Great Debates In Jurisprudence Palgrave Great Debates In Law

An engaging introduction to the more advanced writings on criminal law, designed to provide the additional insights necessary to excel in the study of the subject.

Legislative debates make democracy and representation work. Political actors engage in legislative debates to make their voice heard to voters. Parties use debates to shore up their brand. This book makes the most comprehensive study of legislative debates thus far, looking at the politics of legislative debates in 33 liberal democracies in Europe, North America and Latin America, Africa, Asia, and Oceania. The book begins with theoretical chapters focused on the key concepts in the study of legislative debates. Michael Laver, Slapin and Proksch, and Taylor examine the politics of legislative debates in parliamentary and presidential democracies. Subsequently, Goplerud makes a critical review of the methodological challenges in the study of legislative debates. Schwalbach and Rauh further discuss the difficulties in the comparative empirical study of debates. Country-chapters offer a wealth of original material organized around structured sections. Each chapter begins with a details discussion of the institutional design, focusing on the electoral system, legislative organization, and party parties, to which a section on the formal and informal rules of legislative debates ensues. Next, each country chapter focuses on analyzing the determinants of floor access, with a particular emphasis on the role of gender, seniority, legislative party positions, among others. In the concluding chapter, the editors explore comparative patterns and point out to multiple research avenues opened by this edited volume. The Oxford Politics of Institutions series is designed to provide in-depth coverage of research on a specific political institution. Each volume includes a mix of theoretical contributions, state-of-the-art research review chapters, comparative empirical chapters, country case study chapters, and chapters aimed at practitioners. Typically, the majority of chapters in each volume comprises of country studies written by country experts. Volumes in the series are aimed at political scientists, students in political science programmes, social scientists more generally, and policy practitioners. Series editors: Shane Martin, Anthony King Chair in Comparative Government and Head of the Department of Government, University of Essex; and Sona N. Golder, Professor of Politics, Department of Political Science, Pennsylvania State University.

This textbook is an ambitious and engaging introduction to the more advanced writings on Jurisprudence, primarily designed to allow students to 'get under the skin' of the topic and begin to build their critical thinking and analysis skills. Each chapter is structured around key questions and debates that provoke deeper thought and, ultimately, a clearer understanding. The aim of the book is therefore not to present a complete overview of theoretical issues in Jurisprudence, but rather to illustrate the current debates which are currently going on among those working in shaping the area. The text features summaries of the views of notable experts on key topics and each chapter ends with a list of guided further reading. A perfect book for students taking a module in jurisprudence, or for those wanting to deepen their knowledge. New to this Edition: - New debates on the nature and legitimacy of global justice, and the binding force of precedent. - Incorporates discussion of new contributions to jurisprudential

writing by Mark Greenberg, Scott Hershowitz, David Howarth and Shona Stark, Matthew Kramer, Frederick Schauer, and Jeremy Waldron. - Includes substantially revised chapters on 'The nature of jurisprudence' and 'Morality and rights'

Allan Beever lays the foundation for a timely philosophical and empirical study of the nature of law with a detailed examination of the structure of evolving law through declaratory speech acts. This engaging book demonstrates both how law itself is achieved and also its ability to generate rights, duties, obligations, permissions and powers.

An engaging introduction to some of the more advanced concepts in Company Law and corporate governance, providing a cutting edge for students who are looking to gain additional insights with which to excel. Readers are introduced to the many debates surrounding each core area and presented with the key tensions and questions underlying each topic.

Ahmed El Shamsy's The Canonization of Islamic Law is a detailed history of the birth of classical Islamic law. It shows how Islamic law and its institutions emerged out of the canonization of the sacred sources of Quran and Sunna (prophetic practice) in the eighth and ninth centuries CE. The book focuses on the ideas and influence of the jurist al-Sh?fi?? (d. 820 CE), who inaugurated the process of canonization, and it paints a rich picture of the intellectual engagements, political turbulence, and social changes that formed the context of his and his followers' careers.

