

The Legal Theory Of Ethical Positivism Applied

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Prescriptive Legal Positivism
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Law, Morality, and Legal Positivism
Judicial Power, Democracy and Legal Positivism
Handbook of Economics and Ethics
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The Role of Ethics in International Law
Professional Ethics and Personal Integrity
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Early German Positivism
The Logic of Legal Requirements
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The Anglo-American Tradition of Liberty
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Positivist review
The Analysis of Knowledge
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System of Positive Polity: General view of positivism and introductory principles
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the legal theory of ethical positivism re establishes some of the dogmas of classical legal positivism regarding the separation of legislation and adjudication and the feasibility of institutionalizing the morally neutral application of rules as an ideal capable of significant realization this is supplemented by an analysis of the formal similarities of the morally and legally adjudicative points of view which offers the prospects of attributing a degree of moral authority to positivistic rule application in particular cases these theories are worked through in their application to specific problem areas particularly freedom of communication

tom campbell is well known for his distinctive contributions to legal and political philosophy over three decades in emphasizing the moral and political importance of taking a positivist approach to law and rights he has challenged current academic orthodoxies and made a powerful case for regaining and retaining democratic control over the content and development of human rights this collection of his essays reaches back to his pioneering work on socialist rights in the 1980s and forward from his seminal book the legal theory of ethical positivism 1996 an introductory essay provides an historical overview of professor campbell s work and argues for the continuing importance of democratic positivism at a time when it is again becoming clear that courts are ineffective protectors of human rights

despite persistent criticism from a variety of different perspectives including natural law legal realism and socio legal studies legal positivism remains as an enduring theory of law the essays contained in this volume represent the most balanced responses toward legal positivism and although largely sympathetic the essays do not fail to criticize elements of the tradition wherever appropriate

contents p capps positivism in law and international law d von daniels is positivism a state centered theory k e himma legal positivism s conventionality thesis and the methodology of conceptual analysis r nunan a modest rehabilitation of the separability thesis a oladosu choosing legal theory on cultural grounds an african case for legal positivism c orrego

hart s last legal positivism morality might be objective legality certainly is not m pavcnik die un produktivitat der positivistischen jurisprudenzen m haase the hegelianism in kelsen s pure theory of law s papaefthymiou the house kelsen built u j pak legal practitioners need of reflective application of legal philosophy in korea u schmill jurisprudence and the concept of revolution d venema judicial discretion a necessary evil j baker rights obligations and duties and the intersection of law conventions and morals s berteau legal systems claim to normativity and the concept of law j dalberg larsen on the relevance of habermas and theories of legal pluralism for the study of environmental law a philippopoulos mihalopoulos a connection of no connection in luhmann and derrida

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

this volume pulls together a remarkable collection of contributors designed to challenge the positive normative dichotomy in economic methodology the intent of this publication is to provide a reference manual for those seeking insights into the connections between economics and ethics it succeeds in that goal and should become a starting point for anyone who believes that mainstream economics needs methodological reorientation anyone interested in ethics and economic methodology would do well to have this reference book handy highly recommended j halteman choice this new handbook of economics and ethics makes a substantial contribution as a wide ranging up to date reference work including original developments on these two fundamentally interconnected fields this contribution is particularly timely given the increasing attention being paid to economics as a moral science the handbook contains seventy five expert entries on subjects ranging from the history of economics and philosophy to conceptual analysis of ethics in various aspects of modern economics while representing a diversity of views sheila dow university of stirling uk the handbook of economics and ethics portrays an understanding of economic methodology in which facts and values though distinct are closely interconnected in a variety of ways from theory building to data collection and from modelling to policy evaluation this

encyclopaedic handbook is at the intersection of economics and ethics irene van staveren and jan peil bring together 75 unique and original papers to provide up to date insights on topics such as markets globalization human development rationality efficiency and corporate social responsibility the book presents contributions from an array of international scholars using methodological and theoretical approaches and convincingly demonstrates the death of the positive normative dichotomy that so long held economics in its grip this invaluable resource will strongly appeal to students of economics and economic methodology philosophy of science and ethics it will also be of great benefit to academics and policy makers involved in economic policies and ethics

