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STEWART MOODY

Human Rights Redefining Legal Thought University of Chicago Press

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.

The Canon of American Legal Thought Princeton University Press

There are two kinds of knowledge law school teaches: legal rules on the one hand, and tools for thinking about legal problems on the other. Although the tools are far more interesting and useful than the rules, they tend to be neglected in favor of other aspects of the curriculum. In *The Legal Analyst*, Ward Farnsworth brings together in one place all of the most powerful of those tools for thinking about law. From classic ideas in game theory such as the "Prisoner's Dilemma" and the "Stag Hunt" to psychological

principles such as hindsight bias and framing effects, from ideas in jurisprudence such as the slippery slope to more than two dozen other such principles, Farnsworth's guide leads readers through the fascinating world of legal thought. Each chapter introduces a single tool and shows how it can be used to solve different types of problems. The explanations are written in clear, lively language and illustrated with a wide range of examples. *The Legal Analyst* is an indispensable user's manual for law students, experienced practitioners seeking a one-stop guide to legal principles, or anyone else with an interest in the law.

Law's Empire Harvard University Press

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 Methodology of Legal Theory Taylor & Francis

Debates surrounding the concept of law are not new. For a wide variety of reasons and in a wide variety of ways, the meaning of 'law' has long been an important part of Western thought, both within legal scholarship and beyond. The contributors to *Concepts of Law* are international experts from the fields of comparative law, legal philosophy, and the social sciences. Combining theoretical analyses with case studies, they explore various legal concepts and contexts from diverse national and disciplinary perspectives. Legal and normative pluralism is a theme throughout. Some chapters discuss the development of state law and legal systems. Others wrestle with law's rhetoric and the potential utility of alternative vocabularies, e.g., 'governance' and 'governmentality'. Others reveal the rich polyjurality of the present, from the local to the global. The result is a rich picture of both present scholarship on laws and norms and the state of contemporary legal complexity, each crossing traditional boundaries.

Basic Concepts of Criminal Law Edward Elgar Publishing

This book investigates the origins and development of human rights discourse in Finnish legal scholarship in the twentieth century. It provides a detailed account of how human rights were understood before they had legal relevance in a positivist sense, how they were adapted to Finnish legal thinking in the post-Second World War decades, how they developed into a mode of legal rhetoric and a type of legal argument during the 1970s and 1980s, and how they eventually became a significant paradigm in legal thinking in the 1990s. The book also demonstrates how rights discourse infiltrated the discussion regarding problems that were previously addressed in arguments concerning morals, social justice and equity. Although the book focuses on the history of Finnish legal scholarship, it is also interesting from a global perspective for two reasons: Firstly, it demonstrates how an idea of international law is transplanted and diffused into national legal thinking; Finland is an illustrative example in this regard. Secondly, it offers insights into the general history of human rights.

The Critical Legal Studies Movement Ashgate Publishing, Ltd.

Winner, IBPA Benjamin Franklin Award in Politics/Current Events: A systems theorist and a legal scholar present a new paradigm for protecting our planet. This is the first book to trace the fascinating parallel history of law and science from antiquity to modern times, showing how the two disciplines have always influenced each other—until recently. In the past few decades, science has shifted from seeing the natural world as a kind of cosmic machine best understood by analyzing each cog and sprocket to a systems perspective that views the world as a vast network of fluid communities and studies their dynamic interactions. The concept of ecology exemplifies this approach. But law is stuck in the old mechanistic paradigm: The world is simply a collection of discrete parts, and ownership of these parts is an individual right, protected by the state. Fritjof Capra, physicist, systems theorist, and bestselling author of *The Tao of Physics*, and distinguished legal scholar Ugo Mattei show that this obsolete worldview has led to overconsumption, pollution, and a general disregard on the part of the powerful for the common good. Capra and Mattei outline the basic concepts and structures of a legal order consistent with the ecological principles that sustain life on Earth that better addresses many of the economic and social crises we face today. This is a visionary reconceptualization of the very foundations of the Western legal

system, a kind of Copernican revolution in the law, with profound implications for the future of our planet. "Thoughtful . . . The authors propose a philosophy and jurisprudence that is deeply radical—upending centuries of Western tradition and culture—but possibly crucial to solving looming environmental problems."

—Publishers Weekly

Thinking Like a Lawyer Cambridge University Press

Karl N. Llewellyn was one of the founders and major figures of legal realism, and his many keen insights have a central place in American law and legal understanding. Key to Llewellyn's thinking was his conception of rules, put forward in his numerous writings and most famously in his often mischaracterized declaration that they are "pretty playthings." Previously unpublished, *The Theory of Rules* is the most cogent presentation of his profound and insightful thinking about the life of rules. This book frames the development of Llewellyn's thinking and describes the difference between what rules literally prescribe and what is actually done, with the gap explained by a complex array of practices, conventions, professional skills, and idiosyncrasies, most of which are devoted to achieving a law's larger purpose rather than merely following the letter of a particular rule. Edited, annotated, and with an extensive analytic introduction by leading contemporary legal scholar Frederick Schauer, this rediscovered work contains material not found elsewhere in Llewellyn's writings and will prove a valuable contribution to the existing literature on legal realism.

