Analyzing Law New Essays In Legal Theory

This book brings together twelve of the most important legal philosophers in the Anglo-American and Civil Law traditions. The book is a collection of the papers these philosophers presented at the Conference on Neutrality and Theory of Law, held at the University of Girona, in May 2010. The central question that the conference and this collection seek to answer is: Can a theory of law be neutral? The book covers most of the main jurisprudential debates. It presents an overall discussion of the connection between law and morals, and the possibility of determining the content of law without appealing to any normative argument. It examines the type of project currently being held by jurisprudential scholarship. It studies the different approaches to theorizing about the nature or concept of law, the role of conceptual analysis and the essential features of law. Moreover, it sheds some light on what can be learned from studying the non-essential features of law. Finally, it analyzes the nature of legal statements and their truth values. This book takes the reader a step further to understanding law.

Arguing about Law introduces philosophy of law in an accessible and engaging way. The reader covers a wide range of topics, from general jurisprudence, law, the state and the individual, to topics in normative legal theory, as well as the theoretical foundations of public and private law. In addition to including many classics,

Arguing About Law also includes both non-traditional selections and discussion of timely topical issues like the legal dimension of the war on terror. The editors provide lucid introductions to each section in which they give an overview of the debate and outline the arguments of the papers, helping the student get to grips with both the classic and core arguments and emerging debates in: the nature of law legality and morality the rule of law the duty to obey the law legal enforcement of sexual morality the nature of rights rights in an age of terror constitutional theory tort theory. Arguing About Law is an inventive and stimulating reader for students new to philosophy of law, legal theory and jurisprudence.

The articles in this collection cover a wide range of approaches to law and legal theory, including Analytical Jurisprudence, Legal Realism, Law and Economics, Critical Legal Studies, Feminism, and Critical Race Theory. The essays consider foundational questions regarding the objectivity oflaw, the nature of rules, the relationship of law and morality and the philosophical foundations of the common law, and offer critical inquiries into whether law systematically fails women and racial minorities. The contributors, who include some of the best-known names in legal theory from the United States, Britain, Canada, and Israel, are responsible for some of the most important and challenging work in legal theory today. A central focus of the essays in this work is the contribution of the well-knownphilosopher Jules Coleman to the various topics which are covered by the contributors.

No Marketing Blurb

This edited collection considers the work of one of the most important legal philosophers of our time, Professor Gerald J Postema. It includes contributions from expert philosophers of law. The chapters dig deep into important camps of Postema's rich theoretical project including: - the value of the rule of law; - the ideal of integrity in adjudication; - his works on analogical reasoning; - the methodology of jurisprudence; - dialogues with Ronald Dworkin, Joseph Raz, Frederick Schauer and HLA Hart. The collection includes an original article by Professor Postema, in which he develops his conception of the rule of law and replies to some objections to previous works, and an interview in which he provides a fascinating and unique insight into his philosophy of law.

This book reconstructs and classifies, according to ideal-typical models, the different positions taken by the major contemporary legal theories as to whether and how law relates to politics. It presents a possible explanation as to why different legal theories, though often reaching diametric results, somehow must still begin from common basic points.

Harvard Law School is one of the premier law schools in the world. It as well as other top schools draws thousands of applicants from the best colleges and companies. With only a limited number of slots for so many talented applicants, the admissions officers have become more and more selective every year, the competition has become fierce, and even the best and brightest could use an edge. This completely new edition of 55 Successful Harvard Law School Application Essays

is the best resource for anyone looking for that edge. Through the most up-to-date sample essays from the Harvard Law School students who made the cut and insightful analysis from the staff at The Harvard Crimson, it shows you how best to: * Argue your case effectively * Arrange your accomplishments for maximum impact * Avoid common pitfalls 55 Successful Harvard Law School Application Essays guides you toward writing essays that do more than simply list your background and accomplishments. These are essays that reveal your passion for the law as well as the discipline you bring to this demanding profession and will help you impress any admissions department. The all-new essays and straightforward and time-saving advice will give you all the insider tips you'll need to write the essays that will get you into the best law schools in the world.

