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criminal law theory and doctrine offers a sophisticated account of english criminal law combining theoretical precision and depth with an authoritative exposition of the law as such it will appeal to undergraduate law students seeking a firm grasp of doctrine and principle as well as to scholars and research students throughout the analysis is complemented by extensive citations of case law and articles scholars in particular will benefit from the extensive theoretical discussion the relevance of which transcends national boundaries this title is aimed at students new to the study of jurisprudence its intention is to explain the often complex and difficult ideas in legal philosophy as clearly as possible without over simplifying them to the point of distortion as well as introducing the reader to the fundamental themes in legal philosophy it also describes and comments critically on the writing of the foremost legal theorists the text is supplemented by suggested further readings which contain references to related materials for the third edition the book has been extensively revised taking into account the most recent scholarly work and elaborating on many of the key ideas and arguments the third in a series of three volumes on contemporary legal theory this volume deals with four topics 1 the role of legal theory in the legal curriculum 2 the teaching of legal theory 3 the relationship of legal theory to legal scholarship and 4 the relationship of legal theory to comparative law the focus of the first two topics is on the common law world where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since john austin s 1828 lecture the uses and the study of jurisprudence these first two parts offer a selection of the most important papers including surveys as well as pedagogical viewpoints and particular course descriptions from analytical critical feminist law and literature and global perspectives the last three decades have seen just as many changes for legal scholarship and comparative law these changes such as the rise of empirical legal scholarship have often attracted the attention of legal theorists within comparative law the last thirty years have witnessed intense methodological reflection within the discipline the results of these reflections are themselves properly recognised as legal theoretical contributions the volume collects the key papers including those by neil maccormick mark van hoecke andrew halpin william ewald and geoffrey samuel in the myriad choices of interpretation judges face when confronted with rules and cases legal realists are concerned with how these doctrinal materials carry over into judicial outcomes what can explain past judicial behavior and predict its future course how can law constrain judgments made by unelected judges how can the distinction between law and politics be maintained despite the collapse of law s autonomy in its positivist rendition in reconstructing american legal realism rethinking private law theory hanoch dagan provides an innovative and useful interpretation of legal realism he revives the legal realists rich account of law as a growing institution accommodating three sets of constitutive tensions power and reason science and craft and tradition and progress and demonstrates how the major claims attributed to legal realism fit into this conception of law dagan seeks to rein in realist descendants who have become fixated on one aspect of the big picture and to dispel the misconceptions that those gone astray represent the tradition accurately or that realism is now merely a historical signpost he draws upon the realist texts of oliver wendell holmes karl llewellyn and others to explain how legal realism offers important and unique jurisprudential insights that are not just a part of legal history but are also relevant and useful for a contemporary understanding of legal theory building on this realist conception of law and enriching its texture dagan addresses more particular jurisprudential questions he shows that the realist achievement in capturing law s irreducible complexity is crucial to the reinvigoration of legal theory as a distinct scholarly subject matter and is also inspiring for a host of other more specific theoretical topics such as the rule of law the autonomy and taxonomy of private law the relationships between rights and remedies and the pluralism and perfectionism that typify private law this textbook provides a thorough and systematic overview of human rights law including the most relevant practice and case law but also dealing with theoretical issues it pursues an original approach seeking to reconcile its didactic purpose with a scientific one positing that there must be a necessary synergy between these two purposes furthermore the author is convinced that international human rights law should not be studied as is done in virtually every textbook as a special legal regime separate and autonomous from the overall system of international law but as a regime that is fully integrated into the international legal order the book s dominant theme is the interrelationship of international human rights law and general international law following this approach the author has chosen to devote comparatively little content to institutional issues part iv and to instead more intensively explore the structural impact of human rights law on the entire international order part i on the sources part ii and obligations part iii of general international law and what constitutes fundamental human rights part v without neglecting other rights part vi building on an empirical analysis of the jurisprudence of the international court of justice and the two ad hoc tribunals for ex yugoslavia and rwanda this book sheds new light on the development of custom as a source of international criminal law this book in its entirety as well as in each of its parts is an outline of the problems under discussion the subject matter of some eighty sections of the book is extensive it could indeed be presented by experts in as many volumes this study offers an attempt to formulate a synthesis however difficult of the vast amount of available material unlike the well known standard introductions to international law which deal with all the major fields of international law this book treats exclusively the present conceptions of that law as expressed in legal literature international treaties and other agreements international judgements and awards governmental and diplomatic statements and the like special attention is devoted in several chapters of the book to the teachings of the most highly qualified publicists of the various nations which are considered by article 38 paragraph 1 d of the statute of the international court of justice as subsidiary means for the determination of rules of law an endeavor is made to ascertain whether in certain fields of the theory of international law a *communis opinio doctorum* has either been reached or is in the process of achievement

