

OXFORD

THE NATURE OF THE CROWN

A Legal and Political Analysis



Edited by
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Nature Of The Crown A Legal And Political Analysis

Adam Tomkins



Nature Of The Crown A Legal And Political Analysis:

The Nature of the Crown Maurice Sunkin, Sebastian Payne (senior lecturer in law.), 1999 This book explores the nature of the Crown in its legal and political context Here the term The Crown is being used not as a direct reference to the Queen but as a reference to the central power of the State which exercises legal and political authority It is a surprising fact that the nature of the Crown has not been the object of extensive literature with pride of place on constitutional law courses The nature of the Crown has been taken for granted in part because it is so fundamental and in part because many academics have no idea what the term The Crown amounts to This book aims to redress this state of affairs by drawing together in one book a collection of essays that explores what the Crown is or might be and the critical issues relating to it The Crown refers to the authority of Government and the very entity of Government All the people going about the Governments business Ministers of the Crown and civil servants do so under the cloak of the Crown with its powers and immunities The idea of democracy may appear central to our political arrangements but the legal facts are that the Crown subsists not merely as the power it is the state If the legal facts of our political arrangements clash with our individual beliefs about democracy then that clash is of the highest importance

The Role of the Solicitor-General Gabrielle Appleby, 2016-06-16 Behind every government there is an impressive team of hard working lawyers In Australia the Solicitor General leads that team A former Attorney General once said The Solicitor General is next to the High Court and God And yet the role of government lawyers in Australia and specifically the Solicitor General as the most senior of government lawyers is under theorised and under studied The Role of the Solicitor General Negotiating Law Politics and the Public Interest goes behind the scenes of government drawing from interviews with over 45 government and judicial officials to uncover the history theory and practice of the Australian Solicitor General The analysis reveals a role that is of fundamental constitutional importance to ensuring both the legality and the integrity of government action thus contributing to the achievement of rule of law ideals The Solicitor General also works to defend government action and prosecute government policies in the court and thus performs an important role as messenger between the political and judicial branches of government But the Solicitor General s position as both an internal integrity check on government and an external warrior for government gives rise to competing pressures between the law politics and the public interest The office of the Solicitor General in Australia has evolved many characteristics across the almost two centuries of its history in an attempt to navigate these tensions These pressures are not unique to the Australian context The understanding of the Australian position provided by this book is informed by and will inform comparative analysis of the role of government lawyers across the world

Constitutional Paradigms and the Stability of States Noel Cox, 2016-05-23 This book examines the influence of constitutional legal paradigms upon the political stability and viability of states It contributes to the literature in the field by focussing on how constitutional flexibility may have led to the rise of successful states and to the decline of unsuccessful states by promoting stability Divided into two

parts the book considers theories of the rise and fall of civilizations and individual states explains the concept of hard and soft constitutions and applies this concept to different types of state models A series of international case studies in the second part of the book identifies the key dynamics in legal political and economic history and includes the UK US New Zealand and Eastern Europe

English Administrative Law from 1550 Paul Craig, 2024 English Administrative Law from 1550 systematically elaborates and contextualizes the origins of administrative law It upends conventional thinking charting the development of administrative law from the mid 16th century with an in depth examination of primary legal materials statute and case law

The Constitutional Legitimacy of Law Officers in the United Kingdom Conor McCormick, 2022-07-14 This book provides a detailed account of each law officer s functions and draws on that account as the basis for a conceptual analysis of their constitutional legitimacy In recent years the constitutional legitimacy of law officers has been questioned repeatedly because of recurring controversies surrounding the discharge of their varied functions Indeed it has become increasingly clear that those functions enable law officers to play a highly influential part in the regulation and exercise of public power throughout the United Kingdom McCormick argues that the most persuasive framework for analysing the offices which make up this diverse regime involves concentrating on the constitutional values of independence accountability and trust which underpin it Both aspects of the book namely the explanation of individual functions and the conceptual analysis of collective legitimacy are written in a holistic way which encompasses critical analyses about the Attorney General and Solicitor General for England and Wales the Counsel General for Wales the Lord Advocate Solicitor General and Advocate General for Scotland as well as the Attorney General and Advocate General for Northern Ireland

Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 35 (2017) Ying-jeou Ma, 2018-11-26 The Chinese Taiwan Yearbook of International Law and Affairs includes articles and international law materials relating to the Republic of China on Taiwan and contemporary Asia Pacific issues This volume provides insight into the South China Sea Arbitration cross strait relations and Taiwan s New Southbound Policy Questions and comments can be directed to the editorial board of the Yearbook by email at yearbook nccu edu tw

