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"The underlying theme of this book is that the principles of law laid down by the Judges in the 19th century--however suited to social conditions of the time--are not suited to the social necessities and social opinion of the 20th century. They should be moulded and shaped to meet the needs and opinions of today. The Discipline of Law is a fascinating account of Lord Denning's personal contribution to the changing face of the law in this century." -- from publ. descr.

Common-law judgments tend to be more than merely judgments, for judges often make pronouncements that they need not have made had they kept strictly to the task in hand. Why do they do this? The Intricacies of Dicta and Dissent examines two such types of pronouncement, obiter dicta and dissenting opinions, primarily as aspects of English case law. Neil Duxbury shows that both of these phenomena have complex histories, have been put to a variety of uses, and are not amenable to being straightforwardly categorized as secondary sources of law. This innovative and unusual study casts new light on – and will prompt

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lawyers to pose fresh questions about – the common law tradition and the nature of judicial decision-making.

This volume offers an in depth analysis of current issues of culture of judicial independence in comparative perspective by senior academics, judges and practitioners across jurisdictions. It deals with central topics that stand high in the academic and public discourse on the role of judges in society and in the system of government, their constitutional position, and the relations between top domestic courts and international and supra-national courts.

This book considers the phenomenon of soft law employed by domestic public authorities. Lawyers have long understood that public authorities are able to issue certain communications in a way that causes them to be treated like law, even though these are neither legislation nor subordinate legislation. Importantly for soft law as a regulatory tool, people tend to treat soft law as binding even though public authorities know that it is not. It follows that soft law's 'binding' effects do not apply equally between the public authority and those to whom it is directed. Consequently, soft law is both highly effective as a means of regulation, and inherently risky for those who are regulated by it. Rather than considering soft law as a form of regulation, this book examines the possible remedies when a public authority breaches its own soft law upon which people have relied,

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thereby suffering loss. It considers judicial review remedies, modes of compensation which are not based upon a finding of invalidity, namely tort and equity, and 'soft' challenges outside the scope of the courts, such as through the Ombudsman or by seeking an ex gratia payment.

Written in Lord Denning's familiar vivid, staccato style, *Landmarks in the Law* discusses cases and characters whose names will be known to all readers, grouped together under headings such as High Treason, Freedom of the Press, and Murder. Thus, for example, the chapter on High Treason tells the stories of Sir Walter Raleigh, Sir Roger Casement, and William Joyce - three very different cases, the first occurring nearly 350 years before the last, but each one raising constitutional issues of the greatest importance.

Cavendish LawCards are complete, pocket-sized guides to key examinable areas of the law for both undergraduate and PGDL courses. Their concise text, user-friendly layout and compact format make Cavendish LawCards the ideal revision aid for identifying, understanding, and committing to memory the salient points of each area of law.

Some law students find jurisprudence daunting, impersonal, dry and seemingly detached from practical affairs. William Twining believes that many jurists have been fascinating people struggling with questions that are both historically significant and

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relevant to contemporary issues. This book brings together previously published essays that centre on three related themes: reading Juristic texts, the role of narrative in law, and relations between theory and practice. Building on a pragmatic view of jurisprudence, the author explores different ways of reading and using Juristic texts, to set them in context, to bring them to life and to engage with the reader's own concerns. He applies this approach to throw fresh light on four familiar figures - Holmes, Bentham, Hart and Llewellyn. Challenging limited agendas and parochial points of view, Twining outlines a programme for a broad approach to legal theory in the context of globalization. He satirizes some bad habits in jurisprudence and explores in depth how stories can be seductive vehicles for cheating in legal contexts, yet are essential for making sense of disputes about fact or law.

This book identifies, analyses and celebrates the significant and influential dissenting judicial opinions in Australian legal history.

Over the years of the developing judicial review of ministerial and governmental decisions, Louis Blom-Cooper was a leading advocate who grew up with the advent of a distinctive brand of public law. His range of public activities, both in and outwith the courtroom, saw him dubbed by his colleagues as a polymath practitioner. It included chairmanship of plural public inquiries in child abuse and mental health, media contributions in the broadsheet press and in broadcasting, and innovation in penal reform, as an ardent campaigner for the abolition of capital punishment and a plea for a

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modern Homicide Act. He styled himself as a modern, reconstructed liberal – a man before his time. This collection of essays is uniquely prefaced by a self-examination of his unorthodox philosophy towards the law in action. It covers a variety of socio-legal topics that expresses his ambition to inform a poorly-educated public on the workings of the legal system. This aim involves a discussion of the constitutional history of Britain, unwritten and insufficiently interpreted; it reflects a commitment to the European Convention on Human Rights and portrays its international origins. The collection opines on crime and punishment; in the functioning of the courts and elsewhere the political shift from the penal optimism of the 1970s to the reactionary punitiveness of the post-1990s. The essays conclude with a miscellany of affairs, reflecting on professional practices and their product of judicial heroes in Lord Reid and Lord Bingham.