Bringing together world-class scholars who have devoted themselves to the study of legal obligation, this book addresses key dimensions of the current debate: providing novel insights and perspectives, as well as critically discussing the leading theories of legal obligation. The notion of legal obligation is widely regarded as fundamental by both legal practitioners and legal theorists. For the language that explicitly refers to obligation is pervasive insofar as paradigmatic legal materials make reference to obligation either directly, by specifying what a subject is obligated to do, or indirectly, by attributing rights, privileges, powers, permissions, and other normative statuses to both single individuals and groups. There is, then, broad agreement that obligation constitutes a central element in legal studies. At the

same time, however, there is considerable disagreement among contemporary legal theorists about how legal obligation can or should be elucidated. This book accounts for both the significance of obligation in law and the variety of views of legal obligation championed in legal philosophy today. With contributions from renowned theorists, this book will be invaluable for scholars and students of legal theory, legal philosophy, and jurisprudence.

Suitable for law students and upper-level undergraduates, this primer on legal reasoning covers rules, precedent, authority, analogical reasoning, the common law, statutory interpretation, legal realism, judicial opinions, legal facts, and burden of proof.

This book examines the (in)visibility of romantic love in the legal discourse surrounding modern Australian marriage. It looks at how romantic love has become a core part of modernity, and a dominant part of the Western marriage discourse, and considers how the ideologies of romantic love are (or are not) replicated in the legal meaning of marriage. This examination raises two key issues. If love has become central to people's understanding of marriage, then it is important for the legitimacy of law that love is reflected in both the content and application of the law. More fundamentally, it requires us to reconsider how we understand law, and to ask whether it is engaged with emotions, or separate from them. Along the way this book also considers the meaning of love itself in contemporary society, and asks whether love is a radical force capable of breaking down conservative meanings embedded in institutions like

marriage, or whether it simply mirrors them. This book will be of interest to everyone working on love, marriage and sexuality in the disciplines of law, sociology and philosophy.

In recent years coherence theories of law and adjudication have been extremely influential in legal scholarship. These theories significantly advance the case for coherentism in law. Nonetheless, there remain a number of problems in the coherence theory in law. This ambitious new work makes the first concerted attempt to develop a coherence-based theory of legal reasoning, and in so doing addresses, or at least mitigates these problems. The book is organized in three parts. The first part provides a critical analysis of the main coherentist approaches to both normative and factual reasoning in law. The second part investigates the coherence theory in a number of fields that are relevant to law: coherence theories of epistemic justification, coherentist approaches to belief revision and theory-choice in science, coherence theories of practical and moral reasoning and coherence-based approaches to discourse interpretation. Taking this interdisciplinary analysis as a starting point, the third part develops a coherence-based model of legal reasoning. While this model builds upon the standard theory of legal reasoning, it also leads to rethinking some of the basic assumptions that characterize this theory, and suggests some lines along which it may be further developed. Thus, ultimately, the book not only improves upon the current state of coherence theory in law, but also contributes to the larger debate about how to articulate a

theory of legal reasoning that results in better decision-making.

The essays in Marriage Proposals envision a variety of scenarios in which adults would continue to join themselves together seeking permanent companionship and sustenance, linking sexual intimacy to a long commitment, usually caring for each other, and building new families. What would disappear are the legal consequences associated with marriage. No joint income tax return; no immigration privileges like the “fiancée visa” or the right to bring in a husband or wife; no special statuses for prison visits or hospital decisions; no prerogative to remain silent in court by claiming “confidential marital communications”; no pension entitlements; no marital benefits and detriments regarding criminal or civil liability. The anthology makes a unique contribution amid the two marriage furors of the day: same-sex marriage and the Bush Administration's “marriage movement” (that marrying is good and more marriages would be better for society). Abolishing the legal category of marriage is the only policy suggestion in current American discourse that speaks to both causes. Activists on both sides of the same-sex marriage fight, along with marriage movement partisans, all seek improvement through law reform. Marriage Proposals gives them a viable reform—abolition of marriage as a legal status—for fighting battles in the courtroom and the streets. Contributors include Anita Bernstein, Peggy Cooper Davis, Martha Albertson Fineman, Linda C. McClain, Marshall Miller, Lawrence Rosen, Mary Lyndon Shanley, and Dorian Solot.

