

Anglicization Of and Through Law: British North America, Ireland, and India Compared, 1540–1800

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Though one might think of early modern imperial expansion as relentlessly seeking to replicate European law and culture around the globe, in fact, such empires only incompletely and haltingly attempted to remake colonies in their own image. In the case of the English, and later British, Empire, the convergence of colonial societies toward metropolitan models is generally known as “anglicization.” While historians of British North America, Ireland, and India have written, each in their own ways, about this process, anglicization has never been studied as a feature connecting the global British Empire. Scholars typically consider a single region and seldom engage with the others. We want to pursue a comparative approach, using law as our vantage point.¹

Important in its own right as an object of anglicization, law also helped reshape many features of colonial societies that became more recognizably English—from landholding to officeholding and from inheritance to political disputation. Our goal is to compare anglicization *of* law and *through* law in British North America, Ireland, and India over the course of the long early modern period from the sixteenth through the early nineteenth centuries. How and why did these legal orders converge toward English models, and with what limitations and consequences? Such a treatment of anglicization can enrich the study of British overseas expansion globally across the early modern period, establishing some common patterns as to how anglicization worked while shedding light on its surprisingly complex and uncertain history. This project can suggest ways of connecting the British experience to that of other empires undertaking kindred efforts to bring law in overseas territories closer to metropolitan models.

¹ Though no scholars have attempted, as we do, an overall analysis of anglicization of and through law, some have traced selected elements across multiple regions. See, for instance, John M. Collins, *Martial Law and English Laws, c. 1500–c. 1700* (New York, 2016); Paul D. Halliday, *Habeas Corpus: From England to Empire* (Cambridge, MA, 2010); Christian R. Burset, *An Empire of Laws: Legal Pluralism in British Colonial Policy* (New Haven, CT, 2023); Brendan Gillis, “Conduits of Justice: Magistrates and the British Imperial State, 1732–1834” (PhD diss., Indiana University, 2015); and Arthur Mitchell Fraas, “‘They Have Travailed into a Wrong Latitude’: The Laws of England, Indian Settlements, and the British Imperial Constitution, 1726–1773” (PhD diss., Duke University, 2011).

A comparative approach to anglicization reveals a far more ambiguous story than the one usually told. Most regional treatments assume that anglicization occurred when certain features of English law came to prevail in an overseas colony. Looking at how anglicization operated across the globe, however, highlights how the concept is necessarily dynamic, a shorthand for movement along a continuum from lesser toward greater adherence to metropolitan legal models. Anglicization was not a result, something achieved and completed; it was an ongoing process. There is not a checklist of two or three elements whose presence in an overseas settlement makes for anglicization and whose absence denies it. Rather, the case for finding anglicization grows stronger as more English legal rules, procedures, and practices emerged in a settlement. Some of these originated in England (such as common law, parliamentary statutes, and Chancery), while others came from England but were used both there and elsewhere in Europe (such as civil law, Admiralty law, martial law, and the law of nations). The appearance in a settlement of distinctive English legal structures also signaled anglicization—for instance, colonial high courts modeled on King’s Bench, Common Pleas, and Exchequer; justices of the peace sitting in quarter sessions; counties, sheriffs, and grand and trial juries; and landholding organized through tenures and estates.

Whether or where one finds anglicization depends critically on the baselines—the implicit comparisons—against which one measures it, and on the beginning and ending points one selects. Settlements may have moved closer toward English law in some practices, diverged in others, and experienced pronounced cultural fusion. Anglicization proceeded unevenly, geographically and socially, with different groups variously promoting, resisting, benefiting from, or ignoring projects to make law more English. “Was there anglicization?” is a less revealing question than “anglicization about what, to what extent, where, and for whom?” To be sure, while we will on occasion discuss the local contexts of anglicization, we will more commonly take the regions of North America, Ireland, and India as our units of comparison. Identifying points of similarity and difference among them allows us to venture generalizations about the causes and consequences of anglicization in the extended English Empire. In doing so, we do not mine new archival sources so much as synthesize scholarly works flourishing in three regions of the world and bring them into dialogue for our purposes.

