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Judicial Power, Democracy and Legal Positivism - Tom D. Campbell 2017-03-02

In this book, a distinguished international group of legal theorists re-examine legal positivism as a prescriptive political theory and consider its implications for the constitutionally defined roles of legislatures and courts. The issues are illustrated with recent developments in Australian constitutional law.

Introduction to International Business Transactions - Aaron X. Fellmeth 2020-06-26

This innovative textbook introduces the legal concepts, regimes and actors that regulate international business transactions. The book guides readers through the major aspects of international business law using state-of-the-art teaching techniques and offers comprehensive coverage on key treaties, legal aspects of international commerce and the regulation of global trade and investment.

The Rule of Four - Ian Caldwell 2012-08-21

"One part The Da Vinci Code, one part The Name of the Rose and one part A Separate Peace . . . a smart, swift, multitextured tale that both entertains and informs."—San Francisco Chronicle NEW YORK TIMES BESTSELLER Princeton. Good Friday, 1999. On the eve of graduation, two friends are a hairsbreadth from solving the mysteries of the Hypnerotomachia Poliphili, a Renaissance text that has baffled scholars for centuries. Famous for its hypnotic power over those who study it, the five-hundred-year-old Hypnerotomachia may finally reveal its secrets—to Tom Sullivan, whose father was obsessed with the book, and Paul Harris, whose future depends on it. As the deadline looms, research has stalled—until a vital clue is unearthed: a long-lost diary that may prove to be the key to deciphering the ancient text. But when a longtime student of the book is murdered just hours later, a chilling cycle of deaths and revelations begins—one that will force Tom and Paul into a fiery drama, spun from a book whose power and meaning have long been misunderstood. "Profoundly erudite . . . the ultimate puzzle-book."—The New York Times Book Review

Why Children Follow Rules - Tom R. Tyler 2017

Legal socialization is the process by which children and adolescents acquire their law related values, attitudes, and reasoning capacities. Such values and attitudes, in particular legitimacy, underlie the ability and willingness to consent to laws and defer to legal authorities that make legitimacy based legal systems possible. By age eighteen a person's orientation toward law is largely established, yet legal scholarship has largely ignored this process in favor of studying adults and their relationship to the law. Why Children Follow Rules focuses upon legal socialization outlining what is known about the process across three related, but distinct, contexts: the family, the school, and the juvenile justice system. Throughout, Tom Tyler and Rick Trinkner emphasize the degree to which individuals develop their orientations toward law and legal authority upon values connected to responsibility and obligation as opposed to fear of punishment. They argue that authorities can act in ways that internalize legal values and promote supportive attitudes. In particular, consensual legal authority is linked to three issues: how authorities make decisions, how they treat people, and whether they recognize the boundaries of their authority. When individuals experience authority that is fair, respectful, and aware of the limits of power, they are more likely to consent and follow directives. Despite clear evidence showing the benefits of consensual authority, strong pressures and popular support for the exercise of authority based on dominance and force persist in America's families, schools, and within the juvenile justice system. As the currently low levels of public trust and confidence in the police, the courts, and the law undermine the effectiveness of our legal system, Tom Tyler and Rick Trinkner point to

alternative way to foster the popular legitimacy of the law in an era of mistrust.

The Rule of Law in America - Ronald A. Cass 2001

What is the rule of law? Why does it matter? How well does America conform to the rule of law? And why do Americans, who profess such respect for the law, complain so often about our legal system? Drawing upon extensive experience in law, government service, teaching, and research, Boston University law school dean Ronald Cass offers a welcome contribution to the ongoing public discussion on law and society. After opening his discussion with chapters on the rule of law in American society, Cass turns to the hard case of its application to the president of the United States. Through this prism Cass examines the behavior of judges who may not always act according to a "perfect model." They may not always be perfectly constrained by law or achieve perfect justice through law. That, however, is the wrong thing to ask. Instead, says Cass, "looking at the ordinary case -- and asking not whether the decision advances particular aspirations for society, but whether it conforms to basic aspects of legal authority -- produces a more law-governed view of America judging." In fact, this book provides a much-needed corrective to criticism of the American legal system raised all too frequently by members of the academy and by politicians. Rather than concentrating on relatively minor inconsistencies in the law and slight departures from the ideal of perfectly constrained decision making, Cass argues that the energies of his fellow scholars could be better spent on more serious defects in the legal system. With a special section on the 2000 presidential election, including the Florida recount and Supreme Court decision, *The Rule of Law in America* offers a timely look at a subject of interest to legal scholars and general readers alike..

