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KEY=A - MCCARTHY GRAHAM

A LIFE OF H.L.A. HART

THE NIGHTMARE AND THE NOBLE DREAM

A LIFE OF H.L.A. HART

THE NIGHTMARE AND THE NOBLE DREAM

Oxford University Press, USA Shortlisted for the 2005 British Academy Book prize, Nicola Lacey's entrancing biography recounts the life of H.L.A. Hart, the pre-eminent legal philosopher of the twentieth century. Following Hart's life from modest origins as the son of Jewish tailor parents in Yorkshire to worldwide fameas the most influential English-speaking legal theorist of the post-War era, the book traces his successive metamorphoses; from Yorkshire schoolboy to Oxford scholar, from government intelligence officer to Professor of Jurisprudence, from awkward batchelor to family figurehead.In the tradition of Ray Monk's biography of Wittgenstein, Nicola Lacey paints an absorbing picture of intellectual and psychological development, of a mind struggling to cope with intellectual self-doubt, uncertain sexuality, a difficult marriage and an anti-semitic society. In depicting theevolution of Hart's life and mind, Lacey provides a vivid recreation of both the intellectual and social climate of Oxford in the post-War era.

A LIFE OF H.L.A. HART

THE NIGHTMARE AND THE NOBLE DREAM

Oxford University Press, USA "Herbert Lionel Adolphus Hart ... later

became the most famous legal philosopher of the twentieth century."--Jacket.

A LIFE OF H.L.A. HART

THE NIGHTMARE AND THE NOBLE DREAM

This volume is the biography of H.L.A. Hart, the pre-eminent legal philosopher of the 20th century. As a scholar he re-invented the philosophy of law and revolutionised our understanding of law as a social institution. His writings had an enormous impact on informed public opinion in the 1960s.

DEMOCRACIES AND INTERNATIONAL LAW

Cambridge University Press Contrasts democratic and authoritarian approaches to international law, explaining how their interaction will affect the world in the future.

HARVARD LAW REVIEW: VOLUME 127, NUMBER 2 - DECEMBER 2013

Quid Pro Books 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 Condones 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.

JUDICIAL REVIEW

PROCESS, POWERS, AND PROBLEMS (ESSAYS IN HONOUR OF UPENDRA BAXI)

Cambridge University Press In India, judicial review is not a static phenomenon. It has ensured that the Constitution is the supreme law of the land, and in situations when a law impinges on the rights and the liberties of citizens, it can be pruned or made void. This is a collection of scholarly essays demonstrating the different facets of judicial review based on the vast area of comparative constitutional law. Importantly, it honours the body of work of Upendra Baxi, legal scholar and author, whose contributions have shaped our understanding of legal jurisprudence and expanded the scope of social transformation in India. This volume recognizes his role as an Indian jurist. Various constitutional law experts come together to reflect on his expositions on the role of the apex court, judicial activism, accountability of judiciary, laws on surrogacy and adultery and so on.

LEGAL REALISM AND AMERICAN LAW

A&C Black In the first part of the 20th century, a group of law scholars offered engaging, and occasionally disconcerting, views on the role of judges and the relationship between law and politics in the United States. These legal realists borrowed methods from the social sciences to carefully study the law as experienced by lawyers, judges, and average citizens and promoted a progressive vision for American law and society. Legal realism investigated the nature of legal reasoning, the purpose of law, and the role of judges. The movement asked questions which reshaped the study of jurisprudence and continue to drive lively debates about the law and politics in classrooms, courtrooms, and even the halls of Congress. This thorough analysis provides an introduction to the ideas, context, and leading personalities of legal realism. It helps situate an important movement in legal theory in the context of American politics and political thought and will be of great interest to students of judicial politics, American constitutional development, and political theory.

OXFORD STUDIES IN PHILOSOPHY OF LAW

OUP Oxford The essays in this annual forum for new philosophical work on law range widely over general jurisprudence (the nature of law, adjudication, and legal reasoning), philosophical foundations of specific areas of law (from criminal to international law), and other philosophical topics relating to legal theory.

