

**ISSUES IN
CONTEMPORARY
LEGAL PHILOSOPHY**
THE INFLUENCE OF H. L. A. HART

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Issues In Contemporary Legal Philosophy The Influence Of H L A Hart

Peter Fitzpatrick



Issues In Contemporary Legal Philosophy The Influence Of H L A Hart:

Issues in Contemporary Legal Philosophy Ruth Gavison, 1989 **Issues in Contemporary Legal Philosophy** Ruth Gavison, 1987 Papers from a conference held in Jerusalem in March 1984 **Educating Oneself in Public** Michael S. Moore, 2000 The eleven essays in *Educating Oneself in Public* Critical Essays in Jurisprudence constitute an education in the Anglo American jurisprudence of the second half of the twentieth century The book examines both the thought of major figures such as H L A Hart Joseph Raz Ronald Dworkin Lon Fuller and Richard Rorty and the general themes of major movements such as legal realism post modernism and pragmatism Despite this focus on the thoughts of others the book is not a survey but is a critical probing of particular ideas often attributed to such figures Detailed depth of understanding is sought about Hart's conception of a general jurisprudence that describes law in general Dworkin's conception of an internal jurisprudence that interprets the concept of law of our legal culture Fuller's ideal of a functional jurisprudence that seeks the essence of law in the values it serves the place of rules in legal and moral reasoning Raz's idea that laws give exclusionary reasons to legal actors subject to such laws how judges should reason according to the legal realists whether there are right answers to all disputed law cases whether behind the obvious law of legal rules there can exist an unobvious law of legal principles Finnis's conception of the common good as the function law uniquely serves in what sense law practice and legal theory are interpretive activities whether all knowledge or some discrete realm of knowledge is peculiarly interpretive in character Michael Moore's views on each of these topics are detailed and original even if the springboards for each discussion are the writings of those who introduced such topics into modern discussions The introductory chapter includes responses by many of the figures examined in the other essays together with the author's rejoinders *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 **The Institutional Problem in Modern International Law** Richard Collins, 2016-11-03 Modern international law is widely understood as an autonomous system of binding legal rules Nevertheless this claim to autonomy is far from uncontroversial International lawyers have faced recurrent scepticism as to both the reality and efficacy of the object of their study and practice For the most part this scepticism has focussed on international law's peculiar institutional structure with the absence of centralised organs of legislation adjudication and enforcement leaving international legal rules seemingly indeterminate in the conduct of international politics Perception of

this institutional problem has therefore given rise to a certain disciplinary angst or self defensiveness fuelling a need to seek out functional analogues or substitutes for the kind of institutional roles deemed intrinsic to a functioning legal system The author of this book believes that this strategy of accommodation is however deeply problematic It fails to fully grasp the importance of international law s decentralised institutional form in securing some measure of accountability in international relations It thus misleads through functional analogy and in doing so potentially exacerbates legitimacy deficits There are enough conceptual weaknesses and blindspots in the legal theoretical models against which international law is so frequently challenged to show that the perceived problem arises more in theory than in practice **Reading HLA Hart's 'The**

Concept of Law' Luís Duarte d'Almeida, James Edwards, Andrea Dolcetti, 2014-07-18 More than 50 years after it was first published The Concept of Law remains the most important work of legal philosophy in the English speaking world In this volume written for both students and specialists 13 leading scholars look afresh at Hart s great book Unique in format the volume proceeds sequentially through all the main ideas in The Concept of Law each contributor addresses a single chapter of Hart s book critically discussing its arguments in light of subsequent developments in the field Four concluding essays assess the continued relevance for jurisprudence of the persistent questions identified by Hart at the beginning of The Concept of Law The collection also includes Hart s Answers to Eight Questions written in 1988 and never before published in English Contributors include Timothy Endicott Richard HS Tur Pavlos Eleftheriadis John Gardner Grant Lamond Nicos Stavropoulos Leslie Green John Tasioulas Jeremy Waldron John Finnis Frederick Schauer Pierluigi Chiassoni and Nicola Lacey **Harvard Law Review: Volume 127, Number 2 - December 2013** Harvard Law Review, 2013-12-10 The December 2013 issue of the Harvard Law Review is dedicated to the memory of Ronald Dworkin with In Memoriam essays offered by Richard Fallon Jr Charles Fried John C P Goldberg Frances Kamm Frank Michelman Martha Minow and Laurence Tribe The issue features an article by David Pozen entitled The Leaky Leviathan Why the Government Condemns and Condone Unlawful Disclosures of Information The issue also includes essays by Nicola Lacey and Geoffrey Shaw examining a previously lost writing by H L A Hart on discretion as well as the publication of Hart s essay Discretion itself which he wrote while visiting at Harvard in 1956 1957 Student Notes explore such subjects as regulation of the shadow banking system vagueness and delegation in the CFAA and the good faith exception to the exclusionary rule In addition student contributions explore Recent Cases on First Amendment commercial speech doctrine and pharmaceutical marketing school finance under state law duty of a school to protect from bullying warrantless search of cell phone data and untimely raising of ineffective assistance of counsel in a habeas petition after counsel failure A Recent Legislation summary explores restrictions on War Powers in the context of Guantanamo detainees and a summary of Recent Legislative Debate involves the filibuster of a Texas abortion bill Finally there are also several summaries of Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked notes active URLs in notes and proper formatting The

