

## Great Debates In Jurisprudence Palgrave Great Debates In Law

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### SANTIAGO HERNANDEZ

[Great Debates in Land Law](#) Oxford University Press

The first textbook to consider gender perspectives in relation to the whole undergraduate law curriculum in England and Wales. Gender is of central importance in every area of law and every area of people's lives but is rarely mentioned in the formal LLB syllabus; this book is designed to fill some of those gaps. 18 chapters, written by experts in the field, cover all the core modules on the English LLB together with 11 of the most popular options. Aimed at students and lecturers on undergraduate and postgraduate Gender and Law modules, the book will also be useful for all LLB and LLM students studying English law, who may use it to accompany their studies from their first to their final year, and also for prospective law students, legal scholars from outside England and Wales, and scholars in other disciplines.

**The Fight Over Freedom in 20th- and 21st-Century International Discourse** Springer

What does it take to succeed as a law student? This book will show you how. Voted one of the top 6 books that all future law students should read by The Guardian's studying law website\*, Letters to a Law Student is packed full of practical advice and helpful answers to the most common questions about studying law at University across every stage of taking, or thinking about taking, a law degree. Discover: · Whether reading law at University is the right thing for you; · What law students do; · How to get the best marks in exams; · Tips on coping with the challenges of studying law; · What you

can do with a law degree; · The way in which qualifying as a solicitor is set to change in the future, ... and much more. Nicholas J. McBride is a Fellow of Pembroke College, Cambridge. \*<http://www.theguardian.com/law/2012/aug/08/six-best-law-books>

**Reasonableness and Law** Macmillan International Higher Education

In Patel v Mirza [2016] UKSC 42, nine justices of the Supreme Court of England and Wales decided in favour of a restitutionary award in response to an unjust enrichment, despite the illegal transaction on which that enrichment was based. Whilst the result was reached unanimously, the reasoning could be said to have divided the Court. Lord Toulson, Lady Hale, Lord Kerr, Lord Wilson, Lord Hodge and Lord Neuberger favoured a discretionary approach, but their mode of reasoning was described as 'revolutionary' by Lord Sumption (at [261]), who outlined in contrast a more rule-based means of dealing with the issue; a method with which Lord Mance and Lord Clarke broadly agreed. The decision is detailed and complex, and its implications for several areas of the law are considerable. Significantly, the reliance principle from Tinsley v Milligan [1994] 1 AC 340 has been discarded, as has the rule in Parkinson v College of Ambulance Ltd [1925] KB 1. Patel v Mirza, therefore, can fairly be described as one of the most important judgments in general private law for a generation, and it can be expected to have ramifications for the application of the illegality doctrine across a wide range of disciplinary areas. Unless there is legislative intervention, which does not seem likely at the present time, Patel v Mirza is set to be of enduring significance. This collection will provide a crucial set of theoretical and practical perspectives on the illegality defence in English private law. All of the authors are well established in their respective fields. The timing of the book means that it will be unusually well placed as the 'go to' work on this subject, for legal practitioners and for scholars.

[Modernist and Fundamentalist Debates in Islam](#) Macmillan International Higher Education

An engaging introduction to the more advanced writings on family law, designed to provide the additional insights necessary to excel in the study of the subject.

*The Politics of Legislative Debates* Edward Elgar Publishing

An engaging introduction to the more advanced writings on criminal law, designed to provide the additional insights necessary to excel in the study of the subject.

**Great Debates in Land Law** Springer Science & Business Media

This textbook is an ambitious and engaging introduction to the more advanced writings on Jurisprudence, primarily designed to allow students to 'get under the skin' of the topic and begin to build their critical thinking and analysis skills. Each chapter is structured around key questions and debates that provoke deeper thought and, ultimately, a clearer understanding. The aim of the book is therefore not to present a complete overview of theoretical issues in Jurisprudence, but rather to illustrate the current debates which are currently going on among those working in shaping the area. The text features summaries of the views of notable experts on key topics and each chapter ends with a list of guided further reading. A perfect book for students taking a module in jurisprudence, or for those wanting to deepen their knowledge. New to this Edition: - New debates on the nature and legitimacy of global justice, and the binding force of precedent. - Incorporates discussion of new contributions to jurisprudential writing by Mark Greenberg, Scott Hershowitz, David Howarth and Shona Stark, Matthew Kramer, Frederick Schauer, and Jeremy Waldron. - Includes substantially revised chapters on 'The nature of jurisprudence' and 'Morality and rights'

*Great Debates in Family Law* Springer Science & Business Media

An engaging introduction to the more advanced writings on criminal law, designed to provide the additional insights necessary to excel in the study of the subject.

