

Jurisprudence Legal Theory For BI Lib MI LIm BI Hons Of Nalsar Ias Net SI

The Edinburgh University CalendarJurisprudence Or the Theory of the LawRegister -
University of CaliforniaHiddin- Currie PublicationsPolitical JurisprudencePure
Theory of LawWomen's Health and the Limits of LawIntroduction to Critical Legal
TheoryLaw as a Moral IdeaThe Law Lexicon Or Dictionary of
JurisprudenceInternational Thesaurus of Refugee TerminologyCurrent Law
IndexAfrican Legal Theory and Contemporary ProblemsBorrowing Justification for
ProportionalityUniversities HandbookReadings in Jurisprudence and Legal
PhilosophyJurisprudenceWharton and Stille's Medical JurisprudenceLaw and
TimeJurisprudence and Legal TheoryThe Cambridge Companion to Natural Law
JurisprudenceCommentaries on the Laws of EnglandThe Cyclopedic Dictionary of
LawPrivate Law and the Rule of LawRoutledge Handbook of Socio-Legal Theory and
MethodsAn Introduction and a Bibliography on Feminist JurisprudenceRegister of
the University of CaliforniaA Treatise on the Law of Domestic RelationsAlberta Law
ReviewRegisterRegisterTheories of EvidenceGeneral CatalogueThe Blackwell Guide
to the Philosophy of Law and Legal TheoryEssays in Jurisprudence and Legal
HistoryIntroduction to the Problems of Legal TheoryUniversity of Pennsylvania Law
ReviewRights and ReasonReligion, Human Rights and International
LawJurisprudence, Law and Ethics

The Edinburgh University Calendar

Jurisprudence Or the Theory of the Law

Political jurisprudence is the branch of jurisprudence that treats law as an aspect of human experience called 'the political'. This is an approach that many contemporary jurists, those whose work presupposes the autonomy of legal order, tend to suppress. In this book, Martin Loughlin assesses the contribution made by political jurists and explains its contemporary significance. Political jurists maintain that the essential characteristics of modern legal order can only be revealed by considering how political authority is constituted. The political is orientated to the fact that people are organized into territorially-bounded units within which authoritative governing arrangements have been established, but the authority of this way of viewing the world is strengthened only through institution-building. Law may be an aspect of the political, but to perform its authority-generating functions effectively it must operate relatively autonomously. The political and the legal operate relationally, without one being reduced to the other. Loughlin introduces the rich literature of political jurisprudence through essays on innovative political jurists such as Hobbes, Burke, Constant, Romano, and Schmitt, and on such central themes as political right, institutionalism, constitutional legality, and reason of state. Building on his earlier books, *The Idea of Public Law* (OUP 2003) and *Foundations of Public Law* (OUP 2010), this collection extends his account of this influential strand of European legal thought.

Register - University of California

Nigel Simmonds provides an original critique of legal positivism, arguing that the institutions of law, and the structures of legal thought, can only be understood by reference to a moral ideal - an ideal of freedom, or independence from the power of others.

Hiddingh-Currie Publications

The papers in this book have been collected in celebration of Carl Wellman, who, after forty-five years, is retiring from teaching. Here I would like to highlight a few of the moments which have shaped Carl as a person and a philosopher. Although his childhood was not unhappy, Carl faced considerable challenges growing up in Manchester, New Hampshire. He never knew his father; he and his mother, Carolyn, had little money; and he fought a long battle with Stevens-Johnson Syndrome, an illness which made him more familiar with hospitals than any young person should be. (His mother once told me that there were times when the doctors put Carl in his own hospital room because, while he was too young to be housed with adult men, they did not want the other children to see him die.) Following a year of physician-prescribed rest after high school, the doctors recommended the University of Arizona in the misguided hope that the desert climate might improve his health. In spite of the doctors' hopes, life in Tucson was not easy. The heat takes its toll on everyone, but the desert was especially oppressive for Carl since his unusually sensitive eyes were no match for the intense sun. Still, Carl enjoyed college.

Political Jurisprudence

Introduction to Critical Legal Theory provides an accessible introduction to the study of law and legal theory. It covers all the seminal movements in classical, modern and postmodern legal thought, engaging the reader with the ideas of jurists as diverse as Aristotle, Hobbes and Kant, Marx, Foucault and Dworkin. At the same time, it impresses the interdisciplinary nature of critical legal thought, introducing the reader to the philosophy, the economics and the politics of law. This new edition focuses even more intently upon the narrative aspect of critical legal thinking and the re-emergence of a distinctive legal humanism, as well as the various related challenges posed by our 'new' world order. Introduction to Critical Theory is a comprehensive text for both students and teachers of legal theory, jurisprudence and related subjects.

