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Exploring Law's Empire Law, Empire, and the Sultan *Law's Empire* **Law's Empire** *Law's Empire* **The Empire Strikes Back** *A Jurisprudence of Power Law's Empire* **Studies in History and Jurisprudence** *Lords of the Land* **Law, Empire, and the Sultan** A Jurisprudence of Power **Ennobling the Empire Islamic Jurisprudence on the Regulation of Armed Conflict Legality Native Claims Imperial Justice Empire of Law Human Rights and Empire** *Law, Empire, and the Sultan Empire, Emergency and International Law* **The Roman empire and the British empire in India. The extension of Roman and English law throughout the world. Flexible and rigid constitutions. The action of centripetal and centrifugal forces on political constitutions. Primitive Iceland. The Constitution of the United States as seen in the past. Two South African constitutions. The constitution of the commonwealth of Australia** *The Principles of Constitutionalism* **Law and Empire in Late Antiquity Interpretandi Scientia** *International Law and Empire* **Jurisprudence Legalist Empire Institutionalized Reason Studies in History and Jurisprudence, Vol. 1 Legal Pluralism and Empires, 1500-1850 Studies in History and Jurisprudence Understanding Jurisprudence** Jurisprudence **Empire and Legal Thought** Codification in the British Empire and America Taking Rights Seriously Habeas Corpus **China Opened; Or The Insular Cases and the Emergence of American Empire**

Perfect for the student new to jurisprudence, this book provides an illuminating introduction to the central questions of legal theory. An experienced teacher of jurisprudence, Professor Wacks' approach is both accessible and entertaining, providing the ideal base for further study. We call habeas corpus the Great Writ of Liberty. But it was actually a writ of power. In a work based on an unprecedented study of thousands of cases across more than five hundred years, Paul Halliday provides a sweeping revisionist account of the world's most revered legal device. In the decades around 1600, English judges used ideas about royal power to empower themselves to protect the king's subjects. The key was not the prisoner's "right" to "liberty"Ñthese are modern idiomsÑbut the possible wrongs committed by a jailer or anyone who ordered a prisoner detained. This focus on wrongs gave the writ the force necessary to protect ideas about rights as they developed outside of law. This judicial power carried the writ across the world, from Quebec to Bengal. Paradoxically, the representative impulse, most often expressed through legislative action, did more to undermine the writ than anything else. And the need to control imperial subjects would increasingly constrain judges. The imperial experience is thus crucial for making sense of the broader sweep of the writ's history and of English law. Halliday's work informed the 2008 U.S. Supreme Court ruling in Boumediene v. Bush on prisoners in the Guant□namo detention camps. His eagerly anticipated book is certain to be acclaimed the definitive history of habeas corpus. "Emphatic of the importance of legal thought to the rise and fall of empires, this book highlights the centrality of empires to the development of legal thought. Comprehension of the development of legal thought over time is necessary for any historical, philosophical, practical, or theoretical enquiry into the subject today, it is argued here. When seen against the background of broad geopolitical, diplomatic, administrative, intellectual, religious, and commercial changes, law begins to appear very resilient. It withstands the rise and fall of empires. It provides the framework for the establishment of new orders in the place of the old. Today what analogies, principles, and authorities of law have survived these changes continue to inform much of the international legal tradition." -- This is the first systematic treatment in English by an historian of the nature, aims and efficacy of public law in late imperial Roman society from the third to the fifth century AD. Adopting an interdisciplinary approach, and using the writings of lawyers and legal anthropologists, as well as those of historians, the book offers new interpretations of central questions: What was the law of late antiquity? How efficacious was late Roman law? What were contemporary attitudes to pain, and the function of punishment? Was the judicial system corrupt? How were disputes settled? Law is analysed as an evolving discipline, within a framework of principles by which even the emperor was bound. While law, through its language, was an expression of imperial power, it was also a means of communication between emperor and subject, and was used by citizens, poor as well as rich, to serve their own ends. America's empire expanded dramatically following the Spanish-American War of 1898. The United States quickly annexed the Philippines and Puerto Rico, seized control over Cuba and the Panama Canal Zone, and extended political and financial power throughout Latin America. This age of empire, Benjamin Allen Coates argues, was also an age of international law. Justifying America's empire with the language of law and civilization, international lawyers-serving simultaneously as academics, leaders of the legal profession, corporate attorneys, and high-ranking government officials-became central to the conceptualization, conduct, and rationalization of US foreign policy. Just as international law shaped empire, so too did empire shape international law. Legalist Empire shows how the American Society of International Law was animated by the same notions of "civilization" that justified the expansion of empire overseas. Using the private papers and published writings of such figures as Elihu Root, John Bassett Moore, and James Brown Scott, Coates shows how the newly-created international law profession merged European influences with trends in American