

# **Basic Concepts of Legal Thought**

**George P. Fletcher**

# Basic Concepts Of Legal Thought

**Peter Schröder**



## **Basic Concepts Of Legal Thought:**

Basic Concepts of Legal Thought George P. Fletcher, 1996 In this one of a kind text George P Fletcher a renowned legal theorist offers a provocative yet accessible overview of the basics of legal thought The first section of the book is designed to introduce the reader to fundamental concepts such as the rule of law and deciding cases under the law It continues with an analysis of the values of justice desert consent and equality as they figure into our judgment of legal cultures in terms of soundness and legitimacy The final chapters address the problems of morality and consistency in the law In each case the author not only introduces the basic ideas but considers important arguments in the contemporary literature and raises original claims of his own Basic Concepts of Legal Thought fills a void in the literature as there is no other volume that both eases law students into the mysteries of legal philosophy and provides an introduction to the legal mind for non lawyers

*Basic Concepts of Criminal Law* George P. Fletcher, 1998-09-03 In the United States today criminal justice can vary from state to state as various states alter the Modern Penal Code to suit their own local preferences and concerns In Eastern Europe the post Communist countries are quickly adopting new criminal codes to reflect their specific national concerns as they gain autonomy from what was once a centralized Soviet policy As commonalities among countries and states disintegrate how are we to view the basic concepts of criminal law as a whole Eminent legal scholar George Fletcher acknowledges that criminal law is becoming increasingly localized with every country and state adopting their own conception of punishable behavior determining their own definitions of offenses Yet by taking a step back from the details and linguistic variations of the criminal codes Fletcher is able to perceive an underlying unity among diverse systems of criminal justice Challenging common assumptions he discovers a unity that emerges not on the surface of statutory rules and case law but in the underlying debates that inform them Basic Concepts of Criminal Law identifies a set of twelve distinctions that shape and guide the controversies that inevitably break out in every system of criminal justice Devoting a chapter to each of these twelve concepts Fletcher maps out what he considers to be the deep structure of all systems of criminal law Understanding these distinctions will not only enable students to appreciate the universal fundamental ideas of criminal law but will enable them to understand the significance of local details and variations This accessible illustration of the unity of diverse systems of criminal justice will provoke and inform students and scholars of law and the philosophy of law as well as lawyers seeking a better understanding of the law they practice

**Concepts and Contexts of Vattel's Political and Legal Thought** Peter Schröder, 2021-06-24 Explores how Vattel used the natural law tradition to frame a pragmatic and treaty oriented model of the law of nations

**Human Rights Redefining Legal Thought** Juhana Mikael Salojärvi, 2019-10-05 This book investigates the origins and development of human rights discourse in Finnish legal scholarship in the twentieth century It provides a detailed account of how human rights were understood before they had legal relevance in a positivist sense how they were adapted to Finnish legal thinking in the post Second World War decades

how they developed into a mode of legal rhetoric and a type of legal argument during the 1970s and 1980s and how they eventually became a significant paradigm in legal thinking in the 1990s The book also demonstrates how rights discourse infiltrated the discussion regarding problems that were previously addressed in arguments concerning morals social justice and equity Although the book focuses on the history of Finnish legal scholarship it is also interesting from a global perspective for two reasons Firstly it demonstrates how an idea of international law is transplanted and diffused into national legal thinking Finland is an illustrative example in this regard Secondly it offers insights into the general history of human rights

Pufendorf's International Political and Legal Thought Peter Schröderr, 2024 Samuel Pufendorf 1632 1694 is regarded as one of the eminent thinkers of the early modern era critical in the shaping of the period's natural jurisprudence In this interdisciplinary collection of essays esteemed scholars examine Pufendorf's contributions to international political and legal thought

