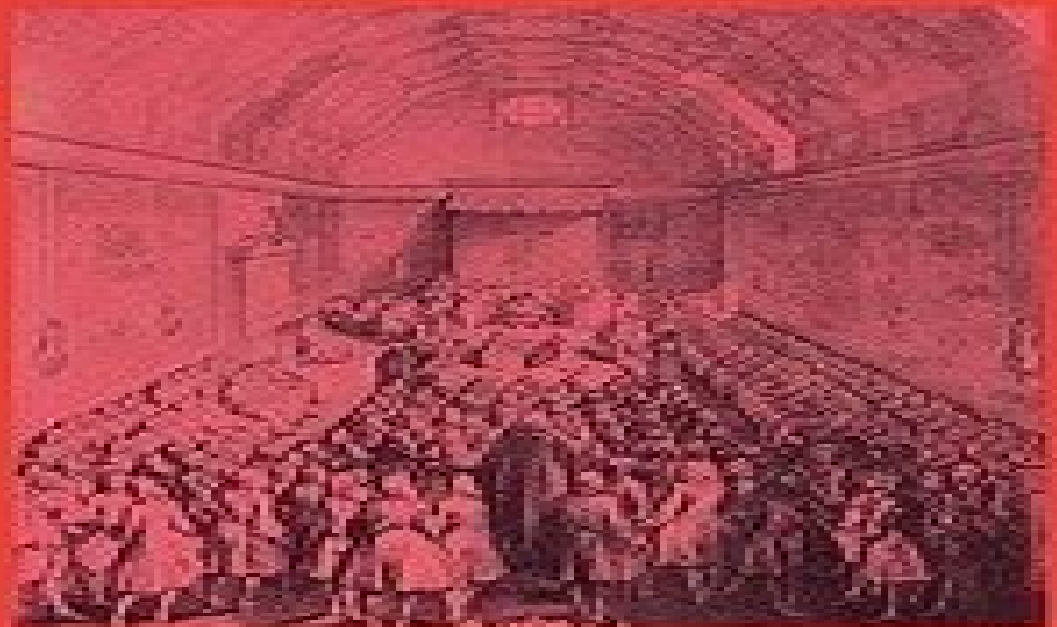


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Legal theory in
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David
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The Province of Legislation Determined David Lieberman, 2002-07-18 A comprehensive account of English legal thought in the 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 *Common Law and Enlightenment in England, 1689-1750* Julia Rudolph, 2013 The book demonstrates how the common law mind was able to meet the various challenges posed by Enlightenment rationalism and civic and commercial discourse revealing that the common law played a much wider role beyond the legal world in shaping Enlightenment concepts **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 *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 *Power and the Professions in Britain 1700-1850* Penelope J Corfield, Penelope J.

Corfield,2012-10-12 The modern professions have a long history that predates the development of formal institutions and examinations in the nineteenth century Long before the Victorian era the emergent professions wielded power through their specialist knowledge and set up informal mechanisms of control and self regulation Penelope Corfield devotes a chapter each to lawyers clerics and doctors and makes reference to many other professionals teachers apothecaries governesses army officers and others She shows how as the professions gained in power and influence so they were challenged increasingly by satire and ridicule Corfield s analysis of the rise of the professions during this period centres on a discussion of the philosophical questions arising from the complex relationship between power and knowledge

A Companion to American Legal History Sally E. Hadden,Alfred L. Brophy,2013-02-22 A Companion to American Legal History presents a compilation of the most recent writings from leading scholars on American legal history from the colonial era through the late twentieth century Presents up to date research describing the key debates in American legal history Reflects the current state of American legal history research and points readers in the direction of future research Represents an ideal companion for graduate and law students seeking an introduction to the field the key questions and future research ideas

Periodization and Sovereignty Kathleen Davis,2012-03-12 Despite all recent challenges to stage oriented histories the idea of a division between a medieval and a modern period has survived even flourished in academia Periodization and Sovereignty demonstrates that this survival is no innocent affair By examining periodization together with the two controversial categories of feudalism and secularization Kathleen Davis exposes the relationship between the constitution of the Middle Ages and the history of sovereignty slavery and colonialism This book s groundbreaking investigation of feudal historiography finds that the historical formation of feudalism mediated the theorization of sovereignty and a social contract even as it provided a rationale for colonialism and facilitated the disavowal of slavery Sovereignty is also at the heart of today s often violent struggles over secular and religious politics and Davis traces the relationship between these struggles and the narrative of secularization which grounds itself in a period divide between a modern historical consciousness and a theologically entrapped Middle Ages incapable of history This alignment of sovereignty the secular and the conceptualization of historical time which relies essentially upon a medieval modern divide both underlies and regulates today s volatile debates over world politics The problem of defining the limits of our most fundamental political concepts cannot be extricated Davis argues from the periodizing operations that constituted them and that continue today to obscure the process by which feudalism and secularization govern the politics of time

The Legal Philosophy and Influence of Jeremy Bentham Guillaume Tusseau,2014-06-20 Gathering together an impressive array of legal scholars from around the world this book features essays on Jeremy Bentham s major legal theoretical treatise *Of the Limits of the Penal Branch of Jurisprudence* reassessing Bentham s theories of law as well as his impact on jurisprudence While offering a suggestive picture of contemporary Bentham studies the book provides a thorough examination of concepts such as legal discourse legal

norms legal system and subjective legal positions The book compares Bentham s approach with other landmark theories and the works of major legal philosophers including Austin Hart and Kelsen and explores Bentham s treatise through major trends in contemporary legal thought such as the imperative theory of law deontic logic Scandinavian and American legal realisms the pure theory of law and critical legal thought Resisting any apologetic stance the book elucidates how consistent with Bentham s all encompassing project of utilitarian reform Limits turns out to be and how this sheds light on contemporary modes of governance The book will be great use and interest to scholars and students of contemporary jurisprudence legal theory 19th century philosophy and public law Thomas Jefferson, Legal History, and the Art of Recollection Matthew Crow,2017-03-17 In this innovative book historian Matthew Crow unpacks the legal and political thought of Thomas Jefferson as a tool for thinking about constitutional transformation settler colonialism and race and civic identity in the era of the American Revolution Thomas Jefferson s practices of reading writing and collecting legal history grew out of broader histories of early modern empire and political thought As a result of the peculiar ways in which he theorized and experienced the imperial crisis and revolutionary constitutionalism Jefferson came to understand a republican constitution as requiring a textual material culture of law shared by citizens with the cultivated capacity to participate in such a culture At the center of the story in Thomas Jefferson Legal History and the Art of Recollection Crow concludes we find legal history as a mode of organizing and governing collective memory and as a way of instituting a particular form of legal subjectivity Law, Lawyers, and Humanism John W Cairns,2015-07-27 This collection brings together a selection of the most cited articles published by Professor John W Cairns Essays range from Scots Law from 16th and 17th century Scotland through to the 18th century influence of Dutch Humanism into the 19th century a

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