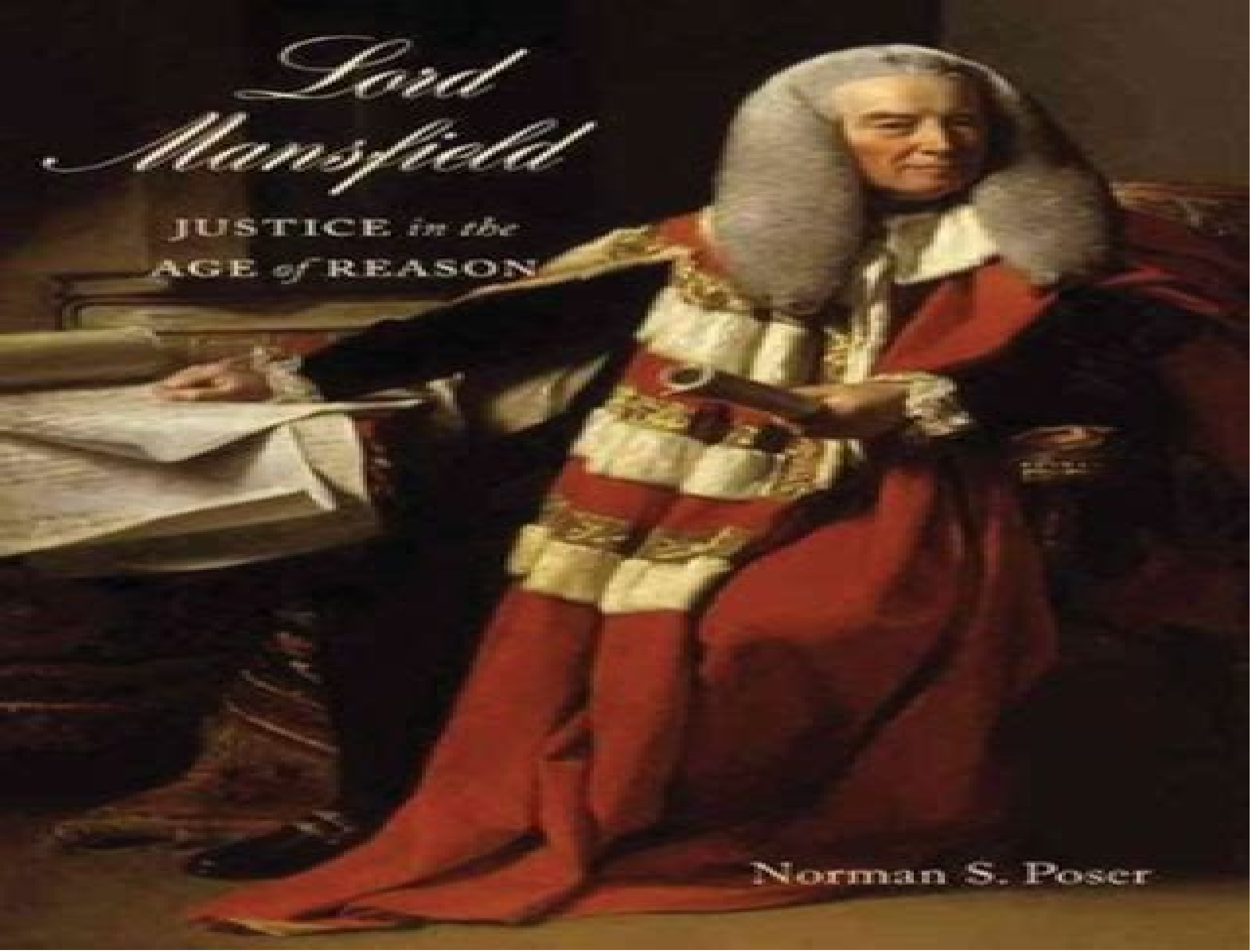


Lord Mansfield

JUSTICE *in the*
AGE of REASON



Norman S. Poser

Lord Mansfield Justice In The Age Of Reason

Christian R Burset



Lord Mansfield Justice In The Age Of Reason:

