

Contents

A		مقدمه
Part One: Private law		9
Chapter One: Contract Law		10
I. Defining Contract.....		11
II. Offer.....		11
(II)-(I) Termination of an offer.....		12
(II)-(II) Specified time.....		12
(II)-(III) Reasonable length of time.....		12
(II)-(IV) Failure of a precondition.....		12
(II)-(V) Rejection. An offer lapses when the offeree rejects it. If Ann offers to sell Ben her car on Tuesday, and Ben says no, Ben cannot come back on Wednesday and insist on accepting the offer.....		13
(II)-(VI) Counter-offer.....		13
(II)-(VII) Requests for information.....		14
(II)-(VIII) Death of the offeror.....		14
(II)-(IX) Death of the offeree.....		14
(II)-(X) Withdrawal of offer.....		14
III. Acceptance		15
(III)-(I) The mirror-image rule		15
(III)-(II) The Mailbox Rule.....		16
(III)-(III) Communication of acceptance.....		17
(III)-(IV) Waiver of communication of acceptance.....		17
(III)-(V) Silence as communication.....		17
IV. Time of the formation of the contract		18
V. Consideration.....		18
(V)-(I) Consideration must be sufficient but need not be adequate.....		19
(V)-(II) Consideration must not be vague		19
Chapter Two: International Sale Law		20
I. Development of the CISG.....		20
II. Structure of the CISG		24
III. Impact of the CISG on National Law Reform.....		24
IV. The CISG's Traditional Contract Formation Regime		26
(IV)-(I) Contract Formation: The Offer.....		29
(IV)-(II) Common Intention to Be Bound by a Contract (animus contrahendi).....		30
(IV)-(III) Criteria for Distinguishing the Elements of a Contract		30
(IV)-(IV) CISG essentialia negotii		30
(IV)-(V) Nonformalistic Definition of Offer and Counteroffer		33
A. Offer by a specific offeror to a specific addressee.....		33

4 ▣ Law Texts in English

B. Specification of the offeree.....	35
C. Sufficiently definite offer: Requirements of CISG essentialia negotii.....	35
D. Intention of the offeror to be bound (animus contrahendi).....	39
E. Revocability of offer and the precontractual relationship.....	40
(IV)- (VI) Realistic Concept of Acceptance.....	40
(IV)- (VII) Validity: External Lagunae.....	42
Part Two: Public Law.....	44
Chapter One: Administrative Law.....	44
(I)Definition of Administrative Law.....	44
(II)Functions of administrative law.....	45
(III)Law and the administrative process.....	46
(IV)Powers, duties and discretion.....	47
(V)Delegated Legislation.....	49
(V)-(I)Justification of delegated legislation.....	50
(A)Pressure on parliamentary time:.....	50
(B)Technicality of subject matter:.....	50
(C)The need for flexibility:.....	50
(D) State of emergency:.....	51
(V)-(II)Exceptional types of delegated legislation.....	51
(A)Matters of principle:.....	51
(B)Delegation of taxing power:.....	52
(C)Sub-delegation:.....	52
(D)Retrospective operation:.....	53
(E)Exclusion of the jurisdiction of the courts:.....	53
(F)Authority to modify an Act of Parliament:.....	53
(VI)Tribunals.....	54
(VI)-(I) Education:.....	54
(VI)-(II)Employment:.....	55
(VI)-(III)Finance/revenue:.....	55
(VI)-(IV)Health and care:.....	55
(VI)-(V)Immigration and asylum:.....	55
(VI)-(VI)Property/land/local government:.....	55
(VI)-(VII) Social security/pensions/criminal injuries compensation:.....	56
(VI)-(VIII)Transport: Various tribunals are concerned with questions arising from schemes for regulating private and public transport. They include parking adjudicators, road user charging adjudicators, the Traffic Commissioners and the Transport Tribunal.....	56
(VI)-(IX)Other tribunals:.....	56
Chapter Two: Constitutional Law.....	57
(I)Definition and scope of constitutional law.....	57

