

References

Table of Cases

Ireland

Mullaly v Bus Éireann [1992] ILRM 722 (HC).

Kelly v Hennessy [1995] IESC 8, [1995] 3 IR 253.

Sheehan v Bus Éireann [2022] IECA 28.

United Kingdom

McLoughlin v O'Brian [1983] 1 AC 410.

Alcock v Chief Constable of South Yorkshire Police [1991] UKHL 5, [1992] 1 AC 310.

R (Miller) v Prime Minister [2019] UKSC 41.

United States

Roe v Wade 410 U.S. 113 (1973).

Table of Legislation

Australia

Acts Interpretation Act 1901

Canada

Interpretation Act 1985

Ireland

Interpretation Act 2005

New Zealand

Legislation Act 2019.

United Kingdom

Interpretation Act 1889

Interpretation Act 1978

Bibliography

Albert R, 'The World's Most Difficult Constitution to Amend?' (2022) 110 California L Rev 2005.

Alexy R, *A Theory of Legal Argumentation: The Theory of Rational Discourse as Theory of Legal Justification* (Originally published 1978, Ruth Adler and Neil MacCormick trs, Oxford UP 2009).

Austin J, *The Province of Jurisprudence Determined* (John Murray (London) 1832).

Aquinas T, *Summa Theologiae* (written c.1265–1274).

Baker GP, 'Defeasibility and Meaning' in PMS Hacker and J Raz (eds), *Law, Morality, and Society: Essays in Honour of HLA Hart* (Clarendon Press 1977).

Bonazzi M, 'Protagoras' *The Stanford Encyclopedia of Philosophy* (Fall edn 2020) <<https://plato.stanford.edu/archives/fall2020/entries/protagoras/>> accessed 30 July 2023.

Brewer S, 'Logocratic Method and the Analysis of Arguments in Evidence' (2011) 10 L, Probability and Risk 175.

— — 'Interactive Virtue and Vice in Systems of Arguments: A Logocratic Analysis' (2020) 28 Artificial Intelligence and L 151.

— — Abrams N, Medwed DS, and Weinstein J, *Evidence: Cases and Materials* (10th edn, Foundation Press 2017).

Chivlovi S and Pavlakos G, 'Law Determination as Grounding: A Common Grounding Framework for Jurisprudence' (2019) 25 L Theory 53.

Coleman J, *The Practice of Principle* (Oxford UP 2001).

Dickson J, 'Is the Rule of Recognition Really a Conventional Rule?' (2007) 27(3) Oxford J of L Studies 373.

— — *Elucidating Law* (Oxford UP 2022).

Dika TR, 'Descartes' Method' *The Stanford Encyclopedia of Philosophy* (Spring edn 2023) <<https://plato.stanford.edu/archives/spr2023/entries/descartes-method/>> accessed 19 August 2023.

Dworkin R, *Law's Empire* (Hart Publishing 1986).

— — 'Objectivity and Truth: You'd Better Believe It' (1996) 25(2) Philosophy & Public Affairs 87.

— — 'Hart's Postscript and the Character of Political Philosophy' (2004) 22(1) Oxford J of L Studies 1.

— — *Justice for Hedgehogs* (Harvard UP 2011).

— — 'Hart's Posthumous Reply' (2017) 130(8) Harvard L Rev 2096.

