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Restorative Justice Today **Sociological Approaches to Theories of Law** **Introduction to Law and Global Governance** *The Responsive Judge* *Positive Criminology* **New Waves in Philosophy of Law** The Philosophy of Customary Law *The Eminent Domain Revolt* **Gene Cartels** **Advanced Introduction to Legal Research Methods** **The EU Migrant Generation in Asia** **Islamic Traditions of Refuge in the Crises of Iraq and Syria** **Natural Law Jurisprudence in U.S. Supreme Court Cases since Roe v. Wade** **Digital Forensics and Cyber Crime Law and Economics in Jane Austen** **International Commercial Tax** *American Political Thought* **The Routledge Companion to Rehabilitative Work in Criminal Justice** **International Economic Dispute Settlement** **The Judicial Process** **Normentheorie und Strafrecht** Access to Justice and Legal Aid International Economic Law Corporate Governance and Investment Management *Arsyad al-Banjari's Insights on Parallel Reasoning and Dialectic in Law* **Transfer Pricing in a Post-BEPS World** **The Routledge Companion to Philosophy of Law** **The Age of Surveillance Capitalism** **Transition and Coherence in Intellectual Property Law** **Law in Society: Reflections on Children, Family, Culture and Philosophy** **Customs Unions in the WTO** **Teaching Migration and Asylum Law** *Justice, Conflict and Wellbeing* Эпоха надзорного капитализма. Битва за

человеческое будущее на новых рубежах власти *Challenges to Religious Liberty in the Twenty-First Century* Legal Theory and the Legal Academy *Flags, Color, and the Legal Narrative* Gender and Diversity: Concepts, Methodologies, Tools, and Applications **The Decision-Making Process of Investor-State Arbitration Tribunals** **Reconstructing Judicial Review**

Teaching Migration and Asylum Law May 01 2020 This highly topical book demonstrates the theoretical and practical importance of the study of migration law. It outlines approaches that may be taken in the design, delivery and monitoring of this study in law schools and universities to ensure an optimum level of learning. Drawing on examples of best practice from around the world, this book uses a theoretical framework and examples from real clients to simulations to help promote the learning and teaching of the law affecting migrants. It showcases contributions from over 30 academics and practitioners experienced in asylum and immigration law and helps to unpick how to teach the complex international laws and procedures relating to migration between different countries and regions. The various sections of the book explore educational best practice, what content can be covered, models for teaching and learning, strategies to deal with challenges and ways forward. The book will appeal to scholars, researchers and practitioners of migration and asylum law, those teaching migration law electives and involved in curriculum design, as well as students of international, common and civil law.

Islamic Traditions of Refuge in the Crises of Iraq and Syria Jan 21 2022 This book considers positions refugees take relative to the state, humanitarian actors and faith-based organisations in the humanitarian field. Attention is drawn to refugee agency as they negotiate circumstances of considerable constraint demonstrating relational dimensions of religious practice and experience.

Digital Forensics and Cyber Crime Nov 18 2021 This book contains a selection of thoroughly refereed and revised papers from the Fourth International ICST Conference on Digital Forensics and Cyber Crime, ICDF2C 2012, held in October 2012 in Lafayette, Indiana, USA. The 20 papers in this volume are grouped in the following topical sections: cloud investigation; malware; behavioral; law; mobile device forensics; and cybercrime investigations.

The Decision-Making Process of Investor-State Arbitration Tribunals Sep 24 2019 In the course of a single investor-state dispute, an arbitrator may make numerous decisions, from interpreting the treaty or national laws to taking into account case law, customs and policies. In practice, this process raises important issues regarding the consistency of decisions and the predictability and legitimacy of the decision-making process in general. Investment arbitration tribunals have developed a specialised process of legal decision making adapted to the interpretational needs that arise in the context of an investor-state dispute and to the transnational characteristics of the investment arbitration framework. This is the first book to offer an in-depth analysis of the transnational characteristics of investment arbitration and to analyse the interpretive arguments of investment tribunals and the way they use treaties, precedent, policies, general principles of law and customary law in their decision-making process. Drawing on publicly available arbitral case law supplemented with personal interviews with investment arbitrators, the author touches on such concepts and practices as the following: - an overview of various decision-making genres of arbitral tribunals: attitudinal, economic, strategic and legal; - the legal argumentation triptych of language-rhetoric-dialogue; - the specific language arbitrators have developed when interpreting the law; - how arbitrators use the concepts 'standards', 'rules', 'principles' and 'rights'; - the importance of the legal reasoning of arbitral awards and the role of rhetoric therein; - concepts

of 'acceptability', 'audience' and 'legitimacy'; - limitations of the public international law interpretive methodology enshrined in the Vienna Convention; - interpretation of precedents, customary law, general principles of law and policies; - the way national and international legal orders interact in the context of interpretation; and - how decision-making is connected to the issues of predictability, consistency and the rule of law. The core of the book proposes a novel, full-edged dialogical network theory for analysing the interpretation process. As an exemplary demonstration of developing theory to keep up with practice, this unique book provides a deeply engaged means for enhancing the practice of international arbitration. Its introduction of a new field of interdisciplinary analysis employing legal argumentation theories is sure to provide inestimable guidance for institutions and policymakers, especially in light of recent proposals for the creation of a permanent investment arbitration court. Given that unveiling the legal decision-making process is critical for the well-being of the whole dispute resolution procedure, and that being aware of how arbitrators interpret the law can constitute a roadmap for counsel's arguments and approaches when dealing with cross-border disputes, the topic of this book is relevant for both academics and practitioners, and its significance can only grow as recourse to investor-state arbitration continues to expand.

