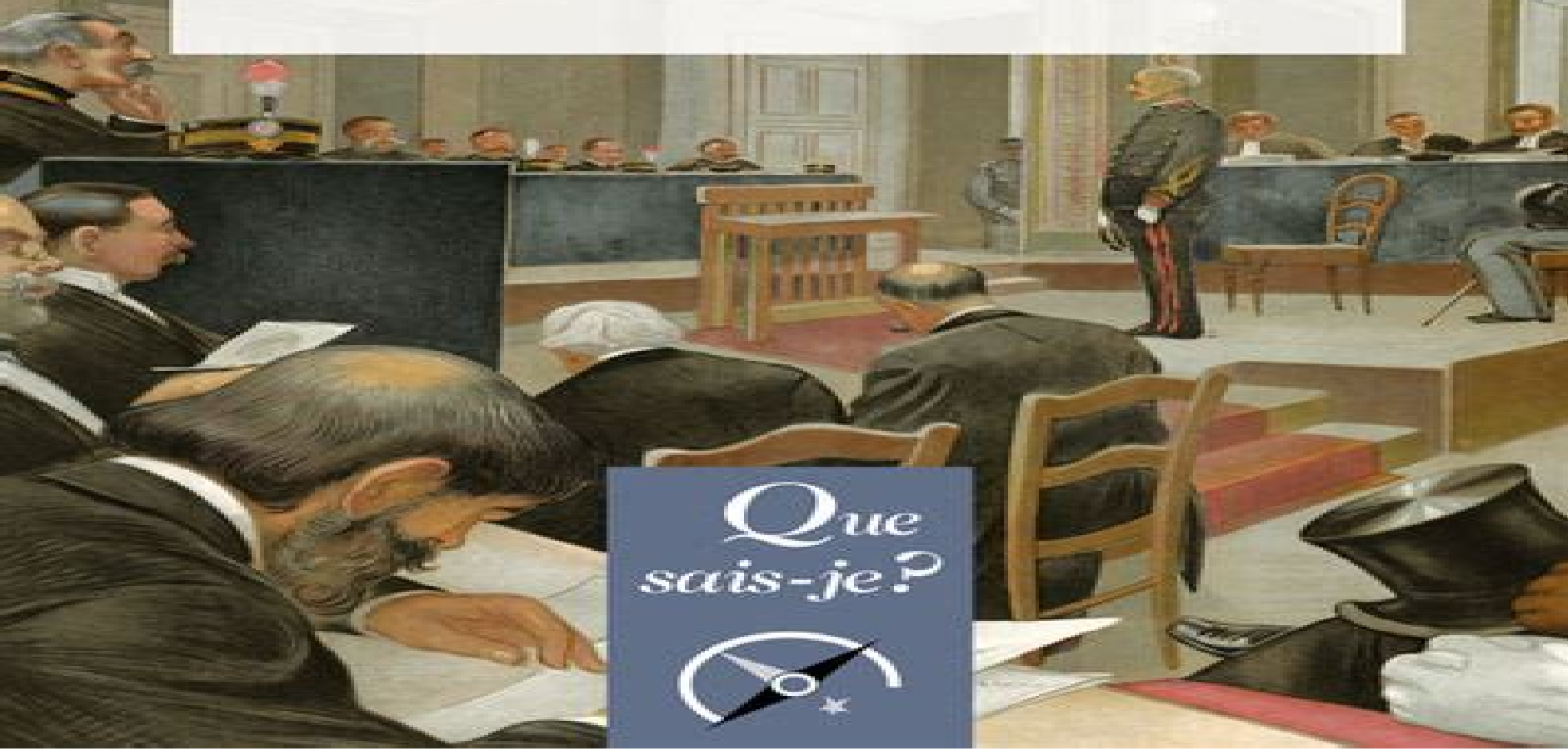


Jean-Marie Carbasse

HISTOIRE DU DROIT



*Que
sais-je?*



Histoire Du Droit Jean Marie Carbasse

Irene Bueno



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World Nancy Christie, Michael Gauvreau, Matthew Gerber, 2020-09-24 *Voices in the Legal Archives in the French Colonial World* The King is Listening offers through the contribution of thirteen original chapters a sustained analysis of judicial practices and litigation during the first era of French overseas expansion The overall goal of this volume is to elaborate a more sophisticated social history of colonialism by focusing largely on the eighteenth century extending roughly from 1700 until the conclusion of the Age of Revolutions in the 1830s By critically examining legal practices and litigation in the French colonial world in both its Atlantic and Oceanic extensions this volume of essays has sought to interrogate the naturalized equation between law and empire an idea premised on the idea of law as a set of doctrines and codified procedures originating in the metropolis and then transmitted to the colonies This book advances new approaches and methods in writing a history of the French empire one which views state authority as more unstable and contested *Voices in the Legal Archives* proposes to remedy the under theorized state of France's first colonial empire as opposed to its post 1830 imperial expressions empire which have garnered far more scholarly attention This book will appeal to scholars of French history and the comparative history of European empires and colonialism

