Record Nr. Autore Titolo	UNINA9910823382303321 Raban Ofer <1968-> Modern legal theory and judicial impartiality / / Ofer Raban
Pubbl/distr/stampa	London ; ; Portland, Or., : GlassHouse Press, 2003
ISBN	1-281-32598-8 1-283-60443-4 9786611325985 9786613916884 1-135-31131-5 1-84314-578-2
Edizione	[1st ed.]
Descrizione fisica	1 online resource (125 p.)
Disciplina Soggetti	340.1 Law - Philosophy Jurisprudence Judicial ethics Justice
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 (p. [115]-117) and index.
Nota di contenuto	Front Cover; Modern Legal Theory andJudicial Impartiality; Copyright Page; Acknowlegements; Foreword; Contents; 1. Introduction: law and impartiality; 2. The legal positivism of HLA Hart; I. Hart's thesis; II. Hart and the problem of 'essentially contested concepts'; III. Legal practice and the linguistic boundaries of legal rules; IV. Legal positivism after Hart; 3. Max Weber and the virtues of legal positivism; I. Weber's thesis; II. Predictability and calculability; III. The real virtues of legal positivism; 4. Dworkin and the proper methodology of legal theory I. Dworkin's methodological claimsII. Objectivity, truth, and impartiality; III. The problems with relying on practitioners' own understanding; IV. The error and the insight; 5. Dworkin's 'law as integrity'; I. Dworkin's thesis; II. Integrity and impartiality; 6. Law and reason: beyond impartiality; I. Legislation; II. Legal interpretation; III. The non-legal adjudicator and the judge; 7. Law and impartiality: conclusion; Bibliography; Index

1.

This book argues that at the core of legal philosophys principal debates there is essentially one issue judicial impartiality. Keeping this issue to the forefront, Raban's approach sheds much light on many difficult and seemingly perplexing jurisprudential debates. Modern Legal Theory and Judicial Impartiality offers a fresh and penetrating examination of two of the most celebrated modern legal theorists: HLA Hart and Ronald Dworkin. The book explains the relations between these two scholars and other theorists and schools of thought (including Max Weber, Lon Fuller, and the