

Law Express Jurisprudence

This second edition has been revised to provide additional coherence to the themes examined and introduces sections on topical issues, for example the chapter on Utilitarianism now includes a discussion on law and economics.

'International Law' is designed to help you to relate all the reading and study throughout your course specifically to exam and assignment situations. Understand quickly what is required, organise your revision, and learn the key points with ease, to get the grades you need.

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Why do people obey the law? Law deters crime by specifying sanctions, and because people internalize its authority. But Richard McAdams says law also generates compliance through its expressive power to coordinate behavior (traffic laws) and inform beliefs (smoking bans)—that is, simply by what it says rather than what it sanctions.

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.

From the BESTSELLING Law Express revision series. Law Express Question and Answer: EU Law is designed to ensure you get the most marks for every answer you write by improving your understanding of what examiners are looking for, helping you to focus in on the question being asked and showing you how to make even a strong answer stand out.

Running through the history of jurisprudence and legal theory is a recurring concern about the connections between law and justice and about the ways law is implicated in injustice. In earlier times law and justice were viewed as virtually synonymous. Experience, however, has taught us that, in fact, injustice may be supported by law. Nonetheless, the belief remains that justice is the special concern of law. Commentators from Plato to Derrida have called law to account in the name of justice, asked that law provide a language of justice, and demanded that it promote the attainment of justice. The justice that is usually spoken about in these commentaries is elusive, if not illusory, and disconnected from the embodied practice of law. Furthermore, the very meaning of justice, especially as it relates to law, is in dispute. Justice may refer to distributional issues or it may involve primarily procedural questions, impartiality in judgment or punishment and recompense. The essays collected in *Justice and Injustice in Law and Legal Theory* seek to remedy this uncertainty about the meaning of justice and its disembodied quality, by embedding inquiry about justice in an examination of law's daily practices, its institutional arrangements, and its engagement with particular issues at particular moments in time. The essays examine the relationship between law and justice and injustice in specific issues and practices and, in doing so, make the question of justice come alive as a concrete political question. They draw on the disciplines of history, law, anthropology, and political science. Contributors to this volume include Nancy Coot, Joshua Coven, Robert Gorton, Frank Michelin, and Michael Tossing. Austin Sarat is William Nelson Cromwell Professor of Jurisprudence and Political Science, Amherst College. Thomas R. Kearns is William H. Hastie Professor of Philosophy, Amherst College.

The supranational law of the European Union represents a uniquely powerful, far-reaching,

and controversial instance of the growth of international legal governance, one that has forever altered the political and legal landscape of its Member States. The EU has attracted significant attention from political scientists, economists, and lawyers who have analysed its polity and constructed theoretical models of the integration process. Yet it has been almost entirely neglected by analytic philosophers, and the philosophical tools that have been developed to analyse and evaluate the Union are still in their infancy. This book brings together legal philosophers, political philosophers, and EU legal academics in the service of developing the philosophical analysis of EU law. In a series of original and complementary essays they bring their varied disciplinary expertise and theoretical perspectives to bear on central issues facing the Union and its law. Combining both abstract thought in legal and political philosophy and more tangible theoretical work on specific legal issues, the essays in this volume make a significant contribution to developing work on the philosophical foundations of EU law, and will engender further debate between philosophers, political philosophers, and EU legal academics. They will be of interest to all those engaged in understanding the nature and purpose of this unique legal entity.

In these essays J. Willard Hurst shows the correlation between the conception of individual freedom and the application of law in the nineteenth-century United States—how individuals sought to use law to increase both their personal freedom and their opportunities for personal growth. These essays in jurisprudence and legal history are also a contribution to the study of social and intellectual history in the United States, to political science, and to economics as it concerns the role of public policy in our economy. The nonlawyer will find in them demonstration of how "technicalities" express deep issues of social values.

Routledge Q&As give you the tools to practice and refine your exam technique, showing you how to apply your knowledge to maximum effect in assessment. Each book contains essay and problem-based questions on the most commonly examined topics, complete with expert guidance and model answers that help you to: Plan your revision and know what examiners are looking for: Introducing how best to approach revision in each subject Identifying and explaining the main elements of each question, and providing marker annotation to show how examiners will read your answer Understand and remember the law: Using memorable diagram overviews for each answer to demonstrate how the law fits together and how best to structure your answer Gain marks and understand areas of debate: Providing revision tips and advice to help you aim higher in essays and exams Highlighting areas that are contentious and on which you will need to form an opinion Avoid common errors: Identifying common pitfalls students encounter in class and in assessment The series is supported by an online resource that allows you to test your progress during the run-up to exams. Features include: multiple choice questions, bonus Q&As and podcasts.

