Jurisprudence Legal Theory For Bl Llb Ml Llm Bl Hons Of Nalsar Ias Net Sl

Legal positivism is one of the fundamental theories of jurisprudence studied in law and related fields around the world. This volume addresses how legal positivism is perceived and makes the case for why it is relevant for contemporary legal theory. The Cambridge Companion to Legal Positivism offers thirty-three chapters from leading scholars that provide a comprehensive commentary on the fundamental ideas of legal positivism, its history and major theorists, its connection to normativity and values, its current development and influence, as well as on the criticisms moved against it.

John Finnis is a pioneer in the development of a new yet classically-grounded theory of natural law. His work offers a systematic philosophy of practical reasoning and moral choosing that addresses the great questions of the rational foundations of ethical judgments, the identification of moral norms, human agency, and the freedom of the will, personal identity, the common good, the role and functions of law, the meaning of justice, and the relationship of morality and politics to religion and the life of faith. The core of Finnis' theory, articulated in his seminal work Natural Law and Natural Rights, has profoundly influenced later work in the philosophy of law and moral and political philosophy, while his contributions to the ethical debates surrounding nuclear deterrence, abortion, euthanasia, sexual morality, and religious freedom have powerfully demonstrated the practical implications of his natural law theory. This volume, which gathers eminent moral, legal, and political philosophers, and theologians to engage with John Finnis' work, offers the first sustained, critical study of Finnis' contribution across the range of disciplines in which rational and morally upright choosing is a central concern. It includes a substantial response from Finnis himself, in which he comments on each of their 27 essays and defends and develops his ideas and arguments.

The articles in this new edition of A Companion to Philosophy ofLaw and Legal Theory have been updated throughout, and theaddition of ten new articles ensures that the volume continues tooffer the most up-to-date coverage of current thinking inlegal philosophy. Represents the definitive handbook of philosophy of law andcontemporary legal theory, invaluable to anyone with an interest inlegal philosophy Now features ten entirely new articles, covering the areas ofrisk, regulatory theory, methodology, overcriminalization,intention, coercion, unjust enrichment, the rule of law, law andsociety, and Kantian legal philosophy Essays are written by an international team of leadingscholars

Offers a comprehensive overview of legal theory and philosophy and demystifies the discipline's major ideas and debates.

Annual Announcement of Courses of Instruction

New Essays on the Pure Theory of Law

The Blackwell Guide to the Philosophy of Law and Legal Theory

Or, An Introduction to the Theory and Practice of English Jurisprudence

The Foundation of the Juridico-Political

The Cambridge Companion to Natural Law Jurisprudence

This collection provides an intellectually rigorous and accessible overview of key topics in contemporary natural law jurisprudence, an influential yet frequently misunderstood branch of legal philosophy. It fills a gap in the existing literature by bringing together leading international experts on natural law theory to provide perspectives on some of the most pressing issues pertaining to the nature and moral foundations of law. Themes covered include the history of the natural law tradition, the natural law account of practical reason, normativity and ethics, natural law approaches to legal obligation and authority and constitutional law. Creating a dialogue between leading figures in natural law thought, the Companion is an ideal introduction to the main commitments of natural law jurisprudence, whilst also offering a concise summary of developments in current scholarship for more advanced readers.

Discusses the judicial role in constitutional authoritarianism in the context of Korea's political and constitutional transitions.

A Study Of The Administrative And Legal Developments - Arunachal Pradesh With Special Reference To The Adi Tribe. Describes The Customary Laws Of Adi Tribe. 7 Chapters Including Conclusion - Appendices - Bibliography, Table Of Cases, Index - Illustrations In Colour 12 Including A Map.

