

1. Record Nr.	UNINA9910337832303321
Titolo	Legal Conventionism / / edited by Lorena Ramírez-Ludeña, Josep M. Vilajosana
Pubbl/distr/stampa	Cham : , : Springer International Publishing : , : Imprint : Springer, , 2019
ISBN	3-030-03571-9
Edizione	[1st ed. 2019.]
Descrizione fisica	1 online resource (VI, 198 p.)
Collana	Law and Philosophy Library, , 1572-4395 ; ; 126
Disciplina	340.1
Soggetti	Law—Philosophy Law Political science Constitutional law Theories of Law, Philosophy of Law, Legal History Philosophy of Law Constitutional Law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Part 1 The Notion of Convention -- Pre-conventions. A Fragment of the Background -- Re-examining Deep Conventions: Practical Reason and Forward-Looking Agency -- Part II Conventions and The Rule of Recognition -- Conventions, Reasons, and the Law -- The Rule of Recognition as a Constitutive Convention -- Social Facts and Law: Why is the Rule of Recognition a Convention? -- Cooperative Conventions, Rule of Recognition and Institutional Practices -- On Identifying the Law and Its Supposed Conventional Foundations. A Set-Theory Approach -- Part III Conventions and Legal Interpretation -- Conventionalism Unchained and Sceptical. A Defence of a Quasi-Realist Account of Legal Statements Against Dworkin's Criticisms -- Conventionalism and the Causal Theory of Reference -- The Interpretation of Plans.
Sommario/riassunto	The concept of convention has been used in different fields and from different perspectives to account for important social phenomena, and the legal sphere is no exception. Rather, reflection on whether the legal

phenomenon is based on a convention and, if so, what kind of convention is involved, has become a recurring issue in contemporary legal theory. In this book, some of the foremost specialists in the field make significant contributions to this debate. In the first part, the concept of convention is analysed. The second part reflects on whether the rule of recognition postulated by Hart can be understood as a convention and discusses its potential and limitations in order to explain the institutional and normative character of law. Lastly, the third part critically examines the relations between conventionalism and legal interpretation. Given the content and quality of the contributions, the book is of interest to those wanting to understand the current state of the art in legal conventionalism as well as those wanting to deepen their knowledge about these questions.
