



THE CONTINUITY OF
LEGAL SYSTEMS
IN THEORY AND PRACTICE
BENJAMIN SPAGNOLO



B L O O M S B U R Y

Continuity Legal Systems Theory Practice

Robert Lowry Clinton



Continuity Legal Systems Theory Practice:

The Continuity of Legal Systems in Theory and Practice Benjamin Spagnolo, 2015-10-22 The Continuity of Legal Systems in Theory and Practice examines a persistent and fascinating question about the continuity of legal systems when is a legal system existing at one time the same legal system that exists at another time The book's distinctive approach to this question is to combine abstract critical analysis of two of the most developed theories of legal systems those of Hans Kelsen and Joseph Raz with an evaluation of their capacity in practice to explain the facts attitudes and normative standards for which they purport to account That evaluation is undertaken by reference to Australian constitutional law and history whose diverse and complex phenomena make it particularly apt for evaluating the theories explanatory power In testing whether the depiction of Australian law presented by each theory achieves an adequate fit with historical facts the book also contributes to the understanding of Australian law and legal systems between 1788 and 2001 By collating the relevant Australian materials systematically for the first time it presents the case for reconceptualising the role of Imperial laws and institutions during the late nineteenth and early twentieth centuries and clarifies the interrelationship between Colonial State Commonwealth and Imperial legal systems both before and after Federation

The Unsteady State Keith Culver, Michael Giudice, 2017-03-30 The first work of analytical legal theory exploring law's relations to environment security and technology as preconditions of legal order

Legality Scott J. Shapiro, 2011-01-03 What is law This question has preoccupied philosophers from Plato to Thomas Hobbes to H L A Hart Yet many others find it perplexing How could we possibly know how to answer such an abstract question And what would be the point of doing so In Legality Scott Shapiro argues that the question is not only meaningful but vitally important In fact many of the most pressing puzzles that lawyers confront including who has legal authority over us and how we should interpret constitutions statutes and cases will remain elusive until this grand philosophical question is resolved Shapiro draws on recent work in the philosophy of action to develop an original and compelling answer to this age old question Breaking with a long tradition in jurisprudence he argues that the law cannot be understood simply in terms of rules Legal systems are best understood as highly complex and sophisticated tools for creating and applying plans Shifting the focus of jurisprudence in this way from rules to plans not only resolves many of the most vexing puzzles about the nature of law but has profound implications for legal practice as well Written in clear jargon free language and presupposing no legal or philosophical background Legality is both a groundbreaking new theory of law and an excellent introduction to and defense of classical jurisprudence

Philosophical Foundations of the Nature of Law Wil Waluchow, Stefan Sciaraffa, 2013-03-14 In recent years we have witnessed major developments in philosophical inquiry concerning the nature of law and with the continuing development of international and transnational legal institutions in the phenomenon of law itself This volume gathers leading writers in the field to take stock of current debates on the nature of law and the aims and methods of legal philosophy The volume covers four broad themes The essays

within the first theme address and develop the traditional debates between legal positivism natural law theory and Dworkinian interpretivism Papers within the second theme focus on the power of coercion often overlooked in contemporary legal philosophy The third set of papers addresses the aims and methods of legal theory and the role of conceptual analysis The final section explores new methods and issues in the subject and offers fresh starting points for future work in the field Gathering many leading and up and coming writers in the subject the volume offers a snapshot of the best current work in general jurisprudence

Theory of the Judicial Process Csaba Varga,1995 **Structural Interrelations of Theory and Practice in Islamic Law** Ahmad Atif Ahmad,2006 This volume addresses the structural interrelations of Islamic theoretical and practical legal reasoning based on an analysis of six works of Islamic jurisprudence by authors who lived in Uzbekistan Iraq Syria Palestine Egypt and Algeria between 970 and 1600 CE

A Sociological Theory of Law Niklas Luhmann,2013-10-30 Niklas Luhmann is recognised as a major social theorist and his treatise on the sociology of law is a classic text For Luhmann law provides the framework of the state lawyers are the main human resource for the state and legal theory provides the most suitable base from which to theorize on the nature of society He explores the concept of law in the light of a general theory of social systems showing the important part law plays in resolving fundamental problems a society may face He then goes on to discuss in detail how modern positive as opposed to natural law comes to fulfil this function The work as a whole is not only a contribution to legal sociology but a major work in social theory With a revised translation and a new introduction by Martin Albrow

Marxist Humanism and Communication Theory Christian Fuchs,2021-03-16 This book outlines and contributes to the foundations of Marxist humanist communication theory It analyses the role of communication in capitalist society Engaging with the works of critical thinkers such as Erich Fromm E P Thompson Raymond Williams Henri Lefebvre Georg Lukacs Lucien Goldmann G nther Anders M N Roy Angela Davis C L R James Rosa Luxemburg Eve Mitchell and Cedric J Robinson the book provides readings of works that inform our understanding of how to critically theorise communication in society The topics covered include the relationship of capitalism racism and patriarchy communication and alienation the base superstructure problem the question of how one should best define communication the political economy of communication ideology critique the connection of communication and struggles for alternatives Written for a broad audience of students and scholars interested in contemporary critical theory this book will be useful for courses in media and communication studies cultural studies Internet research sociology philosophy political science and economics This is the first of five Communication and Society volumes each one outlining a particular aspect of the foundations of a critical theory of communication in society

Introduction to the Legal System: Theory, Overview, Business Applications Bruce D. Fisher,1972 **God and Man in the Law** Robert Lowry Clinton,1997 In a wide ranging study based on legal history political theory and philosophical ideas going all the way back to Plato and Roman law Robert Clinton challenges current faith in an activist judiciary Claiming that a human centered Constitution leads

to government by reductive moral theory and illegitimate judicial review he advocates a return to traditional jurisprudence and a God centered Constitution grounded in English common law and its precedents *Democracy: the Theory and the Practice* John Royston Lewis,1966 *The Theory of State Succession* Arthur Berriedale Keith,1907 **Current Legal Theory** ,1992 **Introduction to Jurisprudence and Legal Theory** Anne Barron,2002-08-13 This text lays out a course of study combining the traditional subject matter of jurisprudence with a series of introductions to a variety of other theoretical perspectives It is designed for those taking jurisprudence legal theory courses and political science philosophy and sociology students **Enhancing Campus Judicial Systems** Robert Caruso,Will W. Travelstead,1987 **The Problem of an International Court of Justice** Hans Wehberg,1918 *Crime and Punishment in China, 1979-1989* Harold Miles Tanner,1994 **The Boston Medical and Surgical Journal** ,1878 **Boston Medical and Surgical Journal** ,1878 **The Journal of Political Economy** ,1918 Deals with research and scholarship in economic theory Presents analytical interpretive and empirical studies in the areas of monetary theory fiscal policy labor economics planning and development micro and macroeconomic theory international trade and finance and industrial organization Also covers interdisciplinary fields such as history of economic thought and social economics

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