

Theory of legal science

Rothman reprints - The Pure Theory of Law (Stanford Encyclopedia of Philosophy)



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In reality, positivism may cohabit with a range of views here—value statements may be entailed by factual statements; values may supervene on facts; values may be kinds of fact. This is the form which the theory took in Althusius and which was continued in Pufendorf. Suarez could produce a somewhat modernized form of medieval jurisprudence but the Calvinists, once the strict ties of Calvinism were relaxed, could more easily revert to pre-Christian conceptions of natural law.

Law & Science

It is beyond doubt that moral and political considerations bear on legal philosophy.

Legal Positivism (Stanford Encyclopedia of Philosophy)

For a brief but accurate introduction to ethical consequentialism, see the reconstruction of this offered in Juan Carlos Bayón, Causalidad, consecuencialismo y deontologismo, in Doxa 1989 6, 461-500. Paolo COMANDUCCI, 2010: El racionalismo de Alchourrón y Bulygin.

Five Models of Legal Science

More broadly still, understanding the design, founding, maintenance, and failure of constitutional systems requires looking far beyond courts and constitutional law.

Normativism or the Normative Theory of Legal Science: Some Epistemological Problems *

But then what makes the California Constitution legally valid? And such virtues, if they exist, are minor: there is little, if anything, to be said in favor of a clear, consistent, prospective, public and impartially administered system of racial segregation, for example. Something similar would happen if we try to resolve empirical or conceptual questions through moral reasons. What then is distinctive of societies with legal systems and, within those societies, of their law? But statistical analyses of voting behavior did not wholly define the new movement within the field.

The Pure Theory of Law (Stanford Encyclopedia of Philosophy)

If the adequacy of a concept depends, among other factors, on its consistency within a given theory—and therefore on the research objectives that are pretended to be achieved by it—then the concept of law cannot determine which method should be used by legal scholars. There occurs, therefore, a series of social contracts by which various social groups, some political and some not, come into being.

The Critical Legal Science of Hans Kelsen on JSTOR

This leaves us with the letter R which represents Resistance.

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