of Adam Smith as it relates to law and economics. In addition to their own contributions, the book includes works by Dr. John W. Cairns of the University of Edinburgh, Dr. J. Ralph Lindgren of Lehigh University, Professor Kenneth A.B. Mackinnon of the University of Waikato, and the Honorable Richard A. Posner of the United States Circuit Court of Appeals. Together these authors bring expertise from the areas of law, philosophy, history, economics, and law and economics to a new study of Adam Smith and his work. Part One of the book presents new and important observations on Smith's views on community, ethics, the court system, criminal law, and delictual or tort law liability. In this part of the book Smith's work is also examined from the perspective of his use as persuasive authority in the works of modern legal economists. In Part Two the 'living Smith' is explored by way of a debate between two major contributors in the field of law and economics. The debate and its analysis create a unique and contemporary opportunity to study Smith as a foundational source in the midst of a current academic and social policy dispute.

The understanding of Adam Smith that emerges from this book is new and complex. It will challenge the one-dimensional portrayals of Smith as a promoter of self-interest and it will correct many of the misinterpretations of Smith that are currently fashionable in the worlds of law and economics and the philosophy of law.

Allan Beever lays the foundation for a timely philosophical and empirical study of the nature of law with a detailed examination of the structure of evolving law through declaratory speech acts. This engaging book demonstrates both how law itself is achieved and also its ability to generate rights, duties, obligations, permissions and powers.

The Routledge Companion to the Philosophy of Law provides a comprehensive, non-technical philosophical treatment of the fundamental questions about the nature of law. Its coverage includes law's relation to morality and the moral obligations to obey the law, the main philosophical debates about particular legal areas such as criminal responsibility, property, contracts, family law, law and justice in the international domain, legal paternalism and the rule of law. The entirely new content has been written specifically for newcomers to the field, making the volume particularly useful for undergraduate and graduate courses in philosophy of law and related areas. All 39 chapters, written by the world's leading researchers and edited by an internationally distinguished scholar, bring a focused, philosophical perspective to their subjects. The Routledge Companion to the Philosophy of Law promises to be a valuable and much consulted student resource for many years.