some readers may consider that there are too many quotations from writings of publicists others will certainly feel as does this writer that too many outstanding international lawyers have not been included one of the great ironies in contemporary sociology of law is that despite talcott parsons s enormously influential role as the midwife of modern sociology coupled with his three decades of focused and sustained analysis of the legal system s location in a total and complex society it is nothing short of appalling that his particular social systems approach to law has been largely neglected indeed although parsons made only cursory mention of law in some of his best known works he extensively discussed the role of the legal system in no less than five important papers and two somewhat lengthy book reviews what is more in the two slim paperbacks where parsons applies his cybernetic systems theory in explaining the progression from premodern to modern societies he considers law to be an essential element in the analysis of just about every society under consideration ancient egypt and the mesopotamian empires china india and the islamic empires the roman empire israel and greece medieval western christendom the united states this volume the first of its kind is the most complete articulation of parsons s treatment of the u s legal system s nature and function during the late twentieth century in addition to a lengthy introduction by the editor the book consists of 26 readings taken from the full range of parsons s books and papers which in toto render a detailed analytical roadmap that can today guide much of our sociological thinking concerning such contemporary social issues related to law as citizenship trust and governmentality more than this parsons s writings on the courts and the legal profession both of which he believed to constitute the core of an integrative u s citizenry can inform policy makers decisions concerning such controversial issues as immigration civil rights and legal ethics building on the previously established millennium development goals which ran from 2000 2015 the 2015 sustainable development goals sdgs provide the un with a roadmap for development until 2030 this topical book explores the associated legal and normative implications of these sdgs which in themselves are not legally binding fuller lon l the law in quest of itself boston beacon press 1966 vi 150 pp reprinted 1999 by the lawbook exchange ltd lccn 99 32863 isbn 13 978 1 58477 016 9 isbn 10 1 58477 016 3 cloth 60 three lectures by the harvard law school professor examine legal positivism and natural law in the course of his analysis fuller discusses kelsen s theory as a reactionary theory and hobbes theory of sovereignty he defines legal positivism as the viewpoint that draws a distinction between the law that is and the law that ought to be p 5 and interprets natural law as that which tolerates a combination of the two he looks at the effects of positivism s continued influence on american legal thinking and concludes that law as a principle of order is necessary in a democracy contracts cases and theory has two principal ambitions first to present the basic doctrine of contracts in a comprehensive and coherent fashion and second to encourage a rigorous and interdisciplinary approach to thinking about the values and principles that inspire the law the book provides a systematic survey of contract law while weaving in perspectives from economics philosophy sociology and legal theory to show how these disciplines can be used to both illuminate and criticize the law as it stands the book s treatments of law and ideas are designed to be free standing making the book an excellent introduction to interdisciplinary legal thought for students without prior training in other fields excerpt from the theory and practice of the law of evidence pedigree or reputation as to public and general rights and the same is true of other titles special pains have been taken to present these more difficult parts of the subject in a clear and intelligible form about the publisher forgotten books publishes hundreds of thousands of rare and classic books find more at forgottenbooks com this book is a reproduction of an important historical work forgotten books uses state of the art technology to digitally reconstruct the work preserving the original format whilst repairing imperfections present in the aged copy in rare cases an imperfection in the original such as a blemish or missing page may be replicated in our edition we do however repair the vast majority of imperfections successfully any imperfections that remain are intentionally left to preserve the state of such historical works as many disciplines in the humanities have experienced a focus on culture s impact in recent decades questions surrounding the significance of media such as writing print and computer networks have become increasingly relevant this book seeks to demonstrate that a media and cultural theory perspective can also be highly productive for legal theory thomas vesting approaches law as an artificial and constructive element within culture and emphasizes the many possibilities that varied forms of media have opened to law from oral history through to scripture print and modern day digital networks while providing historical examples for these theoretical assumptions the connections between media and law are reconstructed in a practical way and with an eye toward the future the book closes with an analysis of our present age as a network culture and discusses how this metaphorical framework can be of use in thinking about issues such as constitutionalism human rights the state democracy and education legal theory and the media of law will be of great interest to legal cultural and media theorists as well as academics of politics sociology and philosophy back cover the last decade has witnessed a particularly intensive debate over methodological issues in legal theory the publication of julie dickson s evaluation and legal theory 2001 was significant as were collective returns to h l a hart s postscript to the concept of law while influential articles have been written in disparate journals no single collection of the most important papers exists this volume the first in a three volume series aims not only to fill that gap but also propose a systematic agenda for future work the editors have selected articles written by leading legal theorists including among others leslie green brian leiter joseph raz ronald dworkin and william twining and organized under four broad categories 1 problems and purposes of legal theory 2 the role of epistemology and semantics in theorising about the nature of law 3 the relation between morality and legal theory and 4 the scope of phenomena a general jurisprudence ought to address ubiquitous law explores the possibility of understanding the law in dissociation from the state while at the same time establishing the conditions of meaningful communication between various legalities this book argues that the enquiry into the legal has been biased by the implicit or explicit presupposition of the state s exclusivity to a claim to legality as well as the tendency to make the enquiry into the law the task of experts who purport to be able to represent the legal community s commitments in an authoritative manner very worryingly the experts point of view then becomes constitutive of the law and parasitic to and distortive of people s commitments ubiquitous law counter suggests a new methodology

