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relationship between right and remedy for legal education for the comparative understanding of private law and for the compatibility of corrective justice with state support for the poor Combining legal and philosophical analysis Corrective Justice integrates a concrete and wide ranging treatment of legal doctrine with a unitary and comprehensive set of theoretical ideas Alongside the revised edition of The Idea of Private Law it will be essential reading for all academics lawyers and students engaged in understanding the foundations of private law The Nature and Enforcement of Choice of Court Agreements Mukarrum Ahmed, 2017-10-05 PRAISE FOR THE BOOK This constitutes a work of impressive scholarship that will become a major reference point for future discourse on choice of court agreements Dr Ahmed advances a firm thesis in a lucid manner that will satisfy both academics and practitioners. The discussion is supported by a monumental foundation of underpinning research Ahmed s monograph throughout shows clear understanding of underlying substantive laws and in Chapter 11 displays a refreshing willingness to engage in intelligent speculation on the implications of Brexit Professor David Milman University of Lancaster The book is an excellent attempt to understand the theoretical underpinnings of choice of court agreements in private international law Anyone with an interest in the theory and practice of choice of court agreements in particular in mechanisms for their enforcement should read this book They will find much of value by doing so Professor Paul Beaumont University of Aberdeen from the Series Editor's Preface This book examines the fundamental juridical nature classification and enforcement of choice of court agreements in international commercial litigation It is the first full length attempt to integrate the comparative and doctrinal analysis of choice of court agreements under the Brussels I Recast Regulation the Hague Convention on Choice of Court Agreements Hague Convention and the English common law jurisdictional regime into a theoretical framework In this regard the book analyses the impact of a multilateral and regulatory conception of private international law on the private law enforcement of choice of court agreements before the English courts In the process it both pre empts and offers innovative solutions to issues that may arise under the jurisprudence of the emergent Brussels I Recast Regulation and the Hague Convention The need to understand the nature and enforcement of choice of court agreements before the English courts from the perspective of the EU private international law regime and the Hague Convention cannot be understated This important new study aims to fill an existing gap in the literature in relation to an account of choice of court agreements which explores and reconnects arguments drawn from international legal theory with legal practice However the scope of the work remains most relevant for cross border commercial lawyers interested in crafting pragmatic solutions to the conflicts of jurisdictions Arguing About Law Aileen Kavanagh, John Oberdiek, 2013-12-16 Arguing about Law introduces philosophy of law in an accessible and engaging way The reader covers a wide range of topics from general jurisprudence law the state and the individual to topics in normative legal theory as well as the theoretical foundations of public and private law In addition to including many classics Arguing About Law also includes both non traditional selections and discussion of timely topical issues like the legal dimension of the war on terror The editors

provide lucid introductions to each section in which they give an overview of the debate and outline the arguments of the papers helping the student get to grips with both the classic and core arguments and emerging debates in the nature of law legality and morality the rule of law the duty to obey the law legal enforcement of sexual morality the nature of rights rights in an age of terror constitutional theory tort theory Arguing About Law is an inventive and stimulating reader for students new to philosophy of law legal theory and jurisprudence Research Handbook on Law and Utilitarianism Guillaume Tusseau, 2024-10-03 The Research Handbook on Law and Utilitarianism sheds light on contemporary legal culture and the ways in which it interacts with theories of justice Guillaume Tusseau brings together an interdisciplinary range of scholars to analyse the utilitarian standpoint on legal disciplines and legal governance as well as the contribution of utilitarian arguments to current legal debates Rediscovering the Law of Negligence Allan Beever, 2007-05-30 Rediscovering the Law of Negligence offers a systematic and theoretical exploration of the law of negligence Its aim is to re establish the notion that thinking about the law ought to and can proceed on the basis of principle As such it is opposed to the prevalent modern view that the various aspects of the law are and must be based on individual policy decisions and that the task of the judge or commentator is to shape the law in terms of the relevant policies as she sees them The book then is an attempt to re establish the law of negligence as a body of law rather than as a branch of politics The book argues that the law of negligence is best understood in terms of a relatively small set of principles enunciated in a small number of leading cases It further argues that these principles are themselves best seen in terms of an aspect of morality called corrective justice which when applied to the most important aspects of the law of negligence reveals that the law even as it now exists possesses a far greater degree of conceptual unity than is commonly thought Using this method the author is able to examine familiar aspects of the law of negligence such as the standard of care the duty of care remoteness misfeasance economic loss negligent misrepresentation the liability of public bodies wrongful conception nervous shock the defences of contributory negligence voluntary assumption of risk and illegality causation and issues concerning proof to show that when the principles are applied and the idea of corrective justice is properly understood then the law appears both systematic and conceptually satisfactory The upshot is a rediscovery of the law of negligence Harvard Law Review: Volume 127, Number 1 - November 2013 Harvard Law Review, 2013-11-10 The November issue is the special annual review of the U S Supreme Court's previous Term Each year the issue is introduced by noteworthy and extensive contributions from recognized scholars In this issue for the 2012 Term articles and essays include Foreword Equality Divided by Reva B Siegel Comment Beyond the Discrimination Model on Voting by Samuel Issacharoff Comment Windsor and Brown Marriage Equality and Racial Equality by Michael J Klarman Comment License Registration Cheek Swab DNA Testing and the Divided Court by Erin Murphy The issue also features essays on substantive and procedural law and judicial method honoring Justice Ruth Bader Ginsburg and her 20 years on the Court The essays are written by such scholars as Deborah Anker Susan Farbstein Judge Nancy Gertner Lani Guinier Vicki

Jackson Richard Lazarus John Manning Martha Minow Carol Steiker Julie Suk Laurence Tribe and Mark Tushnet In addition the first issue of each new volume provides an extensive summary of the important cases of the previous Supreme Court docket covering a wide range of legal political and constitutional subjects Student commentary on Leading Cases of the 2012 Term includes recent cases on federal preemption regarding elections the Privileges and Immunities Clause unconstitutional conditions violating free speech effective assistance of counsel dog sniffing at the doorstep under the Fourth Amendment jury trial right for mandatory sentencing affirmative action in public universities class action certification in securities cases class action waivers in arbitration clauses plain error review when new law is made after appeal standing in government surveillance challenges extraterritoriality under the Alien Tort Statute actual innocence under AEDPA deference to agencies in clean water and communication act cases the First Sale Doctrine in copyright law patent exhaustion patentable subject matter reverse payment settlements Indian adoptions and employer liability for supervisor harassment under Title VII Complete statistical graphs and tables of the Court's actions and results during the Term are included Finally the issue features several summaries of Recent Publications Rights and Private Law Donal Nolan, Andrew Robertson, 2011-12-02 In recent years a strand of thinking has developed in private law scholarship which has come to be known as rights or rights based analysis Rights analysis seeks to develop an understanding of private law obligations that is driven primarily or exclusively by the recognition of the rights we have against each other rather than by other influences on private law such as the pursuit of community welfare goals Notions of rights are also assuming greater importance in private law in other respects Human rights instruments are having an increasing influence on private law doctrines And in the law of unjust enrichment an important debate has recently begun on the relationship between restitution of rights and restitution of value This collection is a significant contribution to debate about the role of rights in private law It includes essays by leading private law scholars addressing fundamental questions about the role of rights in private law as a whole and within particular areas of private law The collection includes contributions by advocates and critics of rights based approaches and provides a thorough and balanced analysis of the relationship between rights and private law

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