

CSABA VARGA

*Lectures  
on the Paradigms  
of Legal Thinking*



AKADÉMIAI KIADÓ BUDAPEST

# Lectures On The Paradigms Of Legal Thinking

**Joe Sampson, Stelios Tofaris**



## **Lectures On The Paradigms Of Legal Thinking:**

Lectures on the Paradigms of Legal Thinking Csaba Varga, 1999 Legal philosopher Varga introduces readers to reasoning in law by leading them through the possibilities boundaries and traps of assuming personal responsibility and impersonal pattern adoption that have arisen in the history of human thought and in the various legal cultures He seeks to reveal the actual processed hidden by the veil of patterns that are followed in thinking processed that people encounter both in conceptual logical quests for certainties and in the undertaking of fertilizing ambiguity The original Hungarian *Eloadások a jogi gondolkodás paradigmáiról* was published by Osiris Budapest in 1999 Distributed in the US by ISBS Annotation copyrighted by Book News Inc Portland OR A Treatise of Legal Philosophy and General Jurisprudence Enrico Pattaro, Corrado Roversi, 2016-07-13 A Treatise of Legal Philosophy and General Jurisprudence is the first ever multivolume treatment of the issues in legal philosophy and general jurisprudence from both a theoretical and a historical perspective The work is aimed at jurists as well as legal and practical philosophers Edited by the renowned theorist Enrico Pattaro and his team this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholar at all levels The work is divided in two parts The theoretical part published in 2005 consisting of five volumes covers the main topics of the contemporary debate the historical part consisting of six volumes Volumes 6 8 published in 2007 Volumes 9 and 10 published in 2009 Volume 11 published in 2011 and Volume 12 forthcoming in 2016 accounts for the development of legal thought from ancient Greek times through the twentieth century Volume 12 Legal Philosophy in the Twentieth Century The Civil Law World Volume 12 of A Treatise of Legal Philosophy and General Jurisprudence titled Legal Philosophy in the Twentieth Century The Civil Law World functions as a complement to Gerald Postema's volume 11 titled Legal Philosophy in the Twentieth Century The Common Law World and it offers the first comprehensive account of the complex development that legal philosophy has undergone in continental Europe and Latin America since 1900 In this volume leading international scholars from the different language areas making up the civil law world give an account of the way legal philosophy has evolved in these areas in the 20th century the outcome being an overall mosaic of civil law legal philosophy in this arc of time Further specialists in the field describe the development that legal philosophy has undergone in the 20th century by focusing on three of its main subjects namely legal positivism natural law theory and the theory of legal reasoning and discussing the different conceptions that have been put forward under these labels The layout of the volume is meant to frame historical analysis with a view to the contemporary theoretical debate thus completing the Treatise in keeping with its overall methodological aim namely that of combining history and theory as a necessary means by which to provide a comprehensive account of jurisprudential thinking *Multicentrism as an Emerging Paradigm in Legal Theory* Marek Zirk-Sadowski, Mariusz Jerzy Golecki, Bartosz Wojciechowski, 2009 The contemporary legal theory is gradually departing from traditional theory of the hierarchical legal system Some authors announce the supposed

death of the concept of law within the state The so called multicentrism might become an attractive alternative to the traditional monocentric approach The essence of multicentrism may be characterized as coexistence of many adjudicating bodies especially courts whose verdicts are equally effective within the national legal system Such a situation takes place e g within the European legal area where multicentrism could be perceived as the existence of sensitive liaisons entanglements and relations of dependence between the European Court of Human Rights in Strasbourg the European Court of Justice in Luxemburg and national especially constitutional courts in member states The coexistence of many centres of adjudication may thus become a constant feature of the system of regional and global law

*The Judiciary in Central and Eastern Europe* Zdenek Kühn, 2011-10-28 One of the most widespread problems in post Communist countries is the quality of the judiciary The book argues that these problems are intimately linked to the legal culture of Communist law that an understanding of post Communist judges necessarily requires an understanding of their Communist predecessors There seems to be a deep continuity in the methods of legal reasoning employed by lawyers in the region of East Central Europe starting in the era of Stalinism of the 1950s up to the current post Communist period which continuity is manifested in the problems of 1990s and 2000s Communist legal culture and its aftermath provide an interesting analysis of the development of legal culture in a long lasting system which was intellectually almost completely separated from the outside world The book targets the judicial ideology the conception of law and the judicial self perceptions which are phenomena most likely to be contained in the deepest level of legal culture that most resistant to change

