

Alan Watson

SOURCES OF LAW,
LEGAL CHANGE,
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Sources Of Law Legal Change And Ambiguity

Cassandra Steer



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Sources of Law, Legal Change, and Ambiguity Alan Watson, 2016-12-09 Why is the law notoriously unclear arcane slow to change in the face of changing circumstances In this sweeping comparative analysis of the lawmaking process from ancient Rome to the present day Alan Watson argues that the answer has largely to do with the mixed ancestry of modern law the confusion of sources custom legislation scholarly writing and judicial precedent from which it derives Legal Origins and Legal Change Alan Watson, 1991-01-01 **Living Law** Roger Cotterrell, 2017-07-05 Living Law presents a comprehensive overview of relationships between legal and social theory and of current approaches to the sociological study of legal ideas It explores the nature of legal theory and sociolegal studies today as teaching and research fields and the work of many of the major sociolegal theorists In addition it sets out the author's distinctive approach to sociological analysis of law applying this in a range of studies in specific legal fields such as the law of contract property and trusts constitutional analysis and comparative law **Regulating International Sport** Lloyd Freeburn, 2018-08-07 In a fresh and original account Lloyd Freeburn challenges the conventional conception of contracts as the consent based legal foundation of international sports law The prevailing legal orthodoxy is shown to be untenable failing to explain or justify international sports governing bodies regulatory power or their control over the livelihoods and liberty of participants in sport The non consensual jurisdiction of the Court of Arbitration for Sport is similarly tainted But this significant challenge is not made simply to undermine international sport's regulatory regime A sound legal foundation for regulatory authority in sport is both desirable and necessary Consequently effective reform is urgently required to support the regime's legality and to give it legitimacy by resolving the regime's democratic deficit **Vagueness in Normative Texts** Vijay K. Bhatia, 2005 Normative texts are meant to be highly impersonal and decontextualised yet at the same time they also deal with a range of human behaviour that is difficult to predict which means they have to have a very high degree of determinacy on the one hand and all inclusiveness on the other This poses a dilemma for the writer and interpreter of normative texts The author of such texts must be determinate and vague at the same time depending upon to what extent he or she can predict every conceivable contingency that may arise in the application of what he or she writes The papers in this volume discuss important legal and linguistic aspects relating to the use of vagueness in legal drafting and demonstrate why such aspects are critical to our understanding of the way normative texts function **Diversity and Tolerance in Socio-Legal Contexts** Vijay K. Bhatia, 2016-05-23 Why is there so much resistance to recent issues of tolerance and diversity Despite efforts of the international community to encourage open mindedness recent attempts at international political and economic integration have shown that religious cultural and ethnic tolerance and diversity remain under threat The contributions in the volume reflect the growing importance of these issues and why resistance is so widespread Part I addresses the relationship between the language of law and its power whilst Part II explores the interplay of tolerance and diversity under visual legislative and

interpretative perspectives This collection as a whole offers a combination of varied perspectives on the analysis application and exploitation of laws and will be a valuable source of information for those interested in the general area of language and the law

Legal Hermeneutics Gregory Leyh, 2023-09-01 This title is part of UC Press's Voices Revived program which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice reach and impact Drawing on a backlist dating to 1893 Voices Revived makes high quality peer reviewed scholarship accessible once again using print on demand technology This title was originally published in 1992

Mixed Jurisdictions Worldwide Vernon V. Palmer, 2001-05-03 Approximately 150 million people worldwide live in legal systems in which there is both a common law and a civil law content yet there has been little comparative study of the experience of these mixed jurisdictions Here the author considers these jurisdictions in a comparative framework which includes their founding and reasons d tre as well as the cultural divisions of the jurists and the evolutionary tendencies of their common and civil law components In addition he examines the internal contradictions between Anglo American judicial institutions methodologies and procedures and the substantive civil law The book argues that the legal systems of such far flung and diverse cultures as the Philippines Quebec Scotland and South Africa have many unique and fruitful points of comparison The conclusion is that these mixed jurisdictions form a closely related Third Legal Family with cohesive traits and tendencies

Legal Reform in the Contemporary Socialist World Ngoc Son Bui, 2024-08-12 Legal Reform in the Contemporary Socialist World explores four decades of legal reform in the socialist countries of China Vietnam Laos North Korea and Cuba from a comparative perspective Spanning the late 1970s to the present it examines various projects methods strategies contents driving forces and limitations of legislative reform administrative reform judicial reform and reform of the legal profession Legal reform in these countries is the project of the political elite to improve the legal system while retaining its core socialist principles It is carried out through legislative enactments amendments and replacements which the political elite adopt using incremental strategies to reform the legal system sporadically or systematically Socialist legal reform is animated by the political aspiration to create the rule of law the impact of social economic change and the influence of transnational and comparative law Despite significant reforms the socialist principles of the legal systems in these countries largely remain intact This legal reform however varies considerably by country Legal Reform in the Contemporary Socialist World offers a holistic view of understudied jurisdictions in comparative law essential for anyone studying or working in these areas in law politics or policy