Rule By Law - Tom Ginsburg 2008-05-08

Scholars have generally assumed that courts in authoritarian states are pawns of their regimes, upholding the interests of governing elites and frustrating the efforts of their opponents. As a result, nearly all studies in comparative judicial politics have focused on democratic and democratizing countries. This volume brings together leading scholars in comparative judicial politics to consider the causes and consequences of judicial empowerment in authoritarian states. It demonstrates the wide range of governance tasks that courts perform, as well as the way in which courts can serve as critical sites of contention both among the ruling elite and between regimes and their citizens. Drawing on empirical and theoretical insights from every major region of the world, this volume advances our understanding of judicial politics in authoritarian regimes.

Rule of Law in India - Harish Narasappa 2018-04-28

Rule of law is the foundation of modern democracies. It envisages, inter alia, participatory lawmaking, just and certain laws, a bouquet of human rights, certainty and equality in the application of law, accountability to law, an impartial and non-arbitrary government, and an accessible and fair dispute resolution mechanism. This work's primary goal is to understand and explain the obvious dichotomy that exists between theory and practice in India's rule of law structure. The book discusses the contours of the rule of law in India, the values and aspirations in its evolution, and its meaning as understood by the various institutions, identifying reason as the primary element in the rule of law mechanism. It later examines the institutional, political, and social challenges to the concepts of equality and certainty, through which it evaluates the status of the rule of law in India.

Lives of the Law - Tom Bingham 2011-09-01

Tom Bingham (1933-2010) was the 'greatest judge of our time' (The Guardian), a towering figure in modern British public life who championed the rule of law and human rights inside and outside the

courtroom. *Lives of the Law* collects Bingham's most important later writings, in which he brings his distinctive, engaging style to tell the story of the diverse lives of the law: its life in government, in business, and in human wrongdoing. Following on from *The Business of Judging* (2000), the papers collected here tackle some of the major debates in British public life over the last decade, from reforming the constitution to the growth of human rights law. They offer Bingham's distinctive insight on issues such as the role of the judiciary in a democracy, the implementation of the Human Rights Act, and the development of the rule of law, in the UK and internationally. Written in the accessible style that made *The Rule of Law* (2010) a popular success, the book will be essential reading for all those working in law, and an engaging inroad to understanding modern constitutional and legal debates for the general reader.

Democracy and the Rule of Law - Adam Przeworski 2003-07-21

This book addresses the question of why governments sometimes follow the law and other times choose to evade the law. The traditional answer of jurists has been that laws have an autonomous causal efficacy: law rules when actions follow anterior norms; the relation between laws and actions is one of obedience, obligation, or compliance. Contrary to this conception, the authors defend a positive interpretation where the rule of law results from the strategic choices of relevant actors. Rule of law is just one possible outcome in which political actors process their conflicts using whatever resources they can muster: only when these actors seek to resolve their conflicts by recourse to law, does law rule. What distinguishes rule-of-law as an institutional equilibrium from rule-by-law is the distribution of power. The former emerges when no one group is strong enough to dominate the others and when the many use institutions to promote their interest.

Getting to Maybe - Richard Michael Fischl 1999-05-01

Professors Fischl and Paul explain law school exams in ways no one has before, all with an eye toward improving the reader's performance. The book begins by describing the difference between educational cultures that praise students for "right answers," and the law school culture that rewards nuanced analysis of ambiguous situations in which more than one approach may be correct. Enormous care is devoted to explaining precisely how and why legal analysis frequently produces such perplexing situations. But the authors don't stop with mere description. Instead, *Getting to Maybe* teaches how to excel on law school exams by showing the reader how legal analysis can be brought to bear on examination problems. The book contains hints on studying and preparation that go well beyond conventional advice. The authors also illustrate how to argue both sides of a legal issue without appearing wishy-washy or indecisive. Above all, the book explains why exam questions may generate feelings of uncertainty or doubt about correct legal outcomes and how the student can turn these feelings to his or her advantage. In sum, although the authors believe that no exam guide can substitute for a firm grasp of substantive material, readers who devote the necessary time to learning the law will find this book an invaluable guide to translating learning into better exam performance. "This book should revolutionize the ordeal of studying for law school exams... Its clear, insightful, fun to read, and right on the money." — Duncan Kennedy, Carter Professor of General Jurisprudence, Harvard Law School "Finally a study aid that takes legal theory seriously... Students who master these lessons will surely write better exams. More importantly, they will also learn to be better lawyers." — Steven L. Winter, Brooklyn Law School "If you can't spot a 'fork in the law' or a 'fork in the facts' in an exam hypothetical, get this book. If you don't know how to play 'Czar of the Universe' on law school exams (or why), get this book. And if you do want to learn how to think like a lawyer—a good one—get this book. It's, quite simply, stone cold brilliant." — Pierre Schlag, University of Colorado School of Law (Law Preview Book Review on The Princeton Review website) Attend a *Getting to Maybe* seminar! Click here for more information.