In Patel v Mirza [2016] UKSC 42, nine justices of the Supreme Court of England and Wales decided in favour of a restitutionary award in response to an unjust enrichment, despite the illegal transaction on which that enrichment was based. Whilst the result was reached unanimously, the reasoning could be said to have divided the Court. Lord Toulson, Lady Hale, Lord Kerr, Lord Wilson, Lord Hodge and Lord Neuberger favoured a discretionary approach, but their mode of reasoning was described as 'revolutionary' by Lord Sumption (at [261]), who outlined in contrast a more rule-based means of dealing with the issue; a method with which Lord Mance and Lord Clarke broadly agreed. The decision is detailed and complex, and its implications for several areas of the law are considerable. Significantly, the reliance principle from Tinsley v Milligan [1994] 1 AC 340 has been discarded, as has the rule in Parkinson v College of Ambulance Ltd [1925] KB 1. Patel v Mirza, therefore, can fairly be described as one of the most important judgments in general private law for a generation, and it can be expected to have ramifications for the application of the illegality doctrine across a wide range of disciplinary areas. Unless there is legislative intervention, which does not seem likely at the present time, Patel v Mirza is set to be of enduring significance. This collection will provide a crucial set of theoretical and practical perspectives on the illegality defence in English private law. All of the authors are well established in their respective fields. The timing of the book means that it will be unusually well placed as the 'go to' work on this subject, for legal practitioners and for scholars.

A clear, critical analysis of proof of causation in the law of tort in England, France and Germany.

This book shows how international discourse citing ‘self-determination’ over the last hundred years has functioned as a battleground between two ideas of freedom: a ‘radical’ idea of freedom, and a ‘liberal-conservative’ idea of freedom. The book examines each of the major moments in which ‘self-determination’ has been a central part of the language of high-level

international politics and law: the early 20th century discourse of V.I. Lenin and U.S. President Woodrow Wilson, the aftermath of the First World War and the formulation of the UN Charter, the 1950-1960s UN debates on 'self-determination', and the 2008-2010 International Court of Justice case on Kosovo's declaration of independence. At each of these moments in history, 'self-determination' was at the top of the international agenda. And at each moment, a fight over the meaning of freedom played out in 'self-determination' discourse. Besides providing insights into the historical times in which self-determination was prominently cited internationally, the book offers a recasting and renewal of international debates on freedom in international discourse.

This textbook is an introduction to more advanced writings on criminal law, primarily designed to allow students to think critically and analyse specific topics. Each chapter is structured around key questions and debates that provoke deeper thought. It asks questions such as: Why do we have the laws that we have? Could the criminal law look differently? How should the law be applied to novel situations? Does the law in fact reflect prejudices? The aim of the book is not to present a complete overview of theoretical issues in criminal law, but rather to illustrate the current debates among those working in shaping the area. The text features summaries of the views of notable experts on key topics and each chapter ends with a list of guided further reading.

An engaging introduction to the more advanced writings on family law, designed to provide the additional insights necessary to excel in the study of the subject.

Most contemporary legal philosophers tend to take force to be an accessory to the law. According to this prevalent view the law primarily consists of a series of demands made on us; force, conversely, comes into play only when these demands fail to be satisfied. This book claims that this model should be jettisoned in favour of a radically different one: according to the proposed view, force is not an accessory to the law but rather its attribute. The law is not simply a set of rules incidentally guaranteed by force, but it should be understood as essentially rules about force. The book explores in detail the nature of this claim and develops its corollaries. It then provides an overview of the contemporary jurisprudential debates relating to force and violence, and defends its claims against well-known counter-arguments by Hart, Raz and others. This book offers an innovative insight into the concept of Pure Theory. In contrast to what was claimed by Hans Kelsen, the most eminent contributor to this theory, the author argues that the core insight of the Pure Theory is not to be found in the concept of a basic norm, or in the supposed absence of a conceptual relation between law and morality, but rather in the fundamental and comprehensive reformulation of how to model the functioning of the law intended as an ordering of force and violence.

This textbook is an ambitious and engaging introduction to the more advanced writings on land law, primarily designed to allow students to 'get under the skin' of the topic and begin to build their critical thinking and analysis skills. Each chapter is structured around key questions and debates that provoke deeper thought and, ultimately, a clearer understanding. The aim of the book is therefore not to present a complete overview of theoretical issues in land law, but rather to illustrate the current debates which are currently going on among those working in shaping the area. The text features summaries of the views of notable experts on key

topics and each chapter ends with a list of guided further reading.

