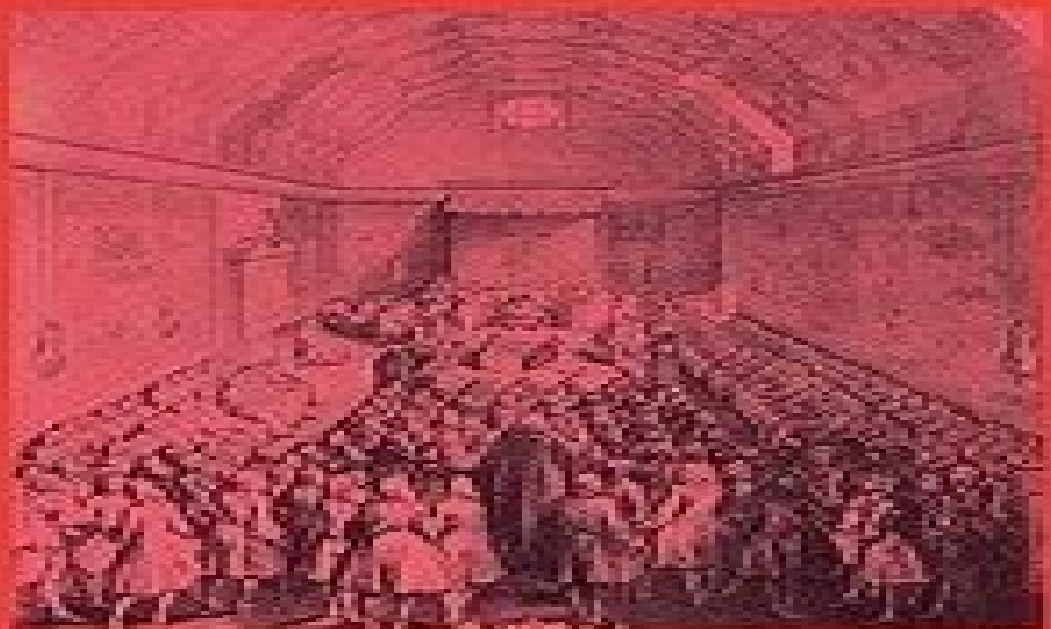


Ideas in context

The province of legislation determined

Legal theory in
eighteenth-century Britain

David
Lieberman



Province Of Legislation Determined

Lindsay Farmer



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The Province of Legislation Determined David Lieberman, 2002-07-18 A comprehensive account of English legal thought in the age of Blackstone and Bentham for nearly a century The Province of Legislation Determined advances an ambitious reinterpretation of eighteenth century attitudes to social change and law reform Professor Lieberman's bold synthesis rests on a wide survey of legal materials and on a detailed discussion of Blackstone's Commentaries the jurisprudence of Lord Kames and the Scottish Enlightenment the chief justiceship of Lord Mansfield the penal theories of Eden and Romilly and the legislative science of Jeremy Bentham The study relates legal developments to the broader fabric of eighteenth century social and political theory and offers a novel assessment of the character of the common law tradition and of Bentham's contribution to the ideology of reform

The Province of Jurisprudence Determined John Austin, Sarah Austin, 1863

The Rule of Law and Emergency in Colonial India Haruki Inagaki, 2021-10-09 This book takes a closer look at colonial despotism in early nineteenth century India and argues that it resulted from Indians forum shopping the legal practice which resulted in jurisdictional jockeying between an executive the East India Company and a judiciary the King's Court Focusing on the collisions that took place in Bombay during the 1820s the book analyses how Indians of various descriptions peasants revenue defaulters government employees merchants chiefs and princes used the court to challenge the government and vice versa and demonstrates the mechanism through which the lawcourt hindered the government's indirect rule which relied on local Indian rulers in newly conquered territories The author concludes that existing political anxiety justified the East India Company's attempt to curtail the power of the court and strengthen their own power to intervene in emergencies through the renewal of the company's charter in 1834 An insightful read for those researching Indian history and judicial politics this book engages with an understudied period of British rule in India where the royal courts emerged as sites of conflict between the East India Company and a variety of Indian powers