*Theory and Practice in Essene Law* Aryeh Amihay, 2017 This book offers a novel approach for the study of law in the Judean Desert Scrolls using the prism of legal theory Following a couple of decades of scholarly consensus withdrawing from the Essene hypothesis it proposes to revive the term and suggests employing it for the sectarian movement as a whole while considering the group that lived in Qumran as the Yahad It further proposes a new suggestion for the emergence of the Yahad based on the roles of the Examiner and the Instructor in the two major legal codes the Damascus Document and the Community Rule The understanding of Essene law is divided into concepts and practices in order to emphasize the discrepancy between creed rhetoric and practices The abstract exploration of notions such as time space obligation intention and retribution is then compared against the realities of social practices including admission initiation covenant leadership reproof and punishment The legal analysis yields several new suggestions for the study of the scrolls first Amihay proposes to rename the two strands of thought of Jewish law formerly referred to as nominalism and realism with the terms legal essentialism and legal formalism The two laws of admission in the Community Rule are distinguished as two different laws one of an association for a group as a whole the other as an admission of an individual The law of reproof is proven to be an independent legal procedure rather than a preliminary stage of prosecution The methodological division in this study of thought and practice provides a nuanced approach for the study of law in general and religious law in particular

**The Lost World of Classical Legal Thought** William M. Wiecek, 2001 This text examines the ideology of elite lawyers and judges from the Gilded Age to the New Deal Between 1866 and 1937 this coherent outlook or legal orthodoxy shaped the way the American bar interpreted and understood the law

**Key Concepts in Traditional Chinese Rule-of-Law Culture** Yunhua Cui, Chi Li, 2025-01-29 This book consists of well chosen legal terms in ancient China in an effort to delineate the panorama of rule of law evolution in China All illustrated with hand picked citations from Chinese classics or literary works they are organized in the three sections of legal philosophy legal system and legal culture The first section collects terms reflecting the symbolic views ideas and theories of spiritual civilization in the formation and development of rule of law the

second section contains terms reflecting the typical mechanism system of institutional civilization in the process the third section includes terms relating including signs symbols instruments facilities etc The selected terms have been widely used and highly recognizable in daily practice taking hold in both history and practice and reflective the spirit of modern jurisprudence to a certain extent Academically rigorous and expressed in simple and intuitive language their interpretation is accurate without ambiguity or major theoretical dispute aligned with actual needs for building a law based country government and society in China and adapted to popular reading habits to ensure readability and comprehensibility

*Research Handbook on Fundamental Concepts of Environmental Law* Douglas Fisher, 2022-11-25 This expanded and updated Research Handbook delivers an authoritative and in depth guide to the conceptual foundations of environmental law It offers a nuanced reflection on the underlying principles by exploring issues such as human rights constitutional rights sustainable development and environmental impact assessment within the context of environmental law *Legal Thoughts*

*Convert* Jan M. Broekman, Frank Fleerackers, 2020-03-07 This book highlights how conversion via communication is one of the most important issues in legal thinking A major aspect is its link with language legal texts judgments opinions and legal concepts included Further conversion is connected to all social positions in law But a jurist will not solely master specific social behaviors or become the manager of large scale political fields of law as a legal scientist A continuously changing integration opens up to his views on reality as it presents itself incessantly Law and its functionaries are in a never ending process of change in all domains of culture which mark the 21st century Conversions thus concern the riddle of wisdom and automatism of individual privacy and social fixations of philosophical considerations and converting flows **Searching for**

**the State in British Legal Thought** Janet McLean, 2012-10-04 Janet McLean explores how the common law has personified the state and how those personifications affect and reflect the state's relationship to bureaucracy sovereignty and civil society the development of public law norms the expansion and contraction of the public sphere with nationalization and privatization state responsibility and human rights Treating legal thought as a variety of political thought she discusses writers such as Austin Maitland Dicey Laski Robson Hart Griffith Mitchell and Hayek in the context of both legal doctrine and broader intellectual movements **The Jewish Legal Tradition** Ari Mermelstein, Suzanne Last Stone, Yair