When Patrick Buchanan took the stage at the Republican National Convention in 1992 and proclaimed, “There is a religious war going on for the soul of our country,” his audience knew what he was talking about: the culture wars, which had raged throughout the previous decade and would continue until the century’s end, pitting conservative and religious Americans against their liberal, secular fellow citizens. It was an era marked by polarization and posturing fueled by deep-rooted anger and insecurity. Buchanan’s fiery speech marked a high point in the culture wars, but as Andrew Hartman shows in this richly analytical history, their roots lay farther back, in the tumult of the 1960s—and their significance is much greater than generally assumed. Far more than a mere sideshow or shouting match, the culture wars, Hartman argues, were the very public face of America’s struggle over the unprecedented social changes of the period, as the cluster of social norms that had long governed American life began to give way to a new openness to different ideas, identities, and articulations of what it meant to be an American. The hot-button issues like abortion, affirmative action, art, censorship, feminism, and homosexuality that dominated politics in the period were symptoms of the larger struggle, as conservative Americans slowly began to acknowledge—if initially through rejection—many fundamental transformations of American life. As an ever-more partisan but also an ever-more diverse and accepting America continues to find its way in a changing world, A War for the Soul of America reminds us of how we got here, and what all the shouting has really been about.

This textbook is an ambitious and engaging introduction to the more advanced writings on equity and trusts, primarily designed to allow students to 'get under the skin' of the topic and begin to build their critical thinking and analysis skills. Each chapter is structured around key questions and debates that provoke deeper thought and, ultimately, a clearer understanding. The aim of the book is therefore not to present a complete overview of theoretical issues in equity and trusts, but rather to illustrate the current debates which are currently going on among those working in shaping the area. The text features summaries of the views of notable experts on key topics and each chapter ends with a list of guided further reading.

Revised for the first time in over thirty years, this edition of Emile Durkheim’s masterful work on the nature and scope of sociology is updated with a new introduction and improved translation by leading scholar Steven Lukes that puts Durkheim’s work into context for the twenty-first century reader. The Rules of Sociological Method represents Emile Durkheim’s manifesto for sociology. He argues forcefully for the objective, scientific, and methodological underpinnings of sociology as a discipline and establishes guiding principles for future research. The substantial new introduction by leading Durkheim scholar Steven Lukes explains and sets into context Durkheim’s arguments. Lukes examines the still-controversial debates about The Rules of Sociological Method’s six chapters and explains their relevance to present-day sociology. The edition also includes Durkheim’s subsequent thoughts on method in the form of articles, debates with

scholars from other disciplines, and letters. The original translation has been revised and reworked in order to make Durkheim’s arguments clearer and easier to read. This is an essential resource for students and scholars hoping to deepen their understanding of one of the pioneering voices in modern sociology and twentieth-century social thought.
Great Debates in JurisprudenceRed Globe Press
With a life in the balance, a jury convicts a man of murder and now has to decide whether he should be put to death. Twelve people now face a momentous choice. Bringing drama to life, A Life and Death Decision gives unique insight into how a jury deliberates. We feel the passions, anger, and despair as the jurors grapple with legal, moral, and personal dilemmas. The jurors' voices are compelling. From the idealist to the "holdout," the individual stories—of how and why they voted for life or death—drive the narrative. The reader is right there siding with one or another juror in this riveting read. From movies to novels to television, juries fascinate. Focusing on a single case, Sundby sheds light on broader issues, including the roles of race, class, and gender in the justice system. With death penalty cases consistently in the news, this is an important window on how real jurors deliberate about a pressing national issue.
Part II of The Humanity of Private Law charts a new course for English private law in the twenty-first century. Part I set out the vision of human flourishing that English private law has in mind in seeking to promote its subjects' flourishing. Part II argues in favour of a very different account of what human flourishing involves, and explains what private law would look like were it to base itself on this alternative vision of the nature of human flourishing. This volume: sets out and evaluates different models of what human flourishing involves; argues in favour of the view that human flourishing involves being engaged in a quest to lead a truthful life; explains in what ways a private law that sought to foster this distinctive vision of human flourishing would be different from English private law in its current state, in particular with regard to: (i) tackling fraud; (ii) promoting freedom of speech; (iii) preserving attention capacities; (iv) protecting people from being subjected to degrading or hateful treatment; and (v) enabling people to make a fresh start in their lives; and, considers whether and when it would be legitimate for the courts to transform English private law in the ways suggested in this volume. Part II of The Humanity of Private Law is a radical and prophetic book that is essential reading for anyone who is interested in understanding the contribution private law can make to our living in a society that promotes the flourishing of all its members.
Also available in paperback as "Modernist and Fundamentalist Debates in Islam"During the second half of the nineteenth century, a group of prominent Muslim theologians began to critically examine classical conceptions and methods of jurisprudence and devised a new approach to Islamic theology. This new approach was nothing short of an outright rebellion against Islamic orthodoxy, displaying an astonishing compatibility with nineteenth century Enlightenment-era