CREON'S GHOST LAW JUSTICE AND THE HUMANITIES

Oxford University Press Creon's Ghost examines the enduring problem of

the relationship between man's law and a "higher" law from the perspective of core humanities texts and through discussion of hotly debated contemporary legal conundrums. Today, such issues as intelligent design in school curricula, same-sex marriage, and faith-based government grants are all examples of the interaction between man's law and some other set of moral principles. As these debates are considered in this book, the author uses texts such as Antigone and Plato's Republic and pairs them with the most important jurisprudence texts of the 20th century to explore different approaches to the contemporary conflict or court ruling under consideration. Creon's Ghost demonstrates that the humanities can both illuminate our understanding of contemporary problems and that "classic" texts can be read alongside jurisprudential texts, thus enriching our understanding of and appreciation for law.

JUST WAR AND INTERNATIONAL ORDER

THE UNCIVIL CONDITION IN WORLD POLITICS

Cambridge University Press At the opening of the twenty-first century, while obviously the world is still struggling with violence and conflict, many commentators argue that there are many reasons for supposing that restrictions on the use of force are growing. The establishment of the International Criminal Court, the growing sophistication of international humanitarian law and the 'rebirth' of the just war tradition over the last fifty years are all taken as signs of this trend. This book argues that, on the contrary, the just war tradition, allied to a historically powerful and increasingly dominant conception of politics in general, is complicit with an expansion of the grounds of supposedly legitimate force, rather than a restriction of it. In offering a critique of this trajectory, 'Just War and International Order' also seeks to illuminate a worrying trend for international order more generally and consider what, if any, alternative there might be to it.

PHILOSOPHY OF LAW

AN INTRODUCTION

Taylor & Francis Philosophy of Law: An Introduction provides an ideal starting point for students of philosophy and law. Setting it clearly against the historical background, Mark Tebbit quickly leads readers into the heart of the philosophical questions that dominate philosophy of law today. He provides an exceptionally wide-ranging overview of the contending theories that have sought to resolve these problems. He does so without assuming prior knowledge either of philosophy or law on the part of the reader. The book is structured in three parts around the key issues and themes in philosophy of law: What is the law? – the major legal theories addressing the question of what we mean by law, including natural law, legal positivism and legal realism. The reach of the law – the various legal

theories on the nature and extent of the law's authority, with regard to obligation and civil disobedience, rights, liberty and privacy. Criminal law – responsibility and mens rea, intention, recklessness and murder, legal defences, insanity and philosophies of punishment. This new third edition has been thoroughly updated to include assessments of important developments in philosophy and law in the early years of the twenty-first century. Revisions include a more detailed analysis of natural law, new chapters on common law and the development of positivism, a reassessment of the Austin–Hart dispute in the light of recent criticism of Hart, a new chapter on the natural law–positivist controversy over Nazi law and legality, and new chapters on criminal law, extending the analysis of the dispute over the viability of the defences of necessity and duress.

LAW AS AN ARTIFACT

Oxford University Press This volume assembles leading scholars to examine how their respective theoretical positions relate to the artifactual nature of law. It offers a complete analysis of what is ontologically entailed by the claim that law - including legal systems, legal norms, and legal institutions - is an artifact, and what consequences, if any, this claim has for philosophical accounts of law. Examining the artifactual nature of law draws attention to the role that intention, function, and action play in the ontological structure of law, and how these attributes interact with rules. It puts the role of author and authorship at the center of its analysis of legal ontology, and widens the scope that functional analysis can legitimately have in legal theory, emphasizing how the content of law depends on how it is used. Furthermore, the appeal to artifacts brings to the fore questions about the significance of concepts for the existence of law, and makes available new tools for legal interpretation. The notion of artifactuality offers a starting point from which to approach the basic dilemma of whether it is meaningful to search for essential, necessary, and sufficient features of law, a question that in current legal theory is put when deciding what kind of enterprise legal theory is from a methodological point of view, namely whether it is descriptive or prescriptive. This volume unearths insights and observations of value to all those looking to deepen their understanding of how the law is understood and experienced.