Lord Mansfield Norman S. Poser, 2013-09-01 In the first modern biography of Lord Mansfield 1705 1793 Norman Poser details the turbulent political life of eighteenth century Britain's most powerful judge serving as chief justice for an unprecedented thirty two years His legal decisions launched England on the path to abolishing slavery and the slave trade modernized commercial law in ways that helped establish Britain as the world's leading industrial and trading nation and his vigorous opposition to the American colonists stoked Revolutionary fires Although his father and brother were Jacobite rebels loyal to the deposed King James II Mansfield was able to rise through English society to become a member of its ruling aristocracy and a confidential advisor to two kings Poser sets Mansfield's rulings in historical context while delving into Mansfield's circle which included poets Alexander Pope described him as his country's pride artists actors clergymen noblemen and women and politicians Still celebrated for his application of common sense and moral values to the formal and complicated English common law system Mansfield brought a practical and humanistic approach to the law His decisions continue to influence the legal systems of Canada Britain and the United States to an extent unmatched by any judge of the past An illuminating account of one of the greatest legal minds Lord Mansfield presents a vibrant look at Britain's Age of Reason through one of its central figures *A Cultural History of Law in the Age of Enlightenment* Rebecca Probert, John Snape, 2021-03-11 The period of the Enlightenment was marked by innovation in political cultural religious and educational ideas with the aim of improving the experience of human beings in society Key to intellectual debates and day to day life were ideas about the law Many looked to Britain and to the British as exemplars of a state governed by moderate laws under a moderate constitution Britain's laws and constitution were portrayed and satirized in almost every artistic medium A Cultural History of Law in the Age of Enlightenment presents essays spanning the long 18th century 1680 to 1820 which explore the place of law in a range of creative and artistic media all of which flourished in a commercial society with law at its center and enlightenment as its aim Drawing upon a wealth of visual and textual sources A Cultural History of Law in the Age of Enlightenment presents essays that examine key cultural case studies of the period on the themes of justice constitution codes agreements arguments property and possession wrongs and the legal profession *Tracings of Gerald Le Dain's Life in the Law* G. Blaine Baker, Richard Janda, 2019-05-30 Gerald Le Dain 1924 2007 was appointed to the Supreme Court of Canada in 1984 This collectively written biography traces fifty years of his steady creative and conciliatory involvement with military service the legal academy legislative reform university administration and judicial decision making This book assembles contributions from the in house historian of the law firm where Le Dain first practised from students and colleagues in the law schools where he taught from a research associate in his Commission of Inquiry into the non medical use of drugs from two of his successors on the Federal Court of Appeal and from three judicial clerks to Le Dain at the Supreme Court of Canada Also reproduced here is a transcript of a recent CBC documentary about his 1988 forced

resignation from the Supreme Court following a short term depressive illness with commentary from Le Dain's family and co-workers Gerald Le Dain was a tireless worker and a highly respected judge In a series of essays that cover the different periods and dimensions of his career *Tracings of Gerald Le Dain's Life in the Law* is an important and compassionate account of one man's commitment to the law in Canada Contributors include Harry W Arthurs G Blaine Baker Bonnie Brown Rosemary Cairns Way John M Evans Melvyn Green Bernard J Hibbitts Peter W Hogg Richard A Janda C Ian Kyer Andree Lajoie Gerald E Le Dain Allen M Linden Roderick A Macdonald Louise Rolland and Stephen A Scott

