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Law as Institutional Normative Order

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Law As Institutional Normative Order

Brian Bix



Law As Institutional Normative Order:

Law as Institutional Normative Order Dr Maksymilian Del Mar, Professor Zenon Bankowski, 2013-02-28 MacCormick's Institutions of Law is the culmination of a lifetime's work in legal theory by one of the world's most respected legal theorists. Featuring an impressive collection of contributions from well-known legal theorists from around the world, all of whom are familiar with MacCormick's work, this collection provides a cutting-edge account of the book's significance. Judicial Power, Democracy and Legal Positivism Tom D. Campbell, Jeffrey Goldsworthy, 2017-03-02 In this book, a distinguished international group of legal theorists re-examine legal positivism as a prescriptive political theory and consider its implications for the constitutionally defined roles of legislatures and courts. The issues are illustrated with recent developments in Australian constitutional law. Current Legal Problems 1998 M. D. A. Freeman, 2000 This book is the fifty-first volume of Current Legal Problems and contains the now customary selection of high-quality essays by a group of outstanding scholars. This volume gathers together a particularly valuable and broad-ranging set of contributions which makes for a stimulating study of legal theory at the end of the millennium. *Criminalization* R. A. Duff, Lindsay Farmer, S. E. Marshall, Massimo Renzo, Victor Tadros, 2014-12-04 The Criminalization series arose from an interdisciplinary investigation into criminalization focussing on the principles that might guide decisions about what kinds of conduct should be criminalized and the forms that criminalization should take. Developing a normative theory of criminalization, the series tackles the key questions at the heart of the issue: what principles and goals should guide legislators in deciding what to criminalize? How should criminal wrongs be classified and differentiated? How should law enforcement officials apply the law's specifications of offences? The fourth book in the series examines the political morality of the criminal law, exploring general principles and theories of criminalization. Chapters provide accounts of the criminal law in the light of ambitious theories about moral and political philosophy: republicanism and contractarianism, or reflect upon the success of important theories of criminalization by viewing them in a novel light. Ideas that are fundamental to any complete theory of the criminal law: liberty, harm, and the effect on victims are investigated in depth. Sociological investigation of the criminal law grounds a critical investigation into the principles of criminalization both as a legislative matter and with respect to criminalization practices in contemporary and historical contexts. The volume broadens our conceptions of the theory of criminalization and clarifies the role of the series in the development of this theory. It is essential reading for all interested in legal, political, and social theories of criminalization. **Bruno Latour** Kyle McGee, 2014-06-23 The first extended study of Bruno Latour's legal theory, this book presents a critical reconstruction of the whole of Latour's oeuvre to date, from *Laboratory Life* to *An Inquiry into the Modes of Existence*. Based on the powerful insights into normative effects that actor-network theory makes possible, the book advances a new theory of legal normativity and the force of law, rethinking Latour's work on technology, the image, and referential scientific inscriptions among others, and placing them within the ambit of legality. The book also captures and

deepens the contrast between the modern legal institution and the value of law as a mode of existence and provides a fulsome theoretical account of legal veridiction Throughout Latour's thought is put into dialogue with important progenitors and adversaries as well as historical and contemporary strands of legal and political philosophy But the thread of legality is not confined to Latour's reflections on the making of law rather it cuts through the whole of his highly diverse body of work The empire of mononaturalism augured by modern philosophies of science is thoroughly juridical as such the actor network theory that promises to undo that empire by freeing the value of the sciences from its epistemological clutches is unthinkable without the device of the trial and the descriptive semiotics of normativity that sustain ANT The democratization of the sciences and the vibrancy of ecologized politics that become possible once the bifurcation of nature into essential primary and disposable secondary qualities is disabled and once the modern Constitution is called into doubt also have important legal dimensions that have gone largely unexamined Bruno Latour The Normativity of Networks remedies this and other omissions evaluating Latour's thought about law while carrying it in striking new directions This book introduces legal scholars and students to the thought of the philosopher and sociologist Bruno Latour whilst also presenting a critical analysis of his work in and around law This interdisciplinary study will be of interest to those researching in Law Philosophy and Sociology

New Constitutional Horizons Cormac Mac Amhlaigh, 2022 This book examines the conceptual puzzles that multilevel pluralism poses for our constitutional theories It offers fresh perspectives by addressing the pluralism of norms and authorities from the viewpoint of legality and legitimacy proposing novel solutions for pluralizing constitutional theory in the light of multilevel governance

MacCormick's Scotland Neil Walker, 2012-03-26 A Gedenkschrift to one of Scotland's most prominent jurists and legal thinkers