contents of Volume 127 Number 2 Dec 2013 include scholarly articles and essays by leading academic figures

The Cambridge Companion to Legal Positivism Torben Spaak, Patricia Mindus, 2021-02-04 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

Great Debates in Jurisprudence Nicholas McBride, Sandy Steel, 2018-03-16 This textbook is an ambitious and engaging introduction to the more advanced writings on Jurisprudence primarily designed to allow students to get under the skin of the topic and begin to build their critical thinking and analysis skills Each chapter is structured around key questions and debates that provoke deeper thought and ultimately a clearer understanding The aim of the book is therefore not to present a complete overview of theoretical issues in Jurisprudence but rather to illustrate the current debates which are currently going on among those working in shaping the area The text features summaries of the views of notable experts on key topics and each chapter ends with a list of guided further reading A perfect book for students taking a module in jurisprudence or for those wanting to deepen their knowledge

New to this Edition New debates on the nature and legitimacy of global justice and the binding force of precedent Incorporates discussion of new contributions to jurisprudential writing by Mark Greenberg Scott Hershowitz David Howarth and Shona Stark Matthew Kramer Frederick Schauer and Jeremy Waldron Includes substantially revised chapters on The nature of jurisprudence and Morality and rights

Sociality and Responsibility Margaret Gilbert, 2000 Sociality and Responsibility develops and extends the application of her plural subject theory of human sociality first introduced in the earlier works *On Social Facts* and *Living Together* Demonstrating the extensive range and fruitfulness of plural subject theory Gilbert presents accounts of social rules scientific change political obligation collective remorse collective guilt shared intention and an important class of rights and obligations

Encyclopedia of Government and Politics Mary Hawkesworth, Maurice Kogan, 2013-11-07 This is a brand new edition of the critically acclaimed Encyclopedia of Government and Politics which has been fully revised and updated to provide a systematic account of politics and political studies at the beginning of the new millennium Providing a penetrating analysis of government and politics at a global regional and nation state level the Encyclopedia assesses both traditional and contemporary approaches and projects the paths of future research The articles provide a degree of critical analysis far beyond a simple descriptive outline of the subject Internationally respected contributors have been carefully selected to present contending approaches to related topics both to clarify the political implications of the various methodologies and to enrich the portrayal of political life With its expanded revised and updated coverage Encyclopedia of Government and Politics is more than ever an indispensable tool for students teachers