Equity and Administration P. G. Turner, 2016-05-26 Each generation of lawyers in common law systems faces an important question what is the nature of equity as developed in English law and inherited by other common law jurisdictions While some traditional explanations of equity remain useful including the understanding of equity as a system that qualifies the legal rights people ordinarily have under judge made law and under legislation other common explanations are unhelpful or misleading This volume considers a distinct and little noticed view of equity By examining the ways in which courts of equity have addressed a range of practical problems regarding the administration of deliberately created schemes for the management of others affairs modern equity can be seen to have a strongly facilitative character The extent and limits on this characterisation of equity are explored in chapters covering equity s attitude to administration in various public and private settings in common law systems

Our Republican

Constitution Adam Tomkins,2005-02 This new book by Adam Tomkins sets out a radical vision of the British constitution It argues that despite its outwardly monarchic form the constitution is profoundly informed and indeed shaped by values and practices of republicanism The republican reading of the constitution presented in this book places political accountability at the core of the constitutional order As such *Our Republican Constitution* offers a powerful rejoinder to the current trend in legal scholarship that sees the common law and the courts rather than Parliament as the central players in holding government to account The book further contends that while the constitution should be understood as having republican foundations current constitutional practice is in a number of respects insufficiently republican in character The book closes by outlining a programme of republican constitutional reform that is designed to secure genuinely responsible government This is an original and provocative reinterpretation of the central themes of the British constitution drawing on constitutional history especially of the seventeenth century political theory and public law

Technology and Legal Systems Noel Cox,2016-12-14 The advent of the knowledge economy and society has made it increasingly necessary for law reformers and policy makers to take account of the effects of technology upon the law and upon legal and political processes This book explores aspects of technology s relationship with law and government and in particular the effects changing technology has had on constitutional structures and upon business Part I examines the legal normative influence of constitutional structures and political theories It focuses on the interrelationship between laws and legal procedure with technology and the effect technology can have on the legal environment Part II discusses the relationship between government and technology both at the national and international level The author argues that technology must be contextualized within a constitution and draws on historical and contemporary examples to illustrate how technology has both shaped civilizations and been the product of its political and constitutional environment

Pax Britannica: Tracing Customary War Crimes in the Age of Empire Samuel C. Duckett White,Ikhwan Fazli,2025-04-07 The original sin of the laws of war its exclusion of non Europeans from its protection shapes discussions around criminal liability for conduct during colonial expansion This monograph disproves this position however utilising State practice across various colonial frontiers that fell to Pax Britannica In doing so the groundbreaking research highlights eight clear customary colonial wars that applied to the other across the Empire on Which the Sun Never Set

The Constitution of Victoria Greg Taylor,2006 T his work is comprehensive in its treatment of all aspects of Victorian constitutional law whether they be historical jurisprudential or practical Occasionally the author offers his own views upon the direction which the law has taken or should take but in a manner which adds freshness to the text or adds interest for the reader This is a legal text book and is bound to be a standard text for many years to come There is no other comprehensive work which covers Victorian constitutional law But it is digestible in a way that many other text books are not It will provide a wealth of understanding and insight to teachers students practitioners public servants members of Parliament and others for whom an understanding of the Victorian Constitution is of interest and often necessity

It is not only the courts which are concerned with constitutional law This work has a practical application in many other areas and for many who are not lawyers It will provide practical guidance where that is possible and where it is not will provide a scholarly foundation upon which to build the correct answer Sir Daryl Dawson from The Foreword full text below see Extracts This is the standard reference work on the Constitution of Victoria Since the election of the Bracks government and its gaining a majority in both Houses of Parliament the Victorian Constitution has undergone far reaching change making it markedly different from other Australian State Constitutions in a number of respects This work analyses and comments on the new and old provisions of the Victorian Constitution and is essential for understanding the effect of the changes some of which are of doubtful validity