for legal theory which will not be based on rigid epistemological and normative assumptions but rather on self reflection and mutual understanding and critique so as to establish acceptable differences on the basis of a commonality harmonised and uniform international laws are now being spread across different jurisdictions and fields of law bringing with them an increasing body of scholarship on practical problems and theoretical dimensions this comprehensive and insightful book focuses on the contributions to the development and understanding of the critical theory of harmonisation the contributing authors address a variety of different subjects concerned with harmonisation and the application of legal rules resulting from harmonisation efforts this study is written by leading scholars engaged in different aspects of harmonisation and covers both regional harmonisation within the eu and regional human rights treaties as well as harmonisation with international treaty obligations with comparative analysis that contributes to the development of a more general theory on the harmonisation process this timely book will appeal to eu and international law scholars and practitioners as well as those looking to future legal harmonisation in other regions in asia latin america and africa street law examines the theory and practice of public legal education and street law in particular it provides practical guidance for students on issues such as designing a street law project interactive teaching techniques creative teaching reflection and evaluating a street law project the chapters are divided into two the theory of the topic and the practical application of that theory to the street law classroom the text also doubles as a journal with spaces left for students to write about their experiences and reflections street law is ideal for all law students taking a curricular or non curricular course in street law through the law clinic much of international law like much of contract is enforced not by independent sanctions but rather through cooperative interaction among the parties with repeat dealings reputation and a preference for reciprocity doing most of the enforcement work originally published in 2006 the limits of leviathan identifies areas in international law where formal enforcement provides the most promising means of promoting cooperation and where it does not in particular it looks at the international criminal court the rules for world trade efforts to enlist domestic courts to enforce orders of the international court of justice domestic judicial enforcement of the geneva convention the domain of international commercial agreements and the question of odious debt incurred by sovereigns this book explains how international law like contract depends largely on the willingness of responsible parties to make commitments this is the classic study of the history and continuing philosophical values of the law of nature d entreves discerned three distinct sources that have contributed to the development of natural law roman law teachings christian beliefs regarding law and egalitarian and revolutionary theories of the enlightenment now regarded as a classic work natural law has exercised considerable influence over the course of anglo american legal theory in the past forty years the statements of clarence thomas during his 1991 senate confirmation hearings show that the law of nature still holds powerful appeal in defining judicial rules in the new introduction cary j nederman points out both the contemporary value and the historical significance of natural law he also provides the biographical as well as intellectual context for d entreves immense accomplishments this volume is essential reading for students of legal history political theory and philosophy it will also be of interest to historians few texts provide as concise or as cogent an introduction to natural theory as alexander passerin d entreves natural law an introduction to legal philosophy transaction publishers has performed a genuine service by bringing out a new edition of natural law d entreves analysis is clear and penetrating and will guide the student of natural law to further fruitful study mitchell muncy the university bookman google books viewed may 18 2021 this updated and revised second edition provides a comprehensive scholarly framework for analyzing the theory and history of international law featuring an array of legal and interdisciplinary analyses it focuses on those theories and developments that illuminate the central and timeless basic concepts and categories of the international legal system highlighting the interdependency of various aspects of theory and history and demonstrating the connections between theory and practice with contributions from renowned experts this research handbook explores the essence and development of international legal theory taking account of the key shifts and advances since the era of classical legal scholarship contributors examine several major areas of international law in depth before transferring their focus to the history of international law from the medieval period up to the present day coverage has been expanded to include analysis of the origins of and eurocentric narratives surrounding the present system and to discuss significant developments of the 21st century scholars and students of international law and politics looking for an in depth understanding of the current international legal system and its history will find this research handbook to be crucial reading its theoretical approach will also be of interest to legal theorists as well as researchers in ethics and philosophy concentrating upon those doctrines that make up the general part of the criminal law this collection of essays by leading american and british legal experts sheds theoretical light on key issues of contemporary relevance natural law theory is enjoying a revival of interest in a variety of scholarly disciplines including law philosophy political science and theology and religious studies this volume presents twelve original essays by leading natural law theorists and their critics the contributors discuss natural law theories of morality law and legal reasoning politics and the rule of law readers get a clear sense of the wide diversity of viewpoints represented among contemporary theorists and an opportunity to evaluate the arguments and counterarguments exchanged in the current debates between natural law theorists and their critics contributors include hadley arkes joseph m boyle jr john finnis robert p george russell hittinger neil maccormick michael moore jeffrey stout joseph raz jeremy waldron lloyd weinreb and ernest weinrib the book shows how moral theory can challenge and improve international criminal law and how extreme cases can challenge and improve mainstream theory niklas luhmann is recognised as a major social theorist and his treatise on the sociology of law is a classic text for luhmann law provides the framework of the state lawyers are the main human resource for the state and legal theory provides the most suitable base from which to theorize on the nature of society he explores the concept of law in the light of a general theory of social systems showing the important part law plays in resolving fundamental problems a society may face he then goes on to discuss in detail how modern positive as opposed to natural law comes to fulfil this function the work as a whole is not only a contribution to legal sociology but a major work in social