Reason and Fairness Ulrike Müßig, 2019-07-08 Throughout Europe the exercise of justice rests on judicial independence by impartiality In *Reason and Fairness* Ulrike Müßig reveals the combination of ordinary judicial competences with procedural rationality together with the complementarity of procedural and substantive justice as the foundation for the rule of law in court constitution far earlier than the advent of liberal constitutionalism The ECHR fair trial guarantee reads as the historically grown consensus of the functional judicial independence Both before historical and contemporary courts justice is done and seen to be done by means of judgements whose legal requirements combine the equation of fair and legal with that of legal and rational This legal determinability of the judge's fair attitude amounts to the specific rational European idea of justice

Imagining Early Modern Histories Elizabeth Ketner, Allison Kavey, 2016-07-15 Interpreting textual mediations of history in early modernity this volume adds nuance to our understanding of the contributions fiction and fictionalizing make to the shape and texture of versions of and debates about history during that period Geographically the scope of the essays extends beyond Europe and England to include Asia and Africa Contributors take a number of different approaches to understand the relationship between history fiction and broader themes in early modern culture They analyze the ways fiction writers use historical sources fictional texts translate ideas about the past into a vernacular accessible to broad audiences fictional depictions and interpretations shape historical action and the ways in which nonfictional texts and accounts were given fictional histories of their own intentionally or not through transmission and interpretation By combining the already contested idea of fiction with performance action and ideas ideology this collection provides a more thorough consideration of fictional histories in the early modern period It also covers more than two centuries of primary material providing a longer perspective on the changing and complex role of history in forming early modern national gendered and cultural identities

Crime and

Punishment in the Middle Ages and Early Modern Age Albrecht Classen, Connie Scarborough, 2012-10-30 All societies are constructed based on specific rules norms and laws Hence all ethics and morality are predicated on perceived right or wrong behavior and much of human culture proves to be the result of a larger discourse on vices and virtues transgression and ideals right and wrong The topics covered in this volume addressing fundamental concerns of the premodern world deal with allegedly criminal or simply wrong behavior which demanded punishment Sometimes this affected whole groups of people such as the innocently persecuted Jews sometimes individuals such as violent and evil princes The issue at stake here embraces all of society since it can only survive if a general framework is observed that is based in some way on justice and peace But literature and the visual arts provide many examples of open and public protests against wrongdoings ill conceived ideas and concepts and stark crimes such as theft rape and murder In fact poetic statements or paintings could carry significant potentials against those who deliberately transgressed moral and ethical norms or who even targeted themselves

The Oxford Handbook of the French Revolution David Andress, 2015-01-22 The Oxford Handbook of the French Revolution brings together a sweeping range of expert and innovative contributions to offer engaging and thought provoking insights into the history and historiography of this epochal event Each chapter presents the foremost summations of academic thinking on key topics along with stimulating and provocative interpretations and suggestions for future research directions Placing core dimensions of the history of the French Revolution in their transnational and global contexts the contributors demonstrate that revolutionary times demand close analysis of sometimes tiny groups of key political actors whether the king and his ministers or the besieged leaders of the Jacobin republic and attention to the deeply local politics of both rural and urban populations Identities of class gender and ethnicity are interrogated but so too are conceptions and practices linked to citizenship community order security and freedom each in their way just as central to revolutionary experiences and equally amenable to critical analysis and reflection This Handbook covers the structural and political contexts that build up to give new views on the classic question of the origins of revolution the different dimensions of personal and social experience that illuminate the political moment of 1789 itself the goals and dilemmas of the period of constitutional monarchy the processes of destabilisation and ongoing conflict that ended that experiment the key issues surrounding the emergence and experience of terror and the short and long term legacies for both good and ill of the revolutionary trauma for France and for global politics

A Punishment for Each Criminal Christine Ekholst, 2014-04-10 *A Punishment for Each Criminal* is the first in depth analysis of how gender influenced Swedish medieval law Christine Ekholst demonstrates how the law codes gradually and unevenly introduced women as possible perpetrators for all serious crimes The laws reveal that legislators not only expected men and women to commit different types of crimes they also punished men and women in different ways if they were convicted The laws consistently stipulated different methods of executions for men and women while men were hanged or broken on the wheel women were buried alive stoned or burned at the stake A

