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Contemporary German Legal Philosophy

James E. Herget

Contemporary German Legal Philosophy

Enrico Pattaro, Corrado Roversi



Contemporary German Legal Philosophy:

Contemporary German Legal Philosophy James E. Herget, 2017-11-15 James Herget explains to American legal scholars and students the main points of the characteristic legal philosophy that has developed in the German speaking world since World War II After a historical introduction and overview he discusses critical rationalism discourse theory rhetorical theory systems theory and institutional legal positivism He concludes with a general assessment and appends biographical information Written for American legal scholars and students who traditionally are exposed only to filtered versions of comparative legal traditions this volume introduces a new world of legal theory that resonates within the context of other contemporary disciplines and German intellectual history *Weber, Habermas and Transformations of the European State* John P. McCormick, 2007-04-16 This book critically engages Jürgen Habermas's comprehensive vision of constitutional democracy in the European Union John P McCormick draws on the writings of Max Weber and Habermas's own critique of them to confront the difficulty of theorizing progressive politics during moments of radical state transformation Both theorists employ normative and empirical categories drawn from earlier historical epochs to analyze contemporary structural transformations Weber evaluated the emergence of the Sozialstaat with antedated categories derived from nineteenth century and premodern historical examples while Habermas understands the EU almost exclusively in terms of the liberal Rechtsstaat and welfare state Sozialstaat paradigms Largely forsaking the focus on structural transformation that characterized his early work Habermas conceptualizes the EU as a territorially expanded nation state McCormick demonstrates the deficiencies of such an approach and outlines a more appropriate normative empirical model the supranational Sektoralstaat for evaluating prospects for constitutional and social democracy in the EU [A Treatise of Legal Philosophy and General Jurisprudence](#) Enrico Pattaro, Corrado Roversi, 2016-07-13 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 in two parts 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 2016 accounts for the development of legal thought from ancient Greek times through the twentieth century Volume 12 Legal Philosophy in the Twentieth Century The Civil Law World Volume 12 of A Treatise of Legal Philosophy and General Jurisprudence titled Legal Philosophy in the Twentieth Century The Civil Law World functions as a complement to Gerald Postema's volume 11 titled Legal Philosophy in the Twentieth Century The Common Law World and it offers the first comprehensive account of the complex development that legal philosophy has

undergone in continental Europe and Latin America since 1900 In this volume leading international scholars from the different language areas making up the civil law world give an account of the way legal philosophy has evolved in these areas in the 20th century the outcome being an overall mosaic of civil law legal philosophy in this arc of time Further specialists in the field describe the development that legal philosophy has undergone in the 20th century by focusing on three of its main subjects namely legal positivism natural law theory and the theory of legal reasoning and discussing the different conceptions that have been put forward under these labels The layout of the volume is meant to frame historical analysis with a view to the contemporary theoretical debate thus completing the Treatise in keeping with its overall methodological aim namely that of combining history and theory as a necessary means by which to provide a comprehensive account of jurisprudential thinking *Philosophy of Law in Korea* Jeong-Oh Kim,Hak Tai Kim,Joon-Seok Park,Dong-Ryong

Shin,2022-10-21 When Korea began as a newly independent state in 1948 its economy was very underdeveloped and the rule of law was just established The journey of democratization in Korea was not without challenges This book traces the history of the legal philosophy development in Korea and highlights Korea s unique experience This book shows how Western legal philosophy has been accepted in Korea a non Western country that has newly introduced the Western legal system and what role the legal philosophy has played in social context The book also examines academic scholars intellectual activities in a historical context and how their intellectual products are yielded through their continuous response to the circumstances of the time It specifically looks at the many challenging tasks legal philosophers had to overcome in a society when the rule of law and democracy had not yet settled The book explores how Korean legal philosophers coped during such unique historical situations It also illustrates how Korean scholars accepted German and Anglo American legal philosophies and integrated them to change social realities of Korea Through Korea s experience this book will provide insights into how modern legal philosophy develops in a new state and what legal philosophers responses would be like during such a process The developing process of legal philosophy in Korean society will interest not only readers in countries who have had similar experiences to Korea but also readers in the West **Juristic Concept of the Validity of Statutory Law** Andrzej

