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in this age of collections that is ours many volumes of collections are published they contain contributions of several well known authors and their aim is to present a selective overview of a relevant field of study this book has the same purpose its aim is to introduce students scholars and all those interested in current problems of legal theory and legal philosophy to the work of the leading scholars in this field the large number of publications both books and articles that have been produced over recent decades makes it quite difficult however for those who are making their first steps in this domain to find firm guidelines the book is new in its genre because of its method the choice was made not to reprint an example of contributors earlier basic articles or a part of one of their books this would only give a partial view of the rich texture of their work rather the authors were asked to make an original synthesis of their own contributions to the field of legal theory and legal philosophy brought together in this volume they constitute a truly author ised view of their work this book is also new in that each essay is complemented with bibliographical information in order to encourage further research on the author s self selected work this will help the reader rapidly to become familiar with the whole of the published work of the contributors

philosophy of law provides a rich overview of the diverse theoretical justifications for our legal rules systems and practices utilizes the work of both classical and contemporary philosophers to illuminate the relationship between law and morality introduces students to the philosophical underpinnings of international law and its increasing importance as we face globalization features concrete examples in the form of cases significant to the evolution of law contrasts anglo american law with foreign institutions and practices such as those in china japan india ireland and canada incorporates diverse perspectives on the philosophy of law ranging from canonical material to feminist theory critical theory postmodernism and critical race theory

among books of similar scope this is the recognized american classic those who read this book will have the strange privilege of thinking things together in the law from the beginning of written history to the moment pound sent his writings to the printer through this writing of pound s they can see what it is to deal with the whole objective world in the law as a freeman should knowing how things have happened fortunately or unfortunately logically or through some kind of hardly explicable human conduct

in an introduction to the philosophy of law roscoe pound presents a comprehensive examination of legal theory through an analytical lens that intertwines historical context jurisprudential principles and social realities his literary style is characterized by clarity and lucidity employing both philosophical discourse and practical examples to elucidate the complex interplay between law and society set against the backdrop of early 20th century legal thought pound s work serves as both a critique of positivism and a call for a more dynamic understanding of law emphasizing the necessity of integrating ethical considerations into legal frameworks roscoe pound an influential legal scholar and pragmatist served as a dean at harvard law school and was deeply engaged with the evolving landscape of american jurisprudence his background in sociology and philosophy informed his quest to reconcile the rigid structures of law with the fluid nature of human experience this interplay of disciplines propelled pound to question established norms and advocate for a legal philosophy that prioritizes the social good ultimately shaping his approach in this text an introduction to the philosophy of law is essential reading for anyone seeking to understand the foundations of legal thought and the philosophical dilemmas inherent in the practice of law it is particularly recommended for students practitioners and scholars who wish to grasp the significance of law in shaping societal values and the ethical implications that arise from its application

to volumes 9 and 10 of the treatise i am happy to present here the third batch of volumes for the treatise project this is the batch consisting of volumes 9 and 10 namely a history of the philosophy of law in the civil law world 1600 1900 edited by damiano canale paolo grossi and hasso hofmann and the philosophers philosophy of law from the seventeenth century to our days by patrick riley three volumes will follow two are devoted to the philosophy of law in the 20th century and the third one will be the index for the entire treatise which will therefore ultimately comprise thirteen volumes this volume 9 runs parallel to volume 8 a history of the philosophy of law in the common law world 1600 1900 by michael lobban published in 2007 volume 10 for its part takes up where volume 6 left off which appeared under the title a history of the philosophy of law from the ancient greeks to the scholastics edited by fred miller jr in association with carrie ann biondi likewise published in 2007 and which is mainly a history of the philosophers philosophy of law let us refer to this philosophy as a

this book offers a historical overview on questions of individual autonomy and fundamental freedoms in a pluralistic society and the extent to which modern enlightenment values can serve

as the universal foundation of law and society

the philosophy of law is a broad reaching text that guides readers through the basic analytical and normative issues in the field highlighting key historical and contemporary thinkers and offering a unified treatment of the various issues in the philosophy of law enlivened with numerous everyday examples to illustrate various concepts of law employs the idea of three central commonplaces about law that law is a social matter that law is authoritative and that law is for the common good to organize seemingly disparate topics and to bring rival views into contention with each other the first volume in the fundamentals of philosophy series in which leading philosophers explore the fundamental issues and core problems in the major sub disciplines of philosophy

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

in philosophy of law andrei marmor provides a comprehensive analysis of contemporary debates about the fundamental nature of law an issue that has been at the heart of legal philosophy for centuries what the law is seems to be a matter of fact but this fact has normative significance it tells people what they ought to do marmor argues that the myriad questions raised by the factual and normative features of law actually depend on the possibility of reduction whether the legal domain can be explained in terms of something else more foundational in nature in addition to exploring the major issues in contemporary legal thought philosophy of law provides a critical analysis of the people and ideas that have dominated the field in past centuries it will be essential reading for anyone curious about the nature of law

the routledge companion to the philosophy of law provides a comprehensive non technical philosophical treatment of the fundamental questions about the nature of law its coverage includes law s relation to morality and the moral obligations to obey the law the main philosophical debates about particular legal areas such as criminal responsibility property contracts family law law and justice in the international domain legal paternalism and the rule of law the entirely new content has been written specifically for newcomers to the field making the volume

particularly useful for undergraduate and graduate courses in philosophy of law and related areas all 39 chapters written by the world's leading researchers and edited by an internationally distinguished scholar bring a focused philosophical perspective to their subjects the routledge companion to the philosophy of law promises to be a valuable and much consulted student resource for many years

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

this textbook uses cases in family law to illustrate both traditional philosophical problems in the law as well as problems that are unique to family law in the beginning chapters family law cases are employed to introduce the reader to philosophical debates about the relationship between law and morals about how one ought to interpret the u s constitution and its amendments about the conditions under which individual liberty is justifiably limited by law about the justification of punishment and about the justification of remedies and standards of care in determining negligence in tort cases later chapters are devoted to contemporary issues unique to family law including justifiable limits of access to marriage alternatives to marriage the rights of children child custody disputes involving surrogate births quasi property disputes involving custody of frozen embryos and the justifiable limits of the right not to procreate the book reflects current movements contemporary debates and recent research on the philosophical problems in family law

this encyclopedia offers systematic and sustained coverage of the many dimensions of legal thought and gives expression to the breadth and depth of the philosophy of law

samar philosophy loyola u seeks to develop a metatheory of law that judges could use to decide very hard cases in which the law offers no firm precedents or it is not clear whether the applicable law is just he discusses theories of political philosophy that set a foundation for the duty to obey law presents a natural law justification for a legal system containing morally just laws uses his metatheory to resolve five historically significant constitutional cases and offers suggestions for legal education annotation copyrighted by book news inc portland or

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