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Essays In Legal Theory

Robert Summers



Essays In Legal Theory:

Essays in Legal Theory Robert Summers, 2013-11-11 As I explain in the introduction this is the third in a series of collections of my previously published essays in legal theory All of the essays here but three have been revised for this volume I now wish to record my gratitude and indebtedness to various persons I am most indebted and grateful to my wife Dorothy Kopp Summers to whom I dedicate this book I also wish to record my gratitude for his interest and patience to Hendrik Jan van Leusen of Kluwer Academic Publishers He strongly encouraged me to put this collection together and without his efforts it certainly would not have appeared in this timely fashion I also wish to thank his successor Sabine Wesseldijk for assistance In the course of my academic career I have benefitted greatly from the many Cornell Law School students serving as my research assistants I have also been privileged to have the fine aid of many Cornell Law School secretaries and administrative assistants Foremost here is Mrs Pamela Finnigan who has so ably seen this collection put together from start to finish

Legal Theory and Legal History Alfred William Brian Simpson, 1987-01-01 **Analyzing Law New Essays in Legal Theory** Brian Bix, 1998 *Moral Aspects of Legal Theory* David Lyons, 1993-01-29 In this volume Professor Lyons outlines his fundamental views about the nature of law and its relation to morality and justice [Essays in Legal Theory](#) Aleksander Peczenik, 1970 **Essays in Legal Philosophy** Robert S. Summers, 1976-01-01 **Law in Theory and History** Maksymilian Del Mar, Michael Lobban, 2016-11-17 This collection of original essays brings together leading legal historians and theorists to explore the oft neglected but important relationship between these two disciplines Legal historians have often been sceptical of theory The methodology which informs their own work is often said to be an empirical one of gathering information from the archives and presenting it in a narrative form The narrative produced by history is often said to be provisional insofar as further research in the archives might falsify present understandings and demand revisions On the other side legal theorists are often dismissive of historical works History itself seems to many theorists not to offer any jurisprudential insights of use for their projects at best history is a repository of data and examples which may be drawn on by the theorist for her own purposes The aim of this collection is to invite participants from both sides to ask what lessons legal history can bring to legal theory and what legal theory can bring to history What is the theorist to do with the empirical data generated by archival research What theories should drive the historical enterprise and what wider lessons can be learned from it This collection brings together a number of major theorists and legal historians to debate these ideas

Essays in Legal Theory Denis James Galligan, 1984 A significant development in law schools in recent years is the reflowering or in many cases the first flowering of interest in legal theory This may take the form of a greater concern with the jurisprudential and philosophical basis of law alternatively it may be represented in attempts to bring to bear on legal issues the knowledge and insights developed in other disciplines Both directions branch into a multitude of sub disciplines any one of which offers rich pickings to the legal academic The object of these essays all of which

were written specially for the volume by members of the Law Faculty of the University of Melbourne is to take a number of legal issues which are of particular contemporary interest and to analyse them in a theoretical way or by using knowledge and techniques derived from other disciplines The authors cover such topics as the patentability of living organisms the legal and ethical problems that arise from medical research and experiment the economic basis of property rights the application to the decisions of officials of values deriving from fairness and rationality the arguments for and against regulating the professions the theoretical basis of the law of evidence and how this relates to practical issues whether legal systems are in fact systems the relationship between Marxism and positivism the capacities of the courts in dealing with non justiciable issues and the relationship between private and public law concepts *The International Library of Essays in Law and Legal Theory* ,19?? **The Theory and Practice of Legislation** Luc J. Wintgens,2017-03-02 This work provides a rational framework for legislation The unifying premise behind the essays is that although legislation and regulation are the result of a political process legislation and regulation can be the object of theoretical study The volume focuses on problems that are common to most European legal systems and the approach involves applying to legislative problems the tools of legal theory hence legisprudence Whereas traditional legal theory deals predominantly with the application of law by the judge legisprudence enlarges the field of study so as to include the creation of law by the legislator The original essays published in this collection expose and develop a range of new insights into the relationship between legislative problems and legal theory in a way which will engage and interest legal scholars throughout the world **Problems at the Roots of Law** Joel Feinberg,2003 Collects articles on what the author terms basic questions about the law particularly in regard to the relationship to morality This volume reflects the diverse nature of his own interests scholars in philosophy of law legal theory and ethical and moral theory *International Library of Essays in Law and Legal Theory* ,1992 **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 international library of essays in law and legal theory. Second series ,** *International Legal Theory* Nicholas Onuf,2009-05-07 Collecting together some of the author's most important articles and book reviews including previously unpublished material this book demonstrates Nicholas Onuf's own contribution to the theoretical dimension of international law and international relations and highlights the wider themes and developments present in international law over the last forty years **INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND LEGAL**

THEORY. AREAS. , *New Essays in the Legal and Political Theory of Property* Stephen R. Munzer, 2001-06-18 This collection of essays examines central issues of property theory from a variety of perspectives *The Methodology of Legal Theory* Michael Giudice, Wil Waluchow, 2017-07-05 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 **The Blackwell Guide to the Philosophy of Law and Legal Theory** Martin P. Golding, William A. Edmundson, 2008-04-15 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 **Epistemic Uncertainty and Legal Theory** Brian Burge-Hendrix, 2016-12-05 Crossing the usual boundaries of abstract legal theory this book considers actual charter systems legal systems with explicitly posited moral political rights such as those of Canada and the United States as well as cases in constitutional adjudication It shows the worth of careful reflection on methodological and meta theoretical issues for a comprehensive account of a present day legal system which is fast becoming the norm The author explicitly connects the ongoing Methodology Debate within legal philosophy to constitutional adjudication and Canadian law By drawing out the implications of the Methodology Debate and the challenge of giving a proper account of constitutional adjudication in a general theory of law the study examines how a descriptive morally and politically neutral legal theory can deal with epistemic uncertainty uncertainty about the actual status of moral political legal provisions and their jurisprudential function in a thoroughgoing manner It also demonstrates the merits of a minimalist version of Legal Positivism with regard to the practical importance of charters in charter systems and societies

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