jurisprudence, while appealing to elite notions of order, reform, and American identity. By projecting an image of the United States as a unique force for law and civilization, legalists reconciled American exceptionalism, empire, and an international rule of law. Under their influence the nation became the world's leading advocate for the creation of an international court. Although the legalist vision of world peace through voluntary adjudication foundered in the interwar period, international lawyers-through their ideas and their presence in halls of power-continue to infuse vital debates about America's global role In this reprint of Law's Empire,Ronald Dworkin reflects on the nature of the law, its given authority, its application in democracy, the prominent role of interpretation in judgement, and the relations of lawmakers and lawgivers to the community on whose behalf they pronounce. For that community, Law's Empire provides a judicious and coherent introduction to the place of law in our lives.Previously Published by Harper Collins. Reprinted (1998) by Hart Publishing. This text proposes that late Hanafi legal scholarship in the early modern period secured a role for the Ottoman sultanic authority in the process of lawmaking. It demonstrates that Hanafi jurists sustained and expanded Ottoman sultanic authority through careful reformulations of their own school and their engagement with new notions of governance embraced by the Ottomans.-- This book is the first study of late Hanafism in the early modern Ottoman Empire. It examines Ottoman imperial authority in authoritative Hanafi legal works from the Ottoman world of the sixteenth to nineteenth centuries CE, casting new light on the understudied late Hanafi jurists (al-muta'akhkhirun). By taking the madhhab and its juristic discourse as the central focus and introducing "late Hanafism" as a framework of analysis, this study demonstrates that late Hanafi jurists assigned probative value and authority to the orders and edicts of the Ottoman sultan. This authority is reflected in the sultan's ability to settle juristic disputes, to order specific opinions to be adopted in legal opinions (fatawa), and to establish his orders as authoritative and final reference points. The incorporation of sultanic orders into authoritative Hanafi legal commentaries, treatises, and fatwa collections was made possible by a shift in Hanafi legal commitments that embraced sultanic authority as an indispensable element of the lawmaking process. This book analyses the states of emergency exposing the intersections between colonial law, international law, imperialism and racial discrimination. This wide-ranging volume advances our understanding of law and empire in the early modern world. Distinguished contributors expose new dimensions of legal pluralism in the British, French, Spanish, Portuguese, and Ottoman empires. In-depth analyses probe such topics as the shifting legal privileges of corporations, the intertwining of religious and legal thought, and the effects of clashing legal authorities on sovereignty and subjecthood. Case studies show how a variety of individuals engage with the law and shape the contours of imperial rule. The volume reaches from Peru to New Zealand to Europe to capture the varieties and continuities of legal pluralism and to probe the analytic power of the

concept of legal pluralism in the comparative study of empires. For legal scholars, social scientists, and historians, Legal Pluralism and Empires, 1500-1850 maps new approaches to the study of empires and the global history of law. The history of exiles from Nazi Germany and the creation of the notion of a shared European legal tradition. Erudite and timely, this book is a key contribution to the renewal of radical theory and politics. Addressing the paradox of a contemporary humanitarianism that has abandoned politics in favour of combating evil, Douzinas, a leading scholar and author in the field of human rights and legal theory, considers the most pressing international questions. Asking whether there 'is an intrinsic relationship between human rights and the recent wars carried out in their name?' and whether 'human rights are a barrier against domination and oppression or the ideological gloss of an emerging empire?' this book examines a range of topics, including: the normative characteristics, political philosophy and metaphysical foundations of our age the subjective and institutional aspects of human rights and their involvement in the creation of identity and definition of the meaning and powers of humanity the use of human rights as a justification for a new configuration of political, economic and military power. Exploring the legacy and the contemporary role of human rights, this topical and incisive book is a must for all those interested in human rights law, jurisprudence and philosophy of law, political philosophy and political theory. The recognition and allocation of indigenous property rights have long posed complex questions for the imperial powers of the mid-nineteenth century and their modern successors. Recognizing rights of property raises questions about pre-existing indigenous authority and power over land that continue to trouble the people and governments of settler states. Through focusing on the settlement of New Zealand during the critical period of the 1830s through to the early 1860s, this book offers a fresh assessment of the histories of indigenous property rights and the jurisprudence of empire. It shows how native title became not only a key construct for relations between Empire and tribes, but how it acted more broadly as a constitutional frame within which discourses of political authority formed and were contested at the heart of Empire and the colonial peripheries. Native title thus becomes another episode in imperial political history in which increasingly fierce and highly polemical contestation burst into violence. Native