Punishment for Each Criminal explores the background to the important legislative changes that took place when women were made personally responsible for their own crimes *Seeing Justice Done* Paul Friedland, 2012-06-14 A history of public executions in France from the medieval spectacle of suffering to the invention of the Revolutionary guillotine up to the last public execution in 1939 Paul Friedland explores why spectacles of public execution were staged as well as why thousands of spectators came to watch them *Montesquieu and the Parlement of Bordeaux* Rebecca Kingston, 1996 Cette tude examine les pratiques du Parlement de Bordeaux dans les ann es 1714 1726 Nouvelle interpr tation de la th orie politique de Montesquieu *The Oxford Handbook of Criminal Law* Markus D Dubber, Tatjana Hörnle, 2014-11-27 The Oxford Handbook of Criminal Law reflects the continued transformation of criminal law into a global discipline providing scholars with a comprehensive international resource a common point of entry into cutting edge contemporary research and a snapshot of the state and scope of the field To this end the Handbook takes a broad approach to its subject matter disciplinarily geographically and systematically Its contributors include current and future research leaders representing a variety of legal systems methodologies areas of expertise and research agendas The Handbook is divided into four parts Approaches Methods I Systems Methods II Aspects Issues III and Contexts Comparisons IV Part I includes essays exploring various methodological approaches to criminal law such as criminology feminist studies and history Part II provides an overview of systems or models of criminal law laying the foundation for further inquiry into specific conceptions of criminal law as well as for comparative analysis such as Islamic Marxist and military law Part III covers the three aspects of the penal process the definition of norms and principles of liability substantive criminal law along with a less detailed treatment of the imposition of norms criminal procedure and the infliction of sanctions prison law Contributors consider the basic topics traditionally addressed in scholarship on the general and special parts of the substantive criminal law such as jurisdiction mens rea justifications and excuses Part IV places criminal law in context both domestically and transnationally by exploring the contrasts between criminal law and other species of law and state power and by investigating criminal law s place in the projects of comparative law transnational and international law *Global Forensic Cultures* Ian Burney, Christopher Hamlin, 2019-05-21 Essays explore forensic science in global and historical context opening a critical window onto contemporary debates about the universal validity of present day genomic forensic practices Contemporary forensic science has achieved unprecedented visibility as a compelling example of applied expertise But the common public view that we are living in an era of forensic deliverance one exemplified by DNA typing has masked the reality that forensic science has always been unique problematic and contested *Global Forensic Cultures* aims to rectify this problem by recognizing the universality of forensic questions and the variety of practices and institutions constructed to answer them Groundbreaking essays written by leaders in the field address the complex and contentious histories of forensic techniques Contributors also examine the co evolution of these techniques with the professions creating and using them with the systems of governance

and jurisprudence in which they are used and with the socioeconomic political racial and gendered settings of that use Exploring the profound effect of location temporal and spatial on the production and enactment of forms of forensic knowledge during the century before CSI became a household acronym the book explores numerous related topics including the notion of burden of proof changing roles of experts and witnesses the development and dissemination of forensic techniques and skills the financial and practical constraints facing investigators and cultures of forensics and of criminality within and against which forensic practitioners operate Covering sites of modern and historic forensic innovation in the United States Europe and farther flung imperial and global settings these essays tell stories of blood poison corpses tracking persons and attesting documents truth making egregious racism and sinister surveillance Each chapter is a finely grained case study Collectively *Global Forensic Cultures* supplies a historical foundation for the critical appraisal of contemporary forensic institutions which has begun in the wake of DNA based exonerations Contributors Bruno Bertherat Jos Ram n Bertomeu S nchez Binyamin Blum Ian Burney Marcus B Carrier Simon A Cole Christopher Hamlin Jeffrey Jentzen Projit Bihari Mukharji Quentin Trais Pearson Mitra Sharafi Gagan Preet Singh Heather Wolfram

Defining Heresy Irene Bueno,2015-09-07 In *Defining Heresy* Irene Bueno investigates the theories and practices of anti heretical repression in the first half of the fourteenth century focusing on the figure of Jacques Fournier Benedict XII c 1284 1342 Throughout his career as a bishop inquisitor in Languedoc theologian and eventually pope at Avignon Fournier made a multi faceted contribution to the fight against religious dissent Making use of judicial theological and diplomatic sources the book sheds light on the multiplicity of methods discourses and textual practices mobilized to define the bounds of heresy at the end of the Middle Ages The integration of these commonly unrelated areas of evidence reveals the intellectual and political pressures that inflected the repression of heretics and dissidents in the peculiar context of the Avignon papacy

