

The Concept of Explanation

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Concept Explanation Bartosz Brozek

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The Concept of Causality in the Lvov-Warsaw School, 2022-10-04 In 1906 Jan ukasiewicz a great logician published his classic dissertation on the concept of cause containing not only a thorough reconstruction of the title concept but also a systematization of the analytical method It sparked an extremely inspiring discussion among the other representatives of the Lvov Warsaw School The main voices of this discussion are supplemented here with texts of contemporary Polish philosophers They show how the concept of cause is presently functioning in various disciplines and point to the topicality of ukasiewicz s method of analysis

Juristic Concept of the Validity of Statutory Law Andrzej Grabowski, 2013-06-24 This book presents the theory of the validity of legal norms aimed at the practice of law in particular the jurisdiction of the constitutional courts The postpositivist concept of the validity of statutory law grounded on a critical analysis of the basic theories of legal validity elaborated up to now is introduced In the first part of the book a contemporary German nonpositivist conception of law developed by Ralf Dreier and Robert Alexy is analysed in order to answer the question whether the juristic concept of legal validity should include moral standards or criteria In the second part a postpositivist concept of legal validity and an innovative model of validity discourse based on the juristic presumption of the validity of legal norms are proposed The book is a work on analytical legal theory written from a postpositivist detached point of view

Methods of Legal Reasoning Jerzy Stelmach, Bartosz Brozek, 2006-09-03 Anyone reflecting on the methodology of legal reasoning faces a difficult task The number of methodological theories in jurisprudence and the vast literature on the subject are not the only problems that have to be taken into account Perhaps the most striking difficulty concerning the methodology of legal argument is the heated debate between jurists legal theorists and philosophers of law that has been recurring since at least nineteenth century Therefore a justification is needed for writing yet another book concerning the methods of legal reasoning a book that aims to cover a lot of what has already been proposed in legal theory We believe that there is such a justification First the perspective that we adopt in the present book is unique at least in some respects We venture to look at the methodology of legal reasoning from the outside i e from a more general philosophical perspective while taking into account the hard reality of law This perspective enables us to ask questions about the justification for the methods of legal argument presented Second we do not want to defend one paradigmatic conception of legal reasoning On the contrary we put forward the thesis that there is a plurality of argumentative methods The plurality however does not lead to relativism in legal decision making Third we reject any hierarchy of the methods of legal reasoning and take the view that one can speak only of the precision and flexibility of different methodologies

Legal Interpretation in International Commercial Arbitration Joanna Jemielniak, 2016-04-22 This book fills a gap in legal academic study and practice in International Commercial Arbitration ICA by offering an in depth analysis on legal discourse and interpretation Written by a specialist in international business law arbitration and legal theory it examines the discursive framework of arbitral proceedings through an

exploration of the unique status of arbitration as a legal and semiotic phenomenon Historical and contemporary aspects of legal discourse and interpretation are considered as well as developments in the field of discourse analysis in ICA A section is devoted to institutional and structural determinants of legal discourse in ICA in which ad hoc and institutional forms are examined The book also deals with functional aspects of legal interpretation in arbitral discourse focusing on interpretative standards methods and considerations in decision making in ICA The comparative examinations of existing legal framework and case law reflect the international nature of the subject and the book will be of value to both academic and professional readers

Rights: Concepts and Contexts Horacio Spector, 2017-05-15 Rights Concepts and Contexts contains the central works of recent scholarship on the nature of rights with contributions by some of the most prominent contemporary theorists in moral legal and political philosophy including Joseph Raz Robert Alexy Jeremy Waldron Morton Horwitz Stephen Darwall Margaret Gilbert David Lyons and Aharon Barak With approaches ranging from the political to the historical and from the analytical to the critical this collection touches on the major conceptual and practical questions of this important field what is the nature and grounding of human rights How should conflicts of rights best be analyzed Are rights best understood in terms of choice benefits or some hybrid of the two What are the connections between rights and duties and between rights and justice The collection also offers useful introductions to emerging issues in rights theory such as the purported bipolarity of rights

