

THE RATIONAL STRENGTH OF ENGLISH LAW - J. H. COOPER

ST. 25

Rational Strength Of English Law

Alan Watson



Rational Strength Of English Law:

The Rational Strength of English Law Frederick Henry Lawson, 1951 This book consists of a series of four lectures delivered under the auspices of the Hamlyn Trust It is a comparison of English law with other systems Within its compass it would be impossible to cover the whole field of law and the author has therefore chosen to deal fairly fully with selected topics of exceptional importance The author is a Professor of Comparative Law and in comparing the English and other systems he has sought to show that contrary to a widespread opinion our law is orderly and rational although not reduced to codified form In the last lecture the author closes with a summary of his conclusions which are of great interest In the law of contract he refers to the law of Scotland and the United States to their advantage in some respects in comparison with English law But he has a high regard for the English law of torts which he thinks most strongly justifies the title of his lectures **The Rational Strength of English Law**

The Rational Strength of English Law Frederick H. Lawson, Frederick Henry Lawson (juriste), 1951

Principles of the English Law of Obligations Andrew Burrows, 2016-12-01 Principles of the English Law of Obligations provides students with a high quality overview of this key area of English law Drawing together updated chapters from the third edition of English Private Law the subjects covered include contract tort and equitable wrongs unjust enrichment and remedies Written by a team of acknowledged experts the chapters give a clear simple and accurate overview of the guiding principles and rules of the English law of obligations including contract and tort which are compulsory subjects for law degrees and on professional courses Whether looking for an accessible conceptual introduction to the area or a handy revision reference students will find this book invaluable

UK, EU and Global Administrative Law Paul Craig, 2015-10-29 Paul Craig's analysis of UK EU and global administrative law examines the challenges facing each system and reveals the commonalities in and differences between their foundational assumptions The challenges which they face may be particular to that legal order endemic to any legal system of administrative law or the result of interaction between the three systems The inter relationship between the three levels is important The legal and practical reality is that developments at one level can have an impact on the other two Legal doctrine fashioned at the national level may therefore inform developments in EU and global administrative law The doctrine thus created may then function symbiotically shaping developments within a domestic legal order The inter relationship is equally marked from the regulatory perspective since many such provisions originate at the global or EU level

Rational Individualism Roger Simonds, 1995 This book is a study of the theory of legal interpretation that underlies the legal systems of Europe England and the United States The principles of interpretive jurisprudence are traced through Greek and Latin philosophers and legal theorists and Renaissance Italian glossators and commentators In addressing human nature these principles have a self sustaining logical integrity They are defensible as a worthy tradition of legal respect for the value of the individual

New Perspectives for a Common Law of Europe/Nouvelles perspectives d'un droit commun de l'Europe M. Cappelletti, 2024-10-28