theory with a revised translation and a new introduction by martin albrow this book which is the result of several years of research discussion writing and re writing consists of three parts and eight chapters the first part is given by the two first chapters introducing the issue of validity and facticity in law the second part chapters 3 4 and 5 is the core of this study and tries to present a theory based on a specific view about language and social practice the third part deal with the issue of value judgments and views about morality and consists of chapters 6 and 7 chapter 8 should nally serve as epilogue in the first chapter a discussion is started about the relationship between law and power seen as a presupposition for an assessment of the nature of law as a matter of fact as has been remarked general theories of law struggle to do justice to the 1 multiple dualities of the law indeed law has a dual nature it is a fact but it also a norm a sort of ideal entity law is sanction but it is also discourse it is effectivity or facticity but it is also a vehicle of principles among which the central one is justice but this duality is not only a phenomenological or a matter of justification and implementation as two separate moments the papers in this volume focus on two central issues in the philosophy of law the relationship between law and morality and crime and punishment in the essay that gives the title to this volume it is argued that although in many legal systems there are in fact significant connections between law and morality these connections are not conceptually or logically necessary they depend on various social practices ronald dworkin s famous attempt to undermine the legal positivist s separation of law from morality is rejected and it is argued that dworkin s own positive theory of law may indeed be quite compatible with certain versions of legal positivism other essays explore the notion of a wicked legal system the rule of law and various perspectives on the nature of law the essays on crime and punishment discuss the theory and practice of punishment they extend the work done in the author s earlier book crime guilt and punishment they reject a purely retributive justification of punishment in spite of the increasing sophistication in its recent formulations this text provides an analysis of the theories and principles of contemporary anglo american substantive criminal law it is the author s view that the interpretation and application of the general principles of criminal liability presupposes a moral and political philosophy he argues that most of the leading criminal theorists have supposed that criminal theory can be empirical scientific and objective emphasizing such issues as action harm and causation the continuity of legal systems in theory and practice examines a persistent and fascinating question about the continuity of legal systems when is a legal system existing at one time the same legal system that exists at another time the book s distinctive approach to this question is to combine abstract critical analysis of two of the most developed theories of legal systems those of hans kelsen and joseph raz with an evaluation of their capacity in practice to explain the facts attitudes and normative standards for which they purport to account that evaluation is undertaken by reference to australian constitutional law and history whose diverse and complex phenomena make it particularly apt for evaluating the theories explanatory power in testing whether the depiction of australian law presented by each theory achieves an adequate fit with historical facts the book also contributes to the understanding of australian law and legal systems between 1788 and 2001 by collating the relevant australian materials systematically for the first time it presents the case for reconceptualising the role of imperial laws and institutions during the late nineteenth and early twentieth centuries and clarifies the interrelationship between colonial state commonwealth and imperial legal systems both before and after federation bloomsbury publishing many asian pacific jurisdictions have integrated and developed trusts law in their legal systems either through colonial heritage or statutory activism but the diversity of legal traditions and local contexts has resulted in trusts laws having a significantly varied impact across the region in the modern globalised world there is growing need to adopt an outward looking approach in dealing with matters of common interest this book aims to do this by offering the first work that systematically explores trusts law across the region at a time when asia represents the fastest growing economic region there is no better moment to consider what trusts law can contribute to societal stability and economic prosperity when asked why people obey the law legal scholars usually give two answers law deters illicit activities by specifying sanctions and it possesses legitimate authority in the eyes of society richard mcadams shifts the prism on this familiar question to offer another compelling explanation of how the law creates compliance through its expressive power to coordinate our behavior and inform our beliefs mcadams s account is useful powerful and a rarity in legal theory concrete mcadams s treatment reveals important insights into how rational agents reason and interact both with one another and with the law the expressive powers of law is a valuable contribution to our understanding of these interactions harvard law review mcadams s analysis widening the perspective of our understanding of why people comply with the law should be welcomed by those interested either in the nature of law the function of law or both mcadams shows how law sometimes works by a power of suggestion his varied examples are fascinating for their capacity both to demonstrate and to show the limits of law s expressive power patrick mckinley brendan review of metaphysics professor suy occupies a prominent place in international law both as an academic lawyer as well as the former under secretary general legal counsel of the united nations his activities as a teacher scholar un legal counsel keynote speaker on many occasions as a legal advisor to belgian foreign governmental authorities naturally led to the sub divisions of this volume such as the law of international organizations the law of the european union the law of armed conflict the peaceful settlement of disputes the contributions all by friends of eric suy present the vast panorama of his intellectual pursuits this book deals with the theory and practice of islamic law in both the formative classic and modern periods and over a wide range of societies the book also focuses on the role of ijtiha in both sunni and shi i fiqh and in collections of fatwa

An Introduction to Comparative Law Theory and Method

2014

criminal law theory and doctrine offers a sophisticated account of english criminal law combining theoretical precision and depth with an authoritative exposition of the law as such it will appeal to undergraduate law students seeking a firm grasp of doctrine and principle as well as to scholars and research students throughout the analysis is complemented by extensive citations of case law and articles scholars in particular will benefit from the extensive theoretical discussion the relevance of which transcends national boundaries

International Law : Theory And Practice

2008-01-01

this title is aimed at students new to the study of jurisprudence its intention is to explain the often complex and difficult ideas in legal philosophy as clearly as possible without over simplifying them to the point of distortion as well as introducing the reader to the fundamental themes in legal philosophy it also describes and comments critically on the writing of the foremost legal theorists the text is supplemented by suggested further readings which contain references to related materials for the third edition the book has been extensively revised taking into account the most recent scholarly work and elaborating on many of the key ideas and arguments

