

1. Record Nr.	UNINA9910741174703321
Titolo	The rationality and justification of legislation : essays in legisprudence / / Luc J. Wintgens, A. Daniel Oliver-Lalana, editors
Pubbl/distr/stampa	New York, : Springer, 2013
ISBN	3-319-00062-4
Edizione	[1st ed. 2013.]
Descrizione fisica	1 online resource (194 p.)
Collana	Legisprudence library, , 2213-2813 ; ; v. 1
Altri autori (Persone)	WintgensLuc J Oliver-LalanaA. Daniel
Disciplina	340 340.1
Soggetti	Legislation Law - Philosophy Jurisprudence
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	1 The Rationality and Justification of Legislation: A Preface; A. Daniel Oliver-Lalana and Luc J. Wintgens -- 2 The Rational Legislator Revisited. Bounded Rationality and Legisprudence; Luc J. Wintgens -- 3 The Principled Legislative Strategy: Rationality of Legal Principles in the Creation of Law?; Hannele Isola-Miettinen -- 4 Three Grounds for Tests of the Justifiability of Legislative Action: Free-dom, Representative Democracy, and Rule of Law; Andrej Kristan -- 5 Legisprudence in the Korean Context: A Practical Approach Focusing on the Confucian Effects on Rationality; Cheoljoon Chang -- 6 The Role of Constitutionalism in Regulatory Governance; Pablo Larrañaga -- 7 Legislation as Implementation of Constitutional Law: A Foundation for the Demand of Legislative Rationality; Jan Sieckmann -- 8 Disagreement and Proceduralism in the Perspective of Legisprudence; Woomin Shim -- 9 Rational Lawmaking and Legislative Reasoning in Parliamentary De-bates; A. Daniel Oliver-Lalana -- About the Authors.
Sommario/riassunto	The essays collected in this book address legislation from the viewpoint of legal theory and provide an overview of current research in legisprudence as a new scholarly approach to lawmaking. The overall focus of the volume is on the justification of legislation, with a special

emphasis on the intricate notion of legislative rationality. With the rational justification of legislation as their central theme, the essays elaborate on the foundations and bounds of legislation and the search for a more principled lawmaking, discuss the role of legislation within the framework of democratic constitutionalism, analyze legislation as implementation of constitutional law, and explore how legislative argumentation in parliament can be construed as a source of justification of laws. .