THE FOUR LACANIAN DISCOURSES

OR TURNING LAW INSIDE OUT

Routledge This book proposes a taxonomy of jurisprudence and legal practice, based on the discourse theory of Jacques Lacan. In the anglophone academy, the positivist jurisprudence of H.L.A. Hart provides the most influential account of law. But just as positivism ignores the practice of law by lawyers, even within the academy, the majority of professors are also not pursuing Hart's positivist project. Rather, they are

engaged in policy-oriented scholarship - that tries to explain law in terms of society's collective goals - or in doctrinal legal scholarship - that does not try to describe what law is, or to supply justifications for it - but which examines the 'internal' logic of law. Lacan's discourse theory has the power to differentiate the various roles of the practicing lawyer and the legal scholar. It is also able to explain the striking lack of communication between diverse schools of legal scholarship and between legal academia and the legal profession. Although extremely influential in Europe and South America, Lacanian theory remains largely unexplored (in the English-speaking world) outside of the field of comparative literature. In taking up the jurisprudential ramifications of Lacan's work, The Four Lacanian Discourses thus constitutes an original contribution to current theoretical and practical understandings of law.

ETHICAL JUDGMENTS

RE-WRITING MEDICAL LAW

Bloomsbury Publishing This edited collection is designed to explore the ethical nature of judicial decision-making, particularly relating to cases in the health/medical sphere, where judges are often called upon to issue rulings on questions containing an explicit ethical component. However, judges do not receive any specific training in ethical decision-making, and often disown any place for ethics in their decision-making. Consequently, decisions made by judges do not present consistent or robust ethical theory, even when cases appear to rely on moral claims. The project explores this dichotomy by imagining a world in which decisions by judges have to be ethically as well as legally valid. Nine specific cases are reinterpreted in light of that requirement by leading academics in the fields of medical law and bioethics. Two judgments are written in each case, allowing for different views to be presented. Two commentaries - one ethical and one legal - then explore the ramifications of the ethical judgments and provide an opportunity to explore the two judgments from additional ethical and legal perspectives. These four different approaches to each judgment allow for a rich and varied critique of the decisions and ethical theories and issues at play in each case.

LAW'S ETHICAL, GLOBAL AND THEORETICAL CONTEXTS

ESSAYS IN HONOUR OF WILLIAM TWINING

Cambridge University Press Examines contemporary perspectives on law through Twining's scholarly work and with a focus on ethical, global and theoretical contexts.

RESTRICTIVE PRACTICES IN HEALTH CARE AND DISABILITY SETTINGS

LEGAL, POLICY AND PRACTICAL RESPONSES

Routledge This volume explores different models of regulating the use of restrictive practices in health care and disability settings. The authors examine the legislation, policies, inspection, enforcement and accreditation of the use of practices such as physical, mechanical and chemical restraint. They also explore the importance of factors such as organisational culture and staff training to the effective implementation of regulatory regimes. In doing so, the collection provides a solid evidence base for both the development and implementation of effective approaches to restrictive practices that focus on their reduction and, ultimately, their elimination across health care sectors. Divided into five parts, the volume covers new ground in multiple respects. First, it addresses the use of restrictive practices across mental health, disability and aged care settings, creating opportunities for new insights and interdisciplinary conversations across traditionally siloed sectors. Second, it includes contributions from research academics, clinicians, regulators and mental health consumers, offering a rich and comprehensive picture of existing regulatory regimes and options for designing and implementing regulatory approaches that address the failings of current systems. Finally, it incorporates comparative perspectives from Australia, New Zealand, the Netherlands, Germany and England. The book is an invaluable resource for regulators, policymakers, lawyers, clinicians, consumer advocates and academics grappling with the use and regulation of restrictive practices in mental health, disability and aged care contexts.

CONSTITUTIONAL INTERPRETATION IN SINGAPORE

THEORY AND PRACTICE

Routledge At the heart of constitutional interpretation is the struggle between, on the one hand, fidelity to founding meanings, and, on the other hand, creative interpretation to suit the context and needs of an evolving society. This book considers the recent growth of constitutional cases in Singapore in the last ten years. It examines the underpinnings of Singapore's constitutional system, explores how Singapore courts have dealt with issues related to rights and power, and sets developments in Singapore in the wider context of new thinking and constitutional developments worldwide. It argues that Singapore is witnessing a shift in legal and political culture as both judges and citizens display an increasing willingness to engage with constitutional ideas and norms.

