

略论社科法学与教义法学的理论分歧

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内容提要

关键词

210093

一、问题的提出

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[2] See Alexander Peczenik, A Theory of Legal Doctrine, Ratio Juris, Vd.14, 2001, p.75.

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2013 5

2015 1

2012 1

2011 6

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2004 18-21

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三、“中国法律实践”的认知分歧

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Adams v. New Jersey Steamboat

Company 1896

Adams

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2013 6

[2] Joseph Raz, Reasoning with Rules in his Between Authority and Interpretation, Oxford university Press, 2009, p.211.

[3]

<http://www.law.pku.edu.cn/xvzx/pl/16870.htm> 2016 1 25

[4] See Alexander Peczenik, A Theory of Legal Doctrine, Ratio Juris. Vol. 14, 2001, pp.77- 78.

[5]

Lawyering Program see Anthony G. Amsterdam, Peggy Cooper Davis, and Aderson Bellegarde Francois, Lawyering by the Book. 2009- 2010 Edition.

[6] See Barbara A. Spellman and Frederick Schauer, Legal Reasoning, in K. J. Holyoak and R.G. Morrison eds, The Oxford Handbook of Thinking and Reasoning, Oxford University Press, 2013, pp.719- 735.

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[2] 2014 22-28

[3] 2006 4

[4] 2000 52-53

[5] 2014 6

[6] 2009 65-70