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Autore	Browder, Andrew
Titolo	Mathematical analysis : an introduction / Andrew Browder
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Lingua di pubblicazione	Inglese
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2. Record Nr.	UNINA9910337834403321
Autore	Chiassoni Pierluigi
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Collana	Law and Philosophy Library, , 2215-0315 ; ; 128
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Nota di contenuto	1. Introduction: The Path of Analytical Realism -- 2. Interpretation, Truth, and the Logical Forms of Interpretive Discourse -- 3. Interpretive Games -- 4. Taking Context Seriously -- 5. Frames v. Containers -- 6. Towards Pragmatic Realism -- 7. Legal Gaps -- 8. Judicial Fictions -- 9. Precedent -- 10. Defeasibility and Legal Indeterminacy -- 11. Legislation.
Sommario/riassunto	This book engages in an analytical and realistic enquiry into legal interpretation and a selection of related matters including legal gaps, judicial fictions, judicial precedent, legal defeasibility, and legislation. Chapter 1 provides an outline of the central theoretical and methodological tenets of analytical realism. Chapter 2 presents a conceptual apparatus concerning the phenomenon of legal interpretation, which it subsequently applies to investigate the truth-in-legal-interpretation issue. Chapters 3 to 6 argue for a theory of legal interpretation - pragmatic realism - by outlining a theory of interpretive games, revisiting the debate between literalism and contextualism in contemporary philosophy of language, and underscoring the many shortcomings of the container-retrieval view

and pragmatic formalism. In turn, Chapter 7, focusing on comparative legal theory, advocates an interpretation-sensitive theory of legal gaps, as opposed to purely normativist ones. Chapter 8 explores the connection between judicial reasoning and judicial fictions, casting light on the structure and purpose of fictional reasoning. Chapter 9 provides an analytical enquiry into judicial precedent, examining a variety of ideal-typical systems in terms of their normative or *de iure* relevance. Chapter 10 addresses defeasibility and legal indeterminacy. In closing, Chapter 11 highlights the central tenets of a realistic theory of legislation.
