

The Morality Of Law By Lon L Fuller

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Post-Liberal Religious Liberty - Joel Harrison
2020-07-31

Why should we care about religious liberty?

Leading commentators, United Kingdom courts,

and the European Court of Human Rights have de-emphasised the special importance of religious liberty. They frequently contend it falls within a more general concern for personal

autonomy. In this liberal egalitarian account, religious liberty claims are often rejected when faced with competing individual interests – the neutral secular state must protect us against the liberty-constraining acts of religions. Joel Harrison challenges this account. He argues that it is rooted in a theologically derived narrative of secularisation: rather than being neutral, it rests on a specific construction of 'secular' and 'religious' spheres. This challenge makes space for an alternative theological, political, and legal vision. Drawing from Christian thought, from St Augustine to John Milbank, Harrison develops a post-liberal focus on association. Religious liberty, he argues, facilitates creating communities seeking solidarity, fraternity, and charity – goals that are central to our common good.

The Dubious Morality of Modern Administrative Law - Richard Epstein, Laurence A. Tisch Professor of Law, New York University 2020-03-15

Modern administrative law has been the subject of intense and protracted intellectual debate. In this book, Richard A. Epstein, one of America's most prominent legal scholars, provides a withering critique of the progressive administrative state and calls for a return law to its original design, meaning, and structure.

Private Law and the Rule of Law - Lisa M Austin 2014-12-18

The rule of law is widely perceived to be a public law doctrine, concerned with the way in which governmental authority conforms to the dictates of law. The goal of this book is to challenge this presumption. The chapters in this volume all consider the idea that the rule of law concerns the nature of law generally and the conditions under which any relationship – that among citizens as well as that between citizens and the state – becomes subject to law. Addressing two major questions, they ask if our understanding of the rule of law is enriched by considering how and to what degree it is expressed or realized in

private law, and whether our understanding of the private law is enriched by adding the principles of the rule of law to the traditional list of core private law concepts. Bringing together leading philosophers of private and public law, this volume examines key questions in a little-explored field, and will be essential reading for all those interested in the rule of law and in private law theory.

The Hart-Fuller Debate in the Twenty-First Century - Peter Cane 2010-02-16

This book presents the papers and comments on those papers delivered at a colloquium held at the Australian National University in December 2008 to celebrate 50 years since the publication in the Harvard Law Review of the famous and wide-ranging debate between HLA Hart and Lon L Fuller. These essays do not re-run that debate and they are not confined to discussion of the jurisprudential issues canvassed by Hart and Fuller. Rather they pick up on strands in the debate and re-think them in the light of social,

political and intellectual developments in the past 50 years and changed ways of understanding law and other normative systems. This collection looks forward rather than backward using the debate as a point of departure and inspiration.

Philosophy of Law: A Very Short

Introduction - Raymond Wacks 2014-02-27

The concept of law lies at the heart of our social and political life. Legal philosophy, or jurisprudence, explores the notion of law and its role in society, illuminating its meaning and its relation to the universal questions of justice, rights, and morality. In this Very Short Introduction Raymond Wacks analyses the nature and purpose of the legal system, and the practice by courts, lawyers, and judges. Wacks reveals the intriguing and challenging nature of legal philosophy with clarity and enthusiasm, providing an enlightening guide to the central questions of legal theory. In this revised edition Wacks makes a number of updates including

new material on legal realism, changes to the approach to the analysis of law and legal theory, and updates to historical and anthropological jurisprudence. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

The Meaning of Property - Jedediah Purdy
2010-01-01

From the bestselling author of *For Common Things*, a brilliant and ambitious rethinking of the meaning of property in democratic society In his latest book, Jedediah Purdy takes up a question of deep and lasting importance: why is property ownership a value to society? His answer returns us to the foundations of American society and enables us to interpret the

writings of the patron saint of liberal economics, Adam Smith, in a wholly new light. Unlike Milton Friedman and other free-market scholars, who consider property a key to efficient markets, Purdy draws upon Smith's theories to argue that the virtues of wealth are social rather than economic. In Purdy's view, ownership does much more than shield one from government interference. Property shapes social life in ways that bring us closer to, or take us farther from, the ideal of a community of free and equal members. This view of property is neither libertarian nor communitarian but treats the community as the precondition of individual freedom. This view informed U.S. law in the early days of the republic, Purdy writes, and it is one that we need to restore today. Touching upon some of the most charged issues in American politics and law, including slavery, inheritance, international development, and climate change, *The Meaning of Property* offers a compelling new view of property and freedom

and enriches our understanding of democratic society.