**Lessons and Legacies** Peter Hayes, 1991 In the courtroom and the classroom in popular media public policy and scholarly pursuits the Holocaust its origins its nature and its implications remains very much a matter of interest debate and controversy Arriving at a time when a new generation must come to terms with the legacy of the Holocaust or forever lose the benefit of its historical social and moral lessons this volume offers a richly varied deeply informed perspective on the practice interpretation and direction of Holocaust research now and in the future In their essays the authors an international group including eminent senior scholars as well those who represent the future of the field set the agenda for Holocaust studies in the coming years even as they give readers the means for understanding today's news and views of the Holocaust whether in court cases involving victims and perpetrators international national and corporate developments or fictional documentary and historical accounts Several of the essays such as one on nonarmed amideah or resistance and others on the role of gender in the behavior of perpetrators and victims provide innovative and potentially significant interpretive frameworks for the field of Holocaust studies Others for instance the rounding up of Jews in Italy Nazi food policy in Eastern Europe and Nazi anti Jewish scholarship emphasize the importance of new sources for reconstructing the historical record Still others including essays on the 1964 Frankfurt trial of Auschwitz guards and on the response of the Catholic Church to the question of German guilt bring a new depth and sophistication to highly charged sharply politicized topics Together these essays will inform the future of the Holocaust in

scholarly research and in popular understanding Publisher's description Paradigms in Modern European Comparative Law Balázs Fekete, 2021-04-22 This book uses the philosophy of Thomas Kuhn to provide a new vision of the development of European comparative law that will challenge and inspire scholars in the field With the empathic use of some ideas from Kuhn's theories on the history of science paradigm paradigm shift puzzle solving research and incommensurability the book rethinks the modern history of European comparative law from the late 19th century to the modern day It argues that three major paradigms determine modern comparative law historical and comparative jurisprudence droit comparé and post World War II comparative law It concludes that contemporary methodological trends are not signs of a paradigm shift toward a postmodern and culturalist understanding of comparative law but that the new approach spreads the idea of methodological plurality

*New Critical Legal Thinking* Matthew Stone, Illan Wall, Costas Douzinas, 2012-10-12 *New Critical Legal Thinking* articulates the emergence of a stream of critical legal theory which is directly concerned with the relation between law and the political The early critical legal studies claim that all law is politics is displaced with a different and more nuanced theoretical arsenal Combining grand theory with a concern for grounded political interventions the various contributors to this book draw on political theorists and continental philosophers in order to engage with current legal problematics such as the recent global economic crisis the Arab spring and the emergence of biopolitics The contributions instantiate the claim that a new and radical political legal scholarship has come into being one which critically interrogates and intervenes in the contemporary relationship between law and power

**The Paradigms of Legal Thinking** Csaba Varga, 2012 La 4e de couverture indique The author introduces the reader to reasoning in law through the possibilities boundaries and traps of assuming personal responsibility and impersonal pattern adoption that have arisen in the history of human thought and in the various legal cultures He discloses actual processes hidden by the veil of patterns followed in thinking processes that we encounter both in our conceptual logical quests for certainties and in the undertaking of fertilising ambiguity When trying to identify definitions lurking behind the human construct of facts norms logic and thinking or behind the practice of giving meanings he discovers tradition in our presuppositions and our world view and moral stance in our tacit agreements Recognising the importance of the role communication plays in shaping society he describes our existence and institutions as self regulating processes Since law is a wholly social venture we not only take part in its oeuvre with our entire personality but are also collectively responsible for its destiny In the final analysis anything can be qualified as legal or non legal in one or another recognised sense in which law can originate but as a relative totality it can only be qualified as more legal or less legal in any combination of the above senses Being formed in an uninterrupted process neither the totality nor particular pieces of law can be taken as complete or unchangeably identical with itself Therefore law can only be identified through its motions and computable states of transforming into or withdrawing from the distinctive domain of the law Thereby both society at large and its legal professionals actually contribute to by shaping incessantly what presents itself as ready to take