What's Divine about Divine Law? Christine Hayes, 2017-05-09 How ancient thinkers grappled with competing conceptions of divine law In the thousand years before the rise of Islam two radically diverse conceptions of what it means to say that a law is divine confronted one another with a force that reverberates to the present What's Divine about Divine Law untangles the classical and biblical roots of the Western idea of divine law and shows how early adherents to biblical tradition Hellenistic Jewish writers such as Philo the community at Qumran Paul and the talmudic rabbis struggled to make sense of

this conflicting legacy Christine Hayes shows that for the ancient Greeks divine law was divine by virtue of its inherent qualities of intrinsic rationality truth universality and immutability while for the biblical authors divine law was divine because it was grounded in revelation with no presumption of rationality conformity to truth universality or immutability Hayes describes the collision of these opposing conceptions in the Hellenistic period and details competing attempts to resolve the resulting cognitive dissonance She shows how Second Temple and Hellenistic Jewish writers from the author of 1 Enoch to Philo of Alexandria were engaged in a common project of bridging the gulf between classical and biblical notions of divine law while Paul in his letters to the early Christian church sought to widen it Hayes then delves into the literature of classical rabbinic Judaism to reveal how the talmudic rabbis took a third and scandalous path insisting on a construction of divine law intentionally at odds with the Greco Roman and Pauline conceptions that would come to dominate the Christianized West A stunning achievement in intellectual history What s Divine about Divine Law sheds critical light on an ancient debate that would shape foundational Western thought and that continues to inform contemporary views about the nature and purpose of law and the nature and authority of Scripture

Recueil Des Cours, Collected Courses, Volume 272 (1998) Academie De Droit International De La Haye,1999-06-03 The Academy is an institution for the study and teaching of public and private international law and related subjects Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law This volume contains Means of Ensuring Compliance with and Enforcement of International Environment Law by R WOLFRAM Director of the Max Planck Institute for Comparative Public Law and International Law The Formation of Customary International Law by M MENDELSON Professor at University College London UK Law, Resistance, and the State Gerald Strauss,2014-07-14 Gerald Strauss offers a comprehensive study of a phenomenon of great interest to scholars of early modern Europe the widespread opposition to Roman law and lawyers in sixteenth century Germany Originally published in 1986 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

Translating Guilt Cassandra Steer,2017-02-26 This book seeks to understand how and why we should hold leaders responsible for the collective mass atrocities that are committed in times of conflict It attempts to untangle the debates on modes of liability in international criminal law ICL that have become truly complex over the last twenty years and to provide a way to identify the most appropriate model for leadership liability A

unique comparative theory of ICL is offered which clarifies the way in which ICL develops as a patchwork of different domestic criminal law notions This theory forms the basis for the comparison of some influential domestic criminal law systems with a view to understanding the policy and cultural reasons for their differences There is a particular focus on the background of the German law which has influenced the International Criminal Court so much recently This helps to understand and seek a solution to the current impasses in the debates on which model of liability should be applied An entire chapter of the book is devoted to considering why leaders should be held responsible for crimes committed by their subordinates from legal moral and pragmatic perspectives The moral responsibility of leaders is translated into criminal liability and the different domestic models of liability are translated to the international context in such a way as to appeal to advanced students of ICL academics and practitioners who want to understand the complexities of leadership liability in international criminal law today and identify the best way to approach it Cassandra Steer is Executive Director of Women in International Security Canada and Junior Wainwright Fellow at McGill University Canada She holds a Ph D in Law from the University of Amsterdam The Netherlands

Traversing Legal Traditions George Mousourakis, 2025-07-01 This textbook provides clear reliable and comprehensive insights into key topics in comparative law and legal history As fundamental pillars of modern legal education comparative law and legal history play a crucial role in shaping a new generation of legal scholars and practicing lawyers who appreciate the significance of legal diversity while recognizing the shared foundations of legal systems worldwide By integrating these two disciplines scholars and professionals can better understand the dominant features and developmental trajectories of various legal systems fostering a broader more culturally informed perspective on the law This approach enables readers to develop the analytical skills and critical standards necessary to address the complexities of an increasingly interconnected and rapidly evolving legal landscape The book is divided into two main parts Part I explores the foundational principles of comparative law tracing its historical evolution and examining its relationship with other areas of legal study It provides an extensive overview of legal comparatism from classical antiquity to the modern period with particular attention paid to the contributions of eighteenth and nineteenth century thinkers who helped shape the field Additionally it assesses the role of comparative law in contemporary legal scholarship lawmaking and judicial decision making highlighting its methodological approaches and practical applications in both domestic and international contexts In turn Part II examines the historical development and defining characteristics of major legal traditions It begins with the Roman and civil law tradition followed by an exploration of the English common law tradition the Islamic legal tradition and various indigenous legal traditions Special attention is given to legal transplantation including a case study on the Japanese legal tradition and its interactions with Chinese and Western legal influences By integrating comparative law and legal history this book provides readers with the knowledge and analytical tools needed to navigate diverse legal traditions and systems promoting a deeper understanding of historical legacies and contemporary legal challenges

