

1. Record Nr.	UNINA9910784870803321
Titolo	Law, rights and discourse : the legal philosophy of Robert Alexy // edited by George Pavlakos
Pubbl/distr/stampa	Oxford ; Portland, Oregon : , : Hart Publishing, , 2007
ISBN	1-4725-6398-0 1-281-25858-X 9786611258580 1-84731-368-X
Edizione	[1st ed.]
Descrizione fisica	1 online resource (391 p.)
Collana	Legal Theory Today, No. 11
Disciplina	340.1092
Soggetti	Jurisprudence Law - Philosophy
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bioliographical references and index.
Nota di contenuto	Preface -- List of Contributors -- Introduction -- PART ONE: A DEBATE ON LEGAL POSITIVISM. 1. The Argument from Justice, or How not to Reply to Legal Positivism ; 2. An Answer to Joseph Raz -- PART TWO: LAW AND MORALITY. 3. Why Law Makes No Claims ; 4. How Non-Positivism Can Accommodate Legal Certainty ; 5. Two Concepts of Objectivity ; 6. Discourse Ethics, Legal Positivism and the Law -- PART THREE: CONSTITUTIONAL RIGHTS. 7. Political Liberalism and the Structures of Rights: On the Place and Limits of the Proportionality Requirement ; 8. Proportionality, Discretion and the Second Law of Balancing ; 9. Human Rights and the Claim to Correctness in the Theory of Robert Alexy ; 10. Three-Person Justification -- PART FOUR: DISCOURSE AND ARGUMENTATION. 11. Law's Claim to Correctness ; 12. A Teleological Approach to Legal Dialogues ; 13. The Claim to Correctness and Inferentialism. Alexy's Theory of Practical Reason Reconsidered ; 14. The Concept of Validity in a Theory of Social Action ; 15. The Weight Formula and Argumentation -- PART FIVE: COMMENTS AND RESPONSES. 16. Thirteen Replies.
Sommario/riassunto	"A philosophical system is not what one would expect to find in the work of a contemporary legal thinker. Robert Alexy's work counts as a

striking exception. Over the past 28 years Alexy has been developing, with remarkable clarity and consistency, a systematic philosophy covering most of the key areas of legal philosophy. Kantian in its inspiration, his work admirably combines the rigour of analytical philosophy with a repertoire of humanitarian ideals reflecting the tradition of the <l>Geisteswissenschaften</l>, rendering it one of the most far-reaching and influential legal philosophies in our time. This volume has been designed with two foci in mind: the first is to reflect the breadth of Alexy's philosophical system, as well as the varieties of jurisprudential and philosophical scholarship in the last three decades on which his work has had an impact. The second objective is to provide for a critical exchange between Alexy and a number of specialists in the field, with an eye to identifying new areas of inquiry and offering a new impetus to the discourse theory of law. To that extent, it was thought that a critical exchange such as the one undertaken here would most appropriately reflect the discursive and critical character of Robert Alexy's work. The volume is divided into four parts, each dealing with a key area of Alexy's contribution. A final section brings together concise answers by Robert Alexy. In composing these, Alexy has tried to focus on points and criticisms that address new aspects of discourse theory or otherwise point the way to future developments and applications. With its range of topics of coverage, the number of specialists it engages and the originality of the answers it provides, this collection will become a standard work of reference for anyone working in legal theory in general and the discourse theory of law in particular."--Bloomsbury Publishing.
