

Naturalizing Jurisprudence Essays On American Legal Realism And Naturalism In Legal Philosophy

If you ally compulsion such a referred **Naturalizing Jurisprudence Essays On American Legal Realism And Naturalism In Legal Philosophy** book that will pay for you worth, acquire the extremely best seller from us currently from several preferred authors. If you want to entertaining books, lots of novels, tale, jokes, and more fictions collections are with launched, from best seller to one of the most current released.

You may not be perplexed to enjoy every ebook collections Naturalizing Jurisprudence Essays On American Legal Realism And Naturalism In Legal Philosophy that we will unquestionably offer. It is not all but the costs. Its roughly what you habit currently. This Naturalizing Jurisprudence Essays On American Legal Realism And Naturalism In Legal Philosophy , as one of the most lively sellers here will very be in the midst of the best options to review.

Law Express: Jurisprudence - Julia J.A. Shaw 2018-07-12

JOIN OVER HALF A MILLION STUDENTS WHO CHOSE TO REVISE WITH LAW EXPRESS Revise with the help of the UK's bestselling law revision series. Features: · Review essential cases, statutes, and legal terms before exams. · Assess and approach the subject by using expert advice. · Gain higher marks with tips for advanced thinking and further discussions. · Avoid common pitfalls with Don't be tempted to. · Practice answering sample questions and discover additional resources on the Companion website. www.pearsoned.co.uk/lawexpress

Why Tolerate Religion? - Brian Leiter 2014-08-24

Why it's wrong to single out religious liberty for special legal protections This provocative book addresses one of the most enduring puzzles in political philosophy and constitutional theory—why is religion singled out for preferential treatment in both law and public discourse? Why are religious obligations that conflict with the law accorded special toleration while other obligations of conscience are not? In *Why Tolerate Religion?*, Brian Leiter shows why our reasons for tolerating religion are not specific to religion but apply to all claims of conscience, and why a government committed to liberty of conscience is not required by the principle of toleration to grant exemptions to laws that promote the general welfare.

Reconstructing American Legal Realism & Rethinking Private Law Theory - Hanoch Dagan 2013-09

This book demonstrates how legal realism offers important and unique jurisprudential insights that are not just a part of legal history, but are also relevant and useful for a contemporary understanding of legal theory.

Understanding Jurisprudence - Raymond Wacks 2020-11-26

Understanding Jurisprudence provides an illuminating and engaging introduction to the central questions of legal theory. It is the perfect starting point for those new to the subject.

Philosophical Foundations of the Nature of Law - Wil Waluchow 2013-03-14

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.

Essays in Jurisprudence and Philosophy - H. L. A. Hart 1983-11-24

This important collection of essays includes Professor Hart's first defense of legal positivism; his discussion of the distinctive teaching of American and Scandinavian jurisprudence; an examination of theories of basic human rights and the notion of "social solidarity," and essays on Jhering, Kelsen, Holmes, and Lon Fuller.

Continental Realism and Its Discontents - Morin Marie-Eve Morin 2017-06-23

Speculative realism challenges philosophical approaches and traditions for supposedly failing to do justice to the real world. Taking this realist challenge seriously, *Continental Realism and Its Discontents* refuses to discard the philosophical contributions of Kant, Schelling, Merleau-Ponty, Derrida and Nancy without closer scrutiny. Instead, the contributors turn to these thinkers to meet the challenge of realism in contemporary philosophy.

Moral Psychology with Nietzsche - Brian Leiter 2019-04-04

Brian Leiter defends a set of radical ideas from Nietzsche: there is no objectively true morality, there is no free will, no one is ever morally responsible, and our conscious thoughts and reasoning play almost no significant role in our actions and how our lives unfold. He presents a new interpretation of main themes of Nietzsche's moral psychology,

including his anti-realism about value (including epistemic value), his account of moral judgment and its relationship to the emotions, his conception of the will and agency, his scepticism about free will and moral responsibility, his epiphenomenalism about certain kinds of conscious mental states, and his views about the heritability of psychological traits. In combining exegesis with argument, Leiter engages the views of philosophers like Harry Frankfurt, T. M. Scanlon, and Gary Watson, and psychologists including Daniel Wegner, Benjamin Libet, and Stanley Milgram. Nietzsche emerges not simply as a museum piece from the history of ideas, but as a philosopher and psychologist who exceeds David Hume for insight into human nature and the human mind, repeatedly anticipates later developments in empirical psychology, and continues to offer sophisticated and unsettling challenges to much conventional wisdom in both philosophy and psychology.