The Sovereignty of Law - T.R.S. Allan 2013-07-18

An original account of the British constitution, this book explains how the requirements of constitutional law depend on underlying considerations of legal and political theory and defends an account of the British constitution as a source of individual freedom, grounded in a persuasive interpretation of the common law constitutional tradition.

The Business of Judging - Tom Bingham 2011-09-08

Tom Bingham (1933-2010) was the 'greatest judge of our time' (*The Guardian*), a towering figure in modern British public life who championed the rule of law and human rights inside and outside the courtroom. *The Business of Judging* collects Bingham's most important

writings during his period in judicial office before the House of Lords. The papers collected here offer Bingham's views on a wide range of issues, ranging from the ethics of judging to the role of law in a diverse society. They include his reflections on the main contours of English public and criminal law, and his early work on the incorporation of the European Convention on Human Rights and reforming the constitution. Written in the accessible style that made *The Rule of Law* (2010) a popular success, the book will be essential reading for all those working in law, and an engaging inroad to understanding the role of the law and courts in public life for the general reader.

Law in a Time of Crisis - Jonathan Sumption 2021-03-11

'Thoughtful, stimulating and even entertaining ... Lord Sumption's opinion is always worth listening to, even - or especially - if one disagrees with it.' *Daily Telegraph* 'Time spent on *Law in a Time of Crisis* is time spent in the company of a brilliant mind considering interesting things' *The Times* Brexit, the independence referendum, the pandemic: the UK is a country in crisis. And, in crises, we turn to the law to set the boundaries of what the government can and should do. However, in a country with no written constitution, what sounds like a simple proposition is in fact anything but. Based on his 2019 Reith lectures, former Supreme Court Judge Jonathan Sumption asks: what are the limits of law in politics? Is not having a constitution a hindrance or help in times of crisis? From referenda to the rise of nationalisms, *Law in a Time of Crisis* exposes the uses and abuses of legal intervention in British crises - past, present, and potential.

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.

Authoritarian Rule of Law - Jothie Rajah 2012-04-16

Scholars have generally assumed that authoritarianism and rule of law are mutually incompatible. Convinced that free markets and rule of law must tip authoritarian societies in a liberal direction, nearly all studies of law and contemporary politics have neglected that improbable coupling: authoritarian rule of law. Through a focus on Singapore, this book presents an analysis of authoritarian legalism. It shows how prosperity, public discourse, and a rigorous observance of legal procedure have enabled a reconfigured rule of law such that liberal form encases illiberal content. Institutions and process at the bedrock of rule of law and liberal democracy become tools to constrain dissent while augmenting discretionary political power - even as the national and international legitimacy of the state is secured. This book offers a valuable and original contribution to understanding the complexities of law, language and legitimacy in our time.

The Rule of Law - Tom Bingham 2011-07-07

'The Rule of Law' is a phrase much used but little examined. The idea of the rule of law as the foundation of modern states and civilisations has recently become even more talismanic than that of democracy, but what does it actually consist of? In this brilliant short book, Britain's former senior law lord, and one of the world's most acute legal minds, examines what the idea actually means. He makes clear that the rule of law is not an arid legal doctrine but is the foundation of a fair and just society, is a guarantee of responsible government, is an important contribution to economic growth and offers the best means yet devised for securing peace and co-operation. He briefly examines the historical origins of the rule, and then advances eight conditions which capture its essence as understood in western democracies today. He also discusses the strains imposed on the rule of law by the threat and experience of international terrorism. The book will be influential in many different fields and should become a key text for anyone interested in politics, society and the state of our world.

