Legal Pluralism and Empires, 1500-1850 Edited by Lauren Benton and Richard J. Ross

Legal Pluralism And Empires 1500 185

Lauren Benton, Richard J. Ross

Legal Pluralism And Empires 1500 185:

Legal Pluralism and Empires, 1500-1850 Lauren Benton, Richard J. Ross, 2013-07-22 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 **Legal Pluralism and Empires, 1500-1850** Lauren Benton, Richard J. Ross, 2013-07-22 This volume developed out of a 2010 conference on New Perspectives on Legal Pluralism organized by Lauren Benton and Richard Ross through the Symposium on Comparative Early Modern Legal History under the auspices of the Center for Renaissance Studies at the Newberry Library in Chicago Acknowledgments *An Empire of Laws* Christian R. Burset, 2023-01-01 A compelling reexamination of how Britain used law to shape its empire For many years Britain tried to impose its own laws on the peoples it conquered and English common law usually followed the Union Jack But the common law became less common after Britain emerged from the Seven Years War 1754 63 as the world's most powerful empire At that point imperial policymakers adopted a strategy of legal pluralism some colonies remained under English law while others including parts of India and former French territories in North America retained much of their previous legal regimes As legal historian Christian R Burset argues determining how much English law a colony received depended on what kind of colony Britain wanted to create Policymakers thought English law could turn any territory into an anglicized commercial colony legal pluralism in contrast would ensure a colony s economic and political subordination Britain s turn to legal pluralism thus reflected the victory of a new vision of empire authoritarian extractive and tolerant over more assimilationist and egalitarian alternatives Among other implications this helps explain American colonists reverence for the common law it expressed and preserved their equal status in the empire This book the first empire wide overview of law as an instrument of policy in the eighteenth century British Empire offers an imaginative rethinking of the relationship between tolerance and Contending Orders Geoffrey Swenson, 2022-10-14 In Contending Orders Geoffrey Swenson proposes a new way to empire understand how state and non state authorities interact by exploring the full range of legally pluralist environments combative competitive cooperative and complementary Drawing upon insights from Afghanistan and Timor Leste two countries with extensive legal pluralism he identifies and critically examines commonly used strategies in legally pluralistic environments Swenson also illustrates how national and international actors can better engage non state justice systems

Law and the Epistemologies of the South Boaventura de Sousa Santos, 2023-08-09 Modern state law excludes populations peoples and social groups by making them invisible irrelevant or dangerous In this book Boaventura de Sousa Santos offers a radical critique of the law and develops an innovative paradigm of socio legal studies which is based on the historical experience of the Global South He traces the history of modern law as an abyssal law or a kind of law that is theoretically invisible yet implements profound exclusions in practice This abyssal line has been the key procedure used by modern modes of domination capitalism colonialism and patriarchy to divide people into two groups the metropolitan and the colonial or the fully human and the sub human Crucially de Sousa Santos rejects the decadent pessimism that claims that we are living through the end of history Instead this book offers practical hopeful alternatives to social exclusion and modern legal domination aiming to make post abyssal legal utopias a reality Rage for Order Lauren Benton, Lisa Ford, 2016-10-03 Lauren Benton and Lisa Ford find the origins of international law in empires especially in the British Empire's sprawling efforts to refashion the imperial constitution and reorder the world These attempts touched on all the issues of the early nineteenth century from slavery to revolution and changed the way we think about the empire s legacy **Shaping of Modern Jewish Law** Roni Weinstein, 2022-07-05 The double codes of law composed by R Joseph Karo during the late sixteenth and early seventeenth centuries mark a watershed in the history of Jewish Halakhah law No further legal project was suggested in later generations The books suggest a new reading beyond the aspects of positive law R Karo continued centuries long traditions of Jewish erudition in tandem with responding to global changes in history of law and legality both in Europe and mainly in the Ottoman Empire It is a global reading of Jewish Halakhah and modernization of Jewish culture in general Imperial Underworld Kirsten McKenzie, 2016-01-14 This book charts the political exposs of an escaped convict turned activist and sheds new light on nineteenth century British imperial reform Empire, **Incorporated** Philip J. Stern, 2023-05-16 Brilliant ambitious and often surprising A remarkable contribution to the current global debate about Empire and a small masterpiece of research and conceptual reimagining William Dalrymple author of The Anarchy The East India Company Corporate Violence and the Pillage of an Empire An award winning historian places the corporation more than the Crown at the heart of British colonialism arguing that companies built and governed global empire raising guestions about public and private power that were just as troubling four hundred years ago as they are today Across four centuries from Ireland to India the Americas to Africa and Australia British colonialism was above all the business of corporations Corporations conceived promoted financed and governed overseas expansion making claims over territory and peoples while ensuring that British and colonial society were invested quite literally in their ventures Colonial companies were also relentlessly controversial frequently in debt and prone to failure The corporation was well suited to overseas expansion not because it was an inevitable juggernaut but because like empire itself it was an elusive contradiction public and private person and society subordinate and autonomous centralized and diffuse immortal and precarious national and

