

# A Jurisprudence Of Power Victorian Empire And The Rule Of Law Oxford Studies In Modern Legal History

Imperial Justice Bonny Ibhawoh 2013-09 This is a vital study of the motivations of the British Imperial Appeal Courts and the tensions between the demands of imperial law and justice and those of African law and custom. Examining the central role of the Privy Council and the Courts, it reveals the impact of the colonized peoples in shaping the processes and outcomes of imperial justice.

*Constitutional & Administrative Law* Hilaire Barnett 2017-06-26 Hilaire Barnett's *Constitutional and Administrative Law* has provided generations of students with reliable, accessible and comprehensive coverage of the Public Law syllabus. Mapped to the common course outline, it equips students with an understanding of the constitution's past, present and future by analysing and illustrating the political and socio-historical contexts which have shaped the major legal rules and principles of public law, as well as on-going constitutional reform. The 12th edition will address key recent developments including: The referendum result on the UK's membership of the EU and its ongoing impact on constitutional and administrative law The continuing process of devolution to the nations Terrorism and national security Future developments, particularly in relation to 'Brexit' will be discussed in regular updates to the companion website.

**The Insecurity State** Mark Condos 2017-08-03 In this provocative new work, Mark Condos explores the 'dark underside' of the ideologies that sustained British rule in India. Using Punjab as a case study, he argues that India's colonial overlords were obsessively fearful, and plagued by an unreasoning belief in their own vulnerability as rulers. These enduring anxieties precipitated, and justified, an all too frequent recourse to violence, joined with an insistence on untrammelled power placed in the hands of the executive. Examining how the British colonial experience was shaped by a chronic sense of unease, anxiety, and insecurity, this is a timely intervention in debates about the contested project of colonial state-building, the oppressive and violent practices of colonial rule, the nature of imperial sovereignty, law, and policing and the postcolonial legacies of empire.

**India in the Shadows of Empire** Mithi Mukherjee 2009-11-25 This book explains the postcolonial Indian polity by presenting an alternative historical narrative of the British Empire in India and India's struggle for independence. It pursues this narrative along two major trajectories. On the one hand, it focuses on the role of imperial judicial institutions and practices in the making of both the British Empire and the anti-colonial movement under the Congress, with the lawyer as political leader. On the other hand, it offers a novel interpretation of Gandhi's non-violent resistance movement as being different from the Congress. It shows that the Gandhian movement, as the most powerful force largely responsible for India's independence, was anchored not in western discourses of political and legislative freedom but rather in Indic traditions of renunciative freedom, with the renouncer as leader. This volume offers a comprehensive and new reinterpretation of the Indian Constitution in the light of this historical narrative. The book contends that the British colonial idea of justice and the Gandhian ethos of resistance have been the two competing and conflicting driving forces that have determined the nature and evolution of the Indian polity after independence.

**Constitutional and Administrative Law** Hilaire Barnett 2021-06-16 Hilaire Barnett's Constitutional and Administrative Law has consistently provided students with reliable, accessible and comprehensive coverage of the Public Law syllabus. Mapped to the common course outline, the Fourteenth edition equips students with a thorough understanding of the UK constitution's past, present and future by analysing and illustrating the political and socio-historical contexts that have shaped the major rules and principles of constitutional and administrative law, as well as ongoing constitutional reform. This edition has been fully updated and includes discussion of the consequences of the United Kingdom's withdrawal from the European Union, including the impact on the legislative supremacy of Parliament and the relationship between EU and domestic law after departure. It also features discussion of the 2020 Coronavirus Act, with its implications for state power, and ahead of the forthcoming new SQE qualification, revised multiple choice questions on the Companion Website. Ideal for students studying constitutional and administrative law for the first time, this is an indispensable guide to the challenging concepts and legal rules in public law.