Legal Theory and the Legal Academy Dec 28 2019 The third in a series of three volumes on Contemporary Legal Theory, this volume deals with four topics: 1) the role of legal theory in the legal curriculum; 2) the teaching of legal theory; 3) the relationship of legal theory to legal scholarship; and 4) the relationship of legal theory to comparative law. The focus of the first two topics is on the common law world, where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since John Austin's 1828 lecture, 'The Uses and the Study of Jurisprudence.' These first two parts offer a selection of the most important papers,

including surveys, as well as pedagogical viewpoints and particular course descriptions from analytical, critical, feminist, law-and-literature and global perspectives. The last three decades have seen just as many changes for legal scholarship and comparative law. These changes (such as the rise of empirical legal scholarship) have often attracted the attention of legal theorists. Within comparative law, the last thirty years have witnessed intense methodological reflection within the discipline; the results of these reflections are themselves properly recognised as legal theoretical contributions. The volume collects the key papers, including those by Neil MacCormick, Mark Van Hoecke, Andrew Halpin, William Ewald and Geoffrey Samuel.

Challenges to Religious Liberty in the Twenty-First Century Jan 27 2020 Almost everyone today affirms the importance and merit of religious liberty. But religious liberty is being challenged by new questions (for example, use of the niqab or church adoption services for same-sex couples) and new forces (such as globalization and Islamism). Combined, these make the meaning of religious liberty in the twenty-first century uncertain. This collection of essays by ten of the world's leading scholars on religious liberty takes aim at these issues. The book is arranged around five specific challenges to religious liberty today: the state's responsibility to prevent coercion and intimidation of believers by others within the same faith community; the US's basic moral responsibilities to promote religious liberty abroad; how to understand and apply the traditional right of conscientious objection in today's circumstances; the distinctive problems presented by globalization; and the viability today of an 'originalist' interpretation of the First Amendment religion clauses.

The Eminent Domain Revolt May 25 2022 Twist the Constitution and you can un-do decades of work sustaining the right to housing. What is the "public interest"? A legal expert analyzes recent legislative proposals and presents a new argument for housing rights.

International Economic Law Feb 07 2021 This book assesses the past 20 years of development of international economic law in time for the WTO's 20th Anniversary, and forecasts the future of international economic law. This edited volume brings together experts in the Asia-Pacific region, from a range of backgrounds, to provide perspectives on many issues that arise from the international economic law experience, focusing on its legal significance and likely impact on multilateralism. The past two decades have seen a significant proliferation of regional trade agreements and a lack of multilateral governance of finance around the world. How to respond to these challenges and how to reform the WTO jurisprudence and process to co-ordinate global and regional mechanisms have become compelling questions for large-scale discussions and systemic analysis. This book provides vital insights into just how to improve multilateral trading governance and to recalibrate international economic law in the twenty-first century.

The Age of Surveillance Capitalism Sep 04 2020 THE TOP 10 SUNDAY TIMES BESTSELLER Shortlisted for the FT Business Book of the Year Award 2019 'Easily the most important book to be published this century. I find it hard to take any young activist seriously who hasn't at least familiarised themselves with Zuboff's central ideas.' - Zadie Smith, The Guardian The challenges to humanity posed by the digital future, the first detailed examination of the unprecedented form of power called "surveillance capitalism," and the quest by powerful corporations to predict and control us. The heady optimism of the Internet's early days is gone. Technologies that were meant to liberate us have deepened inequality and stoked divisions. Tech companies gather our information online and sell it to the highest bidder, whether government or retailer. Profits now depend not only on predicting our behaviour but modifying it too. How will this fusion of capitalism and the digital shape our values and define our future? Shoshana Zuboff shows that we are at a crossroads. We still

have the power to decide what kind of world we want to live in, and what we decide now will shape the rest of the century. Our choices: allow technology to enrich the few and impoverish the many, or harness it and distribute its benefits. *The Age of Surveillance Capitalism* is a deeply-reasoned examination of the threat of unprecedented power free from democratic oversight. As it explores this new capitalism's impact on society, politics, business, and technology, it exposes the struggles that will decide both the next chapter of capitalism and the meaning of information civilization. Most critically, it shows how we can protect ourselves and our communities and ensure we are the masters of the digital rather than its slaves.

Natural Law Jurisprudence in U.S. Supreme Court Cases since *Roe v. Wade* Dec 20 2021

Since America's founding, natural law principles play a critical role in the development of rights and human dignity. Commencing with the notion that rights are derived from a higher, metaphysical power over mere promulgation and human legislation, the natural law advocate sees law and human rights in the context of a more perpetual and perennial philosophy. Coupled with this is the view that the natural law provides a series of undeniable precepts for human operations or a natural prescription for human life based on the natural order. Hence early court cases tend to emphasize the "natural" versus the unnatural and just as compellingly argue that the natural order, aligned with the eternal law, delivers a measure for human action. Earlier US Supreme Court cases often use this sort of language in granting or denying rights in certain human activity. As a result, a survey of some of the most significant landmark cases from the Supreme Court are assessed in "Natural Law and the US Supreme Court since *Roe v. Wade*" and by implication, those cases which seem to disregard these fundamental principles, such as the slavery decisions, are highlighted.