Criminal Law

2000-06-01

the third in a series of three volumes on contemporary legal theory this volume deals with four topics 1 the role of legal theory in the legal curriculum 2 the teaching of legal theory 3 the relationship of legal theory to legal scholarship and 4 the relationship of legal theory to comparative law the focus of the first two topics is on the common law world where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since john austin s 1828 lecture the uses and the study of jurisprudence these first two parts offer a selection of the most important papers including surveys as well as pedagogical viewpoints and particular course descriptions from analytical critical feminist law and literature and global perspectives the last three decades have seen just as many changes for legal scholarship and comparative law these changes such as the rise of empirical legal scholarship have often attracted the attention of legal theorists within comparative law the last thirty years have witnessed intense methodological reflection within the discipline the results of these reflections are themselves properly recognised as legal theoretical contributions the volume collects the key papers including those by neil maccormick mark van hoecke andrew halpin william ewald and geoffrey samuel

Jurisprudence

2003

in the myriad choices of interpretation judges face when confronted with rules and cases legal realists are concerned with how these doctrinal materials carry over into judicial outcomes what can explain past judicial behavior and predict its future course how can law constrain judgments made by unelected judges how can the distinction between law and politics be maintained despite the collapse of law s autonomy in its positivist rendition in reconstructing american legal realism rethinking private law theory hanoch dagan provides an innovative and useful interpretation of legal realism he revives the legal realists rich account of law as a growing institution accommodating three sets of constitutive tensions power and reason science and craft and tradition and progress and demonstrates how the major claims attributed to legal realism fit into this conception of law dagan seeks to rein in realist descendants who have become fixated on one aspect of the big picture and to dispel the misconceptions that those gone astray represent the tradition accurately or that realism is now merely a historical signpost he draws upon the realist texts of oliver wendell holmes karl llewellyn and others to explain how legal realism offers important and unique

jurisprudential insights that are not just a part of legal history but are also relevant and useful for a contemporary understanding of legal theory building on this realist conception of law and enriching its texture dagan addresses more particular jurisprudential questions he shows that the realist achievement in capturing law's irreducible complexity is crucial to the reinvigoration of legal theory as a distinct scholarly subject matter and is also inspiring for a host of other more specific theoretical topics such as the rule of law the autonomy and taxonomy of private law the relationships between rights and remedies and the pluralism and perfectionism that typify private law

Legal Theory and the Legal Academy

2017-07-05

this textbook provides a thorough and systematic overview of human rights law including the most relevant practice and case law but also dealing with theoretical issues it pursues an original approach seeking to reconcile its didactic purpose with a scientific one positing that there must be a necessary synergy between these two purposes furthermore the author is convinced that international human rights law should not be studied as is done in virtually every textbook as a special legal regime separate and autonomous from the overall system of international law but as a regime that is fully integrated into the international legal order the book's dominant theme is the interrelationship of international human rights law and general international law following this approach the author has chosen to devote comparatively little content to institutional issues part iv and to instead more intensively explore the structural impact of human rights law on the entire international order part i on the sources part ii and obligations part iii of general international law and what constitutes fundamental human rights part v without neglecting other rights part vi

The Theory and Craft of American Law--elements

1981

building on an empirical analysis of the jurisprudence of the international court of justice and the two ad hoc tribunals for ex yugoslavia and rwanda this book sheds new light on the development of custom as a source of international criminal law

Reconstructing American Legal Realism & Rethinking Private Law Theory

2013-08-20

this book in its entirety as well as in each of its parts is an outline of the problems under discussion the subject matter of some eighty sections of the book is extensive it could indeed be presented by experts in as many volumes this study offers an attempt to formulate a synthesis however difficult of the vast amount of available material unlike the well known standard introductions to international law which deal with all the major fields of international law this book treats exclusively the present conceptions of that law as expressed in legal literature international treaties and other agreements inter national judgements and awards governmental and diplomatic state ments and the like special attention is devoted in several chapters of the book to the teachings of the most highly qualified publicists of the various nations which are considered by article 38 paragraph 1 d of the statute of the international court of justice as subsidiary means for the determination of rules of law an endeavor is made to ascertain whether in certain fields of the theory of international law a communis opinio doctorum has either been reached or is in the process of achievement some readers may consider that there are too many quotations from writings of publicists others will certainly feel as does this writer that too many outstanding international lawyers have not been included

International Human Rights Law

2021

one of the great ironies in contemporary sociology of law is that despite talcott parsons's enormously influential role as the midwife of modern sociology coupled with his three

decades of focused and sustained analysis of the legal system's location in a total and complex society it is nothing short of appalling that his particular social systems approach to law has been largely neglected indeed although parsons made only cursory mention of law in some of his best known works he extensively discussed the role of the legal system in no less than five important papers and two somewhat lengthy book reviews what is more in the two slim paperbacks where parsons applies his cybernetic systems theory in explaining the progression from premodern to modern societies he considers law to be an essential element in the analysis of just about every society under consideration ancient egypt and the mesopotamian empires china india and the islamic empires the roman empire israel and greece medieval western christendom the united states this volume the first of its kind is the most complete articulation of parsons's treatment of the u s legal system's nature and function during the late twentieth century in addition to a lengthy introduction by the editor the book consists of 26 readings taken from the full range of parsons's books and papers which in toto render a detailed analytical roadmap that can today guide much of our sociological thinking concerning such contemporary social issues related to law as citizenship trust and governmentality more than this parsons's writings on the courts and the legal profession both of which he believed to constitute the core of an integrative u s citizenry can inform policy makers decisions concerning such controversial issues as immigration civil rights and legal ethics

