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Volume I

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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 *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 *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 *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

The Right to Leave and Return and Chinese Migration Law Guofu Liu, 2007-01-31 Although the Right to Leave and Return RLR is a fundamental human right each State has the sovereign right to regulate RLR in accordance with its own laws In the case of China the country's communist political system has significantly affected the development of RLR and the country's approach to it As a rule China's approach is restrictive As part of its reform and opening up policies China has embarked on a range of reforms to liberalise RLR but the reforms lack cohesion and focus and remain restrictive Given its past and its complex social and economic conditions China may have some justifications for its approach but on balance has more to gain from adopting a more liberal approach The issue of RLR in China is crucial both for the future of China and for development of RLR in the world The Right to Leave and Return RLR and Chinese Migration Law provides a comprehensive and systematic review of the RLR in international and Chinese migration law It has been written on the basis of Chinese statutes pertinent to the RLR also of relevant international instruments and key cases It investigates RLR in international migration law and practice analyses RLR in the context of China and identifies its driving factors investigates the conditions and practical concerns relevant to the protection of RLR and concludes with recommendations on how the Chinese regulatory regime governing RLR can be improved

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 *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 **Competition Law** Rosa Greaves,2017-11-30 This book was published in 2003 Competition

anti trust law as a separate body of law is very much a creation of the 20th century and grew only in maturity in the latter half of that century As developments in US anti trust law have had and continue to have an important influence on the development of competition law in Europe and worldwide articles have been selected for this collection from both sides of the Atlantic The volume focuses on the following aspects the objectives and nature of competition law the scope of competition law selected legal concepts and challenges in competition law and the global application of competition law

Chinese Law and Legal Theory Perry Keller,2001 A selection of articles concerning Chinese Law and Legal Theory which reflects the diversity of contemporary approaches to the study of law in Chinese Society and the high standards of scholarship in this area **Administrative Law** Steven Cann,2018-06-14 This title was first published in 2002 Designed to complement the first volume on administrative law which was published as part of the original series of The International Library of Essays in Law and Legal Theory the articles contained in this volume pick up on themes dealt with in the first while others reflect different concerns and new developments in administrative law scholarship It offers a representative sample of the best contemporary writing in administrative law theoretical empirical and doctrinal What ties all the essays in this volume together is not that they fall within the province of administrative law but that they are all concerned with the legal framework within which government business is conducted and government policies are pursued by executive action

The Intellectual Commons Henry C. Mitchell,2005-01-01 The rapid emergence of digital media has created both new economic opportunities and new risks for authors publishers and users in regards to intellectual property There is a theoretical conflict raging between those who believe information should be free and those attempting to protect intellectual property through surveillance and control of access The Intellectual Commons works to develop a theory of intellectual property that is based on a theory of natural rights that assumes the existence of a natural world of intellectual resources Chett Mitchell develops a moral framework that makes cooperation among the groups involved rather than conflict central to

understanding intellectual property rights Drawing on early modern theorists such as Grotius Pufendorf and Locke as well as the intellectual theory of copyright put forth by L Ray Patterson Mark Rose and Michel Foucault Intellectual Commons presents a way to bring IP theory and practice together This book is an important addition to the intellectual property debate and a must for law students communication theorists and any person interested in the future of digital media rights

Mediation Carrie Menkel-Meadow,2018-05-08 This title was first published in 2001 This volume of essays explores the theoretical and jurisprudential bases of mediated forms of dispute resolution from legal anthropological sociological psychological and political sources It also presents ongoing disputes about the field itself including its threat to conventional litigation and justice seeking adjudication and its promise in providing more humane and tailored solutions to human problems

Constitutionalism and Democracy Richard Bellamy,2017-07-05 Constitutionalism and democracy have been interpreted as both intimately related and intrinsically opposed On the one hand constitutions are said to set out the rules of the democratic game on the other as constraining the power of the demos and their representatives to rule themselves including by reforming the very processes of democracy itself Meanwhile constitutionalists themselves differ on how far any constitution derives its authority from and should itself be subject to democratic endorsement and interpretation They also dispute whether constitutions should refer solely to democratic processes or also define and limit democratic goals Each of these positions produces a different view of judicial review the content and advisability of a Bill of Rights and the nature of constitutional politics These differences are not simply academic positions but are reflected in the different types of constitutional democracy found in the United States continental Europe Britain and many commonwealth countries The selected essays explore these issues from the perspectives of law philosophy and political science A detailed and informative introduction sets them in the context of contemporary debates about constitutionalism

Freedom of Information Robert G. Vaughn,2020-08-26 This volume contains articles examining freedom of information statutes including those protecting government employees who expose official misconduct Using United States laws as examples the articles explore the relationship of these laws to administrative and constitutional theory in the United States In addition they demonstrate how varying conceptions of information illuminate the controversies in the application of these laws to the revolution in the electronic storage and retrieval of information The articles allow the reader to speculate how the connection of these laws to liberal democratic theory explains their recent adoption in several countries and their international application

Rights Robin West,2017-03-02 Rights brings together the most influential essays of the last thirty years critiquing and defending the liberal rights tradition Modern rights critics have focused on the perceived conflict between liberal rights and progressive or egalitarian political objectives the preference of liberal states for negative over positive rights and also the dangers to community of the overly atomistic conception of human nature which is arguably at the heart of the liberal rights tradition

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