Law: A Very Short Introduction - Raymond Wacks 2008-03-27

Law underlies our society - it protects our rights, imposes duties on each of us, and establishes a framework for the conduct of almost every social, political, and economic activity. The punishment of crime, compensation of the injured, and the enforcement of contracts are merely some of the tasks of a modern legal system. It also strives to achieve justice, promote freedom, and protect our security. The result is a system that, while it touches all of our daily lives, is properly understood by only a few, with its impenetrable jargon, obsolete procedures, and interminable stream of Byzantine statutes and judgments of the courts. This clear, jargon-free Very Short Introduction aims to redress that balance, as it introduces the essentials of law and legal systems in a lively, accessible, and stimulating manner. Explaining

the main concepts, terms, and processes of the legal system, it focuses on the Western tradition (the common law and the civil law), but also includes discussions of other legal systems, such as customary law and Islamic law. And it looks to the future too, as globalization and rapid advances in technology place increasing strain on our current legal system. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

The Rule of Law in the Real World - Paul Gowder 2016-02-09

In *The Rule of Law in the Real World*, Paul Gowder defends a new conception of the rule of law as the coordinated control of power and demonstrates that the rule of law, thus

understood, creates and preserves social equality in a state. In a highly engaging, interdisciplinary text that moves seamlessly from theory to reality, using examples ranging from Ancient Greece through the present, Gowder sheds light on how societies have achieved the rule of law, how they have sustained it in the face of political upheaval, and how it may be measured and developed in the future. *The Rule of Law in the Real World* is an essential work for scholars, students, policymakers, and anyone else who believes the rule of law is critical to the proper functioning of society.

The Principles of Social Order - Lon Luvois Fuller 1981

The Cambridge Companion to Natural Law Jurisprudence - George Duke 2017-06-16

This volume brings together leading experts on natural law theory to provide perspectives on the nature and foundations of law.

[The Morality of Law](#) - Lon Luvois Fuller 1969

The Morality of Law - Lon Luvois Fuller 2006

[Natural Law and Justice](#) - Lloyd L. Weinreb 1987

"Human beings are a part of nature and apart from it." The argument of *Natural Law and Justice* is that the philosophy of natural law and contemporary theories about the nature of justice are both efforts to make sense of the fundamental paradox of human experience: individual freedom and responsibility in a causally determined universe. Professor Weinreb restores the original understanding of natural law as a philosophy about the place of humankind in nature. He traces the natural law tradition from its origins in Greek speculation through its classic Christian statement by Thomas Aquinas. He goes on to show how the social contract theorists adapted the idea of natural law to provide for political obligation in civil society and how the idea was transformed in Kant's account of human freedom. He brings the historical narrative down to the present with

a discussion of the contemporary debate between natural law and legal positivism, including particularly the natural law theories of Finnis, Richards, and Dworkin. Professor Weinreb then adopts the approach of modern political philosophy to develop the idea of justice as a union of the distinct ideas of desert and entitlement. He shows liberty and equality to be the political analogues of desert and entitlement and both pairs to be the normative equivalents of freedom and cause. In this part of the book, Weinreb considers the theories of justice of Rawls and Nozick as well as the communitarian theory of MacIntyre and Sandel. The conclusion brings the debates about natural law and justice together, as parallel efforts to understand the human condition. This original contribution to legal philosophy will be especially appreciated by scholars, teachers, and students in the fields of political philosophy, legal philosophy, and the law generally.