Encyclopedia of the Philosophy of Law and Social Philosophy - Mortimer N. S. Sellers 2019

"Updated content will continue to be published as 'Living Reference Works'"--Publisher.

The Pragmatism and Prejudice of Oliver Wendell Holmes Jr. - Seth Vannatta 2019-06-26

The Pragmatism and Prejudice of Oliver Wendell Holmes, Jr. examines the varied categories scholars have used to describe the philosophy of Oliver Wendell Holmes, Jr. These include, "Jobbist," Nihilist, Realist, Social Darwinist, Utilitarian, Positivist, Natural Law Theorist, and Pragmatist.

International Legal Positivism in a Post-Modern World - Jörg Kammerhofer 2014-10-06

International Legal Positivism in a Post-Modern World provides fresh perspectives on one of the most important and most controversial families of theoretical approaches to the study and practice of international law. The contributors include leading experts on international legal theory who analyse and criticise positivism as a conceptual framework for international law, explore its relationships with other approaches and apply it to current problems of international law. Is legal positivism relevant to the theory and practice of international law today? Have other answers to the problems of international law and the critique of positivism undermined the positivist project and its narratives? Do modern forms of positivism, inspired largely by the theoretically sophisticated jurisprudential concepts associated with Hans Kelsen and H. L. A. Hart, remain of any relevance for the international lawyer in this 'post-modern' age? The authors provide a wide variety of views and a stimulating debate about this family of approaches.

The Cambridge Companion to Legal Positivism - Torben Spaak 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.

From Metaphysics to Ethics - Frank Jackson 1998-01-08

Frank Jackson champions the cause of conceptual analysis as a basic method of philosophical inquiry. In recent years conceptual analysis has been undervalued and, Jackson suggests, widely misunderstood; he argues that there is nothing especially mysterious about it and a whole

range of important questions cannot be productively addressed without it. He anchors his argument in discussion of specific philosophical issues, starting with the metaphysical doctrine of physicalism and moving on, via free will, meaning, personal identity, motion and change, to the philosophy of colour and to ethics. The significance of different kinds of supervenience theses, Kripke and Putnam's work in the philosophy of modality and language, and the role of intuitions about possible cases receive detailed attention. Jackson concludes with a defence of a version of analytical descriptivism in ethics. In this way the book not only offers a methodological programme for philosophy, but also throws fascinating new light on some much-debated problems and their interrelations.

The Rule of Recognition and the U.S. Constitution - Matthew Adler 2009-07-30

A volume of original essays that discusses the applicability of H. L. A. Hart's rule of recognition model of a legal system to U. S. Constitutional law as discussed in his book "The concept of law".

The Oxford Handbook of Legal History - Markus D. Dubber 2018-08-02
Some of the most exciting and innovative legal scholarship has been driven by historical curiosity. Legal history today comes in a fascinating array of shapes and sizes, from microhistory to global intellectual history. Legal history has expanded beyond traditional parochial boundaries to become increasingly international and comparative in scope and orientation. Drawing on scholarship from around the world, and representing a variety of methodological approaches, areas of expertise, and research agendas, this timely compendium takes stock of legal history and methodology and reflects on the various modes of the historical analysis of law, past, present, and future. Part I explores the relationship between legal history and other disciplinary perspectives including economic, philosophical, comparative, literary, and rhetorical analysis of law. Part II considers various approaches to legal history, including legal history as doctrinal, intellectual, or social history. Part III focuses on the interrelation between legal history and jurisprudence by investigating the role and conception of historical inquiry in various models, schools, and movements of legal thought. Part IV traces the place and pursuit of historical analysis in various legal systems and traditions across time, cultures, and space. Finally, Part V narrows the Handbooks focus to explore several examples of legal history in action, including its use in various legal doctrinal contexts.

Naturalizing Jurisprudence - Brian Leiter 2007

Brian Leiter is widely recognized as the leading philosophical interpreter of the jurisprudence of American Legal Realism, as well as the most influential proponent of the relevance of the naturalistic turn in philosophy to the problems of legal philosophy. This volume collects newly revised versions of ten of his best-known essays, which set out his reinterpretation of the Legal Realists as prescient philosophical naturalists; critically engage with jurisprudential responses to Legal Realism, from legal positivism to Critical Legal Studies; connect the Realist program to the methodology debate in contemporary jurisprudence; and explore the general implications of a naturalistic world view for problems about the objectivity of law and morality. Leiter has supplied a lengthy new introductory essay, as well as postscripts to several of the essays, in which he responds to challenges to his interpretive and philosophical claims by academic lawyers and philosophers. This volume will be essential reading for anyone interested in jurisprudence, as well as for philosophers concerned with the consequences of naturalism in moral and legal philosophy.