Presents the basics of writing legal briefs and giving oral arguments, with discussions on the essentials of building a case through legal reasoning and the key elements of persuasive and successful oral pleading in the courtroom.

The Law Express series is tailored to help you revise effectively. Understand essential concepts, remember and apply key theories and make your answers stand out!

Many legal theorists maintain that laws are effective because we internalize them, obeying even when not compelled to do so. In a comprehensive reassessment of the role of force in law, Frederick Schauer disagrees, demonstrating that coercion, more than internalized thinking and behaving, distinguishes law from society's other rules.

Used widely by Shi'ite seminaries, and valued by Sunni scholars for its intellectual rigor, Muhammad Baqir as-Sadr's *Lessons* is a key study of Islamic jurisprudence. It covers topics from the general characterization of jurisprudence to such specialized issues as the assessment of the verbal divine-law argument, study of procedural principles, and reflections on the resolution of conflicting arguments. The new translation by Roy Mottahedeh from the

original Arabic employs a carefully designed and appropriate English terminology, and features a significant amount of supporting material including a glossary of legal and theological concepts, and a full index of Arabic terms.

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Throughout American history, views on the proper relationship between the state and religion have been deeply divided. And, with recent changes in the composition of the Supreme Court, First Amendment law concerning religion is likely to change dramatically in the years ahead. In *The Religion Clauses*, Erwin Chemerinsky and Howard Gillman, two of America's leading constitutional scholars, begin by explaining how freedom of religion is enshrined in the First Amendment through two provisions. They defend a robust view of both clauses and work from the premise that the establishment clause is best understood, in the words of Thomas Jefferson, as creating a wall separating church and state. After examining all the major approaches to the meaning of the Constitution's religion clauses, they contend that the best approaches are for the government to be strictly secular and for there to be no special exemptions for religious people from neutral and general laws that others must obey. In an America that is only becoming more diverse with respect to religion, this is not only the fairest approach, but the one most in tune with what the First Amendment actually prescribes. Both a pithy primer on the meaning of the religion clauses and a broad-ranging indictment of the Court's misinterpretation of them in recent years, *The Religion Clauses* shows how a separationist approach is most consistent with the concerns of the founders who drafted the Constitution and with the needs of a religiously pluralistic society in the 21st century.

Concentrate QandA Public Law offers unrivalled exam and coursework support for when you're aiming high. The new Concentrate QandA series is the result of a collaboration involving hundreds of law students and lecturers from universities across the UK. The result is a series that offers you better support and a greater chance to succeed on your law course than any of its rivals. This essential studyguide contains a variety of model answers to give you the confidence to tackle any essay or problem question, and the skills you need to excel. DT Knowing the right answer is a start, knowing how to structure it gets you the highest marks: annotated answers guide you step by step through the structure of a great answer, and show you how to ensure you focus on the heart of the question DT Recognize and recall: user-friendly layout ensures that it is easy to find key information, and diagram answer plans help you visualize how to plan and structure your answers DT Aim high: avoid common mistakes, use the further reading suggestions to help you take things further and demonstrate your understanding of key academic debates to really impress DT Don't just rely on the exam to pick up your marks: a unique coursework skills chapter offers advice on researching, referencing and critical analysis - not available in any other QandA series This study guide is also accompanied by a wealth of online extras at www.oxfordtextbooks.co.uk/orc/qanda/ which include: DT Additional essay and problem questions for you to practise your technique. Questions are annotated, highlighting key terms and legal issues to help you plan your own

answers. An indication of what your answers should cover is also provided. DTVideo guidance on how to put an answer plan together DTOnline versions of all the diagram answer plans from the book DTA glossary of key terms DTPodcasts from expert examiners on revision and exam technique, coursework technique, and advice on how to tackle other assessment methods such as MCQs and presentations

This book presents a unified set of arguments about the nature of jurisprudence and its relation to the jurist's role. It explores contemporary challenges that create a need for social scientific perspectives in jurisprudence, and it shows how sociological resources can and should be used in considering juristic issues. Its overall aim is to redefine the concept of sociological jurisprudence and outline a new agenda for this. Supporting this agenda, the book elaborates a distinctive juristic perspective that recognises law's diversity of cultural meanings, its extending transnational reach, its responsibilities to reflect popular aspirations for justice and security, and its integrative tasks as a general resource of regulation for society as a whole and for the individuals who interact under law's protection. Drawing on and extending the author's previous work, the book will be essential reading for students, researchers and academics working in jurisprudence, law and society, socio-legal studies, sociology of law, and comparative legal studies.