Positive Criminology Aug 28 2022 How can we best help offenders desist from crime, as well as help

victims heal? This book engages with this question by offering its readers a comprehensive review of positive criminology in theory, research and practice. Positive criminology is a concept - a perspective - that places emphasis on forces of integration and social inclusion that are experienced positively by target individual and groups, and may contribute to a reduction in negative emotions, desistance from crime and overcoming the traumatic experience of victimization. In essence, positive criminology holds a more holistic view, which acknowledges that thriving and disengagement from distress, addiction, mental illness, crime, deviance or victimization might be fostered more effectively by enhancing positive emotions and experiences, rather than focusing on reducing negative attributes. Each chapter in this book is written by key scholars in the related fields of criminology, victimology and addiction and, thus, assembles varied and extensive approaches to rehabilitation and treatment. These approaches share in common a positive criminology view, thereby enriching our understanding of the concept and other strength-based approaches to dealing with offenders and victims. This edited book elaborates on positive criminology core ideas and assumptions; discusses related theories and innovations; and presents various benefits that this perspective can promote in the field of rehabilitation. For this reason, this book will be essential reading for those engaged in the study of criminology, criminal justice and victimology and may also assist scholars and professionals to help offenders desist from crime and improve victims' well-being.

International Economic Dispute Settlement Jun 13 2021 The post-Cold War era has seen an unprecedented move towards more legalization in international cooperation and a growth of third-party dispute settlement systems. WTO panels, the Appellate Body and investor-state dispute settlement cases have received increasing attention beyond the core trade and investment

constituencies within governments. Scrutiny by business, civil society, academia, and trade and investment experts has been on the rise. This book asks whether we observe a transformation or a demise of existing institutions and mechanisms to adjudicate disputes over trade or investment. It makes a contribution to the question in which direction international economic dispute settlement is heading in times of change, uncertainty and increasing economic nationalism. In order to do so, it brings together chapters written by leading researchers and experts in law and political science to address the challenges of settling disputes in the global economy and to sketch possible scenarios ahead of us.

Sociological Approaches to Theories of Law Nov 30 2022 Sociological Approaches to Theories of Law applies empirical insights to examine theories of law proffered by analytical jurists. The topics covered include artifact legal theory, law as a social construction, idealized accounts of the function of law, the dis-embeddedness of legal systems, the purported guidance function of law, the false social efficacy thesis, missteps in the quest to answer 'What is law?', and the relationship between empiricism and analytical jurisprudence. The analysis shows that on a number of central issues analytical jurists assert positions inconsistent with the social reality of law. Woven throughout the text, the author presents a theoretically and empirically informed account of law as a social institution. The overarching theme is that philosophical claims about the nature of law can be tested and improved through greater empirical input.

Restorative Justice Today Jan 01 2023 Restorative Justice Today: Applications of Restorative Interventions takes a hard look at the issues and concepts surrounding restorative justice and current restorative practices used in a broad range of areas today. In a time when the cost of prisons and jails is on the rise resulting in more offenders being kept out of the community, this timely and

contemporary book exposes readers to a range of restorative practices that can be implemented. The authors, renowned experts in the area of restorative justice, provide information not found in other restorative justice texts.

Corporate Governance and Investment Management Jan 09 2021 Shareholder engagement with publicly listed companies is often seen as a key means to monitor corporate malpractices. In this book, the authors examine the corporate governance roles of key institutional investors in UK corporate equity, including pension funds, insurance companies, collective investment funds, hedge and private equity funds and sovereign wealth funds. They argue that institutions' corporate governance roles are an instrument ultimately shaped by private interests and market forces, as well as law and regulatory obligations, and that policy-makers should not readily make assumptions regarding their effectiveness, or their alignment with public interest or social good.

Justice, Conflict and Wellbeing Mar 30 2020 Justice, conflict and wellbeing are large topics that occupy researchers from a variety of disciplines, as well as laypeople and policy makers. The three concepts are closely connected: conflict often (though not always) impairs wellbeing, whereas justice often (though not always) enhances it; perceived injustice is a common source of conflict, at multiple levels and calls for justice are a common response to conflict. In addition, each construct has subtypes, such as distributive and procedural justice, individual and group conflict and physical and psychological wellbeing. Although there are established traditions of research on the topics in multiple disciplines, there is little cross-fertilization across disciplines. This volume brings together researchers from social, clinical and educational psychology; law and political science. The unifying theme is how injustice and conflict pose threats to wellbeing, at the micro (individual) and macro (groups and societies) levels. Multi- and interdisciplinary research are at the vanguard of science in

the twenty-first century and the present work applies multi and interdisciplinary perspectives to the important real-world topics of justice, conflict and wellbeing.

Flags, Color, and the Legal Narrative Nov 26 2019 On behalf of Professor Hugh Brady, Director and Senior Fellow, The Flag Research Center at the University of Texas School of Law, "Flags, Color, and the Legal Narrative: Public Memory, Identity, and Critique (Springer 2021) has been selected as the recipient of our Gherardi Davis Prize is presented for a significant contribution to vexillological research for the year 2021. This work was selected because of its breadth and depth in examining flags as meaningful transmitters of significant symbolic information concerning the origins, culture, self-image, and values of a society. We believe it represents a signal achievement in the study of flags that sets a new standard for research in the field." The Flag Research Center, founded in 1962, is dedicated to furthering knowledge and advancing understanding of the human need to create and use symbols to express political, cultural, and social ideals through flags and flag-related material culture. The book deals with the identification of "identity" based on culturally specific color codes and images that conceal assumptions about members of a people comprising a nation, or a people within a nation. Flags narrate constructions of belonging that become tethered to negotiations for power and resistance over time and throughout a people's history. Bennet (2005) defines identity as "the imagined sameness of a person or social group at all times and in all circumstances". While such likeness may be imagined or even perpetuated, the idea of sameness may be socially, politically, culturally, and historically contested to reveal competing pasts and presents. Visually evocative and ideologically representative, flags are recognized symbols fusing color with meaning that prescribe a story of unity. Yet, through semiotic confrontation, there may be different paths leading to different truths and applications of significance. Knowing this and their function, the book

