



The Nature and Authority of Precedent

By Neil Duxbury

Download now

Read Online ➔

The Nature and Authority of Precedent By Neil Duxbury

Neil Duxbury examines how precedents constrain legal decision-makers and how legal decision-makers relax and avoid those constraints. There is no single principle or theory which explains the authority of precedent but rather a number of arguments which raise rebuttable presumptions in favour of precedent-following. This book examines the force and the limitations of these arguments and shows that although the principal requirement of the doctrine of precedent is that courts respect earlier judicial decisions on materially identical facts, the doctrine also requires courts to depart from such decisions when following them would perpetuate legal error or injustice. Not only do judicial precedents not 'bind' judges in the classical-positivist sense, but, were they to do so, they would be ill suited to common-law decision-making. Combining historical inquiry and philosophical analysis, this book will assist anyone seeking to understand how precedent operates as a common-law doctrine.

 [Download The Nature and Authority of Precedent ...pdf](#)

 [Read Online The Nature and Authority of Precedent ...pdf](#)

The Nature and Authority of Precedent

By Neil Duxbury

The Nature and Authority of Precedent By Neil Duxbury

Neil Duxbury examines how precedents constrain legal decision-makers and how legal decision-makers relax and avoid those constraints. There is no single principle or theory which explains the authority of precedent but rather a number of arguments which raise rebuttable presumptions in favour of precedent-following. This book examines the force and the limitations of these arguments and shows that although the principal requirement of the doctrine of precedent is that courts respect earlier judicial decisions on materially identical facts, the doctrine also requires courts to depart from such decisions when following them would perpetuate legal error or injustice. Not only do judicial precedents not 'bind' judges in the classical-positivist sense, but, were they to do so, they would be ill suited to common-law decision-making. Combining historical inquiry and philosophical analysis, this book will assist anyone seeking to understand how precedent operates as a common-law doctrine.

The Nature and Authority of Precedent By Neil Duxbury Bibliography

- Sales Rank: #11882035 in Books
- Brand: Brand: Cambridge University Press
- Published on: 2008-06-02
- Original language: English
- Number of items: 1
- Dimensions: 8.98" h x .63" w x 5.98" l, .0 pounds
- Binding: Hardcover
- 208 pages

 [Download The Nature and Authority of Precedent ...pdf](#)

 [Read Online The Nature and Authority of Precedent ...pdf](#)

Editorial Review

Review

"...For the American reader concerned with precedent in constitutional law, there is much food for thought..."

--Matthew J. Franck, Radford University; Visiting Fellow, Princeton University, The Law and Politics Book Review

About the Author

Neil Duxbury is Professor of Law at the London School of Economics.

Users Review

From reader reviews:

Katherine Sorenson:

As people who live in the actual modest era should be update about what going on or information even knowledge to make these people keep up with the era and that is always change and progress. Some of you maybe will probably update themselves by studying books. It is a good choice for yourself but the problems coming to a person is you don't know which one you should start with. This The Nature and Authority of Precedent is our recommendation to help you keep up with the world. Why, since this book serves what you want and want in this era.

Rebecca Lopez:

Hey guys, do you wants to finds a new book to learn? May be the book with the subject The Nature and Authority of Precedent suitable to you? Often the book was written by renowned writer in this era. Often the book untitled The Nature and Authority of Precedent is the one of several books in which everyone read now. This particular book was inspired lots of people in the world. When you read this e-book you will enter the new dimension that you ever know prior to. The author explained their idea in the simple way, thus all of people can easily to comprehend the core of this e-book. This book will give you a large amount of information about this world now. To help you to see the represented of the world in this book.

Catherine Stoltenberg:

Don't be worry if you are afraid that this book will filled the space in your house, you may have it in e-book technique, more simple and reachable. This particular The Nature and Authority of Precedent can give you a lot of buddies because by you looking at this one book you have factor that they don't and make you actually more like an interesting person. This book can be one of one step for you to get success. This publication offer you information that possibly your friend doesn't understand, by knowing more than other make you to be great individuals. So , why hesitate? We should have The Nature and Authority of Precedent.

Emily Ferrell:

A lot of reserve has printed but it is unique. You can get it by net on social media. You can choose the very best book for you, science, amusing, novel, or whatever simply by searching from it. It is referred to as of book The Nature and Authority of Precedent. Contain your knowledge by it. Without leaving behind the printed book, it can add your knowledge and make a person happier to read. It is most crucial that, you must aware about e-book. It can bring you from one destination to other place.

**Download and Read Online The Nature and Authority of Precedent
By Neil Duxbury #EJFDZABKCQ5**

Read The Nature and Authority of Precedent By Neil Duxbury for online ebook

The Nature and Authority of Precedent By Neil Duxbury Free PDF d0wnl0ad, audio books, books to read, good books to read, cheap books, good books, online books, books online, book reviews epub, read books online, books to read online, online library, greatbooks to read, PDF best books to read, top books to read The Nature and Authority of Precedent By Neil Duxbury books to read online.

Online The Nature and Authority of Precedent By Neil Duxbury ebook PDF download

The Nature and Authority of Precedent By Neil Duxbury Doc

The Nature and Authority of Precedent By Neil Duxbury Mobipocket

The Nature and Authority of Precedent By Neil Duxbury EPub