Underwriters of the United States Hannah Farber, 2021-10-28 Unassuming but formidable American maritime insurers used their position at the pinnacle of global trade to shape the new nation The international information they gathered and the capital they generated enabled them to play central roles in state building and economic development During the Revolution they helped the U S negotiate foreign loans sell state debts and establish a single national bank Afterward they increased their influence by lending money to the federal government and to its citizens Even as federal and state governments began to encroach on their domain maritime insurers adapted preserving their autonomy and authority through extensive involvement in the formation of commercial law Leveraging their claims to unmatched expertise they operated free from government interference while simultaneously embedding themselves into the nation's institutional fabric By the early nineteenth century insurers were no longer just risk assessors They were nation builders and market makers Deeply and imaginatively researched Underwriters of the United States uses marine insurers to reveal a startlingly original

story of risk money and power in the founding era Scholars of the Law Richard A. Cosgrove,1996-04-01 Law has been the missing link in modern British studies Richard Cosgrove has begun single handedly to change that In unpretentious prose Cosgrove expertly guides the reader through the major works of half a dozen greats as well as shrewdly assessing their current reputations Scholars of the Law should inspire many more John V Orth The University of North Carolina School of Law Richard Cosgrove s Scholars of the Law begins with the emergence of the positivist belief that jurisprudence can solve the important social issues of the day Legal theory in the twentieth century has become narrow and abstract and contemporary theory ever anxious to debunk elitism ironically has become elitist itself Charting the history of English jurisprudence through its key figures William Blackstone Jeremy Bentham John Austin Henry Maine Thomas Erskine Holland and H L A Hart Richard Cosgrove argues that jurisprudence must return to its interdisciplinary roots and draw upon economics politics and sociology In short theory and practice must be recombined *The Law of Evidence in Victorian England* C. J. W. Allen,1997-09-04 In *The Law of Evidence in Victorian England* which was originally published in 1997 Christopher Allen provides a fascinating account of the political social and intellectual influences on the development of evidence law during the Victorian period His book sets out to challenge the traditional view of the significance of Jeremy Bentham s critique of the state of contemporary evidence law and shows how statutory reforms were achieved for reasons that had little to do with Bentham s radical programme and how evidence law was developed by common law judges in a way diametrically opposed to that advocated by Bentham Dr Allen s meticulous account provides a wealth of detail into the functioning of courts in Victorian England and will appeal to everyone interested in the English legal system during this period **The Cambridge Companion to the Scottish Enlightenment** Alexander Broadie,2003-04-10 The Cambridge Companion to the Scottish Enlightenment offers a philosophical perspective on an eighteenth century movement that has been profoundly influential on western culture A distinguished team of contributors examines the writings of David Hume Adam Smith Thomas Reid Adam Ferguson Colin Maclaurin and other Scottish thinkers in fields including philosophy natural theology economics anthropology natural science and law In addition the contributors relate the Scottish Enlightenment to its historical context and assess its impact and legacy in Europe America and beyond The result is a comprehensive and accessible volume that illuminates the richness the intellectual variety and the underlying unity of this important movement It will be of interest to a wide range of readers in philosophy theology literature and the history of ideas *An Empire of Laws* Christian R. Burset,2023-01-01 A compelling reexamination of how Britain used law to shape its empire For many years Britain tried to impose its own laws on the peoples it conquered and English common law usually followed the Union Jack But the common law became less common after Britain emerged from the Seven Years War 1754-63 as the world s most powerful empire At that point imperial policymakers adopted a strategy of legal pluralism some colonies remained under English law while others including parts of India and former French territories in North America retained much of their previous legal

regimes As legal historian Christian R Bursett argues determining how much English law a colony received depended on what kind of colony Britain wanted to create Policymakers thought English law could turn any territory into an anglicized commercial colony legal pluralism in contrast would ensure a colony's economic and political subordination Britain's turn to legal pluralism thus reflected the victory of a new vision of empire authoritarian extractive and tolerant over more assimilationist and egalitarian alternatives Among other implications this helps explain American colonists' reverence for the common law it expressed and preserved their equal status in the empire This book the first empire wide overview of law as an instrument of policy in the eighteenth century British Empire offers an imaginative rethinking of the relationship between tolerance and empire