OLIVER WENDELL HOLMES JR. AND LEGAL LOGIC

University of Chicago Press With Oliver Wendell Holmes, Jr. and Legal Logic, Frederic R. Kellogg examines the early diaries, reading, and writings of Justice Oliver Wendell Holmes, Jr. (1841–1935) to assess his contribution to both legal logic and general logical theory. Through discussions with his

mentor Chauncey Wright and others, Holmes derived his theory from Francis Bacon's empiricism, influenced by recent English debates over logic and scientific method, and Holmes's critical response to John Stuart Mill's 1843 A System of Logic. Conventional legal logic tends to focus on the role of judges in deciding cases. Holmes recognized input from outside the law—the importance of the social dimension of legal and logical induction: how opposing views of "many minds" may converge. Drawing on analogies from the natural sciences, Holmes came to understand law as an extended process of inquiry into recurring problems. Rather than vagueness or contradiction in the meaning or application of rules, Holmes focused on the relation of novel or unanticipated facts to an underlying and emergent social problem. Where the meaning and extension of legal terms are disputed by opposing views and practices, it is not strictly a legal uncertainty, and it is a mistake to expect that judges alone can immediately resolve the larger issue.

THE RULE OF CRISIS

TERRORISM, EMERGENCY LEGISLATION AND THE RULE OF LAW

Springer This book analyzes emergency legislations formed in response to terrorism. In recognition that different countries, with different legal traditions, have different solutions, it adopts a comparative point of view. The countries profiled include America, France, Israel, Poland, Germany and United Kingdom. The goal is not to offer judgment on one response or the other. Rather, the contributors offer a comprehensive and thoughtful examination of the entire concept. In the process, they draw attention to the inadaptability of traditional legal and philosophical categories in a new and changing political world. The contributors first criticize the idea of these legislations. They then go on to develop different models to respond to these crises. They build a general analytical framework by answering such questions as: What is an emergency legislation? What kinds of emergencies justify laws of this nature? Why is contemporary terrorism such a specific emergency justifying new laws? Using legal and philosophical reflections, this study looks at how we are changing society. Coverage also provides historical experiences of emergency legislations to further illustrate this point. In the end, readers will gain insight into the long-term consequences of these legislations and how they modify the very work of the rule of law.

FAILURES OF AMERICAN METHODS OF LAWMAKING IN HISTORICAL AND COMPARATIVE PERSPECTIVES

Cambridge University Press In this book, James R. Maxeiner takes on the challenge of demonstrating that historically American law makers did consider a statutory methodology as part of formulating laws. In the nineteenth century, when the people wanted laws they could understand,

lawyers inflicted judge-made, statute-destroying, common law on them. Maxeiner offers the cure for common law, in the form of sensible statute law. Building on this historical evidence, Maxeiner shows how rule-making in civil law jurisdictions in other countries makes for a far more equitable legal system. Sensible statute laws fit together: one statute governs, as opposed to several laws that even lawyers have trouble disentangling. In a statute law system, lawmakers make laws for the common good in sensible procedures, and judges apply sensible laws and do not make them. This book shows how such a system works in Germany and would be a solution for the American legal system as well.

CAUSATION IN EUROPEAN TORT LAW

Cambridge University Press Through a comprehensive analysis of sixteen European legal systems, based on an assessment of national answers to a factual questionnaire, Causation in European Tort Law sheds light on the operative rules applied in each jurisdiction to factual and legal causation problems. It highlights how legal systems' features impact on the practical role that causation is called upon to play, as well as the arguments of professional lawyers. Issues covered include the conditions under which a causal link can be established, rules on contribution and apportionment, the treatment of supervening, alternative and uncertain causes, the understanding of loss-of-a-chance cases, and the standard and the burden of proving causation. This is a book for scholars, students and legal professionals alike.

