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Reason, Democracy, Society: A Treatise on the Basis of Legal Thinking (Law and Philosophy Library)

Sebastián Urbina

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Reason, Democracy, Society deals with basic points of legal theory and philosophy of law. The main contention of the book relates to the insufficiencies of the legal positivistic approach. Some of its claims are that we must sharply separate what the law is from, what the law ought to be, and that we can know what the law is without appealing to meta-legal considerations. These and other claims are criticized. The author shows that with the legal positivistic approach we cannot know, in all cases, what the law is, if that is equated to the rules posited by the legislator. He also challenges H.L.A. Hart's and MacCormick's points of view, amongst others, about the characteristic corner stones of legal positivism. Some other issues relate to human rights, legal rationality and efficiency and ethics. This book will be of interest to philosophers concerned with law or ethics, those concerned with justice in modern society and to jurists and law students.

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