

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

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Rational Strength Of English Law

Basil S Markesinis



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** 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 **Rational Individualism** Roger T. Simonds, 2022-06-13 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

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 New Perspectives for a Common Law of Europe/Nouvelles perspectives d'un droit commun de l'Europe M. Cappelletti, 2024-10-28 **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 *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 *Contract Law and the Legislature* TT Arvind, Jenny Steele, 2020-08-06 This volume revisits some of the key debates about the nature and shape of contract law in light of the impact that statutes have had on its development With contributions from leading contract law scholars it fills a significant gap in existing theoretical and doctrinal analyses of contract law which rely primarily on cases to put forward accounts of the general principles and structure of contract law Statutory rules are typically seen as being specific instances of legal regulation that carve out exceptions to these general principles for specific reasons of policy This treatment of these rules has resulted in an incomplete understanding of the nature of contract law and the principles that underpin it By drawing specifically on contract statutes the volume produces a more complete picture of modern contract law A companion to the ground breaking *Tort Law and the Legislature* Common Law Statute and the Dynamics of Legal Change Hart Publishing 2012 this collection will have a significant impact on the study of contract law **Comparative Law in the Courtroom and Classroom** Basil S Markesinis, 2003-03-20 This book presents an original deliberately controversial and at times disturbing appraisal of the state of comparative law at the beginning of the 21st century its weaknesses its strengths and its protagonists most of whom were personally known to the author during the preceding thirty five years It is also a reminder of the unique opportunities the subject has in our shrinking world The author brings to bear his experience of thirty five years as a teacher of the subject to criticise the impact the long association with Roman law has had on the orientation and well being of his subject With equal force he also warns against some modern trends linking it with variations of the critical legal studies movement and urges the study of foreign law in a way that can make it more attractive to practitioners and more usable by judges At the end of the day this monograph represents a passionate call for greater intellectual co operation and offers one way of achieving it A co operation between practitioners and academics on the one hand and between Common and modern Civilian lawyers on the other in an attempt to save the subject from the marginalisation it suffered in the 1980s and from which the globalisation movement of the 21st century may be about to deliver it **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 **The Sovereignty of Law** Francis G. Jacobs,2007-06-14 Author was formerly Advocate General at the

European Court of Justice in Luxembourg *The Frontiers of Public Law* Jason NE Varuhas,Shona Wilson Stark,2020-01-09 This major collection contains selected papers from the third Public Law Conference an international conference hosted by the University of Melbourne in July 2018 The collection includes contributions by leading academics and senior judges from across the common law world including Australia Canada New Zealand the United Kingdom and the United States The collection explores the frontiers of public law examining cutting edge issues at the intersection of public law and other fields The collection addresses four principal frontiers public law and international law public law and indigenous peoples public law and other domestic fields specifically criminal law and private law and public law and public administration In common with the two books from the previous Public Law Conferences this collection offers authoritative insights into the most important issues emerging in public law and is essential reading for those working in the field *Globalisation and Legal Theory* William Twining,2000-03 The text makes the case for a revival of general jurisprudence in response to globalisation

The Rule of Law and the Measure of Property Jeremy Waldron,2012-06-21 The classical Lockean picture and its difficulties A substantive Rule of Law In defense of legislation 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 **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 books 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 International Encyclopedia of Comparative Law Viktor Knapp,1983 *Cheshire and Burn's Modern Law of Real Property* Edward Hector Burn,John Cartwright,2011 A clear readable scholarly account of land law set in the context of its historical foundations 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

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