
The Concept Of Law Clarendon Series Hla Hart

The Oxford Handbook of Jurisprudence and Philosophy of Law
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The Oxford Handbook of Jurisprudence and Philosophy of Law

Oxford University Press

This fourth edition of *Precedent in English Law* presents a basic guide to the current doctrine of precedent in England, set in the wider context of the jurisprudential problems which any treatment of this topic involves. Such problems include the nature of *ratio decidendi* of a precedent and of its binding force, the significance of precedents alongside other sources of law, their role in legal reasoning, and the account which must be taken of them by any general theory of law. Considerable re-writing has been undertaken to update case-law and take account of the possible implications for the doctrine of precedent of the impact of European Community law, making it an indispensable work of reference for readers interested in the past history, present state, and future developments of English rules of precedent.

Oxford University Press on Demand

Drawing upon philosophical pragmatism, Tamanaha constructs

the foundations for a realistic approach to the social scientific study of law. He analyses the major schools of socio-legal theory, and articulates a 'social theory of law' which is illustrated using concrete examples from judicial decision making. In a clear and concise fashion he combines a grounding in social science with legal theory and an exploration of the actual practice of law.

Legal Reasoning and Legal Theory OUP Oxford

Written in the well-established tradition of the Clarendon Law Series, *Public Law* offers a stimulating re-interpretation of the central themes and problems of English constitutional law. It offers full consideration of the historical development of public law. This book is an introduction that will be especially appealing to the enquiring student who is looking to reflect critically on the assumptions underpinning the standard presentation of the subject. Written throughout in an engaging and accessible style, *Public Law* examines the issues of power and accountability that are central to constitutional and administrative law. Among the topics considered are the unwritten nature of the constitution, the changing relationship between the law and the politics of the constitution, the separation of powers, the enduring influence of the crown, the role and functions of Parliament, questions of responsible government, and the law of judicial review and

human rights.

The Concept of Law The Concept of Law

Kelsen, Hans. *Pure Theory of Law*. Translation from the Second German Edition by Max Knight. Berkeley: University of California Press, 1967. x, 356 pp. Reprinted 2005 by The Lawbook Exchange, Ltd. ISBN 1-58477-578-5. Paperbound. \$36.95 *
Second revised and enlarged edition, a complete revision of the first edition published in 1934. A landmark in the development of modern jurisprudence, the pure theory of law defines law as a system of coercive norms created by the state that rests on the validity of a generally accepted Grundnorm, or basic norm, such as the supremacy of the Constitution. Entirely self-supporting, it rejects any concept derived from metaphysics, politics, ethics, sociology, or the natural sciences. Beginning with the medieval reception of Roman law, traditional jurisprudence has maintained a dual system of "subjective" law (the rights of a person) and "objective" law (the system of norms). Throughout history this dualism has been a useful tool for putting the law in the service of politics, especially by rulers or dominant political parties. The pure theory of law destroys this dualism by replacing it with a unitary system of objective positive law that is insulated from political manipulation. Possibly the most influential jurist of the twentieth century, Hans Kelsen [1881-1973] was legal adviser to Austria's last emperor and its first republican government, the founder and permanent advisor of the Supreme Constitutional Court of Austria, and the author of Austria's Constitution, which was enacted in 1920, abolished during the Anschluss, and restored in 1945. The author of more than forty books on law and legal philosophy, he is best known for this work and *General Theory of Law and State*. Also active as a teacher in Europe and the United States, he was Dean of the Law Faculty of the University of Vienna and taught at the universities of Cologne and Prague, the Institute of International Studies in Geneva, Harvard, Wellesley, the University of California at Berkeley, and the Naval War College. Also available in cloth.