Concepts and Contexts of Vattel's Political and Legal Thought Penguin

This primer on legal reasoning is aimed at law students and upper-level undergraduates. But it is also an original exposition of basic legal concepts that scholars and lawyers will find stimulating. It covers such topics as rules, precedent, authority, analogical reasoning, the common law, statutory interpretation, legal realism, judicial opinions, legal facts, and burden of proof. In addressing the question whether legal reasoning is distinctive, Frederick Schauer emphasizes the formality and rule-dependence of law. When taking the words of a statute seriously, when following a rule even when it does not produce the best result, when treating the fact of a past decision as a reason for making the same decision again, or when relying on authoritative sources, the law embodies values other than simply that of making the best decision for the particular occasion or dispute. In thus pursuing goals of stability, predictability, and constraint on the idiosyncrasies of individual decision-makers, the law employs forms of reasoning that may not be unique to it but are far more dominant in legal decision-making than elsewhere. Schauer's analysis of what makes legal reasoning special will be a valuable guide for students while also presenting a challenge to a wide range of current academic theories.

Concepts and Contexts of Vattel's Political and Legal Thought West Academic Publishing

This book is the first to apply the tools of game theory and information economics to advance our understanding of how laws work. Organized around the major solution concepts of game theory, it shows how such well known games as the prisoner's dilemma, the battle of the sexes, beer-quake, and the Rubinstein bargaining game can illuminate many different kinds of legal problems. *Game Theory and the Law* highlights the basic mechanisms at work and lays out a natural progression in the sophistication of the game concepts and legal problems considered.

The Theory of Rules OUP USA

The New York Times bestseller that gives readers a paradigm-shattering new way to think about motivation from the author of *When: The Scientific Secrets of Perfect Timing* Most people

believe that the best way to motivate is with rewards like money—the carrot-and-stick approach. That's a mistake, says Daniel H. Pink (author of *To Sell Is Human: The Surprising Truth About Motivating Others*). In this provocative and persuasive new book, he asserts that the secret to high performance and satisfaction—at work, at school, and at home—is the deeply human need to direct our own lives, to learn and create new things, and to do better by ourselves and our world. Drawing on four decades of scientific research on human motivation, Pink exposes the mismatch between what science knows and what business does—and how that affects every aspect of life. He examines the three elements of true motivation—autonomy, mastery, and purpose—and offers smart and surprising techniques for putting these into action in a unique book that will change how we think and transform how we live.

How to Do Things with Legal Doctrine University of Chicago Press
Legal doctrine—the creation of doctrinal concepts, arguments, and legal regimes built on the foundation of written law—is the currency of contemporary law. Yet law students, lawyers, and judges often take doctrine for granted, without asking even the most basic questions. *How to Do Things with Legal Doctrine* is a sweeping and original study that focuses on how to understand legal doctrine via a hands-on approach. Taking up the provocative invitations from the “New Doctrinalists,” Pierre Schlag and Amy J. Griffin refine the conceptual and rhetorical operations legal professionals perform with doctrine—focusing especially on those difficult moments where law seems to run out, but legal argument must go on. The authors make the crucial operations of doctrine explicit, revealing how they work, and how they shape the law that emerges. *How to Do Things with Legal Doctrine* will help all those studying or working with law to gain a more systematic understanding of the doctrinal moves many of our best lawyers make intuitively.

Evaluation and Legal Theory Cambridge University Press
This is a brief introduction to the major issues in legal philosophy, intended for use as a secondary text in law schools, and in graduate and undergraduate courses in philosophy of law, jurisprudence and legal issues.

Defending Humanity Harvard University Press
“The study of natural law and the law of nations in the early-modern period has expanded remarkably during the last decades. This has partly been inspired by contemporary concerns, in particular by the interest in the genealogy of human rights and the foundations of international law. However, natural law in this period has also been studied in its own historical right, with a view to understanding its intellectual sources and cultural and political uses. Early modern natural law emerged in a variety of forms at the volatile interface of theology, moral philosophy, political thought and jurisprudence. These “different models of natural law” have been described “as conflicting ways of configuring access to ethical and political norms in the service of rival cultural-political programmes”. Within the language and concepts of natural law doctrines, then, quite divergent approaches were pursued to regulate and protect human society. Some operated at the level of the domestic state, with a view to rationalising and legitimating its political and juridical authority. Others operated beyond the borders of the territorial state, with a view to regulating interstate relations via the laws of war and peace”--

