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The Philosophy of Action and Its Implications for Criminal Law Oxford University Press on Demand

The Concept of Law Oxford University Press

Punishment and Responsibility OUP Oxford

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.

Conflicts of Law and Morality Oxford University Press

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.

Act and Crime OUP Oxford

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.

Laws 1 and 2 Oxford University Press

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

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.

War OUP Oxford

This book is both an examination of, and a contribution to, our understanding of the theoretical foundations of the common law of contract. Focusing on contemporary debates in contract theory, Contract Theory aims to help readers better understand the nature and justification of the general idea of contractual obligation, as well as the nature and justification of the particular rules that make up the law of contract. The book is in three parts. Part I introduces the idea of 'contract theory', and presents a framework for identifying, classifying, and evaluating contract theories. Part II describes and evaluates the most important general theories of contract; examples include promissory theories, reliance-based theories, and economic theories. In Part III, the theoretical issues raised by the various specific doctrines that make up the law of contract (e.g., offer and acceptance, consideration, mistake, remedies, etc.) are examined in separate chapters. The legal focus of the book is the common law of the United Kingdom, but the theoretical literature discussed is international in origin; the arguments discussed are thus relevant to understanding the law of other common law jurisdictions and,

in many instances, to understanding the law of civil law jurisdictions as well.

Essays in the Philosophy of Law 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 Oxford Handbook of Jurisprudence and Philosophy of Law Oxford University 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.

Law in Modern Society Harvard 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.

Realistic Socio-legal Theory OUP Oxford

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.

Law's Community Oxford University Press

These essays illustrate the advantages of 'reflexive' tort scholarship by contrasting the reflexive scholarship of judicial analysis with grand theory, then applying reflexive scholarship to the tort of negligence. The final essay presents a wider argument about human responsibility and legal conduct.

An Introduction to Theory of Legal System Oxford University Press

The Oxford Handbook of Jurisprudence and Philosophy of Law brings together specially commissioned essays by twenty-six of the foremost legal theorists currently writing, to provide a state-of-the-art overview of jurisprudential scholarship.

Commentaries on the Laws of England Clarendon Plato

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.

Law and Gender Clarendon Press

The Concept of Law is one of the most influential texts in English-language jurisprudence. 50 years after its first publication its relevance has not diminished and in this third edition, Leslie Green adds an introduction that places the book in a contemporary context, highlighting key questions about Hart's arguments and outlining the main debates it has prompted in the field. The complete text of the second edition is replicated here, including Hart's Postscript, with fully updated notes to include modern references and further reading.

Equity OUP Oxford

Like previous editions of this book the third edition Cane's Introduction to Administrative Law provides a clear and relatively short statement of the most important rules concerning judicial control of governmental administrative activity. It also provides a wider framework for understanding those rules. This framework is provided by considering the constitutional context of judicial control, the relationship between judicial control and other mechanisms for checking administrative activity, and the impact of judicial control on the agencies subject to it. What emerges clearly from considering judicial control in this wider context is that the role of the courts in adjudicating complaints about governmental administrative action is not that of mutual arbiter but that of active participant in the public decision-making process. This book provides students and their teachers with a concise but critical analysis of the law. Reviews of previous editions: "An extremely useful and thought-provoking book." Public Law "Cane's book, the most recent in the Clarendon Law Series, maintains the highest standards of its predecessor. It provides the newcomer to administrative law with a clear coherent review of the subject. It is a flowing and well-written text and as an introduction Cane's book admirably fulfills his purpose." Cambridge Law Journal "Mr Cane has clarity and a sense of proportion isolating the structure of the subject such as it is bringing out important underlying themes and discussing the major controversies with critical insights. It deserves to be widely read. It sets the beginner firmly upon the right track and contains ideas and insights which would stimulate even the most hard-bitten veteran." Law Quarterly Review.

Contract Theory OUP Oxford

These essays seek to re-locate the relationship between the traditional concerns of legal theory and the sociology of law by establishing a consistent theoretical approach to the analysis of law in contemporary Western societies.

The United Kingdom Constitution Oxford University Press

Susan Sauvé Meyer presents a new translation of Laws, 1 and 2: the opening books of Plato's last work, which discuss legislative theory, moral psychology, and aesthetics. This fluent, readable, and authoritative translation is accompanied by a critical commentary which explores the argument's structure, and the philosophical issues at stake.

The Concept of Law The Concept of Law

Fifty years on from its original publication, HLA Hart's The Concept of Law is widely recognized as the most important work of legal philosophy published in the twentieth century, and remains the starting point for most students coming to the subject for the first time. In this third edition, Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy, clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work.

The Anthropology of Law The Lawbook Exchange, Ltd.

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.