Grabowski,2013-06-24 This book presents the theory of the validity of legal norms aimed at the practice of law in particular the jurisdiction of the constitutional courts The postpositivist concept of the validity of statutory law grounded on a critical analysis of the basic theories of legal validity elaborated up to now is introduced In the first part of the book a contemporary German nonpositivist conception of law developed by Ralf Dreier and Robert Alexy is analysed in order to answer the question whether the juristic concept of legal validity should include moral standards or criteria In the second part a postpositivist concept of legal validity and an innovative model of validity discourse based on the juristic presumption of the validity of legal norms are proposed The book is a work on analytical legal theory written from a postpositivist detached point of view *Multicentrism as an Emerging Paradigm in Legal Theory* Marek Zirk-Sadowski,Mariusz Jerzy Golecki,Bartosz

Wojciechowski,2009 The contemporary legal theory is gradually departing from traditional theory of the hierarchical legal system Some authors announce the supposed death of the concept of law within the state The so called multicentrism might become an attractive alternative to the traditional monocentric approach The essence of multicentrism may be characterized as coexistence of many adjudicating bodies especially courts whose verdicts are equally effective within the national legal system Such a situation takes place e g within the European legal area where multicentrism could be perceived as the existence of sensitive liaisons entanglements and relations of dependence between the European Court of Human Rights in Strasbourg the European Court of Justice in Luxemburg and national especially constitutional courts in member states The coexistence of many centres of adjudication may thus become a constant feature of the system of regional and global law

Modern Protestantism and Positive Law Bradley Shingleton,2019-10-31 The nature and role of positive law has largely been neglected in recent Protestant theology and social ethics Modern Protestantism and Positive Law introduces and critically summarizes a tradition in Continental Protestant thought about human law drawing on writings of Barth Brunner Ellul Thielicke Wolf Pannenberg Huber and Kre many of which have not been translated into English The book argues that law is an essential political and social institution within developed societies one that is normative and dependent on an encompassing vision of justice but that also necessarily reflects the contemporary pluralism of those societies Modern Protestantism and Positive Law argues that theological and ethical perspectives on positive law developed by Protestant thinkers have a place in reflection on positive law provided they are conceived and expressed in a manner appropriately respectful of the diversity of contemporary opinion regarding the expression of religious perspectives in the public arena

Eduard Gans and the Hegelian Philosophy of Law M.H. Hoffheimer,2013-03-09 Gans ranks at the head of that important group of Hegelian thinkers that bridged the generations of Hegel and Marx Yet there is a large gap between Gans s historical importance and the scholarship on him Despite a renewal of interest in Gans s work on the Continent 2 Gans remains almost completely unknown to English language scholars and almost none of his work has been 3 previously translated His Prefaces to his posthumous editions of Hegel s writings are inaccessible to English speakers despite the fact that they shed important light on the authenticity of the so called Additions to those texts His Preface to Hegel s Philosophy of Law has never been translated before while his Preface to the Philosophy of History has been omitted from reprintings 4 for generations Moreover the recent scholarship on the Continent has focused on Gans s political and philosophical rather than his legal writings There is little discussion in any language of his system of law which is the focus of the present study Some of the reasons for the neglect of Gans are obvious Gans cannot be a hero for most readers today He accepted apostasy as a means to professional advancement And though more liberal than Hegel Gans nonetheless accommodated himself to the results of the Restoration and evaded political persecution that might have kindled the sympathy of later generations *The Betrayal of the Humanities* Bernard M. Levinson,Robert P. Ericksen,2022-09-06 How did the academy react to the rise

