

Of Norms Jaap Hage

Information Technology and the Law 1996
Maastricht Journal of European and Comparative Law 2002

Handbook of Legal Reasoning and Argumentation Giorgio Bongiovanni
2018-07-02 This handbook addresses legal reasoning and argumentation from a logical, philosophical and legal perspective. The main forms of legal reasoning and argumentation are covered in an exhaustive and critical fashion, and are analysed in connection with more general types (and problems) of reasoning. Accordingly, the subject matter of the handbook divides in three parts. The first one introduces and discusses the basic concepts of practical reasoning. The second one discusses the general structures and procedures of reasoning and argumentation that are relevant to legal discourse. The third one looks at their instantiations and developments of these aspects of argumentation as they are put to work in the law, in different areas and applications of legal reasoning.

Our Knowledge of the Law George Pavlakos
2007-06-14 In this book the author argues that knowledge is the outcome of an activity of judging, which is constrained by reasons (reflexive).

Current Law Index 2007

Legislation in Context: Essays in Legisprudence
Luc J. Wintgens 2016-04-22 The essays in this volume set out to provide a rational framework for legislation. Whilst legislation and regulation is the result of a political process, this volume considers whether they can also be the object of theoretical study. It examines the problems that are common to most European legal systems by applying the tools of legal theory to legislative problems ('legisprudence'). While traditional legal theory deals predominantly with the question of the application of law by a judge, legisprudence enlarges the scope of study to include the creation of law by the legislator. The essays published in the volume develop a new range of insights into the relationship between legislative problems and legal theory in a way

that will interest legal scholars throughout the world. Specifically the work will attract the attention of those involved with constitutional law, EU law, human rights law and legal theory.
Law and Philosophy 2000
Cutting Through the "misfit" Jungle Juan Casado Asensio 2008

Mathematical Reviews 2000

Concepts in Law Jaap C. Hage 2009-08-24
During the last decades, legal theory has focused almost completely on norms, rules and arguments as the constitutive elements of law. Concepts were mostly neglected. The contributions to this volume try to remedy this neglect by elucidating the role concepts play in law from different perspectives. A main aim of this volume is to initiate a debate about concepts in law. Åke Frändberg gives an overview of the many different uses of concepts in law and shows amongst others that concepts in the law should not be confused with the role of concepts in descriptions of the law. Dietmar von der Pfordten criticizes the restriction to norms as parts of the law in contemporary legal theory by questioning what concepts are and what their function is, both in general and in legal conceptual schemes. Giovanni Sartor assumes the inferential analysis of meaning proposed by Alf Ross in his ground breaking paper *Tû-tû* and addresses the question how possession of a concept, including the rules defining it, is possible without endorsing these rules. Jaap Hage argues that 1. legal status words such as 'owner' have a meaning because they denote things or relations in institutional reality, 2. the meaning of these words consists in this denotation relation, 3. knowledge of this meaning presupposes knowledge of the rules governing these words. Torben Spaak contributes to this volume with an exemplary analysis of one of the most central concepts of the law, namely that of a legal power. Lorenz Kähler discusses the role of concepts in determining the scope of application of legal rules and raises from this perspective the question to what extent legal concept formation can be arbitrary. Ralf Poscher argues that as

soon as a concept is used in stating the law, the precise scope of application of this concept has become a legal matter. This means that the use of 'moral' concepts in the law does not automatically lead to a moral import into the law. Dennis Patterson holds that Hart's concept of law can be understood as a so-called 'practice theory' and provides an overview of such a theory.

Index to Legal Periodicals & Books 2005

Exceptions in International Law Lorand Bartels 2020-06-18

Many international obligations are subject to exceptions. These can be expressed in several ways: an obligation may be vitiated by the presence of one of its constitutive negative requirements, an obligation may be set aside by the application of another more specific rule, or an actor might have a right to act in a certain way notwithstanding a contrary obligation. Exceptions are also of fundamental practical importance: for example, they affect the allocation of the burden of proof. This volume provides a systematic and analytic study of exceptions to legal obligations in international law and defences for breaches of these obligations. It features contributions written by legal philosophers, who introduce various theoretical approaches to the role of exceptions, and scholars of international law, who elaborate on generic issues applicable to exceptions in international law as well as examine specific issues arising from exceptions in their respective areas of expertise. Topics covered include the use of force, international criminal law, human rights, trade, investment, environment, and jurisdictional immunities.