in the absence of a sound conception of the judicial role judges at present can be said to be muddling along they disown the declaratory theory of law but continue to behave and think as if it had not been discredited much judicial reasoning still exhibits an unquestioning acceptance of positivism and a rulish predisposition formalistic thinking continues to exert a perverse influence on the legal process this 2005 book dismantles these outdated theories and seeks to bridge the gap between legal theory and judicial practice the author propounds a coherent and comprehensive judicial methodology for modern times founded on the truism that the law exists to serve society and adopting the twin criteria of justice and contemporaneity with the times a judicial methodology is developed which is realistic and pragmatic and which embraces a revised conception of practical reasoning including in that conception a critical role for legal principles

the purpose of this book is to explore what role ethical discourse plays in public and private international law the book seeks 1 to delineate the role of ethical investigation in creating sustaining challenging and changing international law and 2 to open up a conversation between two related disciplines public and private international law that frequently labor in different vineyards by examining the role of ethical discourse in international law s public and private dimensions this volume will hopefully open new avenues for cross disciplinary exchange in these important fields and related disciplines the chapters in this book show that there is a way to engage the ethical dimension of international law without seeking to use ethics as raw politics and the will to power

professional roles are often thought to bring role specific permissions and obligation which may allow or require role occupants to do things they would not be permitted or required to do outside their roles and which as individuals they would rather not do this feature of professional roles appears to bring them into conflict both with ordinary or non role morality and with personal integrity which is often thought to demand some form of personal endorsement of one's conduct how are we to reconcile the demands of roles with ordinary morality and with personal integrity this collection draws together a set of papers which explore these questions as they bear upon a number of different professional roles including those of the lawyer the judge and the politician and from a variety of perspectives including contemporary analytic moral theory jurisprudence psychoanalytic theory virtue ethics and contextualism and more broadly from philosophy and legal academia and practice

in early german positivism frederick c beiser explores a much neglected or forgotten period of the history of philosophy the history of german positivism from 1860 to 1907 almost all studies of positivism revolve around the vienna circle instead this study covers positivism even before the first vienna circle 1907 beiser delves into figures almost completely forgotten in the german and anglo american worlds theodor gomperz 1832 1912 eugen dühring 1833 1921 ernst laas 1837 1885 and friedrich jodl 1849 1914 he also examines ernst mach 1838 1916 and richard avenarius 1843 1896 who are much better known but contemporaries of these thinkers several positivist themes unite these thinkers rejection of the synthetic a priori opposition to pessimism a philosophy of monism naturalism and historicism and the belief that the highest good can be achieved only under the guidance of science early german positivism aims to place positivism in a wider intellectual context which goes back to the enlightenment and the opposition to the christian tradition

does the law contain implicit exceptions to its own rules if so what consequence does that have for understanding the relationship between law and morality this collection gathers leading legal philosophers to analyse the logical structure of legal norms advancing the understanding of the general philosophy of law

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

joao carlos espada's provocative survey of a group of key anglo american and european political thinkers argues that there is a distinctive anglo american tradition of liberty that is one of the core pillars of the free world giving a broad overview of the tradition through summaries of the careers and ideas of fourteen of its key thinkers neglected despite having been tremendously influential in the tradition of liberty the author engages with current set ideas about the meaning of liberal and conservative to offer an engaging intellectual case for liberal democracy

originally published in 1940 firstly this book seeks to combine epistemology and the new developments of the time in psychology it holds that no epistemology can be sound if it is psychologically defective nor can a psychological analysis of knowledge be philosophically naïve secondly it attempts to suggest a single structural pattern underlying every type of cognitive situation offering a significant reorientation to epistemological thought of its time this work considers perception sense and memory and examines the referential theory of knowledge it is a lucid and precisely organised reading and analysis of knowledge

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Introduction

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