Russian Legal Realism Bartosz Brożek, Julia Stanek, Jerzy Stelmach, 2019-01-07 This edited volume explores ideas of legal realism which emerge through the works of Russian legal philosophers Apart from the well known American and Scandinavian versions of legal realism there also exists a Russian one readers will discover fresh perspectives and that the collection of early twentieth century ideas on law discussed in Russia can be understood as a unified school of legal thought as Russian legal realism These chapters by renowned European and Eastern European legal philosophers add to ongoing discussions about the nature of law especially in the context of developments around our scientific knowledge about the mind and behaviour Analyses of legal phenomena carried out by legal realists in Russia offer novel arguments in favour of embracing psychological and sociological perspectives on the law The book includes analysis of the St Petersburg school of legal philosophy and Leon Petra ycki s psychological theory of law This original and multifaceted research on Russian realists is of considerable value to an international audience Researchers and postgraduate students of law legal theory and legal ethics will find the book particularly appealing but it will also interest those investigating the philosophy or sociology of law or legal history

Rights of Nature in Liberal Legal Systems and International Law Jasper Mührel, 2024-12-19 Rights of nature are on the rise worldwide having already been recognized in several states especially in Latin America and Asia For the first time in a monograph this book offers answers to the questions of whether and how rights of nature can also be implemented in Western liberal legal systems and in international law It traces how the latter are characterized by a deeply rooted anthropocentrism While at first glance this seems to make the recognition of

rights of nature difficult to conceive the book shows that in the 21st century this strong anthropocentrism is neither helpful nor irrevocable and that non anthropocentric approaches can already be found in liberal legal systems and in international law Against the backdrop of the pressing environmental crises of the Anthropocene it offers liberal and international approaches to rights of nature In doing so the book analyzes the compatibility of rights of nature with Western liberal and international law and deals comprehensively with the criticism and potential benefits of rights of nature in order to ultimately provide concrete proposals for their implementation

Analogical Reasoning in Law Maciej Koszowski, 2019-04-02 This work tackles the most intriguing type of reasoning which one may employ within the field of law In addition to the merits and drawbacks of legal analogy it discusses the orthodox approaches to it together with their critical analysis also posing challenges that these conceptions have difficulty in managing As an alternative the book advances an account of legal analogical reasoning that correlates well with the division into rational and intuitive thinking that occurs in contemporary psychology By doing so many of the unique properties of legal analogy which have been traditionally associated with it and which have often been difficult to explain become readily understandable Moreover the very source of the almost mystical faith in power and infallibleness of such analogy is revealed here while this faith astonishing or not not only escapes condemnation but is shown to be warranted from a scientific point of view Finally the book also presents vast scope of application premises schematic structures and factors able to influence the force of legal analogy

The Legal Mind Bartosz Brożek, 2020 How do lawyers think Bro ek presents a new perspective on legal thinking as an interplay between intuition imagination and language

Supervenience and Normativity Bartosz Brożek, Antonino Rotolo, Jerzy Stelmach, 2017-09-04 The present collection represents an attempt to bring together several contributions to the ongoing debate pertaining to supervenience of the normative in law and morals and strives to be the first work that addresses the topic comprehensively It addresses the controversies surrounding the idea of normative supervenience and the philosophical conceptions they generated deserve a recapitulation as well as a new impulse for further development Recently there has been renewed interest in the concepts of normativity and supervenience The research on normativity a term introduced to the philosophical jargon by Edmund Husserl almost one hundred years ago gained impetus in the 1990s through the works of such philosophers as Robert Audi Christine Korsgaard Robert Brandom Paul Boghossian or Joseph Raz The problem of the nature and sources of normativity has been investigated not only in morals and in relation to language but also in other domains e g in law or in the context of the theories of rationality Supervenience understood as a special kind of relation between properties and weaker than entailment has become analytic philosophers favorite formal tool since 1980s It features in the theories pertaining to mental properties but also in aesthetics or the law In recent years the marriage of normativity and supervenience has become an object of many philosophical theories as well as heated debates It seems that the conceptual apparatus of the supervenience theory makes it possible to state precisely some claims pertaining to normativity

as well as illuminate the problems surrounding it **Law, Time and Historical Injustices** Harison Citrawan,2024-12-09

This book provides a critical assessment of how judges reason in the adjudication of historical injustices The practice of adjudication in historical cases of injustice require that in determining collective responsibility judges impart meaning to past injuries This book analyses the narrative mechanisms through which this meaning is produced Focusing on three areas of adjudication racial discrimination post colonial extractivism and the climate crisis the book s analysis focuses on the issue of time It considers the interplay of how historical injustice adjudication is shaped by temporal presuppositions and how it enacts a particular idea of temporality As experiences of injustice are narrated the book demonstrates how some of those experiences are included and others are excluded within the process of adjudication Drawing on legal theory legal epistemology and the philosophy of time the book thus offers an instructive and provocative account of how collective responsibility is determined in cases of historical injustice This book will appeal to scholars working in the fields of legal theory legal reasoning socio legal studies comparative jurisprudence and transitional justice **Human Dignity and the**