dominance and ultimate fall of Germany's Third Reich Did German professors of the humanities have to tell themselves lies about their regime's activities or its victims to sleep at night Did they endorse the regime Or did they look the other way whether out of deliberate denial or out of fear for their own personal safety *The Betrayal of the Humanities* The University during the Third Reich is a collection of groundbreaking essays that shed light on this previously overlooked piece of history *The Betrayal of the Humanities* accepts the regrettable news that academics and intellectuals in Nazi Germany betrayed the humanities and explores what went wrong what occurred at the universities and what happened to the major disciplines of the humanities under National Socialism *The Betrayal of the Humanities* details not only how individual scholars particular departments and even entire universities collaborated with the Nazi regime but also examines the legacy of this era on higher education in Germany In particular it looks at the peculiar position of many German scholars in the post war world having to defend their own work or the work of their mentors while simultaneously not appearing to accept Nazism *The Philosophy of Law* Christopher Berry Grey, 2013-07-04 From articles centering on the detailed and doctrinal exposition of the law to those which reside almost wholly within the realm of philosophical ethics this volume affords comprehensive treatment to both sides of the philosophico legal equation Systematic and sustained coverage of the many dimensions of legal thought gives ample expression to the true breadth and depth of the philosophy of law with coverage of The modes of knowing and the kinds of normativity used in the law Studies in international constitutional criminal administrative persons and property contracts and tort law including their historical origins and worldwide ramifications Current legal cultures such as common law and civilian European and Aboriginal Influential jurists and their biographies All influential schools and methods

The Cambridge Companion to Legal Positivism Torben Spaak, Patricia Mindus, 2021-02-04 The book brings together 33 state of the art chapters on the import and the pros and cons of legal positivism **British Qualifications 2017** Kogan Page Editorial, 2016-12-03 Now in its 47th edition *British Qualifications 2017* is the definitive one volume guide to every qualification on offer in the United Kingdom With an equal focus on vocational studies this essential guide has full details of all institutions and organizations involved in the provision of further and higher education and is an essential reference source for careers advisors students and employers It also includes a comprehensive and up to date description of the structure of further and higher education in the UK The book includes information on awards provided by over 350 professional institutions and accrediting bodies details of academic universities and colleges and a full description of the current framework of academic and vocational education It is compiled and checked annually to ensure accuracy of information *Institutionalized Reason* Matthias Klatt, 2012-02-23 Matthias Klatt is Professor for Public Law EU Law Public International Law and Jurisprudence at the University of Hamburg Book Jacket *The Oxford Companion to American Law* Kermit L. Hall, David S. Clark, James W. Ely, Joel B. Grossman, N. E. H. Hull, 2002-05-02 A landmark in legal publishing *The Oxford Companion to the Supreme Court* is a now classic text many of whose entries are regularly cited by scholars as the

definitive statement on any particular subject In the tradition of that work editor in chief Kermit L Hall offers up The Oxford Companion to American Law a one volume A Z encyclopedia that covers topics ranging from aging and the law wiretapping and electronic eavesdropping the Salem Witch Trials and Plessy vs Ferguson The Companion takes as its starting point the insight that law is embedded in society and that to understand American law one must necessarily ask questions about the relationship between it and the social order now and in the past The volume assumes that American law in all its richness and complexity cannot be understood in isolation as simply the business of the Supreme Court or as a list of common law doctrines Hence the volume takes seriously issues involving laws role in structuring decisions about governance the significance of state and local law and legal institutions and the place of American law in a comparative international perspective Nearly 500 entries are included written by over 300 expert contributors Intended for the working lawyer or judge the high school student working on a term paper or the general adult reader interested in the topic the Companion is the authoritative reference work on the subject of American law

New Private Law Theory Stefan Grundmann, Hans-W. Micklitz, Moritz Renner, 2021-03-18 New Private Law Theory is pluralist comparative application oriented transnational and reflects critical approaches

The Formation and Transmission of Western Legal Culture Serge Dauchy, Georges Martyn, Anthony Musson, Heikki Pihlajamäki, Alain Wijffels, 2016-12-01 This volume surveys 150 law books of fundamental importance in the history of Western legal literature and culture The entries are organized in three sections the first dealing with the transitional period of fifteenth century editions of medieval authorities the second spanning the early modern period from the sixteenth to the eighteenth century and the third focusing on the nineteenth and twentieth centuries The contributors are scholars from all over the world Each old book is analyzed by a recognized specialist in the specific field of interest Individual entries give a short biography of the author and discuss the significance of the works in the time and setting of their publication and in their broader influence on the development of law worldwide Introductory essays explore the development of Western legal traditions especially the influence of the English common law and of Roman and canon law on legal writers and the borrowings and interaction between them The book goes beyond the study of institutions and traditions of individual countries to chart a broader perspective on the transmission of legal concepts across legal political and geographical boundaries Examining the branches of this genealogical tree of books makes clear their pervasive influence on modern legal systems including attempts at rationalizing custom or creating new hybrid systems by transplanting Western legal concepts into other jurisdictions