The Terror of Natural Right Dan Edelstein,2024-05-31 Natural right the idea that there is a collection of laws and rights based not on custom or belief but that are natural in origin is typically associated with liberal politics and freedom In *The Terror of Natural Right* Dan Edelstein argues that the revolutionaries used the natural right concept of the enemy of the human race an individual who has transgressed the laws of nature and must be executed without judicial formalities to authorize three quarters of the deaths during the Terror Edelstein further contends that the Jacobins shared a political philosophy that he calls natural republicanism which assumed that the natural state of society was a republic and that natural right provided its only acceptable laws Ultimately he proves that what we call the Terror was in fact only one facet of the republican theory that prevailed from Louis s trial until the fall of Robespierre A highly original work of historical analysis political theory literary criticism and intellectual history *The Terror of Natural Right* challenges prevailing assumptions of the Terror to offer a new perspective on the Revolutionary period

The "Coutumes de Beauvaisis" of Philippe de Beaumanoir Philippe de Beaumanoir,2015-09-14 F R P Akehurst provides the first English translation of the complete text of *Coutumes* the

customary law of Clermont in the Beauvais region as it was practiced and understood in the late thirteenth century The Coutumes de Beauvaisis provides a unique perspective on thirteenth century civil and criminal trials La vision nouvelle de la société dans l'Encyclopédie méthodique Ethel Groffier, Luigi Delia, 2013-04-04T00:00:00-04:00 Fille de l'Encyclopédie de Diderot et d'Alembert la Méthodique est l'entreprise éditoriale la plus vaste de la fin du XVIIIe siècle A cause de son gigantisme même elle est restée largement inconnue Pourtant cette encyclopédie par ordre de matières revêt un intérêt considérable elle synthétise un moment particulier des savoirs liant les mots et les choses tout en constituant le chaînon incontournable entre la liste des Lumières et celle du début du XIXe siècle Nos anthologies dont celle-ci est le premier volume ont pour objectif de présenter au large public intéressé par le développement des sciences humaines chercheurs étudiants publicistes lecteurs une sélection des articles qui ont le plus de résonance actuelle En même temps les analyses qui accompagnent les textes présentent en clarifiant les enjeux des débats d'alors en situant le contexte politique et institutionnel de l'époque ainsi que le développement philosophique de ce moment historique pivot contribuent une meilleure compréhension des politiques d'aujourd'hui de leurs sources et de l'évolution intervenue Oeuvre d'une société de juriconsultes les dix volumes du Dictionnaire de Jurisprudence 1782-1791 véhiculent tout un pan d'idées formatrices qui contribuent façonner ce qui sera le droit moderne Le Dictionnaire de police et municipalités qui achève le premier rend compte de la vision nouvelle de la société et de l'Etat au début de la Révolution et annonce une législation familiale et sociale qui mettra plus d'un siècle et demi à se développer *Interpreting Social Violence in French Culture* Cynthia A. Bouton, 2011 In January 1847 a grain convoy passed through Buzanais an obscure village in a remote region of central France that was suffering from hunger high prices and widespread unemployment Villagers intercepted the shipment invaded granaries and mills and forced resale of the grain at a just price set by the people What started as a classic subsistence movement however triggered two days of rioting and class hostility punctuated by uncommon property damage and death Disorder soon spread throughout the region The Buzanais riot quickly became an evocative symbol of the rights of the people and stories about the riot have survived into the twenty-first century In *Interpreting Social Violence in French Culture* Cynthia A. Bouton traces how the production and marketing of the Buzanais riot story served political commentators publishers authors illustrators and local enthusiasts enabling them to draw upon key points from the 1847 uprising to negotiate issues relevant to their own times Bouton argues that over time especially from the 1970s the persistent integration of stories of social protest into a widening variety of media has helped shape French political identity as one in which the politics of the street has become as customary as the politics of political assemblies Bouton examines representations of the riot in newspapers novels illustrations popular and scholarly historical narratives cartoons television local spectacles and on the Internet She analyzes power relations embedded in texts and in images the ways in which texts and images complement complicate and contradict each other and the ways in which history memory and fiction intersect Both in 1847 and subsequently she shows efforts to reorder the disorder at Buzanais have exposed aspects

of French social and cultural attitudes and practices She demonstrates that the particular media employed to tell the Buzanais story both constrained and empowered the messages conveyed by textual and visual narratives of it perhaps as much as the ideological positions of authors illustrators or producers By probing the relationship between medium and story in relation to the Buzanais riot *Interpreting Social Violence in French Culture* offers a new interpretation of this defining moment in French history

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