

# General Theory Of Law And State

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## ALEXIA PHELPS

**The General Theory of Law and Marxism** Academic Press  
This book examines the distinction between principles and rules so that they can be better understood and applied. It structures the distinction between principles and rules on different foundations than those jurisprudence ordinarily employs. It also proposes a new model to explain the normative species, which includes structured weighing on the application process while encompassing substantive criteria of justice in its argument.

**A Rational Choice Theory** Oxford University Press, USA  
Intended for academics and students who are interested in legal and political philosophy and in intellectual and legal history, this volume brings together the latest research from leading Bentham scholars and challenges the dominant understandings of Bentham among legal and political philosophers.

**Routledge Handbook of Law and Theory** Oxford University Press on Demand  
*Studies on Law and Social Control: Toward a General Theory of Social Control, Volume 1: Fundamentals* focuses on the dynamics, practices, and mechanisms involved in social control. The selection first underscores social control as a dependent variable and division of labor in social control. Discussions focus on the explanation of division of social control labor; concept of division of social control labor; conceptions of the relationship between law and social control; quantity of normative behavior; and concept of social control. The text then takes a look at the stage of disputing to complaining, liability and social structure, and social organization of vengeance. Topics include revenge among inmates, contingency of vengeance, design of vengeance, liability

and conflict management, idiom of liability in stateless societies, and complaining and the direction of law. The publication ponders on the variability of punishment, compensation in cross-cultural perspective, therapy and social solidarity, logic of mediation, and gossips and scandals. Concerns include role of gossip in small-scale societies, therapeutic social control in individualistic groups and tribal societies, social organization of compensation, and existing theories of punishment. The selection is a vital source of data for sociologists and researchers interested in the fundamentals of social control.

**Pure Theory of Law** Transaction Publishers  
Filling a conspicuous gap in the legal literature, Andrew T. Guzman's *How International Law Works* develops a coherent theory of international law and applies that theory to the primary sources of law, treaties, customary international law, and soft law. Starting where most non-specialists start, Guzman looks at how a legal system without enforcement tools can succeed. If international law is not enforced through coercive tools, how is it enforced at all? And why would states comply with it?--Publisher.

**Making Law** GENERAL PRESS  
A *General Theory of Authority* was first printed in 1962 and is a classic treatment of authority and its relation to justice, life, truth, and order. In recent years authority has been seen as an enemy of freedom, autonomy, and development. In this book the renowned philosopher Yves R. Simon, himself a passionate proponent of liberty, analyzes the idea of authority and defends it as an essential concomitant of liberty. Simon sees authority as the catalyst necessary to bring together the seemingly disparate demands of liberty on one hand and order on the other. Simon's perceptive discussion of how authority differs from law enables him to highlight the effective and personal role that authority can

play in the life of the individual and for the good of the community. Professor Yves R. Simon was an esteemed philosopher and teacher at several American universities, including Notre Dame and the University of Chicago. He published numerous books and articles, many of which remain as classic pieces of political and social philosophy. Professor Simon died in 1961.

*The Jurisprudence of Police* Edward Elgar Publishing  
This book makes the bold attempt at proposing a new general theory of economic development. The main premise is that economic institutions and policies must embody 'economic discrimination' if there is to be any chance of real economic development. By economic discrimination, the author means 'treating differences differently' by selecting and supporting economic entities and behaviour that contribute positively to the economy. The book identifies markets, government and corporations as the 'holy trinity of economic development', that is, the three most important institutions that must work together via economic discrimination to steer the economy towards real transformative progress. The book also warns against the current trend of economic egalitarianism or 'not treating differences differently' because it destroys economic incentives and results in an array of economic problems including growth stagnation.  
*Toward a General Theory of Social Control* Oxford University Press  
Fifty years on from its original publication, HLA Hart's *The Concept of Law* is widely recognized as the most important work of legal philosophy published in the twentieth century, and remains the starting point for most students coming to the subject for the first time. In this third edition, Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy,

clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work.

*Towards a Capitalist Manifesto* The Lawbook Exchange, Ltd.

The *General Theory of Employment, Interest, and Money*, written by legendary author John Maynard Keynes is widely considered to be one of the top 100 greatest books of all time. This masterpiece was published right after the Great Depression. It sought to bring about a revolution, commonly referred to as the 'Keynesian Revolution', in the way economists thought—especially challenging the proposition that a market economy tends naturally to restore itself to full employment on its own. Regarded widely as the cornerstone of Keynesian thought, this book challenged the established classical economics and introduced new concepts. 'The *General Theory of Employment, Interest, and Money*' transformed economics and changed the face of modern macroeconomics. Keynes' argument is based on the idea that the level of employment is not determined by the price of labour, but by the spending of money. It gave way to an entirely new approach where employment, inflation and the market economy are concerned.

