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Law as Institutional Normative Order

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Law As Institutional Normative Order

Jack Hayward, Anand Menon



Law As Institutional Normative Order:

Law as Institutional Normative Order Dr Maksymilian Del Mar, Professor Zenon Bankowski, 2013-02-28 MacCormick's Institutions of Law is the culmination of a lifetime's work in legal theory by one of the world's most respected legal theorists. Featuring an impressive collection of contributions from well-known legal theorists from around the world, all of whom are familiar with MacCormick's work, this collection provides a cutting-edge account of the book's significance. **Law and Democracy in Neil MacCormick's Legal and Political Theory** Agustín José Menéndez, John Erik Fossum, 2011-03-29 This volume offers a collection of articles by leading legal and political theorists. Originally intended as a celebration of MacCormick's work on the occasion of the completion of the four-volume series on Law, State, and Practical Reason, it has turned into a homage and salute after MacCormick's passing. Cast in MacCormick's reflexive spirit, the book presents a critical reconstruction of the Scottish philosopher's work with the aim of revealing the connections between law and democracy in his writings and furthering his insights in each specific field. Neil MacCormick made outstanding contributions to the understanding of law and democracy under conditions of pluralism. His institutional theory of law has elucidated the close connection between the normative character of law as a means of social integration and legal social practices. This has produced a synthesis of the key insights of the legal and political theories of Kelsen, Hart, Alexy, and Dworkin and has broken new ground by undermining the monolithic and nation-state-centered character of standard legal theories. **Bruno Latour** Kyle McGee, 2014-06-23 The first extended study of Bruno Latour's legal theory, this book presents a critical reconstruction of the whole of Latour's oeuvre to date from *Laboratory Life* to *An Inquiry into the Modes of Existence*. Based on the powerful insights into normative effects that actor network theory makes possible, the book advances a new theory of legal normativity and the force of law, rethinking Latour's work on technology, the image, and referential scientific inscriptions, among others, and placing them within the ambit of legality. The book also captures and deepens the contrast between the modern legal institution and the value of law as a mode of existence and provides a fulsome theoretical account of legal veridiction. Throughout, Latour's thought is put into dialogue with important progenitors and adversaries as well as historical and contemporary strands of legal and political philosophy. But the thread of legality is not confined to Latour's reflections on the making of law; rather, it cuts through the whole of his highly diverse body of work. The empire of mononaturalism, augured by modern philosophies of science, is thoroughly juridical, as such the actor network theory that promises to undo that empire by freeing the value of the sciences from its epistemological clutches is unthinkable without the device of the trial and the descriptive semiotics of normativity that sustain ANT. The democratization of the sciences and the vibrancy of ecologized politics that become possible once the bifurcation of nature into essential primary and disposable secondary qualities is disabled, and once the modern Constitution is called into doubt, also have important legal dimensions that have gone largely unexamined. Bruno Latour. *The Normativity of Networks* remedies this and other omissions, evaluating Latour's thought about

law while carrying it in striking new directions This book introduces legal scholars and students to the thought of the philosopher and sociologist Bruno Latour whilst also presenting a critical analysis of his work in and around law This interdisciplinary study will be of interest to those researching in Law Philosophy and Sociology

The Oxford Handbook of Global Legal Pluralism Paul Schiff Berman, 2020-06-01 Over the past two decades Global Legal Pluralism has become one of the leading analytical frameworks for understanding and conceptualizing law in the 21st century Wherever one looks there is conflict among multiple legal regimes Some of these regimes are state based some are built and maintained by non state actors some fall within the purview of local authorities and jurisdictional entities and some involve international courts tribunals and arbitral bodies and regulatory organizations Global Legal Pluralism has provided first and foremost a set of useful analytical tools for describing this conflict among legal and quasi legal systems At the same time some pluralists have also ventured in a more normative direction suggesting that legal systems might sometimes purposely create legal procedures institutions and practices that encourage interaction among multiple communities These scholars argue that pluralist approaches can help foster more shared participation in the practices of law more dialogue across difference and more respect for diversity without requiring assimilation and uniformity Despite the veritable explosion of scholarly work on legal pluralism conflicts of law soft law global constitutionalism the relationships among relative authorities transnational migration and the fragmentation and reinforcement of territorial boundaries no single work has sought to bring together these various scholarly strands place them into dialogue with each other or connect them with the foundational legal pluralism research produced by historians anthropologists and political theorists Paul Schiff Berman one of the world s leading theorists of Global Legal Pluralism has gathered over 40 diverse authors from multiple countries and multiple scholarly disciplines to touch on nearly every area of legal pluralism research offering defenses critiques and applications of legal pluralism to 21st century legal analysis Berman also provides introductions to every part of the book helping to frame the various approaches and perspectives The result is the first comprehensive review of Global Legal Pluralism scholarship ever produced This book will be a must have for scholars and students seeking to understand the insights of legal pluralism to contemporary debates about law At the same time this volume will help energize and engage the field of Global Legal Pluralism and push this scholarly trajectory forward into another two decades of innovation