**The British National Bibliography** Arthur James Wells 2006

Forms of Empire Nathan K. Hensley 2016-11-08 In *Forms of Empire*, Nathan K. Hensley shows how the modern state's anguished relationship to violence pushed writers to expand the capacities of literary form. The Victorian era is often imagined as an "age of equipoise," but the period between 1837 and 1901 included more than two hundred separate wars. What is the difference, though, between peace and war? *Forms of Empire* unpacks the seeming paradoxes of the Pax Britannica's endless conflict, showing that the much vaunted equipoise of the nineteenth-century state depended on physical force to guarantee it. But the violence hidden in the shadows of all law—the violence of sovereign power itself—shuddered most visibly into being at the edges of law's reach, in the Empire,

where emergency was the rule and death perversely routinized. This book follows some of the nineteenth century's most astute literary thinkers—George Eliot, Charles Dickens, Wilkie Collins, A.C. Swinburne, H. Rider Haggard, and Robert Louis Stevenson among them—as they wrestled with the sometimes sickening interplay between order and force, and generated new formal techniques to account for fact that an Empire built on freedom had death coiled at its very heart. In contrast to the progressive idealism we have inherited from the Victorians, the writers at the core of *Forms of Empire* moved beyond embarrassment and denial in the face of modernity's uncanny relation to killing. Instead they sought effects—free indirect discourse, lyric tension, and the idea of literary "character" itself—that might render thinkable the conceptual vertigoes of liberal violence. In the process, they touched up to the dark core of our post-Victorian modernity. Drawing on archival work, literary analyses, and a theoretical framework that troubles the distinction between "historicist" and "formalist" approaches, *Forms of Empire* links the Victorian period to the present and articulates a forceful vision of why literary thinking matters now.

**Legal Pluralism and Development** Brian Z. Tamanaha 2012-05-28 Previous efforts at legal development have focused almost exclusively on state legal systems, many of which have shown little improvement over time. Recently, organizations engaged in legal development activities have begun to pay greater attention to the implications of local, informal, indigenous, religious and village courts or tribunals, which often are more efficacious than state legal institutions, especially in rural communities. Legal pluralism is the term applied to these situations because these institutions exist alongside official state legal systems, usually in a complex or uncertain relationship. Although academics, especially legal anthropologists and sociologists, have discussed legal pluralism for decades, their work has not been consulted in the development context. This book brings together,

in a single volume, contributions from academics and practitioners to explore the implications of legal pluralism for legal development.

*Thresholds of Accusation* George Pavlich 2023-09-28 Examines pretrial rituals of accusation that enabled colonial law and order to support possessive settler-colonialism across western Canada.

*A Search for Sovereignty* Lauren Benton 2009-11-30 *A Search for Sovereignty* approaches world history by examining the relation of law and geography in European empires between 1400 and 1900. Lauren Benton argues that Europeans imagined imperial space as networks of corridors and enclaves, and that they constructed sovereignty in ways that merged ideas about geography and law. Conflicts over treason, piracy, convict transportation, martial law, and crime created irregular spaces of law, while also attaching legal meanings to familiar geographic categories such as rivers, oceans, islands, and mountains. The resulting legal and spatial anomalies influenced debates about imperial constitutions and international law both in the colonies and at home. This study changes our understanding of empire and its legacies and opens new perspectives on the global history of law.

*Current Publications in Legal and Related Fields* 2007

**Resisting the Rule of Law in Nineteenth-Century Ceylon** James S. Duncan 2020-06-09 This book offers in-depth insights on the struggles implementing the rule of law in nineteenth century Ceylon, introduced into the colonies by the British as their “greatest gift.” The book argues that resistance can be understood as a form of negotiation to lessen oppressive colonial conditions, and that the cumulative impact caused continual adjustments to the criminal justice system, weighing it down and distorting it. The tactical use of rule of law is explored within the three bureaucracies: the police, the courts and the prisons. Policing was often “governed at a distance” due to fiscal

constraints and economic priorities and the enforcement of law was often delegated to underpaid Ceylonese. Spaces of resistance opened up as Ceylon was largely left to manage its own affairs. Villagers, minor officials, as well as senior British government officials, alternately used or subverted the rule of law to achieve their own goals. In the courts, the imported system lacked political legitimacy and consequently the Ceylonese undermined it by embracing it with false cases and information, in the interests of achieving justice as they saw it. In the prisons, administrators developed numerous biopolitical techniques and medical experiments in order to punish prisoners' bodies to their absolute lawful limit. This limit was one which prison officials, prisoners, and doctors negotiated continuously over the decades. The book argues that the struggles around rule of law can best be understood not in terms of a dualism of bureaucrats versus the public, but rather as a set of shifting alliances across permeable bureaucratic boundaries. It offers innovative perspectives, comparing the Ceylonese experiences to those of Britain and India, and where appropriate to other European colonies. This book will appeal to those interested in law, history, postcolonial studies, cultural studies, cultural and political geography.

