

Analyzing Law New Essays In Legal Theory

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this classic collection of essays first published in 1979 represents joseph raz s landmark contribution to the philosophy of law the new edition includes two previously uncollected essays and a new introduction from the author it will be essential reading for all academics and students working in legal philosophy

for the first time the essays of eugenio bulygin a distinguished representative of legal science and legal philosophy are available in an english language collection

as i explain in the introduction this is the third in a series of collections of my previously published essays in legal theory all of the essays here but three have been revised for this volume i now wish to record my gratitude and indebtedness to various persons i am most indebted and grateful to my wife dorothy kopp summers to whom i dedicate this book i also wish to record my gratitude for his interest and patience to hendrik jan van leusen of kluwer academic publishers he strongly encouraged me to put this collection together and without his efforts it certainly would not have appeared in this timely fashion i also wish to thank his successor sabine wesseldijk for assistance in the course of my academic career i have benefitted greatly from the many comell law school students serving as my research

assistants i have also been privileged to have the fine aid of many comell law school secretaries and administrative assistants foremost here is mrs pamel finnigan who has so ably seen this collection put together from start to finish

in his choice of texts the editor has been faced with the difficult task of selecting from among the author s more than 600 publications those of the greatest philosophical interest it is chiefly the topics of value relativism and the logic of norms that have been kept in view the selection has also been guided by the endeavour to reprint so far as possible texts which have not hitherto appeared in english at times however this aim has had to be discarded in order to include works of key importance and also the latest expressions of kelsen s view in addition to the two topics already mentioned the editor has considered kelsen s discussions of the causal principle to be so far worthy of philosophical attention that some writings on causality and accountability have been included in this collection of philosophical studies ota weinberger hans kelsen died on april 19th 1973 only his work now lives for the inspiration of future generations of jurists and philosophers graz 25th april 1973 ota weinberger translator s note i am obliged to the editor for his careful scrutiny of the translation which has led to a number of corrections and improvements in the text

this work provides students at all levels with a practical and proven method of analysing and answering essay and exam questions so that they can maximise their potential the book provides a framework for analysing legal problems and teaches students how to identify relevant legal authorities distinguish and harmonise conflicting legal precedents and evaluate the applicability of the law to the facts of the question in hand it can be used by students at any stage of their legal education and will teach skills that will continue to be of use in the workplace a practical guide the text includes cases and worked examples enabling students to adopt good essay writing techniques

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

interest in interpretation has emerged in recent years as one of the main intellectual paradigms of legal scholarship this collection of new essays in law and interpretation provides the reader with an overview of this important topic written by some of the most distinguished scholars in the field the book begins with interpretation as a general method of legal theorizing and thus provides critical assessment of the recent interpretative turn in jurisprudence further chapters include essays on the nature of interpretation its objectivity the possible determinacy of legal standards and their nature concluding with a series of articles on the role of legislative intent in the interpretation of statutes this work offers new and refreshing insights into this old controversy

in a series of essays john gardner has developed distinctive and engaging answers to the central questions of legal philosophy cutting through the technicalities of the subject to clarify and reinvigorate the main arguments about the nature of law this volume collects that work to provide a major contribution to the literature on jurisprudence

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