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Titolo	Legality [[electronic resource] /] / Scott J. Shapiro
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ISBN	0-674-26729-X 0-674-05891-7
Descrizione fisica	1 online resource (483 p.)
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Soggetti	Jurisprudence Law - Philosophy Legal positivism
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
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Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	What is law (and why should we care)? -- Crazy little thing called "law" -- Austin's sanction theory -- Hart and the rule of recognition -- How to do things with plans -- The making of a legal system -- What law is -- Legal reasoning and judicial decision making -- Hard cases -- Theoretical disagreements -- Dworkin and distrust -- The economy of trust -- The interpretation of plans -- The value of legality.
Sommario/riassunto	Legality is a profound work in analytical jurisprudence, the branch of legal philosophy which deals with metaphysical questions about the law. In the twentieth century, there have been two major approaches to the nature of law. The first and most prominent is legal positivism, which draws a sharp distinction between law as it is and law as it might be or ought to be. The second are theories that view law as embedded in a moral framework. Scott Shapiro is a positivist, but one who tries to bridge the differences between the two approaches. In Legality, he shows how law can be thought of as a set of plans to achieve complex human goals. His new "planning" theory of law is a way to solve the "possibility problem", which is the problem of how law can be authoritative without referring to higher laws.