References

- Fabra-Zamora JL, 'The Conceptual Problems Arising from Legal Pluralism' (2022) 37(1) *Canadian J of L and Society* 155.
- Fine K, 'Guide to Ground' in Fabrice Correia and Benjamin Schneider (eds), *Metaphysical Grounding: Understanding the Structure of Reality* (Cambridge UP 2012).
- Fuller LL, 'Positivism and Fidelity to Law – A Reply to Professor Hart' (1958) 71(4) *Harvard L Rev* 630.
- Green L, 'Introduction' in HLA Hart, *The Concept of Law* (3rd edn, Oxford UP 2012).
- Greenberg M, 'How Facts Make Law' (2004) 10 *L Theory* 157.
- — 'On Practices and the Law' (2006) 12 *L Theory* 113.
- — 'Hartian Positivism and Normative Facts: How Facts Make Law II' in Scott Hershovitz (ed), *Exploring Law's Empire: The Jurisprudence of Ronald Dworkin* (Oxford UP 2008).
- — 'How Facts Make Law and the Nature of Moral Facts' (2012) 40 *Direito, Estado e Sociedade* 165.
- Giuliani A, 'What is Comparative Legal History? Legal Historiography and the Revolt against Formalism, 1930–60' in Olivier Moréteau, Aniceto Mansferrer and Kjell A Modéer (eds), *Comparative Legal History* (Edward Elgar Publishing 2019).
- Griffiths J, 'What is Legal Pluralism?' (1986) 24 *J of L Pluralism and Unofficial L* 1.
- Gupta A, 'Definitions' *The Stanford Encyclopedia of Philosophy* (Winter edn 2021) <<https://plato.stanford.edu/archives/win2021/entries/definitions/>> accessed 22 August 2023.
- Hart HLA, 'Analytical Jurisprudence in Mid-Twentieth Century: A Reply to Professor Bodenheimer' (1957) 105(7) *U of Pennsylvania L Rev* 953, 958–67.
- — 'Bentham on Sovereignty' (1967) 2(2) *Irish Jurist* (ns) 327.
- — *Essays on Bentham: Studies in Jurisprudence and Political Theory* (Oxford UP 1982).
- — 'Definition and Theory in Jurisprudence' in *Essays in Jurisprudence and Philosophy* (Oxford UP 1983).
- — 'The New Challenge to Legal Positivism (1979)' Andrzej Grabowski (tr) (2016) 36(3) *Oxford J of L Studies* 459.
- — *The Concept of Law* (3rd edn, Oxford UP 2012).
- — and Sugarman D, 'Hart Interviewed: H.L.A. Hart in Conversation with David Sugarman' (2005) 32(2) *J of L and Society* 267.
- Hatfield G, 'René Descartes' *The Stanford Encyclopedia of Philosophy* (Summer edn 2018) <<https://plato.stanford.edu/archives/sum2018/entries/descartes/>> accessed 19 August 2023.

References

- Himma KE, 'How Much Can a Theory of Law Tell Us about the Nature of Morality: A Response to Mark Greenberg's *How Facts Make Law*' (2012) 40 *Direito, Estado e Sociedade* 132.
- Holmes OW, 'The Path of Law' (1897) 10(8) *Harvard L Rev* 457.
- Jackson F, *From Metaphysics to Ethics: A Defence of Conceptual Analysis* (Oxford UP 1998).
- — 'Conceptual Analysis and the Coercion Thesis' (2021) 45 *Revus* <<https://doi.org/10.4000/revus.7594>> accessed 18 August 2023.
- Kant I, *The Critique of Pure Reason* (first edn published 1781, second edn published 1787, Cambridge edn, Cambridge UP 1998).
- Kaplan J, 'In Defense of Hart's Supposedly Refuted Theory of Rules' (2021) 34(4) *Ratio Juris* 331.
- Kelsen H, 'Law, State and Justice in the Pure Theory of Law' (1948) 57(3) *Yale L J* 377.
- — *General Theory of Law & State* (Originally published 1949, Routledge 2017).
- Locke J, *An Essay Concerning Human Understanding* (Originally published 1689, 25th edn, M'Dowell 1824).
- Mac Amhlaigh C, 'Book Review: *Legal Pluralism Explained: History, Theory, Consequences*' (2022) 49 *J of L and Society* 430.
- MacCormick N, 'Argumentation and Interpretation in Law' (1993) 6(1) *Ratio Juris* 16.
- Mahoney J, 'Objectivity, Interpretation, and Rights: A Critique of Dworkin' (2004) 23(2) *Law and Philosophy* 187.
- Markie P and Folescu M, 'Rationalism vs. Empiricism' *The Stanford Encyclopedia of Philosophy* (Spring edn 2023) <<https://plato.stanford.edu/archives/spr2023/entries/rationalism-empiricism/>> accessed 11 May 2023.
- Marmor A and Sarch A, 'The Nature of Law' *The Stanford Encyclopedia of Philosophy* (Fall edn 2019) <<https://plato.stanford.edu/archives/fall2019/entries/lawphil-nature/>> accessed 13 May 2023.
- Merry SE, 'Legal Pluralism' (1988) 22(5) *L and Society Rev* 869.
- Miller A, 'Realism' *The Stanford Encyclopedia of Philosophy* (Winter edn 2021) <<https://plato.stanford.edu/archives/win2021/entries/realism/>> accessed 19 August 2023.
- Moss C, 'The Embryology of Legal Systems & Legal Pluralism' (2024) 4 *Plassey LR* 75.
- Neta R, 'On the Normative Significance of Normative Brute Facts' (2004) 10 *L Theory* 199.
- Nye H, 'A Critique of the Concept-Nature Nexus in Joseph Raz's Methodology' (2017) 37(1) *Oxford J of L Studies* 48.
- — 'The One-System View and Dworkin's anti-Archimedean Eliminativism' (2021) 40 *L and Philosophy* 247.

