

Women In The Mosque A History Of Legal Thought

Comparative Legal History A History of Law in Europe A Historical and Legal Comparison between Tianxia Wei Gong and Quod Omnes Tangit The Yale Law School Guide to Research in American Legal History American Legal History Law, History, Colonialism A Companion to American Legal History Law and Development The Recovery of Historical Law Handbook of the History of the Philosophy of Law and Social Philosophy The Writing of History and the Study of Law Legal Theory and Legal History An Introduction to English Legal History The Chief Sources of English Legal History Time, History and International Law Common Law, Civil Law, and Colonial Law The Central Law Journal Legal History A History of Infanticide in Britain, c. 1600 to the Present Law and Revolution Olivier Mor^[2] teau Antonio Padoa-Schioppa Yifan Shang John B. Nann Kermit L. Hall Diane Elizabeth Kirkby Sally E. Hadden Piotr Szewdo Friedrich Julius Stahl Gianfrancesco Zanetti Donald R. Kelley Alfred William Brian Simpson John Hamilton Baker Percy H. Winfield Matthew C. R. Craven William Eves Frederick G. Kempin A. Kilday Harold J. Berman

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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 first english translation of a comprehensive legal history of europe from the early middle ages to the twentieth century encompassing both the common aspects and the original developments of different countries as well as legal scholars and professionals it will appeal to those interested in the general history of european civilisation

this book explores the historical and legal importance of two principles quod omnes tangit and tianxia wei gong which have played significant roles in european and chinese political and legal history while quod omnes tangit has been thoroughly researched tianxia wei gong has not been systematically examined this thesis fills this void and connects these two principles for the first time quod omnes tangit was initially introduced in justinian s codex civil while tianxia wei gong originated from liji one of the books in a key series of works by confucius liji is comparable to the thora in the old testament and is considered as important as law in chinese legal history both principles have undergone comparable developmental processes with scholars contributing to their reinterpretation this book thoroughly examines the interpretations of individual scholars with particular attention given to liang qichao who is the only one to have mentioned both tianxia wei gong and quod omnes

tangit the book also provides an explanation for the original discrepancies in their concepts particularly their methodologies in distributing and legitimizing rights this research will be of interest to legal philosophers and historians in both the western and eastern worlds legal practitioners and policymakers and researchers seeking to explain current events and explore fundamental differences between the east and west

the study of legal history has a broad application that extends well beyond the interests of legal historians an attorney arguing a case today may need to cite cases that are decades or even centuries old and historians studying political or cultural history often encounter legal issues that affect their main subjects both groups need to understand the laws and legal practices of past eras this essential reference is intended for the many nonspecialists who need to enter this arcane and often tricky area of research

when the first edition of american legal history case and materials appeared over twenty five years ago american legal history was a nascent scholarly field today the subject of legal history has flooded law history and political science departments across american universities legal history appears in the scholarship of social economic political and diplomatic historians as well as becoming an integral part of gender immigration race slavery and labor studies more than ever before legal history has become a part of our collective legal culture as well as our scholarly world this text provides a comprehensive selection of the most important documents in american legal history from america s colonial origins to the present devoting special attention to the interaction of social and legal change american legal history cases and materials shows how legal ideas developed in tandem with specific historical events while also revealing america s rich and unique legal culture the book also details the relationship between the evolution of american law and the development of american society politics and economy

this work brings together the disciplines of law history and post colonial studies in an exploration of imperialism in essays from a range of disciplinary backgrounds it offers perspectives on the length and breadth of empire

a companion to american legal history presents a compilation of the most recent writings from leading scholars on american legal history from the colonial era through the late twentieth century presents up to date research describing the key debates in american legal history reflects the current state of american legal history research and points readers in the direction of future research represents an ideal companion for graduate and law students seeking an introduction to the field the key questions and future research ideas

this book examines the concept of development from alternative perspectives and analyzes how different approaches influence law sustainable development focuses on balancing economic progress environmental protection individual rights and collective interests it requires a holistic approach to human beings in their individual and social dimensions which can be seen as a reference to integral human development a concept found in ethics development can be considered as a value or a goal but it also has a normative dimension influencing lawmaking and legal application it is a rule of interpretation which harmonizes the application of conflicting norms and which is often based on the ethical and anthropological assumptions of the decision maker this research examines how different approaches to development and their impact on law can coexist in pluralistic and multicultural societies and how to evaluate their legitimacy analyzing the problem from an overarching theoretical perspective it also discusses case studies stemming from different branches of law