*Historiography, Empire and the Rule of Law* Ian Duncanson 2011-10-06 *Historiography, Empire and the Rule of Law* considers the intersection of these terms in the historical development of what has come to be known as the 'rule of law'. The separation of governmental powers, checks and balances, and judicial independence signified something entirely new in the way in which politics was imagined and practiced. This 'rule of law' cannot, as it often is, be traced to the justification and practice of government as originating in a social contract among the governed; but rather, by analogy with a popular conveyancing innovation of the era, to the trust – a device by which the power of ownership of land could be restrained. But how could the restraint of power remain

consistent with the avoidance of anarchic disagreement among those granted the task of supervision and restraint? In response, it is argued here, the central legal and political task became one of managing disagreement and change peacefully and constructively – by drawing on a colonial tradition that emphasised civility, negotiation and compromise. And the study of all of these qualities as they evolved, Ian Duncanson contends, is vital to understanding the emergence of the ‘rule of law’. *Historiography, Empire and the Rule of Law* will be invaluable for all those engaged in research and the postgraduate study of socio-legal and constitutional studies, and early modern and modern history.

*Legal Histories of the British Empire* Shaunnagh Dorsett 2014-04-24 This book is a major contribution to our understanding of the role played by law(s) in the British Empire. Using a variety of interdisciplinary approaches, the authors provide in-depth analyses which shine new light on the role of law in creating the people and places of the British Empire. Ranging from the United States, through Calcutta, across Australasia to the Gold Coast, these essays seek to investigate law’s central place in the British Empire, and the role of its agents in embedding British rule and culture in colonial territories. One of the first collections to provide a sustained engagement with the legal histories of the British Empire, in particular beyond the settler colonies, this work aims to encourage further scholarship and new approaches to the writing of the histories of that Empire. *Legal Histories of the British Empire: Laws, Engagements and Legacies* will be of value not only to legal scholars and graduate students, but of interest to all of those who want to know more about the laws in and of the British Empire.

*The Oxford Handbook of Islamic Law* Anver M. Emon 2018 "The Oxford Handbook on Islamic Law offers a historiographic window into the scholarly treatment of a wide range of topics in the field of

Islamic legal studies. Each essay, authored by an expert in the field, situates its subject in relation to historical academic scholarship. The historiographic feature of the volume is deliberate. It aims to assist readers-graduate students, scholars, and others-to appreciate the contested nature of key concepts and topics in Islamic law without taking any particular account for granted. The essays both describe and reflect on scholarly debates, and gesture to future areas of fruitful research."--webpage.

*Empires of Complaints* Robert Travers 2022-09-15 Travers explores how Mughal political and legal culture shaped and was reshaped by the British colonial state in Bengal.

The Jurisprudence of Lord Denning Charles Stephens 2009-10-02 The Jurisprudence of Lord Denning: A Study in Legal History consists of three volumes: *Fiat Justitia: Lord Denning and the Common Law*; *The Last of England: Lord Denning's Englishry and the Law* and *Freedom under the Law: Lord Denning as Master of the Rolls, 1962-1982*. Each volume considers a different aspect of Lord Denning's jurisprudence. *Fiat Justitia* is concerned with Lord Denning's place in the common law tradition, as defined by Fortescue, Coke and Blackstone. Particular attention is paid to Lord Denning's approach to the role of the Judge and the use of judicial discretion in relation to precedent, statutory interpretation, individual rights and control of the abuse of power. *The Last of England* looks at the role of Englishness in the jurisprudence of Lord Denning, setting his approach to equity, in particular the way in which he developed the doctrine of estoppel, immigration and race and the law of the European Community in the context of the developing debate about the nature of English identity. *Freedom under the Law* sets the jurisprudence of Lord Denning in the context of the history of the 1960s and 1970s; examining his writings about the law, role in the Profumo affair and treatment of themes such as religion, literature, education, the currency, the Empire, the Union,



national security, social change, industrial conflict and the role of the City of London. The trilogy provides a comprehensive analysis of the work of one of the most important judges of the twentieth century set in its historical, political and philosophical context. In the course of preparing this work, each of the 1072 judgments of Lord Denning, as reported in the All England Law Reports for the years 1962 to 1982, was considered, together with all the books about the law which he published while sitting as a judge.

