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NATURAL LAW

Volume I

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Natural Law The International Library Of Essays In Law And Legal Theory Second Series

Lionel Smith



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Law and Morality Kenneth Einar Himma, 2017-07-05 This volume collects many of the key essays exploring the possible relationships between the concepts of law and morality a central concern of contemporary philosophizing about law It is organized around five conceptual issues classical natural law theory legal positivism s separability thesis Ronald Dworkin s constructive interpretivism inclusive legal positivism s assertion that there can be legal systems with moral criteria of legality and the relevance of morality and moral theorizing in theorizing about the concept of law and associated legal concepts Each of the essays makes an important contribution toward addressing these issues

The Rule of Law and the Separation of Powers Richard Bellamy, 2017-07-05 The rule of law is frequently invoked in political debate yet rarely defined with any precision Some employ it as a synonym for democracy others for the subordination of the legislature to a written constitution and its judicial guardians It has been seen as obedience to the duly recognised government a form of governing through formal and general rule like laws and the rule of principle Given this diversity of view it is perhaps unsurprising that certain scholars have regarded the concept as no more than a self congratulatory rhetorical device This collection of eighteen key essays from jurists political theorists and public law political scientists aims to explore the role law plays in the political system The introduction evaluates their arguments The first eleven essays identify the standard features associated with the rule of law These are held to derive less from any characteristics of law per se than from a style of legislating and judging that gives equal consideration to all citizens The next seven essays then explore how different ways of separating and dispersing power contribute to this democratic style of rule by forcing politicians and judges alike to treat people as equals and regard none as above the law

Law and Legal Interpretation Fernando Atria Lemaitre, Neil MacCormick, 2017-11-01 This title was first published in 2003 Leading contemporary essays on interpretation are assembled in this volume which offsets them against a small number of classical works from earlier periods It has long been recognized that textual sources constitutions statutes precedents commentaries are central to developed systems of law and that interpretation of such texts is one highly important element in adjudication legal practice and legal scholarship Scholars have also contended that the totality of legal activity is interpretive in a wider sense and debates about objectivity have raged The reasons for this development are here critically scrutinized

Restitution Lionel Smith, 2020-11-25 This title was first published in 2001 In the Western legal tradition the history of restitution for unjust enrichment reaches back to pre classical Roman law In common law the roots of unjust enrichment may be said to lie in the fourteenth century but its history as a subject of academic study is much shorter The law of restitution has become increasingly important in the courts of the common law world during the last decade This has generated a great deal of scholarly attention and there has been an explosion of literature as legal academics have addressed the theoretical foundations of the subject its structure and its underlying principles

Environmental Law Peter S. Menell, 2019-01-15 This title was first published in 2002 Since the

importance of environmental governance was realised in the late 1960s and early 1970s this vibrant area of law has witnessed much change Assembling insightful essays from a number of key contributors Environmental Law takes stock of developments to date and outlines the challenges for the future **Medical Law and Ethics** Sheila McLean,2017-11-22

This title was first published in 2002 The wide range of essays contained within this volume present contemporary thinking on the legal and ethical implications surrounding modern medical practice **Constitutional Law** Ian D.

Loveland,2024-11-01 This title was first published in 2000 This volume of essays explores a number of fundamental constitutional law questions in a variety of historical and jurisdictional contexts The contributions focus on the role to be played by courts and legal principles in the resolution of major political controversies and on the progressive development of constitutional jurisprudence in countries sharing a broadly common law legal tradition The guiding theme pervading the collection is an attempt to measure the legitimacy of judicial activism when courts are faced with difficult political choices on matters such as slavery internment racism and voting rights and radical economic policies and are also confronted with the requirement to attach concrete meanings to such abstract concepts as the separation of powers and the rule of law

Freedom of Speech Larry. J Alexander,2018-05-08 This title was first published in 2000 This text presents a two volume collection of theoretical articles on the topic of freedom of speech The articles have all been written since the early 1970s The first volume begins with an encyclopaedia entry functioning as an overview of the topic and further articles deal with justificatory theories of freedom of speech the scope of the First Amendment the value of free speech communication control in law and society and what kinds of acts raise freedom of speech concerns The second volume turns to doctrinal theories examining insults incitements and governmental subsidies Areas addressed include distinctions between content regulations Robert Post s concepts of the public forum and public discourse and their bearing on free speech doctrine and the significant arena for free speech controversies in the future **The Creation and Interpretation of Commercial Law** Clayton P.

Gillette,2022-03-21 This title was first published in 2003 This volume contains essays by prominent commentators on topics in commercial law It addresses the increasing harmonization of international commercial law and the essays demonstrate different methodologies used in analysing commercial law such as economic and jurisprudential approaches *Gender and Justice* Ngaire Naffine,2017-07-05

The leading articles on gender and justice within Anglo American legal theory are assembled in this volume The essays are drawn primarily from the writings of lawyers working in the common law tradition and they mainly examine the justice of legal institutions Due to the close kinship between political and legal theories of justice the book also includes a selection of the work of the more prominent political theorists of justice and gender

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