Royal Law Robert Craig, 2025-05-15 This book argues that prerogative powers encompass all the non statutory powers of the Crown Hence the Crown has no third source powers common law powers or Ram doctrine style freedoms Royal Law builds on Dicey s definition of the prerogative arguing that it comprises all residual non statutory rights powers duties and immunities historically ascribed to the Crown However it contends that Blackstone s alternative definition that prerogative powers are only those powers exclusive to the Crown is also correct The book explains how Dicey and Blackstone can be reconciled The prerogative of justice is suggested as the original source of legal authority and legitimacy of common law judicial decisions Common law is or was royal law Defined as a putative non statutory non prerogative third source of judicial legitimacy authority or jurisdiction common law does not exist There are only two ultimate sources of jurisdictional authority statute and prerogative The book further argues that Wade was mistaken to contend that the Crown has common law powers It also has no third source freedoms as suggested by Harris or in the Ram Doctrine The book therefore reframes the relevant case law as examples of judicial regulation of prerogative powers crucially including the largely forgotten prerogative power to administer the realm Hence the book concludes that legal powers such as a minister s power to enter contracts or make ex gratia payments of public money are directly or indirectly grounded in prerogative power

Imperial from the Beginning Saikrishna Bangalore Prakash, 2015-05-26 Eminent scholar Saikrishna Prakash offers the first truly comprehensive study of the original American presidency Drawing from a vast range of sources both well known and obscure this volume reconstructs the powers and duties of the nation s chief executive at the Constitution s founding Among other subjects Prakash examines the term and structure of the office of the president his power as constitutional executor of the law his foreign policy authority his role as commander in chief the president s authority during emergencies and his relations with the U S Congress the courts and the states This ambitious and even handed analysis counters numerous misconceptions about the presidency and fairly demonstrates that the office has long been regarded as monarchical

Constitutional and Administrative Law Hilaire Barnett, 2021-06-16 Hilaire Barnett s Constitutional and Administrative Law has consistently provided students with reliable accessible and comprehensive coverage of the Public Law syllabus Mapped to the common course outline the Fourteenth edition equips students with a

thorough understanding of the UK constitution's past, present and future by analysing and illustrating the political and socio-historical contexts that have shaped the major rules and principles of constitutional and administrative law as well as ongoing constitutional reform. This edition has been fully updated and includes discussion of the consequences of the United Kingdom's withdrawal from the European Union including the impact on the legislative supremacy of Parliament and the relationship between EU and domestic law after departure. It also features discussion of the 2020 Coronavirus Act with its implications for state power and ahead of the forthcoming new SQE qualification revised multiple choice questions on the Companion Website. Ideal for students studying constitutional and administrative law for the first time, this is an

indispensable guide to the challenging concepts and legal rules in public law. **The Goals of Private Law** Andrew Robertson, Hang Wu Tang, 2009-11-16 This collection contributes to a fundamentally important set of debates about the nature of private law. The essays consider whether private law should be seen as having goals and if so whether those goals are particular to private as opposed to public law. They consider the legitimacy of the pursuit of community welfare goals in private law and the place of instrumentalist thinking in private law scholarship. They explore the relationship between the pursuit of policy goals and the other influences that shape private law such as the formal values of certainty, consistency and coherence and the need to do justice to the parties to particular disputes. The collection analyses the role that particular policy goals do and should play in particular private law doctrines and contributes to debate about the relationship between community welfare goals and considerations of interpersonal morality arising from the interactions between individuals. The contributors are drawn from across the common law world and offer a diverse range of perspectives on the controversies under consideration. **Corporate Attribution in Private Law** Rachel Leow, 2022-02-24 Looking at key questions of how

companies are held accountable under private law, this book presents a succinct and accessible framework for analysing and answering corporate attribution problems in private law. Corporate attribution is the process by which the acts and states of mind of human individuals are treated as those of a company to establish the company's rights, duties and liabilities. But when and why are acts and states of mind attributed in private law? Drawing on a wide range of material from across the disparate areas of company law, agency law and the laws of contract, tort, unjust enrichment and equitable obligations, this book's central argument is that attribution turns on the allocation and delegation of the company's own powers to act. This approach allows for a much greater and clearer understanding of attribution. A further benefit is that it shows attribution to be much more united and coherent than it is commonly thought to be. Looking at corporate attribution across the broad expanse of the common law, this book will be of interest to lawyers across the common law world including the United Kingdom, Australia, Canada and Singapore. **The Constitution of the United Kingdom** Peter Leyland, 2012-01-31 This acclaimed book

provides a topical and contextual outline of the principles, doctrines and institutions that underpin the United Kingdom constitution. The second edition of *The Constitution of the United Kingdom* has been extensively rewritten to take account of

recent constitutional developments particularly changes made following the 2010 general election The chapters are written in sufficient detail for anyone coming to the subject for the first time to develop a clear and informed view of how the constitution is arranged and how it operates The main themes include discussion of the history sources and conventions of the constitution later chapters deal with constitutional principles the role of the Crown Parliament and the electoral system government and the executive the constitutional role of courts including the protection of human rights the territorial distribution of power between central devolved and local government and the European Union dimension In addition the book offers an analytical discussion of the development of the constitution its strengths and perceived weaknesses and of reforms aimed at its modernisation

