

## The Dream Of A Common Language Poems 1974 1977

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described as ground breaking in kent mcneil s foreword this book develops an alternative approach to conventional aboriginal title doctrine it explains that aboriginal customary law can be a source of common law title to land in former british colonies whether they were acquired by settlement or by conquest or cession from another colonising power the doctrine of common law aboriginal customary title provides a coherent approach to the source content proof and protection of aboriginal land rights which overcomes problems arising from the law as currently understood and leads to more just results the doctrine s applicability in australia canada and south africa is specifically demonstrated while the jurisprudential underpinnings for the doctrine are consistent with fundamental common law principles the author explains that the australian high court s decision in mabo provides a broader basis for the doctrine a broader basis which is consistent with a re evaluation of case law from former british colonies in africa as well as from the united states new zealand and canada in this context the book proffers a reconceptualisation of the crown s title to land in former colonies and a reassessment of conventional doctrines including the doctrine of tenure and the doctrine of continuity with rare exceptions the existing literature does not probe as deeply or question fundamental assumptions as thoroughly as dr secher does in her research she goes to the root of the conceptual problems around the legal nature of indigenous land rights and their vulnerability to extinguishment in the former colonial empire of the crown this book is a formidable contribution that i expect will be influential in shifting legal thinking on indigenous land rights in progressive new directions from the foreword by professor kent mcneil to read the foreword please click on the sample chapter link

in this classic study alan brudner investigates the basic structure of the common law of transactions for decades that structure has been the subject of intense debate between formalists who say that transactional law is a private law for interacting parties and

functionalists who say that it is a public law serving the collective ends of society against both camps brudner proposes a synthesis of formalism and functionalism in which private law is modified by a common good without being subservient to it drawing on hegel's legal philosophy the author exhibits this synthesis in each of transactional law's main divisions property contract unjust enrichment and tort each is a whole composed of private law and public law parts that complement each other and the idea connecting the parts to each other is also latently present in each moreover brudner argues a single narrative thread connects the divisions of transactional law to each other not a row of disconnected fields transactional law is rather a story about the realization in law of the agent's claim to be a dignified end master of its body its acquisitions and the shape of its life transactional law's divisions are stages in the progress toward that goal each generating a potential developed by the next thus contract law fulfils what is incompletely realized in property law negligence law what is germinal in contract law public insurance what is seminal in negligence law and transactional law as a whole what is underdeveloped in public insurance the end point is the limit of what a transactional law can contribute to a life sufficient for dignity reconfigured and expanded with a contribution by jennifer nadler the unity of the common law stands out among contemporary theories of private law in that it depicts private law as purposive without being instrumental and as autonomous without being empty formal

in a nascent common law the process of decisionmaking in international legal disputes between states and foreign investors Frédéric gilles sourgens submits that investor state dispute resolution relies upon an inductive common law decisionmaking process which reveals a necessary plurality of first principles within investor state dispute resolution relying upon amongst others wittgenstein's philosophical investigations the book explains how this plurality of first principles does not devolve into arbitrary indeterminacy a nascent common law provides an alternative account to current theoretical conceptions of investor state arbitration it explains that these theories cannot adequately resolve a key empirical challenge tribunals frequently reach facially inconsistent results on similar questions of law sourgens makes an inductive approach focused on the manner of decisionmaking by tribunals in the context of specific records that can explain this inconsistency

reviews impact of interior dept and usda interpretations and administration of provisions defining common substances which may be extracted from public lands under licenses but which may not be claimstaked

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