investigates these transmitted values over time and space. Indeed, flags may have evolved in key historical periods, but contemporaneously transpire in a variety of ways. The book investigates these transmitted values: Which values are being transmitted? Have their colors evolved through space and time? Is there a shift in cultural and/or collective meaning from one space to another? What are their sources? What is the relationship between law and flags in their visual representations? What is the shared collective and/or cultural memory beyond this visual representation? Considering the complexity and diversity in the building of a common memory with flags, the book interrogates the complex color-coded sign system of particular flags and their meanings attentive to a complex configuration of historical, social and cultural conditions that shift over time. Advance Praise for *Flags, Color, and the Legal Narrative* "In an epoch of fragmentation, isolation and resurgent nationalism, the flag is waved but often forgotten. The flag, its colors, narratives, shape and denotations go without saying. The red flag over China, the Star-Spangled Banner, the Tricolore are instantly recognisable and over determined, representing a people, a nation, a culture, languages, legacies, leaders. In this fabulous volume flags are revealed as concentrated, complex, chromatic assemblages of people, place and power in and through time. It is in bringing a multifocal awareness of the modes and meanings of flag and color in public representations that is particular strength. Editors Anne Wagner and Sarah Marusek have gathered critical thinkers from the North and South, East and West, to help know the essential and central - yet often forgotten and not seen - work of flags and color in narratives of nation, conflict, struggle and law. A kaleidoscopic contribution to the burgeoning field of visual jurisprudence, this volume is essential to comprehending the ocular machinery through which power makes, and is seen to make, the world." Kieran Tranter, Chair of Law, Technology and Future, Faculty of Law, Queensland University of Technology, Australia "This

comprehensive volume of essays could not be arriving at a more opportune time. The combined forces of climate change, inequality, and pandemic are causing instability and painful recognitions of our collective uncertainties about nationhood and globalism. In the United States, where I am writing these few lines, our traditional red/white/blue flag has been collapsed into two colors: Red and Blue. While these colors have semiotically deep texts, the division of the country into these two colors began with television stations designing how to report the vote count in the 2000 presidential election year creating "red" and "blue" parties and states. The colors stuck and have become customary. We Americans are told all the time by pundits that we are a deeply divided nation, as proven by unsubtle colored maps. To a statistician, we are a Purple America, though the color is unequally distributed. White, the color of negotiation and peace is rarely to be found. To begin to approach understanding the problems flagged in my brief account requires the insight of multiple disciplines. That is what Wagner and Marusek, wonderful scholars in their own work, have assembled as editors -- a conversation among scholars at the forefront of thinking about how flags and colors represent those who claim them thus exemplifying how to resist simple explanations and pat answers. The topic is just too important."Christina Spiesel, Senior Research Scholar in Law, Yale Law School; Adjunct Professor of Law, Quinnipiac University School of Law, USA "Visuals, such as symbols and images, in addition to conventional textual forms, seem to have a unique potential for the study of a collective identity of a community and its traditions, as well as its narratives, and at the same time, in the expression of one's ideas, impressions, and ideologies in a specific socio-political space. Visual analysis thus has become a well-established domain of investigations focusing on how various forms of text-external semiotic resources, such as culturally specific symbols, including patterns and colors, make it possible for scholars to account for and thus demystify

discursive symbols in a wider social and public space. *Flags, Identity, Memory: Critiquing the Public Narrative through Colors*, as an international and interdisciplinary volume, is a unique attempt to demystify the thinking, values, assumptions and ideologies of specific nations and their communities by analyzing their choice of specific patterns and colors represented in a national flag. It offers a comprehensive and insightful range of studies of visual and hidden discursive processes to understand social narratives through patterns of colours in the choice of national flags and in turn to understand their semiotic, philosophical, and legal cultures and traditions. Wagner and Marusek provide an exclusive opportunity to reflect on the functions, roles, and limits of visual and discursive representations. This volume will be a uniquely resourceful addition to the study of semiotics of colours and flags, in particular, how nations and communities represent their relationship between ideology and pragmatism in the repository of identity, knowledge and history."Vijay K Bhatia, Chinese University of Hong Kong, Full Professor, Hong Kong "In all societies, colors play a critical function in the realm of symbolism. Nation societies perceive great significance in the colors of flags and national emblems. Colors constitute, in other words, sign systems of national identity. The relation of color codes and their relation to concepts of nationhood and its related narratives is the theme of this marvelous and eye-opening collection of studies. Flags are mini-texts on the inherent values and core concepts that a nation espouses and for this reason the colors that they bear can be read at many levels, from the purely representational to the inherently cultural. Written by experts in various fields this interdisciplinary anthology will be of interest to anyone in the humanities, social sciences, jurisprudence, narratology, political science, and semiotics. It will show how a seemingly decorative aspect of nationhood—the colors on flags—tells a much deeper story about the human condition."Marcel Danesi, University of Toronto, Full Professor of Anthropology, Canada

Law in Society: Reflections on Children, Family, Culture and Philosophy Jul 03 2020 This collection, written by legal scholars from around the world, offers insights into a variety of topics from children's rights to criminal law, jurisprudence, medical ethics and more. Its breadth reflects the fact that these are all elements of what can broadly be called 'law and society', that enterprise that is interested in law's place or influence in different aspects of real lives and understands law to be simultaneously symbol, philosophy and action. It also testament to the broad range of vision of Professor Michael Freeman, in whose honour the volume was conceived. The contributions are divided into categories which reflect his distinguished career and publications, over 85 books and countless articles, including pioneering work on children's rights, domestic violence, religious law, jurisprudence, law and culture, family law and medicine, ethics and the law, as well as his enduring commitment to interdisciplinarity.

