Jules Coleman And Scott Shapiro

Getting the books **Jules Coleman And Scott Shapiro** now is not type of challenging means. You could not lonesome going behind ebook hoard or library or borrowing from your links to entre them. This is an certainly simple means to specifically get lead by on-line. This online broadcast Jules Coleman And Scott Shapiro can be one of the options to accompany you in the same way as having new time.

It will not waste your time. endure me, the e-book will certainly proclaim you extra business to read. Just invest little become old to contact this on-line proclamation **Jules Coleman And Scott Shapiro** as capably as review them wherever you are now.

Philosophy of Law OUP Oxford Volume 11, the sixth of the historical volumes of A Treatise of Legal Philosophy and General Jurisprudence, offers a fresh, philosophically engaged, critical interpretation of the main currents of jurisprudential thought in the English-speaking world of the 20th century. It tells the tale of two lectures and their legacies: Oliver Wendell Holmes, Jr.’s

“The Path of Law” (1897) and H.L.A. Hart’s Holmes Lecture, “Positivism and the Separation of Law and Morals” (1958). Holmes’s radical challenge to late 19th century legal science gave birth to a rich variety of competing approaches to understanding law and legal reasoning from realism to economic jurisprudence to legal pragmatism, from recovery of key elements of common law jurisprudence and rule of law doctrine in the work of Llewellyn, Fuller and Hayek to root-and-branch attacks on the ideology of law by the Critical Legal Studies and Feminist movements. Hart, simultaneously building upon and transforming the undations of Austinian analytic jurisprudence laid in the early 20th century, introduced rigorous philosophical method to English-speaking jurisprudence and offered a reinterpretation of legal positivism which set the agenda for analytic legal philosophy to the end of the century and beyond. A wide-ranging debate over the role of moral principles in legal reasoning, sparked by Dworkin’s fundamental challenge to Hart’s

theory, generated competing interpretations of and fundamental challenges to core doctrines of Hart's positivism, including the nature and role of conventions at the foundations of law and the methodology of philosophical jurisprudence.

Research Handbook on Private Law Theory
Routledge
I highly recommend this volume for all scholars interested in challenging conventional wisdom about how a capitalist economy works, and willing to call into question assumptions that narrow our interpretation, preventing more socially beneficial practices from being implemented. International Sociology Davis and Dolfsma have edited a volume of 36 essays that provides a first-rate introduction to the recent cutting-edge scholarship in social economics. . . the volume provides an impressive and broad array of articles covering traditional social economic topics. . . Each essay is an excellent point of entry into social economic thought. This volume will be of great interest to economists writing in the heterodox tradition and/or to mainstream economists seeking a richer analysis of socioeconomic relationships. Highly recommended. Q.M. Duroy, Choice As this comprehensive Companion demonstrates, social economics is a dynamic and growing field that emphasizes the key role that values play in the economy and in economic life. Social economics treats the economy

and economics as being embedded in the larger web of social and ethical relationships. It also regards economics and ethics as essentially connected, and adds values such as justice, fairness, dignity, well-being, freedom and equality to the standard emphasis on efficiency. The Elgar Companion to Social Economics brings together the leading contributors in the field to elucidate a wide range of recent developments across different subject areas and topics. In so doing the contributors also map the likely trends and directions of future research. This Companion will undoubtedly become a leading reference source and guide to social economics for many years to come. Providing concise discussion and an indication of what to expect in future decades, this interdisciplinary Companion will be of great interest to students and academics of social economics and socio-economics, as well as institutional, evolutionary and heterodox economics. It will also appeal to management scholars and those concerned with business ethics.

Conscience and Conviction

Oxford University Press

This is the first ever collected volume on John Austin, whose role in the founding of analytical jurisprudence is unquestionable. After 150 years, time has come to assess his legacy. The book fills a void in existing literature, by letting top scholars with diverse outlooks flesh out and discuss Austin's legacy today. A nuanced, vibrant, and

richly diverse picture of both his legal and ethical theories emerges, making a case for a renewal of interest in his work. The book applies multiple perspectives, reflecting Austin's various interests – stretching from moral theory to theory of law and state, from Roman Law to Constitutional Law – and it offers a comparative outlook on Austin and his legacy in the light of the contemporary debate and major movements within legal theory. It sheds new light on some central issues of practical reasoning: the relation between law and morals, the nature of legal systems, the function of effectiveness, the value-free character of legal theory, the connection between normative and factual inquiries in the law, the role of power, the character of obedience and the notion of duty.?

