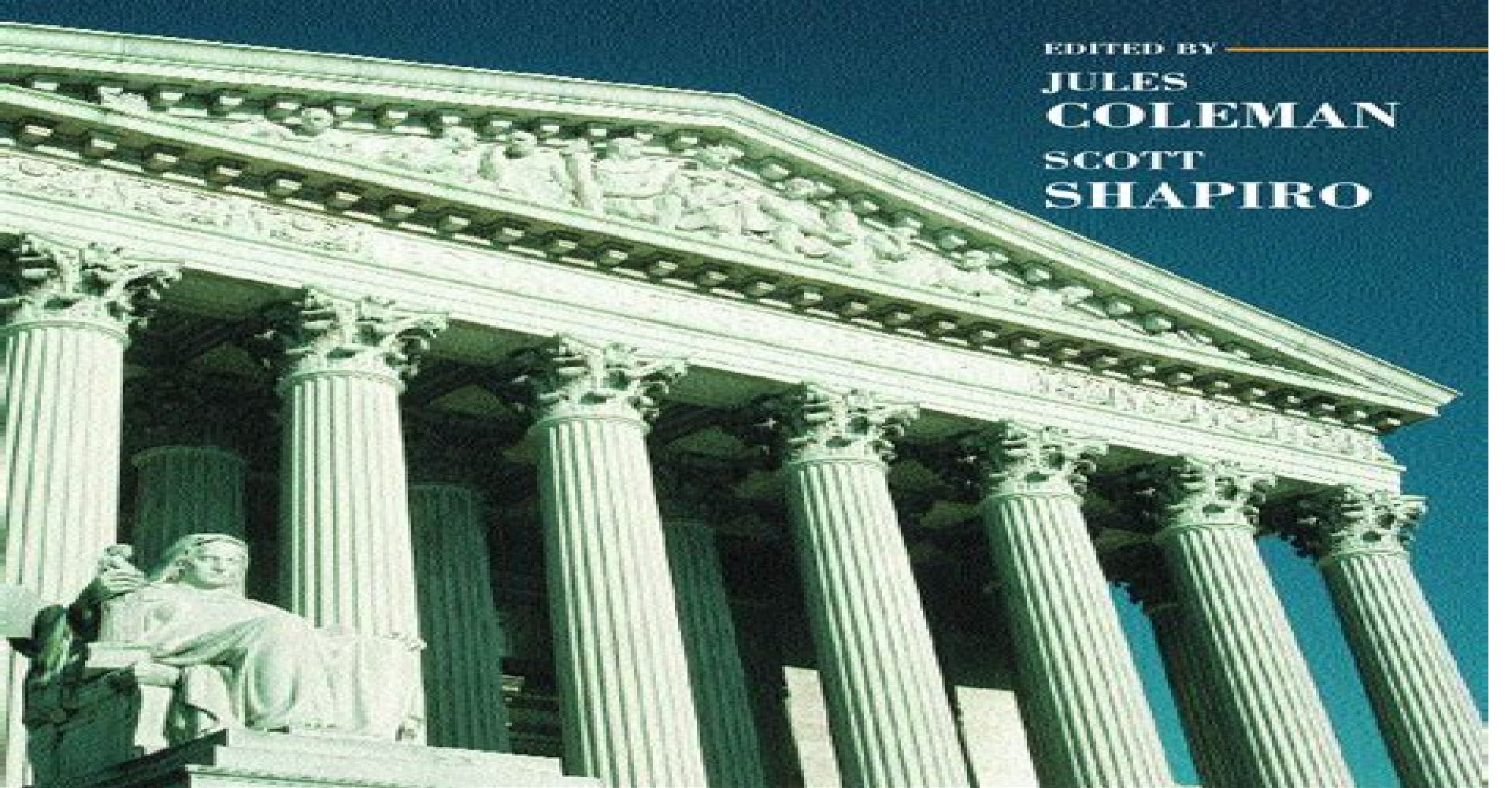




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The Oxford Handbook Of Jurisprudence And Philosophy Of Law