PEIRCE, PARADOX, PRAXIS

THE IMAGE, THE CONFLICT, AND THE LAW

Walter de Gruyter GmbH & Co KG

READING MODERN LAW

CRITICAL METHODOLOGIES AND SOVEREIGN FORMATIONS

Routledge Reading Modern Law identifies and elaborates upon key critical methodologies for reading and writing about law in modernity. The force of law rests on determinate and localizable authorizations, as well as an expansive capacity to encompass what has not been pre-figured by an order of rules. The key question this dynamic of law raises is how legal forms might be deployed to confront and disrupt injustice. The urgency of this question must not eclipse the care its complexity demands. This book offers a critical methodology for addressing the many challenges thrown up by that question, whilst testifying to its complexity. The essays in this volume - engagements direct or oblique, with the work of Peter Fitzpatrick - chart a mode of resisting the proliferation of social scientific methods, as much as geo-political empire. The authors elaborate a critical and interdisciplinary treatment of law and modernity, and outline the pivotal

role of sovereignty in contemporary formations of power, both national and international. From various overlapping vantage points, therefore, Reading Modern Law interrogates law's relationship to power, as well as its relationship to the critical work of reading and writing about law in modernity.

COMMON READING

CRITICS, HISTORIANS, PUBLICS

Oxford University Press, USA Stefan Collini explores aspects of the literary and intellectual culture of Britain from the early 20th century to the present. He focuses on critics and historians who wrote for a non-specialist readership, and on the periodicals and other genres through which they attempted to reach that readership.

THE LEGACY OF H.L.A. HART

LEGAL, POLITICAL, AND MORAL PHILOSOPHY

Oxford University Press on Demand This book brings together contributions from seventeen of the world's foremost legal and political philosophers to examine the lasting influence of H.L.A. Hart. The essays explore the major subjects of Hart's work: general jurisprudence, criminal responsibility, rights, justice, causation and the foundations of liberalism.

THE HART-FULLER DEBATE IN THE TWENTY-FIRST CENTURY

Bloomsbury Publishing This book presents the papers and comments on those papers delivered at a colloquium held at the Australian National University in December 2008 to celebrate 50 years since the publication in the Harvard Law Review of the famous and wide-ranging debate between HLA Hart and Lon L Fuller. These essays do not to re-run that debate and they are not confined to discussion of the jurisprudential issues canvassed by Hart and Fuller. Rather they pick up on strands in the debate and re-think them in the light of social, political and intellectual developments in the past 50 years and changed ways of understanding law and other normative systems. This collection looks forward rather than backward using the debate as a point of departure and inspiration.

FORMALISM AND THE SOURCES OF INTERNATIONAL LAW

A THEORY OF THE ASCERTAINMENT OF LEGAL RULES

OUP Oxford This book revisits the theory of the sources of international law from the perspective of formalism. It critically analyses the virtues of formalism, construed as a theory of law ascertainment, as a means of distinguishing between law and non-law. The theory of formalism is re-evaluated against the backdrop of the growing acceptance by international legal theorists of the blurring of the lines between law and non-law. At the

same time, the book acknowledges that much international normative activity nowadays takes place outside the ambit of traditional international law and that only a limited part of the exercise of public authority at the international level results in the creation of international legal rules. The theory of ascertainment that the book puts forward attempts to dispel some of the illusions of formalism that accompany the traditional sources of international law. It also sheds light on the tendency of scholars, theorists, and advocates to deformalize the identification of international legal rules with a view to expanding international law. The book seeks to revitalize and refresh the formal identification of rules by engaging with some tenets of the postmodern critique of formalism. As a result, the book not only grapples with the practice of law-making at the international level, but it also offers broad theoretical insights on international law, dealing with the main schools of thought in legal theory (positivism, naturalism, legal realism, policy-oriented jurisprudence, and postmodernism). This paperback edition features the author's discussion of this book on the EJIL Talk blog.

READING HLA HART'S 'THE CONCEPT OF LAW'

A&C Black 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.