Judicial Power, Democracy and Legal Positivism Tom D. Campbell, Jeffrey Goldsworthy, 2017-03-02 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

In Pursuit of Pluralist Jurisprudence Nicole Roughan, Andrew Halpin, 2017-09-14 This book presents and evaluates theoretical approaches to pluralist jurisprudence and assesses the viability of theorising law extending beyond the state

Normativity and Norms Stanley L. Paulson, Bonnie Litschewski Paulson, 1998 This

remarkable collection contains some of the very best work on themes developed by Hans Kelsen regarded by many as the most influential legal philosopher of the twentieth century The volume addresses in rich detail the topic where debate on Kelsen's work has been liveliest normativity as Kelsen's alternative to both traditional legal positivism and natural law theory The book boasts a truly international list of contributors with authors from Europe North and South America and Australia a dozen countries in all

Governing Europe Jack Hayward, Anand Menon, 2003-03-20 *Governing Europe* is intended to be the leading advanced survey of politics in Western Europe It examines in detail all aspects of political life in Western Europe from public protest to core executives social policy to Europe's place in the world It brings together a world class team of leading scholars from the United Kingdom continental Europe and North America The contributions provide not only a sophisticated introduction to the various issues covered but also a detailed discussion of the major theoretical and empirical debates and developments in the field The book therefore provides both a comprehensive overview and a series of original contributions to scholarly debate The focus is on European core executives public administration parties and organised interests democracy and popular participation public policy and the changing European state It will be essential reading to scholars and students alike The volume is intended as a tribute to the late Vincent Wright of Nuffield College Oxford University

Legality's Borders Keith Culver, Michael Giudice, 2010-03-23 English speaking jurisprudence of the last 100 years has devoted considerable attention to questions of identity and continuity H L A Hart Joseph Raz and many others have sought means to identify and distinguish legal from non legal social situations and to explain the enduring legality of those typically dynamic social situations Focus on characterization of legality associated with the state the most prominent legal phenomena available has led to an analytical approach dominated by the idea of legal system and analysis of its constituent norms Yet as far back as Hart's 1961 encounter with international law the system focussed approach to legality has experienced moments of self doubt From international law to the new legal order of the European Union to shared governance and overlapping jurisdiction in transboundary areas what at least appear to be instances of legality are at best weakly explained by approaches which presume the centrality of legal system as the mark and measure of social situations fully worthy of the title of legality What next as phenomena threaten to outstrip theory *Legality's Borders* An Essay in General Jurisprudence explains the rudiments of an inter institutional theory of law a theory which finds legality in the interaction between legal institutions whose legality we characterise in terms of the kinds of norms they use rather than their content or system membership Prominent forms of legality such as the law state and international law are then explained as particular forms of complex agglomeration of legal institutions varying in form and complexity rather than sheer legality This approach enables a fundamental shift in approach to the problems of identity and continuity of characteristically legal situations in social life once legality is decoupled from legal system the patterns of intense mutual reference amongst the legal institutions of the law state can be seen as one justifiably prominent form of legality amongst others including

overlapping forms of legality such as the European Union Identity over time on this view is less a fixed set of characteristics than a history of intense mutual interaction of legal institutions comparable against similar other agglomerations of legal institutions

Current Legal Problems 1998 M. D. A. Freeman, 2000 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

Q&A Jurisprudence David Brooke, 2015-11-19 Routledge Q As give you the tools to practice and refine your exam technique showing you how to apply your knowledge to maximum effect in assessment Each book contains essay and problem based questions on the most commonly examined topics complete with expert guidance and model answers that help you to Plan your revision and know what examiners are looking for Introducing how best to approach revision in each subject Identifying and explaining the main elements of each question and providing marker annotation to show how examiners will read your answer Understand and remember the law Using memorable diagram overviews for each answer to demonstrate how the law fits together and how best to structure your answer Gain marks and understand areas of debate Providing revision tips and advice to help you aim higher in essays and exams Highlighting areas that are contentious and on which you will need to form an opinion Avoid common errors Identifying common pitfalls students encounter in class and in assessment The series is supported by an online resource that allows you to test your progress during the run up to exams Features include multiple choice questions bonus Q As and podcasts