title explodes as a form of civil war that lays the foundation (by Maori ever after challenged) for revised constitutional orders. Lords of the Land considers histories of indigenous property rights not only as the stuff of entwined streams of a law of nations and constitutional theory but also as exemplars of the politics of negotiability - engaging relations of struggle and ambition for power, together with the openness and limits of incoming settler polities towards indigenous polities and laws. This study is an examination of rights as instruments of analysis and political discourse, constructed and contested in and through time. Anchored in the striking experiences of New Zealand and the politics of trans-oceanic empire, it tells a tale of indigenous political autonomy and how the vocabularies of property rights mediated relations between empire and the indigenous political communities found in newly settled lands. In this follow-up volume to the critically acclaimed The Constitutional State, N. W. Barber explores how the principles of constitutionalism structure and influence successful states. Constitutionalism is not exclusively a mechanism to limit state powers. An attractive and satisfying account of constitutionalism, and, by derivation, of the state, can only be reached if the principles of constitutionalism are seen as interlocking parts of a broader doctrine. This holistic study of the relationship between the constitutional state and its central principles - sovereignty; the separation of powers; the rule of law; subsidiarity; democracy; and civil society - casts light on long-standing debates over the meaning and implications of constitutionalism. The book provides a concise introduction to constitutionalism and a detailed account of the nature and implications of each of the principles in question. It concludes with an examination of the importance of constitutional principles to the work of judges, legislators, and others involved in the operation and creation of the constitution. The book is essential reading for those seeking a definitive account of constitutionalism and its benefits. Austin (jurisprudence, Case Western Reserve University) addresses the fight for dominance between legal scholarship and the liberal white male establishment that currently dominates legal education and practice. He describes the struggle between the sometimes paranoid and antipragmatic "outsiders" (feminists, critical race theorists, and critical legal studies scholars) and the demographically larger camp of traditionalists which he believes to be imperious, closed-minded, and self-perpetuating. Annotation copyrighted by Book News, Inc., Portland, OR This text reconstructs the martial law suppression of the Jamaica uprising of 1865, and the subsequent debate and litigation these events spawned in England. This text reconstructs the martial law suppression of the Jamaica uprising of 1865, and the subsequent debate and litigation these events spawned in England This groundbreaking collection of essays shows that, from the moment European expansion commenced through to the twentieth century, indigenous peoples from America, Africa, Australia and New Zealand drafted legal strategies to contest dispossession. The story of indigenous resistance to European colonization is well known. But legal resistance has been wrongly understood to be a relatively recent phenomenon. These essays demonstrate how indigenous peoples throughout the world opposed colonization not only with force, but also with ideas. They made claims to territory using legal arguments drawn from their own understanding of a law that applies between peoples - a kind of law of nations, comparable to that being developed by Europeans. The contributors to this volume argue that in the face of indigenous legal arguments, European justifications of colonization should be understood not as an original and originating legal discourse but, at least in part, as a form of counter-claim. Native Claims: Indigenous Law against Empire, 1500-1920 brings together the work of eminent social and legal historians, literary scholars, and philosophers, including Rolena Adorno, Lauren Benton, Duncan Ivison, and Kristin Mann. Their combined expertise makes this volume uniquely expansive in its coverage of a crucial issue in global and colonial history. The various essays treat sixteenth- and seventeenth-century Latin America, seventeenth- and eighteenth-century North America (including the British colonies and French Canada), and nineteenth-century Australasia and Africa. There is no other book that examines the issue of European dispossession of native peoples in such a way. This book is the first study of late Hanafism in the early modern Ottoman Empire. It examines Ottoman imperial authority in authoritative Hanafi legal works from the Ottoman world of the sixteenth to nineteenth centuries CE, casting new light on the understudied late Hanafi jurists (al-muta'akhkhirun). By taking the madhhab and its juristic discourse as the central focus and introducing "late Hanafism" as a framework of analysis, this study demonstrates that late Hanafi jurists assigned probative value and authority to the orders and edicts of the Ottoman sultan. This authority is reflected in the sultan's ability to settle juristic disputes, to order specific opinions to be adopted in legal opinions (fatawa), and to establish his orders as authoritative and final reference points. The incorporation of sultanic orders into authoritative Hanafi legal commentaries, treatises, and fatwa collections was made possible by a shift in Hanafi legal commitments that embraced sultanic authority as an indispensable element of the lawmaking process. Exploring Law's Empire is a collection of essays examining the work of Ronald Dworkin in the philosophy of law and constitutionalism. A group of leading legal theorists develop, defend and critique the major areas of Dworkin's work, including