PRAGMATISM, LOGIC, AND LAW

Lexington Books Pragmatism, Logic and Law offers a view of legal pragmatism consistent with pragmatism writ large, tracing it from origins in late 19th century America to the present, covering various issues, legal cases, personalities, and relevant intellectual movements within and outside law. It addresses pragmatism’s relation to legal liberalism, legal positivism, natural law, critical legal studies (CLS), and post-Rorty “neopragmatism.” It views legal pragmatism as an exemplar of pragmatism’s general contribution to logical theory, which bears two connections to the western philosophical tradition: first, it extends Francis

Bacon’s empiricism into contemporary aspects of scientific and legal experience, and second, it is an explicitly social reconstruction of logical induction. Both notions were articulated by John Dewey, and both emphasize the social or corporate element of human inquiry. Empiricism is informed by social as well as individual experience (which includes the problems of conflict and consensus). Rather than following the Aristotelian model of induction as immediate inference from particulars to generals, a model that assumes a consensual objective viewpoint, pragmatism explores the actual, and extended, process of corporate inference from particular experience to generalization, in law as in science. This includes the necessary process of resolving disagreement and finding similarity among relevant particulars.

H.L.A. HART

John Wiley & Sons H.L.A. Hart is among the most important philosophers of the twentieth century, with an especially great influence on the philosophy of law. His 1961 book The Concept of Law has become an enduring classic of legal philosophy, and has also left a significant imprint on moral and political philosophy. In this volume, leading contemporary legal and political philosopher Matthew H. Kramer provides a crystal-clear analysis of Hart’s contributions to our understanding of the nature of law. He elucidates and scrutinizes every major aspect of Hart’s jurisprudential thinking, ranging from his general methodology to his defense of legal positivism. He shows how Hart’s achievement in The Concept of Law, despite the evolution of debates in subsequent decades, remains central to contemporary legal philosophy because it lends itself to being reinterpreted in light of new concerns and interests. Kramer therefore pays particular attention to the strength of Hart’s insights in the context of present-day disputes among philosophers over the reality of normative entities and properties and over the semantics of normative statements. This book is an invaluable guide to Hart’s thought for students and scholars of legal philosophy and jurisprudence, as well as moral and political philosophy.

JURISPRUDENCE

THEMES AND CONCEPTS

Routledge Jurisprudence: Themes and Concepts offers an original introduction to, and critical analysis of, the central themes studied in jurisprudence courses. The book is presented in three parts each of which contains General Themes, Advanced Topics, tutorial questions and guidance on further reading: Law and Politics, locating the place of law within the study of institutions of government Legal Reasoning, examining the contested nature of the application of law Law in Modernity, exploring the social forces that shape legal development. This second edition

includes enhanced discussion of the rise of legal positivism within the context of the rise of the modern state, the changing role of natural and human rights discourse, concepts of justice in and beyond the nation state, the impact of emergency doctrines in contemporary legal regulation, and challenges to the rule of law in light of shifting and competing demands for new types of social solidarity. Accessible, interdisciplinary, and socially informed this book has been revised to take into account the latest developments in jurisprudential scholarship.

DIMENSIONS OF DIGNITY

THE THEORY AND PRACTICE OF MODERN CONSTITUTIONAL LAW

Cambridge University Press Offers a public law theory that elaborates the idea of human dignity to illuminate and justify innovations in constitutional practice.

GREAT DEBATES IN JURISPRUDENCE

Bloomsbury Publishing 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'

META-THEORY OF LAW

John Wiley & Sons This book is devoted to the theory of legal theory, also referred to as the "meta-theory of law". The aim of this emerging discipline is to determine the objectives, aims and methods of legal theory, and to establish the conditions of possibility as well as the validity criteria for theoretical discourse on law. The contributions in this book provide an overview of these aspects through different perspectives and approaches. The very purpose of legal theory has been disputed and the subject area is currently subject to increasing cross-fertilization between different, and

sometimes diverging, traditions. Meta-theory of Law assesses these emerging trends by questioning two basic objects of legal theory, the "nature" and the "science" of law.

