

## Source Of The Law

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 Sources of Law, Legal Change, and Ambiguity  
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### PRATT OCONNOR

**The Sources of Law** Oxford University Press, USA

Jewish law has a history stretching from the early period to the modern State of Israel, encompassing the Talmud, Geonic and later codifications, the Spanish Golden Age, medieval and modern response, the Holocaust and modern reforms. Fifteen distinct periods are separately studied in this volume, each one by a leading specialist, and the emphasis throughout is on the development of the institutions and sources of the law, providing teachers with the essential background material from which a variety of sources, from many different perspectives, may be taught. Most chapters are written to a common plan, with treatment of the political background of the period and the nature of Jewish judicial autonomy, the character (literary and legal) of the sources, the legal practice of the period, its principal authorities, and examples of characteristic features of the substantive law (especially in family law).

Sources of Law, Legal Change, and Ambiguity Palala Press

This book examines theoretical and practical issues concerning the relationship between international law, time and history. Problems relating to time and history are ever-present in the work of international lawyers, whether understood in terms of the role of historic practice in the doctrine of sources, the application of the principle of inter-temporal law in dispute settlement, or in gaining a coherent insight into the role that was played by international law in past events. But very little has been written about the various different ways in which international lawyers approach or understand the past, and it is with a view to exploring the dynamics of that engagement that this book has been compiled. In its broadest sense, it is possible to identify at least three different ways in which the relationship between international law and (its) history may be conceived. The first is that of a "history of international law" written in narrative form, and mapped out in terms of a teleology of origins, development, progress or renewal. The second is that of "history in international law" and of the role history plays in arguments about law itself (for example in the construction of customary international law). The third way of understanding that relationship is in terms of "international law in history": of understanding how international law has been engaged in the creation of a history that in some senses stands outside the history of

international law itself. The essays in this collection make clear that each type of engagement with history and international law interweaves various different types of historical narrative, pointing to the typically multi-layered nature of international lawyers' engagement with the past and its importance in shaping the present and future of international law.

Sources of Constitutional Law Aspen Publishing

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of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

**Sources and Literature of English Law** West Academic Publishing  
Challenges to law at the end of the 20th Century.- v.3.

[The Sources of International Law](#) West Academic Publishing

This new edition of Hugh Thirlway's authoritative text provides an introduction to one of the fundamental questions of the discipline: what is, and what is not, a source of international law. Traditionally, treaties between states and state practice were seen as the primary means with which to create international law. However, more recent developments have recognized customary international law, alongside international treaties and instruments, as a key foundation upon which international law is built. This book provides an insightful inquiry into all the recognized, or asserted, sources of international law. It investigates the impact of ethical principles on the creation of international law; whether 'soft law' norms come into being through the same sources as binding international law; and whether jus cogens norms, and those involving rights and obligations erga omnes have a unique place in the creation of international legal norms. It studies the notion of 'general principles of international law' within international law's sub-disciplines, and the evolving relationship between treaty-based law and customary international law. Re-examining the traditional model, it investigates the increasing role of international jurisprudence, and looks at the nature of international organisations and non-state actors as potential new sources of international law. This revised and updated book provides a perfect introduction to the law of sources, as well as innovative perspectives on new developments, making it essential reading for anyone studying or working in international law.

[The Chief Sources of English Legal History](#) Martinus Nijhoff Publishers

Baker and Milsom's Sources of English Legal History is the definitive source book on the development of English private law. This new edition has been comprehensively revised and updated to incorporate new sources discovered since the original publication in 1986, and to reflect developments in recent scholarship. All the sources included are translated into modern English, offering an accessible inroad to the leading primary materials for students of the history of the common law. The sources themselves - revealing the operation of courts across a wide range of personal and economic disputes - offer a rich resource for historians researching the development of the English government, society, and economy. Their significance in shaping the common law spans beyond England, and ensures the collection is an essential reference point for all those interested in the history of the common law in any jurisdiction.