[The Post-Sovereign Constellation](#) Macmillan International Higher Education

This volume offers a collection of articles by leading legal and political theorists. Originally intended as a celebration of MacCormick's work on the occasion of the completion of the four-volume series on Law, State and Practical Reason, it has turned into a homage and salute after MacCormick's passing. Cast in MacCormick's reflexive spirit, the book presents a critical reconstruction of the Scottish philosopher's work, with the aim of revealing the connections between law and democracy in his writings and furthering his insights in each specific field. Neil MacCormick made outstanding contributions to the understanding of law and democracy under conditions of pluralism. His institutional theory of law has elucidated the close connection between the normative character of law as a means of social integration and legal social practices. This has produced a synthesis of the key insights of the legal and political theories of Kelsen, Hart, Alexy and Dworkin, and has broken new ground by undermining the 'monolithic' and 'nation-state' centered character of standard legal theories.

*Great Debates in Jurisprudence* Great Debates in Jurisprudence

Great Debates in Law is an evolving series offering engaging and thoughtful introductions to the more advanced concepts, written by authors who are amongst the foremost thinkers in their field. They are designed to provide a cutting edge for students who are looking to gain additional insights with which to excel. The series looks to go beyond what is covered in the main textbooks, presenting the key tensions and questions underlying a subject, setting legal developments in their philosophical and cultural context and exploring the issues as matters of current debate. The text draws upon the work of leading figures to elucidate the concepts addressed, illustrating how a subject has developed in the way that it has, and why.

*Great Debates on the European Convention on Human Rights* Bloomsbury Publishing

An engaging introduction to some of the more advanced concepts in Company Law and corporate governance, providing a cutting edge for students who are looking to gain additional insights with which to excel. Readers are introduced to the many debates surrounding each core area and presented with the key tensions and questions underlying each topic.

*A New Introduction* Macmillan International Higher Education

An engaging introduction to the more advanced writings on family law, designed to provide the additional insights necessary to excel in the study of the subject.

[Law Express: Jurisprudence](#) Oxford University Press

A theme of growing importance in both the law and philosophy and socio-legal literature is how regulatory dynamics can be identified (that is, conceptualised and operationalised) and normative expectations met in an age when transnational actors operate on a global plane and in increasingly fragmented and transformative contexts. A reconsideration of established theories and axiomatic findings on regulatory phenomena is an essential part of this discourse. There is indeed an urgent need for discontinuity regarding what we (think we) know about, among other things, law, legality, sovereignty and political legitimacy, power relations, institutional design and development, and pluralist dynamics of ordering under processes of globalisation and transnationalism. Making an important contribution to the scholarly debate on the subject, this volume features original and much-needed essays of theoretical and applied legal philosophy as well as socio-legal accounts that reflect on whether legal positivism has anything to offer to this intellectual enterprise. This is done by discussing whether global and transnational cultural, socio-political, economic, and juridical challenges as well as processes of diversification, fragmentation, and transformation (significantly, de-formalisation) reinforce or weaken legal positivists' assumptions, claims, and methods. The themes covered include, but are not limited to, absolute and limited state sovereignty; the 'new international legal positivism'; Hartian legal positivism and the 'normative positivist' account; the relationship between modern secularisation, social conventionalism, and meta-ontological issues of temporality in postnational jurisprudence; the social positivisation of human rights; the formation and content of jus cogens norms; feminist critique; the global and transnational migration of principles of justice and morality; the Vienna Convention on the Law of Treaties rule of interpretation; and the responsibility of transnational corporations.

*A guide to studying law at university* Macmillan International Higher Education

With resurgent interest in the Muslim world and in particular political Islam, this collection of translated essays by major Muslim thinkers from the

Middle East and South Asia demonstrates the ongoing and contentious debate between modernizers seeking to adapt Western ways and fundamentalists who rejected them. From Jamal al-Din al-Afghani in the nineteenth-century to Ayatollah Khomeini in the twentieth, the selections provide an opportunity to examine a diversity of Muslim thinkers thoughts on important topics like jurisprudence, politics, relations with the west, and women in their own words.

**Utility and Welfare Optimization** Bloomsbury Publishing

The Humanity of Private Law presents a new way of thinking about English private law. Making a decisive break from earlier views of private law, which saw private law as concerned with wealth-maximisation or preserving relationships of mutual independence between its subjects, the author argues that English private law's core concern is the flourishing of its subjects. THIS VOLUME - presents a critique of alternative explanations of private law; - defines and sets out the key building blocks of private law; - sets out the vision of human flourishing (the RP) that English private law has in mind in seeking to promote its subjects' flourishing; - shows how various features of English private law are fine-tuned to ensure that its subjects enjoy a flourishing existence, according to the vision of human flourishing provided by the RP; - explains how other features of English private law are designed to preserve private law's legitimacy while it pursues its core concern of promoting human flourishing; - defends the view of English private law presented here against arguments that it does not adequately fit the rules and doctrines of private law, or that it is implausible to think that English private law is concerned with promoting human flourishing. A follow-up volume will question whether the RP is correct as an account of what human flourishing involves, and consider what private law would look like if it sought to give effect to a more authentic vision of human flourishing. The Humanity of Private Law is essential reading for students, academics and judges who are interested in understanding private law in common law jurisdictions, and for anyone interested in the nature and significance of human flourishing.