The Methodology of Legal Theory

Oxford University Press, USA

Understood one way, the branch of contemporary philosophical ethics that goes by the label "metaethics" concerns certain second-order questions about ethics-questions not in ethics, but rather ones about our thought and talk about ethics, and how the ethical facts (insofar as there are any) fit into reality. Analogously, the branch of contemporary philosophy of law that is often called "general jurisprudence" deals with certain second order

questions about law- questions not in the law, but rather ones about our thought and talk about the law, and how legal facts (insofar as there are any) fit into reality. Put more roughly (and using an alternative spatial metaphor), metaethics concerns a range of foundational questions about ethics, whereas general jurisprudence concerns analogous questions about law. As these characterizations suggest, the two sub-disciplines have much in common, and could be thought to run parallel to each other. Yet, the connections between the two are currently mostly ignored by philosophers, or at least under-scrutinized. The new essays collected in this book are aimed at changing this state of affairs. Dimensions of Normativity collects together works by metaethicists and legal philosophers that address a number of issues that are of common interest, with the goal of accomplishing a new rapprochement between the two sub-disciplines.

National Identity in EU Law

Springer Science & Business Media

Published posthumously, the second edition of The Concept of Law contains one important addition to the first edition, a substantial Postscript, in which Hart reflects upon some of the central concerns that have been expressed about the book since its publication in 1961. The Postscript is especially noteworthy because it contains Hart's only sustained response to the objections pressed by his foremost critic, Ronald Dworkin, who succeeded him to the Chair of Jurisprudence at Oxford. The Postscript focuses

on a range of issues covering both Hart's substantive view and his methodological commitments. In particular, Hart endorses Inclusive Legal Positivism, asserts that his is a methodology of descriptive jurisprudence which he contrasts with Dworkin's normative jurisprudence or interpretivism, while denying that his theory of law has a semantic underpinning. The essays in this collection address each of these issues in a sustained way. The book contains discussions of Hart's semantic commitments, his rejection of a normative jurisprudence as well as the extent to which he can embrace Inclusive Legal Positivism in a way that is consistent with his other stated positions. The book's contributors include the leading advocates of alternative schools of Positivist jurisprudence, important contributors to the methodological disputes in jurisprudence and noted experts on the relationship of philosophy of language to jurisprudence. Among the contributors of note are: Joseph Raz, Jules L. Coleman, Stephen Perry , Brian Leiter, Scott Shapiro and Andrei Marmor.

The Transformation of Occupied Territory in International Law Routledge This influential book makes sense of abstract debates about the nature of law and the rule of law by situating them in the real-world context of apartheid-era South Africa. The new edition examines the transformation in South Africa since the end of apartheid, and

the shift in debates surrounding the rule of law post 9/11.

The Practice of Principle BRILL This book seeks to contribute to a legal positivist picture of law by defending two metaphysical claims about law and investigating their methodological implications. One claim is that the law is a kind of artifact, a thoroughgoing human creation for performing certain tasks or accomplishing certain goals. That is, artifacts are generally understood in terms of their functions. When discussing artifacts, the notion of function need not be as mysterious or problematic as might be the case with biological functions. The other claim is that the law is an institution, a specific kind of artifact that creates artificial roles which allow for the establishment and manipulation of rights and duties among those subject to the institution. The methodological implication of this picture of law is that it is best understood in terms of the social functions that it performs and that the job of the legal philosopher is to investigate those functions. This position is advanced against non-positivist theories of law that nonetheless rely upon notions of law's function, and is also advanced against positivist pictures that tend to de-emphasize or overlook the central role that function must play to understand the nature of law. One key implication of this picture is that it can help explain how law might give people reasons to act beyond its use of force to do.