New Waves in Philosophy of Law Jul 27 2022 A collection of 11 cutting-edge essays by leading young scholars, challenging long-held assumptions and offering new research paradigms in Philosophy of Law - in five parts 1) methodology/metatheory; 2) reasoning/evaluating; 3) values/the moral life; 4) institutions/the social life; and 5) the global/international dimension.

Normentheorie und Strafrecht Apr 11 2021 Die Normentheorie, die im deutschsprachigen Raum üblicherweise mit dem Werk Karl Bindings assoziiert wird, besagt, dass zwischen außerstrafrechtlichen ("primären") Verhaltensnormen einerseits und ("sekundären") Sanktionsnormen andererseits differenziert werden muss. Diese Betrachtungsweise hat weitreichende Konsequenzen für das Verständnis des gesamten Strafrechts. Da die Ursprünge der Normentheorie über ein Jahrhundert alt sind, stellt sich die Frage, ob bzw. mit welchen Modifikationen sie im modernen Strafrecht des 21. Jahrhunderts angewandt werden kann. Der Band

beschäftigt sich zum einen mit den historischen Wurzeln und theoretischen Grundlagen der Normentheorie. Zum anderen werden ihre Auswirkungen auf zentrale Fragen des Allgemeinen (z.B. Irrtumsdogmatik und Beteiligungsdogmatik) und des Besonderen Teils (z.B. Betrug) des Strafrechts sowie des Internationalen und Europäischen Strafrechts verdeutlicht. Mit Beiträgen von PD Dr. Stephan Ast, PD Dr. Boris Burghardt, Dr. Thomas Grosse-Wilde, Dr. Fedja Alexander Hilliger, Dr. Kyriakos N. Kotsoglou, LL.M., Prof. Dr. Dr. Milan Kuhli, Sören Lichtenthäler, Julia Marinitsch, Dr. Laura Katharina Sophia Neumann, Dr. Konstantina Papathanasiou, LL.M., Prof. Dr. Dr. Frauke Rostalski, PD Dr. Anne Schneider, LL.M., Dr. Markus Wagner, PD Dr. Liane Wörner, LL.M.

The EU Migrant Generation in Asia Feb 19 2022 Drawing on an extensive study with young individuals who migrated to Singapore and Tokyo in the 2010s, this book sheds light on the friendships, emotions, hopes and fears involved in establishing life as Europeans in Asia. It demonstrates how migration to Asian business centres has become a way of distinction and an alternative route of middle-class reproduction for young Europeans during that period. The perceived insecurities of life in the crisis-ridden EU result in these migrants' onward migration or prolonged stays in Asia. Capturing the changing roles of Singapore and Japan as migration destinations, this pioneering work makes the case for EU citizens' aspired lifestyles and professional employment that is no longer only attainable in Europe or the West.

International Commercial Tax Sep 16 2021 Updated to address recent developments, this evaluation of the international tax order compares approaches of the OECD, UN, and EU.

Access to Justice and Legal Aid Mar 11 2021 This book considers how access to justice is affected by restrictions to legal aid budgets and increasingly prescriptive service guidelines. As common law jurisdictions, England and Wales and Australia, share similar ideals, policies and practices, but they

differ in aspects of their legal and political culture, in the nature of the communities they serve and in their approaches to providing access to justice. These jurisdictions thus provide us with different perspectives on what constitutes justice and how we might seek to overcome the burgeoning crisis in unmet legal need. The book fills an important gap in existing scholarship as the first to bring together new empirical and theoretical knowledge examining different responses to legal aid crises both in the domestic and comparative contexts, across criminal, civil and family law. It achieves this by examining the broader social, political, legal, health and welfare impacts of legal aid cuts and prescriptive service guidelines. Across both jurisdictions, this work suggests that it is the most vulnerable groups who lose out in the way the law now operates in the twenty-first century. This book is essential reading for academics, students, practitioners and policymakers interested in criminal and civil justice, access to justice, the provision of legal assistance and legal aid.

Arsyad al-Banjari's Insights on Parallel Reasoning and Dialectic in Law Dec 08 2020 This book provides an epistemological study of the great Islamic scholar of Banjarese origin, Syeikh Muhammad Arsyad al-Banjari (1710-1812) who contributed to the development of Islam in Indonesia and, in general, Southeast Asia. The work focuses on Arsyad al-Banjari's dialectical use and understanding of qiyās or correlational inference as a model of parallel reasoning or analogy in Islamic jurisprudence. This constituted the most prominent instrument he applied in his effort of integrating Islamic law into the Banjarese society. This work studies how Arsyad al-Banjari integrates jadal theory or dialectic in Islamic jurisprudence, within his application of qiyās. The author develops a framework for qiyās which acts as the interface between jadal, dialogical logic, and Per Martin-Löf's Constructive Type Theory (CTT). One of the epistemological results emerging from the present study is that the different forms of qiyās applied by Arsyad al-Banjari represent an innovative and

sophisticated form of reasoning. The volume is divided into three parts that discuss the types of qiyās as well their dialectical and argumentative aspects, historical background and context of Banjar, and demonstrates how the theory of qiyās comes quite close to the contemporary model of parallel reasoning for sciences and mathematics developed by Paul Bartha (2010). This volume will be of interest to historians and philosophers in general, and logicians and historians of philosophy in particular.