(I)-(I)Definition of constitutional	57
(I)-(II)The making of written constitutions	59
(I)-(III)Legal consequences of the unwritten constitution	60
(I)-(IV)Constitutionalism	61
(I)-(V)Definition of constitutional law	62
(I)-(VI)Constitutional law and administrative law	63
(II)Sources and nature of the Constitution	64
(II)-(I)The formal sources of constitutional law	64
(A) Legislation (or enacted law).....	64
(B) Judicial precedent (or case law)	65
(C) The ‘law and custom of Parliament’	66
(II)-(II)Other rules and principles, including constitutional conventions.....	66
(II)-(III)Why are conventional rules observed?.....	67
(II)-(IV)Formulating rules of good government.....	68
(II)-(V)The meaning of ‘unconstitutional’	69
(II)-(VI)Consequences of a breach of conventional rule.....	70
(II)-(VII)The attitude of the courts	71
(II)-(VIII)Legal and constitutional literature.....	72
Part Three: Criminal law	74
Chapter one: General issues.....	75
I. Definition of crime	75
II. Principles of criminal law	77
(II)-(I) Actus reus	77
(II)- (II) Mens rea	78
III. Kinds of Criminal liability.....	79
(III)- (I) Strict liability	79
(III)-(II) Corporate liability	81
(III)-(III) Vicarious liability.....	81
(III)-(IV) Complicity	82
(III)- (IV)- (I) Secondary liability – actus reus.....	84
(III)-(IV)-(II) Secondary liability – mens rea.....	85
(III)- (V) Inchoate offences	86
Chapter two: Kinds of Crimes	89
I. Crimes against the persons.....	89
(I)- (I) Homicide.....	89
(I)- (II) Assault and battery.....	90
(I)-(III) Mayhem.....	91
(I)- (IV) Sex crimes	92
(I)-(IV)-(I) Rape	92
(I)-(IV)-(II) Sodomy	93
(I)-(IV)-(III)Incest	93
(I)- (V) Kidnapping	94

6 ▣ Law Texts in English

(I)- (VI) False Imprisonment	95
(I)- (VII) Stalking	95
II. Crimes against the property	96
(II)- (I) Arson.....	96
(II)- (II) Burglary	97
(II)- (III) Theft crimes	98
(II)- (III)- (I) Larceny	99
(II)- (III)- (II) Embezzlement	100
(II)-(III)-(III) False Pretenses or fraud.....	101
A. Fraudulent Checks	101
B. Mail Fraud.....	102
C. Forgery.....	102
(II)- (III)- (IV) Receiving Stolen Property	102
(II)- (III)- (V) Robbery	103
(II)-(III)-(VI) Extortion	103
(II)- (III)- (VII) Destruction of Property.....	104
III. Computer crimes	104
Part Four: International Law	106
Chapter One: Introduction	106
(I)Definition of International Law	106
(II)International law as ‘law’	106
(III)The characteristics of international law	108
(IV)The scope of international law.....	110
Chapter Two: Sources.....	111
(I)Custom.....	112
(I)-(I)Material element.....	112
(I)-(II)Psychological Element or opinion juris	114
(II)Treaties.....	114
(III)General Principles of Law as Recognized By Civilized Nations.....	115
(IV)Judicial decisions	116
(V)Learned writers	117
(VI)Equity.....	118
(VII)Other possible sources of international law.....	119
(VII)-(I)Soft Law	119
(VII)-(II)Jus Cogens	120
(VII)-(III)Acts of international organizations.....	120
Chapter Three: International Personality	121
(I)States	122
(I)-(I)Permanent population.....	122
(I)-(II)Defined territory	122
(I)-(III)A government	123
(I)-(IV)Capacity to enter into relations with other states.....	123

(I)-(V)Recognition of States.....	124
(I)-(V)-(I)Theories.....	124
(A)The constitutive theory.....	124
(B)The declaratory theory.....	125
(I)-(VI)Recognition of government.....	125
(I)-(VI)-(I)De facto and de jure recognition.....	125
(II)International Organization.....	126
(III)Individuals.....	127
(IV)National Liberation Movements.....	128
(V)Transnational Corporations.....	128
(VI)Non-governmental organizations (NGOs).....	129
Chapter Four: Peaceful settlement of International disputes.....	130
(I)Negotiations.....	130
(II)Good offices.....	130
(III)Mediation.....	131
(IV)Conciliation.....	131
(V)Commission of Inquiry.....	132
(VI)Arbitration.....	132
(VII)Adjudication.....	134
(VII)-(I)Composition of the International Court.....	134
(VII)-(II)Jurisdiction of the court.....	136
(VII)-(II)-(I)Contentious case.....	136
(C)Article 36(2)-The optional clause.....	137
(VII)-(III)The decision.....	138
(VII)-(IV)Effect of judgment.....	138
(VII)-(V)Advisory opinions.....	139