Jules L. Coleman, Scott Shapiro



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cutting edge contemporary research and a snapshot of the state and scope of the field To this end the Handbook takes a broad approach to its subject matter disciplinarily geographically and systematically Its contributors include current and future research leaders representing a variety of legal systems methodologies areas of expertise and research agendas The Handbook is divided into four parts Approaches Methods I Systems Methods II Aspects Issues III and Contexts Comparisons IV Part I includes essays exploring various methodological approaches to criminal law such as criminology feminist studies and history Part II provides an overview of systems or models of criminal law laying the foundation for further inquiry into specific conceptions of criminal law as well as for comparative analysis such as Islamic Marxist and military law Part III covers the three aspects of the penal process the definition of norms and principles of liability substantive criminal law along with a less detailed treatment of the imposition of norms criminal procedure and the infliction of sanctions prison law Contributors consider the basic topics traditionally addressed in scholarship on the general and special parts of the substantive criminal law such as jurisdiction mens rea justifications and excuses Part IV places criminal law in context both domestically and transnationally by exploring the contrasts between criminal law and other species of law and state power and by investigating criminal law's place in the projects of comparative law transnational and international law

The Oxford Handbook of the Sources of International Law Jean d'Aspremont, Samantha Besson, Sévrine Knuchel, 2017-10-19 The question of the sources of international law inevitably raises some well known scholarly controversies where do the rules of international law come from And more precisely through which processes are they made how are they ascertained and where does the international legal order begin and end This is the static question of the pedigree of international legal rules and the boundaries of the international legal order Second what are the processes through which these rules are made This is the dynamic question of the making of these rules and of the exercise of public authority in international law The Oxford Handbook of the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law It provides an accessible and systematic overview of the key issues and debates around the sources of international law It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions This Handbook features original essays by leading international law scholars and theorists from a range of traditions nationalities and perspectives reflecting the richness and diversity of scholarship in this area

The Nature and Value of Vagueness in the Law Hrafn Asgeirsson, 2020-04-10 Lawmaking is paradigmatically a type of speech act people make law by saying things It is natural to think therefore that the content of the law is determined by what lawmakers communicate However what they communicate is sometimes vague and even when it is clear the content itself is sometimes vague This monograph examines the nature and consequences of these two linguistic sources of indeterminacy in the law The aim is to give plausible answers to three related questions In virtue of what is the law vague What might be good about vague law How should courts resolve cases of

vagueness It argues that vagueness in the law is sometimes a good thing although its value should not be overestimated It also proposes a strategy for resolving borderline cases arguing that textualism and intentionalism two leading theories of legal interpretation often complement rather than compete with each other

Private Law and the State Andrew Robertson, Jason W Neyers, 2024-10-31 This collection explores the relationship between the state and private law It does this by addressing four overlapping questions beginning by asking why states recognise and enforce private law obligations and liabilities It goes on to ask how the state as a legal actor is subject to private law The third question explored relates to the relationship between private law and public law Finally it examines the role of the public interest in private law With the perspectives of world leading commentators from both academia and the judiciary this book provides a fascinating assessment of a crucial but complex relationship

The Concept of Law from a Transnational Perspective Detlef von Daniels, 2016-03-23 This book brings together the fruits of different traditions in legal philosophy and draws on them to develop a systematic thesis on the concept of law The work uses a legal model to explore the underlying question of how the current phenomena of transnational law are best understood in combination with an examination of the traditions of Jürgen Habermas's critical theory and H L A Hart's analytic jurisprudence This leads the author to conclude that the key to a fruitful dialogue and comprehensive understanding is to appreciate that the concept of law is not state centered and must reflect relationships to other legal systems

The Cambridge Companion to Legal Positivism Torben Spaak, Patricia Mindus, 2021-02-04 Legal positivism is one of the fundamental theories of jurisprudence studied in law and related fields around the world This volume addresses how legal positivism is perceived and makes the case for why it is relevant for contemporary legal theory The Cambridge Companion to Legal Positivism offers thirty three chapters from leading scholars that provide a comprehensive commentary on the fundamental ideas of legal positivism its history and major theorists its connection to normativity and values its current development and influence as well as on the criticisms moved against it