Political jurisprudence is the branch of jurisprudence that treats law as an aspect of human experience called 'the political'. This is an approach that many contemporary jurists, those whose work presupposes the autonomy of legal order, tend to suppress. In this book, Martin Loughlin assesses the contribution made by political jurists and explains its contemporary significance. Political jurists maintain that the essential characteristics of modern legal order can only be revealed by considering how political authority is constituted. The political is orientated to the fact that people are organized into territorially-bounded units within which authoritative governing arrangements have been established, but the authority of this way of viewing the world is strengthened only through institution-building. Law may be an aspect of the political, but to perform its authority-generating functions effectively it must operate relatively autonomously. The political and the legal operate relationally, without one being reduced to the other. Loughlin introduces the rich literature of political jurisprudence through essays on innovative political jurists such as Hobbes, Burke, Constant, Romano, and Schmitt, and on such central themes as political right, institutionalism, constitutional legality, and reason of state. Building on his earlier books, The Idea of Public Law (OUP 2003) and Foundations of Public Law (OUP 2010), this collection extends his account of this influential strand of European legal thought.

Concept Formation in Hans Kelsen and Max Weber

Research Methods in Law

Register - University of California

Reason, Morality, and Law

Hans Kelsen in America - Selective Affinities and the Mysteries of Academic Influence

The Blackwell Companion to Philosophy

This book offers a 'genealogical' explanation of law's normativity. The term 'genealogical' conveys a commitment to a non-metaphysical type of enquiry. While it explains how law, as a normative phenomenon, comes about, it does not seek to ground law's normativity in anything but the context of social interaction giving rise to it. Legal normativity is brought about on a daily basis. Whether in revolutionary circumstances or in the quotidian need for judges, lawmakers or citizens to balance law's demands with those of morality or prudence, our ability to bind ourselves through law ultimately depends on our capacity to articulate a better way of living together, and to commit ourselves to it. These efforts of assessment and articulation depend, in turn, on our conception of normative agency. Assert the need to trace the truth of ethical judgments to some independent moral 'facts' conditioning their objectivity, and you will get a different understanding of what it is we are doing when we dispute law's authority in the name of moral values. Tracing the truth of moral judgements back to our own social practices not only affects the nature of disagreement; it also dramatically increases our responsibility when, as lawmakers, judges, or citizens we 'take the law into our own hands' and confront it with our moral expectations.

Hans Kelsen and Max Weber are conventionally understood as initiators not only of two distinct and opposing processes of concept formation, but also of two discrete and contrasting theoretical frameworks for the study of law. The Foundation of the Juridical-Political:

Concept Formation in Hans Kelsen and Max Weber places the conventional understanding of the theoretical relationship between the work of Kelsen and Weber into question. Focusing on the theoretical foundations of Kelsen's legal positivism and Weber's sociology of law, and guided by the conceptual frame of the juridico-political, the contributors to this interdisciplinary volume explore convergences and divergences in the approach and stance of Kelsen and Weber to law, the State, political science, modernity, legal rationality, legal theory, sociology of law, authority, legitimacy and legality. The chapters comprising The Foundation of the Juridical-Political uncover complexities within as well as between the theoretical and methodological principles of Kelsen and Weber and, thereby, challenge the enduring division between legal positivism and the sociology of law in contemporary discourse.

Brings the three most important twentieth-century theorists of the rule of law into debate with each other.

Forty years after his death, Hans Kelsen (1881-1973) remains one of the most discussed and influential legal philosophers of our time. This collection of new essays takes Kelsen's Pure Theory of Law as a stimulus, aiming to move forward the debate on several central issues in contemporary jurisprudence. The essays in Part I address legal validity, the normativity of law, and Kelsen's famous but puzzling idea of a legal system's 'basic norm'. Part II engages with the difficult issues raised by the social realities of law and the actual practices of legal officials. Part III focuses on conceptual features of legal systems and the logical structure of legal norms. All the essays were written for this volume by internationally renowned scholars from seven countries. Also included, in English translation, is an important polemical essay by Kelsen himself.