Pure Theory of Law

Women's Health and the Limits of Law

Introduction to Critical Legal Theory

Law as a Moral Idea

The proportionality test, as proposed in Robert Alexy's principles theory, is becoming commonplace in comparative constitutional studies. And yet, the question "are courts justified in borrowing proportionality?" has not been expressly put in many countries where judicial borrowings are a reality. This book sheds light on this question and examines the circumstances under which courts are authorized to borrow from alien legal sources to rule on constitutional cases. Taking the Supreme Federal Court of Brazil – and its enthusiastic recourse to proportionality when interpreting the Federal Constitution – as a case study, the book investigates the normative reasons that could justify the court's attitude and offers a comprehensive overview of its case law on controversial constitutional matters like abortion, same-sex union, racial quotas, and the right to public healthcare. Providing a valuable resource for those interested in comparative constitutional law and legal theory, or curious about Brazilian constitutional law, this book questions the alleged universality of the proportionality test, challenges the premises of Alexy's principles theory, and discloses more than 68 Brazilian Supreme Court decisions delivered from 2003 to 2018 that would otherwise have remained unknown to an English-speaking audience.

The Law Lexicon Or Dictionary of Jurisprudence

International Thesaurus of Refugee Terminology

Current Law Index

African Legal Theory and Contemporary Problems

Research on law's relationship with time has flourished over the past decade. This edited collection aims to put law and time scholarship into wider context, advancing conversations on time and temporalities between socio-legal scholars, anthropologists, sociologists, geographers and historians. Through a diverse range of contributions, the collection explores how legal modalities of time emerge and have effects within wider clusters of social and political action. Themes include: law's diverse roles in maintaining linear historicist models of time; law's participation in the materialisation of times; and the unsteady effects of temporal pluralism and polytemporalities in law. De-naturalising the 'time' in law and time scholarship, this collection positions time as something that can be enacted and materialised as well as experienced, with distinct implications for questions of social justice.

Borrowing Justification for Proportionality

Universities Handbook

Readings in Jurisprudence and Legal Philosophy

Jurisprudence

Wharton and Stille's Medical Jurisprudence

This new, expanded edition contains more than 1800 business & trade terms translated from English into German, Spanish, French & Italian. More than 400 new words & expressions -- dealing with banking, finance & telecommunications -- have been added since the last, highly successful edition. An indispensable guide for businessmen, lawyers, bankers, exporters & teachers.

Law and Time

Despite some significant advances in the creation and protection of rights affecting women's health, these do not always translate into actual health benefits for women. This collection asks: 'What is an effective law and what influences law's effectiveness or ineffectiveness? What dynamics, elements, and conditions come together to limit law's capacity to achieve instrumental goals for women's health and the advancement of women's health rights?' The book presents an integrated, co-referential and sustained critical discussion of the normative and constitutive reasons for law's limited effectiveness in the field of women's health. It offers comprehensive and cohesive explanatory accounts of law's limits and for the first time in the field, introduces a distinction between formal and substantive effectiveness of laws. Its approach is trans-systemic, multi-jurisdictional and comparative, with a focus on six countries in North America, Europe, Asia, and Africa and international human rights case law based on matters arising from Hungary, Portugal, Spain, Slovakia, the Czech Republic, Peru and Bolivia. The book will be a valuable resource for educators, students, lawyers, rights advocates and policymakers working in women's health, socio-legal studies, human rights, feminist legal studies, and legal philosophy more broadly.

Jurisprudence and Legal Theory

Jurisprudence is about the nature of law and justice. It embraces studies and theories from a range of disciplines such as history, sociology, political science, philosophy, psychology and even economics. Why do people obey the law? How does law serve society? What is law's relation to morality? What is the nature of rights? This book introduces and critically discusses the major traditions of jurisprudence. Written in a lucid and accessible style, Suri Ratnapala considers a wide range of views, bringing conceptual clarity to the debates at hand. From Plato and Aristotle to the medieval scholastics, from Enlightenment thinkers to postmodernists and economic analysts of law, this important volume examines the great philosophical debates and gives insight into the central questions concerning law and justice.