The Oxford Handbook of the Australian Constitution Cheryl Saunders, Adrienne Stone, 2018-02-22 Constitutional law provides the legal framework for the Australian political and legal systems and thus touches almost every aspect of Australian life The Handbook offers a critical analysis of some of the most significant aspects of Australian constitutional arrangements setting them against the historical legal political and social contexts in which Australia's constitutional system has developed It takes care to highlight the distinctive features of the Australian constitutional system by placing the Australian system where possible in global perspective The chapters of the Handbook are arranged in seven thematically grouped parts The first Foundations deals with aspects of Australian history which have influenced constitutional arrangements The second Constitutional Domain addresses the interaction between the constitution and other relevant legal systems and orders including the common law international law and state constitutions The third Themes identifies themes of special constitutional significance including the legitimacy of the constitution citizenship and republicanism The fourth Practice and Process deals with practical issues relevant to constitutional litigation including the processes techniques and authority of the High Court of Australia The final three parts deal with the structural building blocks of the Australian Constitutional system Separation of Powers Federalism and the Protection of Rights Written by a team of experts drawn from academia and practice the Handbook provides Australian and international readers alike with a reliable source of knowledge understanding and insight into the Australian Constitution

Textbook on Administrative Law Peter. Leyland, Gordon Anthony, 2016 The eighth edition of Textbook on Administrative Law provides a concise and topical account of this fast moving area of law This edition remains as accessible as ever fully exploring the core areas of the subject and setting them in a contextual framework In addition to widespread recognition as an invaluable core text for LLB and GDL students Textbook on Administrative Law is a stimulating introduction for postgraduates and for non law undergraduates with an interest in the field Key coverage Fully updated and revised to reflect changes in the administrative state post 2015 election Comprehensive analysis of developments in judicial review with reference to the main decisions including Evans HS2 Sandiford Pham and Keyu m Analysis of the main developments in human rights jurisprudence Reference to developments in EU law and their impact on domestic administrative law Revised discussion of ombudsmen and tribunals as non judicial

remedies Book jacket *L'obligation de renvoi préjudiciel à la Cour de justice* Laurent Coutron, 2014-05-27 Amorcé par l'arrêt Kbler un mouvement jurisprudentiel récent a conduit la Cour de justice concevoir divers mécanismes qui permettent aux justiciables de sanctionner directement ou indirectement une juridiction nationale qui a méconnu son obligation de renvoi préjudiciel C'est ainsi que les justiciables pourront solliciter la remise en cause de la chose décidée voire de la chose jugée ou encore chercher engager la responsabilité judiciaire de l'État. On pressent pourtant que les solutions très restrictives forgées par la Cour de justice sont supplantées par les dispositifs nationaux. Ceux-ci paraissent en effet plus aisés à actionner voire plus performants qu'il s'agisse de la violation du droit au juge légal comme en Allemagne ou en Espagne ou encore de l'introduction du dispositif législatif suédois. La présentation sans gal ce jour de près de vingt rapports nationaux permettra de mieux apprécier l'effectivité de la protection juridictionnelle dont disposent les justiciables via le renvoi préjudiciel. L'intérêt de cet ouvrage est d'autant plus vif que l'adhésion prochaine de l'Union européenne la Convention européenne des droits de l'homme se traduira vraisemblablement par une revitalisation des dispositions permettant de sanctionner une violation de l'obligation de renvoi préjudiciel. Cet ouvrage s'adresse principalement aux magistrats et aux avocats ainsi qu'aux universitaires spécialisés dans l'étude du droit processuel.

Nature Of The Crown A Legal And Political Analysis Book Review: Unveiling the Power of Words

In a global driven by information and connectivity, the energy of words has be evident than ever. They have the ability to inspire, provoke, and ignite change. Such may be the essence of the book **Nature Of The Crown A Legal And Political Analysis**, a literary masterpiece that delves deep into the significance of words and their impact on our lives. Published by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we shall explore the book is key themes, examine its writing style, and analyze its overall affect readers.

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