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F. W. Maitland



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Maitland: State, Trust and Corporation F. W. Maitland, 2003-11-13 Representing perhaps the most celebrated English historian since Gibbon this collection of a series of F W Maitland s 1850 1906 later essays is designed to bring his thought to the attention of political theorists and political scientists as well as historians The essays are about the historical origins of the state and many of their themes the limits of state power the interrelationship between states and corporations are of continuing relevance today

State, Trust, and Corporation Frederic William Maitland, 2003 Maitland s late great essays on the historical origins of the state are collected in this volume They contain a series of profound insights into the way the character of the state has been shaped by the non political associations that exist alongside it matters of continuing relevance today

Church State Corporation Winnifred Fallers Sullivan, 2020-07-15 Church and state a simple phrase that reflects one of the most famous and fraught relationships in the history of the United States But what exactly is the church and how is it understood in US law today In *Church State Corporation* religion and law scholar Winnifred Fallers Sullivan uncovers the deeply ambiguous and often unacknowledged ways in which Christian theology remains alive and at work in the American legal imagination Through readings of the opinions of the US Supreme Court and other legal texts Sullivan shows how the church as a religious collective is granted special privilege in US law In depth analyses of *Hosanna Tabor v EEOC* and *Burwell v Hobby Lobby* reveal that the law tends to honor the religious rights of the group whether in the form of a church as in *Hosanna Tabor* or in corporate form as in *Hobby Lobby* over the rights of the individual offering corporate religious entities an autonomy denied to their respective members In discussing the various communities that construct the church shaped space in American law Sullivan also delves into disputes over church property the legal exploitation of the black church in the criminal justice system and the recent case of *Masterpiece Cakeshop v Colorado Civil Rights Commission* Brimming with insight *Church State Corporation* provocatively challenges our most basic beliefs about the ties between religion and law in ostensibly secular democracies

Rethinking Ethical Foreign Policy David Chandler, Volker Heins, 2006-11-28 This new volume moves beyond the limits of current debate to show how today s foreign policy is increasingly about values rather than interests and why ethics are now playing a central role Rather than counterposing interests and ethics trying to find hidden agendas or emphasizing the double standards at play in ethical foreign policy this book brings together leading international theorists and a variety of stimulating approaches to develop a critical understanding of the rise of ethical foreign policy and to analyze the limits of ethical policy making on its own terms They deal with the limits of ethical foreign policy both in the light of the internal dynamic of these policies themselves and with regard to the often unintended consequences of policies designed to better the world This book also shows how the transformation of both the domestic and the international spheres of politics means that ethics has become a rallying point for non state actors and experts who gather around values and norms in order to force institutions to justify their behavior

This process results from different structural changes and the transformation of the international system the individualization of Western societies and the growing importance of expertise in the justification of decisions in risk adverse societies It leads to a transformation of norms and to a redefinition of a global ethical framework that needs to be clarified This book will be of great interest to all students and researchers of foreign policy formation politics and international relations

Equity and Administration P. G. Turner, 2016-05-26 Each generation of lawyers in common law systems faces an important question what is the nature of equity as developed in English law and inherited by other common law jurisdictions While some traditional explanations of equity remain useful including the understanding of equity as a system that qualifies the legal rights people ordinarily have under judge made law and under legislation other common explanations are unhelpful or misleading This volume considers a distinct and little noticed view of equity By examining the ways in which courts of equity have addressed a range of practical problems regarding the administration of deliberately created schemes for the management of others affairs modern equity can be seen to have a strongly facilitative character The extent and limits on this characterisation of equity are explored in chapters covering equity s attitude to administration in various public and private settings in common law systems

Agamben and Radical Politics McLoughlin Daniel McLoughlin, 2016-06-01 These 12 essays give you new perspectives on how Agamben s work is increasingly relevant to economy and political action the two ideas that frame the most pressing problems of global politics New analyses of Agamben s recent work on government and his relationship to the revolutionary tradition opening up new ways of thinking about politics and critical theory in the post financial crisis world Contributors Daniel McLoughlin Giorgio Agamben Jason E Smith Jessica Whyte Justin Clemens Mathew Abbott Miguel Vatter Nicholas Heron Sergei Prozorov Simone Bignall Steven DeCaroli