Your Next Government? - Tom W. Bell 2017-10-12

Governments across the globe have begun evolving from lumbering bureaucracies into smaller, more agile special jurisdictions - common-interest developments, special economic zones, and proprietary cities. Private providers increasingly deliver services that political authorities formerly monopolized, inspiring greater competition and efficiency, to

the satisfaction of citizens-qua-consumers. These trends suggest that new networks of special jurisdictions will soon surpass nation states in the same way that networked computers replaced mainframes. In this groundbreaking work, Tom W. Bell describes the quiet revolution transforming governments from the bottom up, inside-out, worldwide, and how it will fulfill its potential to bring more freedom, peace, and prosperity to people everywhere.

Rule of Law - Randy Singer 2017-09-05

What did the president know? And when did she know it? For the members of SEAL Team Six, it was a rare mission ordered by the president, monitored in real time from the Situation Room. The Houthi rebels in Yemen had captured an American journalist and a member of the Saudi royal family. Their executions were scheduled for Easter Sunday. The SEAL team would break them out. But when the mission results in spectacular failure, the finger-pointing goes all the way to the top. Did the president play political games with the lives of U.S. service members? Paige Chambers, a determined young lawyer, has a very personal reason for wanting to know the answer. The case she files will polarize the nation and test the resiliency of the Constitution. The stakes are huge, the alliances shaky, and she will be left to wonder if the saying on the Supreme Court building still holds true. Equal justice under law. It makes a nice motto. But will it work when one of the most powerful people on the planet is also a defendant? A 2018 Christy Award finalist! *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.

How to Save a Constitutional Democracy - Tom Ginsburg 2018-10-05

Democracies are in danger. Around the world, a rising wave of populist leaders threatens to erode the core structures of democratic self rule. In the United States, the election of Donald Trump marked a decisive turning point for many. What kind of president calls the news media the "enemy of the American people," or sees a moral equivalence between violent neo-Nazi protesters in paramilitary formation and residents of a college town defending the racial and ethnic diversity of their homes? Yet, whatever our concerns about the current president, we can be assured that the Constitution offers safeguards to protect against lasting damage—or can we? How to Save a Constitutional Democracy mounts an urgent argument that we can no longer afford to be complacent. Drawing on a rich array of other countries' experiences with democratic backsliding, Tom Ginsburg and Aziz Z. Huq show how constitutional rules can either hinder or hasten the decline of democratic institutions. The checks and balances of the federal government, a robust civil society and media, and individual rights—such as those enshrined in the First Amendment—do not necessarily succeed as bulwarks against democratic decline. Rather, Ginsburg and Huq contend, the sobering reality for the United States is that, to a much greater extent than is commonly realized, the Constitution's design makes democratic erosion more, not less, likely. Its structural rigidity has had the unforeseen consequence of empowering the Supreme Court to fill in some details—often with doctrines that ultimately facilitate rather than inhibit the infringement of rights. Even the bright spots in the Constitution—the First Amendment, for example—may have perverse consequences in the hands of a deft communicator, who can degrade the public sphere by wielding hateful language that would be banned in many other democracies. But we—and the rest of the world—can do better. The authors conclude by laying out practical steps for how laws and constitutional design can play a more positive role in managing the risk of democratic decline.

Law, Liberty, and the Rule of Law - Imer B. Flores 2012-09-29

In recent years, there has been a substantial increase in concern for the rule of law. Not only have there been a multitude of articles and books on the essence, nature, scope and limitation of the law, but citizens, elected officials, law enforcement officers and the judiciary have all been actively engaged in this debate. Thus, the concept of the rule of law is as multifaceted and contested as it's ever been, and this book explores the essence of that concept, including its core principles, its rules, and the necessity of defining, or even redefining, the basic concept. Law, Liberty,

and the Rule of Law offers timely and unique insights on numerous themes relevant to the rule of law. It discusses in detail the proper scope and limitations of adjudication and legislation, including the challenges not only of limiting legislative and executive power via judicial review but also of restraining active judicial lawmaking while simultaneously guaranteeing an independent judiciary interested in maintaining a balance of power. It also addresses the relationship not only between the rule of law, human rights and separation of powers but also the rule of law, constitutionalism and democracy.