**A.V. Dicey and the Common Law Constitutional Tradition** Mark D. Walters 2020-11-12 In the common law world, Albert Venn Dicey (1835–1922) is known as the high priest of orthodox constitutional theory, as an ideological and nationalistic positivist. In his analytical coldness, his celebration of sovereign power, and his incessant drive to organize and codify legal rules separate from moral values or political realities, Dicey is an uncanny figure. This book challenges this received view of Dicey. Through a re-examination of his life and his 1885 book *Law of the Constitution*, the high priest Dicey is defrocked and a more human Dicey steps forward to offer alternative ways of reading his canonical text, who struggled to appreciate law as a form of reasoned discourse that integrates values of legality and authority through methods of ordinary legal interpretation. The result is a unique common law constitutional discourse through which assertions of sovereign power are conditioned by moral aspirations associated with the rule of law.

*Romanticism and the Rule of Law* Mark L. Barr 2021-08-06 This book frames British Romanticism as the artistic counterpart to a revolution in subjectivity occasioned by the rise of "The Rule of Law" and as a traumatic response to the challenges mounted against that ideal after the French Revolution. The bulk of this study focuses on Romantic literary replies to these events (primarily in the work of Samuel Taylor Coleridge and William Blake), but its latter stages also explore how

Romantic poetry's construction of the autonomous reading subject continues to influence legal and literary critical reactions to two modern crises in the rule of law: European Fascism and the continuing instability of legal interpretive strategy.

**Speaking in Court** Andrew Watson 2019-03-25 This book maps the changes in court advocacy in England and Wales over the last three centuries. Advocacy, the means by which a barrister puts their client's case to the court and jury, has grown piecemeal and at an uneven pace; the result of a complex interplay of many influences. Andrew Watson examines the numerous principal factors, from the effect on juniors of successful styles deployed by senior advocates, changes in court procedure, reforms in laws determining who and what may be put before courts, the amount of media reporting of court cases, and public and press opinion about the acceptable limits of advocates' tactics and oratory. This book also explores the extent to which juries are used in trials and the social origins of those serving on them. It goes on to examine the formal teaching of advocacy which was only introduced comparatively recently, arguing that this, and new technology, will likely exert a strong influence on future forensic oratory. *Speaking in Court* provides a readable history of advocacy and the many factors that have shaped it, and takes a far wider view of the history of advocacy than many titles, analysing the 20th Century developments which are often overlooked. This book will be of interest to general readers, law practitioners interested in how advocacy has developed in courts of yesteryear, teachers of advocacy who want to locate their subject in history and impart this to their students, and to law students curious about the origins of what they are learning.

**Jurisprudence** Scott Veitch 2023-06-28 *Jurisprudence: Themes and Concepts* offers an original introduction to, and critical analysis of, the central themes studied in jurisprudence courses. The

book is organised in three parts: Part I sets out the key elements of modern law and their relation to political, economic, and social conditions. Part II presents competing accounts of the nature of legal validity, legality, legal reasoning, and justice. Both parts feature corresponding tutorial questions. Part III contains advanced topics including chapters on legal pluralism, law and disciplinary power, and law and the Anthropocene. Every chapter gives guidance on further reading. This fourth edition has been fully revised and updated to take into account the latest developments in jurisprudential scholarship. Additional material is included in the coverage of social law, colonialism, critical race theory, the challenges of digital technology, and the emergence of new legal subjects. Accessible, interdisciplinary and socially informed, *Jurisprudence: Themes and Concepts* is essential reading for all students of jurisprudence and legal philosophy.

*The Language of Law and Food* Salvatore Mancuso 2021-04-27 This book reconsiders the use of food metaphors and the relationship between law and food in an interdisciplinary perspective to examine how food related topics can be used to describe or identify rules, norms, or prescriptions of all kinds. The links between law and food are as old as the concept of law. Many authors have been using such links in creative ways to express specific features of law. This is because the language of food and cooking offers legal thinkers and teachers mouth-watering metaphors, comparing rules to recipes, and their combination to culinary processes. This collection focuses on this relationship between law and food and takes us far beyond their mere interaction, to explore different ways of using these two apparently so diverse elements to describe different phenomena of the legal reality. The authors use the link between food and law to describe different aspects of the legal landscape in different areas and jurisdictions. Bringing together metaphors and indirect correlations between law and food, the book explores different models of approaching legal issues and considering different legal

challenges from a completely new perspective, in line with the multidisciplinary approach that leads comparative legal studies today and, to a certain extent, revisiting and enriching it. With contributions in English and French, the book will be of interest to academics and researchers working in the areas of law and food, law and language, and comparative legal studies.