The Revolution in Freedoms of Press and Speech Wendell Bird, Wendell R. Bird, 2020 This book discusses the revolutionary broadening of concepts of freedom of press and freedom of speech in Great Britain and in America in the late eighteenth century in the period that produced state declarations of rights and then the First Amendment and Fox's Libel Act The conventional view of the history of freedoms of press and speech is that the common law since antiquity defined those freedoms narrowly and that Sir William Blackstone in 1769 and Lord Chief Justice Mansfield in 1770 faithfully summarized the common law in giving a very narrow definition of those freedoms as mere liberty from prior restraint and not liberty from punishment after something was printed or spoken This book proposes to the contrary that Blackstone carefully selected the narrowest definition that had been suggested in popular essays in the prior seventy years in order to oppose the growing claims for much broader protections of press and speech Blackstone misdescribed his summary as an accepted common law definition which in fact did not exist A year later Mansfield inserted a similar definition into the common law for the first time also misdescribing it as a long accepted definition and soon misdescribed the unique rules for prosecuting sedition as having an equally ancient pedigree Blackstone and Mansfield were not declaring the law as it had long been but were leading a counter revolution about the breadth of freedoms of press and speech and cloaking it as a summary of a narrow common law doctrine that in fact was nonexistent That conflict of revolutionary view and counter revolutionary view continues today For over a century a neo Blackstonian view has been dominant or at least very influential among historians Contrary to those narrow claims this book concludes that the broad understanding of freedoms of press and speech was the dominant context of the First Amendment and of Fox's Libel Act and that it enjoyed greater historical support

Slavery and the Scottish Enlightenment John D. O. Fulton, 2024-06-03 How did the evil nature of slavery become enshrined in law in Great Britain What drove the change in public perception What were the key victories on the journey to abolition and who were the key players What is to prevent a similar evil gaining acceptance again today Just as Britain's industrial development in the eighteenth and early nineteenth centuries was built largely on the back of slave labour so too was the development of new ideas and values shaped by the moral dilemmas arising from the shameful act of denying people their liberty The story of the Scottish Enlightenment is entwined with that of slavery and the slave trade In fifteen stories set between 1720 and 1865 in Britain Africa the Caribbean and America *Slavery and the Scottish Enlightenment* introduces a diverse cast of characters

both white and black whose moral viewpoints and active choices between right and wrong helped shape the world in which they lived As the legacy of slavery continues to infect our lives we face similar choices today choices that will determine the ever evolving values of our society *Entick v Carrington* Adam Tomkins,Paul F Scott,2015-09-24 *Entick v Carrington* is one of the canons of English public law and in 2015 it is 250 years old In 1762 the Earl of Halifax one of His Majesty s Principal Secretaries of State despatched Nathan Carrington and three other of the King s messengers to John Entick s house in Stepney They broke into his house seizing his papers and causing significant damage Why Because he was said to have written seditious papers published in the Monitor Entick sued Carrington and the other messengers for trespass The defendants argued that the Earl of Halifax had given them legal authority to act as they had Lord Camden ruled firmly in Entick s favour holding that the warrant of a Secretary of State could not render lawful actions such as these which were otherwise unlawful The case is a canonical statement of the common law s commitment to the constitutional principle of the rule of law In this collection leading public lawyers reflect on the history of the case the enduring importance of the legal principles for which it stands and the broader implications of *Entick v Carrington* 250 years on Winner of the American Society for Legal History Sutherland Prize 2016 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 **Law and the Whirligig of Time** Stephen Sedley,2018-05-17 For over 30 years first as a QC then as a judge and latterly as a visiting professor of law at Oxford Stephen Sedley has written and lectured about aspects of the law that do not always get the attention they deserve His first anthology of essays *Ashes and Sparks* was praised in the New York Times by Ian McEwan for its exquisite finely balanced prose the prickly humour the knack of artful quotation and an astonishing historical grasp You could have no interest in the law McEwan wrote and read his book for pure intellectual delight The present volume contains more recent articles by Stephen Sedley on the law many of them from the London Review of Books and lectures given to a variety of audiences The first part is concerned with law as part of history Feste s whirligig of time the second part with law and rights The third part is a group of biographical and critical pieces on a number of figures from the legal and musical worlds The final part is more personal going back to the author s days at the bar and then forward to some parting