Introduction to Critical Legal Theory Ian Ward, 2012-10-02 Introduction to Critical Legal Theory provides an accessible introduction to the study of law and legal theory It covers all the seminal movements in classical modern and postmodern legal thought engaging the reader with the ideas of jurists as diverse as Aristotle Hobbes and Kant Marx Foucault and Dworkin At the same time it impresses the interdisciplinary nature of critical legal thought introducing the reader to the philosophy the economics and the politics of law This new edition focuses even

more intently upon the narrative aspect of critical legal thinking and the re emergence of a distinctive legal humanism as well as the various related challenges posed by our new world order Introduction to Critical Theory is a comprehensive text for both students and teachers of legal theory jurisprudence and related subjects **The Oxford Handbook of Philosophy in Early Modern Europe** Desmond M. Clarke, Catherine Wilson, 2011-01-27 A team of leading scholars survey the development of philosophy in the period of extraordinary intellectual change from the mid 16th century to the early 18th century They cover metaphysics and natural philosophy the mind the passions and aesthetics epistemology logic mathematics and language ethics and political philosophy and religion *Towards Recognition of Minority Groups* Marek Zirk-Sadowski, Bartosz Wojciechowski, 2016-02-24 This volume analyses current debates concerning problems in the nature justification and legal protection of human rights for minorities with reference to the issues surrounding social milieu as a source of any legitimized law which is in itself in need of legal recognition as well as being an object of legal protection With contributions from a global network of scientists across several continents the work examines the debate dedicated to the understanding of the normative framework expressed in terms of human rights that guarantee autonomous action in public and private for minority groups as well as individuals The chapters go on to study the particular claims that need to be audible and visible for others in the public sphere with reference to the legal protection of human rights The work concludes with the completion of an interpretative circle debating the issues of legal consensus and legal identity with respect to the specificity of the patterns and modes guiding human interactions Going beyond the legal analysis to discuss communication strategies in human rights this collection will be of great interest to those studying the philosophy and theory of law practical philosophy in general political sciences and theory of democracy *Migration, Recognition and Critical Theory* Gottfried Schweiger, 2021-07-07 This book brings together philosophical social theoretical and empirically oriented contributions on the philosophical and socio theoretical debate on migration and integration using the instruments of recognition as a normative and social scientific category Furthermore the theoretical and practical implications of recognition theory are reflected through the case of migration Migration movements refugees and the associated tensions are phenomena that have become the focus of scientific political and public debate in recent years Migrants in particular refugees face many injustices and are especially vulnerable but the right wing political discourse presents them as threats to social order and stability This book shows what a critical theory of recognition can contribute to the debate The book is suitable for researchers in philosophy social theory and migration research A profound examination of how states and societies struggle to recognize migrants as fellow human beings in all their fullness The contributions are exceptional for combining astute philosophy and social theory with a discussion of actual politics and real lives Dr Hugo Slim Senior Research Fellow at the Blavatnik School of Government University of Oxford and formerly Head of Policy at the International Committee of the Red Cross This impressive and timely volume offers an innovative way of understanding the issues of migration and integration by using a

critical theory of recognition Recognition theory has rich potential for effectively responding to the issues of autonomy identity integration and empowerment that are at the core of the current public debates on mass migration displacement and the refugee crisis By examining the normative and policy implications of recognition as they apply to migration the book offers a pathbreaking look at the human dimension of the debate Dr Helle Porsdam Professor of Law and Humanities and UNESCO Chair in Cultural Rights University of Copenhagen

Unveiling the Magic of Words: A Overview of "**Contemporary German Legal Philosophy**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their ability to kindle emotions, provoke contemplation, and ignite transformative change is actually awe-inspiring. Enter the realm of "**Contemporary German Legal Philosophy**," a mesmerizing literary masterpiece penned with 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 into the book's central themes, examine its distinctive writing style, and assess its profound effect on the souls of its readers.

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