thought. In the 20th century this modernist movement declined, to be replaced by another cultural episode, characterized by the growing power of Islamic fundamentalism. This volume looks at these two very different approaches to Islam. The editors have selected the most prominent Islamic thinkers of modernist and fundamentalist viewpoints, diverse nationalities, and from both the late decades of the nineteenth century and the early decades of the 20th century. The writers discuss their own views with regard to such issues as philosophical and political perceptions of democracy, the state, the history of Islam, women's rights, personal lifestyle, education, and the West.

Utility and Welfare Optimization in Electricity Market s lays out clear optimization strategies for understanding the economic foundations of regulatory supply measures, further cementing electricity's role as an asset class with fixed and variable costs.

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.

What does it take to succeed as a law student? This book will show you how. Voted one of the top 6 books that all future law students should read by The Guardian’s studying law website*, Letters to a Law Student is packed full of practical advice and helpful answers to the most common questions about studying law at University across every stage of taking, or thinking about taking, a law degree. Discover: · Whether reading law at University is the right thing for you; · What law students do; · How to get the best marks in exams; · Tips on coping with the challenges of studying law; · What you can do with a law degree; · The way in which qualifying as a solicitor is set to change in the future, … and much more. Nicholas J. McBride is a Fellow of Pembroke College, Cambridge. *http://www.theguardian.com/law/2012/aug/08/six-best-law-books

JOIN OVER HALF A MILLION STUDENTS WHO CHOSE TO REVISE WITH LAW EXPRESS Revise with the help of the UK’s bestselling law revision series. Features: · Review essential cases, statutes, and legal terms before exams. · Assess and approach the subject by using expert advice. · Gain higher marks with tips for advanced thinking and further discussions. · Avoid common pitfalls with Don’t be tempted to. · Practice answering sample questions and discover additional resources on the Companion website. www.pearsoned.co.uk/lawexpress

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Jurisprudence, but rather to illustrate the current debates which are currently going on among those working in shaping the area. The text features summaries of the views of notable experts on key topics and each chapter ends with a list of guided further reading. A perfect book for students taking a module in jurisprudence, or for those wanting to deepen their knowledge.

A new and retitled edition of Great Debates in Property Law, this is an engaging introduction to the more advanced writings on property law, designed to provide the additional insights necessary to excel in the study of the subject. Includes new material on e-conveyancing, and the impact of the global financial crisis and austerity politics.

An engaging introduction to some of the more advanced concepts in Equity and Trusts, providing a cutting edge for students who are looking to gain additional insights with which to excel. Illuminated throughout with discussion of the specific issues which reveal the practical significance of different theoretical positions.

The Humanity of Private Law presents a new way of thinking about English private law. Making a decisive break from earlier views of private law, which saw private law as concerned with wealth-maximisation or preserving relationships of mutual independence between its subjects, the author argues that English private law's core concern is the flourishing of its subjects. THIS VOLUME - presents a critique of alternative explanations of private law; - defines and sets out the key building blocks of private law; - sets out the vision of human flourishing (the RP) that English private law has in mind in seeking to promote its subjects' flourishing; - shows how various features of English private law are fine-tuned to ensure that its subjects enjoy a flourishing existence, according to the vision of human flourishing provided by the RP; - explains how other features of English private law are designed to preserve private law's legitimacy while it pursues its core concern of promoting human flourishing; - defends the view of English private law presented here against arguments that it does not adequately fit the rules and doctrines of private law, or that it is implausible to think that English private law is concerned with promoting human flourishing. A follow-up volume will question whether the RP is correct as an account of what human flourishing involves, and consider what private law would look like if it sought to give effect to a more authentic vision of human flourishing. The Humanity of Private Law is essential reading for students, academics and judges who are interested in understanding private law in common law jurisdictions, and for anyone interested in the nature and significance of human flourishing.