Developments in Customary International Law

2010-05-17

building on the previously established millennium development goals which ran from 2000 2015 the 2015 sustainable development goals sdgs provide the un with a roadmap for development until 2030 this topical book explores the associated legal and normative implications of these sdgs which in themselves are not legally binding

Introduction to International Law

2013-06-29

fuller lon l the law in quest of itself boston beacon press 1966 vi 150 pp reprinted 1999 by the lawbook exchange ltd lccn 99 32863 isbn 13 978 1 58477 016 9 isbn 10 1 58477 016 3 cloth 60 three lectures by the harvard law school professor examine legal positivism and natural law in the course of his analysis fuller discusses kelsen's theory as a reactionary theory and hobbes theory of sovereignty he defines legal positivism as the viewpoint that draws a distinction between the law that is and the law that ought to be p 5 and interprets natural law as that which tolerates a combination of the two he looks at the effects of positivism's continued influence on american legal thinking and concludes that law as a principle of order is necessary in a democracy

Talcott Parsons on Law and the Legal System

2021-02-03

contracts cases and theory has two principal ambitions first to present the basic doctrine of contracts in a comprehensive and coherent fashion and second to encourage a rigorous and interdisciplinary approach to thinking about the values and principles that inspire the law the book provides a systematic survey of contract law while weaving in perspectives from economics philosophy sociology and legal theory to show how these disciplines can be used to both illuminate and criticize the law as it stands the book's treatments of law and ideas are designed to be free standing making the book an excellent introduction to interdisciplinary legal thought for students without prior training in other fields

Sustainable Development Goals

2018-06-29

excerpt from the theory and practice of the law of evidence pedigree or reputation as to public and general rights and the same is true of other titles special pains have been taken to

present these more difficult parts of the subject in a clear and intelligible form about the publisher forgotten books publishes hundreds of thousands of rare and classic books find more at forgottenbooks.com this book is a reproduction of an important historical work forgotten books uses state of the art technology to digitally reconstruct the work preserving the original format whilst repairing imperfections present in the aged copy in rare cases an imperfection in the original such as a blemish or missing page may be replicated in our edition we do however repair the vast majority of imperfections successfully any imperfections that remain are intentionally left to preserve the state of such historical works

The Law in Quest of Itself

1999

as many disciplines in the humanities have experienced a focus on culture's impact in recent decades questions surrounding the significance of media such as writing print and computer networks have become increasingly relevant this book seeks to demonstrate that a media and cultural theory perspective can also be highly productive for legal theory thomas vesting approaches law as an artificial and constructive element within culture and emphasizes the many possibilities that varied forms of media have opened to law from oral history through to scripture print and modern day digital networks while providing historical examples for these theoretical assumptions the connections between media and law are reconstructed in a practical way and with an eye toward the future the book closes with an analysis of our present age as a network culture and discusses how this metaphorical framework can be of use in thinking about issues such as constitutionalism human rights the state democracy and education legal theory and the media of law will be of great interest to legal cultural and media theorists as well as academics of politics sociology and philosophy back cover

Contracts

2018-06-16

the last decade has witnessed a particularly intensive debate over methodological issues in legal theory the publication of julie dickson's evaluation and legal theory 2001 was significant as were collective returns to h l a hart's postscript to the concept of law while influential articles have been written in disparate journals no single collection of the most important papers exists this volume the first in a three volume series aims not only to fill that gap but also propose a systematic agenda for future work the editors have selected articles written by leading legal theorists including among others leslie green brian leiter joseph raz ronald dworkin and william twining and organized under four broad categories 1 problems and purposes of legal theory 2 the role of epistemology and semantics in theorising about the nature of law 3 the relation between morality and legal theory and 4 the scope of phenomena a general jurisprudence ought to address

The Theory and Practice of the Law of Evidence (Classic Reprint)

2016-09-09

ubiquitous law explores the possibility of understanding the law in dissociation from the state while at the same time establishing the conditions of meaningful communication between various legalities this book argues that the enquiry into the legal has been biased by the implicit or explicit presupposition of the state's exclusivity to a claim to legality as well as the tendency to make the enquiry into the law the task of experts who purport to be able to represent the legal community's commitments in an authoritative manner very worryingly the experts point of view then becomes constitutive of the law and parasitic to and distortive of people's commitments ubiquitous law counter suggests a new methodology for legal theory which will not be based on rigid epistemological and normative assumptions but rather on self reflection and mutual understanding and critique so as to establish acceptable differences on the basis of a commonality