Tom Bingham and the Transformation of the Law - Mads Andenas 2011

Tom Bingham was among the most influential judges of the twentieth century, having occupied in succession the most senior judicial offices, Master of the Rolls, Lord Chief Justice and Senior Law Lord, before retiring in 2008, at which point he devoted himself to the teaching of Human Rights Law, until his death in September 2010. His judicial and academic work has deeply influenced the development of the law in a period of substantial legal change. In particular his role in establishing the new UK Supreme Court, and his views on the rule of law and judicial independence left a profound mark on UK constitutional law. He was also instrumental in championing the academic and judicial use of comparative law, through his judicial work and involvement with the British Institute of International and Comparative Law. This volume collects around fifty essays from colleagues and those influenced by Lord Bingham, from across academia and legal practice. The essays survey Lord Bingham's pivotal role in the transformations that took place in the legal system during his career.

Law and Policy in Latin America - Pedro Fortes 2016-12-21

This book offers a comprehensive introduction to law and policy responses to contemporary problems in Latin America, such as human rights violations, regulatory dilemmas, economic inequality, and access to knowledge and medicine. It includes 19 chapters written by sociologists, lawyers, and political scientists on the transformations of courts, institutions and rights protection in Latin America, all of which stem from presentations at conferences in Oxford and UCL organised by the editors. The contributors present original analyses based on rigorous research, innovative case-studies, and interdisciplinary perspectives, all written in an accessible style. Topics include the Inter-American Court of Human Rights, institutional design, financial regulation, competition, discrimination, gender quotas, police violence, orphan works, healthcare, and environmental protection, among others. The book will be of interest to students and scholars interested in policymaking, public law, and development.

On the Rule of Law - Brian Z. Tamanaha 2004-11-18

The rule of law is the most important political ideal today, yet there is much confusion about what it means and how it works. This 2004 book explores the history, politics, and theory surrounding the rule of law ideal, beginning with classical Greek and Roman ideas, elaborating on medieval contributions to the rule of law, and articulating the role played by the rule of law in liberal theory and liberal political systems. The author outlines the concerns of Western conservatives about the decline of the rule of law and suggests reasons why the radical Left have promoted this decline. Two basic theoretical streams of the rule of law are then presented, with an examination of the strengths and weaknesses of each. The book examines the rule of law on a global level, and concludes by answering the question of whether the rule of law is a universal human good.

Why People Obey the Law - Tom R. Tyler 2021-06-08

People obey the law if they believe it's legitimate, not because they fear punishment--this is the startling conclusion of Tom Tyler's classic study. Tyler suggests that lawmakers and law enforcers would do much better to make legal systems worthy of respect than to try to instill fear of punishment. He finds that people obey law primarily because they believe in respecting legitimate authority. In his fascinating new afterword, Tyler brings his book up to date by reporting on new research into the relative importance of legal legitimacy and deterrence, and reflects on changes in his own thinking since his book was first published.

Handbook on the Rule of Law - Christopher May 2018-08-31

The discussion of the norm of the rule of law has broken out of the confines of jurisprudence and is of growing interest to many non-legal researchers. A range of issues are explored in this volume that will help non-specialists with an interest in the rule of law develop a nuanced understanding of its character and political implications. It is explicitly aimed at those who know the rule of law is important and while having little legal background, would like to know more about the norm.

The Basic Concepts of Legal Thought - George P. Fletcher 1996-09-12
This is a brief introduction to the major issues in legal philosophy, intended for use as a secondary text in law schools, and in graduate and undergraduate courses in philosophy of law, jurisprudence and legal issues.

The Rule of Law - Tom Bingham 2011-07-07

'The Rule of Law' is a phrase much used but little examined. The idea of the rule of law as the foundation of modern states and civilisations has recently become even more talismanic than that of democracy, but what does it actually consist of? In this brilliant short book, Britain's former senior law lord, and one of the world's most acute legal minds, examines what the idea actually means. He makes clear that the rule of law is not an arid legal doctrine but is the foundation of a fair and just society, is a guarantee of responsible government, is an important contribution to economic growth and offers the best means yet devised for securing peace and co-operation. He briefly examines the historical origins of the rule, and then advances eight conditions which capture its essence as understood in western democracies today. He also discusses the strains imposed on the rule of law by the threat and experience of international terrorism. The book will be influential in many different fields and should become a key text for anyone interested in politics, society and the state of our world.

