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Law And History Vol 6 Current Legal Issues 2003

Andreas Rahmatian



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Britain's Political Economies Julian Hoppit, 2017-05-03 The Glorious Revolution of 1688-9 transformed the role of parliament in Britain and its empire. Large numbers of statutes resulted with most concerning economic activity. Julian Hoppit here provides the first comprehensive account of these acts, revealing how government affected economic life in this critical period prior to the Industrial Revolution and how economic interests across Britain used legislative authority for their own benefit. Through a series of case studies, he shows how ideas, interests, and information influenced statutory action in practice. Existing frameworks such as mercantilism and the fiscal-military state fail to capture the full richness and structural limitations of how political power influenced Britain's precocious economic development in the period. Instead, finely grained statutory action was the norm, guided more by present needs than any grand plan, with regulatory ambitions constrained by administrative limitations and some parts of Britain benefiting much more than others. **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. **Catholics and the law in Restoration Ireland** Paul Smith, 2025-01-14

In 1660, Charles II was restored to the thrones of England, Scotland, and Ireland, but his hold on power was precarious. In particular, Ireland was fundamentally unstable. Catholics formed the majority of the population in a country where Protestantism was the established religion, a state of affairs unique in Europe. It was through the law that the restored Stuart monarchy governed its subjects and its colonial dependencies, and this book examines how Catholics engaged with and experienced English common law primarily through the eyes of Catholic clerics and Gaelic poets. It also examines how Catholics engaged with the Courts and the particular challenges they faced as lawyers. The book draws on an extensive body of primary source materials, including Irish language poetry and little-used archival material relating to elite Catholic families.

Lord Kames Andreas Rahmatian, 2015-05-20 Andreas Rahmatian explains Kames' conceptions of legal philosophy, including black letter law, legal science, legal theory, legal sociology, and anthropology, in its early stages, setting them in the context of the Scottish Enlightenment. **Contract Before the Enlightenment** Stephen Bogle, 2023 This volume provides

the first in-depth intellectual history of the contractual thought of Viscount Stair, a pivotal figure in the shaping of Scots Law.

It traces the key influences from theology philosophy and natural law that through Stair contributed to a distinct approach to legal thought in Scotland *Sufi Shrines and the Pakistani State* Umber Bin Ibad, 2018-12-21 After the creation of Pakistan in 1947 Sufi shrines became highly contested Considered deviant and un-Islamic they soon fell under government control as part of a state led strategy to create an official more unified Islamic identity This book the first to address the political history of Sufi shrines in Pakistan explores the various ways in which the postcolonial state went about controlling their activities Of key significance Umber Bin Ibad shows was the West Pakistan Waqf Properties Ordinance a governmental decree issued in 1959 Formed when General Ayub Khan assumed the role of Chief Martial Law Administrator this allowed the state to take over shrines as waqf property According to Islamic law a waqf or charitable endowment had to be used for charitable or religious purposes and the state created a separate Auqaf department to control the finances and activities of all the shrines which were now under a state sponsored waqf system Focusing on the Punjab famous for its large number of shrines the book is based on extensive primary research including newspapers archival sources interviews court records and the official reports of the Auqaf department At a time when Sufi shrines are being increasingly targeted by Islamist extremists who view Sufism as heretical this book sheds light on the shrines contentious historical relationship with the state An original contribution to South Asian Studies the book will also be relevant to scholars of Colonial and Post Colonial History and Sufism Studies **The Politics of Memory in Sinophone Cinemas and Image Culture** Peng Hsiao-yen, Ella

Raidel, 2017-09-27 Cinema archives memories conserves the past and rewrites histories As much as the Sinophone embodies differences contemporary Sinophone cinemas in Taiwan Hong Kong and the People's Republic of China invest various images of contested politics in order to assert different histories and self consciousness As such Sinophone cinemas and image production function as archives with the capability of reinterpreting the multiple dimensions of past and present *The Politics of Memory in Sinophone Cinemas and Image Culture* investigates Sinophone films and art projects that express this desire for archiving and reconfiguring the past Comprising ten chapters this book brings together contributors from an array of disciplines artists filmmakers curators film critics and literary scholars to grapple with the creative ambiguities of Sinophone cinemas and image culture Blending eclectic methods of scholarly research knowledge making and art making into a new discursive space the chapters address the diverse complexities of the cinematic culture and image production in Sinitic language regions This book is a valuable resource for students and scholars of film studies China studies East Asian studies Taiwan studies and Sinophone studies as well as professionals who work in the film industry *Civil Justice in Renaissance Scotland* Andrew Mark Godfrey, 2009-04-07 This book offers a fundamental reassessment of the origins of a central court in Scotland It examines the early judicial role of Parliament the development of the Session in the fifteenth century as a judicial sitting of the King's Council and its reconstitution as the College of Justice in 1532 Drawing on new archival research into jurisdictional change litigation and dispute settlement the book breaks with established interpretations and argues for the