**Colonial Terror** Deana Heath 2021-03-23 This title explores the legal role of torture and other violence as it was used in colonial ruling. It rigorously attempts to theorize the nature of this violence, including its materiality and its effects on the bodies of the colonized, and those who perpetrated it. This book provides a full examination of the history of torture in colonial India.

**Studies in History and Jurisprudence** James Bryce Bryce (Viscount) 1901

*Tracings of Gerald Le Dain's Life in the Law* G. Blaine Baker 2019-05-30 Gerald Le Dain (1924–2007) was appointed to the Supreme Court of Canada in 1984. This collectively written biography traces fifty years of his steady, creative, and conciliatory involvement with military service, the legal academy, legislative reform, university administration, and judicial decision-making. This book assembles contributions from the in-house historian of the law firm where Le Dain first practised, from students and colleagues in the law schools where he taught, from a research associate in his Commission of Inquiry into the non-medical use of drugs, from two of his successors on the Federal Court of Appeal, and from three judicial clerks to Le Dain at the Supreme Court of Canada. Also reproduced here is a transcript of a recent CBC documentary about his 1988 forced resignation from the Supreme Court following a short-term depressive illness, with commentary from Le Dain's family and co-workers. Gerald Le Dain was a tireless worker and a highly respected judge. In a series of essays that cover the different periods and dimensions of his career, *Tracings of Gerald Le Dain's Life in the Law* is an important and compassionate account of one man's commitment to the law in

Canada. Contributors include Harry W. Arthurs, G. Blaine Baker, Bonnie Brown, Rosemary Cairns-Way, John M. Evans, Melvyn Green, Bernard J. Hibbitts, Peter W. Hogg, Richard A. Janda, C. Ian Kyer, Andree Lajoie, Gerald E. Le Dain, Allen M. Linden, Roderick A. Macdonald, Louise Rolland, and Stephen A. Scott.

*Postcolonial Legality: Law, Power and Politics in Zambia* Jeremy Gould 2023-03-24 This book interrogates the ideology and practices of liberal constitutionalism in the Zambian postcolony. The analysis focuses on the residual political and governmental effects of an imperial form of power, embodied in the person of the republican president, termed here prerogativism. Through systematic, long-term ethnographic engagement with Zambian constitutionalist activists – lawyers, judges and civic leaders – the study examines how prerogativism has shaped the postcolonial political landscape and limited the possibilities of constitutional liberalism. This is revealed in the ways that repeated efforts to reform the constitution have sidelined popular participation and thus failed to address the deep divide between a small elite stratum (from which the constitutional activists are drawn) and the marginalized masses of the population. Along the way, the study documents the intimate interpenetration of political and legal action and examines how prerogativism delimits the political engagements of elite actors. Special attention is given to the reluctance of legal activists to engage with popular politics and to the conservative ethos that undermines efforts to pursue a jurisprudence of transformational constitutionalism in the findings of the Constitutional Court. The work contributes to the rising interest in applying socio-legal analysis to the statutory domain in postcolonial jurisdictions. It offers a pioneering attempt to deconstruct the amorphous and ambivalent assemblage of ideas and practices related to constitutionalism through detailed ethnographic interrogation. It will appeal to scholars, students and practitioners with an interest in

theorizing challenges to political liberalism in postcolonial contexts, as well as in rethinking the methodological toolbox of socio-legal analysis.

*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.

