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A Treatise of Legal Philosophy and General Jurisprudence is the first-ever multivolume treatment of the issues in legal philosophy and general jurisprudence, from both a theoretical and a historical perspective. The work is aimed at jurists as well as legal and practical philosophers. Edited by the renowned theorist Enrico Pattaro and his team, this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholar at all levels. The work is divided in two parts. The theoretical part (published in 2005), consisting of five volumes, covers the main topics of the contemporary debate; the historical part, consisting of six volumes (Volumes 6-8 published in 2007; Volumes 9 and 10, published in 2009; Volume 11 published in 2011 and Volume 12 forthcoming in 2016), accounts for the development of legal thought from ancient Greek times through the twentieth century. Volume 12 Legal Philosophy in the Twentieth Century: The Civil Law World Volume 12 of A Treatise of Legal Philosophy and General Jurisprudence, titled Legal Philosophy in the Twentieth Century: The Civil-Law World, functions as a complement to Gerald Postema’s volume 11 (titled Legal Philosophy in the Twentieth Century: The Common Law World), and it offers the first comprehensive account of the complex development that legal philosophy has undergone in continental Europe and Latin America since 1900. In this volume, leading international scholars from the different language areas making up the civil-law world give an account of the way legal philosophy has evolved in these areas in the 20th century, the outcome being an overall mosaic of civil-law legal philosophy in this arc of time. Further, specialists in the field describe the development that legal philosophy has undergone in the 20th century by focusing on three of its main subjects—namely, legal positivism, natural-law theory, and the theory of legal reasoning—and discussing the different conceptions that have been put forward under these labels. The layout of the volume is meant to frame historical analysis with a view to the contemporary theoretical debate, thus completing the Treatise in keeping with its overall methodological aim, namely, that of combining history and theory as a necessary means by which to provide a comprehensive account of jurisprudential thinking.

This book provides an overview of some of the most important critics of “Enlightenment rationalism.” The subjects of the volume—including, among others, Burke, Kierkegaard, Nietzsche, T.S. Eliot, Wittgenstein, Heidegger, C.S. Lewis, Gabriel Marcel, Russell Kirk, and Jane Jacobs—do not share a philosophical tradition as much as a skeptical disposition toward the notion, common among modern thinkers, that there is only one standard of rationality or reasonableness, and that that one standard is or ought to be taken from the presuppositions, methods, and logic of the natural sciences. The essays on each thinker are intended not merely to offer a commentary on that thinker, but also to place that thinker in the context of this larger stream of anti-rationalist thought. Thus, while this volume is not a history of anti-rationalist thought, it may contain the intimations of such a history.

Bringing prudence back into the centre of political philosophical discussion, this book assesses how far the Aristotelian notion can be of use in thinking about politics today. Antique, medieval and early modern discussions on practical wisdom are reconstructed and re-contextualised to show not only how our understanding of the virtue of 'prudence' has changed over time, but why it should be revived. Starting with basic Aristotelian principles, such as the relevance of cooperation and politics in human life, the significance of the virtues and character-formation for political actors, and the personal and communal resources of right action in politics, Ferenc Hörcher offers an evolutionary history of the concept of prudence. Moving on to incorporate the developments of the Roman and the Christian traditions, a contemporary conservative-republican political philosophy is built up. Special attention is given to the relevance of local customs and traditions as well as participation, compromise and moderation in political activity. The book demonstrates that Aristotelian notions should be used to describe the actions and speeches of people active in politics, without losing sight of the normative dimension. In doing so, it presents an original argument which is both different from mainstream contemporary political philosophy and beneficial to our understanding of the role of practical reason in politics.

This volume brings to the forefront recent Enlightenment research in Hungary mapping out the complex web of Enlightenment ideas with its manifold ideological and spiritual strata and the ways the different modes of inquiries inseminated and fertilized each other. The book takes the Enlightenment as a common enterprise of the European intellectual elite, while also pointing out the different and competing spiritual climates of some of the most important national cultural traditions. Aspects of the Enlightenment offers alternative cross-sectional views of the representative ideas in Enlightenment art, philosophy, politics, morality, and religion.

This edited collection presents an interesting and original series of essays on the roles of principle and pragmatism in Roman private law. The book traverses key areas of Roman law to examine the explanatory power of - and delineate interactions between - abstract, doctrinal principle, and pragmatic, real-world problem-solving. Essays canvassing sources of law, property, succession, contracts and delicts sketch the varied roles of theoretical narratives - whether internal to Roman doctrine or derived from external influence - and of practical, policy-based solutions in the jurists' thought. Principled reasoning in Roman juristic argument ranges from safeguarding commerce, to the priority of acts or intentions in property transactions, to notions of pietas, to Platonic conceptions of the market. Pragmatism is discernible in myriad ways, from divergence between form and substance, to extension of legal rules for economic, social or political utility, to emphasis on what parties did rather than what they said. The distinctive contribution of the book is its survey of different manifestations of principle and pragmatism across Roman private law. The essays - by eminent as well as emerging academics - will stimulate debate about the roles principle and pragmatism play in juristic argument, and will be of interest to both scholars and students of Roman law.