overriding significance of the foundation of the College of Justice as a supreme central court administering civil justice This signalled a fundamental transformation in the medieval legal order of Scotland reflecting a European pattern in which new courts of justice developed out of the jurisdiction of royal councils Lord Kames: Selected Writings Andreas

Rahmatian,2017-01-31 The judge jurist and philosopher Henry Home Lord Kames 1696 1782 was a polymath and one of the principal personalities of the Scottish Enlightenment As a teacher and mentor of Adam Smith Thomas Reid and David Hume to some extent he published works on law and legal history moral philosophy aesthetics and rhetoric anthropology and sociology of law and on the economic and agricultural improvement of Scotland He saw these disciplines as elements of a philosophical history of man that developed in certain stages and he considered law as part of all these subjects Kames was a widely read author in the eighteenth century and some of his works were translated into French and German at the time His influence on German men of letters and on some of the Founders of the United States was considerable This anthology contains characteristic passages from Kames s works particularly from his *Sketches of the History of Man* 1774 a comprehensive synoptic work which presents Kames s idea of the progress of man of society and of the sciences from the *Essays on the Principles of Morality and Natural Religion* 1751 a critique of Hume and an important work of Scottish Common Sense philosophy from the *Elements of Criticism* 1762 on aesthetics rhetoric and literary criticism and from the *Principles of Equity* 1760 and the *Historical Law Tracts* 1758 as his main works on law and legal history **Equitable**

Access to Human Biological Resources in Developing Countries Roger Scarlin Chennells,2015-07-17 The main question explored by the book is How can cross border access to human genetic resources such as blood or DNA samples be governed in such a way as to achieve equity for vulnerable populations in developing countries The book situates the field of genomic and genetic research within global health and research frameworks describing the concerns that have been raised about the potential unfairness in exchanges during recent decades Access to and sharing in the benefits of human biological resources are aspects not regulated by any international legal framework such as the Convention on Biological Diversity which applies only to the exchange of plants animals and microorganisms as well as to associated traditional knowledge Examples of genetic research perceived as exploitative are provided in order to illustrate the legal vacuum concerning the global governance of human genetic resources The main conclusions drawn from the legal and ethical analysis are Benefit sharing is crucial in order to avoid the exploitation of developing countries in human genetic research With functioning research ethics committees undue inducement is less of a concern in genetic research than in other areas of medical research e g clinical trials Concerns remain over research involving indigenous populations accordingly recommendations are provided In drawing these conclusions the book addresses in detail a highly pressing topic in global bioethics and international law In this regard it combines bioethical arguments with jurisprudence in particular with reference to the law of equity and the legal concepts of duress coercion unconscionable dealing and undue inducement **Leading Works in the History of the**

Constitution Chris Monaghan, 2025-08-15 This collection brings together academic analysis of leading contemporary accounts of the British Constitution with key constitutional documents and sources while also offering analysis of the leading histories of the Constitution The works in question represent examples of the constitutionally most significant legislation judicial decisions and commentaries by scholars and key actors Its scope is the 700 years of English and then British history from the Magna Carta to Britain as an imperial power grappling with the question of how to govern India The contributors presenting a balance of established academics and early career researchers present an original and succinct account of the significance of each leading work They draw upon the context in which it was written contemporary literature and more modern academic analysis of the work and its author s Presenting a complement to standard texts on the history of the Constitution the book will be of interest to researchers and academics working in the areas of Constitutional Law and Politics Public Law and Legal History

Contextualising Legal Research Sanne Taekema, Wibren van der Burg, 2024-06-05 Providing a clear and concise guide to the practicalities of legal research this informative book presents a methodological framework for law in context research design It argues that legal scholarship relies on the interpretive and argumentative methods of the humanities but also requires empirical input due to its focus on social reality

