

# Basic Concepts Of Legal Thought

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## RAMOS SELINA

**The Legal Analyst** Cambridge University Press  
 This book argues that overcoming people's inability to recognize their own wrongdoing is the most important but regrettably neglected area of the behavioral approach to law.

**Concepts for International Law** Harvard University Press  
 Critical legal studies is the most important development in progressive thinking about law of the past half century. It has inspired the practice of legal analysis as institutional imagination, exploring, with the materials of the law, alternatives for society. The Critical Legal Studies Movement was written as the manifesto of the movement by its central figure. This new edition includes a revised version of the original text, preceded by an extended essay in which its author discusses what is happening now and what should happen next in legal thought.

**Concepts and Contexts of Vattel's Political and Legal Thought** Ashgate Publishing, Ltd.  
 The book brings together 33 state-of-the-art chapters on the import and the pros and cons of legal positivism.

**The Methodology of Legal Theory** West Academic Publishing  
 The New York Times bestseller that gives readers a paradigm-shattering new way to think about motivation from the author of *When: The Scientific Secrets of Perfect Timing* Most people believe that the best way to motivate is with rewards like money—the carrot-and-stick approach. That's a mistake, says Daniel H. Pink (author of *To Sell Is Human: The Surprising Truth About Motivating Others*). In this provocative and persuasive new book, he asserts that the secret to high performance and satisfaction—at work, at school, and at home—is the deeply human need to direct our own lives, to learn and create new things, and to do better by ourselves and our world. Drawing on four decades of scientific research on human motivation, Pink exposes the mismatch between what science knows and what business does—and how that affects every aspect of life. He examines the three elements of true motivation—autonomy, mastery, and purpose—and offers smart and surprising techniques for putting these into action in a unique book that will change how we think and transform how we live.

**Key Concepts in Classical Social Theory** University of Chicago Press  
 The concept of law lies at the heart of our social and political life. Legal philosophy, or jurisprudence, explores the notion of law and its role in society, illuminating its meaning and its relation to the universal questions of justice, rights, and morality. In this Very Short Introduction Raymond Wacks analyses the nature and

purpose of the legal system, and the practice by courts, lawyers, and judges. Wacks reveals the intriguing and challenging nature of legal philosophy with clarity and enthusiasm, providing an enlightening guide to the central questions of legal theory. In this revised edition Wacks makes a number of updates including new material on legal realism, changes to the approach to the analysis of law and legal theory, and updates to historical and anthropological jurisprudence. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

**Western Legal Theory** Cambridge University Press  
 Reprint of the second revised and enlarged edition, a complete revision of the first edition published in 1934. A landmark in the development of modern jurisprudence, the pure theory of law defines law as a system of coercive norms created by the state that rests on the validity of a generally accepted Grundnorm, or basic norm, such as the supremacy of the Constitution. Entirely self-supporting, it rejects any concept derived from metaphysics, politics, ethics, sociology, or the natural sciences. Beginning with the medieval reception of Roman law, traditional jurisprudence has maintained a dual system of "subjective" law (the rights of a person) and "objective" law (the system of norms). Throughout history this dualism has been a useful tool for putting the law in the service of politics, especially by rulers or dominant political parties. The pure theory of law destroys this dualism by replacing it with a unitary system of objective positive law that is insulated from political manipulation. Possibly the most influential jurisprudent of the twentieth century, Hans Kelsen [1881-1973] was legal adviser to Austria's last emperor and its first republican government, the founder and permanent advisor of the Supreme Constitutional Court of Austria, and the author of Austria's Constitution, which was enacted in 1920, abolished during the Anschluss, and restored in 1945. The author of more than forty books on law and legal philosophy, he is best known for this work and *General Theory of Law and State*. Also active as a teacher in Europe and the United States, he was Dean of the Law Faculty of the University of Vienna and taught at the universities of Cologne and Prague, the Institute of International Studies in Geneva, Harvard, Wellesley, the University of California at Berkeley, and the Naval War College. Also available in cloth.