New Critical Legal Thinking Oxford University Press
“I think this will prove to be a very useful text for undergraduate students. Alex Law has produced a comprehensive list of key classical social theory concepts and provides an accessible account of the meaning of central terms, their place in the work of the classical analysts considered and the contemporary

significance of their ideas. In addition he has offered useful additional reading guidance from which students will derive considerable benefit.” - Barry Smart, University of Portsmouth
This book’s individual entries introduce, explain and contextualise the key topics within classical social theory. Definitions, summaries and key words are developed throughout with careful cross-referencing allowing students to move effortlessly between core ideas and themes. Each entry provides: clear definitions lucid accounts of key issues up-to-date suggestions for further reading informative cross-referencing. Relevant, focused and accessible this book will provide students across the social sciences with an indispensable guide to the central concepts of classical social theory.

Game Theory and the Law Springer Nature
In the United States today criminal justice can vary from state to state, as various states alter the Modern Penal Code to suit their own local preferences and concerns. In Eastern Europe, the post-Communist countries are quickly adopting new criminal codes to reflect their specific national concerns as they gain autonomy from what was once a centralized Soviet policy. As commonalities among countries and states disintegrate, how are we to view the basic concepts of criminal law as a whole? Eminent legal scholar George Fletcher acknowledges that criminal law is becoming increasingly localized, with every country and state adopting their own conception of punishable behavior, determining their own definitions of offenses. Yet by taking a step back from the details and linguistic variations of the criminal codes, Fletcher is able to perceive an underlying unity among diverse systems of criminal justice. Challenging common assumptions, he discovers a unity that emerges not on the surface of statutory rules and case law but in the underlying debates that inform them. *Basic Concepts of Criminal Law* identifies a set of twelve distinctions that shape and guide the controversies that inevitably break out in every system of criminal justice. Devoting a chapter to each of these twelve concepts, Fletcher maps out what he considers to be the deep structure of all systems of criminal law.

Understanding these distinctions will not only enable students to appreciate the universal fundamental ideas of criminal law, but will enable them to understand the significance of local details and variations. This accessible illustration of the unity of diverse systems of criminal justice will provoke and inform students and scholars of law and the philosophy of law, as well as lawyers seeking a better understanding of the law they practice.

Drive Oxford University Press
This book argues that overcoming people's inability to recognize their own wrongdoing is the most important but regrettably neglected area of the behavioral approach to law.

Jurisprudence Oxford University Press
In this book, legal scholars, philosophers, historians, and political scientists from Australia, Canada, New Zealand, the United Kingdom, and the United States analyze the common law through three of its classic themes: rules, reasoning, and constitutionalism. Their essays, specially commissioned for this volume, provide an opportunity for thinkers from different jurisdictions and disciplines to talk to each other and to their wider audience within and beyond the common law world. This book allows scholars and students to consider how these themes and concepts relate to one another. It will initiate and sustain a more inclusive and well-informed theoretical discussion of the common law's method, process, and structure. It will be valuable to lawyers, philosophers, political scientists, and historians interested in constitutional law, comparative law, judicial process, legal theory, law and society, legal history, separation of powers, democratic theory, political philosophy, the courts, and the relationship of the common law tradition to other legal systems of

the world.

The Legal Analyst Verso Books

If Raz and Dworkin disagree over how law should be characterised, how are we, their jurisprudential public, supposed to go about adjudicating between the rival theories which they offer us? To what considerations would those theorists themselves appeal in order to convince us that their accounts of law are accurate and successful? Moreover, what is it that makes an account of law successful? *Evaluation and Legal Theory* tackles methodological or meta-theoretical issues such as these, and does so via attempting to answer the question: to what extent, and in what sense, must a legal theorist make value judgements about his data in order to construct a successful theory of law? Dispelling the obfuscatory myth that legal positivism seeks a 'value-free' account of law, the author attempts to explain and defend Joseph Raz's position that evaluation is essential to successful legal theory, whilst refuting John Finnis and Ronald Dworkin's contentions that the legal

theorist must morally evaluate and morally justify the law in order to properly explain its nature. The book does not claim to solve the many mysteries of meta-legal theory but does seek to contribute to and engender rigorous and focused debate on this topic.

Pure Theory of Law Bloomsbury Publishing

In 'Law's Empire', Ronald Dworkin reflects on the nature of the law, its authority, its application in democracy, the prominent role of interpretation in judgement and the relations of lawmakers and lawgivers in the community.

Concepts of Law Bloomsbury Publishing

This text presents cutting edge contemporary materials, as well as new chapters on Natural Law, Positivism, Gay Legal Rights and Critical Lawyering. The book offers comprehensive coverage of legal theory from traditional to current movements, including new materials on Legal Formalism, Legal Process, Latino Critical, and Queer Critical Theory. Also contains extensive readings and updated and amplified notes, questions, problems, and bibliographies.