Oxford Studies in Experimental Philosophy

Volume 3 - Tania Lombrozo 2020-04-09

The new field of experimental philosophy has emerged as the methods of psychological science have been brought to bear on traditional philosophical issues. Oxford Studies in Experimental Philosophy is the place to go to see outstanding new work in the field. It features papers by philosophers, papers by psychologists, and papers co-authored by people in both disciplines. The series heralds the emergence of a truly interdisciplinary field in which people from different disciplines are working together to address a shared set of questions. The papers in this third volume illustrate the ways in which the field continues to broaden, taking on new methodological approaches and interacting with substantive theories from an ever wider array of disciplines. Some recent research in experimental philosophy is going more deeply into well-established questions in the field, while other strands of research are exploring issues that scarcely appeared in the field even a few

years ago. Thus, we see the introduction of new empirical and statistical methods (network analysis), new theoretical approaches (formal semantics), and the development of entirely new interdisciplinary connections (in the emerging field of "experimental jurisprudence").

The Legacy of H.L.A. Hart - Matthew Kramer
2008-07-31

This book is the product of a major British Academy Symposium held in 2007 to mark the centenary of the birth of H.L.A. Hart, the most important legal philosopher and one of the most important political philosophers of the twentieth century. The book brings together contributions from seventeen of the world's foremost legal and political philosophers who explore the many subjects in which Hart produced influential work. Each essay engages in an original analysis of philosophical problems that were tackled by Hart, some essays including extended critical discussions of his major works: *The Concept of Law*, *Punishment and Responsibility*, *Causation*

in the Law and Law, Liberty and Morality. All the main topics of Hart's philosophical writings are featured: general jurisprudence and legal positivism; criminal responsibility and punishment; theories of rights; toleration and liberty; theories of justice; and causation in the law.

The Concept of Law - HLA Hart 2012-10-25
Fifty years on from its original publication, HLA Hart's *The Concept of Law* is widely recognized as the most important work of legal philosophy published in the twentieth century, and remains the starting point for most students coming to the subject for the first time. In this third edition, Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy, clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work.

Law as a Leap of Faith - John Gardner
2012-09-06

How do laws resemble rules of games, moral rules, personal rules, rules found in religious teachings, school rules, and so on? Are laws rules at all? Are they all made by human beings? And if so how should we go about interpreting them? How are they organized into systems, and what does it mean for these systems to have 'constitutions'? Should everyone want to live under a system of law? Is there a special kind of 'legal justice'? Does it consist simply in applying the law of the system? And how does it relate to the ideal of 'the rule of law'? These and other classic questions in the philosophy of law form the subject-matter of *Law as a Leap of Faith*. In this book John Gardner collects, revisits, and supplements fifteen years of celebrated writings on general questions about law and legal systems - writings in which he attempts, without loss of philosophical finesse or insight, to cut through some of the technicalities with which the subject has become encrusted in the late twentieth century. Taking his agenda broadly

from H.L.A. Hart's *The Concept of Law* (1961), Gardner shows how the key ideas in that work live on, and how they have been and can still be improved in modest ways to meet important criticisms - in some cases by concession, in some cases by circumvention, and in some cases by restatement. In the process Gardner engages with key ideas of other modern giants of the subject including Kelsen, Holmes, Raz, and Dworkin. Most importantly he presents the main elements of his own unique and refreshingly direct way of thinking about law, brought together in one place for the first time.

Natural Law Theory - Robert P. George 1994
Natural law theory is enjoying a revival of interest in a variety of scholarly disciplines including law, philosophy, political science, and theology and religious studies. This volume presents twelve original essays by leading natural law theorists and their critics. The contributors discuss natural law theories of morality, law and legal reasoning, politics, and

the rule of law. Readers get a clear sense of the wide diversity of viewpoints represented among contemporary theorists, and an opportunity to evaluate the arguments and counterarguments exchanged in the current debates between natural law theorists and their critics.