Legal Theory and the Media of Law

2018

harmonised and uniform international laws are now being spread across different jurisdictions and fields of law bringing with them an increasing body of scholarship on practical problems and theoretical dimensions this comprehensive and insightful book focuses on the contributions to the development and understanding of the critical theory of harmonisation the contributing authors address a variety of different subjects concerned with harmonisation and the application of legal rules resulting from harmonisation efforts this study is written by leading scholars engaged in different aspects of harmonisation and covers both regional harmonisation within the eu and regional human rights treaties as well as harmonisation with international treaty obligations with comparative analysis that contributes to the development of a more general theory on the harmonisation process this timely book will appeal to eu and international law scholars and practitioners as well as those looking to future legal harmonisation in other regions in asia latin america and africa

The Methodology of Legal Theory

2017-07-05

street law examines the theory and practice of public legal education and street law in particular it provides practical guidance for students on issues such as designing a street law project interactive teaching techniques creative teaching reflection and evaluating a street law project the chapters are divided into two the theory of the topic and the practical application of that theory to the street law classroom the text also doubles as a journal with spaces left for students to write about their experiences and reflections street law is ideal for all law students taking a curricular or non curricular course in street law through the law clinic

Ubiquitous Law

2016-02-17

much of international law like much of contract is enforced not by independent sanctions but rather through cooperative interaction among the parties with repeat dealings reputation and a preference for reciprocity doing most of the enforcement work originally published in 2006 the limits of leviathan identifies areas in international law where formal enforcement provides the most promising means of promoting cooperation and where it does not in particular it looks at the international criminal court the rules for world trade efforts to enlist domestic courts to enforce orders of the international court of justice domestic judicial enforcement of the geneva convention the domain of international commercial agreements and the question of odious debt incurred by sovereigns this book explains how international law like contract depends largely on the willingness of responsible parties to make commitments

Theory and Practice of Harmonisation

2012

this is the classic study of the history and continuing philosophical values of the law of nature d entreves discerned three distinct sources that have contributed to the development of natural law roman law teachings christian beliefs regarding law and egalitarian and revolutionary theories of the enlightenment now regarded as a classic work natural law has exercised considerable influence over the course of anglo american legal theory in the past forty years the statements of clarence thomas during his 1991 senate confirmation hearings show that the law of nature still holds powerful appeal in defining judicial rules in the new introduction cary j nederman points out both the contemporary value and the historical significance of natural law he also provides the biographical as well as intellectual context for d entreves immense accomplishments this volume is essential reading for students of legal history political theory and philosophy it will also be of interest to historians few texts provide as concise or as cogent an introduction to natural theory as alexander

passerin d entreves natural law an introduction to legal philosophy transaction publishers has performed a genuine service by bringing out a new edition of natural law d entreves analysis is clear and penetrating and will guide the student of natural law to further fruitful study mitchell muncy the university bookman google books viewed may 18 2021

Street Law

2023

this updated and revised second edition provides a comprehensive scholarly framework for analyzing the theory and history of international law featuring an array of legal and interdisciplinary analyses it focuses on those theories and developments that illuminate the central and timeless basic concepts and categories of the international legal system highlighting the interdependency of various aspects of theory and history and demonstrating the connections between theory and practice with contributions from renowned experts this research handbook explores the essence and development of international legal theory taking account of the key shifts and advances since the era of classical legal scholarship contributors examine several major areas of international law in depth before transferring their focus to the history of international law from the medieval period up to the present day coverage has been expanded to include analysis of the origins of and eurocentric narratives surrounding the present system and to discuss significant developments of the 21st century scholars and students of international law and politics looking for an in depth understanding of the current international legal system and its history will find this research handbook to be crucial reading its theoretical approach will also be of interest to legal theorists as well as researchers in ethics and philosophy

The Limits of Leviathan

2006-08-14

concentrating upon those doctrines that make up the general part of the criminal law this collection of essays by leading american and british legal experts sheds theoretical light on key issues of contemporary relevance

Natural Law

1960

natural law theory is enjoying a revival of interest in a variety of scholarly disciplines including law philosophy political science and theology and religious studies this volume presents twelve original essays by leading natural law theorists and their critics the contributors discuss natural law theories of morality law and legal reasoning politics and the rule of law readers get a clear sense of the wide diversity of viewpoints represented among contemporary theorists and an opportunity to evaluate the arguments and counterarguments exchanged in the current debates between natural law theorists and their critics contributors include hadley arkes joseph m boyle jr john finnis robert p george russell hittinger neil maccormick michael moore jeffrey stout joseph raz jeremy waldron lloyd weinreb and ernest weinrib

Research Handbook on the Theory and History of International Law

2020-12-28

the book shows how moral theory can challenge and improve international criminal law and how extreme cases can challenge and improve mainstream theory

Criminal Law Theory

2002

niklas luhmann is recognised as a major social theorist and his treatise on the sociology of law is a classic text for luhmann law provides the framework of the state lawyers are the main human resource for the state and legal theory provides the most suitable base from which to theorize on the nature of society he explores the concept of law in the light of a general theory of social systems showing the important part law plays in resolving fundamental problems a society may face he then goes on to discuss in detail how modern positive as opposed to natural law comes to fulfil this function the work as a whole is not only a contribution to legal sociology but a major work in social theory with a revised translation and a new introduction by martin albrow

