
Of Norms Jaap Hage

Exceptions in International Law

Introduction to Law

Legal Knowledge and Information Systems

Coherence: Insights from Philosophy,

Jurisprudence and Artificial Intelligence

AI Approaches to the Complexity of Legal
Systems

International Criminal Procedure

Problems of Normativity, Rules and Rule-
Following

Rethinking the Law School

Ethnic Diversity, Plural Democracy and Human
Dignity

Methodologies of Legal Research

Legal Power and Legal Competence

Legal Validity and Soft Law

The Logic of Legal Requirements

Handbook of Legal Reasoning and Argumentation

Law as Institutional Normative Order

Foundations and Building Blocks of Law

Law and Mind

Legal Knowledge Based Systems

Constructing Foucault's ethics

Logic in the Theory and Practice of Lawmaking

Facts and Norms in Law

Empirical Research and Workplace Discrimination
Law

Introduction to Law

Legislation in Context: Essays in Legisprudence

Concepts in Law
Legal Argumentation Theory: Cross-Disciplinary Perspectives
The Idea of a Pure Theory of Law
Law and the New Logics
Legal Doctrinal Scholarship
Fundamentals of Legal Argumentation
Legal Certainty in a Contemporary Context
Norms, Logics and Information Systems
Leon Petrażycki
Grounding Human Rights in Human Nature
Studies in Legal Logic
Objectivity in Jurisprudence, Legal Interpretation and Practical Reasoning
Reasoning with Rules
Studies in Legal Logic
Stateless Law
Legal Knowledge Based Systems

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Exceptions in International Law

Springer

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.

Introduction to Law

Springer Science & Business Media
Until quite recently questions about methodology in legal research have been largely confined to understanding the role of doctrinal research as a scholarly discipline. In turn this has involved asking questions not only about coverage but, fundamentally, questions about the identity of the discipline. Is it (mainly) descriptive, hermeneutical, or normative? Should it also be explanatory? Legal scholarship has been torn between, on the one hand, grasping the expanding reality of law and its context, and, on the other, reducing this complex whole to manageable proportions. The purely internal analysis of a

legal system, isolated from any societal context, remains an option, and is still seen in the approach of the French academy, but as law aims at ordering society and influencing human behaviour, this approach is felt by many scholars to be insufficient. Consequently many attempts have been made to conceive legal research differently. Social scientific and comparative approaches have proven fruitful. However, does the introduction of other approaches leave merely a residue of 'legal doctrine', to which pockets of social sciences can be added, or should legal doctrine be merged with the social sciences? What would such a broad interdisciplinary field

look like and what would its methods be? This book is an attempt to answer some of these questions.

Legal Knowledge and Information Systems Springer Science & Business Media

Studies in Legal Logic is a collection of nine interrelated papers about the logic, epistemology and ontology of law. All of the papers were written after the publication of the author's Reasoning with Rules and supplement the issues addressed therein. Some of the papers are new; others have been revised substantially after the publication of their original versions. The emphasis is on analysis, not on logical technicalities. Studies in Legal Logic contains

chapters about the nature of norms, the role of coherence in the law, the nature of defeasibility, the role of dialectics in law and artificial intelligence, the statics and dynamics of the law, and the consistency of rules. Moreover, it contains a new, simplified and yet more powerful version of Reason-based Logic and extensive examples of how it can be used for the analysis of legal reasoning. The examples deal with legal theory construction, case-based reasoning, and judicial proof.

Coherence: Insights from Philosophy, Jurisprudence and Artificial Intelligence
Edward Elgar Publishing
Rule-applying legal

arguments are traditionally treated as a kind of syllogism. Such a treatment overlooks the fact that legal principles and rules are not statements which describe the world, but rather means by which humans impose structure on the world. Legal rules create legal consequences, they do not describe them. This has consequences for the logic of rule- and principle-applying arguments, the most important of which may be that such arguments are defeasible. This book offers an extensive analysis of the role of rules and principles in legal reasoning, which focuses on the close relationship between rules, principles, and reasons. Moreover, it describes a logical

theory which assigns a central place to the notion of reasons for and against a conclusion, and which is especially suited to deal with rules and principles.