Commentaries on the Laws of England Oxford University Press
This classic collection of essays, first published in 1968, has had an enduring impact on academic and public debates about criminal responsibility and criminal punishment. Forty years on, its arguments are as powerful as ever. H.L.A. Hart offers an alternative to retributive thinking about criminal punishment that nevertheless preserves the central distinction between guilt and innocence. He also provides an account of criminal responsibility that links the distinction between guilt and innocence closely to the ideal of the rule of law, and thereby attempts to by-pass unnerving debates about free will and determinism. Always engaged with live issues of law and public policy, Hart makes difficult philosophical puzzles accessible and immediate to a wide range of readers. For this new edition, otherwise a reproduction of the original, John Gardner adds an introduction engaging critically with Hart's arguments, and explaining the continuing importance of Hart's ideas in spite of the intervening revival of retributive thinking in both academic and policy circles. Unavailable for ten years, the new edition of *Punishment and Responsibility* makes available again the central text in the field for a new generation of academics, students and professionals engaged in criminal justice and penal policy.

The Anthropology of Law Oxford University Press

What makes an argument in a law case good or bad? Can legal decisions be justified by purely rational argument or are they ultimately determined by more subjective influences? These questions are central to the study of jurisprudence, and are thoroughly and critically examined in *Legal Reasoning and Legal Theory*, now with a new and up-to-date foreword. Its clarity of explanation and argument make this classic legal text readily

accessible to lawyers, philosophers, and any general reader interested in legal processes, human reasoning, or practical logic.

An Introduction to the Law of Trusts Clarendon Press

This book presents an alternative viewpoint in the ongoing dialogue on property. Dr Penner places the idea of property within the broader system of rules, rights and powers which make up the legal system.

Realistic Socio-legal Theory Oxford University Press

Raymond Wacks reveals the intriguing and challenging nature of legal philosophy, exploring the notion of law and its role in our lives. He refers to key thinkers from Aristotle to Rawls, from Bentham to Derrida and looks at the central questions behind legal theory, and law's relation to justice, morality, and democracy.

Causation in the Law Oxford University Press on Demand

Powerful emotion and pursuit of self-interest have many times led people to break the law with the belief that they are doing so with sound moral reasons. This study, a comprehensive philosophical and legal analysis of the gray area in which the foundations of law and morality clash, views these oblique circumstances from two perspectives: that of the person who faces a possible conflict between the claims of morality and law and must choose whether or not to obey the penal code; and that of the people who make and uphold laws and must decide whether to treat someone with a moral claim to disobey differently from ordinary lawbreakers. In examining the extent of the obligations owed by citizens to their government, Greenawalt concentrates on the possible existence of a single source of obligation that reaches all citizens and all laws. He also discusses techniques of amelioration of punishment for conscientious lawbreakers, asking how far legal systems should go to accommodate individuals who break the law for reason of conscience. Drawing from numerous examples of conflicts between law and morality, Greenawalt illustrates in detail the positions and predicaments of potential lawbreakers and lawmakers alike.

Pragmatism and a Social Theory of Law OUP Oxford

This book examines the nature and role of the many conventions which, rather than laws, are instrumental in determining many important questions of Government behaviour in Britain and other Commonwealth countries.

Contemporary Essays Oxford University Press, USA

This volume is an introduction to the United Kingdom's constitution that recognises its historical, political, and legal dimensions. It pays attention to the revival of the constituent territories of the UK. The constitution is shaped by constitutional principles, including state sovereignty, separation of powers, democracy, and subsidiarity.

Law's Empire Oxford University Press

This book provides an accessible and engaging account of the contemporary laws of war. It highlights how, even though war has been outlawed and should be finished as an institution, states continue to claim that they can wage necessary wars of self-defence, engage in lawful killings in war, and imprison law-of-war detainees.

Grotius to Hume Clarendon Plato

Adrian Briggs' invaluable introduction to the study of the conflict of laws provides a survey and analysis of the rules of private international law as they apply in England. The volume covers general principles, jurisdiction, and the effect of foreign judgments; choice of law for contractual and non-contractual obligations, the private international law of property, of persons, and of corporations. It does so in a manner which explains and illuminates the principles which underpin the subject in a clear and coherent fashion, as the wealth of literature, case law, and legislation often obscures the architecture of the subject and

unnecessarily complicates study. This new edition organizes its material in light of European legislation on private international law, reflecting the shift towards understanding private international law as European law with a common law background instead of common law with European legislative influences. The author's approach is focused on the law and avoids the more abstract theory; as the theory of the conflict of laws is actually to be found in and by applying the legislation and jurisprudence to the cases and issues which arise in private international litigation and legal advice.