reflections *Entangling the Quebec Act* Ollivier Hubert, François Furstenberg, 2020-12-30 Beyond redrawing North American borders and establishing a permanent system of governance the Quebec Act of 1774 fundamentally changed British notions of empire and authority Although it is understood as a formative moment indeed part of the textbook narrative in several different national histories the Quebec Act remains underexamined in all of them The first sustained examination of the act in nearly thirty years *Entangling the Quebec Act* brings together essays by historians from North America and Europe to explore this seminal event using a variety of historical approaches Focusing on a singular occurrence that had major social legal revolutionary and imperial repercussions the book weaves together perspectives from spatially and conceptually distinct historical fields legal and cultural political and religious and beyond Collectively the contributors resituate the Quebec Act in light of Atlantic American Canadian Indigenous and British Imperial historiographies A transnational collaboration *Entangling the Quebec Act* shows how the interconnectedness of national histories is visible at a single crossing point illustrating the importance of intertwining methodologies to bring these connections into focus English Legal Histories Ian Ward, 2020-01-09 *English Legal Histories* is an exciting and innovative approach to the study of English law Written in an accessible style intended for students as well as a broader audience it takes the reader beyond the narrower confines of legal doctrines and cases and invites them to consider the myriad contexts within which English law has been shaped the politics the economics the art the poetry Reaching from the Reformation through to the age of Reform it tells stories the histories of English law Histories of the constitution and government of crime and contracts tort and trespass property and equity Of the people who made that law those who wrote it and those who suffered it For it is in the end a human story of justice and injustice of success and failure good luck and bad The law is full of statutes and instruments cases and precedent but its history is full of people and peculiarity Which is what of course makes it so endlessly fascinating

Scholars of Contract Law James Goudkamp, Donal Nolan, 2022-12-01 This book provides a counter balance to the traditional focus on judicial decisions by exploring the contribution of legal scholars to the development of private law In the book the work of a selection of leading scholars of contract law from across the common law world ranging from Sir Jeffrey Gilbert 1674 1726 to Professor Brian Coote 1929 2019 is addressed by legal historians and current scholars in the field The focus is on the nature of the work produced by the scholars in question important influences on their work and the impact which that work in turn had on thinking about contract law The book also includes an introductory chapter and an afterword by Professor William Twining that explore connections between the scholars and recurrent themes The process of subjecting contract law scholarship to sustained analysis provides new insights into the intellectual development of contract law and reveals the central role played by scholars in that process And by focusing attention on the work of influential contract scholars the book serves to emphasise the importance of legal scholarship to the development of the common law more generally **Justice** Lord Dyson, 2018-02-08 This selection of essays speeches and personal reflections draws on the

analysis of one of the leading lawyers of a generation Lord Dyson as Master of the Rolls and Head of the Civil Justice System oversaw a period of reform of both law and legal process This collection discusses some key themes of and challenges faced during his tenure as one of the most senior lawyers in England and Wales Through these insightful engaging and compelling pieces a picture emerges of a robust system of law whose core values can be plotted back to the Magna Carta but which is flexible enough to respond to current changes without fracturing A truly compelling exploration of continuity and change in the law by one of its key jurists

Memory and Enlightenment James Ward, 2018-11-11 This book illuminates how the long eighteenth century 1660 1800 persists in our present through screen and performance media writing and visual art Tracing the afterlives of the period from the 1980s to the present it argues that these emerging and changing forms stage the period as a point of origin for the grounding of individual identity in personal memory and as a site of foundational traumas that shape cultural memory

Revisionist and Feminist Narratives on Empire, Slavery and the Haitian Revolution Sharon Worley, 2024-07-14 This study examines how authors responded to the Haitian Revolution with revisionist narratives that seek to support empire or rebellion while focusing on the ethical ramifications of colonialism and slavery in the Americas Narrative texts include Leonora Sansay's Secret History or the Horrors of Santo Domingo Germaine de Stael's Mirza Fanny Burney's The Wanderer Jane Austen's Mansfield Park and Sanditon Harriet Martineau's The Hour and the Man and Elizabeth Barrett Browning's poems A Curse for a Nation and The Runaway Slave at Pilgrim's Point Additional authors include Lucien Bonaparte Chateaubriand Raynal Edmund Burke and Rousseau Each author's narrative is examined within the context of the cultural and political factors that influenced the author as well as their personal ties to the abolitionist movement or to the institution of slavery