Slavery, Indenture and the Law Nandini Boodia-Canoo, 2023-01-31 This book addresses historical issues of colonialism and race which influenced the formation of multicultural society in Mauritius During the 19th century Mauritius was Britain s prime sugar producing colony yet unlike the West Indies its history has remained significantly under researched The modern demographic of multi ethnic Mauritius is unusual as in the absence of an indigenous people descendants of colonists slaves and indentured labourers constitute the majority of the island s population today Thus it may be said that the Mauritian nation was assembled during the period in question This work draws on an in depth examination of the two labour systems through which the island came to be populated slavery and indenture In studying the relevant laws four legal events of historical importance within the context of these two labour systems are identified the abolition of the slave trade the abolition of slavery private indentured labour migration and state regulated indenture This book is notable in that it presents a legal analysis of core historical events thus straddling the line between two disciplines and covers both slavery and indentured labour in Mauritian history Mauritius as an originally uninhabited island presents a rare case study for inquiries into colonial legacies multiculturalism and race consciousness The book will be a valuable resource to scholars worldwide in the fields of slavery indenture and the legal apparatus of forced labour

Comparative Methods in Law, Humanities and Social Sciences Adams, Maurice, Van

Hoecke, Mark, 2021-11-19 This cutting edge book facilitates debate amongst scholars in law humanities and social sciences where comparative methodology is far less well anchored in most areas compared to other research methods It posits that these are disciplines in which comparative research is not simply a bonus but is of the essence

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 *Comparative Legal History* Olivier Moréteau, Aniceto Masferrer, Kjell A. Modéer, The specially commissioned papers in this book lay a solid theoretical foundation for comparative legal history as a distinct academic discipline While facilitating a much needed dialogue between comparatists and legal historians this research handbook examines methodologies in this emerging field and reconsiders legal concepts and institutions like custom civil procedure and codification from a comparative legal history perspective **The Indigenous Paradox** Jonas Bens, 2020-07-10 An investigation into how indigenous rights are conceived in legal language and doctrine In the twenty first century it is politically and legally commonplace that indigenous communities go to court to assert their rights against the postcolonial nation state in which they reside But upon closer examination this constellation is far from straightforward Indigenous communities make their claims as independent entities governed by their own laws And yet they bring a case before the court of another sovereign subjecting themselves to its foreign rule of law According to Jonas Bens when native communities enter into legal relationships with postcolonial nation states they become indigenous Indigenous communities define themselves as separated from the settler nation state and insist that their rights originate from within their own system of laws At the same time indigenous communities must argue that they are incorporated in the settler nation state to be able to use its judiciary to enforce these rights As such they are simultaneously included into and excluded from the state Tracing how the indigenous paradox is inscribed into the law by investigating several indigenous rights cases in the Americas from the early nineteenth century to the early twenty first Bens illustrates how indigenous communities have managed and continue to manage to navigate this paradox by developing lines of legal reasoning that mobilize the concepts of sovereignty and culture Bens argues that understanding indigeneity as a paradoxical formation sheds light on pressing questions concerning the role of legal pluralism and shared sovereignty in contemporary multicultural societies *Chitty on*

Contracts Joseph Chitty, 2012 When it comes to contract law Chitty on Contracts is the foundation on which to base any case. It provides you with the depth of insight you require so you can confidently cite it in court. The Oxford Handbook of Cognitive Literary Studies Lisa Zunshine, 2015 The Oxford Handbook of Cognitive Literary Studies applies developments in cognitive science to a wide range of literary texts that span multiple historical periods and numerous national literary traditions. *Making Sense of Sexual Consent* Mark Cowling, Paul Reynolds, 2017-03-02 The issue of sexual consent has stimulated much debate in the last decade. The contributors to this illuminating volume make sense of sexual consent from various conceptual standpoints: socio-legal, post-structural, philosophical and feminist. The volume comprises a range of studies all based around consent within a specific context such as criminal justice, homosexuality, sadomasochism, prostitution, male rape, learning disabilities, sexual ethics and the age of consent. It is the first collection to publish exclusively on issues of sexual consent and both makes sense of sexual consent in contemporary society and guides debate towards better consent standards and decisions in the future. *Making Sense of Sexual Consent* will excite considerable discussion amongst academics, professionals and all those who think that freedom to make decisions about our sexual selves is important. It will set the agenda for debate on sexual consent into the 21st Century.

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