

THE AQUINAS LECTURE, 1943

THE NATURE AND
FUNCTIONS OF
AUTHORITY

YVES SIMON

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Nature And Functions Of Authority

Yves R. Simon



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75 **Nature and Functions of Authority** Yves Rene Marie Simon, 1940 The Nature of Law Daniel Mark, 2024-08-15
Challenging the prevailing understanding of the authority of law Daniel Mark offers a theory of moral obligation that is rooted both in command and in the law's orientation to the common good When and why do we have an obligation to obey the law Prevailing theories in the philosophy of law starting with the work of H L A Hart and Joseph Raz fail to provide definitive answers regarding the nature of legal obligation In this highly original and effective new work Daniel Mark argues that there is a prima facie moral obligation to obey the law simply because it is the law In Mark's view the best concept of law one that allows for the possibility of justified authority and obligation defines law as a set of commands oriented to the common good Legal obligation he proposes shares defining features with moral obligation and with religious obligation while aligning wholly with neither This philosophically coherent view of legal obligation offers a viable framework for analyzing important and seemingly paradoxical puzzles about the law such as why civil disobedience is punished as lawbreaking or why war crimes trials for legal but immoral acts present a moral quandary By reconciling the concept of law as command with the role of law in promoting the common good *The Nature of Law* provides an original and important scholarly contribution to the fields of legal philosophy and political thought *The Nature and Function of Faith in the Theology of John Calvin* Victor A. Shepherd, 2004 This fine study exemplifies the best kind of historical theology penetrating in its reading of the texts attentive both to the detail and to the scope of its subject matter and above all alert to the fact that in the history of Christian thought we are in the sphere of theology church and faith A wide circle of new readers will find great profit in studying this rich account of a rich theme John Webster University of Aberdeen *Beatson, Matthews and Elliott's Administrative Law Text and Materials* Mark Elliott, Jack Beatson, Martin Matthews, 2011-01-27 Beatson Matthews Elliott's Administrative Law combines extracts from key cases articles and other sources with detailed commentary Aimed at undergraduates studying administrative law it provides comprehensive coverage of the subject Principles of Property Law Alison Clarke, 2020-06-11 *Principles of Property Law* offers a critical and contextual analysis of fundamental property law providing students with the tools to enable them to make sense of English land law rules in the context of real world applications This new book adopts a contextual approach placing the core elements of a qualifying law degree property and land law course in the context of general principles and practices as they have developed in the UK and other jurisdictions in response to a changing societal relationship with a variety of factors Also drawing on concepts of property developed by political theorists economists and environmentalists *Principles of Property Law* gives students a clear understanding of how property law works why it matters and how the theory connects with the real world Suitable for undergraduates studying property and land law

in England Wales and Northern Ireland as well as postgraduate students seeking an accessible analysis

The meaning of public authority under the Human Rights Act Great Britain: Parliament: Joint Committee on Human Rights, 2007-03-28

Section 6 of the Human Rights Act HRA makes it unlawful for public authorities to act in breach of Convention rights UK courts have adopted a restrictive interpretation of the meaning of public authority potentially depriving numerous often vulnerable people from the human rights protection afforded by the HRA There has been little evidence of progress since the previous report on this matter HL 39 HC 382 7th report session 2003 4 ISBN 9780104004173 Chapter 2 examines developments in case law since 2004 and the Committee considers the Government's 2005 guidance on contracting for services in the light of the Human Rights Act takes a very negative approach to the difficulties facing the use of contracts to secure better the protection of human rights lacks accessibility and is difficult to understand and has little or no influence on the procurement policies of local authorities In Chapter 3 the Committee considers the case for further action to overcome the problems arising from a narrow interpretation of public authority It concludes that the practical implications of the current case law are such that some service users are deprived of a right to an effective remedy for any violation of their Convention rights The Committee has not seen any convincing evidence that providers would leave the public services market if they were subject to the duty to act compatibly with Convention rights despite the Government's premature and unsupported concerns about market flight In Chapter 4 the Committee considers steps which could be taken to resolve the problems identified including use of legislation to clarify the meaning of public authority in section 6 HRA through a separate supplementary and interpretative statute

The Law of Nature Conservation Christopher Rodgers, 2013-03-21 This book provides a detailed account of the UK law of nature conservation It covers all the extensive laws introduced in recent years to protect and promote the natural world examining the operation of the legislation in practice

Morality and the Nature of Law Kenneth Einar Himma, 2019-03-07 *Morality and the Nature of Law* explores the conceptual relationship between morality and the criteria that determine what counts as law in a given society the criteria of legal validity Is it necessary condition for a legal system to include moral criteria of legal validity Is it even possible for a legal system to have moral criteria of legal validity The book considers the views of natural law theorists ranging from Blackstone to Dworkin and rejects them arguing that it is not conceptually necessary that the criteria of legal validity include moral norms Further it rejects the exclusive positivist view arguing instead that it is conceptually possible for the criteria of validity to include moral norms In the process of considering such questions this book considers Raz's views concerning the nature of authority and Shapiro's views about the guidance function of law which have been thought to repudiate the conceptual possibility of moral criteria of legal validity The book then articulates a thought experiment that shows that it is possible for a legal system to have such criteria and concludes with a chapter that argues that any legal system like that of the United States which affords final authority over the content of the law to judges who are fallible with respect to the requirements of morality is a legal system

with purely source based criteria of validity

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