The Routledge Companion to Philosophy of Law Oct 06 2020 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.

American Political Thought Aug 16 2021 The twenty-first century presents unique political challenges, like increasing concern over racially based police brutality and mass incarceration, continuing economic and gender inequality, the rise of conservative and libertarian politics, and the appropriate role of religion in American politics. Current scholarship in American political thought research neither adequately responds to the contemporary moment in American politics nor fully

captures the depth and scope of this rich tradition. This collection of essays offers an innovative expansion of the American political tradition. By exposing the major ideas and thinkers of the four major yet still underappreciated alternative traditions of American political thought—African American, feminist, radical and conservative—this book challenges the boundaries of American political thinking about such values like freedom, justice, equality, democracy, economy, rights, identity, and the role of the state in American life. These traditions, the various authors show in different ways, not only present a much fuller and more accurate characterization of what counts as American political thought. They are also especially unique for the conceptual resources they provide for addressing contemporary developments in American politics. Offering an original and substantive interpretation of thinkers and movements, *American Political Thought* will help students understand how to put American political thought into conversation with contemporary debates in political theory.

The Judicial Process May 13 2021 *The Judicial Process: Law, Courts, and Judicial Politics* is an all-new, concise yet comprehensive core text that introduces students to the nature and significance of the judicial process in the United States and across the globe. It is social scientific in its approach, situating the role of the courts and their impact on public policy within a strong foundation in legal theory, or political jurisprudence, as well as legal scholarship. Authors Christopher P. Banks and David M. O'Brien do not shy away from the politics of the judicial process, and offer unique insight into cutting-edge and highly relevant issues. In its distinctive boxes, "Contemporary Controversies over Courts" and "In Comparative Perspective," the text examines topics such as the dispute pyramid, the law and morality of same-sex marriages, the "hardball politics" of judicial selection, plea bargaining trends, the right to counsel and "pay as you go" justice, judicial decisions limiting

the availability of class actions, constitutional courts in Europe, the judicial role in creating major social change, and the role lawyers, juries and alternative dispute resolution techniques play in the U.S. and throughout the world. Photos, cartoons, charts, and graphs are used throughout the text to facilitate student learning and highlight key aspects of the judicial process.

Customs Unions in the WTO Jun 01 2020 How the WTO deals with regional trade agreements (RTAs) is conceptually and practically one of the most important questions in international trade law. This book clarifies that relationship focussing on one form of regional integration - customs unions - and one form of trade measures - anti-dumping measures. This book answers the question how anti-dumping measures and legislation change if a state is in a customs union as well. In doing so, this book provides a new reasoning why anti-dumping measures are modified in customs unions, as well as a comprehensive overview of how this has happened, a legal analysis on the legality of these changes, and an answer to the question how the different institutional settings have impacted questions of responsibility and attribution. Going beyond this, this book also considers the specific problems that arise in cases of economic integration and disintegration, and finally, the impact forming a customs union has on third parties that may impose anti-dumping measures on states that are members of a customs union.

Эпоха надзорного капитализма. Битва за человеческое будущее на новых рубежах власти Feb 28 2020 В этой книге Шошана Зубофф описывает и объясняет причины возникновения феномена, который она называет «надзорным капитализмом». Ставки как никогда высоки: глобальная архитектура модификации поведения угрожает сделать с человеческой природой в XXI веке то же, что промышленный капитализм сделал с окружающей средой в XX веке. Зубофф показывает последствия распространения надзорного капитализма из Кремниевой долины во

все сектора экономики. Необычайное богатство и власть накапливаются на новых «рынках поведенческих фьючерсов», где делаются и продаются предсказания относительно нашего поведения и где производство товаров и услуг подчинено новым «средствам модификации поведения». Угрозу теперь представляет не тоталитарное государство, а повсеместно распространенная цифровая архитектура. Эта беспрецедентная форма власти отмечена колоссальной и асимметричной концентрацией данных и не подчиняется демократическому контролю. Не встречая сопротивления со стороны закона или общества, надзорный капитализм может начать определять социальный порядок и формировать цифровое будущее, если мы позволим ему это сделать. В формате PDF A4 сохранен издательский макет книги.

The Routledge Companion to Rehabilitative Work in Criminal Justice Jul 15 2021 All the world's criminal justice systems need to undertake direct work with people who have come into their care or are under their supervision as a result of criminal offences. Typically, this is organized in penal and correctional services - in custody in prisons, or in the community, supervised by services such as probation. Bringing together international experts, this book is the go-to source for students, researchers, and practitioners in criminal justice, looking for a comprehensive and authoritative summary of available knowledge in the field. Covering a variety of contexts, settings, needs, and approaches, and drawing on theory and practice, this Companion brings together over 90 entries, offering readers concise and definitive overviews of a range of key contemporary issues on working with offenders. The book is split into thematic sections and includes coverage of: Theories and models for working with offenders Policy contexts of offender supervision and rehabilitation Direct work with offenders Control, surveillance, and practice Resettlement Application to specific groups, including female offenders, young offenders, families, and ethnic minorities Application to specific

needs and contexts, such as substance misuse, mental health, violence, and risk assessment Practitioner and offender perspectives The development of an evidence base This book is an essential and flexible resource for researchers and practitioners alike and is an authoritative guide for students taking courses on working with offenders, criminal justice policy, probation, prisons, penology, and community corrections.