A Republic Under Assault - Tom Fitton 2020-10-20

NEW YORK TIMES BESTSELLER In this explosive book, New York Times bestselling author and president of Judicial Watch Tom Fitton explains how the Radical Left and the Deep State destroyed the Trump presidency. With his trademark "readable, engaging, persuasive" (The Washington Times) writing, Tom Fitton identifies the major forces posing a continued threat to American democracy. Hillary Clinton Email Scandal: How the Clinton team and senior officials at the Obama State Department conspired to cover up Hillary Clinton's secret email system—and shocking revelations that tie the Obama White House to the cover-up! Voter Fraud: How Soros-funded groups attack states that seek to protect clean elections by challenging voter ID laws, and how the Left is cynically peddling COVID-19 crisis electoral "reforms," such as mail-in voting, which could increase voter fraud and election chaos. And shocking numbers about dirty voting rolls across the nation! Illegal Immigration: How deadly illegal "sanctuary" policies are exploding across America, and how our nation's sovereignty has been under assault by radical open-border advocates. Subversive Deep State collaborators with ties to the Clinton and Obama machines not only launched countless—often illegal—operations to stop and then remove Trump, but even more alarmingly, are working to transform the United States into something truly unrecognizable to all who believe in liberty and the rule of law. "This is must reading for every American who wants to save our nation" (Sean Hannity, #1 New York Times bestselling author).

Legal Positivism - Tom D. Campbell 2016-12-05

Despite persistent criticism from a variety of different perspectives including natural law, legal realism and socio-legal studies, legal positivism remains as an enduring theory of law. The essays contained in this volume represent the most balanced responses toward legal positivism and although largely sympathetic, the essays do not fail to criticize elements of the tradition wherever appropriate.

Reason in Law - Lief Carter 2017-10-05

Arguing that good legal reasoning remains the best device by which we can ensure that judicial impartiality, the rule of law, and social trust and peace are preserved, Thomas F. Burke and Lief H. Carter present an accessible and lively text that analyzes the politics of the judicial process. Looking at the larger social and institutional contexts that affect the rule of law - including religious beliefs and media coverage of the courts - Reason in Law uses cases ripped from the headlines to illustrate its theory in real-world practice.

Is Eating People Wrong? - Allan C. Hutchinson 2010-11-30

Great cases are those judicial decisions around which the common law develops. This book explores eight exemplary cases from the United Kingdom, the United States and Australia that show the law as a living, breathing and down-the-street experience. It explores the social circumstances in which the cases arose and the ordinary people whose stories influenced and shaped the law as well as the characters and institutions (lawyers, judges and courts) that did much of the heavy lifting. By examining the consequences and fallout of these decisions, the book depicts the common law as an experimental, dynamic, messy, productive, tantalizing and bottom-up process, thereby revealing the diverse and uncoordinated attempts by the courts to adapt the law to changing conditions and shifting demands. Great cases are one way to

glimpse the workings of the common law as an untidy but stimulating exercise in human judgment and social accomplishment.

Retrospectivity and the Rule of Law - Charles J. G. Sampford 2006

However controversial, retrospective rule-making is not at all uncommon, and has been used by governments of all political persuasions for a number of applications. This text looks at the various ways in which laws may be seen as retrospective, as well as analysing the problems in defining retrospectivity.

The Rise of Illiberalism - Thomas J. Main 2022-01-04

How a more positive form of identity politics can restore public trust in government Illiberalism, Thomas Main writes, is the basic repudiation of liberal democracy, the very foundation on which the United States rests. It says no to electoral democracy, human rights, the rule of law, toleration. It is a political ideology that finds expression in such older right-wing extremist groups as the Ku Klux Klan and white supremacists and more recently among the Alt-Right and the Dark Enlightenment. There are also left-of-center illiberal movements, including various forms of communism, anarchism, and some antifascist movements. The Rise of Illiberalism explores the philosophical underpinnings of this toxic political ideology and documents how it has infiltrated the mainstream of political discourse in the United States. By the early twenty-first century, Main writes, liberal democracy's failure to deal adequately with social problems created a space illiberal movements could exploit to promote their particular brands of identity politics as an alternative. A critical need thus is for what the author calls "positive identity politics," or a widely shared sense of community that gives a feeling of equal importance to all sectors of society. Achieving this goal will, however, be an enormous challenge. In seeking actionable remedies for the broken political system of the United States, this book makes a major scholarly contribution to current debates about the future of liberal democracy.