The Constitutional State provides an original analytical account of the state and its associated constitutional phenomena. It presents the state as a form of social group, consisting of people, territory and institutions bound together by rules. The institutions of the state make a distinctive and characteristic claim over the people of the state, who, in turn, have a distinctive and characteristic relationship with these institutions. This account reveals the importance of at least two forms of pluralism - legal and constitutional. It also casts light on some of the more difficult questions faced by writers on constitutions - such as the possibility of states undertaking actions and forming intentions, the moral significance of these actions for the people of the state, and the capacity of the state to carry responsibility for acts between generations.

Analyzing LawNew Essays in Legal TheoryOxford University Press on Demand

The Diyanet, the official face of Islam in Turkey, is the `Presidency of Religious Affairs', a governmental department established in 1924 after the break-up of the Ottoman Empire and the abolition of Caliphate. In this book, Emir Kaya offers an in-depth multidisciplinary analysis of this vital institution. Focusing on the role of the Diyanet in society, Kaya explores the balance the institution has to strike between the Muslim traditions of the Turkish population and the secular creed of the Turkish state. By examining the various laws that either bolstered or hindered the Diyanet's budgets and activities, Kaya highlights the institutional mindsets of the Diyanet membership. He also evaluates its successes

and failures as a state department that must consistently operate within the context of the religiosity of Turkish society. By situating all of this within the two competing - but often complimentary - concepts of religion and secularism, Kaya offers a book that is important for those researching the interplay of Islam and the state in Turkey and beyond.

As a distinct scholarly contribution to law, feminist legal theory is now well over three decades old. Those three decades have seen consolidation and renewal of its central concerns as well as remarkable growth, dynamism and change. This Companion celebrates the strength of feminist legal thought, which is manifested in this dynamic combination of stability and change, as well as in the diversity of perspectives and methodologies, and the extensive range of subject-matters, which are now included within its ambit. Bringing together contributors from across a range of jurisdictions and legal traditions, the book provides a concise but critical review of existing theory in relation to the core issues or concepts that have animated, and continue to animate, feminism. It provides an authoritative and scholarly review of contemporary feminist legal thought, and seeks to contribute to the ongoing development of some of its new approaches, perspectives, and subject-matters. The Companion is divided into three parts, dealing with 'Theory', 'Concepts' and 'Issues'. The first part addresses theoretical questions which are of significance to law, but which also connect to feminist theory at the broadest and most interdisciplinary level. The second part also draws on general feminist theory, but with a more specific focus

on debates about equality and difference, race, culture, religion, and sexuality. The 'Issues' section considers in detail more specific areas of substantive legal controversy.

This book focuses on the problems of rules, rule-following and normativity as discussed within the areas of analytic philosophy, linguistics, logic and legal theory. Divided into four parts, the volume covers topics in general analytic philosophy, analytic legal theory, legal interpretation and argumentation, logic as well as AI& Law area of research. It discusses, inter alia, “Kripkenstein’s” sceptical argument against rule-following and normativity of meaning, the role of neuroscience in explaining the phenomenon of normativity, conventionalism in philosophy of law, normativity of rules of interpretation, some formal approaches towards rules and normativity as well as the problem of defeasibility of rules. The aim of the book is to provide an interdisciplinary approach to an inquiry into the questions concerning rules, rule-following and normativity.