Gender and Diversity: Concepts, Methodologies, Tools, and Applications Oct 25 2019 Today, gender inequality and diversity are at the forefront of discussion, as the issue has become an international concern for politicians, government agencies, social activists, and the general public. Consequently, the need to foster and sustain diversity and inclusiveness in the interactions among various groups of people is relevant today more than ever. Gender and Diversity: Concepts, Methodologies, Tools, and Applications provides a critical look at gender and modern-day discrimination and solutions to creating sustainable diversity across numerous contexts and fields. Highlighting a range of topics such as anti-discrimination measures, workforce diversity, and gender inequality, this multi-volume book is designed for legislators and policy makers, practitioners, academicians, gender studies researchers, and graduate-level students interested in all aspects of gender and diversity studies.

Reconstructing Judicial Review Aug 23 2019 This book offers a new interpretation of judicial review in England and Wales as being concerned with the advancement of justice and good governance, as opposed to being concerned primarily with ultra vires or common law constitutionalism. It is developed both from examining the functions and values that ought to be served by judicial review, and from analysis of empirical 'social' facts about judicial review primarily as experienced in the Administrative Court. Based on ground-up case law analysis it constructs a new taxonomy on the grounds of judicial review: mistake, procedural impropriety, ordinary common

law statutory interpretation, discretionary impropriety, relevant/irrelevant considerations, breach of an ECHR protected right or equality duty, and constitutional allocation of powers, constitutional rights, or other complex constitutional principles. It explains each of these grounds, what academic and judicial support there might be for them outside case law analysis, and their similarities and differences when viewed against popular existing taxonomies. It concludes that Administrative Court judges are engaged in ordinary common law statutory interpretation in approximately half of all cases, and that where discretionary judgement is involved on the part of the initial decision-maker, judges do indeed consider their task to be one of determining whether the challenged decision was justified by reasoning of adequate quality. It finds that judges apply ordinary common law principles of statutory interpretation with historical pedigrees, including assessing the initial decision-maker's reasoning with reference to statutory purpose, and sifting relevant from irrelevant considerations, including moral considerations. The result is a ground-breaking reassessment of the grounds of judicial review in England and Wales and the practice of the Administrative Court.

Transition and Coherence in Intellectual Property Law Aug 04 2020 The nature and content of intellectual property (IP) law, which is heavily contingent on the state of technology and on social and market developments, has always been subject to ongoing transitions. How those transitions are effected and the shape they take is crucial to the ability of IP to achieve its stated goals and provide the necessary climate for investment in creativity, innovation and brand differentiation. Yet the need for change can run headlong into a desire for coherence. A search for coherence tests the limits of the concept of "intellectual property," is imperiled by overlaps between different IP regimes, and calls for a unifying normative theme. This volume assembles contributors from across IP and the globe to explore these questions, including whether coherence is desirable. It should be read by

anyone interested in understanding the conceptual underpinnings of one of the most important and dynamic areas of the law.

Law and Economics in Jane Austen Oct 18 2021 Law and Economics in Jane Austen traces principles of law and economics in sex, marriage and romance as set out in the novels of Jane Austen, unveiling how those meticulous principles still control today's modern romance. You will learn fascinating new insights into law and economics by seeing these disciplines through Jane Austen's eyes. Readers who find themselves wishing Jane Austen had written just one more novel, or that she had somewhere offered more examination and analysis of her characters' predicaments, or who desire to go deeper with her investigation of love, money and culture will praise this book. Discovering the legal and economic principles that drove her stories, Jane Austen's Law & Economics reveals that the more things change, the more they stay the same. Love and money are constants in social connection. While culture may have changed over 300 years, principles of law and economics remain staples of modern romance - which is why Jane Austen continues to fascinate the modern mind. So sit back, enjoy, and be pleasantly taught and surprised at what you will learn from the methodical mind of Jane.

The Philosophy of Customary Law Jun 25 2022 Although many modern philosophers of law describe custom as merely a minor source of law, formal law is actually only one source of the legal customs that govern us. Many laws grow out of custom, and one measure of a law's success is by its creation of an enduring legal custom. Yet custom and customary law have long been neglected topics in unsettled jurisprudential debate. Smaller concerns, such as whether customs can be legitimized by practice or by stipulation, stipulated by an authority or by general consent, or dictated by law or vice versa, lead to broader questions of law and custom as alternative or mutually exclusive modes of

social regulation, and whether rational reflection in general ought to replace sub-rational prejudice. Can legal rules function without customary usage, and does custom even matter in society? The *Philosophy of Customary Law* brings greater theoretical clarity to the often murky topic of custom by showing that custom must be analyzed into two more logically basic concepts: convention and habit. James Bernard Murphy explores the nature and significance of custom and customary law, and how conventions relate to habits in the four classic theories of Aristotle, Francisco Suarez, Jeremy Bentham, and James C. Carter. He establishes that customs are conventional habits and habitual conventions, and allows us to better grasp the many roles that custom plays in a legal system by offering a new foundation of understanding for these concepts.