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.

Access to Justice - Ellie Palmer 2016-01-28

Building on a series of ESRC funded seminars, this edited collection of expert papers by academics and practitioners is concerned with access to civil and administrative justice in constitutional democracies, where, for the past decade governments have reassessed their priorities for funding legal services: embracing 'new technologies' that reconfigure the delivery and very concept of legal services; cutting legal aid budgets; and introducing putative cost-cutting measures for the administration of courts, tribunals and established systems for the delivery of legal advice and assistance. Without underplaying the future potential of technological innovation, or the need for a fair and rational system for the prioritisation and funding of legal services, the book questions whether the absolutist approach to the dictates of austerity and the promise of new technologies that have driven the Coalition Government's policy, can be squared with obligations to protect the fundamental right of access to justice, in the unwritten constitution of the United Kingdom.

Atomic Habits - James Clear 2018-10-16

The #1 New York Times bestseller. Over 4 million copies sold! Tiny Changes, Remarkable Results No matter your goals, Atomic Habits offers a proven framework for improving--every day. James Clear, one of the world's leading experts on habit formation, reveals practical strategies that will teach you exactly how to form good habits, break bad ones, and master the tiny behaviors that lead to remarkable results. If you're having trouble changing your habits, the problem isn't you. The problem is your system. Bad habits repeat themselves again and again not because you don't want to change, but because you have the wrong system for change. You do not rise to the level of your goals. You fall to the level of your systems. Here, you'll get a proven system that can take you to new heights. Clear is known for his ability to distill complex topics into simple behaviors that can be easily applied to daily life and work. Here, he draws on the most proven ideas from biology, psychology, and neuroscience to create an easy-to-understand guide for making good habits inevitable and bad habits impossible. Along the way, readers will be inspired and entertained with true stories from Olympic gold medalists, award-winning artists, business leaders, life-saving physicians, and star comedians who have used the science of small habits to master their craft and vault to the top of their field. Learn how to: make time for new habits (even when life gets crazy); overcome a lack of motivation and willpower; design your environment to make success easier; get back on track when you fall off course; ...and much more. Atomic Habits will reshape the way you think about progress and success, and give you the tools and strategies you need to transform your habits--whether you

are a team looking to win a championship, an organization hoping to redefine an industry, or simply an individual who wishes to quit smoking, lose weight, reduce stress, or achieve any other goal.

Tying the Autocrat's Hands - Yuhua Wang 2015

Tying the Autocrat's Hands provides a comprehensive, empirical evaluation of legal reforms in contemporary China. Based on the author's extensive fieldwork and analyses of original data, the book tells a story in which foreign investors with weak political connections push for judicial empowerment in China, while Chinese investors struggle to hold on to their privileges.

The Law in Shambles - Thomas Geoghegan 2005

It's an enduring axiom: before there is democracy, there is rule of law. Thomas Geoghegan argues here in his lively pamphlet that as the pillars of the American legal system are crumbling, so too is the American democracy. Geoghegan convincingly explains how the 2000 presidential election was only the first sign that justice is now driven by party politics. He notes how even lawyers are becoming disillusioned with the law, as federal cases are increasingly determined by whether they are heard by a Bush-appointed judge or a Clinton-appointed judge.

Geoghegan ultimately contends that the sense of disorder in our legal system has never been greater, and we may no longer have the basic civic trust necessary to preserve the rule of law.

The Rule of Law - Thomas Henry Bingham 2010

'The Rule of Law' is a phrase much used but little examined. The idea of the rule of law as the foundation of modern states and civilisations has recently become even more talismanic than that of democracy, but what does it actually consist of? In this brilliant short book, Britain's former senior law lord, and one of the world's most acute legal minds, examines what the idea actually means. He makes clear that the rule of law is not an arid legal doctrine but is the foundation of a fair and just society, is a guarantee of responsible government, is an important contribution to economic growth and offers the best means yet devised for securing peace and co-operation. He briefly examines the historical origins of the rule, and then advances eight conditions which capture its essence as understood in western democracies today. He also discusses the strains imposed on the rule of law by the threat and experience of international terrorism. The book will be influential in many different fields and should become a key text for anyone interested in politics, society and the state of our world.