**Great Debates in Employment Law** Springer

Most contemporary legal philosophers tend to take force to be an accessory to the law. According to this prevalent view the law primarily consists of a series of demands made on us; force, conversely, comes into play only when these demands fail to be satisfied. This book claims that this model should be jettisoned in favour of a radically different one: according to the proposed view, force is not an accessory to the law but rather its attribute. The law is not simply a set of rules incidentally guaranteed by force, but it should be understood as essentially rules about force. The book explores in detail the nature of this claim and develops its corollaries. It then provides an overview of the contemporary jurisprudential debates relating to force and violence, and defends its claims against well-known counter-arguments by Hart, Raz and others. This book offers an innovative insight into the concept of Pure Theory. In contrast to what was claimed by Hans Kelsen, the most eminent contributor to this theory, the author argues that the core insight of the Pure Theory is not to be found in the concept of a basic norm, or in the supposed absence of a conceptual relation between law and morality, but rather in the fundamental and comprehensive reformulation of how to model the functioning of the law intended as an ordering of force and violence.

**Rousseau's Rejuvenation of Political Philosophy** Springer Nature

Legislative debates make democracy and representation work. Political actors engage in legislative debates to make their voice heard to voters. Parties use debates to shore up their brand. This book makes the most comprehensive study of legislative debates thus far, looking at the politics of legislative debates in 33 liberal democracies in Europe, North America and Latin America, Africa, Asia, and Oceania. The book begins with theoretical chapters focused on the key concepts in the study of legislative debates. Michael Laver, Slapin and Proksch, and Taylor examine the politics of legislative debates in parliamentary and presidential democracies. Subsequently, Goplerud makes a critical review of the methodological challenges in the study of legislative debates. Schwalbach and Rauh further discuss the difficulties in the comparative empirical study of debates. Country-chapters offer a wealth of original material organized around structured sections. Each chapter begins with a details discussion of the institutional design, focusing on the electoral system, legislative organization, and party parties, to which a section on the formal and informal rules of legislative debates ensues. Next, each country chapter focuses on analyzing the determinants of floor access, with a particular emphasis on the role of gender, seniority, legislative party positions, among others. In the concluding chapter, the editors explore comparative patterns and point out to multiple research avenues opened by this edited volume. The Oxford Politics of Institutions series is designed to provide in-depth coverage of research on a specific political institution. Each volume includes a mix of theoretical contributions, state-of-the-art research review chapters, comparative empirical chapters, country case study chapters, and chapters aimed at practitioners. Typically, the majority of chapters in each volume comprises of country studies written by country experts. Volumes in the series are aimed at political scientists, students in political science programmes, social scientists more generally, and policy practitioners. Series editors: Shane Martin, Anthony King Chair in Comparative Government and Head of the Department of Government, University of Essex; and Sona N. Golder, Professor of Politics, Department of Political Science, Pennsylvania State University.

[CISG—A Practical Guide](#) Bloomsbury Publishing

This book describes and analyses the rules and provisions of the United Nation Convention on the International Sale of Goods of 1980 - CISG-. The authors explain the details of the CISG's text, report the essence of the scholarly discussions of its issues, and, in particular, present numerous cases decided by courts and arbitration tribunals both as illustrations of problems arising under the CISG and as case law interpreting the Convention. The book is mainly intended to be used in teaching, but it can also help practitioners to understand the structure and basic solutions of sales law issues encoded in the CISG.

**Great Debates in Contract Law** Macmillan International Higher Education

Great Debates in Law is an evolving series offering engaging and thoughtful introductions to the more advanced concepts, written by authors who are amongst the foremost thinkers in their field. They are designed to provide a cutting edge for students who are looking to gain additional insights with which to excel. The series looks to go beyond what is covered in the main textbooks, presenting the key tensions and questions underlying a subject, setting legal developments in their philosophical and cultural context and exploring the issues as matters of current debate. The text draws upon the work of leading figures to elucidate the concepts addressed, illustrating how a subject has developed in the way that it has, and why.

[The Humanity of Private Law](#) Springer

What role does gender play in shaping the law and legal thinking? This book provides an answer to this question, examining the historical role of gender in law and the relevance of gender to modern jurisprudence. It presents a clear, concise introduction to thinking about gender issues for lawyers and law students.

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**The Idea of a Pure Theory of Law** Macmillan International Higher Education

An engaging introduction to the more advanced writings on property law, designed to provide the additional insights necessary to excel in the study of the subject.