[Sources and Literature of English Law](#) Franz Steiner Verlag

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**The Nature and Sources of the Law - Scholar's Choice Edition** Oxford University Press

This book is about the use of legal scholarship by judges. It discusses the possibility that legal scholarship may function as a genuine source of law in modern municipal legal systems. The book advances a number of claims, some conceptual, some empirical, some normative. The major conceptual claims are found in Chapters 2 and 3, where a general account of the notion of a source of law is provided. Roughly, sources of law are documents or practices (e.g. statutes, judicial decisions, official customs) from which norms can be derived that function as sources of content-independent reasons for judges to decide legal cases one way or another. The relevant notion of content-independence is derived (with qualifications) from H.L.A. Hart's jurisprudence. Indeed, the book's analysis of the concept of a source of law relies at various points on Hartian insights about law and legal reasoning. Chapter 4 argues that legal scholarship - or, more precisely, a particular type of legal scholarship that might be described as standard or doctrinal - can be, and indeed is,

used as a source of law in modern legal systems. The conclusion that legal scholarship is used as a source of law (and thus as a source of content-independent reasons for action) may come as a surprise to those who associate judicial recourse to legal scholarship with judicial activism. This association is discussed and criticized in Chapters 5 and 6. It is argued that, in spite of a relatively common opinion to the contrary, legal scholarship can be used to mitigate discretion. In fact, it is precisely because it can be used in this way that judges sometimes refer to scholarship deceptively and suggest that it limits discretion in situations in which it really does not. The concluding chapter addresses potential objections not explicitly discussed in earlier chapters.

**Sources of the Roman Civil Law** West Academic Publishing

The Land is the Source of Law brings an inter-jurisdictional dimension to the field of indigenous jurisprudence: comparing Indigenous legal regimes in New Zealand, the USA and Australia, it offers a 'dialogical encounter with an Indigenous jurisprudence' in which individuals are characterised by their rights and responsibilities into the Land. Though a relatively "new" field, indigenous jurisprudence is the product of the oldest continuous legal system in the world. Utilising a range of texts - films, novels, poetry, as well as "law stories" CF Black blends legality and narrative in order to redefine jurisprudencia in indigenous terms. This re-definition gives shape to the jurisprudential framework of the book: a shape that is not just abstract, but physical and metaphysical; a shape that is circular and concentric at the same time. The outer circle is the cosmology, so that the human never forgets that they are inside a universe - a universe that has a law. This law is found in the second circle which, whilst resembling the ancient Greek law of physis is a law based on relationship. This is a relationship that orders the placing of the individual in the innermost circle, and which structures their rights and responsibilities into the land. The jurisprudential texts which inform the theoretical framework of this book bring to our attention the urgent message that the Djang (primordial energy) is out of balance, and that the rebalancing of that Djang is up to the individual through their lawful behaviour, a behaviour which patterns them back into land. Thus, The Land is the Source of the Law concludes not only with a diagnosis of the cause of climate change, but a prescription which offers an alternative legal approach to global health.

[The Nature and Sources of the Law](#) Routledge

This volume investigates advances in the field of legal translation both from a theoretical and practical perspective, with professional and academic insights from leading experts in the field. Part I of the collection focuses on the exploration of legal translatability from a theoretical angle. Covering fundamental issues such as equivalence in legal translation, approaches to legal translation and the interaction between judicial interpretation and legal translation, the authors offer contributions from philosophical, rhetorical, terminological and lexicographical perspectives. Part II focuses on the analysis of legal translation from a practical perspective among different jurisdictions such as China, the EU and Japan, offering multiple and pluralistic viewpoints. This book presents a collection of studies in legal translation which not only provide the latest international research findings among academics and practitioners, but also furnish us with a new approach to, and new insights into, the phenomena and nature of legal translation and legal transfer. The collection provides an invaluable reference for researchers, practitioners, academics and students specialising in law and legal translation, philosophy, sociology, linguistics and semiotics.

**Sources of Law and Legislation** Palala Press

With commentaries by an international collection of leading judges, this accessible and clearly-structured book includes examinations of public and private law in its discussion about access to foreign laws and looks at the practice across the globe.