Gene Cartels Apr 23 2022 It's really excellent: an invaluable source of information and highly readable too. Sir John Sulston, University of Manchester, UK and Winner of the 2002 Nobel Prize in Physiology or Medicine . . . this is a book that every policymaker even remotely connected to issues of patents, economics, and biotech should read. This book is essential ammunition for those who oppose gene patenting, and lays out the legal case expertly. David Koepsell, Delft University of Technology, The Netherlands, reviewed in *SCRIPTed* The book is of interest to judges, patent attorneys and lawyers and policy-makers in this field. . . The first part is a fascinating and well researched historical study of patenting. . . The second part of the book is interesting and the author raises some very important points. . . a very valuable contribution to the debate of the scope of patent monopolies. David Rogers, Legal Member, Boards of Appeal, European Patent Office, Germany, reviewed in *European Intellectual Property Review* *Gene Cartels* is a truly magisterial and important book. It shows how we need to bring together the discrete threads around intellectual property law (ie patent, copyright, etc) so there can be a clear spotlight on the important public

policy issues. Terry Cutler, Principal, Cutler & Company and Chair, Review of the National Innovation System, Australia . . . provides an estimable addition to a growing library of texts diagnosing the maladies of the existing IPR system and offering well attested cures. [It] demands the widest possible readership not just amongst the IPR community, but amongst economists and social scientists, policy officials in both developed and developing countries, and business people everywhere. John A. Mathews, LUISS Guido Carli University, Italy *Gene Cartels* is a valuable book for the scientist providing, in an elegantly scholarly style, deep insights into the origins, history, evolution and current status of patent systems. It also discloses features that can lead, in effect, to a misuse of power. From the foreword by Baruch S. Blumberg, Fox Chase Cancer Center, Philadelphia and University of Pennsylvania, US and Winner of the Nobel Prize in Physiology or Medicine 1976 Starting with the 13th century, this book explores how patents have been used as an economic protectionist tool, developing and evolving to the point where thousands of patents have been ultimately granted not over inventions, but over isolated or purified biological materials. DNA, invented by no man and once thought to be free to all men and reserved exclusively to none, has become cartelised in the hands of multinational corporations. The author questions whether the continuing grant of patents can be justified when they are now used to suppress, rather than promote, research and development in the life sciences. Luigi Palombi demonstrates that patents are about inventions and not isolated biological materials, which consequently have no bona fide purpose in the innovations of biotechnological science. This book will be important reading for anyone who has an interest in the role that patents have played in economic development particularly historians, economists and scientists. It will also be of great interest to law academics, lawyers, judges and policymakers.

Transfer Pricing in a Post-BEPS World Nov 06 2020 The OECD's Base Erosion and Profit Shifting (BEPS) project promises to make effective inroads into the much criticized corporate tax strategy known as aggressive transfer pricing, whereby the profitability of subsidiaries in different jurisdictions is "managed" via mispricing with the intent of minimizing the corporation's overall tax burden. Although the OECD BEPS project is an ongoing endeavor, its accomplishments to date and developing trends are discernible. This book, including contributions by outstanding and renowned transfer pricing experts both from practice and academia, analyses these trends, and proposes reforms which would ensure that transfer pricing outcomes are better aligned with economic activities and value creation, which achieves a more equitable distribution of profits among different countries. Each chapter is dedicated to specific sections of the OECD's BEPS Action Plan. Among the topics and issues covered are the following: - arm's length principle and its ongoing development; - allocation of risk and recharacterization; - intangibles (both license model and cost contribution arrangements); - interest deductions and intra-group financing; - low value-adding services; - commissionaire arrangements and low-risk distributors; - attribution of profits to permanent establishments; - documentation requirements (including Country-by-Country Reporting). Within these topics, measures to identify the commercial and financial relationships inside multinational enterprises, to accurately delineate actual transactions, as well as guidance on defining risk and its allocation among entities of a multinational enterprise are discussed. The book is based on papers presented and discussed at the first Global Transfer Pricing Conference hosted in February 2016 by the WU Transfer Pricing Center at the Institute for Austrian and International Tax Law at WU (Vienna University of Economics and Business). The most up-to-date and thorough consideration of transfer pricing yet published, this book will prove invaluable for all parties currently facing

questions related to transfer pricing in a post-BEPS world, especially those in charge of finding an ideal answer to them: academics, practitioners (including in-house and advisory counsel), international organizations, CEOs and CFOs of multinational enterprises, and government officials who are tax and transfer pricing experts.

Introduction to Law and Global Governance Oct 30 2022 This innovative textbook introduces the idea of law existing, operating, and functioning beyond the Nation State. Offering a structured approach, Elaine Fahey breaks down the core aspects of theory, practice and regulation in order to examine the key conceptual and factual components of the relationship between law and global governance.

The Responsive Judge Sep 28 2022 This book focuses on the changing role of judges in courts, tribunals, and other forums across a variety of jurisdictions. With contributions by international experts in judicial administration and senior judicial figures, it provides a unique comparative perspective on the role of modern judges in a rapidly evolving environment and the pressures of effective judicial administration. The chapters are sourced from a Collaborative Research Network focused on innovations in judging, and sponsored by the international Law and Society Association. The book provides essential insights and perspectives for judges, judicial officers, and administrators, allowing them to respond to the challenges of the twenty-first century. It is also a valuable resource for legal practitioners and judicial experts, shedding light on the role of the modern judge and the strategies they employ.

Advanced Introduction to Legal Research Methods Mar 23 2022 Written by Ernst Hirsch Ballin, this original Advanced Introduction uncovers the foundations of legal research methods, an area of legal scholarship distinctly lacking in standardisation. The author shows how such methods differ

along critical, empirical, and fundamental lines, and how our understanding of these is crucial to overcoming crises and restoring trust in the law. Key topics include a consideration of law as a normative language and an examination of the common objects of legal research.

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