Contributors include Hadley Arkes, Joseph M. Boyle, Jr., John Finnis, Robert P. George, Russell Hittinger, Neil MacCormick, Michael Moore, Jeffrey Stout, Joseph Raz, Jeremy Waldron, Lloyd Weinreb, and Ernest Weinrib.

The Legacy of Ronald Dworkin - Wilfrid J. Waluchow 2016

This book comprises sixteen papers selected from the 2014 McMaster University Philosophy of Law Conference (lawconf.mcmaster.ca) on the legacy of Ronald Dworkin (lawconf.mcmaster.ca). These pieces touch upon many aspects of Ronald Dworkin's wide-ranging contributions to philosophy and jurisprudence, including his theory of value, political philosophy, moral philosophy, philosophy of

international law, and legal philosophy. The book's organizing principle and theme reflects Dworkin's self-conception as a builder of a unified theory of value. Part I addresses the most abstract and general aspect of Dworkin's work—the unity of value thesis. Part II comprises works that address themes from Dworkin's political philosophy, including his discussions of authority, civil disobedience, the legitimacy of states and the international legal system, distributive justice, collective responsibility, and Dworkin's master value of dignity and the associated values of equality, and respect. Part III addresses various aspects of Dworkin's general theory of law. Part IV comprises pieces that offer accounts of the structure and defining values of discrete areas of law, including constitutional law, the law of contract, and procedural law.

Causation and Responsibility - Michael S. Moore 2010-07-15

The concept of causation is fundamental to

ascribing moral and legal responsibility for events. Yet the precise relationship between causation and responsibility remains unclear. This book clarifies that relationship through an analysis of the best accounts of causation in metaphysics, and a critique of the confusion in legal doctrine.

Legality - Scott J. Shapiro 2011-01-03
Legality is a profound work in analytical jurisprudence, the branch of legal philosophy which deals with metaphysical questions about the law. In the twentieth century, there have been two major approaches to the nature of law. The first and most prominent is legal positivism, which draws a sharp distinction between law as it is and law as it might be or ought to be. The second are theories that view law as embedded in a moral framework. Scott Shapiro is a positivist, but one who tries to bridge the differences between the two approaches. In *Legality*, he shows how law can be thought of as a set of plans to achieve complex human goals.

His new “planning” theory of law is a way to solve the “possibility problem”, which is the problem of how law can be authoritative without referring to higher laws.

Forms Liberate - Kristen Rundle 2012-05-04
Lon L Fuller's account of what he termed 'the internal morality of law' is widely accepted as the classic twentieth century statement of the principles of the rule of law. Much less accepted is his claim that a necessary connection between law and morality manifests in these principles, with the result that his jurisprudence largely continues to occupy a marginal place in the field of legal philosophy. In 'Forms Liberate: Reclaiming the Jurisprudence of Lon L Fuller', Kristen Rundle offers a close textual analysis of Fuller's published writings and working papers to explain how his claims about the internal morality of law belong to a wider exploration of the ways in which the distinctive form of law introduces meaningful limits to lawgiving power through its connection to human agency. By

reading Fuller on his own terms, 'Forms Liberate' demonstrates why his challenge to a purely instrumental conception of law remains salient for twenty-first century legal scholarship.

The Cambridge Companion to the Rule of Law - Jens Meierhenrich 2021-07-31

The Cambridge Companion to the Rule of Law introduces students, scholars, and practitioners to the theory and history of the rule of law, one of the most frequently invoked-and least understood-ideas of legal and political thought and policy practice. It offers a comprehensive re-assessment by leading scholars of one of the world's most cherished traditions. This high-profile collection provides the first global and interdisciplinary account of the histories, moralities, pathologies and trajectories of the rule of law. Unique in conception, and critical in its approach, it evaluates, breaks down, and subverts conventional wisdom about the rule of law for the twenty-first century.

The Morality of Pluralism - John Kekes

1996-03-04

Controversies about abortion, the environment, pornography, AIDS, and similar issues naturally lead to the question of whether there are any values that can be ultimately justified, or whether values are simply conventional. John Kekes argues that the present moral and political uncertainties are due to a deep change in our society from a dogmatic to a pluralistic view of values. Dogmatism is committed to there being only one justifiable system of values.