AI Approaches to the Complexity of Legal Systems BRILL

What does it mean that human rights derive from human dignity? And what is the foundation of human dignity? How are human dignity and its foundation connected? Is the recent development of natural sciences dealing with human nature, like evolutionary psychology, relevant to these questions? The book addresses these points by connecting the discussion on the foundations of human rights with the recent claims regarding

human nature made in evolutionary psychology, and with contemporary analytic metaphysics, especially the relation of metaphysical grounding. It offers in-depth insights into the so-called naturalistic approach to human rights, together with detailed proposals on how the approach could be truly naturalized in the philosophical sense. It shows how human rights and human dignity may have foundations in natural facts about human nature and offers a detailed analysis of how the “is” / “ought” gap problematic can be solved. The book also addresses the objection of Western ethnocentrism – unlike most of the contemporary

philosophical accounts of human rights, which draw on highly individualistic Western concepts, it employs concepts like altruism and cooperation.

International Criminal Procedure

Edward Elgar Publishing

This book presents research in an interdisciplinary field, resulting from the vigorous and fruitful cross-pollination between traditional deontic logic and computer science. AI researchers have used deontic logic as one of the tools in modelling legal reasoning. Computer scientists have discovered that computer systems (including their interaction with other computer systems and with human agents) can often be

productively modelled as norm-governed. So, for example, deontic logic has been applied by computer scientists for specifying bureaucratic systems, access and security policies, and soft design or integrity constraints, and for modelling fault tolerance. In turn, computer scientists and AI researchers have also discovered (and made it clear to the rest of us) that various formal tools (e.g. nonmonotonic, temporal and dynamic logics) developed in computer science and artificial intelligence have interesting applications to traditional issues in deontic logic. This volume presents some of the best work done in this area, with the selection at once

reflecting the general interdisciplinary (and international) character that this area of research has taken on, as well as reflecting the more specific recent interdisciplinary developments between traditional deontic logic and computer science.

Problems of Normativity, Rules and Rule-Following

Bloomsbury Publishing

This volume offers a critical analysis and illustration of the challenges and promises of 'stateless' law thought, pedagogy and approaches to governance - that is, understanding and conceptualizing law in a post-national condition. From common, civil and international law perspectives, the collection focuses on

the definition and role of law as an academic discipline, and hybridity in the practice and production of law. With contributions by a diverse and international group of scholars, the collection includes fourteen chapters written in English and three in French. Confronting the 'transnational challenge' posed to the traditional theoretical and institutional structures that underlie the teaching and study of law in the university, the seventeen authors of *Stateless Law: Evolving Boundaries of a Discipline* bring new insight to the ongoing and crucial conversation about the future shape of legal scholarship, education and practice that is emblematic of the

early twenty-first century. This collection is essential reading for academics, institutions and others involved in determining the future roles, responsibilities and education of jurists, as well as for academics interested in Law, Sociology, Political Science and Education.

Rethinking the Law School Springer Nature
Written by a former dean, this book offers a unique understanding of challenges facing legal education, research, publishing and governance.

Ethnic Diversity, Plural Democracy and Human Dignity Oxford University Press

"Given their ethnic diversity, to what extent, and at what cost and benefit to human dignity, can European countries

adopt and adapt plural democracy?" The contributors to this volume offer answers to this question from a variety of multidisciplinary perspectives within the framework of the integral theory of law and the state. Their shared aim is to explain legal phenomena in the context of other relevant issues and to identify, analyse and critique conceptualizations, problems and situations. This volume is rooted in the historical and contemporary European experience with special cases from Bosnia and Hercegovina, Croatia, Latvia, Slovenia, Spain and Canada which are relevant for understanding the

European problem. Solutions to the problem are sought through innovative interpretations of the rule of law, democracy and human dignity, which are followed by argumentation about how these concepts, when recognized as European legal principles, can be implemented in order to avoid ethnic conflicts. Following an introduction that defines the problem at the centre of the book and explains how legal theory can be used to address it, the book consists of eleven contributions divided into three thematic sections. The first covers topics concerning the European principles which can help avoid ethnic conflicts: the principle of compulsory

adjudication in interstate relations, the principle of democracy, and principles regarding the recognition of individual and collective identities.

These European principles are then investigated by drawing on legal and political theories. The second section presents three ways of conceptualizing ethnical needs in multi-ethnic states: asymmetric federalism, dêmoicratic account and cooperative federalism. The third and final section elaborates on issues concerning the protection of minority rights: the role of judicial ideology in protecting minority rights, citizenship, the EU mechanism for the protection of minority

rights, and the importance of remembering tragic events affecting minorities.