The Cambridge Companion to Legal Positivism

Reform in England, 1808-30

Collected Essays Volume IV

Legal Norms and Normativity

McCoubrey & White's Textbook on Jurisprudence

Register of the University of California

The Oxford Handbook of International Legal Theory provides an accessible and authoritative guide to the major thinkers, concepts, approaches, and debates that have shaped contemporary international legal theory. The Handbook features 48 original essays by leading international scholars from a wide range of traditions, nationalities, and perspectives, reflecting the richness and diversity of this dynamic field. The collection explores key questions and debates in international legal theory, offers new intellectual histories for the discipline, and provides fresh interpretations of significant historical figures, texts, and theoretical approaches. It provides a much-needed map of the field of international legal theory, and a guide to the main themes and debates that have driven theoretical work in international law. The Handbook will be an indispensable reference work for students, scholars, and practitioners seeking to gain an overview of current theoretical debates about the nature, function, foundations, and future role of international law.

Kelsen, Hans. Pure Theory of Law. Translation from the Second German Edition by Max Knight. Berkeley: University of California Press, 1967. x, 356 pp. Reprinted 2005 by The Lawbook Exchange, Ltd. ISBN 1-58477-578-5. Paperbound. $36.95 * Second revised and enlarged edition, a complete revision of the first edition published in 1934. A landmark in the development of modern jurisprudence, the pure theory of law defines law as a system of coercive norms created by the state that rests on the validity of a generally accepted Grundnorm, or basic norm, such as the supremacy of the Constitution. Entirely self-supporting, it rejects any concept derived from metaphysics, politics, ethics, sociology, or the natural sciences. Beginning with the medieval reception of Roman law, traditional jurisprudence has maintained a dual system of "subjective" law (the rights of a person) and "objective" law (the system of norms). Throughout history this dualism has been a useful tool for putting the law in the service of politics, especially by rulers or dominant political parties. The pure theory of law destroys this dualism by replacing it with a unitary system of objective positive law that is insulated from political manipulation. Possibly the most influential jurisprudent of the twentieth century, Hans Kelsen [1881-1973] was legal adviser to Austria's last emperor and its first republican government, the founder and permanent advisor of the Supreme Constitutional Court of Austria, and the author of Austria's Constitution, which was enacted in 1920, abolished during the Anschluss, and restored in 1945. The author of more than forty books on law and legal philosophy, he is best known for this work and General Theory of Law and State. Also active as a teacher in Europe and the United States, he was Dean of the Law Faculty of the University of Vienna and taught at the universities of Cologne and Prague, the Institute of International Studies in Geneva, Harvard, Wellesley, the University of California at Berkeley, and the Naval War College.Also available in cloth.

This fully revised and updated edition of Nicholas Bunnin and E.P. Tsui-James' popular introductory philosophy textbook brings together specially-commissioned chapters from a prestigious team of scholars writing on each of the key areas, figures and movements in philosophy.

This textbook provides an introduction to and analysis of the major theories and controversies of jurisprudence. Starting with an overview of the nature of jurisprudence, then moving on to examine the theories and main protagonists in more detail, it is an ideal text for undergraduate students studying the subject for the first time.

An Interpretation and Defence

Introduction to the Problems of Legal Theory

A Law Grammar, Or, An Introduction to the Theory and Practice of English Jurisprudence

Jurisprudence

The Philosophy of John Finnis

Law, Liberty and State

Most contemporary legal philosophers tend to take force to be an accessory to the law. According to this prevalent view the law primarily consists of a series of demands made on us; force, conversely, comes into play only when these demands fail to be satisfied. This book claims that this model should be

jettisoned in favour of a radically different one: according to the proposed view, force is not an accessory to the law but rather its attribute. The law is not simply a set of rules incidentally guaranteed by force, but it should be understood as essentially rules about force. The book explores in detail the nature of this claim and develops its corollaries. It then provides an overview of the contemporary jurisprudential debates relating to force and violence, and defends its claims against well-known counter-arguments by Hart, Raz and others. This book offers an innovative insight into the concept of Pure Theory. In contrast to what was claimed by Hans Kelsen, the most eminent contributor to this theory, the author argues that the core insight of the Pure Theory is not to be found in the concept of a basic norm, or in the supposed absence of a conceptual relation between law and morality, but rather in the fundamental and comprehensive reformulation of how to model the functioning of the law intended as an ordering of force and violence.

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

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 centuries. 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.