**Religion, Race, Rights** Eve Darian-Smith 2010-05-20 `Eve Darian-Smith takes us on an amazing journey spanning four centuries, brilliantly illuminating the continuously evolving interplay of law, religion, and race in the Anglo-American experience. This wonderfully readable book is imaginatively organized around a series of eight `law moments' that ingeniously show how legal rights are subtly shaped by culturally prevailing ideas about religion and race.'---Richard Falk, Albert G Milbank Professor of International Law Emeritus, Princeton University --

**Chinese Law in Imperial Eyes** Li Chen 2015-12-22 How did American schoolchildren, French philosophers, Russian Sinologists, Dutch merchants, and British lawyers imagine China and Chinese law? What happened when agents of presumably dominant Western empires had to endure the humiliations and anxieties of maintaining a profitable but precarious relationship with China? In *Chinese Law in Imperial Eyes*, Li Chen provides a richly textured analysis of these related issues and their intersection with law, culture, and politics in the eighteenth and nineteenth centuries. Using a wide array of sources, Chen's study focuses on the power dynamics of Sino-Western relations during the formative century before the First Opium War (1839-1842). He highlights the centrality of law to modern imperial ideology and politics and brings new insight to the origins of comparative Chinese law in the West, the First Opium War, and foreign extraterritoriality in China. The shifting balance of economic and political power formed and transformed knowledge of China and Chinese law in different contact zones. Chen argues that recovering the variegated and contradictory roles of Chinese law in Western "modernization" helps provincialize the subsequent Euro-Americentric discourse of global modernity. Chen draws attention to important yet underanalyzed sites in which imperial sovereignty, national identity, cultural tradition, or international law and order were defined and restructured. His valuable case studies show how constructed differences between societies were hardened into cultural or racial boundaries and then politicized to rationalize international conflicts and hierarchy.

*States of Exception in American History* Gary Gerstle 2020-10-19 *States of Exception in American History* brings to light the remarkable number of instances since the Founding in which the protections of the Constitution have been overridden, held in abeyance, or deliberately weakened for certain members of the polity. In the United States, derogations from the rule of law seem to have

been a feature of—not a bug in—the constitutional system. The first comprehensive account of the politics of exceptions and emergencies in the history of the United States, this book weaves together historical studies of moments and spaces of exception with conceptual analyses of emergency, the state of exception, sovereignty, and dictatorship. The Civil War, the Great Depression, and the Cold War figure prominently in the essays; so do Francis Lieber, Frederick Douglass, John Dewey, Clinton Rossiter, and others who explored whether it was possible for the United States to survive states of emergency without losing its democratic way. *States of Exception* combines political theory and the history of political thought with histories of race and political institutions. It is both inspired by and illuminating of the American experience with constitutional rule in the age of terror and Trump.

*Making the Modern Criminal Law* Lindsay Farmer 2016-01-21 The Criminalization series arose from an interdisciplinary investigation into criminalization, focussing 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? This, the fifth book in the series, offers a historical and conceptual account of the development of the modern criminal law in England and as it has spread to common law jurisdictions around the world. The book offers a historical perspective on the development of theories of criminalization. It shows how the emergence of theories of criminalization is inextricably linked to modern understandings of the criminal law as a conceptually distinct body of rules, and how this in turn has been shaped by the changing functions of criminal law as an instrument of government in the modern state. The book is structured in two



main parts. The first traces the development of the modern law as a distinct, and conceptually distinct body of rules, looking in particular at ideas of jurisdiction, codification and responsibility. The second part then engages in detailed analysis of specific areas of criminal law, focusing on patterns of criminalization in relation to property, the person, and sexual conduct.

**A Continuity of Shari'a** Brian Wright 2023-03-07 A challenge to the “end of the shari'a” thesis in Islamic legal historiography In the second half of the nineteenth century, states across the Muslim World developed new criminal codes and reshaped their legal landscapes, laying the foundations of the systems that continue to inform the application of justice today. Influenced by colonialism and the rise of the modern state's desire to control its populations, many have seen the introduction of these codes as a pivotal shift and divergence from the shari'a, the dominant paradigm in premodern Muslim jurisdictions. In *A Continuity of Shari'a*, Brian Wright challenges this view, comparing among the Egyptian, Ottoman, and Indian contexts. By examining the environment in which the new codes were created, highlighting the work of local scholars and legal actors, and examining the content of the codes themselves, Wright argues that the criminal systems of the late nineteenth century have more connections to their past than is previously understood. Colonial influence was adapted to local circumstances and synthesized with premodern understandings in an eclectic legal environment to create solutions to local problems while maintaining a continuity with the shari'a. This book will be of interest to scholars and students of Islamic Studies, Islamic Law, and Islamic Legal History.