Pluralism recognizes many such systems, and yet it avoids a chaotic relativism according to which all values are in the end arbitrary.

Maintaining that good lives must be reasonable, but denying that they must conform to one true pattern, Kekes develops and justifies a pluralistic account of good lives and values, and works out its political, moral, and personal implications.

Morality and the Law - Samuel Enoch Stumpf 1966

The Routledge Companion to Philosophy of Law - Andrei Marmor 2012

The Routledge Companion to the Philosophy of Law provides a comprehensive, non-technical philosophical treatment of the fundamental questions about the nature of law. Its coverage includes law's relation to morality and the moral obligations to obey the law, the main philosophical debates about particular legal areas such as criminal responsibility, property, contracts, family law, law and justice in the international domain, legal paternalism and the rule of law. The entirely new content has been written specifically for newcomers to the field, making the volume particularly useful for undergraduate and graduate courses in philosophy of law and related areas. All 39 chapters, written by the world's leading researchers and edited by an internationally distinguished scholar, bring a focused, philosophical perspective to their subjects. The Routledge Companion to the Philosophy of Law

promises to be a valuable and much consulted student resource for many years.

Legal Validity and Soft Law - Pauline Westerman
2018-12-05

This book features essays that investigate the nature of legal validity from the point of view of different traditions and disciplines. Validity is a fascinating and elusive characteristic of law that in itself deserves to be explored, but further investigation is made more acute and necessary by the production, nowadays, of soft law products of regulation, such as declarations, self-regulatory codes, and standardization norms. These types of rules may not exhibit the characteristics of formal law, and may lack full formal validity but yet may have a very real impact on people's lives. The essays focus on the structural properties of hard and soft legal phenomena and the basis of their validity. Some propose to redefine validity: to allow for multiple concepts instead of one and/or to allow for a gradual concept of validity. Others seek to

analyze the new situation by linking it to familiar historical debates and well-established theories of law. In addition, coverage looks at the functions of validity itself. The discussion considers both international law as well as domestic law arrangements. What does it mean to say that something is valid? Should we discard validity as the determining aspect of law? If so, what does this mean for our concept of law? Should we differentiate between kinds of validity? Or, can we say that rules can be "more" or "less" valid? After reading this book, practitioners, scholars and students will have a nuanced understanding of these questions and more. Chapter 6 is available open access under a Creative Commons Attribution 4.0 International License via link.springer.com.

A Life of H.L.A. Hart - Nicola Lacey 2006
Shortlisted for the 2005 British Academy Book prize, Nicola Lacey's entrancing biography recounts the life of H.L.A. Hart, the pre-eminent legal philosopher of the twentieth century.

Following Hart's life from modest origins as the son of Jewish tailor parents in Yorkshire to worldwide fame as the most influential English-speaking legal theorist of the post-War era, the book traces his successive metamorphoses; from Yorkshire schoolboy to Oxford scholar, from government intelligence officer to Professor of Jurisprudence, from awkward bachelor to family figurehead. In the tradition of Ray Monk's biography of Wittgenstein, Nicola Lacey paints an absorbing picture of intellectual and psychological development, of a mind struggling to cope with intellectual self-doubt, uncertain sexuality, a difficult marriage and an anti-semitic society. In depicting the evolution of Hart's life and mind, Lacey provides a vivid recreation of both the intellectual and social climate of Oxford in the post-War era.

Law's Empire - Ronald Dworkin 1986

Normativity and Norms - Stanley L. Paulson
1998

Using newly translated papers and some of the best extant writings on Kelsen's theory, this volume covers topics including competing ideas on the nature of law, legal validity, legal powers and the unity of municipal and international law.

Rediscovering Fuller - W. J. Witteveen 1999

Lon Fuller, one of the great American jurists of this century, is often remembered only for his stand on the morality of law in the Fuller-Hart debate. Rediscovering Fuller considers the full range of Fuller's writings, from his early engagement with legal fictions and his critique of legal positivism to his later work on implicit law and the art of institutional design.