Authority in Transnational Legal Theory Roger Cotterrell, Maksymilian Del Mar, 2016-09-30 The increasing transnationalisation of regulation and social life more generally challenges the basic concepts of legal and political theory today One of the key concepts being so challenged is authority This discerning book offers a plenitude of resources and suggestions for meeting that challenge

International Legal Theory Jeffrey L. Dunoff, Mark A. Pollack, 2022-08-04 A reader friendly overview of leading theoretical approaches to international law for students scholars and practitioners

EU External Relations and Systems of Governance Paul James Cardwell, 2009-12-04 This book takes a fresh look at the external relations of the European Union EU and in particular the Common Foreign and Security Policy CFSP Rather than focusing exclusively on the competence aspects of the institutions and actors the book makes the case that the CFSP can be understood as a system of governance which produces effects beyond the traditional tools associated with foreign policy The theoretical approach draws on insights from new institutionalism constructivism and the institutional theory of law and emphasises how the institutionalised forms of cooperation in the external sphere contribute to a social reality in which the added value of the CFSP can be seen Paul James Cardwell takes the Euro Mediterranean Partnership EuroMed as a case study Not initially a CFSP project EuroMed has become the frame for EU foreign policy in the region as an emerging system of governance in which the EU institutions play a central role Having recently been relaunched as the Barcelona Process Union for the

Mediterranean it is a topical subject With the increasing importance of migration on the EU s agenda the book looks at the relationship between migration EuroMed and the CFSP and argues that the legal effects of the CFSP can be felt beyond the Treaty based instruments EU External Relations and Systems of Governance will be of interest to students and scholars of Law Politics and European studies researching in the dynamic fields of EU external relations and foreign policy as well as policy makers and non governmental organisations striving to better understand how the EU and its systems of governance operate

Karl Llewellyn and the Realist Movement William Twining,2012-09-17 First published in 1973 Karl Llewellyn and the Realist Movement is a classic account of American Legal Realism and its leading figure Karl Llewellyn is the best known and most substantial jurist of the group of lawyers known as the American Realists He made important contributions to legal theory legal sociology commercial law contract law civil liberties and legal education This intellectual biography sets Llewellyn in the broad context of the rise of the American Realist Movement and contains an overview of his life before focusing on his most important works including *The Cheyenne Way* *The Bramble Bush* *The Common Law Tradition* and the *Uniform Commercial Code* In this second edition the original text is supplemented with a preface by Frederick Schauer and an afterword in which William Twining gives a fascinating account of the making of the book and comments on developments in relevant legal scholarship over the past forty years

MacCormick's Scotland Neil Walker,2012-03-26 A Gedenkschrift to one of Scotland s most prominent jurists and legal thinkers

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series are also supported by a Companion Website that offers online essay writing tutorials podcasts bonus Q As and multiple choice questions to help you focus your revision more effectively

Kadi on Trial Matej Avbelj, Filippo Fontanelli, Giuseppe Martinico, 2014-07-11 The judgment of the European Court of Justice concerning the Kadi case has raised substantive and procedural issues that have caught the attention of scholars from many disciplines including EU law constitutional law international law and jurisprudence This book offers a comprehensive view of the Kadi case and explores specific issues that are anticipated to resonate beyond the immediate case from which they derive The first part of the volume sets out an analysis of the new judgment of the Court favouring a contextual reading of what is the latest link in a judicial chain The following three parts offer interdisciplinary accounts of the decision of the European Court of Justice including legal theory constitutional law and international law The book closes with an epilogue by Ernst Ulrich Petersmann who studies the role of the Kadi case in the methodology of international law and its contribution to the concept of global justice The book brings together legal scholars from a range of fields and discusses pressing topics such as the European Union s objective of the strict observance and the development of international law the EU as a site of global governance constitutional pluralism and the protections of fundamental rights

The Universal and the Particular in Legal Reasoning Zenon Bankowski, James MacLean, 2006 It is twenty five years since the publication of Neil MacCormick s book *Legal Reasoning and Legal Theory* a book that has been in print continuously since its first publication This book looks at how examining legal reasoning can bring up important theoretical and ethical issues as MacCormick revisits the issues anew in his current work

Unveiling the Magic of Words: A Review of "**Law As Institutional Normative Order**"

In a global defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their capability to kindle emotions, provoke contemplation, and ignite transformative change is actually awe-inspiring. Enter the realm of "**Law As Institutional Normative Order**," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve in to the book is central themes, examine its distinctive writing style, and assess its profound effect on the souls of its readers.

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