This collection of original essays brings together leading legal historians and theorists to explore the oft-neglected but important relationship between these two disciplines. Legal historians have often been sceptical of theory. The methodology which informs their own work is often said to be an empirical one, of gathering information from the archives and presenting it in a narrative form. The narrative produced by history is often said to be provisional, insofar as further research in the archives might falsify present understandings and demand

revisions. On the other side, legal theorists are often dismissive of historical works. History itself seems to many theorists not to offer any jurisprudential insights of use for their projects: at best, history is a repository of data and examples, which may be drawn on by the theorist for her own purposes. The aim of this collection is to invite participants from both sides to ask what lessons legal history can bring to legal theory, and what legal theory can bring to history. What is the theorist to do with the empirical data generated by archival research? What theories should drive the historical enterprise, and what wider lessons can be learned from it? This collection brings together a number of major theorists and legal historians to debate these ideas.
Covering over one-hundred topics on issues ranging from Law and Neuroeconomics to European Union Law and Economics to Feminist Theory and Law and Economics, The Oxford Handbook of Law and Economics is the definitive work in the field of law and economics. The book gathers together scholars and experts in law and economics to create the most inclusive and current work on law and economics. Edited by Francisco Parisi, the Handbook looks at the origins of the field of law and economics, tracks its progression and increased importance to both law and economics, and looks to the future of the field and its continued development by examining a cornucopia of fields touched by work in law and economics. The uniqueness of its breadth, depth, and convenience make the volume essential to scholars, students, and contributors in the field of law and economics.

The last decade has witnessed a particularly intensive debate over methodological issues in legal theory. The publication of Julie Dickson's Evaluation and Legal Theory (2001) was significant, as were collective returns to H.L.A. Hart's 'Postscript' to The Concept of Law. While influential articles have been written in disparate journals, no single collection of the most important papers exists. This volume - the first in a three volume series - aims not only to fill that gap but also propose a systematic agenda for future work. The editors have selected articles written by leading legal theorists, including, among others, Leslie Green, Brian Leiter, Joseph Raz, Ronald Dworkin, and William Twining, and organized under four broad categories: 1) problems and purposes of legal theory; 2) the role of epistemology and semantics in theorising about the nature of law; 3) the relation between morality and legal theory; and 4) the scope of phenomena a general jurisprudence ought to address.

When a legal rule requires us to drive on the right, notarize our wills, or refrain from selling bootleg liquor, how are we to describe and understand that requirement? In particular, how does the logical form of such a requirement relate to the logical form of other requirements, such as moral requirements, or the requirements of logic itself? When a general legal rule is applied or distinguished in a particular case, how can we describe that process in logical form? Such questions have come to preoccupy modern legal philosophy as its methodology, drawing on the philosophy of logic, becomes ever more sophisticated. This collection

gathers together some of the most prominent legal philosophers in the Anglo-American and civil law traditions to analyse the logical structure of legal norms. They focus on the issue of defeasibility, which has become a central concern for both logicians and legal philosophers in recent years. The book is divided into four parts. The first section is devoted to unravelling the basic concepts related to legal defeasibility and the logical structure of legal norms, focusing on the idea that law, or its components, are liable to implicit exceptions, which cannot be specified before the law's application to particular cases. Part two aims to disentangle the main relations between the issue of legal defeasibility and the issue of legal interpretation, exploring the topic of defeasibility as a product of certain argumentative techniques in the law. Section 3 of the volume is dedicated to one of the most problematic issues in the history of jurisprudence: the connections between law and morality. Finally, section 4 of the volume is devoted to analysing the relationships between defeasibility and legal adjudication.

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. When accidents occur and people suffer injuries, who ought to bear the loss? Tort law offers a complex set of rules to answer this question, but up to now philosophers have offered little by way of analysis of these rules. In eight essays commissioned for this volume, leading legal theorists examine the philosophical foundations of tort law. Amongst the questions they address are the following: how are the notions at the core of tort practice (such as responsibility, fault, negligence, due care, and duty to repair) to be understood? Is an explanation based on a conception of justice feasible? How are

concerns of distributive and corrective justice related? What amounts to an adequate explanation of tort law? This collection will be of interest to professionals and advanced students working in philosophy of law, social theory, political theory, and law, as well as anyone seeking a better understanding of tort law.