Virginia 1619 Paul Musselwhite, Peter C. Mancall, James Horn, 2019-04-23 Virginia 1619 provides an opportunity to reflect on the origins of English colonialism around the Chesapeake Bay and the Atlantic world As the essays here demonstrate Anglo Americans have been simultaneously experimenting with representative government and struggling with the corrosive legacy of racial thinking for more than four centuries Virginia contrary to popular stereotypes was not the product of thoughtless greedy or impatient English colonists Instead the emergence of stable English Atlantic colonies reflected the deliberate efforts of an array of actors to establish new societies based on their ideas about commonwealth commerce and colonialism Looking back from 2019 we can understand that what happened on the shores of the Chesapeake four hundred years ago was no accident Slavery and freedom were born together as migrants and English officials figured out how to make this colony succeed They did so in the face of rival ventures and while struggling to survive in a dangerous environment Three hallmarks of English America self government slavery and native dispossession took shape as everyone contested the future of empire along the James River in 1619 The contributors are Nicholas Canny Misha Ewen Andrew Fitzmaurice Jack P Greene Paul D Halliday Alexander B Haskell James Horn Michael J Jarvis Peter C Mancall Philip D Morgan Melissa N Morris Paul Musselwhite James

D Rice and Lauren Working **Prosperity** Colin Mayer, 2018-11-01 What is business for Day one of a business course will tell you it is to maximise shareholder profit This single idea pervades all our thinking and teaching about business around the world but it is fundamentally wrong Colin Mayer argues It has had disastrous and damaging consequences for our economies environment politics and societies In this urgent call for reform Prosperity challenges the fundamentals of business thinking It sets out a comprehensive new agenda for establishing the corporation as a unique and powerful force for promoting economic and social wellbeing in its fullest sense for customers and communities today and in the future First Professor and former Dean of the Saïd Business School in Oxford Mayer is a leading figure in the global discussion about the purpose and role of the corporation In Prosperity he presents a radical and carefully considered prescription for corporations their ownership governance finance and regulation Drawing together insights from business law economics science philosophy and history he shows how the corporation can realize its full potential to contribute to economic and social wellbeing of the many not just the few Prosperity tells us not only how to create and run successful businesses but also how policy can get us there and fix our broken system *Key Ideas in Trusts Law* Nicholas McBride, 2023-06-01 This book provides an in depth and easy to understand account of a subject that students often find dauntingly difficult to master The opening chapter sets out some definitions of what a trust is and goes on to clearly explain the history of trusts law and how both trusts law and the roles played by trusts have changed over time Different types of trust trusts for persons charitable and non charitable purpose trusts express trusts constructive trusts and resulting trusts are explored in detail over the following two chapters The fourth chapter sets out the law on when someone will commit a breach of trust and what remedies will be available when such a breach is committed the obscure and intimidating terminology that affects this area of law is explained and made easy to use A concluding chapter explores the harms caused by trusts law particularly through its use to store wealth in tax havens abroad and considers possibilities for reforming the law to mitigate those harms With references to almost 150 books and articles and almost 150 cases this book will save students a huge amount of time in terms of developing a sophisticated knowledge of the past present and potential futures of trusts law both in England Wales and across the world as well as the academic and judicial debates that surround this area of law **Equity Today** Ben McFarlane, Steven Elliott KC, 2023-06-29 This book presents a clear carefully analysed picture of the operation of equity today across the common law world Rather than revisit the abstract debate as to whether or not equity has fused with the common law it focuses on specific equitable principles and doctrines Expert contributors step back and take a wider view of those doctrines examining how they can best be understood today and how they might develop in the future This will prove invaluable to practitioners and courts at first instance as well as appellate level allowing them to navigate the constantly growing mass of case law Drawing on expertise from across the worlds of academia practice and the bench this seminal collection provides the most illuminating picture available of how equity operates **Law and Authority in British Legal History, 1200-1900** Mark Godfrey, 2016-04-07