The Nature of Rights at the American Founding and Beyond Barry Alan Shain, 2007

Americans have been claiming and defending rights since long before the nation achieved independence But few Americans recognize how profoundly the nature of rights has changed over the past three hundred years In *The Nature of Rights at the American Founding and Beyond* Barry Alan Shain gathers together essays by some of the leading scholars in American constitutional law and history to examine the nature of rights claims in eighteenth century America and how they differed if at all from today's understandings Was America at its founding predominantly individualistic or in some important way communal Similarly which understanding of rights was of greater centrality the historical rights of Englishmen or abstract natural rights And who enjoyed these rights however understood Everyone Or only economically privileged and militarily responsible male heads of households The contributors also consider how such concepts of rights have continued to shape and reshape the American experience of political liberty to this day Beginning with the arresting transformation in the grounding of rights prompted by the American War of Independence the volume moves through what the contributors describe as the Founders Bill of Rights to the second Bill of Rights that coincided with the Civil War and ends with the language of rights erupting from the horrors of the Second World War and its aftermath in the Cold War By asking what kind of nation the founding generation left us or intended to leave us the contributors are then able to compare that nation to the nation we have become Most if not all of the essays demonstrate that the nature of rights in America has been anything but constant and that the rights defended in the late eighteenth century stand at some distance from those celebrated today Contributors Akhil Reed Amar Yale University James H Hutson Library of Congress Stephen Macedo Princeton University Richard Primus University of Michigan Jack N Rakove Stanford University John Phillip Reid New York University Daniel T Rodgers Princeton University A Gregg Roeber Pennsylvania State University Barry Alan Shain Colgate University Rogers M Smith University of Pennsylvania Leif Wenar University of Sheffield Gordon S Wood Brown University

Multiple Lenses, Multiple Images Hillel Goelman, Sally Ross, Sheila Marshall, 2004-01-01 Drawing from a wide range of disciplines and perspectives the essays in *Multiple Lenses Multiple Images* are oriented around the idea that images of childhood can be understood within three dimensions time space and discipline Time refers to both the chronological ages of the children

under consideration and the historical timeframe in which that particular essay is suited Space is a dimension that includes familial community institutional and cultural spaces within which children live The third dimension discipline names the specific and distinct areas of scholarship and research that define the ontology epistemology and methodology within which the contributors write Multiple Lenses Multiple Images is intended to deepen and expand the collaborative interdisciplinary discourse on children and childhood through reflections not just on what is known about children but on how it has been learned

Literature and Legal Discourse Dieter Paul Polloczek,1999-09-09 The intersection between law and literature is a developing area in literary studies Existing work has argued that literature provides an imaginary forum in which legal ideals and practices may be tested In Literature and Legal Discourse Equity and Ethics from Sterne to Conrad Dieter Polloczek develops this idea by comparing the notion of equity or ethics in fiction with its legal equivalent He shows how the novel with its increasing social scope and formal sophistication provided a means of transmitting questioning and refining society's traditions values and modes of self questioning Polloczek analyses the links between actual legal fictions like substituted judgements notions of equity literary tropes and the construction and representation of social bonds through sentiment philanthropy and marginalisation Polloczek's study is both theoretical and historical covering a period that extends from the eighteenth century to the modernist period and texts from Sterne Dickens Bentham and Conrad

The Pursuit of Happiness in the Founding Era Carli N. Conklin,2019-03-20 Scholars have long debated the meaning of the pursuit of happiness yet have tended to define it narrowly focusing on a single intellectual tradition and on the use of the term within a single text the Declaration of Independence In this insightful volume Carli Conklin considers the pursuit of happiness across a variety of intellectual traditions and explores its usage in two key legal texts of the Founding Era the Declaration and William Blackstone's Commentaries on the Laws of England For Blackstone the pursuit of happiness was a science of jurisprudence by which his students could know and then rightly apply the first principles of the Common Law For the founders the pursuit of happiness was the individual right to pursue a life lived in harmony with the law of nature and a public duty to govern in accordance with that law Both applications suggest we consider anew how the phrase and its underlying legal philosophies were understood in the founding era With this work Conklin makes important contributions to the fields of early American intellectual and legal history

