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| Autore | Dickson Julie |
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| Edizione | [1st ed.] |
| Descrizione fisica | 1 online resource (161 p.) |
| Collana | Legal theory today |
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| Soggetti | Law - Philosophy Jurisprudence |
| Lingua di pubblicazione | Inglese |
| Formato | Materiale a stampa |
| Livello bibliografico | Monografia |
| Note generali | Includes index. |
| Nota di bibliografia | Includes bibliographical references and index. |
| Nota di contenuto | 1. What's the Point of Jurisprudence? -- 2. Introducing the Moral Evaluation Thesis -- 3. Indirectly Evaluative Legal Theory: Meeting Finnis' Challenge -- 4. Finnis and the Moral Justification Thesis -- 5. The Beneficial Moral Consequences Thesis and an Introduction to Dworkinian Methodology -- 6. What's the Point of Law? Dworkinian Methodology and the Argument from Law's Function -- 7. Carrying on the Conversation. |
| Sommario/riassunto | "If Raz and Dworkin disagree over how law should be characterised, how are we, their jurisprudential public, supposed to go about adjudicating between the rival theories which they offer us? To what considerations would those theorists themselves appeal in order to convince us that their accounts of law are accurate and successful? Moreover, what is it that makes an account of law successful? Evaluation and Legal Theory tackles methodological or meta-theoretical issues such as these, and does so via attempting to answer the question: to what extent, and in what sense, must a legal theorist make value judgements about his data in order to construct a successful theory of law? Dispelling the obfuscatory myth that legal positivism seeks a 'value-free' account of law, the author attempts to explain and defend Joseph Raz's position that evaluation is essential to successful legal theory, whilst refuting |

John Finnis and Ronald Dworkins contentions that the legal theorist must morally evaluate and morally justify the law in order to properly explain its nature. The book does not claim to solve the many mysteries of meta-legal theory but does seek to contribute to and engender rigorous and focused debate on this topic."--Bloomsbury Publishing.
