

The Legal Essays Of Michael Bayles Law And Philosophy Library

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the legal essays by michael bayles in this collection display his commitment to utilitarianism both as a moral theory and an analytical device a utilitarian must choose between the best of all possible alternatives and so must lay out the alternatives and

thus their consequences carefully and completely as it happens there is no better way of understanding why something is as it is in the law and no better way to lay the foundations for criticism and improvement than to lay out what the alternatives are carefully distinguishing them their justifications and their implications for changing other areas of the law and for changing our relation to the law bayles was a master at such work and each essay thus repays careful study for anyone concerned about the law the essays cover a wide variety of topics from contract law to the criminal law from torts to theory and form a natural set laying out the alternatives in one area makes it much clearer how and why alternatives in other areas are acceptable or required interconnections within the legal system as a whole not readily visible when studying one area of the law become obvious when several are laid out side by side using the analytical skill required by a good utilitarian

this book examines the legal and moral theory behind the law of evidence and proof arguing that only by exploring the nature of responsibility in fact finding can the role and purpose of much of the law be fully understood ho argues that the court must not only find the truth to do justice it must do justice in finding the truth

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

this exceptional collection of twenty two essays on the philosophical fundamentals of tort law assembles many of the world's leading commentators on this particularly fascinating conjunction of law and philosophy the contributions range broadly from inquiries into how tort law derives from aristotle aquinas and kant to the latest economic and rights based theories of legal responsibility this is truly a multi national production with contributions from several distinguished oxford scholars of law and philosophy and many prominent scholars from the united states canada and israel a provocative closing essay by one of the world's leading moral philosophers illuminates how tort law enables philosophers to observe the abstract theories of their discipline put to the concrete test in the legal resolution of real world controversies based on principles of right and wrong

contributors from philosophy and political science discuss the observation that civility civic virtue tolerance and socio cultural unity have declined while exploring the nature of civil society the conflict between individual liberty and the common good and the role of law and government policy in weaving the threads of the social fabric from publisher description

the issues surrounding civil disobedience have been discussed since at least 399 bc and in the wake of such recent events as the protest at tiananmen square are still of great relevance by presenting classic and current philosophical reflections on the issues this book presents all the basic materials needed for a philosophical assessment of the nature and justification of civil disobedience the pieces included range from classic essays by leading contemporary thinkers such as rawls raz and singer hugo adam bedau's introduction sets out the issues and shows how the various authors shed light on each aspect of them

aquinas needs no introduction as one of the greatest minds of the middle ages highly influential on the development of christian doctrine his ideas are still of fundamental philosophical importance this new critique of his natural law theory discusses the theory's background in aristotle and advances new interpretations of contemporary legal issues which hark back to aquinas

die reflexion auf rechtsnorm und rechtswirklichkeit gehört zu den grundlegenden problemen einer auf ihre rechts und gesellschaftstheoretischen voraussetzungen bedachten jurisprudenzen die antwort darauf worin das normative und das wirkliche des

rechts besteht hängt naturgemäß davon ab welche perspektive eingenommen welche ebene anvisiert und nicht zuletzt welcher rechtsbegriff zugrunde gelegt wird der vorliegende band der werner krawietz zum 60 geburtstag gewidmet ist will einen einblick in das spektrum der möglichkeiten vermitteln die sich einer an norm und wirklichkeit des rechts orientierten diskussion heute bieten aus diesem anlaß haben sich ihm in vielfältiger weise verbundene kolleginnen und kollegen langjährige weggenossen schüler und freunde aus aller welt in insgesamt 18 ländern zusammengefunden um jeweils aus ihrer sicht einen beitrag zu leisten der dem verhältnis von rechtsnorm und rechtswirklichkeit zugewandte themenkreis bringt unterschiedliche theorieansätze zusammen die sonst gern getrennt voneinander behandelt werden er umfaßt rechtstheoretisch relevante normlogische soziologische sowie systemtheoretische fragestellungen und rückt so recht und rechtsbegriff in den größeren zusammenhang des gesellschaftssystems und seiner normativen implikationen ein aus dem vorwort der herausgeber

this is the first in an annual series of volumes of medical law and ethics based on lectures given at the centre of medical law and ethics king s college london the contributors who come from a wide range of disciplines and represent diverse interests review important issues in the forefront of recent controversy relating particularly to artificially assisted reproduction and to the gillick judgement it is hoped that their essays will stimulate reflection and debate on the ethical and legal issues that surround contemporary medical practice and will inaugurate a series that will come to be viewed as an important source of comment

h l a hart s book the concept of law is perhaps the single greatest contribution to the field of legal philosophy in this century hart lays the groundwork for the continued progress in the perennial debate between legal positivism and natural law this book briefly reviews the historic significance of that debate and demonstrates how hart paves the way for an enlightened analysis of the tenuous relationship between law and morality it provides a detailed examination of hart s efforts to establish a legal framework through primary and secondary rules and an ultimate rule of recognition it focuses specifically on hart s reliance on the internal perspective as a means of establishing the form of obligation necessary for a legal system it examines hart s treatment of the relationship between law and morality and hart s mischaracterization of st thomas aquinas s natural law theory

contains sections on love marriage contraception essays on monogamy abortion and perversion and much more important teaching material excellent teaching philosophy

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