This 2-volume work includes approximately 1,200 entries in A-Z order, critically reviewing the literature on specific topics from abortion to world systems theory. In addition, nine major entries cover each of the major disciplines (political economy; management and business; human geography; politics; sociology; law; psychology; organizational behavior) and the history and development of the social sciences in a broader sense.

Collective Action, Philosophy and Law brings together two important strands of philosophical analysis. It combines general philosophical inquiry into collective agency with analyses of specific questions about plural entities and activities in the legal domain. These are issues of growing interest in areas of philosophy like action theory and social ontology, as well as in philosophy of law. The book contains 13 original chapters written by an international team of leading philosophers and legal theorists and is divided into 4 parts: The nature of law and of legislative intention Practical reasoning and duties Causality, blameworthiness and responsibility Citizens, states and institutions. These sections cut across, and build on, different accounts to advance the debate on classical and new issues in collective agency. Each part also features legal-philosophical analyses that draw on

general accounts of collective agency to cast new light on the law, descriptive as well as normatively. Collective Action, Philosophy and Law is the first major interdisciplinary and multi-authored work bridging legal and philosophical approaches to collective agency. As such, it is essential reading for students and researchers of philosophy of law, ethics, political philosophy, jurisprudence and legal theory.

Vague expressions are omnipresent in natural language. As such, their use in legal texts is virtually inevitable. If a law contains vague terms, the question whether it applies to a particular case often lacks a clear answer. One of the fundamental pillars of the rule of law is legal certainty. The determinacy of the law enables people to use it as a guide and places judges in the position to decide impartially. Vagueness poses a threat to these ideals. In borderline cases, the law seems to be indeterminate and thus incapable of serving its core rule of law value. In the philosophy of language, vagueness has become one of the hottest topics of the last two decades. Linguists and philosophers have investigated what distinguishes "soritical" vagueness from other kinds of linguistic indeterminacy, such as ambiguity, generality, open texture, and family resemblance concepts. There is a vast literature that discusses the logical, semantic, pragmatic, and epistemic aspects of these phenomena. Legal theory has hitherto paid little attention to the differences between the various kinds of linguistic indeterminacy that are grouped under the heading of "vagueness," let alone to the various theories that try to account for these phenomena. Bringing together leading

scholars working on the topic of vagueness in philosophy and in law, this book fosters a dialogue between philosophers and legal scholars by examining how philosophers conceive vagueness in law from their theoretical perspective and how legal theorists make use of philosophical theories of vagueness. The chapters of the book are organized into three parts. The first part addresses the import of different theories of vagueness for the law, referring to a wide range of theories from supervaluationist to contextualist and semantic realist accounts in order to address the question of whether the law can learn from engaging with philosophical discussions of vagueness. The second part of the book examines different vagueness phenomena. The contributions in part 2 suggest that the greater awareness to different vagueness phenomena can make lawyers aware of specific issues and solutions so far overlooked. The third part deals with the pragmatic aspects of vagueness in law, providing answers to the question of how to deal with vagueness in law and with the professional, political, moral, and ethical issues such vagueness gives rise to.

Considering general philosophical and theoretical questions about the nature, purpose and operation of law as a whole, this book introduces students to contemporary debates in jurisprudence and encourages them to think in a theoretical and critical way about the nature of law, legal reasoning and adjudication. Discussing wider issues of morality, politics and society with reference to legal cases and examples, it provides as broad a perspective on the law as possible. Key

features of this textbook include: introductions to each chapter analysis of how jurisprudential issues can arise in everyday life a wide range of cases to ground the theoretical discussion in-depth discussion of the relationship of law to force, morality and politics, as well as of rights, justice and feminist jurisprudence. The text provides a concise treatment of all the major topics typically covered in an undergraduate course on jurisprudence and succinctly explains the arguments for and against the different approaches to the issues that are raised.

