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Why Grundnorm?

A Treatise on the Implications of
Kelsen's Doctrine

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Why Grundnorm

Abiola Ojo



Why Grundnorm:

Why Grundnorm? Uta Bindreiter, 2002-12-31 Who presupposes Kelsen's basic norm? Is it possible to defend the presupposition in a way that is convincing? And what difference does the presupposition make? Endeavouring to highlight the role of basic assumptions in the law, the author argues that the verb to presuppose with Kelsen has not only a conceptual but also a normative dimension and that the expression presupposing the basic norm is adequate in so far as it marks the descriptive normative nature of utterances made in specifically legal speech situations. Addressed to legal theorists in general, the treatise purports to show that Kelsen's doctrine lends itself to an interpretation according to which the very act of presupposing the Grundnorm can be understood as a Grund i.e. normative source of all positive law and what is more that this interpretation admits of addressing the issue of the formal legitimacy of supra-national and directly applicable rules and other norms.

Legal Monism Paul Gragl, 2018 In this first full-length study of legal monism Paul Gragl advocates for the revival of legal monism as a solution to normative conflicts between different bodies of law. Using comprehensive and interdisciplinary arguments, this book defends the theory against dualism and pluralism.

A Treatise of Legal Philosophy and General Jurisprudence Enrico Pattaro, 2005-05-25 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 scholars at all levels. The work is divided into 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 2012. 2013 accounts for the development of legal thought from ancient Greek times through the twentieth century. The entire set will be completed with an index.

Volume 1: The Law and the Right: A Reappraisal of the Reality that Ought to Be by Enrico Pattaro. This work brings out and recovers the normative dimension of law called the reality that ought to be, placing within this reality the idea of what is right. Part I reconstructs the current as well as the traditional civil law conception of the reality that ought to be and raises some critical theoretical issues. Part II introduces some basic concepts on language and behaviour and presents a conception of norms as beliefs. Part III aims to find explanations for the idea of a reality that ought to be. Part IV consists of inquiries focussed on Homeric epic, the natural law school and the normativistic view of positive law.

Swedish journal of philosophy, 2001 A Swedish journal of philosophy

European Legal Book Index, 2003 The British National Bibliography

Arthur James Wells, 2004 The Constitutionalization of the World Trade Organization

Deborah Z. Cass, 2005 This is a book about the constitutionalization of the World Trade Organization and the contemporary development of institutional forms and democratic ideas associated with constitutionalism within the world trading system. It

is about constitutionalization enthusiasts who promote institutions management techniques rights discourse and quasi judicial power to construct a constitution for the WTO It is about constitutional skeptics who fear the effect the phenomenon of constitutionalization is having on the autonomy of states the capacity of the WTO to consider non economic and non free trade goals and democratic processes at the WTO and within the nation state The aim of the study then is to disentangle debates about the various meanings of the term constitution when it used to apply to the World Trade Organization and to reflect upon the significance of those meanings for more general international law conceptions of constitutions Cass argues that the WTO is not and should not be described as a constitution either by the standards of any received account of that term or by the lights of any of the current WTO models Under these definitions serious issues of legitimacy democracy and community are at stake The WTO would lack a proper political structure to balance the work of its judicial bodies it may curtail the ability of states to decide matters of national economic interest it lacks authorization by a coherent political community and it risks an emphasis upon economic goals and pure free trade over other equally important social values Instead Cass argues that what is needed is a constitutionalized WTO which considers the economic development needs of states and takes account of the skewed playing field of international trade and its effect on the economic prospects of developing countries In short trading democracy legitimacy and community and not trading constitutionalization are the biggest challenges facing the WTO

Aleph, 2009 **The Rhodesian Law Journal**, 1967 *The Judicial Process and the Third Republic* T. Akinola Aguda, 1992 **Introduction to Jurisprudence and Legal Theory** Anne Barron, 2002-08-13 This text lays out a course of study combining the traditional subject matter of jurisprudence with a series of introductions to a variety of other theoretical perspectives It is designed for those taking jurisprudence legal theory courses and political science philosophy and sociology students

Jurisprudence Reginald Walter Michael Dias, 1985 **Groundwork of Military Law and Military Rule in Nigeria** Okay Achike, 1978 Textbook on Jurisprudence Hilaire McCoubrey, Nigel D. White, 1999 Students of jurisprudence often approach this complex subject with a sense of fear This book provides a clear user friendly analysis of the major theories and controversies of jurisprudence Whilst the subject is presented in sufficient detail for the student to gain an accurate understanding they will not be left feeling confused and bewildered The book starts by examining the nature of jurisprudence then goes on to outline the content implications and problems of the major legal theories This third edition has been expanded to include material on Islamic jurisprudence and postmodern legal theory

Constitutional Law & Policy Review, 2002 *Constitutional Law and Military Rule in Nigeria* Abiola Ojo, 1987

Essentials of the Nigerian Corpus Juris Joseph Omodele Adewumi, 1998 **The Constitution of Independence** Peter Crawford Oliver, 2005 The Constitution of Independence traces constitutional theory in Australia Canada and New Zealand from early domination by British Imperial ideas through contemplation of constitutional equality to the eventual achievement of irreversible constitutional independence in the 1980s In these countries a series of fascinating developments

have been under way for more than a decade characterized by independent thinking experimentation and cross
Commonwealth borrowing of constitutional ideas *Argumentation in legal science* Aulis Aarnio, Ilkka Niiniluoto, Jyrki
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