his criticism of legal positivism, his theory of law as integrity, and his work on constitutional theory. The volume concludes with a lengthy response to the essays by Dworkin himself, which develops and clarifies many of his positions on the central questions of legal and constitutional theory. The volume represents an ideal companion for students and scholars embarking on a study of Dworkin's work. This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work was reproduced from the original artifact, and remains as true to the original work as possible. Therefore, you will see the original copyright references, library stamps (as most of these works have been housed in our most important libraries around the world), and other notations in the work.This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work.As a reproduction of a historical artifact, this work may contain missing or blurred pages, poor pictures, errant marks, etc. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant. Focuses on America's first attempts at empire-building through a string of U.S. Supreme Court decisions in the early part of the 20th century that tried to define the legal and constitutional status of America's island territories: Puerto Rico, Cuba, and the Philippines, among others, and reveals how the Court provided the rationalization for the establishment of an American empire. By examining the relationship between international law and empire from early modernity to the present, this volume improves

current understandings of the way international legal institutions, practices, and narratives have shaped imperial ideas about and structures of world governance. With incisiveness and lucid style, Dworkin has written a masterful explanation of how the Anglo-American legal system works and on what principles it is grounded. Law's Empire is a full-length presentation of his theory of law that will be studied and debated for years to come. 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. This volume gathers leading figures from legal philosophy and constitutional theory to offer a critical examination of the work of Robert Alexy. The contributions explore the issues surrounding the complex relations between rights, law, and morality and reflect on Alexy's distinctive work on these issues. The focus across the contributions is on Alexy's main pre-occupations - his anti-positivist views on the nature of law, his approach to the nature of legal reasoning, and his understanding of constitutional rights as legal principles. In an extended response to the contributions in the volume, Alexy develops his views on these central issues. The volume's juxtaposition of Anglo-American and German perspectives brings into focus the differences as well as the prospect of cross-fertilization between Continental and Anglo-American work in jurisprudence. Lang analyzes efforts made in the United Kingdom and the United States to replace or modify the common law with codes since the origins of codification in the nineteenth century. Lang is especially interested in the tension between written codes, which are characteristic of continental law, and the common law, which is grounded in custom. Since its publication in 1924, this book has been cited often in articles dealing with codes and comparative law. In Islamic Jurisprudence on the Regulation of Armed Conflict, Nesrine Badawi offers a survey of key Islamic legal texts on the subject and analyses the relationship between their deductive structures and the contexts witnessed at the time of their development. This volume contains a collection of studies composed at different times over a long series of years. It treats of diverse topics: yet through many of them there runs a common thread, that of a comparison between the history and law of Rome and the history and law of England. The author has handled this comparison from several points of view, applying it in one essay to the growth of the Roman and British Empires, in another to the extension over the world of their respective legal systems, in another to their Constitutions, in others to their legislation, in another to an important branch of their private civil law. The topic is one profitable to a student of the history of either nation; and it has not been largely treated by any writers before Bryce, as indeed few historians touch upon the legal aspects of history. This is volume one out of two. Legality is a profound work in analytical jurisprudence, the branch of legal philosophy which deals with metaphysical questions about the law. In the twentieth century, there have been two major approaches to the nature of law. The first and most prominent is legal positivism, which draws a sharp distinction between law as it is and law as it might be or ought to be. The second are theories that view law as embedded in a moral framework. Scott Shapiro is a positivist, but one who tries to bridge the differences between the two approaches. In Legality, he shows how law can be thought of as a set of plans to achieve complex human goals. His new “planning” theory of law is a way to solve the “possibility problem”, which is the problem of how law can be authoritative without referring to higher laws. A landmark work of political and legal philosophy, Ronald Dworkin's Taking Rights Seriously was acclaimed as a major work on its first publication in 1977 and remains profoundly influential in the 21st century. A forceful statement of liberal principles - championing the legal, moral and political rights of the individual against the state - Dworkin demolishes prevailing utilitarian and legal-positivist approaches to jurisprudence. Developing his own theory of adjudication, he applies this to controversial public issues, from civil disobedience to positive discrimination. Elegantly written and cuttingly insightful, Taking Rights Seriously is one of the most important works of public thought of the last fifty years.