Building on his contributions to institutional legal theory in Institutional Legal Facts of 1993 (Law and Philosophy Library, volume 18), the author presents a comprehensive theory of legal institutions. To that end, the initial theoretical approach, which mainly concentrated on problems connected with legal powers and legal acts (acts-in-law), is widened to allow for the development of a theory of legal judgements capable of accounting not only for enacted but also unwritten law (legal principles and customary law). With the use of the concept of institutional legal facts, the structure of legal institutions is analyzed in detail. In addition to that, a classification of legal institutions is provided. Extensive attention is given to logical, as well as doctrinal problems connected with a conception of legal validity as the mode of existence of legal conditions rather than as a value of legal norms similar to the truth of propositions. The study results in an elaborate conceptual framework for institutional analysis of positive law. In a final chapter the analytical potential of the framework is put to the test by

applying it to the branch of public international law known as the `law of treaties'. Readership: Specialists in legal theory and lawyers interested in theoretical issues, particularly in linguistic approaches and questions related to the institutional nature of law.

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

The reader is invited to follow a route that visits Fish's view of theory and practice,Raz's legal reasoning thesis, theoretical models of judicial review, Dworkin's right answer thesis, the law of the excluded middle and Lukasiewicz's development of three-valued logic, Wittgenstein's language games, and Moore's metaphysical realism. The destination is the practice at the heart of legal reasoning. It is suggested that this manifests the way in which the limitations of language and the incompleteness of human experience allow the opportunity for coherent development of the law and at the same time produce an inherent incoherence within the law. The central part of the book seeks to demonstrate how the problems of understanding legal reasoning replicate difficulties encountered in the

philosophy of language, but challenges the attempts that have been made to harness approaches from within that discipline to illuminate legal reasoning. Instead it is argued that law provides an unrivalled test-bed for examining the limits of the capacity of our words, and that the study of law may be used to confront in a robust and illuminating manner the limitations of that discipline. The final chapter considers some of the implications of recognising the incoherence at the heart of legal reasoning, commenting on an institutional approach to law, the legitimacy of law, legal definitions, different approaches to legal reasoning, the role of appellate courts, the general possibility of providing a theoretical model of law, the use of legal rules, and the nature of law's critical aperture. The book should be of interest to advanced undergraduate students (particularly on jurisprudence courses), postgraduate students, academics, and practitioners concerned to reflect on the nature of the discipline they practice.

How can there be rights in law? We learn from moral philosophy that rights protect persons in a special way because they have peremptory force. But how can this aspect of practical reason be captured by the law? For many leading legal philosophers the legal order is constructed on the foundations of factual sources and with materials provided by technical argument. For this 'legal positivist' school of jurisprudence, the law endorses rights by some official act suitably communicated. But how can any such legal enactment recreate the proper force of rights? Rights take their meaning and importance from moral reflection, which only expresses

itself in practical reasoning. This puzzle about rights invites a reconsideration of the nature and methods of legal doctrine and of jurisprudence itself. Legal Rights argues that the theory of law and legal concepts is a project of moral and political philosophy, the best account of which is to be found in the social contract tradition. It outlines an argument according to which legal rights can be justified before equal citizens under the constraints of public reason. The place of rights in law is explained by the unique position of law as an essential component of the civil condition and a necessary condition for freedom.

The books discusses law, psychiatry, and morality.

The Triadic Structure of the Mind provides a philosophical system that offers fresh solutions in the fields of ontology, knowledge, ethics, and politics. The second edition includes a more extensive treatment of the topics addressed in the first edition, the introduction of new concepts, and the inclusion of additional thinkers.

Essays addressing a variety of issues in the theory and practice of contract law.