A theme of growing importance in both the law and philosophy and socio-legal literature is how regulatory dynamics can be identified (that is, conceptualised and operationalised) and normative expectations met in an age when transnational actors operate on a global plane and in increasingly fragmented and transformative contexts. A reconsideration of established theories and axiomatic findings on regulatory phenomena is an essential part of this discourse. There is indeed an urgent need for

discontinuity regarding what we (think we) know about, among other things, law, legality, sovereignty and political legitimacy, power relations, institutional design and development, and pluralist dynamics of ordering under processes of globalisation and transnationalism. Making an important contribution to the scholarly debate on the subject, this volume features original and much-needed essays of theoretical and applied legal philosophy as well as socio-legal accounts that reflect on whether legal positivism has anything to offer to this intellectual enterprise. This is done by discussing whether global and transnational cultural, socio-political, economic, and juridical challenges as well as processes of diversification, fragmentation, and transformation (significantly, de-formalisation) reinforce or weaken legal positivists' assumptions, claims, and methods. The themes covered include, but are not limited to, absolute and limited state sovereignty; the 'new international legal positivism'; Hartian legal positivism and the 'normative positivist' account; the relationship between modern secularisation, social conventionalism, and meta-ontological issues of temporality in postnational jurisprudence; the social positivisation of human rights; the formation and content of jus cogens norms; feminist critique; the global and transnational migration of principles of justice and morality; the Vienna Convention on the Law of Treaties rule of interpretation; and the responsibility of transnational corporations.

Great Debates in Law is an evolving series offering engaging and thoughtful introductions to the more advanced concepts, written by authors who are amongst the foremost thinkers in their field. They are designed to provide a cutting edge for students who are looking to gain additional insights with which to excel. The series looks to go beyond what is covered in the main textbooks, presenting the key tensions and questions underlying a subject, setting legal developments in their philosophical and cultural context and exploring the issues as matters of current debate. The text draws upon the work of leading figures to elucidate the concepts addressed, illustrating how a subject has developed in the way that it has, and why.

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An engaging introduction to the more advanced writings on property law, designed to provide the additional insights necessary to excel in the study of the subject.

This edited collection explores a variety of philosophical perspectives on land reform in Southern Africa. Presenting an innovative focus on the philosophical themes in land reform, the contributors reflect on traditional African conceptualisations of the land, as well as Western interpretations, introducing specifically Southern African approaches to a wide range of debates. Rooted in questions of colonization and decolonization, the chapters examine what reform ought to do for the people of Africa, providing contemporary reflections on the different racial and cultural facets of the land. Notably, ideas of reconciliation, compensation, justice, development, emancipation, Ubuntu, and empowerment are explored. Vigorous and interdisciplinary in their approach, the

fifteen original chapters tackle a range of questions such as: What does land mean in Africa? What ethical considerations are relevant? Which mechanisms should be used in addressing injustice regarding land reform and redistribution? Providing a comprehensive engagement with philosophical and political issues of land reform in Southern Africa, this volume is an invaluable resource to scholars, not only in Africa, but wherever similar questions of land, dispossession, and justice arise.

The first textbook to consider gender perspectives in relation to the whole undergraduate law curriculum in England and Wales. Gender is of central importance in every area of law and every area of people's lives but is rarely mentioned in the formal LLB syllabus; this book is designed to fill some of those gaps. 18 chapters, written by experts in the field, cover all the core modules on the English LLB together with 11 of the most popular options. Aimed at students and lecturers on undergraduate and postgraduate Gender and Law modules, the book will also be useful for all LLB and LLM students studying English law, who may use it to accompany their studies from their first to their final year, and also for prospective law students, legal scholars from outside England and Wales, and scholars in other disciplines.