I Do

Solemnly Swear Steve Sheppard,2009-04-27 This book asks whether officials can be moral and still follow the law answering that the law requires them to do so

Reasoning with God Khaled Abou El Fadl,2014-10-23 In light of recent concern over Shari ah such as proposed laws to prohibit it in the United States and conflict over the role it should play in the new Egyptian constitution many people are confused about the meaning of Shari ah in Islam and its role in the world today In Reasoning with God renowned Islamic scholar Khaled Abou El Fadl explains not only what Shari ah really means but also the way it can revitalize and reengage contemporary Islam After a prologue that provides an essential overview of Shari ah Abou El Fadl explores the moral trajectory of Islam in today s world Weaving powerful personal stories with broader global examples he shows the ways that some interpretations of Islam today have undermined its potential in peace and love Rather than simply outlining challenges however the author provides constructive suggestions about how Muslims can reengage the ethical tradition of their faith through Shari ah As the world s second largest religion Islam remains an important force on the global stage Reasoning with God takes readers both Muslim and non Muslim beyond superficial understandings of Shari ah to a deeper understanding of its meaning and potential

Pluralism in International Criminal Law Elies van Sliedregt,Sergey Vasiliev,2014-10-02 Despite the growth in international criminal courts and tribunals the majority of cases concerning international criminal law are prosecuted at the domestic level This means that both international and domestic courts have to contend with a plethora of relevant but often contradictory judgments by international institutions and by other domestic courts This book provides a detailed investigation into the impact this pluralism has had on international criminal law and procedure and examines the key problems which arise from it The work identifies the various interpretations of the concept of pluralism and discusses how it manifests in a broad range of aspects of international criminal law and practice These include substantive jurisdiction the definition of crimes modes of individual criminal responsibility for international crimes sentencing fair trial rights law of evidence truth finding and challenges faced by both international and domestic courts in gathering testing and evaluating evidence Authored by leading practitioners and academics in the field the book employs pluralism as a methodological tool to advance the debate beyond the classic view of legal pluralism leading to a problematic fragmentation of the international legal order It argues instead that pluralism is a fundamental and indispensable feature of international criminal law which permeates it on several levels through multiple legal regimes and enforcement fora diversified sources and interpretations of concepts and numerous identities underpinning the law and practice The book addresses the virtues and dangers of pluralism reflecting on the need for and prospects of harmonization of international criminal law around a common grammar It ultimately brings together the theories of legal pluralism the comparative law discourse on legal transplants harmonization and convergence and the international legal debate on fragmentation to show where pluralism and divergence will need to be accepted as regular and even beneficial features of international criminal justice

Encyclopedia of Historians and Historical Writing Kelly Boyd,2019-10-09 The

Encyclopedia of Historians and Historical Writing contains over 800 entries ranging from Lord Acton and Anna Comnena to Howard Zinn and from Herodotus to Simon Schama Over 300 contributors from around the world have composed critical assessments of historians from the beginning of historical writing to the present day including individuals from related disciplines like Jürgen Habermas and Clifford Geertz whose theoretical contributions have informed historical debate Additionally the Encyclopedia includes some 200 essays treating the development of national regional and topical historiographies from the Ancient Near East to the history of sexuality In addition to the Western tradition it includes substantial assessments of African Asian and Latin American historians and debates on gender and subaltern studies

The Conscience of the Campus Joseph Dillon Davey, Linda DuBois Davey, 2001-04-30 The conscience of today's college students is guided by the personal moral values that underlie its concept of justice College professors frequently avoid discussions of moral values fearful of either the deconstructionist's criticism or the alleged wall of separation between church and state Regardless of their reasons they tend to argue that today's students have no interest in discussing abstract concepts of morality The Daveys argue that given the right case studies of moral dilemmas today's college students will enthusiastically share and discuss their own moral values learn to critically examine pressing social issues and grow to new levels of understanding More than two dozen scenarios involving moral questions concerning race poverty crime drugs sex religion educational funding and constitutional rights are presented These issues are faced by a generation raised during the information revolution College students live in a world of such rapid change that nothing is certain about their future It may well be that there has never been a time when college students were more eager to discuss fundamental questions about right and wrong to examine their own moral values This timely work is of value in any course touching upon moral values including courses in sociology education political science and law child development criminal justice and philosophy

The Digest of Justinian Alan Watson, 1998 The most famous and influential collection of legal materials in world history now available for the first time in a two volume English language paperback edition

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