
Legal Reasoning Theory Rights Collected Essays

legal reasoning and coherence theories: dworkin's rights ... - his detailed criticisms of it. part ii examines dworkin's theory of legal reasoning and presents an argument i call the "ripple effect." that argument leads to the conclusion that dworkin's criticism of professor hart's positivism applies as well to dworkin's own theory, the rights thesis. **legal reasoning and legal theory revised a defence of the ...** - legal reasoning and legal theory . revised legal institutionalism, on sovereignty, on the theory of rights and on the rule of law can hardly be ... scepticism derived from david hume that formed the backcloth to the argument in legal reasoning and legal theory" [n. maccormick, rhetoric and the rule of law. a theory of legal reasoning, ... **legal reasoning and argumentation theory** - the conference entitled „legal reasoning and argumentation theory“ organized by the philosophy and history of science department of the budapest university of ... fundamental rights in legal disputes. when analysing such limitations, most of the courts apply structured tests, consisting of several steps of examination. ... **w. hohfeld, some fundamental legal conceptions as applied ...** - w. hohfeld, some fundamental legal conceptions as applied in judicial reasoning . 23 y. ale. ... legal problems, frequently arises from the express or tacit assumption that all legal relations may be reduced to "rights" and "duties," and that these latter categories are therefore adequate for the purpose of analyzing **natural law and legal reasoning** - natural law and legal reasoning* john finnis** i legal reasoning is, broadly speaking, practical reasoning. practical reasoning moves from reasons for action to choices (and actions) guided by those reasons.' a natural law theory is nothing other than a theory of good reasons for choice (and action). **book review: legal reasoning and legal theory, by neil ...** - book review legal reasoning and legal theory. neil maccormick. ox-ford: clarendon press. 1978. pp. xi, 298. there sometimes emerges a legal text whose objects are so successfully achieved, and whose usefulness to the reader's understanding of the judicial process is so remarkable, that the unaccustomed reviewer's natural trepidation **neil maccormick on interpretation, defeasibility, and the ...** - the theory of legal sources), a theory of legal reasoning, and a theory of (legal) rights. maccormick's contributions to these fields are obviously interconnected, and maccormick himself has stressed at several junctures the important mutual connections between these three topics. **the character of legal reasoning - school of law** - the character of legal reasoning brett g. scharffs* table a/contents ... critical race theory, critical legal studies, legal realism, and law and feminism. see, ... (identifying the law and economics movement as a "conservative reaction to the liberal, rights ... **legal reasoning from the top down and from the bottom up ...** - legal reasoning from the top down and from the bottom up: the question of unenumerated constitutional rights ... yet legal reasoning from the bottom up is the more familiar, ... tutional values and insights-a comprehensive theory of the rights that the constitution should be deemed to recognize. armed with **utilitarianism, kantian ethics, natural rights theories ...** - utilitarianism, kantian ethics, natural rights theories, and religious ethics a "utilitarian" argument, in the strict sense, is one what alleges that we ought to do something because it will produce more total happiness than doing anything else would. act utilitarianism (au) is the moral theory that holds that the morally right action, the act **is the concept of the person necessary for human rights?** - tion of personhood is the key to a coherent theory of human rights. but as the following analysis shows, the centrality of the concept of the person in legal reasoning betrays its true argumentative role: rather than illuminating human rights claims, the concept of the person often obscures 12. **the dimensions of legal reasoning - cap-press** - chapter three · the traditions of legal reasoning: developing analytical legitimacy despite substantive disagreement 55 a. legal theory's common traditions 56 1. three questions and four shared themes 56 2. developing strategic argumentation 59 a. prof. schauer's version of process faith 60 b. prof. fuller's descriptive challenge 63 **of artificial intelligence and legal reasoning** - law and legal theory working papers by an authorized administrator of chicago unbound. for more information, please contact unbound@law.uchicago. recommended citation cass r. sunstein, "of artificial intelligence and legal reasoning" (university of chicago public law & legal theory working paper no. 18, 2001). **the politics of legal reasoning: conceptual contests and ...** - the politics of legal reasoning: conceptual contests and racial segregation lawrence e. rothstein this article is brought to you for free and open access by the valparaiso university law school at valposcholar. it has been accepted for inclusion in valparaiso university law review by an authorized administrator of valposcholar.

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