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Essays On English Law And The American Experience

David Dyzenhaus



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Essays on English Law and the American Experience William R. Jones, 1994 The authors writing from a variety of perspectives explore the nexus between social forces and the relatively autonomous legal system They describe how the details of society and social organization such as collective values political culture and ideology interact with the ideas and structured of law to shape legal forms habits practices and outcomes

Essays in the History of Canadian Law David H. Flaherty, 2011-10-01 This volume is the second in the Essays in the History of Canadian Law series designed to illustrate the wide possibilities for research and writing in Canadian legal history In combination these volumes reflect the wide ranging scope of legal history as an intellectual discipline and encourage others to pursue important avenues of inquiry on all aspects of our legal past Topics include the role of civil courts in Upper Canada legal education political corruption nineteenth century Canadian rape law the Toronto Police Court the Kamloops outlaws and commissions of assize in nineteenth century British Columbia private rights and public purposes in Ontario waterways the origins of workers compensation in Ontario and the evolution of the Ontario courts Contributors include Brendan O'Brien Peter N Oliver William N T Wylie G Blaine Baker Paul Romney Constance B Backhouse Paul Craven Hamar Foster Jamie Bendickson R C B Risk and Margaret A Banks

The Legal Doctrines of the Rule of Law and the Legal State (Rechtsstaat) James R. Silkenat, James E. Hickey Jr., Peter D. Barenboim, 2014-05-28 This book explores the development of both the civil law conception of the Legal State and the common law conception of the Rule of Law It examines the philosophical and historical background of both concepts as well as the problem of the interrelation between the two doctrines The book brings together twenty five leading scholars from around the world and provides both general and specific jurisdictional perspectives of the issue in both contemporary and historical settings The Rule of Law is a legal doctrine the meaning of which can only be fully appreciated in the context of both the common law and the European civil law tradition of the Legal State Rechtsstaat The Rule of Law and the Legal State are fundamental safeguards of human dignity and of the legitimacy of the state and the authority of state prescriptions

Failures of American Methods of Lawmaking in Historical and Comparative Perspectives James Maxeiner, 2018-03-08 What Americans sought What Americans got deranged laws What Americans can do improve legal methods

Railroads and American Law James W. Ely, Jr., 2001-12-06 No enterprise is so seductive as a railroad for the influence it exerts the power it gives and the hope of gain it offers Poor's Manual of Railroads 1900 At its peak the railroad was the Internet of its day in its transformative impact on American life and law A harbinger and promoter of economic empire it was also the icon of a technological revolution that accelerated national expansion and in the process transformed our legal system James W Ely Jr in the first comprehensive legal history of the rail industry shows that the two institutions the railroad and American law had a profound influence on each other Ely chronicles how America's first big business impelled the creation of a vast array of new laws in a country where long distance internal transport had previously been

limited to canals and turnpikes Railroads the first major industry to experience extensive regulation brought about significant legal innovations governing interstate commerce eminent domain private property labor relations and much more Much of this development was originally designed to serve the interests of the railroads themselves but gradually came to contest and control the industry s power and exploitative tendencies As Ely reveals despite its great promise and potential as an engine of prosperity and uniter of far flung regions the railroad was not universally admired Railroads uprooted people threatened local autonomy and posed dangers to employees and the public alike situations with unprecedented legal ramifications Ely explores the complex and sometimes contradictory ways in which those ramifications played out as railroads crossed state lines and knitted together a diverse nation with thousands of miles of iron rail Epic in its scope Railroads and American Law makes a complex subject accessible to a wide range of readers from legal historians to railroad buffs and shows the many ways in which a powerful industry brought change and innovation to America **The Unity of Public Law** David

Dyzenhaus,2004-03 This book tackles the relationship between the common law of judicial review the written constitution and public international law **Moses, Muhammad and Nature's God in Early American Religious-Legal History, 1640-1830** R. Charles Weller,2024-09-23 This is the first comparative study of Mosaic and Islamic law in American history to be published Constructing a complex picture in trans Atlantic trans European and world historical perspectives this book elucidates the intersections that lie beneath and behind the rise of the debates in the 1990s and 2000s over the promotion of the Ten Commandments and Mosaic Law as alleged sources of American Constitutional law and symbols of American national identity These debates have taken shape in close connection with resurgent anti Semitism anti Sharia protests and anti Sharia legislation throughout the United States and other Western societies **Leo Strauss and His Legacy** John Albert Murley,2005-01-01 With over 10 000 entries identifying work of hundreds of Strauss s students and their students students this bibliography is the most indeed the only comprehensive guide to published writing in the tradition of Leo Strauss Murley includes Strauss s own complete bibliography and that of one of his most revered students George Anastaplo

