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Handbook of Law and Economics A. Mitchell Polinsky,Steven Shavell,2007-11-07 Law can be viewed as a body of rules and legal sanctions that channel behavior in socially desirable directions for example by encouraging individuals to take proper precautions to prevent accidents or by discouraging competitors from colluding to raise prices The incentives created by the legal system are thus a natural subject of study by economists Moreover given the importance of law to the welfare of societies the economic analysis of law merits prominent treatment as a subdiscipline of economics Our hope is that this two volume Handbook will foster the study of the legal system by economists The two volumes form a comprehensive and accessible survey of the current state of the field Chapters prepared by leading specialists of the area Summarizes received results as well as new developments

Law, Truth, and Reason Raimo Siltala,2011-07-29 This book is an innovative contribution to analytical jurisprudence It is mainly based on the distinct premises of linguistic philosophy and Carnapian semantics but also addresses the issues of institutional philosophy social pragmatism and legal principles as envisioned by Dworkin among others Wr blewski s three ideologies bound free legal and rational and Makkonen s three situations isomorphic semantically vague normative gap of judicial decision making are further developed by means of 10 frames of legal analysis as discerned by the author With the philosophical theories of truth serving as a reference the frames of legal analysis include the isomorphic theory of law Wittgenstein Makkonen the coherence theory of law Alexy Peczenik Dworkin the new rhetoric and legal argumentation theory Perelman Aarnio social consequentialism Posner natural law theory Fuller Finnis and the sequential model of legal reasoning by Neil MacCormick and the Bielefelder Kreis At the end some key issues of legal metaphysics are addressed like the notion of legal systematics and the future potential of the analytical approach in jurisprudence

Law and Legal Interpretation Fernando Atria

Lemaitre, Neil MacCormick, 2017-11-01 This title was first published in 2003 Leading contemporary essays on interpretation are assembled in this volume which offsets them against a small number of classical works from earlier periods It has long been recognized that textual sources constitutions statutes precedents commentaries are central to developed systems of law and that interpretation of such texts is one highly important element in adjudication legal practice and legal scholarship Scholars have also contended that the totality of legal activity is interpretive in a wider sense and debates about objectivity have raged The reasons for this development are here critically scrutinized **Current Legal Theory**, 1996 **Law and Economics** Jules Coleman, Jeffrey Lange, 1993 Law and Morality Kenneth Einar Himma, 2017-07-05 This volume collects many of the key essays exploring the possible relationships between the concepts of law and morality a central concern of contemporary philosophizing about law It is organized around five conceptual issues classical natural law theory legal positivism's separability thesis Ronald Dworkin's constructive interpretivism inclusive legal positivism's assertion that there can be legal systems with moral criteria of legality and the relevance of morality and moral theorizing in theorizing about the concept of law and associated legal concepts Each of the essays makes an important contribution toward addressing these issues Encyclopedia of Law and Society David S. Clark, 2007-07-10 This work will be very valuable for academic and public libraries supporting prelaw law social and cultural studies Summing Up Highly recommended Upper level undergraduates through professionals practitioners general readers CHOICE There are two aspects of scholarship about the legal systems of our day that are especially salient one being for the first time there is a fair amount of genuine research on legal systems and two that this research is increasingly global As soon as you cross a jurisdictional line even if it separates countries that are very similar you enter a different legal system It cannot be assumed that any particular rule doctrine or practice is the same in any two jurisdictions regardless of how close these jurisdictions are in terms of history and tradition The Encyclopedia of Law and Society is the largest comprehensive and international treatment of the law and society field With an Advisory Board of 62 members from 20 countries and six continents the three volumes of this state of the art resource represent interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics By globalizing the Encyclopedia's coverage American and international law and society will be better understood within its historical and comparative context Key Features Includes more than 700 biographical entries that are historical comparative topical thematic and methodological Presents the rich diversity of European Latin American Asian African and Australasian developments for the first time in one place to reveal the truly holistic interdisciplinary virtues of law and society Examines how and why legal systems grow and change how and why they respond or fail to respond to their environment how and why they impact the life of society and how and why the life of society impacts in turn these legal systems With borders more porous than ever before this Encyclopedia reflects the paradoxical reality of modern life including legal life This valuable resource aims to present research along with the theories on which it is grounded fairly and

