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Perhaps the most striking characteristic of the common law is the tension between its two conflicting attitudes to legal generalizations: on the one hand, there is the cautious case by case approach, which in tendency limits the generalization to the instant case; and on the other hand, there is the attitude towards precedent expressed in the doctrine of stare decisis, the principle

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Addressing both public and private law, this book shows how the philosophy of law is related to concrete and actual legal practice. Part One consists of readings from philosophers representing eight influential types of jurisprudence: natural law theory, positivism, constructivism, consequentialism, critical legal studies, feminist theory, practice theory, and 'new' natural law theory.

Introduction to the Philosophy of Law: Readings and Cases ...

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This book is designed for use in courses in law schools and university departments of philosophy. It can serve as a text for basic and advanced courses and seminars. Readings include excerpts of classic works of Aristotle, Aquinas, Locke, Hobbes, Kant, Bentham, and Austin. Provided also are excerpts from standard works of twentieth century philosophers. The book explores current legal discourse with readings on topics such as sociobiology, Islamic law, the legal process school, legal feminism, critical legal studies, intersectionality and gender identity theories, law and economics, and

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new private law theories. It reprints leading cases on natural rights/human rights and readings from online blogs, op-ed essays, news stories and internet publications, as well as drawing on literary treatment of topics relevant to legal philosophy.

With over sixty cases as support, this text presents the philosophy of law as a perpetual series of debates with overlapping lines and cross connections. Using law as a focus to bring into relief many social and political issues of pressing importance in contemporary society, this book encourages readers to think critically and philosophically. Classic Readings and Cases in the Philosophy of Law centers on five major questions:

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What is law? What, if any, connection must there be between law and morality? When should law be used to restrict the liberty of individuals? To what extent should democratic states permit civil disobedience? What, if anything, justifies the infliction of punishment on those who violate the law? The extensive anthology of cases covers the mundane to the grandest of constitutional issues, including controversial topics like ownership of genetic material, capital punishment, and gay rights. Brief introductions to each case describe the central issue being litigated, the legal reasoning of the justices – both majority and dissenting – the decision of the court, and its philosophical significance.

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Introduction to the Philosophy of Law: Readings and Cases employs a combination of case-based and theory-based materials to show novices in the field how the philosophy of law is related to concrete and actual legal practice. Ideal for undergraduates, it engages their curiosity about the law without sacrificing philosophical content. The authors emphasize a command of legal concepts and doctrine as a prelude to philosophical analysis. Designed to acquaint students with the fundamentals of jurisprudence and legal theory, Part I of the book includes readings from influential philosophers representing eight different types of

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jurisprudence: natural law theory, positivism, constructivism, consequentialism, critical legal studies, feminist theory, practice theory, and new natural law theory. In Part II, the authors present a variety of cases that allow students to apply the theories in Part I to the actual practice of law. Unlike similar texts, which focus primarily on public law, this unique book addresses both private and public law, and includes cases on statutory interpretation, contract law, and tort law. Brief essays precede and discussion questions follow each case. Introduction to the Philosophy of Law: Readings and Cases serves as an exceptional text for courses in the philosophy of law, jurisprudence, and legal theory.

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This coursebook introduces students to feminist jurisprudence. The first three chapters develop the historical range of feminist theories. Subsequent chapters examine topics such as violence, reproduction, intimate relationships, children, employment, and education. Extensive readings, cases, and text notes encourage detailed, rigorous analysis and critical thinking.

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