Private Property and Abuse of Rights in Victorian England Michael Taggart,2002 The case of the Borough of Bradford v Pickles was the first to establish the principle that it is not unlawful for a property owner to exercise his or her property rights maliciously and to the detriment of others or the public interest This book explores why the common law developed in this way *The Surprising Design of Market Economies* Alex Marshall,2012-09-01 The free market has been a hot topic of debate for decades Proponents tout it as a cure all for just about everything that ails modern society while opponents blame it for the very same ills But the heated rhetoric obscures one very important indeed fundamental fact markets don t just run themselves we create them Starting from this surprisingly simple yet often ignored or misunderstood fact Alex Marshall takes us on a fascinating tour of the fundamentals that shape markets and through them our daily economic lives He debunks the myth of the free market showing how markets could not exist without governments to create

the structures through which we assert ownership of property real and intellectual and conduct business of all kinds Marshall also takes a wide ranging look at many other structures that make markets possible including physical infrastructure ranging from roads and railroads to water systems and power lines mental and cultural structures such as common languages and bodies of knowledge and the international structures that allow goods services cash bytes and bits to flow freely around the globe Sure to stimulate a lively public conversation about the design of markets this broadly accessible overview of how a market economy is constructed will help us create markets that are fairer more prosperous more creative and more beautiful

Legal Science in the Early Republic , Steven J. Macias,2016-05-31 This work examines the intellectual motivations behind the concept of legal science the first coherent American jurisprudential movement after Independence Drawing mainly upon public but also private sources this book considers the goals of the bar s professional leaders who were most adamant and deliberate in setting out their visions of legal science It argues that these legal scientists viewed the realm of law as the means through which they could express their hopes and fears associated with the social and cultural promises and perils of the early republic Law perhaps more so than literature or even the natural sciences provided the surest path to both national stability and international acclaim While legal science yielded the methodological tools needed to achieve these lofty goals its naturalistic foundations more importantly were at least partly responsible for the grand impulses in the first place This book first considers the content of legal science and then explores its application by several of the most articulate legal scientists working and writing in the early republic

Arthurian Literature Elizabeth Archibald,David F. Johnson,2010 The influence and significance of the legend of Arthur are fully demonstrated by the subject matter and time span of articles here Topics range from early Celtic sources and analogues of Arthurian plots to popular interest in King Arthur in 16th century London from the 13th century French prose Mort Artu to Tennyson s Idylls of the King It includes discussion of shapeshifters and loathly ladies attitudes to treason royal deaths and funerals in the 15th century and the 19th late medieval Scottish politics and early modern chivalry

Israel Yearbook on Human Rights, Volume 30 (2000) Yoram Dinstein,Fania Domb,2021-09-06 The Israel Yearbook on Human Rights an annual published under the auspices of the Faculty of Law of Tel Aviv University since 1971 is devoted to publishing studies by distinguished scholars in Israel and other countries on human rights in peace and war with particular emphasis on problems relevant to the State of Israel and the Jewish people The Yearbook also incorporates documentary materials relating to Israel and the Administered Areas which are not otherwise available in English including summaries of judicial decisions compilations of legislative enactments and military proclamations Volume 30 contains amongst others articles on Humanitarian Protection in non international armed conflicts

Banishment in the Early Atlantic World Gwenda Morgan,Peter Rushton,2013-08-15 This book places banishment in the early Atlantic world in its legal political and social context

The King's Felons Margaret McGlynn,2023-03-03 The King s Felons examines the subtle but intentional development of criminal confinement as an

alternative to capital punishment in early Tudor England As the judicial establishment looked for ways to enhance law and order without provoking political opposition they increasingly turned to two traditional mitigations of criminal punishment benefit of clergy and sanctuary Often reviled as corrupt clerical rights which served to undermine secular authority and the rule of law benefit of clergy and sanctuary in fact provided the justices with room to manoeuvre allowing them to punish a larger number of felons less harshly while avoiding political scrutiny The King s Felons explores the evolution of this approach over a period of sixty years allowing us to see not only the internal development of both law and process but the ways in which the judicial system responded to external pressures The dissolution of the monasteries between 1536 and 1540 together with the steady erosion of the wealth and power of the bishops meant that the institutional and financial foundations on which the justices built this system began to crumble as it was reaching fruition Over the next two decades they scrambled with limited success to secure some small vestiges of the system they had built The epilogue connects the state of the system in the aftermath of this collapse to our existing understanding of the system in the later part of the century Providing the first detailed study of criminal justice in the early Tudor period The King s Felons highlights the role of the Church in the administration of criminal justice and reframes our understanding of many significant acts of the Reformation parliament This book is a must read for students and scholars of Tudor history legal historians and those interested in the role of the church with regard to politics law and crime