The Politics of the Common Law offers a critical introduction to the legal system of England and Wales. Unlike other conventional accounts, this revised and updated second edition presents a coherent argument, organised around the central claim that contemporary postcolonial common law must be understood as an articulation of human rights and open justice. The book examines the impact of the European Convention and European Union law on the structures and ideologies of the common law and engages with the politics of the rule of law. These themes are read into normative accounts of civil and criminal procedure that stress the importance of due process. The final sections of the book address the reality of civil and criminal

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procedure in the light of recent civil unrest in the UK and the growing privatisation of public services. The book questions whether it is possible to find a balance between the requirements of economics and the demands of justice.

Two central themes run through this book. The first is the workings of the various 'measures authorised by the law so as to keep the streams of justice pure', and the second is the recent development of family law, focusing particularly on Lord Denning's contribution to the law of husband and wife.

Lord Denning retired in 1982 aged 83. Lord Hailsham said of him that it was given to few to be a legend in their own lifetime. He said that Denning's strength lay in his rugged independence and unwillingness to tolerate injustice.

Any effort to understand how law works has to take seriously its main players – judges. Like any performance, judging should be evaluated by reference to those who are its best exponents. Not surprisingly, the debate about what makes a 'great judge' is as heated and inconclusive as the debate about the purpose and nature of law itself. History shows that those who are candidates for a judicial hall of fame are game changers who oblige us to rethink what it is to be a good judge. So the best of judges must tread a thin line between modesty and hubris; they must be neither mere umpires nor demigods. The eight judges showcased in this book demonstrate that, if the test of good judging is not about getting it right, but

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doing it well, then the measure of great judging is about setting new standards for what counts as judging well.

When Lord Denning died in 1999, the leader writer of the Daily Telegraph wrote of 'a deep and almost tangible 'Englishness' which 'shone through many of Lord Denning's celebrated judgments. He was patriotic, sceptical and humane; intelligent without being intellectual'. Since 1999, the nature of English identity has become the subject of debate and contention, not only within the academy, but also in politics and the media. In some respects, it could be argued that the debate about English identity is one of the most important in contemporary Britain. The Last of England considers the role of Englishness in the jurisprudence of Lord Denning, setting his conception of the role of the judiciary in the constitution, his views about the nature of history, the land and war, his understanding of equity, in particular the way in which he developed the doctrine of estoppel, his attitudes towards immigration and race and his approach to the law of the European Community in the context of the developing debate about the nature of English identity.

Two central themes run through *The Due Process of Law*. The first is the workings of the various "measures authorised by the law so as to keep the streams of justice pure" - that is to say, contempt of court, judicial inquiries, and

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powers of arrest and search. The second is the recent development of family law, focusing particularly on Lord Denning's contribution to the law of husband and wife. These broad themes are elaborated through a discussion of Lord Denning's own judgments and opinions on a wide range of topics.

According to the Law Journal in 1932, 'No present-day figure on the Bench is of greater interest than Mr Justice McCardie'. A High Court Judge from 1916 to 1933, no twentieth-century judge was more conspicuous or controversial. To his critics, he was a 'rogue judge' whose headline-hitting pronouncements often angered his fellow judges, called down the ire of the Churches, provoked calls in Parliament for his removal and earned a public rebuke from the Prime Minister. To his admirers, he was 'a Crusader on the Bench', a pioneer who denounced outdated laws, strove to make the law meet the needs of modern society and boldly championed women's causes, birth control and abortion. The Law Quarterly Review described him as 'one of the most interesting men in the history of the English Bench.'

The Jurisprudence of Lord Denning: A Study in Legal History consists of three volumes: Fiat Justitia: Lord Denning and the Common Law; The Last of England: Lord Denning's Englishry and the Law and Freedom under the Law: Lord Denning as Master of the Rolls, 1962–1982. Each volume considers a different

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aspect of Lord Denning's jurisprudence. *Fiat Justitia* is concerned with Lord Denning's place in the common law tradition, as defined by Fortescue, Coke and Blackstone. Particular attention is paid to Lord Denning's approach to the role of the Judge and the use of judicial discretion in relation to precedent, statutory interpretation, individual rights and control of the abuse of power. *The Last of England* looks at the role of Englishness in the jurisprudence of Lord Denning, setting his approach to equity, in particular the way in which he developed the doctrine of estoppel, immigration and race and the law of the European Community in the context of the developing debate about the nature of English identity. *Freedom under the Law* sets the jurisprudence of Lord Denning in the context of the history of the 1960s and 1970s; examining his writings about the law, role in the Profumo affair and treatment of themes such as religion, literature, education, the currency, the Empire, the Union, national security, social change, industrial conflict and the role of the City of London. The trilogy provides a comprehensive analysis of the work of one of the most important judges of the twentieth century set in its historical, political and philosophical context. In the course of preparing this work, each of the 1072 judgments of Lord Denning, as reported in the All England Law Reports for the years 1962 to 1982, was considered, together with all the books about the law which he published while

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sitting as a judge.