References

- — ‘Does Law ‘Exist’? Eliminativism in Legal Philosophy’ (2022) 15(1) Washington U Jurisprudence Rev 29.
- Payne M, ‘Hart’s Concept of a Legal System’ (1976) 18(2) William and Mary L Rev 287.
- Plunkett D and Sundell T, ‘Dworkin’s Interpretivism and the Pragmatics of Legal Disputes’ (2013) 13 L Theory 242.
- Raz J, *The Concept of a Legal System* (2nd edn, Oxford UP 1980).
- — *Practical Reason and Norms* (2nd edn, first published 1975, Oxford UP 1999).
- — ‘Can There Be a Theory of Law’ in Martin P Golding and William A Edmundson (eds), *The Blackwell Guide to the Philosophy of Law and Legal Theory* (Blackwell Publishing 2005).
- — *The Authority of Law* (2nd edn, Oxford UP 2009).
- Rodriguez-Blanco V, ‘From Shared Agency to the Normativity of Law: Shapiro’s and Coleman’s Defence to Hart’s Practice Theory of Rules Reconsidered’ (2009) 28(1) L and Philosophy 59.
- Rosen G, ‘Metaphysical Dependence: Grounding and Reduction’ in Bob Hale and Aviv Hoffman (eds), *Modality: Metaphysics, Logic, and Epistemology* (Oxford UP 2010).
- — ‘Real Definition’ (2015) 56(3) Analytic Philosophy 189.
- Russell B, ‘A Priori Justification and Knowledge’ *The Stanford Encyclopedia of Philosophy* (Summer edn 2020) <<https://plato.stanford.edu/archives/sum2020/entries/apriori/>> accessed 11 May 2023.
- Shapiro S, ‘Law, Plans, and Practical Reason’ (2002) 8 L Theory 387.
- Sartor G, ‘A Formal Model of Legal Argumentation’ (1994) 7(2) Ratio Juris 177.
- — ‘Interpretation, Argumentation, and the Determinacy of Law’ (2023) 36(3) Ratio Juris 214.
- Siviy SM, ‘Neurobiological substrates of play behavior: glimpses into the structure and function of mammalian playfulness’ in Marc Bekoff and John A Buyers (eds), *Animal Play: Evolutionary, Comparative and Ecological Perspectives* (Cambridge UP 2009).
- Smith GH, ‘The Theory of the State’ (1895) 34(148) Proceedings of the American Philosophical Society 182.
- Stavropoulos N, ‘The Debate That Never Was’ (2017) 130(8) Harvard L Rev 2082.
- Tamanaha BZ, *Legal Pluralism Explained: History, Theory and Consequences* (Oxford UP 2021).
- Valcke C, ‘Comparative Law as Comparative Jurisprudence – The Comparability of Legal Systems’ (2004) 52(3) The American Journal of Comparative Law 713.
- Van Hoecke M, ‘Deep Level Comparative Law’ in Mark Van Hoecke (ed), *Epistemology and Methodology of Comparative Law* (Hart Publishing 2004).