### **American Book Publishing Record 2006**

The Ashgate Research Companion to Modern Imperial Histories John Marriott 2016-03-23 Written by leading scholars, this collection provides a comprehensive and authoritative overview of modern

empires. Spanning the era of modern imperial history from the early sixteenth century to the present, it challenges both the rather insular focuses on specific experiences, and gives due attention to imperial formations outside the West including the Russian, Japanese, Mughal, Ottoman and Chinese. The companion is divided into three broad sections. Part I - Times - surveys the three main eras of modern imperialism. The first was that dominated by the settlement impulse, with migrants - many voluntarily and many more by force - making new lives in the colonies. This impulse gave way, most especially in the nineteenth century, to a period of busy and rapid expansion which was less likely to promote new settlement, and in which colonists more frequently saw their sojourn in colonial lands as temporary and related to the business mostly of governance and trade. Lastly, in the twentieth century in particular, empires began to fail and to fall. Part II - Spaces - studies the principal imperial formations of the modern world. Each chapter charts the experience of a specific empire while at the same time placing it within the complex patterns of wider imperial constellations. The individual chapters thus survey the broad dynamics of change within the empires themselves and their relationships with other imperial formations, and reflect critically on the ways in which these topics have been approached in the literature. In Part III - Themes - scholars think critically about some of the key features of imperial expansion and decline. These chapters are brief and many are provocative. They reflect the current state of the field, and suggest new lines of inquiry which may follow from more comparative perspectives on empire. The broad range of themes captures the vitality and diversity of contemporary scholarship on questions of empire and colonialism, encompassing political, economic and cultural processes central to the formation and maintenance of empires as well as institutions, ideologies and social categories that shaped the lives both of those implementing and those experiencing the force of empire. In these pages the reader

will find the slave and the criminal, the merchant and the maid, the scientist and the artist alongside the structures which sustained their lives and their livelihoods. Overall, the companion emphasises the diversity of imperial experience and process. Comprehensive in its scope, it draws attention to the particularities of individual empires, rather than over-generalising as if all empires, at all times, and in all places, behaved in a similar manner. It is this contingent and historical specificity that enables us to explore in expansive ways precisely what constituted the modern empire.

**A Jurisprudence of Power** R. W. Kostal 2008 This text reconstructs the martial law suppression of the Jamaica uprising of 1865, and the subsequent debate and litigation these events spawned in England

*Sovereignty, International Law, and the Princely States of Colonial South Asia* Priyasha Saksena 2023-06-09 What constitutes a sovereign state in the international legal sphere? This question has been central to international law for centuries. *Sovereignty, International Law, and the Princely States of Colonial South Asia* provides a compelling exploration of the history of sovereignty through an analysis of the jurisdictional politics involving a specific set of historical legal entities. Governed by local rulers, the princely states of colonial South Asia were subject to British paramountcy whilst remaining legally distinct from directly ruled British India. Their legal status and the extent of their rights remained the subject of feverish debates through the entirety of British colonial rule. This book traces the ways in which the language of sovereignty shaped the discourse surrounding the legal status of the princely states to illustrate how the doctrine of sovereignty came to structure political imagination in colonial South Asia and the framework of the modern Indian state. Opening with a survey of the place of the princely states in the colonial structures of South Asia, *Sovereignty, International Law, and the Princely States of Colonial South Asia* goes on to illustrate how

international lawyers, British politicians, colonial officials, rulers and bureaucrats of princely states, and anti-colonial nationalists in British India used definitions of sovereignty to construct political orders in line with their interests and aspirations. By invoking the vernacular of sovereignty in contrasting ways to support their differing visions of imperial and world order, these actors also attempted to reconfigure the boundaries among the spheres of the national, the imperial, and the international. Throughout the eighteenth, nineteenth, and early twentieth centuries, debates and disputes over the princely states continually defined and redefined the concept of sovereignty and international legitimacy in South Asia. Using rich material from the colonial archives, *Sovereignty, International Law, and the Princely States of Colonial South Asia* conveys an understanding of the history of sovereignty and the construction of the modern Indian nation-state that is still relevant today. A riveting read, this book will be of considerable interest and importance to scholars of international law and South Asia, legal historians, and political scientists.