Lorberbaum, 2025-02-28 This book provides an in depth exploration of the Jewish legal tradition or halakhah through the lens of modern legal philosophy The interdisciplinary approach of the book makes complex ideas accessible offering insights into how Jewish legal thought both parallels and diverges from modern legal theory By examining primary sources through a contemporary legal theoretical framework the volume offers a pedagogical approach to halakhah Readers will gain a nuanced understanding of the deep structure of Jewish law through the rigorous application of modern legal philosophy The book's structured approach dividing chapters into conceptual discussions primary source analyses and synthetic reflections provides a comprehensive guide for exploring Jewish legal thought The collection not only enhances the study of halakhah

but also contributes to broader discussions in legal theory and philosophy making it a valuable resource for diverse audiences The book is intended for scholars and students of Jewish law legal theory and Jewish studies It is also designed for law schools Judaic studies programs and lay readers interested in the philosophical dimensions of religious legal systems

Reflections on 'The Concept of Law' A. W. Brian Simpson, 2011-09-22 HLA Hart developed The Concept of Law while renowned historian AWB Simpson was studying and teaching at Oxford Simpson wittily recreates the culture of Oxford philosophy in the 50s providing a new perspective of one of the most famous works of philosophy of the 20th century and casting a satirical eye over the shortcomings of post war Oxford

A Theory of Precedent Raimo Siltala, 2000-11-25 In this study the author identifies six types of judicial precedent ideology and are tests them against judicial experiences in various countries

**Law: Key Concepts in Philosophy** David Ingram, 2006-11-02 The philosophy of law inquiry into the origins nature and theory of laws and legal principles and those concepts that structure the practice of law is of great importance in moral and political philosophy as well as being a major area of philosophical concern in its own right Clear concise and comprehensive this is the ideal introduction to the philosophy of law for those studying it for the first time Drawing upon both the analytic Anglo American and Continental schools of philosophy Law Key Concepts in Philosophy summarises the work of key thinkers in the philosophy of law including Rousseau Hobbes Austin Hegel Mill Marx Dworkin and Rawls It provides lucid and thorough explication and analysis of central concerns in legal philosophy covering criminal law civil law and constitutional law Finally the text also addresses key issues in contemporary philosophy of law including human rights international law and questions of race and gender

The Rise & Fall of Classical Legal Thought Duncan Kennedy, 2006 Legal historian G Edward White recently described it as the most widely circulated and cited unpublished manuscript in twentieth century American legal scholarship since Hart Sacks Legal Process materials It began the re evaluation of law in the Gilded Age and gave it its current name of Classical Legal Thought It was also one of the first and most influential of the works that introduced European critical theory and structuralism into the study of American law This reprint comes with a substantial new Introduction that puts the work in context and relates it to current scholarship in the field It should interest historians generally as well as readers curious about how our legal system got its special modern character

**Der Mensch und sein Recht** Otto Brusiin, Urpo Kangas, 2019 Legal Thoughts between the East and the West in the Multilevel Legal Order Chang-fa Lo, Nigel N.T. Li, Tsai-yu Lin, 2016-11-11 This book focuses on the interaction and mutual influences between the East and the West in terms of their legal systems and practices In this regard it highlights Professor Herbert H P Ma s achievements and his efforts to bring Eastern and Western legal concepts and systems closer together The book shows that while there have been convergences between different legal regimes in many fields of law diverse legal practices and approaches rooted in differing cultural social political and philosophical backgrounds do remain and that these differences are not necessarily negative elements in the contemporary legal order By examining different levels of the legal order

including domestic regional and multilateral it goes on to argue that identifying these diversities and addressing the interactions and mutual influences between different regimes is a worthwhile undertaking not only in terms of mutual enrichment but also with regard to intensifying the degree of desirable coordination between different legal systems All chapters were written by leading experts practitioners and scholars from different jurisdictions with expertise in various fields of law and different levels of the legal order and discuss a number of issues with particular focus on either one way or mutual influences between the Eastern and the Western legal systems practices and philosophies      **The Judicial Process**

E. W. Thomas,2005-09-15 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      Core Concepts in Criminal Law and Criminal Justice Kai Ambos,Antony Duff,Julian Roberts,Thomas Weigend,Alexander Heinze,2020-01-16 A comparative and collaborative study of the foundational principles and concepts that underpin different domestic systems of criminal law

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