By presenting original research into British legal history this volume emphasises the historical shaping of the law by ideas of authority The essays offer perspectives upon the way that ideas of authority underpinned the conceptualisation and interpretation of legal sources over time and became embedded in legal institutions The contributors explore the basis of the authority of particular sources of law such as legislation or court judgments and highlight how this was affected by shifting ideas relating to concepts of sovereignty religion political legitimacy the nature of law equity and judicial interpretation The analysis also encompasses ideas of authority which influenced the development of courts remedies and jurisdictions international aspects of legal authority when questions of foreign law or jurisdiction arose in British courts the wider authority of systems of legal ideas such as natural law the authority of legal treatises and the relationship between history law and legal thought

Hired Guns and Human Rights Kuzi Charamba, 2020-10-30 This innovative book provides an overview and critical assessment of the current avenues and remedies available to victims seeking recourse from private military and security companies PMSCs for human rights violations

Reclaiming Politics Nathan Warf, 2025-03-10 The author discusses political pluralism and the common law tradition Political pluralism refers to the English Pluralists of the early 1900s who understood pluralism as a response to the excesses of both individualism and state collectivism They argued that individuals will always be found within a myriad of groups families churches workplaces communities etc Such groups are real neither reducible to the individuals who make them up nor legal fictions or mere concessions of the state Pluralists view society as being built from the bottom up by an assortment of groups This organic view of society goes hand in hand with a parallel organic view of law which conceives law as a historically unfolding emanation from the people rather than a simple command of the sovereign The common law emphasizes consensus and continuity After connecting political pluralism and the common law through examples from European history the book turns to the United States Early America had both a strong organic conception of law and society As the U S moved away from these understandings political polarization grew and public sentiment became more pessimistic and anxious Political pluralism and the common law tradition offer a powerful corrective to some of today's most pressing problems

King Leopold's Ghostwriter Andrew Fitzmaurice, 2024-12-17 A dramatic intellectual biography of Victorian jurist Travers Twiss who provided the legal justification for the creation of the brutal Congo Free State Eminent jurist Oxford professor advocate to the Archbishop of Canterbury Travers Twiss 1809-1897 was a model establishment figure in Victorian Britain and a close collaborator of Prince Metternich the architect of the Concert of Europe Yet Twiss's life was defined by two events that threatened to undermine the order that he had so stoutly defended a notorious social scandal and the creation of the Congo Free State In *King Leopold's Ghostwriter* Andrew Fitzmaurice tells the incredible story of a man who driven by personal events that transformed him from a reactionary to a reformer rewrote and liberalised international law yet did so in service of the most brutal regime of the colonial era In an elaborate deception Twiss and Pharaïde van Lynseele a Belgian prostitute sought to reinvent her as a woman of suitably

noble birth to be his wife Their subterfuge collapsed when another former client publicly denounced van Lynseele Disgraced Twiss resigned his offices and the couple fled to Switzerland But this failure set the stage for a second successful act of re creation Twiss found new employment as the intellectual driving force of King Leopold of Belgium s efforts to have the Congo recognised as a new state under his personal authority Drawing on extensive new archival research King Leopold s Ghostwriter recounts Twiss s story as never before including how his creation of a new legal personhood for the Congo was intimately related to the earlier invention of a new legal personhood for his wife Combining gripping biography and penetrating intellectual history King Leopold s Ghostwriter uncovers a dramatic ambiguous life that has had lasting influence on international law

Corporate Attribution in Private Law Rachel Leow, 2022-02-24 Looking at key questions of how companies are held accountable under private law this book presents a succinct and accessible framework for analysing and answering corporate attribution problems in private law Corporate attribution is the process by which the acts and states of mind of human individuals are treated as those of a company to establish the company s rights duties and liabilities But when and why are acts and states of mind attributed in private law Drawing on a wide range of material from across the disparate areas of company law agency law and the laws of contract tort unjust enrichment and equitable obligations this book s central argument is that attribution turns on the allocation and delegation of the company s own powers to act This approach allows for a much greater and clearer understanding of attribution A further benefit is that it shows attribution to be much more united and coherent than it is commonly thought to be Looking at corporate attribution across the broad expanse of the common law this book will be of interest to lawyers across the common law world including the United Kingdom Australia Canada and Singapore