Methodologies of Legal Research

Springer

This book is exceptional in the sense that it provides an introduction to law in general rather than the law of one specific jurisdiction, and it presents a unique way of looking at legal education. It is crucial for lawyers to be aware of the different ways in which societal problems can be solved and to be able to discuss the advantages and disadvantages of different legal solutions. In this respect, being a lawyer involves being able to reason like a lawyer, even more than having

detailed knowledge of particular sets of rules. Introduction to Law reflects this view by focusing on the functions of rules and on ways of arguing the relative qualities of alternative legal solutions. Where 'positive' law is discussed, the emphasis is on the legal questions that must be addressed by a field of law and on the different solutions which have been adopted by, for instance, the common law and civil law tradition. The law of specific jurisdictions is discussed to illustrate possible answers to questions such as when the existence of a valid contract is assumed.

**Legal Power and
Legal Competence**

Routledge

This book offers its readers an overview of recent developments in the theory of legal argumentation written by representatives from various disciplines, including argumentation theory, philosophy of law, logic and artificial intelligence. It presents an overview of contributions representative of different academic and legal cultures, and different continents and countries. The book contains contributions on strategic maneuvering, argumentum ad absurdum, argumentum ad hominem, consequentialist argumentation, weighing and balancing, the relation between legal argumentation and

truth, the distinction between the context of discovery and context of justification, and the role of constitutive and regulative rules in legal argumentation. It is based on a selection of papers that were presented in the special workshop on Legal Argumentation organized at the 25th IVR World Congress for Philosophy of Law and Social Philosophy held 15-20 August 2011 in Frankfurt, Germany.

Legal Validity and Soft Law Cambridge University Press

Most contemporary legal philosophers tend to take force to be an accessory to the law. According to this prevalent view the law primarily consists of a series of demands made on us; force, conversely, comes into play only when these

demands fail to be satisfied. This book claims that this model should be jettisoned in favour of a radically different one: according to the proposed view, force is not an accessory to the law but rather its attribute. The law is not simply a set of rules incidentally guaranteed by force, but it should be understood as essentially rules about force. The book explores in detail the nature of this claim and develops its corollaries. It then provides an overview of the contemporary jurisprudential debates relating to force and violence, and defends its claims against well-known counter-arguments by Hart, Raz and others. This book offers an

innovative insight into the concept of Pure Theory. In contrast to what was claimed by Hans Kelsen, the most eminent contributor to this theory, the author argues that the core insight of the Pure Theory is not to be found in the concept of a basic norm, or in the supposed absence of a conceptual relation between law and morality, but rather in the fundamental and comprehensive reformulation of how to model the functioning of the law intended as an ordering of force and violence.

The Logic of Legal Requirements IOS Press

This book focuses on the problems of rules, rule-following and normativity as discussed within the areas of analytic

philosophy, linguistics, logic and legal theory. Divided into four parts, the volume covers topics in general analytic philosophy, analytic legal theory, legal interpretation and argumentation, logic as well as AI& Law area of research. It discusses, inter alia, “Kripkenstein’s” sceptical argument against rule-following and normativity of meaning, the role of neuroscience in explaining the phenomenon of normativity, conventionalism in philosophy of law, normativity of rules of interpretation, some formal approaches towards rules and normativity as well as the problem of defeasibility of rules. The aim of the book is to provide an

interdisciplinary approach to an inquiry into the questions concerning rules, rule-following and normativity.

Handbook of Legal Reasoning and Argumentation

Springer

The early 20th-century Russo-Polish legal thinker Leon Petrażycki (1867–1931)

developed a comprehensive social psychology of law.

Because only a fraction of his work is available in English, Petrażycki is today little known and seldom discussed in the Anglophone countries. This volume aims to remedy this deficit by introducing Petrażycki's life and work specifically to an English-speaking audience. It is intended as a reappraisal of some of his views in

the context of current advancements. This collection of 12 chapters produced by a panel of international scholars from various social science fields will be useful to a new generation of students formulating their own theories and research on socio-legal behavior. Leon Petrażycki: *Law, Emotions, Society* will be of interest to students and scholars of sociology of law, socio-legal studies, and philosophy of law

Law as Institutional Normative Order

Cambridge University Press

Are the cognitive sciences relevant for law? How do they influence legal theory and practice? Should lawyers become part-time cognitive scientists? The recent

advances in the cognitive sciences have reshaped our conceptions of human decision-making and behavior. Many claim, for instance, that we can no longer view ourselves as purely rational agents equipped with free will. This change is vitally important for lawyers, who are forced to rethink the foundations of their theories and the framework of legal practice. Featuring multidisciplinary scholars from around the world, this book offers a comprehensive overview of the emerging field of law and the cognitive sciences. It develops new theories and provides often provocative insights into the relationship between the cognitive sciences and various

dimensions of the law including legal philosophy and methodology, doctrinal issues, and evidence.