Exploring Law's Empire Springer Science & Business Media

Morality and the Nature of Law explores the conceptual relationship between morality and the criteria that determine what counts as law in a given societythe criteria of legal validity. Is it necessary condition for a legal system to include moral criteria of legal validity? Is it even possible for a legal system to have moral criteria of legal validity? The book considers the views of natural law theorists ranging from Blackstone to Dworkin and rejects them, arguing that it is not conceptually necessary that the criteria of legal validity include moral norms. Further, it rejects the exclusive positivist view, arguing instead that it is conceptually possible for the criteria of validity to include moral norms. In the process of considering such questions, this book considers Raz's views concerning the nature of authority and Shapiro's views about the guidance function of law, which have been thought to repudiate the conceptual possibility of moral criteria of legal validity. The book, then, articulates a thought experiment that shows that it is possible for a legal system to have such criteria and concludes with a chapter that argues that any legal system, like that of the United States, which affords final authority over the content of the law to judges who are

fallible with respect to the requirements of morality is a legal system with purely source-based criteria of validity.

Conceptualising Procedural Fairness in EU Competition Law
Springer
This volume examines power-sharing agreements, their legitimacy and their compatibility with human rights law. Providing a clear, accessible introduction to the political science and human rights law on the issue, the book is an invaluable guide to all those engaged with transitional justice, peace agreements, and human rights.

Hart's Postscript
Springer Science & Business Media
External Relations Law of the European Community begins by noting two common characteristics of legal analyses in the field of EU external relations. First, most legal analyses assume that EC external relations law cannot be studied or applied without a constant awareness of the underlying political dynamics. Yet, the same analyses fail to explain how these ' dynamics ' are to be understood, assessed and systematically applied. Second, most legal analyses tend to focus only on narrow segments of the ECJ ' s case law, often taking as their points of departure individual cases or a group of topically related cases. This ' commentary ' approach

disregards the general inter-connectedness of legal structures and the recurring meaning configurations in the field. Against this backdrop, the author sets out to strengthen the legal language – both theoretically and practically - in the field of EC external relations. The first two parts of the book provide, with extensive references, an in-depth legal analysis of a wide range of topics pertaining to: the distribution between the EC and the Member States of norm-setting authority in their external relations, i.e. the rules that determine what the EC and the Member States can do (individually or together) in international relations; and the reception and application of rules of international law within the Community area, including the way in which international law enters Community law. In these parts of the book, the aim is to reconstruct the core areas of the Community ' s external relations law in a coherent and systematic manner. In the third part of the book, the author develops and applies a theoretical and methodological framework inspired by discourse analysis. This novel approach is used to identify and describe some of the most significant legal discourses in EC external relations

Oxford Studies in Philosophy of Law: Volume 2

Routledge

The concept of convention has been used in different fields and from different perspectives to account for important social phenomena, and the legal sphere is no exception. Rather, reflection on whether the legal phenomenon is based on a convention and, if so, what kind of convention is involved, has become a recurring issue in contemporary legal theory. In this book, some of the foremost specialists in the field make significant contributions to this debate. In the first part, the concept of convention is analysed. The second part reflects on whether the rule of recognition postulated by Hart can be understood as a convention and discusses its potential and limitations in order to explain the institutional and normative character of law. Lastly, the third part critically examines the relations between conventionalism and legal interpretation. Given the content and quality of the contributions, the book is of interest to those wanting to understand the current state of the art in legal conventionalism as well as those wanting to deepen their knowledge about these questions.

The Legacy of John Austin's Jurisprudence

Harvard University Press

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 Functions of Law Cambridge University Press Can someone be a good person yet act in a professional role that may involve deception, procedural trickery, withholding information, and working on behalf of terrible people and institutions? This question is at the heart of legal ethics. Using cases from around the common-law world, W. Bradley Wendel looks at issues including confidentiality, the moral responsibility of lawyers, and truth and deception in advocacy. He then examines the classic questions of philosophy of law, including the nature of law, positivism, natural law, the relationship between law and morality, unjust legal systems, and the obligation to obey the law. Finally, he considers the ethical issues surrounding the role of lawyers, including criminal defense and prosecution, civil litigation, counseling clients

on the law, and representing corporations. Combining the theoretical, philosophical, and practical, his book will be of vital interest to students of law, the philosophy of law, ethics, and political philosophy.