The Making of Constitutional Democracy - Paolo Sandro 2022-01-27

This book addresses a palpable, yet widely neglected, tension in legal discourse. In our everyday legal practices – whether taking place in a courtroom, classroom, law firm, or elsewhere – we routinely and unproblematically talk of the activities of creating and applying the law. However, when legal scholars have analysed this distinction in their theories (rather than simply assuming it), many have undermined it, if not dismissed it as untenable. The book considers the relevance of distinguishing between law-creation and law-application and how this transcends the boundaries of jurisprudential enquiry. It argues that such a distinction is also a crucial component of political theory. For if there is no possibility of applying a legal rule that was created by a different institution at a previous moment in time, then our current constitutional-democratic frameworks are effectively empty vessels that conceal a power relationship between public authorities and citizens that is very different from the one on which constitutional democracy is grounded. After problematising the most relevant objections in the literature, the book presents a comprehensive defence of the distinction between creation and application of law within the structure of constitutional

democracy. It does so through an integrated jurisprudential methodology, which combines insights from different disciplines (including history, anthropology, political science, philosophy of language, and philosophy of action) while also casting new light on long-standing issues in public law, such as the role of legal discretion in the law-making process and the scope of the separation of powers doctrine.

Reasons and Intentions in Law and Practical Agency - George Pavlakos 2015-02-05

A collection of new essays on the interplay between intentions and practical reasons in law and practical agency.

Legal Realism Regained - Wouter de Been 2008

Legal Realism Revisited presents a comparison between two schools of American Legal theory - American Legal Realism and Critical Legal Studies - and argues that Legal Realism still holds the most promise for understanding and reforming law.

The Opening of American Law - Herbert Hovenkamp 2015

Two late Victorian ideas disrupted American legal thought: the Darwinian theory of evolution and marginalist economics. The legal thought that emerged can be called 'neoclassical', because it embodied ideas that were radically new while retaining many elements of what had gone before. Although Darwinian social science was developed earlier, in most legal disciplines outside of criminal law and race theory marginalist approaches came to dominate. This book carries these themes through a variety of legal subjects in both public and private law.

Naturalizing Jurisprudence - Brian Leiter 2007

Gathering together Brian Leiter's most influential essays on the subject of American legal realism, this book provides an overview of his redefinition of legal realism and its relationship with other models of legal and philosophical thought, from naturalism in philosophy to critical legal studies.

Normative Jurisprudence - Robin West 2011-08-22

Normative Jurisprudence aims to reinvigorate normative legal scholarship that both criticizes positive law and suggests reforms for it, on the basis of stated moral values and legalistic ideals. It looks sequentially and in detail at the three major traditions in jurisprudence – natural law, legal positivism and critical legal studies – that have in the past provided philosophical foundations for just such normative scholarship. Over the last fifty years or so, all of these traditions, although for different reasons, have taken a number of different turns – toward empirical analysis, conceptual analysis or Foucaultian critique – and away from straightforward normative criticism. As a result, normative legal scholarship – scholarship that is aimed at criticism and reform – is now lacking a foundation in jurisprudential thought. The book criticizes those developments and suggests a return, albeit with different and in many ways larger challenges, to this traditional understanding of the purpose of legal scholarship.

On the Prospects of a Naturalized Jurisprudence - Robin Bradley Kar 2017

Brian Leiter is one of the leading proponents of the use and application of so-called "naturalistic developments" in contemporary philosophy to central questions in analytic jurisprudence. He is also arguably *the* leading philosophical interpreter of legal realism. In *Naturalizing Jurisprudence*, he collects many of his most important essays on these topics, organized by theme, and presents previously unpublished responses to critics. In this Review, I critically examine the three parts of Leiter's book, which address: (1) the philosophical legacy of American legal realism, with specific reference to the nature of justification in adjudication; (2) the appropriate philosophical methodology to determine the nature of law (including what conclusions to draw from this methodology); and (3) the bearing that issues in meta-ethics might have on legal objectivity. Special emphasis is given throughout to the larger prospects for a naturalized jurisprudence, and to how alternative versions of naturalized views might look.