International Law and the Politics of History Anne Orford, 2021-08-05 As the future of international law has become a growing site of struggle within and between powerful states debates over the history of international law have become increasingly heated International Law and the Politics of History explores the ideological political and material stakes of apparently technical disputes over how the legal past should be studied and understood Drawing on a deep knowledge of the history theory and practice of international law Anne Orford argues that there can be no impartial accounts of international law s past and its relation to empire and capitalism Rather than looking to history in a doomed attempt to find a new ground for formalist interpretations of what past legal texts really mean or what international regimes are really for she urges lawyers and historians to embrace the creative role they play in making rather than finding the meaning of international law

The Oxford Handbook of Law and Humanities Simon Stern, Maksymilian Del Mar, Bernadette Meyler, 2020 How might law matter to the humanities How might the humanities matter to law In its approach to both of these questions The Oxford Handbook of Law and Humanities shows how rich a resource the law is for humanistic study as well as how and why the humanities are vital for understanding law Tackling questions of method key themes and concepts and a variety of genres and areas of the law this collection of essays by leading scholars from a variety

of disciplines illuminates new questions and articulates an exciting new agenda for scholarship in law and humanities

Landmark Cases in Equity Charles Mitchell, Paul Mitchell, 2012-07-06 *Landmark Cases in Equity* continues the series of essay collections which began with *Landmark Cases in the Law of Restitution* 2006 and continued with *Landmark Cases in the Law of Contract* 2008 and *Landmark Cases in the Law of Tort* 2010 It contains essays on landmark cases in the development of equitable doctrine running from the seventeenth century to recent times The range breadth and social importance of equitable principles as these affect commercial domestic and even political matters are well known By focusing on the historical development of these principles the essays in this collection help us to understand them more clearly and also provide insights into the processes of legal change through judicial innovation Themes addressed in the essays include the nature of the courts equitable jurisdiction the development of property rights in equity constraints on the powers of settlors to create express trusts the duties of trustees and other fiduciaries remedies for breach of these duties and the evolution of constructive and resulting trusts

Corporate Sovereignty Joshua Barkan, 2013-08-01 Refinery explosions Accounting scandals Bank meltdowns All of these catastrophes and many more might rightfully be blamed on corporations In response advocates have suggested reforms ranging from increased government regulation to corporate codes of conduct to stop corporate abuses Joshua Barkan writes that these reactions which view law as a limit on corporations misunderstand the role of law in fostering corporate power In *Corporate Sovereignty* Barkan argues that corporate power should be rethought as a mode of political sovereignty Rather than treating the economic power of corporations as a threat to the political sovereignty of states Barkan shows that the two are ontologically linked Situating analysis of U S British and international corporate law alongside careful readings in political and social theory he demonstrates that the Anglo American corporation and modern political sovereignty are founded in and bound together through a principle of legally sanctioned immunity from law The problems that corporate led globalization present for governments result not from regulatory failures as much as from corporate immunity that is being exported across the globe For Barkan there is a paradox in that corporations which are legal creations are given such power that they undermine the sovereignty of states He notes that while the relationship between states and corporations may appear adversarial it is in fact a kind of doubling in which state sovereignty and corporate power are both conjoined and in conflict Our refusal to grapple with the peculiar nature of this doubling means that some of our best efforts to control corporations unwittingly reinvest the sovereign powers they oppose

Law's History David M. Rabban, 2013 This is a study of the central role of history in late nineteenth century American legal thought In the decades following the Civil War the founding generation of professional legal scholars in the United States drew from the evolutionary social thought that pervaded Western intellectual life on both sides of the Atlantic Their historical analysis of law as an inductive science rejected deductive theories and supported moderate legal reform conclusions that challenge conventional accounts of legal formalism Unprecedented in its coverage and its innovative conclusions about major American

legal thinkers from the Civil War to the present the book combines transatlantic intellectual history legal history the history of legal thought historiography jurisprudence constitutional theory and the history of higher education

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