Contributors from the fields of both civil law and common law argue that Fuller's insights are highly relevant to contemporary concerns. The book contains essays by K. Winston, D.

Dyzenhaus, P. Cliteur, F. Schauer ("Beyond the Fuller-Hart Debate"), P. Westerman, W. van der Burg, D. Luban ("Morality of Law"), G. Postema, P. Teachout ("Implicit Law"), R.

Macdonald, W. Witteveen, J. Allison, M. Hertogh, K. Soltan ("The Art of Institutional Design"), J. Allan, F. Mootz, J. Vining ("Law's Dialogue"), and a preface by Ph. Selznick. "At some point in the future, when we become more open to the moral relevance of social inquiry, more empirical in our study of philosophical issues, more capable of uniting moral and social theory, Lon Fuller's work will stand as a landmark. This volume will help show the way." —Ph. Selznick

Anatomy of the Law - Lon L. Fuller 1971

In Defense of Legal Positivism - Matthew H. Kramer 2003

As an uncompromising defense of legal positivism, this book insists on the separability of law and morality. After distinguishing among three main dimensions of morality, the book explores a variety of ways in which law has been perceived by natural-law theorists as integrally connected to each of those dimensions. Some of the chapters pose arguments against major

philosophers who have written on these issues, including David Lyons, Lon Fuller, Antony Duff, Joseph Raz, Ronald Dworkin, John Finnis, Philip Soper, Neil MacCormick, Robert Alexy, Gerald Postema, Stephen Perry, and Michael Moore. Several other chapters extend rather than defend legal positivism; they refine the insights of positivism and develop the implications of those insights in strikingly novel directions. The book concludes with a long discussion of the obligation to obey the law a discussion that highlights the strengths of legal positivism in the domain of political philosophy as much as in the domain of jurisprudence.

The Defence of Natural Law - Charles Covell
2016-07-27

The Defence of Natural Law comprises a study of the philosophies of law expounded by Lon L. Fuller, Michael Oakeshott, F.A. Hayek, Ronald Dworkin and John Finnis. The work of these theorists is situated in relation to the modern tradition in legal philosophy. In this way, it is

demonstrated that the theorists adhered closely to the natural law standpoint in legal philosophy, while also defending the particular view of the proper functions of law and the state that distinguished the tradition of modern liberalism.

Arguing About Law - Aileen Kavanagh
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.

The Morality of Consent - Alexander M. Bickel 1975-01-01

Contrasts liberal views in the tradition of John Locke with conservative Whig attitudes as personified by Edmund Burke in a consideration of moral duty and civil disobedience

The Law in Quest of Itself - Lon L. Fuller 1966
Fuller, Lon L. The Law in Quest of Itself. Boston: Beacon Press, 1966. [vi], 150 pp. Reprinted 1999 by The Lawbook Exchange, Ltd. LCCN 99-32863. ISBN-13: 978-1-58477-016-9. ISBN-10: 1-58477-016-3. Cloth. \$60.* Three lectures by the Harvard Law School professor examine legal positivism and natural law. In the

course of his analysis Fuller discusses Kelsen's theory as a reactionary theory, and Hobbes' theory of sovereignty. He defines legal positivism as the viewpoint that draws a distinction "between the law that is and the law that ought to be..." (p.5) and interprets natural law as that which tolerates a combination of the two. He looks at the effects of positivism's continued influence on American legal thinking and concludes that law as a principle of order is necessary in a democracy.

The Morality of Law - Lon Luvois Fuller 1969

The Concept of the Rule of Law and the European Court of Human Rights - Geranne Lautenbach 2013-11

Revision of author's thesis (doctoral)--University of Amsterdam, 2012.

The Insanity Defense - Abraham S. Goldstein 1967-01-28

The insanity defense has become the most passionately debated issue in criminal law, a

debate marked by slogans and stereotypes. Mr. Goldstein offers a reasoned study of that debate

and the current rules behind the law, as well as a careful examination of what might be expected from any new rules now proposed.