according to the law's official ideology For our initiation play role undertaking and human responsibility lurk behind the law's formal mask in the backstage Or this equals to realise that all we have become subjects from mere objects actors from mere addressees And despite the variety of civilisational overcoats the entire culture of law is still exclusively inherent in us who experience it day to day We bear it and shape it Everything conventional in it is conventionalised by us It has no further existence or effect beyond this And with its existence inherent in us we cannot convey the responsibility to be born for it on somebody else either It is ours in its totality so much that it cannot be torn out of our days or acts It will thus turn into what we guard it to become Therefore we must take care of it at all times since we are in many ways taking care of our own

*Essays in Law and History for David Ibbetson* Joe Sampson, Stelios Tofaris, 2024-12-12 Over the last 40 years David Ibbetson has paved the way in a remarkably broad range of fields In ancient law his scholarship has spanned both the detailed doctrine of the Roman law of obligations and the cross pollination of legal influences around the ancient Mediterranean His work on English legal history has ranged from the earliest days of the common law through to the turn of the 20th century combining forensic archival research with a sensitivity to how lawyers thought about their subject In European legal history he has shown the porousness of the civil law and the extent to which it has been shaped by other areas of intellectual life from theology to rationalist philosophy The contributions to this volume in his honour mirror both the breadth and the depth of Ibbetson's scholarship The book combines chapters from leading legal historians close colleagues and over a dozen of Ibbetson's students Some chapters build upon or respond to Ibbetson's ideas others his areas of interest The contributions are introduced by Ibbetson's valedictory lecture on the importance of legal history to modern practice and scholarship and the work yet to be done

**On Different Legal Cultures, Premodern and Modern States, and the Transition to the Rule of Law in Western and Eastern Europe** Werner Krawietz, Csaba Varga, 2002

**Prudentia Iuris** Ferenc Horkay Hörcher, 2000

*Legal Design* Corrales Compagnucci, Marcelo, Haapio, Helena, Hagan, Margaret, Doherty, Michael, 2021-10-21 This innovative book proposes new theories on how the legal system can be made more comprehensible usable and empowering for people through the use of design principles Utilising key case studies and providing real world examples of legal innovation the book moves beyond discussion to action It offers a rich set of examples demonstrating how various design methods including information service product and policy design can be leveraged within research and practice

*The Canon of American Legal Thought* David Kennedy, William W. Fisher III, 2018-06-05 This anthology presents for the first time full texts of the twenty most important works of American legal thought since 1890 Drawing on a course the editors teach at Harvard Law School the book traces the rise and evolution of a distinctly American form of legal reasoning These are the articles that have made these authors from Oliver Wendell Holmes Jr to Ronald Coase from Ronald Dworkin to Catherine MacKinnon among the most recognized names in American legal history These authors proposed answers to the classic question What does it mean to think like a lawyer an American lawyer Their answers differed but taken together they

form a powerful brief for the existence of a distinct and powerful style of reasoning and of rulership The legal mind is as often critical as constructive however and these texts form a canon of critical thinking a toolbox for resisting and unravelling the arguments of the best legal minds Each article is preceded by a short introduction highlighting the article's main ideas and situating it in the context of its author's broader intellectual projects the scholarly debates of his or her time and the reception the article received Law students and their teachers will benefit from seeing these classic writings in full in the context of their original development For lawyers the collection will take them back to their best days in law school All readers will be struck by the richness the subtlety and the sophistication with which so many of what have become the clichés of everyday legal argument were originally formulated

**A History of Canadian Legal Thought** R. C. B. Risk, Osgoode Society for Canadian Legal History, 2006-01-01 This volume in the Osgoode Society's distinguished series on the history of Canadian law is a collection of the principal essays of Professor Emeritus R C B Risk one of the pioneers of Canadian legal history and for many years regarded as its foremost authority on the history of Canadian legal thought Frank Scott Bora Laskin W P M Kennedy John Willis and Edward Blake are among the better known figures whose thinking and writing about law are featured in this collection But this compilation of the most important essays by a pioneer in Canadian legal history brings to light many other lesser known figures as well whose writings covered a wide range of topics from estoppel to the British North America Act to the purpose of legal education Written over more than two decades and covering the immediate post Confederation period to the 1960s these essays reveal a distinctive Canadian tradition of thinking about the nature and functions of law one which Risk clearly takes pride in and urges us to celebrate