The rule of law is widely perceived to be a public law doctrine, concerned with the way governmental authority conforms to dictates of law. This book explores the idea that the rule of law instead concerns the conditions under which any relationship - that among citizens as well as that between citizens and the state - becomes subject to law.

General Catalogue
An Essay in Genealogy
Private Law and the Rule of Law
Constitutional Transition and the Travail of Judges
Tribal Customs Law And Justice
Canon Law

'Canon Law' explores the canon law of the Roman Catholic Church from a comparative perspective. The introduction to the book presents historical examples of antinomian and legalistic approaches to canon law.

Explores the history of the idea of constituent power over five key events, from the French Revolution to the present.

Following the abolition of the British slave trade in 1807, a group of politicians began to agitate for reform of England's "bloody code" of criminal statutes. This examines the politics and propaganda of criminal law reform from 1808 to the Whig succession to power in 1830.

This book is comprised of academic work on key current issues pertaining to the areas of ethics, governance and corporate crimes. The book provides a platform for researchers to publish their work, articulate their concerns and offer critical perspectives on what they see happening around them.

Philosophical Foundations of Constitutional Law
Pure Theory of Law
Comparative Legal Reasoning and European Law
A Law Grammar
Ethics, Governance and Corporate Crime
Philosophy of Law

This volume explores the reasons for Hans Kelsen's lack of influence in the United States and proposes ways in which Kelsen's approach to law, philosophy, and political, democratic, and international relations theory could be relevant to current debates within the U.S. academy in those areas. Along the way, the volume examines Kelsen's relationship and often hidden influences on other members of the mid-century Central European émigré community whose work helped shape twentieth-century social science in the United States. The book includes major contributions to the history of ideas and to the sociology of the professions in the U.S. academy in the twentieth century. Each section of the volume explores a different aspect of the puzzle of the neglect of Kelsen's work in various disciplinary and national settings. Part I provides reconstructions of Kelsen's legal theory and defends that theory against negative assessments in Anglo-American jurisprudence. Part II focuses both on Kelsen's theoretical views on international law and his practical involvement in the post-war development of international criminal law. Part III addresses Kelsen's theories of democracy and justice while placing him in dialogue with other major twentieth-century thinkers, including two fellow émigré scholars, Leo Strauss and Albert Ehrenzweig. Part IV explores Kelsen's intellectual legacies through European and American perspectives on the interaction of Kelsen's theoretical approach to law and national legal traditions in the United States and Germany. Each contribution features a particular applications of Kelsen's approach to doctrinal and interpretive issues currently of interest in the legal academy. The volume concludes with two chapters on the nature of Kelsen's legal theory as an instance of modernism.

Constitutional law has been and remains an area of intense philosophical interest, and yet the debate has taken place in a variety of different fields with very little to connect them. In a collection of essays bringing together scholars from several constitutional systems and disciplines, Philosophical Foundations of Constitutional Law unites the debate in a study of the philosophical issues at the very foundations of the idea of a constitution: why one might be necessary; what problems it must address; what problems constitutions usually address; and some of the issues raised by the administration of a constitutional regime. Although these issues of institutional design are of abiding importance, many of them have taken on new significance in the last few years as law-makers have been forced to return to first principles in order to justify novel practices and arrangements in their constitutional orders. Thus, questions of constitutional 'revolutions', challenges to the demands of the rule of law, and the separation of powers have taken on new and pressing importance. The essays in this volume address these questions, filling the gap in the philosophical analysis of constitutional law. The volume will provoke specialists in philosophy, politics, and law to develop new philosophically grounded analyses of constitutional law, and will be a valuable resource for graduate students in law, politics, and philosophy.

The Cambridge History of Renaissance Philosophy offers a balanced and comprehensive account of philosophical thought from the middle of the fourteenth century to the emergence of modern philosophy at the turn of the seventeenth century. The Renaissance has attracted intense scholarly attention for over a century, but in the beginning the philosophy of the period was relatively neglected and this is the first volume in English to synthesize for a wider readership the substantial and sophisticated research now available. The volume is organized by branch of philosophy rather than by individual philosopher or by school. The intention has been to present the internal development of different aspects of the subject in their own terms and within their historical context. This structure also emphasizes naturally the broader connotations of "philosophy" in that intellectual world.