[Baker and Milsom Sources of English Legal History](#) BRILL

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**Legal Scholarship as a Source of Law** Manchester University Press

Print publication based on the online legal research materials available at TeachingLaw Features: Takes a clear, straightforward approach to research sources and strategies plus to citation (ALWD and Bluebook styles) and grammar. Covers 1L material including finding federal and state statutes and cases, using secondary sources, and strategies for effective and efficient research; also covers upper-class courses with materials on administrative law and legislative history. Breaks down the research process into manageable tasks, discussing strategies for the process and presenting specific strategies for each legal source, including specifics on updating the law. Uses hypothetical fact patterns and case briefs to illustrate research plans and strategies. Provides maps, diagrams, text boxes, and tables to summarize material and provide visual interest. Instructs through annotated facsimiles and screen shots of a wide variety of law and research sources. Provides abundant, thorough study aid materials Quick References and Checklists: reinforce and test students' understanding of the material Quizzes and Self-Assessments: allow students and teachers to test students' understanding of the material Exercises: for use as in-class to reinforce the readings, such as exercises on case analogies, statutory interpretation, conciseness, and citation Can be used both as an aid to instructors and students working partially or predominantly in the electronic environment of TeachingLaw and as a standalone primary or supplementary textbook. Online version of the book includes an idea bank, a school bank for sharing, and an integrated courseware program.

[The Chief Sources of English Legal History](#) Routledge

Serving as both a text for beginning law students and a reference for experienced researchers, Legal Research in a Nutshell provides an overview of basic research methods. The expert authors discuss case law, statutes, secondary sources, and other research tools; they also analyze resources in more specialized areas, such as legislative history and administrative law. Completely updated with dozens of new Web addresses and 20 percent more illustrations of print and electronic sources, this comprehensive guide explains the investigative process using online databases, CD-ROM, and Internet resources, including free and commercial internet sites. Discussion also includes international and comparative law materials, as well as business and interdisciplinary research.

[Judicial Recourse to Foreign Law](#) Springer Science & Business Media

A central puzzle in jurisprudence has been the role of custom in law. Custom is simply the practices and usages of distinctive communities. But are such customs legally binding? Can custom be law, even before it is recognized by authoritative legislation or precedent? And, assuming that custom is a source of law, what are its constituent elements? Is proof of a consistent and long-standing practice sufficient, or must there be an extra ingredient - that the usage is pursued out of a sense of legal obligation, or, at least, that the custom is reasonable and efficacious? And, most tantalizing of all, is custom a source of law that we should embrace in modern, sophisticated legal systems, or is the notion of law from below outdated, or even dangerous, today? This volume answers these questions through a rigorous multidisciplinary, historical, and comparative approach, offering a fresh perspective on custom's enduring place in both domestic and international law.

**The Sources and Evidences of International Law** Federation Press

The Round Hall Guide to Sources of Law: An Introduction to Legal Research and Writing

[The Chief Sources of English Legal History](#) Virago Press

Sources of Law and Legislation Franz Steiner Verlag

[Commentaries on Law, Embracing Chapters on the Nature, the Source, and the History of Law](#) Scholar's Choice

Concise Legal Research details the technical aspects of a huge number of legal sources and explains how to research law with confidence and in good time. This new edition focuses on the impact of online access and the need for the researcher to move seamlessly between traditional and electronic resources. All strategies that have been created to incorporate hard copy researching techniques have been updated with alternate electronic methods. Particular attention has been paid to the chapter on secondary sources, and with the maintenance of a structured approach to research, recognises that online research - with its many inherent pitfalls - must carefully fit within rules of research required by the discipline.

[United States Code](#) Routledge

Accessible and clearly structured, this is the first book to include examinations of public and private law in the discussion about access to foreign laws. With commentaries by an international

collection of leading judges in the field, it looks at the practice in a range of countries spread across the globe. In jurisprudence an exchange of ideas is essential, as there is no monopoly of wisdom. Legal convergence is particularly beneficial to both public law, as constitution building is done in so many parts of the world, and to commercial law, where enhanced communication, trade and information mean that people have to work more closely together. This book: examines the theme of judicial mentality and how it helps or hinders recourse to foreign ideas raises and

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addresses the dangers that accompany comparative law and judicial creativity looks at the practice in America, Canada, England, France, Germany, Italy, Israel, South Africa and at the European Court of Justice. Ideal for practitioners and academics, it is an essential read for those working in or studying jurisprudence at undergraduate or postgraduate level.

**Custom as a Source of Law** Cambridge University Press

This newly updated law school textbook and course reference is designed specifically for advanced

legal research classes and for upper-level students who want to achieve a better understanding of how to use the sources of legal information that they learned about in their introductory courses. It provides in-depth guidance through the research process, advice on format selection, and detail about the tools and techniques needed to function as skilled legal researchers. Up-to-date discussion of all media is fully integrated throughout, focusing on the types of information the researcher needs, rather than on descriptions of particular information products.