Law Michał Rupniewski,2022-08-05 This book reassesses the relationship between human dignity law and specifically the personalist school of agency The work argues that a specific way of appreciating dignity is contained in how law understands the person and so can be used to improve upon how we explain and interpret the law Despite considerable differences between jurisdictions as regards human dignity in application it is argued that the particular weight of human persons is the widely shared focal point The central claim therefore is that the law recognises and tries to foster the status of personhood and drawing on the work of Karol Wojty a the author develops a Status of Personhood Theory The book will be of interest to academics and researchers working in the areas of Legal Philosophy Jurisprudence Philosophy Ethics and Political Theory

Law and Mind Bartosz Brożek,Jacob Cornelis Hage,Jaap Hage,Nicole Vincent,2021-04-29 This volume offers a novel look at the intricate relationship between the cognitive sciences and various dimensions of the law *Objectivity in*

Jurisprudence, Legal Interpretation and Practical Reasoning Villa-Rosas, Gonzalo,Fabra-Zamora, Jorge L.,2022-10-18 This thought provoking book explores the multifaceted phenomenon of objectivity and its relations to various aspects of jurisprudence legal interpretation and practical reasoning Featuring contributions from an international group of researchers from differing legal contexts it addresses topics relevant not only from a theoretical point of view but also themes directly connected with legal and judicial practice **Research Handbook on the Law of Artificial Intelligence** Woodrow

Barfield,Ugo Pagallo,2025-06-09 This second edition provides a broad range of perspectives on the legal implications of artificial intelligence AI across different global jurisdictions Contributors identify the potential threats that AI poses to the protection of rights and human wellbeing anticipating future developments in technological and legal infrastructures **The Foundation of Norms in Islamic Jurisprudence and Theology** Omar Farahat,2019-01-31 This book offers a new way of understanding classical Islamic theories holding that divine revelation is necessary for the knowledge of norms and its

reading of the issue of reason breaks new ground in Islamic theology law and ethics It will appeal to students and scholars of Islamic studies Islamic ethics law and post colonial theory Research Handbook on Law and Technology Bartosz Brożek,Olia Kanevskaia,Przemysław Pałka,2023-12-11 This thorough and incisive Research Handbook reconstructs the scholarly discourses surrounding the field of law and technology discussing the salient legal governance and societal problems stemming from the use of different technologies and how they should be treated under various legal frameworks This title contains one or more Open Access chapters *Proceedings of the 21st IVR World Congress, Lund, Sweden, 12-17 August, 2003* International Association for Philosophy of Law and Social Philosophy. World Congress,2004 *Legal Theory and Interpretation in a Dynamic Society* Alexander Bruns,Yuanshi Bu,Hanno Merkt,Sonja Meier,Michael Pawlik,Eiji Takahashi,Silja Vöneky,Jan von Hein,2021-07-02 Der Band versammelt Beitr ge die anl sslich des 7 Seoul Freiburger Rechtswissenschaftlichen Symposiums im September 2019 in Seoul gehalten wurden Die Zusammenarbeit und der akademische Austausch zwischen den juristischen Fakult ten der Seoul National University SNU und der Albert Ludwigs Universit t Freiburg hat eine alte und wertvolle Tradition der engen Beziehungen zwischen dem koreanischen und dem deutschen Recht lebendig gehalten Das 7 Symposium war dem Thema Rechtstheorie und auslegung in einer dynamischen Gesellschaft gewidmet und deckte ein breites Spektrum an Themen ab die in sechs Sektionen unterteilt waren I Rechtstheorie und auslegung II Unternehmensrecht III Internationales Privatrecht und Zivilprozessrecht IV Recht der k nstlichen Intelligenz Eigentumsrecht und Strafrecht V Vertragsrecht und VI das Verh ltnis von supranationalem und innerstaatlichem Verfassungsrecht Die meisten der auf dem Symposium gehaltenen Vortr ge sind in diesem Band versammelt

Research Handbook on Legal Evolution Wojciech Zaluski,Sacha Bourgeois-Gironde,Adam Dyrda,2024-03-14 Adopting an evolutionary perspective this Research Handbook presents novel and cutting edge insights into the interdisciplinary field of legal evolution Engaging with various scientific approaches it provides a versatile analysis of legal evolution examining the field as a whole as well as in the context of specific branches of law

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