All About Law Exploring The Canadian Legal System

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this book presents a pluri dimensional approach to today s most relevant perspectives on the boundaries of law both in terms of its creation and performance in order to discuss its current meaning and role as a normative order to do so it presents a broad range of standpoints concerning philosophical theoretical juridical political dogmatic and methodological issues and proposes new bases for the construction and effectiveness of legal statements and decisions from those issued by juridical political organisations to those taken by judges in addition it sheds new light on discussions concerning the juridical and political role of law in connection with public policy and democracy related issues especially contemporary debates between international law and human rights law on the one hand and between public law and private law on the other

in this book leading scholars from australia canada hong kong new zealand singapore the united kingdom and the united states deal with important theoretical and practical issues in the law of contract and closely related areas of private law the articles analyse developments in the law of estoppel mistake undue influence the interpretation of contracts assignment exclusion clauses and damages the articles also address more theoretical issues such as discerning the limits of contract law the role of principle in the development of contract doctrine and the morality of promising with its rich scope of contributors and topics exploring contract law will be highly useful to lawyers judges and academics across the common law world contributors rick bigwood richard bronaugh mindy chen wishart helge dedek gerald h l fridman mark p gergen andrew s gold kelvin f k low jason w neyers stephen g a pitel andrew roberston stephen a smith robert stevens andrew tettenborn chee ho tham catherine valcke stephen waddams charlie webb foreword by justice ian binnie of the supreme court of canada

inspired by recent debate the purpose of this collection of essays on private law doctrines remedies and methods is to celebrate and illustrate the contribution that both top down and bottom up methods of reasoning make to the development of private law the contributors explore a variety of topical subjects including judicial approaches to top down and bottom up methods teaching trusts law the protection of privacy in private law the development of the law of unjust enrichment the private law consequences of theft equity s jurisdiction to relieve against forfeiture the nature of fiduciary relationships and obligations the duties of trustees compensation and disgorgement remedies partial rescission the role of unconscionability in proprietary estoppel and the nature of registered title to land

this book is an antecedent study on the task facing china s legal science more strictly speaking china s legal philosophy in post cold war world structure in broader terms this is an academic study of china s own identity and future in the world structure the author believes that from

1978 to 2004 in spite of its great achievements china s legal science has at the same time had some of its grave problems being exposed a fundamental problem is its failure to provide a chinese legal ideal picture as the standard of and direction for evaluating assessing and guiding china s law legal development this is an age of law without china s own ideal picture s however why has china failed to have its own legal ideal picture s apparently this question in and of itself implies a question both more directly and fundamentally of china s legal science namely why china s legal science has failed to provide china s own legal picture s or as an internal critical approach may suggest namely to critique china s legal science from the perspective of its promised objectives where is china s legal science heading based on this this book attempts to expound a standard to evaluate china s legal science through a theoretical discussion of this issue and to further explore the possible direction for china s legal science beyond this age

this book assembles essays on legal sociology and legal history by an international group of distinguished scholars all of them have been influenced by the eminent and prolific legal historian legal sociologist and scholar of comparative law lawrence m friedman not just a festschrift of essays by colleagues and disciples this volume presents a sustained examination and application of friedman s ideas and methods together the essays in this volume show the powerful ripple effects of friedman s work on american and comparative legal sociology american and comparative legal history and the general sociology of law and legal change

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the past two decades have seen an outpouring of work in legal theory that is self consciously critical of aspects of american law and the institutions of the liberal state in this lively volume eminent scholars in philosophy law and political science respond to this recent scholarship by exploring what constitutes a radical critique of the law examining such theories as critical legal studies feminist theory and theories of difference and critical race theory the authors consider whether the critiques advanced in recent legal theory can truly be called radical and what form a radical critique of american law should take writing at the cutting edge of the critique of critical legal theory they offer insights first on critical legal scholarship then on feminist political and legal theory a third group of contributions questions the radicalness of these approaches in light of their failure to challenge fundamental aspects of liberalism while a final section focuses on current issues of legal reform through critical views on criminal punishment including observations on rape and hate speech each major essay describes the underlying principles in the development of a radical legal theory and addresses unresolved questions relating to it while accompanying commentaries present conflicting views the resulting dialogue explores wide ranging issues like equity value relativism adversarial and empathic legal advocacy communitarianism and the social contract impartiality and contingency natural law and corrective justice a common thread for many of the articles is a focus on the social dimension of society and law which finds the individualism of prevailing liberal theories too limiting radical critiques of the law is particularly unique in presenting critical and feminist approaches in one volume along with skeptical commentary about just how radical some critiques really are proposing alternative critiques that embody considerably greater promise of being truly radical it offers provocative reading for both philosophers

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