Three Essays on Torts Harvard University Press

A comprehensive, stimulating introduction to trusts law, which provides readers with a clear conceptual framework to aid understanding of this challenging area of the law. Aimed at readers studying trusts at an undergraduate level, it provides a succinct and enlightening account of this area of the law. Concise and clear, this book also identifies and discusses many analytical perspectives, encouraging a deeper understanding of the issues at hand. It offers an outstanding treatment of specific areas, in particular remedial constructive trusts and trusts of family homes. Ideal for providing a broad background to the issues before embarking on an in-depth study of trusts, it can also be used to help the reader to develop their understanding. For those looking to challenge themselves, detailed footnotes highlight further issues and point the direction for future reading. Fully revised to take into account the Charities Act 2006, judicial developments through case law, and recent academic work in this area, this new edition in the renowned Clarendon Law Series offers a well-written, careful, and insightful introduction to the law of trusts.

Punishment and Responsibility The Lawbook Exchange, Ltd.

This second edition of Sarah Worthington's *Equity* maintains the clear ambitions of the first. It sets out the basic principles of equity, and illustrates them by reference to commercial and domestic examples of their operation. The book comprehensively and succinctly describes the role of equity in creating and developing rights and obligations, remedies and procedures that differ in important ways from those provided by the common law itself. Worthington delivers a complete reworking of the material traditionally described as equity. In doing this, she provides a thorough examination of the fundamental principles underpinning equity's most significant incursions into the modern law of property, contract, tort, and unjust enrichment. In addition, she exposes the possibilities, and the need, for coherent substantive integration of common law and equity. Such integration she perceives as crucial to the continuing success of the modern common law legal system. This book provides an accessible and elementary exploration of equity's place in our modern legal system, whilst also tackling the most taxing and controversial

questions which our dual system of law and equity raises.

Essays in the Philosophy of Law Oxford University Press on Demand

Providing an introduction to law in modern society, D. J. Galligan considers how legal theory, and particularly H. L. A. Hart's *The Concept of Law*, has developed the idea of law as a highly developed social system, which has a distinctive character and structure, and which shapes and influences people's behaviour. The concept of law as a distinct social phenomenon is examined through reference to, and analysis of, the work of prominent legal and social theorists, in particular M. Weber, E. Durkheim, and N. Luhmann. Galligan's approach is guided by two main ideas: that the law is a social formation with its own character and features, and that at the same time it interacts with, and is affected by, other aspects of society. In analysing these two ideas, Galligan develops a general framework for law and society within which he considers various aspects including: the nature of social rules and the concept of law as a system of rules; whether law has particular social functions and how legal orders run in parallel; the place of coercion; the characteristic form of modern law and the social conditions that support it; implementation and compliance; and what happens when laws are used to change society. *Law in Modern Society* encourages legal scholars to consider the law as an expression of social relations, examining the connections and tensions between the positive law of modern society and the spontaneous relations they often try to direct or change.

A Very Short Introduction OUP Oxford

Provides an historical perspective on the political philosophies of Locke and Hume, identifying continuities in the development of 17th and 18th-century political theory. Argues that Hume's moral sense theory was an attempt to underpin natural law with an adequate moral psychology.

Precedent in English Law Oxford University Press, USA

What implications are there for the criminal law from the philosophy of action? Providing a unified account of the theory of action presupposed by both Anglo-American criminal law and the morality that underlies it, Moore develops a coherent theory of action in philosophy and assesses its effects on criminal law.

The Concept of Law Oxford University Press

What role does gender play in shaping the law and legal thinking?

This book provides an answer to this question, examining the historical role of gender in law and the relevance of gender to modern jurisprudence. It presents a clear, concise introduction to thinking about gender issues for lawyers and law students.

The Concept of Law OUP Oxford

Providing a theoretical examination of the concept of arbitration, this book explores the place of arbitration in the legal process and examines the ethical challenges to arbitral authority and its moral hazards.

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