A Treatise of Legal Philosophy and General Jurisprudence Enrico Pattaro 2005-05-25 A Treatise of Legal Philosophy and General Jurisprudence is the first-ever multivolume treatment of the issues in legal philosophy and general jurisprudence, from both a theoretical and a historical perspective. The work is aimed at jurists as well as legal and practical philosophers. Edited by the renowned theorist Enrico Pattaro and his team, this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholar at all levels. The work is divided The theoretical part

(published in 2005), consisting of five volumes, covers the main topics of the contemporary debate; the historical part, consisting of six volumes (Volumes 6-8 published in 2007; Volumes 9 and 10, published in 2009; Volume 11 published in 2011 and volume 12 forthcoming in 2012/2013), accounts for the development of legal thought from ancient Greek times through the twentieth century. The entire set will be completed with an index. Volume 1: *The Law and the Right, a Reappraisal of the Reality that ought to be* by Enrico Pattaro This work brings out and recovers the normative dimension of law, called "the reality that ought to be", placing within this reality the idea of what is right. Part I reconstructs the current as well as the traditional civil-law conception of the reality that ought to be and raises some critical theoretical issues. Part II introduces some basic concepts on language and behaviour and presents a conception of norms as beliefs. Part III aims to find explanations for the idea of a reality that ought to be. Part IV consists of inquiries focussed on Homeric epic, the natural-law school, and the normativistic view of positive law.

Legal Knowledge Based Systems Joost Breuker 1991

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Hague Yearbook of International Law / Annuaire de La Haye de droit international, Vol. 37 (2024) Jure Vidmar 2025-12-15 The aim of the Hague Yearbook of International Law is to offer a platform for review of new developments in the field of international law. In addition, it devotes attention to developments in the international law institutions based in the international City of Peace and Justice, The Hague. This volume features a special issue on *The Logic(s) of International Law*.

Foundations and Building Blocks of Law Jaap Hage 2018 "There is no gap between Is and Ought, but there is a gap between fact and norm." "There is a difference between legal powers and legal competences, but there are no power-conferring rules." "There is no obligation to comply with contracts." "There are no regulative rules, and all rules are constitutive." All these claims are controversial in the eyes of many legal theorists. This book argues that they are all true, or justified, if understood in the

proper context. The argument starts from the relation between language and facts and continues with a distinction between three kinds of facts, and the role which rules play in the constitution of one of the three kinds. Building on this foundation, the book moves on to analyses of the building blocks of law: duties, obligations, permissions, juridical acts, powers, competences, norms and rights. Interwoven through these analyses, the reader finds discussions of the alleged gap between Is and Ought, and of the logic of normative notions ('deontic logic').

Bibliografisch Repertorium Van de Wijsbegeerte 2007

Legal Knowledge Based Systems Foundation for Legal Knowledge Systems. Conference 1996 Papers presented at JURIX '96 conference held on December 13, 1996 in Tilburg, The Netherlands.

Phenomenology of Law and Normativity Panos Theodorou 2024-09-16 Against the widespread, mainstream take on the philosophy of law, this collected volume fills an important scholarly gap by introducing a phenomenological account of some of the major questions and themes of jurisprudence such as rights and norms. This volume argues that wherever there is a demand for grounding normativity, the phenomenological method can provide a priori—albeit corrigible—access to essential truths, with reference to beings and their social relationships. The present work reflects upon the place and potential impact on the theory of law and normativity stemming from the phenomenology of Edmund Husserl—largely overlooked by legal philosophers and legal theorists. Further coverage contains those who have built upon these ideas of Husserl such as Martin Heidegger, Alfred Schutz, Edith Stein, Emmanuel Levinas, and Adolf Reinach. This text addresses new issues and questions from the general perspective of the phenomenology of law. It is a response to those critical of phenomenology by presenting sober arguments in support of its potential for achieving a deeper grasp of legal normative concepts such as rights, claims, obligations, promises, and apologies. Boundaries between law and morality as well as legal and social ontologies are approached from a phenomenological perspective. It appeals to

students, researchers, and professionals working in phenomenology, ethics, legal philosophy, and human rights theory and practice.

Of Norms Jaap Hage

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