as the world reels from crisis to crisis the most serious one seems to draw the least attention and that is the crisis of the western mind the seeds of radical subjectivism sown at the time of a previous such crisis chronicled in paul hazard s crisis of the european mind have now borne fruit fruit of such stupendous magnitude that they threaten to drag us down into the depths of cultural despair in the rise and fall of natural law this descent into the maelstrom was chronicled from its origin to its inevitable conclusion at least in the world of intellect culture lags intellect but it is never insulated from it ideas do have consequences the intellectual counterpart to our cultural crisis already played itself out 200 years ago the crisis of the european mind by which intellectual culture shifted from revelation to reason found its fitting conclusion in the work of the ultimate solipsist johann gottlieb fichte fichte s focus on enthusiastic conviction and the primacy of the subjective makes him the

prophet of the modern world indeed his orientation has now triumphed for all to see his story and the stories of those leading up to him the leading characters in the rise and fall of natural law are crucial to understanding the genesis of the modern world but that is not the end of the story for history goes on that spot precisely where the first half of stahl's history of legal philosophy leaves off is where the second half picks up the recovery of historical law narrates the attempts to overcome this radical subjectivism and establish a functioning social order in which the ideal matches up with the real the theory is in harmony with the practice after discussing the work of locke montesquieu constant and the doctrinaires all of whom functioned fully within the framework of autonomous natural law while attempting to mitigate it stahl reveals the hero of the story friedrich schelling it was schelling who initiated the gargantuan task of reorienting philosophy away from subjectivism and back toward objective reality stahl characterizes this as a samsonesque act whereby schelling lifted the temple of the previous philosophy off of its pillars and buried the whole army of enemies himself included under its ruins for one thing this explains the cover illustration samson destroying the philistine temple for another it intimates how schelling like mooses stood at the entry to the promised land without entering in schelling's philosophy is an exercise in pantheism an orientation from which he struggled to free himself later in life and in fact hegel his great fellow laborer in so called speculative philosophy took that pantheism and turned it into a mighty system in its own right a rabbit trail that carried many into another dead end one with which we wrestle today conscious or woke big government but that is not the end of the story schelling's first fruits were recovered by the historical school of jurisprudence led by friedrich carl von savigny here the work of counter revolutionaries such as joseph de maistre and edmund burke was carried forward to bear fruit for jurisprudence and this is the foundation for stahl's own system as contained in volume ii the doctrine of law and state on the basis of the christian world view it is on this basis that the laborious task to reconstruct western civilization can begin and not a moment too soon

this handbook discusses representative philosophers in the history of the philosophy of law and social philosophy giving clear concise expert definitions and explanations of key personalities and their ideas it provides an essential reference for experts and newcomers alike

this second volume of essays by professor kelley takes the study of history as its starting point then extends explorations into adjacent fields of legal political and social thought to confront some of the larger questions of the modern human sciences the first group of papers examine the historiography of the protestant reformation and then of the romantic and victorian periods the last section focuses on the legal tradition and its interpretation in relation to social and cultural as well as historical thought in the period from the renaissance to the french revolution throughout the author's interest is to analyse how people at different times have viewed their past and reconstructed and utilised it in the service of their present concerns

this book examines theoretical and practical issues concerning the relationship between international law time and history problems relating to time and history are ever present in the work of international lawyers whether understood in terms of the role of historic practice in the doctrine of sources the application of the principle of inter temporal law in dispute settlement or in gaining a coherent insight into the role that was played by international law in past events but very little has been written about the various different ways in which international lawyers approach or understand the past and it is with a view to exploring the dynamics of that engagement that this book has been compiled in its broadest sense it is possible to identify at least three different ways in which the relationship between international law and its history may be conceived the first is that of a history of international law written in narrative form and mapped out in terms of a teleology of origins development progress or renewal the second is that of history in international law and of the role history plays in arguments about law itself for example in the construction of customary international law the third way of understanding that relationship is in terms of international law in history of understanding how international law has been engaged in the creation of a history that in some senses stands outside the history of international law itself the essays in this collection make clear that each type of engagement with history and international law interweaves various different types of historical narrative pointing to the typically multi layered nature of international lawyers engagement with the past and its importance in shaping the present and future of international law

a selection of outstanding papers from the 24th british legal history conference celebrating scholarship in comparative legal history

vols 64 96 include central law journal s international law list

the killing of new born children is an intensely emotional and emotive subject the hidden nature of this crime has made it an area incredibly difficult subject area for historians to approach up until now this work provides the first detailed history of infanticide in mainland britain from 1600 to the modern era

the roots of modern western legal institutions and concepts go back nine centuries to the papal revolution when the western church established its political and legal unity and its independence from emperors kings and feudal lords out of this upheaval came the western idea of integrated legal systems developed over generations and centuries

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