The Common Law

Constitution John Laws, 2014-07-17 The law is not a science for its purpose is not to find out natural facts It is an art as architecture is an art its function is practical but it is enhanced by such qualities as elegance economy and clarity The law has two practical purposes first to require forbid or penalise forms of conduct between citizen and citizen and citizen and State secondly to provide formal rules for classes of human activity whose fulfilment would otherwise be confused uncertain or ineffective Laws in the former category include every provision for a remedy Comparative Law in Global Perspective Ian Edge, 2021-10-01 The essays in this volume offer global perspectives on crucial contemporary issues such as economic development the persistence of customary law offshore jurisdictions family law and succession land tenure the forging of national constitutions human rights violations and the treatment of ethnic minorities They portray the laws of Asian and African countries as equal manifestations of legal culture in a shrinking world Rendering Asian and African legal systems and traditions in an accessible form to a non Asian and non African audience this volume will sharpen the sensitivity of academics and practitioners everywhere A special classroom adoption price is available Published under the Transnational Publishers imprint **English Law Under Two Elizabeths** John Hamilton Baker, 2021-01-28 A novel experiment in comparative legal history exploring the legal world in England during two different periods **Rethinking Historical Jurisprudence** Samuel, Geoffrey, 2022-10-18 This stimulating book considers the ways in which historical jurisprudence deserves to be rethought arguing that there is much more to the history of legal thought than the ideas and ideology of the nineteenth and early twentieth century jurists such as Karl von Savigny and Sir Henry Maine Society And Legal Change 2Nd Ed Alan Watson, 2001-08-15 A noted scholar tackles dysfunctional law Equity Stirring Gary Watt, 2009-07-17 Sir Frederick Pollock wrote that English speaking lawyers have specialised the name of Equity It is typical for legal textbooks on the law of equity to acknowledge the diverse ways in which the word equity is used and then to focus on the legal sense of the word to the exclusion of all others There may be a professional responsibility on textbook writers to do just that If so there is a counterpart responsibility to read the law imaginatively and to read what non lawyers have said of equity with an open mind This book is an exploration of the meaning of equity as artists and thinkers have portrayed it within the law and without Watt finds in law and literature an equity that is necessary to good life and good law but which does not require us to subscribe to a moral or natural law ideal It is an equity that takes a principled and practical stand against rigid formalism and unthinking routine in law and life and so provides timely resistance to current forces of extremism and entitlement culture The project is an educational one in the true etymological sense of leading the reader out into new territory The book will provide the legal scholar with deep insight into the rhetorical literary and historical foundations of the idea of equity in law and it will provide the law student with a cultural history of and an imaginative introduction to the technical law of equity and trusts Scholars and students of such disciplines as literature classics history theology theatre and rhetoric will discover new insights into the art of equity in the law and beyond Along the way Watt offers a new theory on the naming of Dickens chancery case Jarndyce

and Jarndyce and suggests a new connection between Shakespeare and the origin of equity in modern law This beautiful book deeply learned in the branch of jurisprudence we call equity and deeply engaged with the western literary tradition gives new life to equity in the legal sense by connecting it with equity in the larger sense as it is defined both in ordinary language and experience and by great writers especially Dickens and Shakespeare Equity Stirring transforms our sense of what equity is and can be and demonstrates in a new and graceful way the importance of connecting law with other arts of mind and language James Boyd White author of Living Speech Resisting the Empire of Force Equity Stirring is a fine example of interdisciplinary legal scholarship at its best Watt has managed to produce a book that is fresh and innovative and thoroughly accessible Deploying a range of familiar and not so familiar texts from across the humanities Watt has presented a fascinating historical and literary commentary on the evolution of modern ideas of justice and equity Ian Ward Professor of Law at the University of Newcastle upon Tyne this is an important compendious and thought provoking work that should be on the shelves of everyone interested in equity studies Mark Fortier Law and Literature there is much of interest to the legal historian the book s insights and erudition did engage this rather sceptical reader who would like to believe that equity could achieve justice but fears rather that it can only be as fair as the court dispensing it Rosemary Auchmuty The Journal of Legal History With luck Equity Stirring will stir taxonomic positivists from their culture of entitlement waking them to the possibility that law and justice do not form the perfect quadrature Nick Piska Social Legal Studies a highly imaginative original and refreshing foray into the legal and ethical import of concepts too often thought to be difficult archaic and obscure Watt gives us a way into the subject which is forceful in its imaginative reach and its ethical import David Gurnham Law Culture and the Humanities

Foucault and Family Relations Malcolm Voyce, 2019-05-14 Foucault and Family Relations Governing from a Distance in Australia analyzes how notions of property ownership were instrumental in maintaining family stability and continuity in rural Australia outlining how inheritance and divorce laws functioned to govern the internal relationships of families to assist the state to rule from a distance Using a selection of Foucault s ideas on the family sexuality race space and economics this book shows how property operated as a disciplinary device which was underpinned by technical ideas such as surveying and cartography This book uses legal judgments as a form of ethnography to show how property as a socio technical device allowed a degree of local freedom for owners This aspect of property allowed the state to stimulate ideas of local freedom to assist in ruling from a distance demonstrating how the rural family as a domestic unit became a key field of intervention for the state as the family represented a bridge to larger relationships of power