The Cambridge Companion to Natural Law Jurisprudence

Drawing on a range of approaches from the social sciences and humanities, this

handbook explores theoretical and empirical perspectives that address the articulation of law in society, and the social character of the rule of law. The vast field of socio-legal studies provides multiple lenses through which law can be considered. Rather than seeking to define the field of socio-legal studies, this book takes up the experiences of researchers within the field. First-hand accounts of socio-legal research projects allow the reader to engage with diverse theoretical and methodological approaches within this fluid interdisciplinary area. The book provides a rich resource for those interested in deepening their understanding of the variety of theories and methods available when law is studied in its broadest social context, as well as setting those within the history of the socio-legal movement. The chapters consider multiple disciplinary lenses – including feminism, anthropology and sociology – as well as a variety of methodologies, including: narrative, visual and spatial, psychological, economic and epidemiological approaches. Moreover, these are applied in a range of substantive contexts such as online hate speech, environmental law, biotechnology, research in post-conflict situations, race and LGBT+ lawyers. The handbook brings together younger contributors and some of the best-known names in the socio-legal field. It offers a fresh perspective on the past, present and future of sociolegal studies that will appeal to students and scholars with relevant interests in a range of subjects, including law, sociology and politics.

Commentaries on the Laws of England

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.

The Cyclopedic Dictionary of Law

Private Law and the Rule of Law

This collection provides an intellectually rigorous and accessible overview of key topics in contemporary natural law jurisprudence, an influential yet frequently misunderstood branch of legal philosophy. It fills a gap in the existing literature by bringing together leading international experts on natural law theory to provide perspectives on some of the most pressing issues pertaining to the nature and moral foundations of law. Themes covered include the history of the natural law tradition, the natural law account of practical reason, normativity and ethics, natural law approaches to legal obligation and authority and constitutional law. Creating a dialogue between leading figures in natural law thought, the Companion is an ideal introduction to the main commitments of natural law jurisprudence, whilst also offering a concise summary of developments in current scholarship for more advanced readers.

Routledge Handbook of Socio-Legal Theory and Methods

The rule of law is widely perceived to be a public law doctrine, concerned with the way in which governmental authority conforms to the dictates of law. The goal of this book is to challenge this presumption. The chapters in this volume all consider the idea that the rule of law concerns the nature of law generally and the conditions under which any relationship - that among citizens as well as that between citizens and the state - becomes subject to law. Addressing two major questions, they ask if our understanding of the rule of law is enriched by considering how and to what degree it is expressed or realized in private law, and whether our understanding of the private law is enriched by adding the principles of the rule of law to the traditional list of core private law concepts. Bringing together leading philosophers of private and public law, this volume examines key questions in a little-explored field, and will be essential reading for all those interested in the rule of law and in private law theory.

An Introduction and a Bibliography on Feminist Jurisprudence

The Blackwell Guide to the Philosophy of Law and Legal Theory is a handy guide to the state of play in contemporary philosophy of law and legal theory. Comprises 23 essays critical essays on the central themes and issues of the philosophy of law today, written by an international assembly of distinguished philosophers and legal theorists Each essay incorporates essential background material on the history and logic of the topic, as well as advancing the arguments Represents a wide variety of perspectives on current legal theory

Register of the University of California

The book is a collection of essays, which aim to situate African legal theory in the context of the myriad of contemporary global challenges; from the prevalence of war to the misery of poverty and disease to the crises of the environment. Apart

from being problems that have an indelible African mark on them, a common theme that runs throughout the essays in this book is that African legal theory has been excluded, under-explored or under-theorised in the search for solutions to such contemporary problems. The essays make a modest attempt to reverse this trend. The contributors investigate and introduce readers to the key issues, questions, concepts, impulses and problems that underpin the idea of African legal theory. They outline the potential offered by African legal theory and open up its key concepts and impulses for critical scrutiny. This is done in order to develop a better understanding of the extent to which African legal theory can contribute to discourses seeking to address some of the challenges that confront African and non-African societies alike.

A Treatise on the Law of Domestic Relations

Alberta Law Review

Register

Register

Theories of Evidence

General Catalogue

Freedom of religion is a subject, which has throughout human history been a source of profound disagreements and conflict. In the modern era, religious-based intolerance continues to provide lacerative and tormenting concern to the possibility of congenial human relationships. As the present study examines, religions have been relied upon to perpetuate discrimination and inequalities, and to victimise minorities to the point of forcible assimilation and genocide. The study provides an overview of the complexities inherent in the freedom of religion within international law and an analysis of the cultural-religious relativist debate in contemporary human rights law. As many of the chapters examine, Islamic State practices have been a major source of concern. In the backdrop of the events of 11 September 2001, a considerable focus of this volume is upon the Muslim world, either through the emergent State practices and existing constitutional structures within Muslim majority States or through Islamic diasporic communities resident in Europe and North-America.

The Blackwell Guide to the Philosophy of Law and Legal Theory

Essays in Jurisprudence and Legal History

An exploration of the intellectual background to many of the debates concerning evidence, inference and probability.

Introduction to the Problems of Legal Theory

University of Pennsylvania Law Review

Rights and Reason

Religion, Human Rights and International Law

Jurisprudence, Law and Ethics

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