Oxford University Press

Widely regarded as the most important legal theorist of the twentieth century, Hans Kelsen is best known for his formulation of the "pure theory of law", - within which the study of international law was his special field of work. The present volume, "General Theory of Law and State", first published in 1945, allowed Kelsen to adjust his pure theory of law to American circumstances after World War II. It also afforded him the opportunity to present to English-speaking readers his latest ideas on the supremacy of international law. The volume is divided into two parts: the first devoted to law, the second to the state. Together these topics constitute the most systematic and comprehensive exposition of Kelsen's jurisprudence. The volume is not only a compendium of Kelsen's lifework up to that time; it is also an extension of his theories, "to embrace the problems and institutions of English and American law as well as those of the Civil Law countries". Indeed, references to Continental European law are minimal compared with examples, scattered throughout the text, taken from the U.S. Constitution and several American court cases. This is more than a concession to American readers; it signifies that Kelsen's legal theory is truly general in that it

accounts for the Common Law as well as the Civil Law. A systematic treatise on jurisprudence, "General Theory of Law and State" is a substantial reformulation of Kelsen's ideas articulated in several of his previous books, written in German. The juridical principles put forth by the most important legal theorist of the twentieth century remain of great value. This volume will be read by legal scholars, political scientists, and intellectual historians.

**Placing Blame** Routledge

Kelsen, Hans. *Pure Theory of Law*. Translation from the Second German Edition by Max Knight. Berkeley: University of California Press, 1967. x, 356pp. Reprinted 2002 by The Lawbook Exchange, Ltd. ISBN 1-58477-206-9. Cloth. New. \$95. \* The second revised and enlarged edition, being a completely revised version of the first edition which was published in 1934. Kelsen [1881-1973], was the author of more than forty works on law and legal philosophy, and is best known for this title and *General Theory of Law and State*. He was also the author of the Austrian Democratic Constitution, which was published in 1920, abolished during the Nazi regime, restored in 1945, and in force today. Walker calls Kelsen "possibly the most influential jurist of the twentieth century." Walker, *Oxford Companion to Law* 699.

[Toward a General Unified Theory of Law](#) OUP Oxford

This volume consists of outstanding essays by contemporary scholars and specialists on classic writings in law and society. This second edition expands the previous volume by adding additional statements. Included are commentaries on Edward A. Ross's *Social Control: A Survey of the Foundations of Order*, Karl N. Llewellyn's *Jurisprudence: Realism in Theory and Practice*, Jerome Frank's *Law and the Modern Mind*, Leon Petrazycki's *Law and Morality*, and Karl Renner's *The Institutions of Private Law and their Social Functions*. The goal of *Classic Writings in Law and Society* is to acquaint a new generation of students with classic writings by diverse social and legal scholars—ranging from Henry Sumner Maine, Oliver Wendell Holmes, Jr., and Hans Kelsen to Eugen Ehrlich, Nicholas S. Timasheff, and Richard Quinney. This work continues to demonstrate their contemporary theoretical relevance. Accordingly, each chapter speaks of the scholars' work in general, how the particular book under consideration fits into that corpus, and how the book is assessed in a present day context. These essays have a clear relation to the "classic" tradition in sociolegal thought. Reading the classics is useful in

gaining a better understanding and appreciation of the essential foundation for a post-classic approach in law and social inquiry—an approach that can be found in such orientations as critical legal studies, chaos theory in law, and legal semiotics. *Classic Writings in Law and Society* includes commentaries that consider early writings that set the standard for the social scientific approach in examining issues of law and punishment, social control, joint stock companies, business firms and nation-states in the study of law and society.

**A General Theory** Walter de Gruyter

By articulating a general theory of crime and related behavior, the authors present a new and comprehensive statement of what the criminological enterprise should be about. They argue that prevalent academic criminology—whether sociological, psychological, biological, or economic—has been unable to provide believable explanations of criminal behavior. The long-discarded classical tradition in criminology was based on choice and free will, and saw crime as the natural consequence of unrestrained human tendencies to seek pleasure and to avoid pain. It concerned itself with the nature of crime and paid little attention to the criminal. The scientific, or disciplinary, tradition is based on causation and determinism, and has dominated twentieth-century criminology. It concerns itself with the nature of the criminal and pays little attention to the crime itself. Though the two traditions are considered incompatible, this book brings classical and modern criminology together by requiring that their conceptions be consistent with each other and with the results of research. The authors explore the essential nature of crime, finding that scientific and popular conceptions of crime are misleading, and they assess the truth of disciplinary claims about crime, concluding that such claims are contrary to the nature of crime and, interestingly enough, to the data produced by the disciplines themselves. They then put forward their own theory of crime, which asserts that the essential element of criminality is the absence of self-control. Persons with high self-control consider the long-term consequences of their behavior; those with low self-control do not. Such control is learned, usually early in life, and once learned, is highly resistant to change. In the remainder of the book, the authors apply their theory to the persistent problems of criminology. Why are men, adolescents, and minorities more likely than their counterparts to commit criminal

acts? What is the role of the school in the causation of delinquency? To what extent could crime be reduced by providing meaningful work? Why do some societies have much lower crime rates than others? Does white-collar crime require its own theory? Is there such a thing as organized crime? In all cases, the theory forces fundamental reconsideration of the conventional wisdom of academicians and criminal justice practitioners. The authors conclude by exploring the implications of the theory for the future study and control of crime.