cosmopolitan a legal fiction with very real power Breaking from traditional histories in which corporations take a supporting role by doing the dirty work of sovereign states in exchange for commercial monopolies Philip Stern argues that corporations took the lead in global expansion and administration Whether in sixteenth century Ireland and North America or the Falklands in the early 1980s corporations were key players And as Empire Incorporated makes clear venture colonialism did not cease with the end of empire Its legacies continue to raise questions about corporate power that are just as relevant today as they were 400 years ago Challenging conventional wisdom about where power is held on a global scale Stern complicates the supposedly firm distinction between private enterprise and the state offering a new history of the British Empire as well as a new history of the corporation The Globalization of International Society Timothy Dunne, Christian Reus-Smit, 2017 This volume reconsiders the process of globalization drawing on a wealth of new perspectives to understand better this momentous historical development Empires of the Sea ,2019-10-07 Empires of the Sea brings together studies of maritime empires from the Bronze Age to the Eighteenth Century The volume aims to establish maritime empires as a category for the comparative study of premodern empires and from a partly non western perspective The book includes contributions on Mycenaean sea power Classical Athens the ancient Thebans Ptolemaic Egypt The Genoese Empire power networks of the Vikings the medieval Danish Empire the Baltic empire of Ancien R gime Sweden the early modern Indian Ocean the Melaka Empire the non European aspects of the Portuguese Empire and Dutch East India Company and the Pirates of Caribbean Postnational Constitutionalism Paul Linden-Retek, 2023 Develops a critical theory of postnational constitutionalism at a time when the project of integrating Europe s peoples through the rule of law is faltering Spanning many bodies of EU jurisprudence Linden Retek devotes specific attention to migration and asylum struggles where questions of solidarity and belonging are most acute Das Recht des Rechtspluralismus Ralf Seinecke, 2016-01-08 Rechtspluralismus zahlt zu den Schlusselbegriffen der neuen globalen inter oder transnationalen Rechtswelt Aber was bedeutet Rechtspluralismus Kann und darf Recht plural verfasst sein Und was folgt aus dem Rechtspluralismus fur die Rechtsgeschichte oder Rechtstheorie fur Europarecht Volkerrecht oder Internationales Privatrecht Ralf Seinecke verfolgt diese Fragen auf verschiedenen Wegen Er zeichnet die historische Entwicklung des Begriffs seit den 1960er Jahren bis in die Gegenwart nach legt die verschiedenen historischen juristischen oder politischen Phanomene des Rechtspluralismus offen und analysiert die Konzeptionen des Rechtspluralismus anhand seiner wichtigsten Theoretiker wie Boaventura de Sousa Santos oder Gunther Teubner Schliesslich untersucht der Autor den Rechtsbegriff des Rechtspluralismus und zeigt dass der Pluralismus des Rechts keine Besonderheit der Postmoderne ist sondern schon die klassische Moderne der Rechtstheorie Historical Geographies of Prisons Karen Morin, Dominique Moran, 2015-06-12 This is the first book to provide a pragte comprehensive historical geographical lens to the development and evolution of correctional institutions as a specific subset of carceral geographies This book analyzes and critiques global practices of incarceration regimes of punishment and their

corresponding spaces of corrections from the eighteenth to twenty first centuries It examines individuals experiences within various regulatory regimes and spaces of punishment and offers an interpretation of spaces of incarceration as cultural historical artifacts The book also analyzes the spatial distributional geographies of incarceration particularly with respect to their historical impact on community political economic development and local geographies Contributions within this book examine a range of prison sites and the practices that take place within them to help us understand how regimes of punishment are experienced and are constructed in different kinds of ways across space and time for very different ends The overall aim of this book is to help understand the legacies of carceral geographies in the present The resonances across space and time tell a profound story of social and spatial legacies and as such offer important insights into the prison crisis we see in many parts of the world today Law Addressing Diversity Gijs Kruijtzer, Thomas Ertl, 2017-09-25 Of late historians have been realising that South Asia and Europe have more in common than a particular strand in the historiography on the rise of the West would have us believe In both world regions a plurality of languages religions and types of belonging by birth was in premodern times matched by a plurality of legal systems and practices This volume describes case by case the points where law and social diversity intersected Historia Moderna. Siglos XV al XIX Manuel Rivero Rodríguez, José Martínez Millán, 2021-10-21 El concepto de Historia Moderna ha tenido distintas interpretaciones a lo largo de los siglos En Historia Moderna se estudia el periodo que va de los siglos XV al XIX estructurado en cuatro bloques que proponen una relectura de la cronolog a tradicional En primer lugar La crisis de la estructura de la Cristiandad partiendo de Italia como antiguo campo de batalla entre los poderes universales del Papado y del Imperio en las guerras de las investiduras porque el vac o que ambos provocan permite que se produzcan los cambios culturales sociales y pol ticos de la modernidad la importancia decisiva de sus comerciantes y navegantes en la expansi n ultramarina y su centralidad pol tica pues fue el campo de batalla en el que las potencias compitieron para hacerse con la hegemon a en Europa La segunda parte La Lucha por la Monarqu a Universalis analiza y describe la evoluci n de estas premisas el desarrollo de las cortes europeas y la complejidad que va adquiriendo el gobierno de los estados la divisi n religiosa y la compartimentaci n de Europa en confesiones el alcance y efecto de la expansi n europea en el mundo en la manera en que Am rica frica y Asia se transforman con el contacto de los europeos La tercera parte estudia el comienzo del cambio de paradigma a finales el siglo XVII La ruptura del concepto Monarqu a Universalis y la b squeda de un equilibrio pol tico el sistema post westfaliano que afecta en su ideal de equilibrio tanto al orden interno de las monarqu as y su reconfiguraci n como a la creaci n de los cimientos del moderno sistema internacional de estados Los seis ltimos cap tulos constituyen un bloque marcado por la crisis del Antiguo R gimen un t rmino empleado para significar un nuevo modelo de sociedad la sustituci n del sistema cortesano por el paradigma del Estado nacional Lo que se sit a entre los a os 1735 y 1820 en que concluye esta Historia Moderna A Permanent Beginning Yitzhak Lewis, 2020-03-01 Situates a Hasidic master in the