comprehensively and is a must have for all academic libraries **Welfare Law** Lucy A. Williams, 2020-11-25 This title was first published in 2001 Welfare law is a legal field integral to most jurisprudential formulations whether artificially designated as doctrinal theoretical or practical At its core legal discourse regarding welfare challenges the formulations traditionally viewed as pre legal the background rules of property tort and contract law In addition it affects a large percentage of the world s population highlights the social construction of identities and perhaps more than any other area of law graphically epitomizes the intersection of class race and gender distinctions However within both the legal academy and practice welfare law has been marginalized and viewed as a field that does not connect to any but a small sector of lawyers and legal clients Isolated as an arcane domain of either statutory and regulatory legal minutiae or jurisprudential insignificance welfare law has never realized its potential as a major hub for legal theoretical discourse The articles in this volume seek to expose the roots of the essentialized view of welfare law as nonessential and re establish its value and importance **Cultural Studies** Lawrence Grossberg, 2020-11-25 This book leading and shaping the field of cultural studies in Australia fosters a conversation about the changing and competing discursive and material conditions struggles and possibilities of the contemporary world in all their complexities and diversities *The Rule of Law and the Separation of Powers* Richard Bellamy, 2017-07-05 The rule of law is frequently invoked in political debate yet rarely defined with any precision Some employ it as a synonym for democracy others for the subordination of the legislature to a written constitution and its judicial guardians It has been seen as obedience to the duly recognised government a form of governing through formal and general rule like laws and the rule of principle Given this diversity of view it is perhaps unsurprising that certain scholars have regarded the concept as no more than a self congratulatory rhetorical device This collection of eighteen key essays from jurists political theorists and public law political scientists aims to explore the role law plays in the political system The introduction evaluates their arguments The first eleven essays identify the standard features associated with the rule of law These are held to derive less from any characteristics of law per se than from a style of legislating and judging that gives equal consideration to all citizens The next seven essays then explore how different ways of separating and dispersing power contribute to this democratic style of rule by forcing politicians and judges alike to treat people as equals and regard none as above the law **The International Library of Essays on Capital Punishment, Volume 2** Peter Hodgkinson, 2016-12-05 The essays selected for this volume develop conventional abolition discourse and explore the conceptual framework through which abolition is understood and posited Of particular interest is the attention given to an integral but often forgotten element of the abolition debate alternatives to capital punishment The volume also provides an account of strategies employed by the abolition community which challenges tired methodologies and offers a level of transparency previously unseen This collection tackles complex but fundamental components of the capital punishment debate using empirical data and expert observations and is essential reading for those wishing to comprehend the

fundamental issues which underpin capital punishment discourse *Rights* Carlos Nino,1992-08 The essays in this volume concern the topic of legal rights how they are related to morality the place of rights on moral theory and the legal recognition of rights **The Creation and Interpretation of Commercial Law** Clayton P. Gillette,2022-03-21 This title was first published in 2003 This volume contains essays by prominent commentators on topics in commercial law It addresses the

increasing harmonization of international commercial law and the essays demonstrate different methodologies used in analysing commercial law such as economic and jurisprudential approaches *Constitutionalism and Democracy* Richard Bellamy,2017-07-05 Constitutionalism and democracy have been interpreted as both intimately related and intrinsically opposed On the one hand constitutions are said to set out the rules of the democratic game on the other as constraining the power of the demos and their representatives to rule themselves including by reforming the very processes of democracy itself Meanwhile constitutionalists themselves differ on how far any constitution derives its authority from and should itself be subject to democratic endorsement and interpretation They also dispute whether constitutions should refer solely to democratic processes or also define and limit democratic goals Each of these positions produces a different view of judicial review the content and advisability of a Bill of Rights and the nature of constitutional politics These differences are not simply academic positions but are reflected in the different types of constitutional democracy found in the United States continental Europe Britain and many commonwealth countries The selected essays explore these issues from the perspectives of law philosophy and political science A detailed and informative introduction sets them in the context of contemporary debates about constitutionalism *Gender and Justice* Ngaire Naffine,2017-07-05 The leading articles on

gender and justice within Anglo American legal theory are assembled in this volume The essays are drawn primarily from the writings of lawyers working in the common law tradition and they mainly examine the justice of legal institutions Due to the close kinship between political and legal theories of justice the book also includes a selection of the work of the more prominent political theorists of justice and gender **Mediation** Carrie Menkel-Meadow,2018-05-08 This title was first published in 2001 This volume of essays explores the theoretical and jurisprudential bases of mediated forms of dispute resolution from legal anthropological sociological psychological and political sources It also presents ongoing disputes about the field itself including its threat to conventional litigation and justice seeking adjudication and its promise in providing

more humane and tailored solutions to human problems Organising the Firm Petri Mäntysaari,2011-09-18 The theoretical basis of commercial law corporate governance law and corporate law is still unsatisfactory There essentially is no theory of commercial law and existing theories of corporate governance and corporate law cannot explain the behaviour of firms or the contents of existing regulation This book proposes a coordinated solution for all three areas The starting point is that all three areas deal with the organisation of firms Commercial law corporate governance and corporate law are therefore studied from the perspective of the firm rather than that of the judge or the investor Changing the perspective makes it

easier to formulate an umbrella theory of commercial law and theories of corporate governance and corporate law as applications of the main theory The book provides examples of how the proposed theories work by studying legal corporate governance tools and practices that increase the sustainability of the firm Sustainability can be bolstered by making the governance model more self enforcing and ensuring that it fosters innovation

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