Reports of Cases Determined in the Election Court for the Province of Nova Scotia Anonymous,2023-03-15 Reprint of the original first published in 1874

Digest of Cases Determined in the Supreme Court of Canada ,1918

Making the Modern Criminal Law Lindsay Farmer,2016 The Criminalization series arose from an interdisciplinary investigation into criminalization focusing on the principles that might guide decisions about what kinds of conduct should be criminalized and the forms that criminalization should take Developing a normative theory of criminalization the series tackles the key questions at the heart of the issue what principles and goals should guide legislators in deciding what to criminalize How should criminal wrongs be classified and

differentiated How should law enforcement officials apply the law s specifications of offences The fifth book in the series offers an historical and conceptual account of the criminal law as it has developed in England and spread to common law jurisdictions around the world It traces how and why criminal law has come to be accorded with a central role in securing civil order in modernity and justifies who and what should be treated as criminal under the law Farmer argues that the emergence of the modern state in which criminal law is recognized as an instrument of government is a result of the distinct body of rules which have emerged from the modern criminal law Structured in two parts the first traces the development of the modern criminal law including jurisdiction codification and responsibility The second part engages in a detailed analysis of the development of specific categories of criminal law focusing on patterns of criminalization in relation to property offences offences against the person sexual offences and civility

The Province of Administrative Law Michael Taggart, 1997-06-01 During the past decade administrative law has experienced remarkable development It has consistently been one of the most dynamic and potent areas of legal innovation and of judicial activism It has expanded its reach into an ever broadening sphere of public and private activities Largely through the mechanism of judicial review the judges in several jurisdictions have extended the ambit of the traditional remedies partly in response to a perceived need to fill an accountability vacuum created by the privatisation of public enterprises the contracting out of public services and the deregulation of industry and commerce The essays in this volume focus upon these and other shifts in administrative law and in doing so they draw upon the experiences of several jurisdictions the UK the US Canada Australia and New Zealand The result is a wide ranging and forceful analysis of the scope development and future direction of administrative law

Utility, Publicity, and Law Gerald J. Postema, 2019-07-29 The essays in this volume offer a reassessment of Jeremy Bentham s strikingly original legal philosophy Early on Bentham discovered his genius for legislation legislation included not only lawmaking and code writing but also political and social institution building and engineering of public spaces for effective control of the exercise of political power In his general philosophical work Bentham sought to articulate a public philosophy to guide and direct all of his legislative efforts Part I explores the philosophical foundations of his public philosophy his theory of meaning and framework for analysis and definition of key concepts his theory of human affections and motivations and his utilitarian theory of value It is argued that while concepts of pleasure and happiness play nominal roles in his theory of value concepts of publicity equality and interests emerge as the dominant concepts of his public philosophy Part II explores several dimensions of Bentham s jurisprudence including his radically revised command model of law his early reflections on justice and law in adjudication his theories of judicial evidence constitutional rights the rule of law and international law The concluding essay demonstrates the centrality of the notion of publicity in his moral legal and political thought Emerging from this study is a positivist legal theory and a utilitarian moral political philosophy that challenge in fundamental ways contemporary understandings of those doctrines

Reports of Cases Argued and Determined in the

Supreme Court of the State of Vermont Vermont. Supreme Court,1852 **A Practical Abridgment of American
Common Law Cases Argued and Determined in the Courts of the Several States, and the United States Courts,
from the Earliest Period to the Present Time** Jacob D. Wheeler,1836 Reports of Cases at Law and in Equity Argued
and Determined in the Supreme Court of Alabama Alabama. Supreme Court,George Noble Stewart,Benjamin Faneuil
Porter,1836

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