**The Princeton Companion to Atlantic History** Joseph C. Miller 2015-01-18 The first encyclopedic reference to Atlantic history Between the fifteenth and nineteenth centuries, the connections among Africa, the Americas, and Europe transformed world history—through maritime exploration, commercial engagements, human migrations and settlements, political realignments and upheavals, cultural exchanges, and more. This book, the first encyclopedic reference work on Atlantic history, takes an integrated, multicontinental approach that emphasizes the dynamics of change and the perspectives and motivations of the peoples who made it happen. The entries—all specially commissioned for this volume from an international team of leading scholars—synthesize the latest scholarship on central themes, including economics, migration, politics, war, technologies and science, the physical environment, and culture. Part one features five major essays that trace the

changes distinctive to each chronological phase of Atlantic history. Part two includes more than 125 entries on key topics, from the seemingly familiar viewed in unfamiliar and provocative ways (the Seven Years' War, trading companies) to less conventional subjects (family networks, canon law, utopias). This is an indispensable resource for students, researchers, and scholars in a range of fields, from early American, African, Latin American, and European history to the histories of economics, religion, and science. The first encyclopedic reference on Atlantic history Features five major essays and more than 125 alphabetical entries Provides essential context on major areas of change: Economies (for example, the slave trade, marine resources, commodities, specie, trading companies) Populations (emigrations, Native American removals, blended communities) Politics and law (the law of nations, royal liberties, paramount chiefdoms, independence struggles in Haiti, the Hispanic Americas, the United States, and France) Military actions (the African and Napoleonic wars, the Seven Years' War, wars of conquest) Technologies and science (cartography, nautical science, geography, healing practices) The physical environment (climate and weather, forest resources, agricultural production, food and diets, disease) Cultures and communities (captivity narratives, religions and religious practices) Includes original contributions from Sven Beckert, Holly Brewer, Peter A. Coclanis, Seymour Drescher, Eliga H. Gould, David S. Jones, Wim Klooster, Mark Peterson, Steven Pincus, Richard Price and Sophia Rosenfeld, and many more Contains illustrations, maps, and bibliographies

A Jurisprudence of Power Rande W. Kostal 2005 "The country of law" : reconstructing the Morant Bay uprising in England -- "The blood that testifies" : the Jamaica controversy in Jamaica -- The drawing-room men : the Jamaica controversy in 1866 -- The tenets of terror : reinventing the law of martial law -- Marshalling martial law : litigating the Jamaica controversy -- "The alphabet of our

liberty" : Lord Chief Justice Cockburn in the Old Bailey -- "The most law-loving people in the world" : the denouement of the Jamaica litigation -- Phillips v. Eyre and the problem of martial law -- A jurisprudence of power : Victorian Empire and the rule of law.

**Extreme Violence and the 'British Way'** Michelle Gordon 2020-10-29 Analysing three cases of British colonial violence that occurred in the latter half of the 19th century, this book argues that all three share commonalities, including the role of racial prejudices in justifying the perpetration of extreme colonial violence. Exploring the connections and comparisons between the Perak War (1875-76), the 'Hut Tax' Revolt in Sierra Leone (1898-99) and the Anglo-Egyptian War of Reconquest in the Sudan (1896-99), Gordon highlights the significance of decision-making processes, communication between London and the periphery and the influence of individual colonial administrators in outbreaks of violence. This study reveals the ways in which racial prejudices, the advocacy of a British 'civilising mission' and British racial 'superiority' informed colonial administrators' decisions on the ground, as well as the rationalisation of extreme violence. Responding to a neglect of British colonial atrocities within the historiography of colonial violence, this work demonstrates the ways in which Britain was just as willing and able as other European Empires to resort to extreme measures in the face of indigenous resistance or threats to the British imperial project.

*Law Books in Action* Angela Fernandez 2012-04-02 'Law Books in Action: Essays on the Anglo-American Legal Treatise' explores the history of the legal treatise in the common law world. Rather than looking at treatises as shortcuts from 'law in books' to 'law in action', the essays in this collection ask what treatises can tell us about what troubled legal professionals at a given time, what motivated them to write what they did, and what they hoped to achieve. This book, then, is the first

study of the legal treatise as a 'law book in action', an active text produced by individuals with ideas about what they wanted the law to be, not a mere stepping-stone to codes and other forms of legal writing, but a multifaceted genre of legal literature in its own right, practical and fanciful, dogmatic and ornamental in turn. This book will be of interest to legal scholars, lawyers and judges, as well as to anyone else with a scholarly interest in law in general, and legal history in particular.

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