Law as an Artifact Oxford University Press on Demand

This book develops a general theory of law, inclusive legal positivism, which seeks to remain within the tradition represented by authors such as Austin, Hart, MacCormick, and Raz, while sharing some of the virtues of both classical and modern theories of natural law, as represented by authors such as Aquinas, Fuller, Finnis, and Dworkin. Its central theoretical questions are: Does the existence or content of positive law ever depend on moral considerations? If so, is this fact consistent with legal positivism? The author shows how inclusive positivism allows one to answer yes to both of these questions. In addition to articulating and defending his own version of legal positivism, which is a refinement and development of the views of H.L.A. Hart as expressed in his classic book The Concept of Law, the author clarifies the terms of current jurisprudential debates about

the nature of law. These debates are often clouded by failures to appreciate that different theorists are offering differing kinds of theories and attempting to answer different questions. There is also a failure, principally on the part of Ronald Dworkin, to characterize opposing theories correctly. The clarity of Waluchow's work will help to remove the confusion which has hitherto marred some jurisprudential debate, particularly about Dworkin's work.

Regulating International Sport BRILL

A volume of original essays that discusses the applicability of H. L. A. Hart's rule of recognition model of a legal system to U. S. Constitutional law as discussed in his book "The concept of law".

The Planning Theory of Law OUP Oxford

What constitutes a fair procedure when it comes to EU competition law? This innovative book seeks to understand the philosophical considerations at the core of conflicting procedural fairness arguments in EU competition law practice. The author argues for a co nceptualisation of procedural fairness as a distributional issue that can be solved by a practical

fairness theory and a comprehensive methodology. To illustrate the usefulness of the conceptualisation, three procedural fairness problems from recent EU competition law practice are analysed: - the KME – Chalkor cases; - the Groupe Gascogne cases; - the regulatory question about using a collective redress mechanism for private enforcement of EU competition law. This unique approach provides a robust philosophical and methodological foundation for arguing about a wide range of procedural fairness dilemmas. The book is a must-read for academics and practitioners seeking an imaginative perspective on the philosophical foundations of arguments about procedural fairness in EU competition law and beyond.

External Relations Law of the European Community

Oxford University Press

This collection of essays is the outcome of a workshop with Scott Shapiro on The Planning Theory of Law that took place in December 2009 at Bocconi University. It brings together a group of scholars who wrote their contributions to the workshop on a preliminary draft of Shapiro ' s

Legality. Then, after the workshop, they wrote their final essays on the published version of the book. The contributions clearly highlight the difference of the continental and civil law perspective from the common law background of Shapiro but at the same time the volume tries to bridge the gap between the two. The essays provide a critical reading of the planning theory of law, highlighting its merits on the one hand and objecting to some parts of it on the other hand. Each contribution discusses in detail a chapter of Shapiro ' s book and together they cover the whole of Shapiro ' s theory. So the book presents a balanced and insightful discussion of the arguments of Legality.

The Force of Law Oxford University Press

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 é migr é

community whose work helped shape t wentieth-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 tw entieth-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.

The Oxford Handbook of Jurisprudence and Philosophy of Law Oxford University Press on Demand

In Regulating International Sport: Power, Authority and Legitimacy Lloyd Freeburn provides a gro und-breaking account of the legal basis of regulatory power in international sport and outlines the reforms necessary to give the regime legality and legitimacy.

Law and Morality Oxford University Press

The last decade has witnessed a particularly intensive debate over methodological issues in legal theory. The publication of Julie Dickson's Evaluation and Legal Theory (2001) was significant, as were collective returns to H.L.A. Hart's 'Postscript' to The Concept of Law. While influential articles have been written in disparate

journals, no single collection of the most important papers exists. This volume - the first in a three volume series - aims not only to fill that gap but also propose a systematic agenda for future work. The editors have selected articles written by leading legal theorists, including, among others, Leslie Green, Brian Leiter, Joseph Raz, Ronald Dworkin, and William Twining, and organized under four broad categories: 1) problems and purposes of legal theory; 2) the role of epistemology and semantics in theorising about the nature of law; 3) the relation between morality and legal theory; and 4) the scope of phenomena a general jurisprudence ought to address.