When scholars of India and Ireland hear the term “anglicization,” their minds may be drawn to the nineteenth century. Historians of British India have written in various ways of “anglicists” who by the 1810s and 1820s insisted that English law replace or be superimposed over forms of “Hindu” and “Muslim” law favored by an earlier generation of “orientalists.”² In Ireland in 1892, Douglas Hyde, later Ireland’s first president, passionately called for “de-anglicizing,” for reversing his country’s perceived cultural impoverishment and degradation by reclaiming Irish

² Eric Stokes, *English Utilitarians in India* (Oxford, 1959).

language and literature instead of mimicking England's.³ Our objective is not to re-enter these well-known nineteenth-century debates but to suggest that the anglicization Hyde worked so hard to reverse had much earlier and broader early modern roots.⁴ We will focus on the long early modern period. Anglicization's dominant phases in Ireland spanned from the mid-sixteenth century to the late seventeenth century, when the process picked up in both North America and India. In North America, our study of it concludes with the revolution that gave rise to the United States; we continue through the turn of the nineteenth century in India.

While one could pursue the study of comparative anglicization with any number of regions in the extended British Empire, we chose these three examples because they were economically and politically important, each producing an extensive and sophisticated historiography. Our regions' continuous if ever-evolving history throughout the early modern period allow us to identify both the similarities that underlay our general framework as well as the differences that test our model. We make no claim to be comprehensive. Our intent is to open a conversation, not finish it.

After offering brief capsule histories of anglicization in Ireland, America, and India written in the terms that scholars of those regions commonly use, the article turns to comparison. Commonalities emerge: in the techniques of making diverse legal orders more English; in Crown concerns with wayward elites, peoples who were not English Protestants, and lost revenues from trade; and in the "life cycle" or sequence of anglicization taking place upon different timelines in each of the three regions. As anglicization produced legal cultures that more closely resembled the metropolis, it also familiarized dissidents with constitutional arguments to use against English rule. Lest we overstate the extent of anglicization, we turn next to doubts and difficulties. Divergences from English law that developed within settlements converging in most respects on metropolitan models challenged anglicization. So did non-English systems of law and even English constitutionalism itself, which did not expect or "want" thoroughgoing anglicization. Ours is not the story of an ever-deepening anglicization, still less its "triumph." We emphasize the profound importance of baselines and framings that can maximize or minimize perceived anglicization.

Finally, we suggest how our study of anglicization, developed to encourage comparisons across multiple zones of the British Empire, can serve as a catalyst for comparisons among regions within other empires and comparisons between empires. Many states have tried to extend the legal practices of a governing core

³ Douglas Hyde, "The Necessity of De-Anglicising Ireland," in *The Field Day Anthology of Irish Writing*, ed. Seamus Deane, Andrew Carpenter, and Jonathan Williams (Derry, 1991), 2:527–33.

⁴ Anglicization in Ireland dated back to shortly after the Norman Conquest but gained momentum in the sixteenth and seventeenth centuries.

to peripheral regions and to newly conquered provinces and overseas colonies. Anglicization can be seen as a specific instance of a general process. The categories that we use to study anglicization can be applied in territories other than North America, Ireland, and India and beyond the early modern period. We distinguish between two modes of anglicization: “replicative,” where English law was used to reorder a colonial system; and “translational,” where officials tried to implement the legal practices of non-English or Indigenous people but interpreted them through distinctly English concepts (“the ancient constitution”) or institutions (quarter sessions). Empires other than the English who were trying to extend their metropolitan legal practices variously employed replicative and translational strategies and saw recurrent stages (life cycles) appearing at different times in distinct imperial zones. As with the replicative versus translational distinction and the notion of a life cycle, so too with our examination in turn of the techniques, motivations, limitations, and baselines and framing of anglicization: all of these categories are portable, transferable across place and time. Although they cannot be straightforwardly applied outside of a British imperial framework, they can stimulate intercolonial comparative histories. Rather than provide a list of general research topics, we conclude by asking in a brief but specific case study how the study of anglicization within the British Empire might be brought into dialogue with the Spanish Empire’s partial and fraught efforts to construct legal authority over Indigenous peoples in New Spain and Peru. This is an example of how our model might be a catalyst for comparative imperial work.