Foundations and Building Blocks of Law Oxford University Press

This book explores relationships between law and legal reasoning, and recent developments in formal logic.

Law and Mind Edward Elgar Publishing
International Criminal Procedure: Principles and Rules is a comprehensive study of international criminal proceedings written by over forty leading experts in the field. The book offers a systematic overview and detailed comparison of the standards governing the conduct of proceedings in all

major international and internationalized criminal courts from the Nuremberg and Tokyo Tribunals to the recently established Cambodian Extraordinary Chambers and the Special Tribunal for Lebanon. Based on a major research project, the study covers all procedural phases from the initiation of investigation to the appeals process. It pays special attention to the crosscutting themes which shape the contemporary discourse on international criminal justice, including the law of evidence, the defence issues, the procedural role of victims, and negotiated dismissal of international crime cases. The book not only takes stock of the

procedural legacy of the UN ad hoc Tribunals for the former Yugoslavia and Rwanda and the International Criminal Court, but also reflects on the future directions of international criminal procedure. Investigating the tribunals' procedural law and practice through the prism of human rights law, domestic legal traditions, and tribunals' special objectives, the expert group puts forth proposals on how the challenges facing international criminal jurisdictions can best be met. International Criminal Procedure will be an indispensable work for practitioners involved in the adjudication of serious crimes on both national and international level,

as well as international law students and academics.

Legal Knowledge Based Systems

Springer

This book is a thorough treatise concerned with coherence and its significance in legal reasoning. The individual chapters present the topic from the general philosophical perspective, the perspective of legal-theory as well as the viewpoint of cognitive sciences and the research on artificial intelligence and law. As it has turned out the interchange of knowledge among these disciplines is very fruitful for each of them, providing mutual inspiration and increasing understanding of a given topic. This book

is a unique resource for anyone interested in the concept of coherence and the role it plays in reasoning. As this book captures important contemporary issues concerning the ongoing discussion on coherence and law, those interested in legal reasoning should find it particularly helpful. By presenting such a broad scope of views and methods on approaching the issue of coherence we hope to promote the general interest in the topic as well as the academic research that centers around coherence and law.

Constructing Foucault's ethics Springer Nature

This book presents the current state of the art regarding the application of logical tools to the problems

of theory and practice of lawmaking. It shows how contemporary logic may be useful in the analysis of legislation, legislative drafting and legal reasoning concerning different contexts of law making. Elaborations of the process of law making have variously emphasised its political, social or economic aspects. Yet despite strong interest in logical analyses of law, questions remain about the role of logical tools in law making. This volume attempts to bridge that gap, or at least to narrow it, drawing together some important research problems—and some possible solutions—as seen through the work of leading contemporary

academics. The volume encompasses 20 chapters written by authors from 16 countries and it presents diversified views on the understanding of logic (from strict mathematical approaches to the informal, argumentative ones) and differentiated choices concerning the aspects of law making taken into account. The book presents a broad set of perspectives, insights and results into the emerging field of research devoted to the logical analysis of the area of creation of law. How does logic inform lawmaking? Are legal systems consistent and complete? How can legal rules be represented by means of formal calculi and

visualization techniques? Does the structure of statutes or of legal systems resemble the structure of deductive systems? What are the logical relations between the basic concepts of jurisprudence that constitute the system of law? How are theories of legal interpretation relevant to the process of legislation? How might the statutory text be analysed by means of contemporary computer programs? These and other questions, ranging from the theoretical to the immediately practical, are addressed in this definitive collection.

Logic in the Theory and Practice of Lawmaking
Manchester University Press

Providing a comprehensive account of the often-misunderstood area of legal doctrinal scholarship, this incisive book offers a novel framing for conceptual legal theory and the functions of conceptual theorising in legal studies. It explores the ways in which a doctrinally oriented legal theory may provide methodological support to legal scholars, arguing that making adequate sense of the rational reconstruction of law is pivotal in delivering such active support.

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