Comparative Legal Reasoning and European Law deals with the use of comparative law in European legal adjudication. It describes the different forms of the use of comparative law in legal reasoning, argumentation and justification in several national legal orders and in European level legal institutions. The book begins with an inquiry into the nature of comparative law as a legal source. After the description of the empirical study it ends to the general theory of European law and several hard cases of European law are examined. The book is intended for students and researchers in European law but it also contains aspects to be taken into account in the practical work in European legal orders and legal institutions by judges and legal practitioners.

The Cambridge History of Renaissance Philosophy

With announcements

Challenges and Consequences

Political Jurisprudence

Kelsen Revisited

A History

Explaining in clear terms some of the main methodological approaches to legal research, the chapters in this edited collection are written by specialists in their fields, researching in a variety of jurisdictions. Covering a range of topics from Feminist Approaches to Law and Economics, each contributor addresses the topic of ‘lay decision makers in the legal system’ from their particular methodological perspective, explaining how they would approach the issue and discussing the suitability of their particular method. This focus on one main topic allows the reader to draw comparisons between methods with relative ease. The broad range of contributors makes Research Methods in Law well suited to an international audience, and it is ideal reading for PhD students in law, undergraduate dissertation students in law, LL.M Research students and early year researchers.

John Finnis has been a central figure in the fundamental re-shaping of legal philosophy over the past half-century. This volume of his Collected Essays shows the full range and power of his contributions to the philosophy of law. The volume collects nearly thirty papers: on the foundations of law's authority; major theories and theorists of law; legal reasoning; revolutions, rights and law; and the logic of law-making. The essays collected include Finnis' recent appreciations and root-and-branch critiques of Hart's legal and political theories, his engagements with other central figures and works in the field, including Dworkin's Law's Empire; Raz on authority and coordination; Coleman, Leiter and Gardner on legal positivism and naturalism; Aquinas as founder of legal positivism; Weber on the fact-value distinction and legitimation; Unger on indeterminacy in law; Posner on intention and economics; Kelsen and courts on revolutions; game-theory and rational-choice theory; with misinterpreters of Hohfeld on rights logic; John Paul II on voting for unjust laws; analogy's role in legal reasoning; the distribution of constitutional authority in the Empire and its dissolution; the judicial opportunism of separation of powers doctrine in the Australian constitution; the architecture of Blackstone's Commentaries; restitution in civil wrongs; and many other aspects of law and legal theory. Several papers bring to bear his extensive work as a constitutional adviser and lawyer on persistent problems of constitutional theory. Previously unpublished papers include two on critical or post-modern legal theory, and an introduction reflecting on legal philosophy's development and future.

Niklas Luhmann's sociological theory treats law, along with politics, economics, media and ethics, as systems of communication. His theory not only offers profound and novel insights into the character of the legal system in modern society, but also provides an explanation for the role of jurisprudence as part of that legal system. In this work the authors seek to explore and develop Luhmann's claim that jurisprudence is part of law's self-description; a part of the legal system which, as a particular kind of legal communication, orientates legal operations by explaining law to itself. This approach has the potential to illuminate many of the interminable debates amongst and between different schools of jurisprudence on topics such as the origin and/or source of law, the nature of law's determinacy or indeterminacy, and the role of justice. The

authors' introduction to Luhmann's systems theory concentrates on the concept of closure and the distinct disposition of law's openness to its environment. From this beginning, the book goes on to offer a sustained and methodical application of systems theory to some of the traditional forms of jurisprudence: natural law and its relationship with legal positivism, Dworkin's version of natural law, Kelsen's version of legal positivism, and Critical Legal Studies. This application of systems theory alters our perception of jurisprudence and better enables us to understand its role within law.

The Oxford Handbook of the Theory of International Law

Negotiating the Power of the People

Oakeshott, Hayek and Schmitt on the Rule of Law

A Comparative Study with Anglo-American Legal Theory

A Sociology of Jurisprudence

Register ...