**The Canon of American Legal Thought** Routledge  
 The last decade has witnessed a particularly intensive debate over methodological issues in legal theory. The publication of Julie Dickson's *Evaluation and Legal Theory* (2001) was significant, as

were collective returns to H.L.A. Hart's 'Postscript' to *The Concept of Law*. While influential articles have been written in disparate journals, no single collection of the most important papers exists. This volume - the first in a three volume series - aims not only to fill that gap but also propose a systematic agenda for future work. The editors have selected articles written by leading legal theorists, including, among others, Leslie Green, Brian Leiter, Joseph Raz, Ronald Dworkin, and William Twining, and organized under four broad categories: 1) problems and purposes of legal theory; 2) the role of epistemology and semantics in theorising about the nature of law; 3) the relation between morality and legal theory; and 4) the scope of phenomena a general jurisprudence ought to address.

**The Concept of Law** Simon and Schuster  
 New Critical Legal Thinking articulates the emergence of a stream of critical legal theory which is directly concerned with the relation between law and the political. The early critical legal studies claim that all law is politics is displaced with a different and more nuanced theoretical arsenal. Combining grand theory with a concern for grounded political interventions, the various contributors to this book draw on political theorists and continental philosophers in order to engage with current legal problematics, such as the recent global economic crisis, the Arab spring and the emergence of biopolitics. The contributions instantiate the claim that a new and radical political legal scholarship has come into being: one which critically interrogates and intervenes in the contemporary relationship between law and power.

**The Critical Legal Studies Movement** University of Chicago Press  
 Western Legal Theory: History, Concepts and Perspectives enable readers to gain a holistic appreciation of the law by presenting a broad collection of ideas concerning the nature of law. The author draws from a number of social disciplines to provide a rounded sense of what law really is and how it should work in society. The text discusses a wide range of theories and theorists, and also traces the historical developments of Western legal thought from ancient times to the present day. With a focus on the historical and contemporary role of philosophy in the interpretation of law, Western Legal Theory: History, Concepts and Perspectives provide a fascinating insight into the development of law and a comprehensive analysis of current legal thought. It is ideal for students of legal theory and jurisprudence, legal history, political philosophy, and legal practitioners and general readers interested in the theories underpinning our legal institutions and framework.

**Philosophy of Law: A Very Short Introduction** Edward Elgar Publishing  
 Karl N. Llewellyn was one of the founders and major figures of legal realism, and his many keen insights have a central place in

American law and legal understanding. Key to Llewellyn's thinking was his conception of rules, put forward in his numerous writings and most famously in his often mischaracterized declaration that they are "pretty playthings." Previously unpublished, *The Theory of Rules* is the most cogent presentation of his profound and insightful thinking about the life of rules. This book frames the development of Llewellyn's thinking and describes the difference between what rules literally prescribe and what is actually done, with the gap explained by a complex array of practices, conventions, professional skills, and idiosyncrasies, most of which are devoted to achieving a law's larger purpose rather than merely following the letter of a particular rule. Edited, annotated, and with an extensive analytic introduction by leading contemporary legal scholar Frederick Schauer, this rediscovered work contains material not found elsewhere in Llewellyn's writings and will prove a valuable contribution to the existing literature on legal realism.

**How to Do Things with Legal Doctrine** Cambridge University Press

"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"

**The Force of Law** Oxford University Press

"The study of natural law and the law of nations in the early-modern period has expanded remarkably during the last decades. This has partly been inspired by contemporary concerns, in particular by the interest in the genealogy of human rights and the foundations of international law. However, natural law in this period has also been studied in its own historical right, with a view to understanding its intellectual sources and cultural and political uses. Early modern natural law emerged in a variety of forms at the volatile interface of theology, moral philosophy, political thought and jurisprudence. These "different models of natural law" have been described "as conflicting ways of configuring access to ethical and political norms in the service of rival cultural-political programmes". Within the language and concepts of natural law doctrines, then, quite divergent approaches were pursued to regulate and protect human society. Some operated at the level of the domestic state, with a view to rationalising and legitimating its political and juridical authority. Others operated beyond the borders of the territorial state, with a view to regulating interstate relations via the laws of war and peace"--

**Concepts of Law** SAGE

Recog: Murder among nations -- How to talk about self-defense -

- A theory of legitimate defense -- The six elements of legitimate defense -- Excusing international aggression -- Humanitarian intervention -- Preemptive and preventive wars -- The collective dimension of war.