context of his time demonstrating his formative influence on Jewish literary modernity The Hasidic leader R Nachman of Braslav 1772 1810 has held a place in the Jewish popular imagination for more than two centuries Some see him as the self proclaimed Messiah others as the forerunner of modern Jewish literature Existing studies struggle between these dueling readings largely ignoring questions of aesthetics and politics in his work A Permanent Beginning lays out a new paradigm for understanding R Nachman's thought and writing and with them the beginnings of Jewish literary modernity Yitzhak Lewis examines the connections between imperial modernization processes in Eastern Europe at the turn of the eighteenth century and the emergence of modern literature in the storytelling of R Nachman Reading his tales and teachings alongside the social legal and intellectual history of the time the book s guiding question is literary How does R Nachman represent this changing environment in his writing Lewis paints a nuanced and fascinating portrait of a literary thinker and creative genius at the very moment his world was evolving unrecognizably He argues compellingly that R Nachman's narrative response to his changing world was a major point of departure for Jewish literary modernity This is a groundbreaking study There can be no doubt that it will constitute a basic work for understanding the theology and stories of R Nachman modern Judaism and modern literature in general Jonatan Meir author of Literary Hasidism The Life and Works of Michael Levi Rodkinson This book is a rare intellectual achievement Lewis addresses the question of Hasidism's modernity by analyzing key issues in the study of R Nachman such as the question of his Messianity His answers are thought provoking and convincing and his exciting book dramatically extends our understanding of the challenges posed by R Nachman's tales and mystical texts Shipwrecks and the Bounty of the Sea David Cressy, 2022-08-11 Shipwrecks and the Hannan Hever Yale University Bounty of the Sea is a work of social history examining community relationships law and seafaring over the long early modern period It explores the politics of the coastline the economy of scavenging and the law of wreck of the sea from the beginning of the reign of Elizabeth I to the end of the reign of George II England's coastlines were heavily trafficked by naval and commercial shipping but an unfortunate percentage was cast away or lost Shipwrecks were disasters for merchants and mariners but opportunities for shore dwellers As the proverb said it was an ill wind that blew nobody any good Lords of manors local officials officers of the Admiralty and coastal commoners competed for maritime cargoes and the windfall of wreckage which they regarded as providential godsends or entitlements by right A varied haul of commodities wines furnishings and bullion came ashore much of it claimed by the crown The people engaged in salvaging these wrecks came to be called wreckers and gained a reputation as violent and barbarous plunderers Close attention to statements of witnesses and reports of survivors shows this image to be largely undeserved Dramatic evidence from previously unexplored manuscript sources reveals coastal communities in action collaborating as well as competing as they harvested the bounty of Latin American Constitutions M. C. Mirow, 2015-09-15 Latin American Constitutions provides a comprehensive the sea historical study of constitutionalism in Latin America from the independence period to the present focusing on the

Constitution of C diz a foundational document in Latin American constitutionalism Although drafted in Spain it was applied in many regions of Latin America and deputies from America formed a significant part of the drafting body The politicization of constitutionalism reflected in Latin America's first moments proved to be a lasting legacy evident in the legal and constitutional world of the region today many of Latin America's present challenges to establishing effective constitutionalism can be traced to the debates ideas structures and assumptions of this text This book explores the region s attempts to create effective constitutional texts and regimes in light of an established practice of linking constitutions to political goals and places important constitutional thinkers and regional constitutions such as the Mexican Constitution of 1917 into their legal and historical context Native Claims Saliha Belmessous, 2012 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

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