The Constitutional Balance John Laws, 2021-01-28 In The Constitutional Balance Sir John Laws has left a vivid and timely commentary on one of the most pressing issues in the legal world today The debate continues whether or not judges venture too far into issues of Government policy and whether or not there are any limits on the power of the executive and the legislature to propose and enact legislation that unduly restricts fundamental freedoms in a democratic society subject to the rule of law Sir John Laws examines the relationship between constitutional fundamentals and values He finds basic ideals of reason fairness and the presumption of liberty in the common law and recognises that a democratically accountable executive and legislature must be able to make policy and enact and implement legislation to pursue social goals The courts then interpret the laws As Sir John puts it The meeting of Parliament and the common law in the crucible of statutory interpretation is close to the core of the constitutional balance These fundamental values can compete with each other giving rise to tensions within and between key state institutions in particular the executive and the judiciary A constitutional balance between them must be found if the constitution is to function properly each institution is to understand the proper extent and limits of its authority and the rule of law is to be maintained Sir John draws on his life long experience as a barrister judge and academic and on case law and learning to explain in vibrant and engaging terms how

such a constitutional balance might be achieved

Sceptical Perspectives on the Changing Constitution of the United Kingdom Richard Johnson, Yuan Yi Zhu, 2023-04-20 This book examines the far reaching changes made to the constitution in the United Kingdom in recent decades It considers the way these reforms have fragmented power once held centrally through the Crown in Parliament by means of devolution referendums and judicial reform It examines the reshaping of the balance of power between the executive legislature and the way that prerogative powers have been curtailed by statute and judicial ruling It focuses on the Human Rights Act and the creation of the UK Supreme Court which emboldened the judiciary to limit executive action and even to challenge Parliament and argues that many of these symbolised an attempt to shift the political constitution to a legal one Many virtues have been ascribed to these reforms To the extent that criticism exists it is often to argue that these reforms do not go far enough An elected upper chamber regional English parliaments further electoral reform and a codified constitution are common tonics prescribed by commentators from this point of view This volume adopts a different approach It provides a critical evaluation of these far reaching reforms drawing from the expertise of highly respected academics and experienced political figures from both the left and right The book is an invaluable source of academic expertise and practical insights for the interested public students policymakers and journalists who too often are only exposed to the further reform position

An Empire of Laws Christian R Burset, 2023-09-26 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 empire

Feeling Things Stephanie Downes, Sally Holloway, Sarah Randles, 2018 This interdisciplinary essay collection investigates the various interactions of people feelings and things throughout premodern Europe It focuses on the period before mass production when limited literacy often prioritised material methods of communication The subject of materiality has been of increasing significance in recent historical inquiry alongside growing emphasis on the relationships between objects emotions and affect

in archaeological and sociological research The historical intersections between materiality and emotions however have remained under theorised particularly with respect to artefacts that have continuing resonance over extended periods of time or across cultural and geographical space *Feeling Things* addresses the need to develop an appropriate cross disciplinary theoretical framework for the analysis of objects and emotions in European history with special attention to the need to track the shifting emotional valencies of objects from the past to the present and from one place and cultural context to another The collection draws together an international group of historians art historians curators and literary scholars working on a variety of cultural literary visual and material sources Objects considered include books letters prosthetics religious relics shoes stone and textiles Many of these have been preserved in international galleries museums and archives while others have remained in their original locations even as their contexts have changed over time The chapters consider the ways in which emotions such as despair fear grief hope love and wonder become inscribed in and ascribed to these items producing emotional objects of significance and agency Such objects can be harnessed to create affirm or express individual relationships as for example in religious devotion and practice or in the construction of cultural communal and national identities

Natural Law in Court R. H. Helmholz, 2015-06-08 Natural law theory grounds human laws in universal truths of God's creation The task of the judicial system was to build an edifice of positive law on natural law's foundations R H Helmholz shows how lawyers and judges made and interpreted natural law arguments in the West and concludes that historically it has advanced the cause of justice

Law, Liberty and the Constitution Harry Potter, 2015 A new approach to the telling of legal history devoid of jargon and replete with good stories which will be of interest to anyone wishing to know more about the common law the spinal cord of the English body politic

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