**The Cambridge Companion to Legal Positivism** Penguin

This book fills a major gap in the ever-increasing secondary literature on Hannah Arendt's political thought by providing a dedicated and coherent treatment of the many, various and interesting things which Arendt had to say about law. Often obscured by more pressing or more controversial aspects of her work, Arendt nonetheless had interesting insights into Greek and Roman concepts of law, human rights, constitutional design, legislation, sovereignty, international tribunals, judicial review and much more. This book retrieves these aspects of her legal philosophy for the attention of both Arendt scholars and lawyers alike. The book brings together lawyers as well as Arendt scholars drawn from a range of disciplines (philosophy, political science, international relations), who have engaged in an internal debate the dynamism of which is captured in print. Following the editors' introduction, the book is split into four Parts: Part I explores the concept of law in Arendt's thought; Part II explores legal aspects of Arendt's constitutional thought: first locating Arendt in the wider tradition of republican constitutionalism, before turning attention to the role of courts and the role of parliament in her constitutional design. In Part III Arendt's thought on international law is explored from a variety of perspectives, covering international institutions and international criminal law, as well as the theoretical foundations of international law. Part IV debates the foundations, content and meaning of Arendt's famous and influential claim that the 'right to have rights' is the one true human right.

**Fundamental Legal Conceptions as Applied in Judicial Reasoning, and Other Legal Essays** Oxford University Press on Demand

Debates surrounding the concept of law are not new. For a wide variety of reasons and in a wide variety of ways, the meaning of 'law' has long been an important part of Western thought, both within legal scholarship and beyond. The contributors to *Concepts of Law* are international experts from the fields of comparative law, legal philosophy, and the social sciences. Combining theoretical analyses with case studies, they explore various legal concepts and contexts from diverse national and disciplinary perspectives. Legal and normative pluralism is a theme throughout. Some chapters discuss the development of state law and legal systems. Others wrestle with law's rhetoric and the potential utility of alternative vocabularies, e.g., 'governance' and 'governmentality'. Others reveal the rich polyjurality of the present, from the local to the global. The result is a rich picture of

both present scholarship on laws and norms and the state of contemporary legal complexity, each crossing traditional boundaries.

**Jurisprudence** Verso Books

This is a brief introduction to the major issues in legal philosophy, intended for use as a secondary text in law schools, and in graduate and undergraduate courses in philosophy of law, jurisprudence and legal issues.

**Law's Empire** OUP Oxford

Cites successful examples of community-based policing.

**Oliver Wendell Holmes, Jr., Legal Theory, and Judicial Restraint** University of Chicago Press

This volume examines power-sharing agreements, their legitimacy and their compatibility with human rights law. Providing a clear, accessible introduction to the political science and human rights law on the issue, the book is an invaluable guide to all those engaged with transitional justice, peace agreements, and human rights.

**Pure Theory of Law** Harvard University Press

Bentham's law -- The possibility and probability of noncoercive law -- In search of the puzzled man -- Do people obey the law? -- Are officials above the law? -- Coercing obedience -- Of carrots and sticks -- Coercion's arsenal -- Awash in a sea of norms -- The differentiation of law

**Concepts and Contexts of Vattel's Political and Legal Thought** Harvard University Press

If Raz and Dworkin disagree over how law should be characterised, how are we, their jurisprudential public, supposed to go about adjudicating between the rival theories which they offer us? To what considerations would those theorists themselves appeal in order to convince us that their accounts of law are accurate and successful? Moreover, what is it that makes an account of law successful? Evaluation and Legal Theory tackles methodological or meta-theoretical issues such as these, and does so via attempting to answer the question: to what extent, and in what sense, must a legal theorist make value judgements about his data in order to construct a successful theory of law? Dispelling the obfuscatory myth that legal positivism seeks a 'value-free' account of law, the author attempts to explain and defend Joseph Raz's position that evaluation is essential to successful legal theory, whilst refuting John Finnis and Ronald Dworkin's contentions that the legal theorist must morally evaluate and morally justify the law in order to properly explain its nature. The book does not claim to solve the many mysteries of meta-legal theory but does seek to contribute to and engender rigorous and focused debate on this topic.

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