professional analysts and policy makers *Social Cohesion and Legal Coercion* Leon Shaskolsky Sheleff,1997 The book is a critical analysis of the work of Max Weber Emile Durkheim and Karl Marx It focuses on their separate analyses of the role of law in society pointing out their faults and errors and the resultant impact on modern social science The author takes issue with Weber s work on rationality with Durkheim s work on repressive and restitutive law and with Marx s work on social justice and law as part of the super structure In each section of the book he shows the implications that flow from a re assessment and re interpretation of their work for an understanding of society The book is multi disciplinary making ample reference to law sociology anthropology history religion ecology criminology philosophy and economics Its various chapters discuss a wide range of themes including rationality tradition science political authority conflict resolution community justice and altruism *Encyclopedia of Political Theory* Mark Bevir,2010-03-18 Looking at the roots of contemporary political theory this three volume set examines the global landscape of all the key theories and the theorists behind them and provides concise to the point definitions of key concepts ideas schools and figures **Neutrality and Theory of Law** Jordi Ferrer Beltrán,José Juan Moreso,Diego M. Papayannis,2013-04-03 This book brings together twelve of the most important legal philosophers in the Anglo American and Civil Law traditions The book is a collection of the papers these philosophers presented at the Conference on Neutrality and Theory of Law held at the University of Girona in May 2010 The central question that the conference and this collection seek to answer is Can a theory of law be neutral The book covers most of the main jurisprudential debates It presents an overall discussion of the connection between law and morals and the possibility of determining the content of law without appealing to any normative argument It examines the type of project currently being held by jurisprudential scholarship It studies the different approaches to theorizing about the nature or concept of law the role of conceptual analysis and the essential features of law Moreover it sheds some light on what can be learned from studying the non essential features of law Finally it analyzes the nature of legal statements and their truth values This book takes the reader a step further to understanding law Law, Economics and Evolutionary Theory Peer Zumbansen,Gralf-Peter Calliess,2011-01-01 Evolutionary theory belongs to the rare species of theories that are simultaneously fundamental and over arching implicating as it does numerous life contexts as well as an array of scholarly disciplines Armed with a profound grasp of evolutionary theory and its implications to social research Professors Zumbansen and Calliess have mobilized an appropriately diverse and truly stellar group of academics to investigate how this theory may provide new insights about law economics and their inter relations Cast against an especially broad intellectual backdrop set by the editors this volume is sure to become a standard reference in literature Amir N Licht Radzyner School of Law Israel Zumbansen and Calliess have done a wonderful job in assembling papers from the leading scholars in the field who draw on evolutionary approaches for explaining developments in both economics and the law Anybody interested in issues of institutional change will be inspired by the wealth of ideas and the diversity of perspectives Stefan Voigt University of

Hamburg Germany Law and economics has arguably become one of the most influential theories in contemporary legal theory and adjudication The essays in this volume authored by both legal scholars and economists constitute lively and critical engagements between law and economics and new institutional economics from the perspectives of legal and evolutionary theory The result is a fresh look at core concepts in law and economics such as institutions institutional change and market failure that offer new perspectives on the relationship between economic and legal governance The increasingly transnational dimension of regulatory governance presents lawyers economists and social scientists with an unprecedented number of complex analytical and conceptual questions The contributions to this volume engage with legal theory new institutional economics economic sociology and evolutionary economics in an interdisciplinary assessment of the capacities and limits of the state markets and institutions Drawing as well upon legal sociology and the philosophy of law the authors expand and transform the known terrain of law and economics by applying evolutionary theory to both law and economics from a domestic and transnational perspective Legal scholars evolutionary and regulatory theorists economists economic sociologists economic historians and political scientists will find this cutting edge volume both challenging and engaging

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 The Concept of Law Herbert Lionel Adolphus Hart, Leslie Green, 2012-10-25 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 The Mythology of Modern Law Peter Fitzpatrick, 2002-09-11 The Mythology of Modern Law is a radical reappraisal of the role of myth in modern society Peter Fitzpatrick uses the example of law as an integral category of modern social thought to challenge the claims of modernity which deny the relevance of myth to modern society The Oxford Handbook of the Sources of International Law Jean d'Aspremont, Samantha Besson, Sévrine Knuchel, 2017-10-19 The question of the sources of international law inevitably raises some well known scholarly controversies where do the rules of international law come from And more precisely through which processes are they made how are they ascertained and where does the international legal order begin and end This is the static question of the pedigree of international legal rules and the boundaries of the international legal order Second what are the processes through which these rules are made This is the dynamic question of the making of these rules and of the exercise of public authority in international law The Oxford Handbook of the Sources of

International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law. It provides an accessible and systematic overview of the key issues and debates around the sources of international law. It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions. This Handbook features original essays by leading international law scholars and theorists from a range of traditions, nationalities and perspectives reflecting the richness and diversity of scholarship in this area.

Philosophical Anarchism and Political Disobedience Chaim Gans, 1992-06-18. This book examines the central questions concerning the duty to obey the law: the meaning of this duty, whether and where it should be acknowledged, and whether and when it should be disregarded. Many contemporary philosophers deny the very existence of this duty but take a cautious stance towards political disobedience. This toothless anarchism Professor Gans argues should be discarded in favour of a converse position confirming the existence of a duty to obey the law which can be outweighed by values and principles of political morality. Informed by the Israeli experience of political disobedience motivated by radically differing moral outlooks, the author sets out the principles which should guide our attitude to law and political authority even amidst clashing ideologies and irreconcilable moralities. This book will be of interest to students and scholars of law, philosophy and politics, and anyone concerned with the individual's responsibilities toward his or her political community.

Whispering the Strategies of Language: An Psychological Quest through **Issues In Contemporary Legal Philosophy The Influence Of H L A Hart**

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