Kelsenian Legal Science and the Nature of Law Peter Langford, Ian Bryan, John McGarry, 2017-05-16 This book critically examines the conception of legal science and the nature of law developed by Hans Kelsen It provides a single dedicated space for a range of established European scholars to engage with the influential work of this Austrian jurist legal philosopher and political philosopher The introduction provides a thematization of the Kelsenian notion of law as a legal science Divided into six parts the chapter contributions feature distinct levels of analysis Overall the structure of the book provides a sustained reflection upon central aspects of Kelsenian legal science and the nature of law Parts one and two examine the validity of the project of Kelsenian legal science with particular reference to the social fact thesis the notion of a science of positive law and the specifically Kelsenian concept of the basic norm Grundnorm The next three parts engage in a critical analysis of the relationship of Kelsenian legal science to constitutionalism practical reason and human rights The last part involves an examination of the continued pertinence of Kelsenian legal science as a theory of the nature of law with a

particular focus upon contemporary non positivist theories of law The conclusion discusses the increasing distance of contemporary theories of legal positivism from a Kelsenian notion of legal science in its consideration of the nature of law

The Oxford Handbook of the Theory of International Law Anne Orford, Florian Hoffmann, Martin Clark, 2016
Histories Approaches Regimes and doctrines Debates **Reading HLA Hart's 'The Concept of Law'** Luís Duarte d'Almeida, James Edwards, Andrea Dolcetti, 2014-07-18 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 *Apex Courts and the Common Law* Paul Daly, 2019-04-26 For centuries courts across the common law world have developed systems of law by building bodies of judicial decisions In deciding individual cases common law courts settle litigation and move the law in new directions By virtue of their place at the top of the judicial hierarchy courts at the apex of common law systems are unique in that their decisions and in particular the language used in those decisions resonate through the legal system Although both the common law and apex courts have been studied extensively scholars have paid less attention to the relationship between the two By analyzing apex courts and the common law from multiple angles this book offers an entry point for scholars in disciplines related to law such as political science history and sociology who are seeking a deeper understanding and new insights as to how the common law applies to and is relevant within their own disciplines The Oxford Handbook of Jewish Law Oxford Handbooks, 2025-10-29 Jewish law known as halakhah is a unique legal system that developed over two millennia across multiple continents and in innumerable different contexts With contributions from an interdisciplinary cast of authors The Oxford Handbook of Jewish Law offers readers an in depth understanding of this rich and enduring legal tradition **The Normative Claim of Law** Stefano Berteà, 2009-10-06 This book focuses on a specific component of the normative dimension of law namely the normative claim of law By normative claim we mean the claim that inherent in the law is an ability to guide action by generating practical reasons having a special status The thesis that law lays the normative claim has become a subject of controversy it has its defenders as well as many scholars of different orientations who have acknowledged the normative claim of law without making a point of defending it head on It has also come under attack from other contemporary legal theorists and around the normative claim a lively debate has sprung up

This debate makes up the main subject of this book which is in essence an attempt to account for the normative claim and see how its recognition moulds our understanding of the law itself This involves a specifying the exact content boundaries quality and essential traits of the normative claim b explaining how the law can make a claim so specified and c justifying why this should happen in the first place The argument is set out in two stages corresponding to the two parts in which the book is divided In the first part the author introduces and discusses the meaning status and fundamental traits of the normative claim of law in the second he explores some foundational questions and determines the grounds of the normative claim of law by framing an account that elaborates on some contemporary discussions of Kant s conception of humanity as the source of the normativity of practical reason

Self, Others and the State Arlie Loughnan, 2019-12-12 Criminal responsibility is now central to criminal law but it is in need of re examination In the context of Australian criminal laws Self Others and the State reassesses the general assumptions made about the rise to prominence of criminal responsibility in the period since around the turn of the twentieth century It reconsiders the role of criminal responsibility in criminal law arguing that criminal responsibility is significant because it organises key sets of relations between self others and the state as relations of responsibility Detailed studies of decisive moments and developments since the turn of the twentieth century and original explorations of relations of responsibility expose the complexity and dynamism of criminal responsibility and reveal that it is the means by which matters of subjectivity relationality and power make themselves felt in the criminal law

Meta-theory of Law Mathieu Carpentier, 2022-10-04 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

[Hans Kelsen in America - Selective Affinities and the Mysteries of Academic Influence](#) D.A. Jeremy Telman, 2016-08-26 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 migr community whose work helped shape twentieth 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 twentieth century thinkers including two fellow migr 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

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