Analytical Legal Naturalism - S. Zinaich Jr. 2020-07-15

In legal jurisprudence, the phenomenon of "hard cases" presents itself as a dilemma between the legal positivists and the natural law realists. Of the former, without the metaphysical underpinnings of an objective legal or moral standard, the legal positivists cannot supply convincing arguments to supplant the sovereign as the origin and authority of law. The natural law realists face the problem of justifying the natural law. Against both views, S. Zinaich Jr. defends a middle position, Analytical Legal Naturalism (ALN). It represents an analytic norm, both necessarily true and known a posteriori. Against the legal positivists, it supplies an objective legal standard by removing—at least for hard cases—the necessity of the will of a sovereign authority. Against the natural law

realists, ALN provides a nonmoral standard which, because of its analyticity and necessity, avoids the need for metaethical speculation. Finally, ALN provides a standard that not only supplies the universalizable punch to avoid political subjectivism, but does so in a conventional manner. Thus, ALN does not require a moral or modal reality as truth-making characteristics. Rather, it makes what is legally valuable or disvaluable dependent upon empirically verifiable facts that are legally relevant.

Patterns of American Jurisprudence - Neil Duxbury 1995-06-08

This unique study offers a comprehensive analysis of American jurisprudence from its emergence in the later stages of the nineteenth century through to the present day. The author argues that it is a mistake to view American jurisprudence as a collection of movements and schools which have emerged in opposition to each other. By offering a highly original analysis of legal formalism, legal realism, policy science, process jurisprudence, law and economics, and critical legal studies, he demonstrates that American jurisprudence has evolved as a collection of themes which reflect broader American intellectual and cultural concerns.

American Legal Thought from Premodernism to Postmodernism - Stephen M. Feldman 2000-01-20

The intellectual development of American legal thought has progressed remarkably quickly from the nation's founding through today. Stephen Feldman traces this development through the lens of broader intellectual movements and in this work applies the concepts of premodernism, modernism, and postmodernism to legal thought, using examples or significant cases from Supreme Court history. Comprehensive and accessible, this single volume provides an overview of the evolution of American legal thought up to the present.

Oxford Studies in Philosophy of Law: Volume 2 - Leslie Green 2013-08-29

Oxford Studies in the Philosophy of Law is an annual forum for new philosophical work on law. The essays 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.

Objectivity in Law and Morals - Brian Leiter 2007-09-10

The seven original essays included in this volume offer a sophisticated perspective on issues about the objectivity of legal interpretation and judicial decision-making. They examine objectivity from both metaphysical and epistemological perspectives and develop a variety of approaches, constructive and critical, to the fundamental problems of objectivity in morality. This is the first volume to consider the intersection between objectivity in ethics and the objectivity in law. It presents a state-of-the-art survey of live issues in metaethics, and examines their relevance to theorizing about law and adjudication.

The Blackwell Guide to the Philosophy of Law and Legal Theory - Martin P. Golding 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.

American Legal Realism - William W. Fisher, III 1995-02-23

A comprehensive, in-depth discussion of the most influential movement in American legal history, and one which remains more than fifty years later the subject of lively debate, this collection of readings, written largely between 1900 and 1940, includes works from prominent writers on the subject that have never before been generally available.

Introduced and edited by noted scholars in the field, the anthology includes such contributors as Oliver Wendell Holmes, James Thayer, Roscoe Pound, John Chipman Gray, Wesley Hohfeld, Karl Llewellyn, Arthur Corbin, Nathan Issacs, Robert Hale, Harold Laski, Max Radin, and others. With concise biographical notes as well as introductions to provide historical context, each selection addresses a different debate involving Legal Realism. Included is a selective bibliography, making the text valuable to a broad range of scholars.

Taking Rights Seriously - Ronald Dworkin 2013-10-21

A landmark work of political and legal philosophy, Ronald Dworkin's *Taking Rights Seriously* was acclaimed as a major work on its first publication in 1977 and remains profoundly influential in the 21st century. A forceful statement of liberal principles - championing the legal, moral and political rights of the individual against the state -

Dworkin demolishes prevailing utilitarian and legal-positivist approaches to jurisprudence. Developing his own theory of adjudication, he applies this to controversial public issues, from civil disobedience to positive discrimination. Elegantly written and cuttingly insightful, *Taking Rights Seriously* is one of the most important works of public thought of the last fifty years.