The General Theory of Employment, Interest, and Money  
Cambridge University Press

The book examines the theory and practice of law and development. It introduces the General Theory of Law and Development, an innovative approach which explains the mechanisms by which law impacts development. The book analyzes the process of economic development in South Korea, South Africa, and the United States from legal and institutional perspectives. The book also explains why the concept of 'development' is not only relevant to developing countries but to developed economies as well. The new edition includes five new chapters addressing the relationships between law and economic development in several key areas, including property rights, political governance, business transactions, state industrial promotion, and international trade and development.

**A Theory of the Executive Branch: Tension and Legality**  
Cambridge University Press

In 1990 when Michael Gottfredson and Travis Hirschi published *A General Theory of Crime*, now often referred to as self control theory, it quickly became among the most discussed and researched perspectives in criminology. In *Modern Control Theory and the Limits of Criminal Justice*, Gottfredson and Hirschi develop and extend the theory of self control advanced in their classic work. Focusing on the methodology of testing crime theory and measuring behavioral research on crime and delinquency, they critically review the evidence about self control theory. Gottfredson and Hirschi further discuss evidence about the positive consequences of higher levels of self control from education, economics, and public health, that-along with evidence from delinquency and crime-show substantial support for the

theory of self control. Illustrating the theory through predictions about policing, incarceration, juvenile justice, and the connection of immigration policy to crime, this book connects self control theory to the structure and function of the criminal justice system, then applies the theory to pressing issues of public policy about delinquency and crime.

*General Theory of Value* Springer Science & Business Media  
*General Theory of Law and State* Routledge

**Writings on the General Theory of Signs** Routledge

The first book to chart the development of the field of evolutionary economics, this book provides an integrated generic framework to define the rules of an economic system; how they are coordinated and the causes and consequences of their change. Packed with pedagogical features including essay and tutorial questions, case studies and an extensive bibliography, this book: proposes a new analytic framework for the study of the nature and causes of long run economic growth and development in market systems analyzes the foundations of the neoclassical tradition, before developing a thesis through micro, meso and macro domains drawing conclusions as to what can be learned from the point of view of policy analysis focuses on an open-systems analytical framework and successfully formulates and refines the analytical foundations of a new general theory of economic evolution. This volume is essential reading for scholars and students of economic evolution and as well as for anyone who seeks to better understand the complex evolutionary nature of the structure and dynamics of the knowledge-based economy in today's society.

*General Theory of Norms* SAGE Publications

The last work of this celebrated legal theorist, in which he makes some important revisions to his "pure theory of law", and discusses the views of over 200 philosophers and jurists on law morality, and the place of logic in law.

**The General Theory of Economic Evolution** Edward Elgar Publishing

E. B. Pashukanis was the most significant contemporary to develop a fresh, new Marxist perspective in post-revolutionary Russia. In 1924 he wrote what is probably his most influential work, *The General Theory of Law and Marxism*. In the second edition, 1926, he stated that this work was not to be seen as a

final product but more for "self-clarification" in hopes of adding "stimulus and material for further discussion." A third edition was printed in 1927. Pashukanis's "commodity-exchange" theory of law spearheaded a perspective that traced the form of law, not to class interests, but to capital logic itself. Until his death, he continued to argue for the ideal of the withering away of the state, law, and the juridic subject. He eventually arrived at a position contrary to Stalin's who, at that time, was attempting to consolidate and strengthen the state apparatus under the name of the dictatorship of the proletariat. Inevitably, Pashukanis was branded an enemy of the revolution in January 1937. His works were subsequently removed from soviet libraries. In 1954, Pashukanis was "rehabilitated" by the Soviets and restored to an acceptable position in the historical development of marxist law. In Europe and North America, a number of legal theorists only rediscovered Pashukanis's work in the late 1970s. They subjected it to careful critical analysis, and realized that he offered an alternative to the traditional Marxist interpretations, which saw law simply and purely as tied to class interests of domination. By the mid-1980s the instrumental Marxist perspective in vogue in Marxist sociology, criminology, politics, and economics gave way, to a significant extent due to Pashukanis's insights, to a more structural Marxist accounting of the relationship of law to economics and other social spheres. In his new introduction, Dragan Milovanovic discusses the life of Pashukanis, Marx and the commodity-exchange theory of law, and the historical lessons of Pashukanis's work. This book

General Theory of International Law Routledge

This monograph offers a theoretical foundation of the executive branch in Western democracies and argues that the tension between dominance and submission is maintained by the adoption of various forms of fuzziness, under which a guise of legality masks the absence of the substantive limitation of power. *Social Order and the General Theory of Strategy* Routledge  
This work offers a new theory of what it means to be a legal person and suggests that it is best understood as a cluster property. The book explores the origins of legal personhood, the issues afflicting a traditional understanding of the concept, and the numerous debates surrounding the topic.