Natural Law Theory

1992

this book which is the result of several years of research discussion writing and re writing consists of three parts and eight chapters the rst part is given by the two rst chapters introducing the issue of validity and facticity in law the second part chapters 3 4 and 5 is the core of this study and tries to present a theory based on a specific view about language and social practice the third part deal with the issue of value judgments and views about morality and consists of chapters 6 and 7 chapter 8 should nally serve as epilogue in the rst chapter a discussion is started about the relationship between law and power seen as a presupposition for an assessment of the nature of law as a matter of fact as has been remarked general theories of law struggle to do justice to the 1 multiple dualities of the law indeed law has a dual nature it is a fact but it also a norm a sort of ideal entity law is sanction but it is also discourse it is effectivity or facticity but it is also a vehicle of principles among which the central one is justice but this duality is not only a phenomenological or a matter of justification and implementation as two separate moments

Justice in Extreme Cases

2020-12-17

the papers in this volume focus on two central issues in the philosophy of law the relationship between law and morality and crime and punishment in the essay that gives the title to this volume it is argued that although in many legal systems there are in fact significant connections between law and morality these connections are not conceptually or logically necessary they depend on various social practices ronald dworkin s famous attempt to undermine the legal positivist s separation of law from morality is rejected and it is argued that dworkin s own positive theory of law may indeed be quite compatible with certain versions of legal positivism other essays explore the notion of a wicked legal system the rule of law and various perspectives on the nature of law the essays on crime and punishment discuss the theory and practice of punishment they extend the work done in the author s earlier book crime guilt and punishment they reject a purely retributive justification of punishment in spite of the increasing sophistication in its recent formulations

A Sociological Theory of Law

2013-10-30

this text provides an analysis of the theories and principles of contemporary anglo american substantive criminal law it is the author s view that the interpretation and application of the general principles of criminal liability presupposes a moral and political philosophy he argues that most of the leading criminal theorists have supposed that criminal theory can be empirical scientific and objective emphasizing such issues as action harm and causation

Law as Institution

2010-08-13

the continuity of legal systems in theory and practice examines a persistent and fascinating question about the continuity of legal systems when is a legal system existing at one time the same legal system that exists at another time the book s distinctive approach to this question is to combine abstract critical analysis of two of the most developed theories of legal systems those of hans kelsen and joseph raz with an evaluation of their capacity in practice to explain the facts attitudes and normative standards for which they purport to account that evaluation is undertaken by reference to australian constitutional law and history whose diverse and complex phenomena make it particularly apt for evaluating the theories explanatory power in testing whether the depiction of australian law presented by each theory achieves an adequate fit with historical facts the book also contributes to the understanding of australian law and legal systems between 1788 and 2001 by collating the relevant australian materials systematically for the first time it presents the case for reconceptualising the role of imperial laws and institutions during the late nineteenth and early twentieth centuries and clarifies the interrelationship between colonial state commonwealth and imperial legal systems both before and after federation bloomsbury publishing

A Companion to the Philosophy of Law and Legal Theory

2004

many asian pacific jurisdictions have integrated and developed trusts law in their legal systems either through colonial heritage or statutory activism but the diversity of legal traditions and local contexts has resulted in trusts laws having a significantly varied impact across the region in the modern globalised world there is growing need to adopt an outward looking approach in dealing with matters of common interest this book aims to do this by offering the first work that systematically explores trusts law across the region at a time when asia represents the fastest growing economic region there is no better moment to consider what trusts law can contribute to societal stability and economic prosperity

The Soundest Theory of Law

2004

when asked why people obey the law legal scholars usually give two answers law deters illicit activities by specifying sanctions and it possesses legitimate authority in the eyes of society richard mcadams shifts the prism on this familiar question to offer another compelling explanation of how the law creates compliance through its expressive power to coordinate our behavior and inform our beliefs mcadams s account is useful powerful and a rarity in legal theory concrete mcadams s treatment reveals important insights into how rational agents reason and interact both with one another and with the law the expressive powers of law is a valuable contribution to our understanding of these interactions harvard law review mcadams s analysis widening the perspective of our understanding of why people comply with the law should be welcomed by those interested either in the nature of law the function of law or both mcadams shows how law sometimes works by a power of suggestion his varied examples are fascinating for their capacity both to demonstrate and to show the limits of law s expressive power patrick mckinley brennan review of metaphysics

The Human Rights Field Operation

2009

professor suy occupies a prominent place in international law both as an academic lawyer as well as the former under secretary general legal counsel of the united nations his activities as a teacher scholar un legal counsel keynote speaker on many occasions as a legal advisor to belgian foreign governmental authorities naturally led to the sub divisions of this volume such as the law of international organizations the law of the european union the law of armed conflict the peaceful settlement of disputes the contributions all by friends of

eric suy present the vast panorama of his intellectual pursuits

Philosophy of Criminal Law

1987-01-01

this book deals with the theory and practice of islamic law in both the formative classic and modern periods and over a wide range of societies the book also focuses on the role of ijti had in both sunni and shi i fiqh and in collections of fatwa

The Continuity of Legal Systems in Theory and Practice

2015

Private Law Theory

1994

Asia-pacific Trusts Law

2021

The Expressive Powers of Law

2017-03-20

The Theory and Craft of American Law

1981-01-01

International Law

1998-05-11

The Theory and Practice of Private International Law

2006

Islamic Law

1997-12-31

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