UNDERSTANDING JURISPRUDENCE

AN INTRODUCTION TO LEGAL THEORY

Oxford University Press, USA With its clear and entertaining writing style, Understanding Jurisprudence is the perfect guide for students new to legal theory and looking for an accessible introduction to the subject. Key theories and theorists are introduced in a compact and easy-to-read format, offering an engaging account of the central ideas without oversimplification. Key quotes from leading scholars are included throughout the text, introducing you to their work and its impact on legal philosophy, while further reading suggestions help you to navigate the broad range of literature available in this area. Each chapter concludes with a series of critical questions designed to encourage you to think analytically about the law and the key ideas and debates which surround it. New to this editionRevised to include the most recent scholarship in several areas of jurisprudence, and to reflect the social and political developments that have influenced the law and legal theoryExpanded chapters on natural law, legal positivism, realism, rights, and theories of justiceNew and enhanced discussions of the rule of law, global justice, virtue ethics, human and animal rights, the economic analysis of law, and postmodernist theoriesUpdated suggested further reading lists and questions at the end of each chapter

EVOLUTION AND THE COMMON LAW

Cambridge University Press This book offers a radical challenge to accounts of the common law's development. Contrary to received jurisprudential wisdom, it maintains there is no grand theory which will explain satisfactorily the dynamic interactions of change and stability in the common law's history. Offering original readings of Charles Darwin's and Hans-Georg Gadamer's works, the book shows that law is a rhetorical activity that can only be properly appreciated in its historical and political context; tradition and transformation are locked in a mutually reinforcing but thoroughly contingent embrace. In contrast to the dewy-eyed offerings of much contemporary work, it demonstrates that, like life, law is an organic process (i.e., events are the products of functional and localized causes) rather than a miraculous one (i.e., events are the result of some grand plan or intervention). In short, common law is a perpetual work-in-progress - evanescent, dynamic, messy, productive, tantalising, and bottom-up.

Q&A JURISPRUDENCE

Routledge Routledge Q&As give you the tools to practice and refine your exam technique, showing you how to apply your knowledge to maximum effect in assessment. Each book contains essay and problem-based questions on the most commonly examined topics, complete with expert guidance and model answers that help you to: Plan your revision and know what examiners are looking for: Introducing how best to approach revision in each subject Identifying and explaining the main elements of each question, and providing marker annotation to show how examiners will read your answer Understand and remember the law: Using memorable diagram overviews for each answer to demonstrate how the law fits together and how best to structure your answer Gain marks and understand areas of debate: Providing revision tips and advice to help you aim higher in essays and exams Highlighting areas that are contentious and on which you will need to form an opinion Avoid common errors: Identifying common pitfalls students encounter in class and in assessment The series is supported by an online resource that allows you to test your progress during the run-up to exams. Features include: multiple choice questions, bonus Q&As and podcasts.

FREEDOM AND CRIMINAL RESPONSIBILITY IN AMERICAN LEGAL THOUGHT

Cambridge University Press This book deals with the most fundamental problem in criminal law, the way in which free will and determinism relate to criminal responsibility.

INTERPRETATION WITHOUT TRUTH

A REALISTIC ENQUIRY

Springer This book engages in an analytical and realistic enquiry into legal interpretation and a selection of related matters including legal gaps, judicial fictions, judicial precedent, legal defeasibility, and legislation. Chapter 1 provides an outline of the central theoretical and methodological tenets of analytical realism. Chapter 2 presents a conceptual apparatus concerning the phenomenon of legal interpretation, which it subsequently applies to investigate the truth-in-legal-interpretation issue. Chapters 3 to 6 argue for a theory of legal interpretation - pragmatic realism - by outlining a theory of interpretive games, revisiting the debate between literalism and contextualism in contemporary philosophy of language, and underscoring the many shortcomings of the container-retrieval view and pragmatic formalism. In turn, Chapter 7, focusing on comparative legal theory, advocates an interpretation-sensitive theory of legal gaps, as opposed to purely normativist ones. Chapter 8 explores the connection between judicial reasoning and judicial fictions, casting light on the structure and purpose of fictional reasoning. Chapter 9 provides an

analytical enquiry into judicial precedent, examining a variety of ideal-typical systems in terms of their normative or de iure relevance. Chapter 10 addresses defeasibility and legal indeterminacy. In closing, Chapter 11 highlights the central tenets of a realistic theory of legislation.