When Lord Denning died in 1999, the leader writer of the Daily Telegraph wrote of 'a deep and almost tangible 'Englishness' which 'shone through many of Lord Denning's celebrated judgments. He was patriotic, sceptical and humane; intelligent without being intellectual'. Since 1999, the nature of English identity has become the subject of debate and contention, not only within the academy, but also in politics and the media. In some respects, it could be argued that the debate about English identity is one of the most important in contemporary Britain. The Last of England considers the role of Englishness in the jurisprudence of Lord Denning, setting his conception of the role of the judiciary in the constitution, his views about the nature of history, the land and war, his understanding of equity, in particular the way in which he developed the doctrine of estoppel, his attitudes towards immigration and race and his approach to the law of the European Community in the context of the developing debate about the nature of English identity.

Lord Sumption has been one of the most influential judges of his generation. This book critically reflects on the important and controversial issues raised by his jurisprudence. Using Lord Sumption's judgments and extra-judicial lectures as a starting point, the book contains a selection of essays that consider 'where next' in relation to topics such as: - contract variation,

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damages and penalties; - economic loss and personal injury in tort law; - knowing receipt and proprietary restitution; - illegality in private law; - agency and attribution; - piercing the corporate veil; - foreign law in the English courts. The book covers a broad range of areas in private law including contract, tort, unjust enrichment, equity, company and commercial law, as well as private international law and civil procedure.

The Great Christian Jurists series comprises a library of national volumes of detailed biographies of leading jurists, judges and practitioners, assessing the impact of their Christian faith on the professional output of the individuals studied. Little has previously been written about the faith of the great judges who framed and developed the English common law over centuries, but this unique volume explores how their beliefs were reflected in their judicial functions. This comparative study, embracing ten centuries of English law, draws some remarkable conclusions as to how Christianity shaped the views of lawyers and judges. Adopting a long historical perspective, this volume also explores the lives of judges whose practice in or conception of law helped to shape the Church, its law or the articulation of its doctrine.

"The book is not intended to be an exposition of legal propositions. It is only an attempt to draw a picture of the changes that are taking place. The reason for the title "The Changing Law" is because so many people think that the law is certain and that it can only be changed by Parliament. The truth is that the law is often uncertain and it is continually being changed, or perhaps I should say developed, by the judges. In theory the judges do not make law. They only expound it. But as no one knows what the law is until the judges expound it, it follows that they make it. The process of gradual change has been the very life of the common law. The

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legal profession has usually found itself divided into two camps, those who want to make a change and those who prefer things to stay as they are; and between the two, we have somehow usually found the happy mean. ... If the common law is to retain its place as the greatest system of law that the world has ever seen, it cannot stand still whilst everything else moves on. It must develop too. It must adapt itself to the new conditions. In these lectures, I have shown how this is being done." -- from the Preface, p. vii-viii.

Lord Denning draws from a wide range of sources to support his arguments and incorporates coverage of many different cases, including that of the Russell baby, the Granada 'mole' and the case of Harriet Harman, all of which are selected on the grounds that 'the experience of the past points the way to the future'. The book also discusses the proposals for law reform which have come from numerous Royal Commissions, Departmental Committees and Blue Books and which were all rejected by successive governments at the time of publication.

Cricket and the Law charts the inter-relationship between cricket - the law of the game, and legal theory - the law of our lives. Fraser draws connections and commonalities between these two seemingly disparate, complex sets of conventions. This study will be enjoyed by lawyers and students of law, sport, sociology and cultural studies, as well as cricket lovers everywhere.

First published in 1999. Routledge is an imprint of Taylor & Francis, an informa company.

Writing about Lord Denning in the Oxford Dictionary of National Biography, Lord Goff wrote that 'Denning was a great master of the common law....he was one of the greatest and most influential judges ever to sit on the English bench....few would dispute that Denning was the greatest English judge of the twentieth century'. Lord Goff

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added that Lord Denning 'taught the English judiciary that the common law cannot stand still [but] must be capable of development on a case by case basis; to ensure that the principles of the common law are apt to do practical justice in a living society'. *Fiat Justitia* is concerned with Lord Denning's place in the common law tradition, as defined by Fortescue, Coke and Blackstone. Lord Denning's approach to the role of the Judge, and the use of judicial discretion, set in the context of the common law tradition, and the assessments of his contemporaries, is evaluated with particular attention being paid to his understanding of precedent, statutory interpretation, individual rights and control of the abuse of power. Lord Denning's jurisprudence, as an expression of the common law tradition, is also considered in relation to current developments in the law.

Commonwealth Caribbean Business Law breaks away from the traditional English approach of treating business law primarily as the law of contract and agency. It provides a broad overview of the foundation of various legal systems and goes on to examine the various areas of legal liability that may impact on business activities. Writing about Lord Denning in the *Oxford Dictionary of National Biography*, Lord Goff wrote that 'Denning was a great master of the common law...he was one of the greatest and most influential judges ever to sit on the English bench...few would dispute that Denning was the greatest English judge of the twentieth century'. Lord Goff added that Lord Denning 'taught the English judiciary that the common law cannot stand still [but] must be capable of development on a case by case basis; to ensure that the

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