Forensic Medicine and Death Investigation in Medieval England Sara M. Butler, 2014-08-21 England has traditionally been understood as a latecomer to the use of forensic medicine in death investigation lagging nearly two hundred years behind other European authorities Using the coroner s inquest as a lens this book hopes to offer a fresh perspective on the process of death investigation in medieval England The central premise of this book is that medical practitioners did participate in death investigation although not in every inquest or even most and not necessarily in those investigations where we today would deem their advice most pertinent The medieval relationship with death and disease in particular shaped coroners and their jurors understanding of the inquest s medical needs and led them to conclusions that can only be understood in context of the medieval world s holistic approach to health and medicine Moreover while the English resisted Southern Europe s penchant for autopsies at times their findings reveal a solid understanding of internal medicine By studying cause of death in the coroners reports this study sheds new light on subjects such as abortion by assault bubonic plague cruentation epilepsy insanity senescence and unnatural death

Race, Rights, and the Asian American Experience Angelo N. Ancheta, 2006 In Race Rights and the Asian American Experience Angelo N Ancheta demonstrates how United States civil rights laws have been framed by a black white model of race that typically ignores the experiences of other groups including Asian Americans When racial discourse is limited to antagonisms between black and white Asian Americans often find themselves in a racial limbo marginalized or unrecognized as full participants A skillful mixture of legal theories court cases historical events and personal insights this revised edition

brings fresh insights to U S civil rights from an Asian American perspective Blackstone and His Critics Anthony Page, Wilfrid Prest, 2018-04-19 William Blackstone's Commentaries on the Laws of England 1765-69 is perhaps the most elegant and influential legal text in the history of the common law. By one estimate Blackstone has been cited well over 10 000 times in American judicial opinions alone. Prominent in recent reassessment of Blackstone and his works Wilfrid Prest also convened the Adelaide symposia which have now generated two collections of essays Blackstone and his Commentaries Biography Law History 2009 and Re Interpreting Blackstone's Commentaries A Seminal Text in National and International Contexts 2014 This third collection focuses on Blackstone's critics and detractors. Leading scholars examine the initial reception of the Commentaries in the context of debates over law religion and politics in eighteenth century Britain and Ireland. Having shown Blackstone's volumes to be a contested work of the Enlightenment the remaining chapters assess critical responses to Blackstone on family law the status of women and legal education in Britain and America. While Blackstone and his Commentaries have been widely lauded and memorialised in marble this volume highlights the extent to which they have also attracted censure controversy and disparagement **Hanover and the British Empire, 1700-1837** Nick Harding, 2007 A reappraisal of the links between Hanover and Great Britain highlighting their previously unexplored importance. The dynastic union which existed between Great Britain and Hanover between 1714 and 1837 is often seen as simply a subject for diplomatic historians of not much consequence. In fact as this book shows the connection between Great Britain and Hanover was an important theme which featured significantly in political and intellectual writing at the time both in Hanover and in Britain especially in discourses including in pamphlet literature about the nature of empire Britain's empire and Hanover's place within it. The book traces the evolution of such thinking over the entire period of the union demonstrating that there was a strong European element to British imperial thinking alongside the well recognised overseas maritime commercial element. It examines how Hanover affected British policy in Europe throughout the period and how the British connection affected Hanover both in periods of peace and periods of warfare when Hanoverian mercenaries were used extensively by Britain and when Hanover often felt that its interests were not best served by the British connection. Overall the book shows that Britain's relationship with Hanover was much deeper and more complex than personal union and that Europe and Hanover featured very significantly in British imperial thinking. NICK HARDING is Visiting Assistant Professor at the University of North Florida **Sanctuary and Asylum** Linda Rabben, 2016-09-01 The practice of sanctuary giving refuge to the threatened vulnerable stranger may be universal among humans. From primate populations to ancient religious traditions to the modern legal institution of asylum anthropologist Linda Rabben explores the long history of sanctuary and analyzes modern asylum policies in North America Europe and elsewhere contrasting them with the role that courageous individuals and organizations have played in offering refuge to survivors of torture persecution and discrimination. Rabben gives close attention to the mid 2010s refugee crisis in Europe and to Central Americans seeking

asylum in the United States This wide ranging timely and carefully documented account draws on Rabben s experiences as a human rights advocate as well as her training as an anthropologist Sanctuary and Asylum will help citizens professionals and policy makers take informed and compassionate action A Capell Family Book

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