Beyond the Formalist-Realist Divide - Brian Z. Tamanaha 2009-10-26

According to conventional wisdom in American legal culture, the 1870s to 1920s was the age of legal formalism, when judges believed that the law was autonomous and logically ordered, and that they mechanically deduced right answers in cases. In the 1920s and 1930s, the story continues, the legal realists discredited this view by demonstrating that the law is marked by gaps and contradictions, arguing that judges construct legal justifications to support desired outcomes. This often-repeated historical account is virtually taken for granted today, and continues to shape understandings about judging. In this groundbreaking book, esteemed legal theorist Brian Tamanaha thoroughly debunks the formalist-realist divide. Drawing from extensive research into the writings of judges and scholars, Tamanaha shows how, over the past century and a half, jurists have regularly expressed a balanced view of judging that acknowledges the limitations of law and of judges, yet recognizes that judges can and do render rule-bound decisions. He reveals how the story about the formalist age was an invention of politically motivated critics of the courts, and how it has led to significant misunderstandings about legal realism. *Beyond the Formalist-Realist Divide* traces how this false tale has distorted studies of judging by political scientists and debates among legal theorists. Recovering a balanced realism about judging, this book fundamentally rewrites legal history and offers a fresh perspective for theorists, judges, and practitioners of law.

Understanding the Nature of Law - Michael Giudice 2015-06-29

Understanding the Nature of Law explores methodological questions about how best to explain law. Among these questions, one is central: is there something about law which determines how it should be theorized? This novel book explains the importance of

Readings in the Philosophy of Law - John Arthur 2001

For sophomore/junior courses in Philosophy of Law. This anthology of classical and contemporary philosophical and legal essays and legal cases focuses on legal philosophy as its own subject rather than as an outgrowth of social or political philosophy or applied ethics. The essays focus on how law is organized and the particular philosophical issues that law raises. The book requires students to think through actual debates many of them still live in the courts.

Oxford Studies in Philosophy of Law: Volume 1 - Leslie Green 2011

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.

The Web of Belief - Willard Van Orman Quine 1978

The Web of Belief provides a philosophical base for the study and practice of the art of argumentation. Stressing the importance of language in understanding and expressing ideas, the authors explore such questions as: What concepts do we believe to be true and why? And how can we convince others to accept our own beliefs? Drawing on everyday problems of communication, creative exercises give the student practice in formulating and testing his own arguments, as well as those of others. --

Asking the Law Question - Margaret Jane Davies 2002

Essential reading for all those who wish to understand why legal theory is important to legal education, and for those who wish to extend their understanding of this dynamic academic discipline. A variety of perspectives are drawn together including social, literary, feminist and postmodernist theories.

Racism and Resistance - Timothy Joseph Golden 2022-11-01

African American legal theorist Derrick Bell argued that American anti-Black racism is permanent but that we are nevertheless morally obligated to resist it. Bell—an extraordinary legal scholar, activist, and public intellectual whose academic and political work included his employment as a young attorney with the NAACP and his pivotal role in the founding of Critical Race Theory in the 1970s, work he pursued until he died in 2011—termed this thesis “racial realism.” *Racism and Resistance* is a collection of essays that present a multidisciplinary study of Bell's thesis. Scholars in philosophy, law, theology, and rhetoric employ various methods to present original interpretations of Bell's

racial realism, including critical reflections on racial realism's relationship to theories of adjudication in jurisprudence; its use of fiction in relation to law, literature, and politics; its under-examined relationship to theology; its application in interpersonal relationships; and its place in the overall evolution of Bell's thought. *Racism and Resistance* thus presents novel interpretations of Bell's racial realism and enhances the literature on Critical Race Theory accordingly.

Law and Truth - Dennis Michael Patterson 1996

Taking up a single question--"What does it mean to say a proposition of law is true?"--this book advances a major new account of truth in law. Drawing upon the later philosophy of Wittgenstein, as well as more recent postmodern theory of the relationship between language, meaning, and the world, Patterson examines leading contemporary jurisprudential approaches to this question and finds them flawed in

similar and previously unnoticed ways. He offers a powerful alternative account of legal justification, one in which linguistic practice--the use of forms of legal argument--holds the key to legal meaning.

Research Handbook on Modern Legal Realism - Shauhin Talesh

2021-03-26

This insightful Research Handbook provides a definitive overview of the New Legal Realism (NLR) movement, reaching beyond historical and national boundaries to form new conversations. Drawing on deep roots within the law-and-society tradition, it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law. It explores an impressive range of contemporary issues including immigration, policing, globalization, legal education, and access to justice, concluding with an examination of how different social science disciplines intersect with NLR.