**Deconstructing Self-Determination in International Law** Przemysław Tacik, 2023-07-17 The right of peoples to self determination seems well settled and covered extensively in the scholarly record Yet old Trotsky's question of whom is this right and to what haunts the self determination literature Somehow almost every work on it begins with an expression of puzzlement This right turns out to be elusive underdefined in its scope and content paradoxical in almost every aspect This book mobilises all powers of critical legal theory and modern philosophy to take the bull by its horns Instead of ironing out the paradoxes it aims to finally give them a proper explanation based on the concept of exception

*Current Publications in Legal and Related Fields*, 2000

**Jurisprudence Lecture Notes** Peter Curzon, 1998-12 The Cavendish Law Cards cover the broad range of subjects available on the undergraduate law programme as well as on the CPE Diploma in Law course Each one of the Cavendish LawCards is a complete pocket sized guide to key examinable areas of the law syllabus Their concise text user friendly layout and compact format make the Cavendish LawCards ideal revision aids for identifying understanding and committing to memory the salient points of each topic

**The Grand Strategy of Comparative Law** Luca Siliquini-Cinelli, Davide Gianti, Mauro Balestrieri, 2024-04-19 This book features original essays by leading academics and emerging researchers written in honour of a legal comparatist who over the course of four decades has played a major role in comparative law s

development Pier Giuseppe Monateri Rather than being just a celebrative work without analytical appeal this book makes a significant contribution to the comparative legal literature by exploring key comparative law themes and recent developments in the field Reflecting Monateri's vast expertise innovative thinking and truly global network the volume is divided into five thematic areas of both scholarly and practical significance Comparative Law and Its Methods Comparative Private Law Law and Literature The Politics and Ontology of Law Comparative Law Economics Discussing novel case studies as well as exploring Monateri's importance to the comparative enterprise through various trajectories of inquiry for example normative doctrinal empirical critical this book takes a fundamental and much needed step towards the establishment of comparative law as a fully fledged academic discipline and professional practice Addressing the current status and future direction of comparative law this book will appeal to legal comparativists as well as students and scholars with broader interests in the nature of legal cultures

**Searching for Contemporary Legal Thought** Justin

Desautels-Stein, Christopher Tomlins, 2017-12-28 For more than a century law schools have trained students to think like a lawyer In these times of legal crisis both in legal education and in global society what does that mean for the rest of us In this book thirty leading international scholars including Louis Assier Andrieu Marianne Constable Yves Dezalay Denise Ferreira da Silva Bryant G Garth Peter Goodrich Duncan Kennedy Martti Koskenniemi Shaun McVeigh Samuel Moyn Annelise Riles Charles F Sabel and William H Simon examine what is distinctive about legal thought They probe the relation between law and time law and culture and legal thought and legal action the nature of current legal thought the geography of legal thought and the conditions for recognition of a new contemporary style of law This work will help theorists social scientists historians and students understand the intellectual context of legal problems legal doctrine and jurisprudential trends in the current conjuncture

*The Law's Ultimate Frontier: Towards an Ecological Jurisprudence* Horatia Muir Watt, 2023-05-18 This important book offers an ambitious and interdisciplinary vision of how private international law or the conflict of laws might serve as a heuristic for re working our general understandings of legality in directions that respond to ever deepening global ecological crises Unusual in legal scholarship the author borrows in bricolage mode from the work of Bruno Latour alongside indigenous cosmologies extinction theories and Levinassian phenomenology to demonstrate why this field's specific frontier location at the outpost of the law where it is viewed from the outside as obscure and from the inside as a self contained normative world generates its potential power to transform law generally and globally Combining pragmatic and pluralist theory with an excavation of shadow ecological dimensions of law the author a recognised authority within the field as conventionally understood offers a truly global view Put simply it is a generational magnum opus All international and transnational lawyers be they in the private or public field should read this book



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