Law relies on a conception of human agency, the idea that humans are capable of making their own choices and are morally responsible for the consequences. But what if that is not the case? Over the past half century, the story of the law has been one of increased acuity concerning the human condition, especially the workings of the brain. The law already considers select cognitive realities in evaluating questions of agency and responsibility, such as age, sanity, and emotional distress. As new neuroscientific research

comprehensively calls into question the very idea of free will, how should the law respond to this revised understanding? Peter A. Alces considers where and how the law currently fails to appreciate the neuroscientific revelation that humans may in key ways lack normative free will—and therefore moral responsibility. The most accessible setting in which to consider the potential impact of neuroscience is criminal law, as certain aspects of criminal law already reveal the naiveté of most normative reasoning, such as the inconsistent treatment of people with equally disadvantageous cognitive deficits, whether congenital or acquired. But tort and contract law also assume a flawed conception of human agency and responsibility. Alces reveals the internal contradictions of extant legal doctrine and concludes by considering what would be involved in constructing novel legal regimes based on emerging neuroscientific insights.

Cheryl Misak presents the first collective study of the development of philosophy in North America, from the 18th century to the end of the 20th century. Twenty-six leading experts examine distinctive features of American philosophy, trace notable themes, and consider the legacy and influence of notable figures. This will be the first reference point for future work on the subject, and a fascinating resource for anyone interested in modern philosophy or American intellectual history.

Conklin's thesis is that the tradition of modern legal positivism, beginning with Thomas Hobbes, postulated different senses of the invisible as the authorising origin of humanly posited laws. Conklin re-reads the tradition

by privileging how the canons share a particular understanding of legal language as written. Leading philosophers who have espoused the tenets of the tradition have assumed that legal language is written and that the authorising origin of humanly posited rules/norms is inaccessible to the written legal language. Conklin's re-reading of the tradition teases out how each of these leading philosophers has postulated that the authorising origin of humanly posited laws is an unanalysable externality to the written language of the legal structure. As such, the authorising origin of posited rules/norms is inaccessible or invisible to their written language. What is this authorising origin? Different forms include an originary author, an a priori concept, and an immediacy of bonding between person and laws. In each case the origin is unwritten in the sense of being inaccessible to the authoritative texts written by the officials of civil institutions of the sovereign state. Conklin sets his thesis in the context of the legal theory of the polis and the pre-polis of Greek tribes. The author claims that the problem is that the tradition of legal positivism of a modern sovereign state excises the experiential, or bodily, meanings from the written language of the posited rules/norms, thereby forgetting the very pre-legal authorising origin of the posited norms that each philosopher admits as offering the finality that legal reasoning demands if it is to be authoritative.

This book argues that analytical legal naturalism, which avoids the arbitrary principles associated with legal positivism and the odd properties associated with natural law, is a superior alternative for solving hard legal cases,

where no close precedent arises or where conflicting precedents seem relevant.

In this revised edition, Belfiore adds new concepts and discusses the views of additional thinkers. He gives an ontological foundation to ethics, politics, and law and shows how his thought can reinterpret the views of other philosophers regarding these topics.

What is the nature of law and what is the best way to discover it? This book argues that law is best understood in terms of the social functions it performs wherever it is found in human society. In order to support this claim, law is explained as a kind of institution and as a kind of artefact. To say that it is an institution is to say that it is designed for creating and conferring special statuses to people so as to alter their rights and responsibilities toward each other. To say that it is an artefact is to say that it is a tool of human creation that is designed to signal its usability to people who interact with it. This picture of law's nature is marshalled to critique theories of law that see it mainly as a product of reason or morality, understanding those theories via their conceptions of law's function. It is also used to argue against those legal positivists who see law's functions as relatively minor aspects of its nature. This method of conceptualizing law's nature helps us to explain how the law, understood as social facts, can make normative demands upon us. It also recommends a methodology for understanding law that combines elements of conceptual analysis with empirical research for uncovering the purposes to which diverse peoples put their legal activities.

History and theory -- Descriptions and constructions -- The practical argument -- Rights in law -- Obligation and permission -- Legal relations -- The right to property -- Freedom through law -- Rights in legal deliberation.