Contract Termination in International and Domestic Trade Bashayer Al-Mukhaizeem, 2024-09-25 This book highlights the right to terminate a contract yielding invaluable insights to enable policymakers and legal practitioners to facilitate international trade In the modern landscape of globalised trade the imperative of a harmonised legal framework of contract law capable of fostering stability and trust in cross border trade has never been more pronounced This is

represented in the United Nations Convention on Contracts for the International Sale of Goods CISG providing rules that can be known understood and abided by globally This book focuses on the termination of contracts one of the harshest remedies when a sale of goods contract is breached by the seller Breaches by the seller dealt in this book are confined to breaches of contractual description delivery time and quality of goods which are the most common violations of sale of goods contracts This book scrutinises the methods adopted for challenging or facilitating contractual termination by CISG as a transnational law as well as the Sale of Goods Act 1979 SGA and Kuwaiti law KLaw both of which are national laws of non contracting states of CISG This study also draws attention to lacunae and practical issues focusing on critical analyses of law and cases and recognises the adopted themes underlying each law to find the degree of their legal clarity and the threshold upon which termination can be granted This comprehensive analysis also provides inspiration for beneficial changes by weighing the pros and cons of each system The book will be of interest to practitioners students and scholars in the fields of contract law trade law commercial law and international law

Spatial Planning Systems of Britain and France Philip Booth,Michelle Breuillard,Charles Fraser,Didier Paris,2007-03-12 Exploring the similarities and differences between the spatial planning in Great Britain and France this book draws on the outcomes of the Franco British Planning Study Group It features detailed analysis and case studies

Reflections on 'The Concept of Law' A. W. Brian Simpson,2011-09-22 HLA Hart developed The Concept of Law while renowned historian AWB Simpson was studying and teaching at Oxford Simpson wittily recreates the culture of Oxford philosophy in the 50s providing a new perspective of one of the most famous works of philosophy of the 20th century and casting a satirical eye over the shortcomings of post war Oxford

The Code Napoleon and the Common-law World Bernard Schwartz,1998 Originally published New York New York University Press 1956 x 438 pp This book consists of papers delivered by participants in the conference sponsored by the New York University Institute of Comparative Law to honor the 150th anniversary of the French Civil Code which was the largest public celebration of the event in the legal world The papers deal with the influence of the Code upon common law countries in their efforts to manage statute and case law and gives examples of modern attempts at restatement of the law and uniform state laws as examples of the effect of the Code s coherence and logic The papers were given by notable legal scholars such as Benjamin Akzin Ren Cassin C J Friedrich Arthur von Mehren Roscoe Pound Thibadeau Rinfret Max Rheinstein Angelo Piero Sereni Jack Bernard Tate and Arthur T Vanderbilt At the time of these lectures Schwartz was Director of the Institute Includes a bibliography by Julius J Marke Reprint of the first edition BERNARD SCHWARTZ 1923 1997 was professor of law and director of the Institute of Comparative Law New York University He was the author of over fifty books including French Administrative Law and the Common Law World 1954 reprinted 2006 the five volume Commentary on the Constitution of the United States 1963 1968 Constitutional Law A Textbook 2d ed 1979 Administrative Law A Casebook 4th ed 1994 and A History of the Supreme Court 1993

Globalisation and Legal Theory William Twining,2000-03 The text makes the case for a revival of general

jurisprudence in response to globalisation Jus et Societas G.M. Wilner, 2012-12-06 When Wolfgang Friedmann died there was a great outpouring of grief affection and admiration from his friends all over the world These deeply felt sentiments were soon channelled into a number of projects to honor him The initiative towards the preparation of this volume in tribute to Wolfgang Friedmann was taken by his colleague Hans Smit of Columbia University who also arranged for its publication Judge Philip C Jessup was the chairman and Professors John N Hazard Louis Henkin Oliver Lissitzyn Willis L M Reese and Hans Smit of Columbia University Law School A A Fatouros of Indiana University Law School Bloomington and Gabriel M Wilner of the University of Georgia Law School were members of the editorial committee The authors of the essays are a group of distinguished legal scholars from many countries and who hold widely diverse views All of them had many ties with Professor Friedmann including those of friendship and shared interest in problems that were of the greatest concern to him The number of eminent jurists from countries around the world and particularly from the United States who would have wished to participate in this tribute to Wolfgang Friedmann is large however several important considerations made it necessary to limit the number of contributions Thus for example the work of several members of the editorial committee is not represented in the volume **International Encyclopedia of Comparative Law** Viktor Knapp, 1983

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