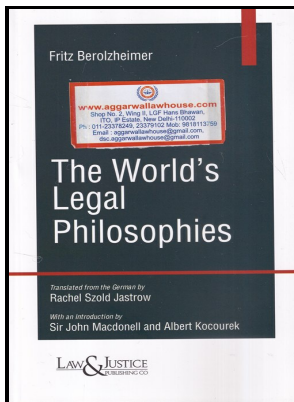


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Kelley - Philosophy of law



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Hart's account of a rule starts with the idea of a pattern of behavior among members of a given community, and distinguishes different perspectives from which to view that pattern. In its strongest form, formalism is roughly the view that judges decide, and ought to decide, cases by appeal only to the valid law of their jurisdiction, and that they justify their decisions in those cases by constructing something akin to an Aristotelian syllogism, whereby the relevant legal proposition is the major premise, the complex statement of the facts of a case the minor premise.

The world's legal philosophies : Berolzheimer, Fritz, 1869

The general approach allows philosophers to ask questions about, for example, what separates law from morality, politics, or practical reason. Historically, deontological thought regarding law is associated with , who formulated one particularly prominent deontological theory of law.

The World's Legal Philosophies: Berolzheimer, Fritz: 9781290278768: spaceneb.us.to: Books

There are several reasons for thinking our people apt thereto. Raz's account of authority and its place in the law is complex and embedded within a broader theory of normativity, and Postema aptly and accurately summarizes much of the voluminous secondary literature responding to various facets of Raz's views on the authority of law, particularly as an argument for positivism. Here I have touched on only the broadest themes in them; there are many other interesting twists and turns in Postema's history that merit sustained attention.

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And yet there is hope, as there is need, among us to-day, of some such transformation. Instead, legal realists advocate an empirical approach to jurisprudence founded in social sciences and the actual practice of law in the world.

The world's legal philosophies. (1968 edition)

. Origins of Oriental Civilization Ch.

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Kelsen is most influential for his notion of 'I', an ultimate and basic legal norm, which some scholars, especially in Europe, accept today. The E-mail message field is required.

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Philosophy of law

Hart thus suggested legal philosophy must attend to the 'internal' point of view of social rules to adequately understand the nature of law. In contemporary legal theory, the utilitarian approach is frequently championed by scholars who work in the tradition.

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