With this publication, WIPO and the author aim at making available for judges, lawyers and law enforcement officials a valuable tool for the handling of intellectual property cases. To that effect, the case book uses carefully selected court decisions drawn from various countries with either civil or common law traditions. The extracts from the decisions and accompanying comments illustrate the different areas of intellectual property law, with an emphasis on matters that typically arise in connection with the enforcement of intellectual property rights in civil as well as criminal proceedings.

Tried and tested by undergraduate law students across the UK. 'All the vital information you need - definitely the best revision guides on the market.' Nayiri Keshishi, law student, Kingston University The Law Express series is tailored to help you revise effectively. Understand essential concepts, remember and apply key legislation and make your answers stand out Law Express: Jurisprudence Pearson UK

Essential reading for all those who wish to understand why legal theory is important to legal education, and for those who wish to extend their understanding of this dynamic academic discipline. A variety of perspectives are drawn together including social, literary, feminist and postmodernist theories.

Social Control Through Law is remarkable in manner and style. Roscoe Pound shows himself to be a jurist, philosopher, and scientist. For Pound, the subject matter of law involves examining manifestations of human nature which require social control to assert or realize individual expectations. Pound formulates a list of social-ethical principles, with a three-fold purpose. First, they are meant to identify and explain human claims, demands, or interests of a given social order. Second, they express what the majority of individuals in a given society want the law to do. Third, they are meant to guide the courts in applying the law. Pound distinguishes between individual interests, public interests, and social interests. He warns that these three types of interests are overlapping and interdependent and that most claims, demands, and desires can be placed in all three categories. Pound's theory of social interests is crucial to his thinking about law and lies at the conceptual core of sociological jurisprudence. Pound explains that rights unlike interests, are plagued with a multiplicity of meanings. He rejects the idea of rights as being natural or inalienable, and argues that to the contrary, interests are natural. The contemporary significance of the book is aptly demonstrated by the skyrocketing rate of litigation in our postmodern society. As the influence of familial and religious institutions declines, the courts exert an unprecedented degree of control over the public and private lives of most Americans. Law is now the paramount agency of social control.

In the new introduction, A. Javier Treviño outlines the principal aspects of Roscoe Pound's legal philosophy as it is conveyed in several of his books, articles, and addresses, and shows their relationship to *Social Control Through Law*. This book is an insightful, concise summary of Pound's ideas that, after more than half a century, remains surprisingly fresh and relevant. It will doubtlessly continue to engage jurists, legal theorists, and sociologists for many years to come.

What is law? What is the source of law? What is the law for? How does law differ from other norms or codes of conduct? What is the difference between law and morality? Who is obligated to follow the law and why? What is the difference between moral and legal obligation? This book addresses these foundational questions about the law in general, and seeks to reorient our thoughts to the specific nature of law in India, the India of today, and the possible India of the future. This volume: covers relevant foundational elements, concepts and questions of the discipline; brings the uniqueness of Indian Philosophy of Law to the fore; critically analyzes the major theories of jurisprudence; examines legal debates on secularism, rationality, religion, rights and caste politics; and presents useful cases and examples, including free speech, equality and reservation, queer law, rape and security, and the ethics of organ donation. Lucid and accessible, the book will be indispensable to students, teachers and scholars of law, philosophy, politics as well as philosophy of law, sociology of law, legal theory and jurisprudence.

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Jurisprudence For a Free Society is a remarkable contribution to legal theory. In its comprehensiveness & systematic elaboration, it stands among the major theories. It is also the most important jurisprudential statement to emerge in the post-war period. The pioneering work of Lasswell & McDougal on law & policy is already legendary. Most of the work produced by these scholars together & in collaboration with their students represent applications of their basic theory to a wide assortment of international & national legal & policy problems. Now, for the first time, the authoritative statement of their legal philosophy appears as a single volume. In Part I the authors develop their fundamental criteria for a theory about law, including the requirements of clarifying observational standpoint, focus of inquiry & the pertinent intellectual tasks incumbent on the scholar & decisionmaker for determining & achieving common interests. Trends in theories about law, including Natural Law, the Historical School, Positivism, the Sociological Study of Law, American Legal Realism & other contemporary theories, are explored for what they might contribute to the achievement to the authors' conception of an adequate jurisprudence. In Part II, the social process as a whole & the particular value-institutional processes that comprise it are described & analyzed. Because people establish, maintain & change institutions, the dynamics of personality & personality's relation to law is delineated. Part III explores the intellectual tasks of policy thinking, from clarification of values, through description of trend, the scientific examination of conditions, projection of future developments & the invention of alternatives. Part IV examines the structure of decision in a free society, a society in which the achievement of human dignity is confirmed in both word & deed. Six appendices bring together monographs by the authors over a period of forty years which deal, in more detail, with particular matters treated in the body of the book.

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