

# BY J G RIDDALL JURISPRUDENCE

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THIS BOOK PROVIDES AN IDEAL STARTING POINT FOR STUDENTS OF PHILOSOPHY AND LAW SETTING IT CLEARLY AGAINST THE HISTORICAL BACKGROUND THE AUTHOR LEADS READERS INTO THE HEART OF THE PHILOSOPHICAL QUESTIONS THAT DOMINATE PHILOSOPHY OF LAW TODAY AND PROVIDES AN OVERVIEW OF THE CONTENDING THEORIES THAT HAVE SOUGHT TO RESOLVE THESE PROBLEMS THE BOOK IS STRUCTURED IN THREE PARTS AROUND THE KEY ISSUES AND THEMES IN PHILOSOPHY OF LAW WHAT IS THE LAW THE MAJOR LEGAL THEORIES ADDRESSING THE QUESTION OF WHAT WE MEAN BY LAW INCLUDING NATURAL LAW LEGAL POSITIVISM AND LEGAL REALISM THE REACH OF THE LAW THE VARIOUS LEGAL THEORIES ON THE NATURE AND EXTENT OF THE LAW S AUTHORITY WITH REGARD TO OBLIGATION AND CIVIL DISOBEDIENCE RIGHTS LIBERTY AND PRIVACY AND CRIMINAL LAW RESPONSIBILITY AND MENS REA INTENTION RECKLESSNESS AND MURDER LEGAL DEFENCES INSANITY AND PHILOSOPHIES OF PUNISHMENT REVISIONS INCLUDE A MORE DETAILED ANALYSIS OF NATURAL LAW NEW CHAPTERS ON COMMON LAW AND THE DEVELOPMENT OF POSITIVISM A REASSESSMENT OF THE AUSTIN HART DISPUTE IN THE LIGHT OF RECENT CRITICISM OF HART A NEW CHAPTER ON THE NATURAL LAW POSITIVIST CONTROVERSY OVER NAZI LAW AND LEGALITY AND NEW CHAPTERS ON CRIMINAL LAW

EXTENDING THE ANALYSIS OF THE DISPUTE OVER THE VIABILITY OF THE DEFENCES OF NECESSITY AND DURESS

THIS VOLUME REPRESENTS KEY SCHOLARSHIP ON THE ISSUE OF PARENTAL RIGHTS AND RESPONSIBILITIES SELECTED FROM A DENSE FOREST OF LITERATURE THE COLLECTION OFFERS AN OVERVIEW OF THE SUBJECT AND COVERS TOPICS SUCH AS UNDERLYING RATIONALES OF WHO OR WHAT IS A PARENT LEGAL CONCEPTS OF PARENT AND THEIR LINKAGE THE LEGAL PARENT ACCOMMODATING COMPLEXITY THE NATURE AND SCOPE OF PARENTAL RIGHTS SHARED PARENTAL RESPONSIBILITY AND PARENTAL RIGHTS AND THE STATE

CONCEPTUALISING PROPERTY LAW OFFERS A TRANSSYSTEMIC AND INTEGRATED APPROACH TO COMMON LAW AND CIVIL LAW PROPERTY PROPERTY LAW HAS TRADITIONALLY BEEN EXCLUDED FROM COMPARATIVE LAW ANALYSIS COMMON LAW AND CIVIL LAW PROPERTY BEING DEEMED IRRECONCILABLE WITH THIS BOOK YA LL EMERICH AIMS TO DISPEL THE MYTH THAT COMPARISON BETWEEN THESE TWO SYSTEMS OF PROPERTY IS IMPOSSIBLE BY ESTABLISHING A DIALOGUE BETWEEN COMMON LAW AND CIVIL LAW PROPERTY IT BECOMES CLEAR THAT THE TWO LEGAL TRADITIONS SHARE COMMON GROUND IN THE WAY THAT THEY ADDRESS LEGAL CULTURAL AND SOCIAL ISSUES RELATED TO PROPERTY AND WEALTH

THIS BOOK EXAMINES HOW EXISTING ARBITRATION PROCEDURES CAN BE ADAPTED TO COPE WITH DISPUTES STEMMING FROM INTERNET TRANSACTIONS

USING A COMBINATION OF THE COMPARATIVE LEGAL METHOD AND HERMENEUTICS THIS BOOK RECONCILES ISLAMIC LAW WITH ENGLISH TRUSTS LAW IN THESE TWO MAIN AREAS IT DOES NOT FIND IT NECESSARY FOR ONE LEGAL SYSTEM TO REIGN SUPREME OVER THE OTHER AS SUCH SOLUTIONS WILL BE QUESTIONED BY THE INTERNAL SUBJECTS OF THE DOMINATED LEGAL SYSTEM UNDERMINING THE EFFICACY OF THIS STUDY RATHER RECONCILIATION IS A MUTUAL STEP TO CONGRUENCE TAKEN BY BOTH LEGAL SYSTEMS IN THE AREA OF PERPETUITIES THE BOOK FINDS THAT NEITHER ISLAMIC WAQFS MUST BE PERPETUAL NOR COMMON LAW TRUSTS MUST HAVE A RULE AGAINST PERPETUITIES REGARDING OWNERSHIP THEORIES THE MULTIPLICITY OF RENDERED THEORIES IN BOTH LEGAL SYSTEMS PRESENTS MORE THAN ONE AVENUE OF RECONCILIATION OVERALL THE STUDY FINDS THAT PRIVATE WAQFS AND PRIVATE TRUSTS CAN BE RECONCILED WITHOUT UNDERMINING THE INTERNAL HERMENEUTIC STANDPOINTS OF BOTH LEGAL SYSTEMS

FEATURES INCLUDE A COMPREHENSIVE REVIEW OF EXISTING MATERIAL COMBINED WITH NEW PERSPECTIVES TO EQUIP STUDENTS FOR THE CHALLENGES IN THE WORK ENVIRONMENT CHAPTER OVERVIEWS AND STUDENT LEARNING OBJECTIVES OFFER A SOLID AND USEFUL FRAMEWORK IN WHICH TO ORGANISE STUDY DIAGRAMS AND CHARTS PRESENT OVERVIEWS AND CONTEXTS FOR THE SUBJECT TO ACT AS USEFUL REVISION AIDS EFFECTIVE PEDAGOGY INCLUDING A REVIEW OF THE ARGUMENTS CONSIDERED A MENU OF SEMINAR TOPICS AND QUESTIONS IN EVERY CHAPTER SERVING AS AN IDEAL BASIS FOR SEMINAR STUDY AND ADDITIONAL OPEN ENDED SIMULATIONS TO ALLOW STUDENTS TO WORK THROUGH UNFOLDING SCENARIOS

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