The Edinburgh law review, 2007

Institutions of Law Neil MacCormick, 2007-01-11 Institutions of Law offers an original account of the nature of law and legal systems in the contemporary world It provides the definitive statement of Sir Neil MacCormick's well known institutional theory of law defining law as institutional normative order and explaining each of these three terms in depth It attempts to fulfil the need for a twenty first century introduction to legal theory marking a fresh start such as was achieved in the last century by H L A Hart's *The Concept of Law* It is written with a view to elucidating law legal concepts and legal institutions in a manner that takes account of current scholarly controversies but does not get bogged down in them It shows how law relates to the state and civil society establishing the conditions of social peace and a functioning economy In so doing it takes account of recent developments in the sociology of law particularly system theory It also seeks to clarify the nature of claims to knowledge of law and thus indicate the possibility of legal studies having a genuinely scientific character It shows that there is an essential value orientation of all work of this kind so that valid analytical jurisprudence not merely need not but cannot be positivist as that term has come to be understood Nevertheless it is explained why law and morality are genuinely distinct by virtue of the positive character of law contrasted with the autonomy that is foundational for morality

Law, Rights and Discourse

Robert Alexy, 2007-06-29 This volume reflects the breadth of Alexy's philosophy identifies new areas of inquiry and offers a new impetus to the discourse theory of law Law, Life and the Images of Man Frank Fleerackers, Evert Leeuwen, 1996 Jan M Broekman is since 1996 Professor emeritus of Philosophy of Law and Legal Theory at the Catholic University of Leuven Belgium and of Philosophy and Medical Ethics at the Vrije Universiteit of Amsterdam Netherlands During a long and distinguished career he has won an international reputation for his work in the fields of legal anthropology legal theory and the philosophy of law and medicine He published widely in these fields and lectured throughout Europe Latin America and the United States of America This Festschrift reflects some important themes of his work especially the ones concerning the intertwinement of legal medical and moral discourse and its related aspects in technology politics and anthropology Due to their different fields of research the authors approach their topic from their own scientific and cultural perspective The contributions provide the reader with well documented and skilled insights into specific questions in many countries like Germany Brasil Chile Italy Belgium and the United States of America The composition of the colourful range of contributions is focussed on the core theme of both legal modernism and post modernism the tacit assumption of a discursive unity behind thinking acting and talking The mimetic representation of man and humanity in legal and medical discourse is built on this assumption Fundamental questions belonging to the discursive unity are dealt with for instance concerning language and reality being and mimesis norms rights and facts They are confronted with actual questions in health care quality of life autonomy the elderly in European politics and in economics The contributions document the leading developments in today's legal medical and philosophical debates They will provide the reader with outstanding thoughts on the future orientation of law in society **Law at the Turn of the 20th Century** Lampros E. Kotsirès, 1994 **The European Constitution in the Making** Roberto Miccù, 2004 In the European Convention parliamentarians and government representatives from the Member States have elaborated the Draft Constitution establishing a Constitution for Europe This process requires academic guidance and analysis The European Constitutional Law Network provides an important forum of associated constitutional and European lawyers from different old and new Member States www.ecln.net The structure of the future constitution and the general lines of argument underlying the deliberations of the Convention are the focus of the individual contributions to this volume which were presented on the occasion of the second ECLN conference in summer 2002 in Rome Against the background of their national constitutional and legal orders the contributors demonstrate their expectations for the European constitution in the making Thereby the deliberations provide a pan European basis for the debate on the future Constitution for Europe **Institutional Reforms, Growth and Human Development in Latin America**, 2000 *The Role of Courts in Developing a European Social Model* Ulla Boegh Neergaard, 2010 This book brings together essays by leading legal scholars from a number of European countries These essays are based on papers presented at a research conference held at the Copenhagen Business School on September 18 2009 The contributors are all lawyers but have their

main professional activity within different legal disciplines They represent different legal cultures and styles partly related to different geographical backgrounds and the diversity is represented in their contributions The book is concerned with trends in the development of a European social model and the theoretical and methodological implications thereof with the essays focusing on the role of the courts at both national and supra national level Each essay addresses different dimensions of the general theme

Current Legal Theory ,1998 Legal Polycentricity and International Law S. Prakash Sinha,1996 This book takes the themes of the jurisprudential movement of legal polycentricity and applies them to international law It focuses on the civilization of diversity and uncovers the non universality of law and a pluralism of values Sinha emphasizes that the proper role of international law is to ensure that in culture specific matters such as human rights the state adheres to the normative ideals of the civilization to which it belongs An extensive and well conceived bibliography Sinha closes the book with a rich vein of resource material for further exploration ASIL Newsletter

Jurisprudence Brian Bix,2012 A broad overview of the main topics and central issues in legal theory Jurisprudence provides students with an informative introduction Academically challenging and often controversial ideas are pre

Conceptions Contemporaines Du Droit Paul Trappe,1982 *Policing in a Changing Constitutional Order* Neil Walker,2000 This text examines the changes that have taken place in police powers discusses how the police are viewed under the constitution and how this has influenced their actions and reputation

Unveiling the Power of Verbal Art: An Psychological Sojourn through **Law As Institutional Normative Order**

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