I. CAPSULE HISTORIES OF ANGLICIZATION IN BRITISH NORTH AMERICA, IRELAND, AND INDIA

British North America

Anglicization serves as a rubric for describing how the late seventeenth- and eighteenth-century American colonies came more closely to resemble England in a variety of ways, from law and military organization to consumption patterns and political identity. John Murrin has been the leading figure in articulating this synthesis. In the seventeenth century, many settlements were experiments in one form or another—Puritan New England, Quaker Pennsylvania, postconquest New York where the Duke of York gave the polity a slightly absolutist flavor, early Maryland with its neo-feudal design, and 1670s Carolina where Shaftesbury/Locke tried to create a polity along Harringtonian lines. Each of these, drawing on marginal or suppressed visions in the metropolis, diverged from the early modern English mainstream. After roughly 1690, American colonies began to lose their distinctiveness. Landowner and merchant elites emerged that were engaged with the governing structures of the empire and with transatlantic trade. They adopted a pan-British identity that celebrated liberty, secure property, Protestantism, and

constitutional monarchy as against supposed French and Spanish values of obedience, Popery, and absolutism.⁵

Such is the grand synthesis. Where does law fit in?⁶ The legal system anglicized insofar as it became more technical, lawyerly, formal, and responsive to English precedents and procedures. After the Restoration and, especially, after the Revolution of 1688, metropolitan leaders became more assertive in governing the colonies. England passed the Navigation Acts and expanded vice-admiralty court jurisdiction, converted proprietary and corporate colonies into royal ones, and insisted that the Privy Council review colonial statutes and take appeals from supreme courts. Growing imperial oversight and increasing transatlantic trade in tandem undermined informal, lay-dominated seventeenth-century justice, in the process alienating those comfortable under the familiar, accessible system.⁷ Imperial officials and the English lawyers increasingly showing up in the colonies as attorneys general and superior court judges did not recoil from but accepted, even insisted upon, legal technicalities. Settlers dealing across colonial boundaries or with international merchant networks, and colonists trying to engage or resist imperial administrators, trade regulations, and Privy Council reviews, were pushed toward English precedents and procedures as a legal lingua franca. Judges and lawyers paid more attention to the intricacies of pleading and procedure and to the implications of English

⁵ See, e.g., John Murrin, "Anglicizing an American Colony: The Transformation of Provincial Massachusetts" (PhD diss., Yale University, 1966); Murrin, "Political Development," in *Colonial British America: Essays in the New History of the Early Modern Era*, ed. Jack P. Greene and J. R. Pole (Baltimore, 1984), 408–56; and Murrin, "England and Colonial America: A Novel Theory of the American Revolution," in *Anglicizing America: Empire, Revolution, Republic*, ed. Ignacio Gallup-Díaz, Andrew Shankman, and David J. Silverman (Philadelphia, 2015), 9–19. The next two paragraphs draw on the insightful explanation and development of the anglicization thesis by Andrew Shankman, "A Synthesis Useful and Compelling: Anglicization and the Achievement of John M. Murrin," in *Anglicizing America*, 20–56. We have emphasized themes common throughout British North America rather than the differences among regions.

⁶ The following three paragraphs rely on Stephen Botein, "The Legal Profession in Colonial North America," in *Lawyers in Early Modern Europe and America*, ed. Wilfrid Prest (New York, 1981), 129–46; Cornelia Hughes Dayton, "Turning Points and the Relevance of Colonial Legal History," *William and Mary Quarterly* 50 (1993): 10–11; Bruce H. Mann, *Neighbors and Strangers: Law and Community in Early Connecticut* (Chapel Hill, NC, 1987); Murrin, "Anglicizing"; John M. Murrin, "The Legal Transformation: The Bench and Bar of Eighteenth-Century Massachusetts," in *Colonial America: Essays in Political and Social Development*, ed. Stanley N. Katz and John M. Murrin (New York, 1983), 540–72; William M. Offutt, "The Atlantic Rules: The Legalistic Turn in British North America," in *The Creation of the British Atlantic World*, ed. Elizabeth Mancke and Carole Shammas (Baltimore, 2005), 160–81; Deborah A. Rosen, *Courts and Commerce: Gender, Law, and the Market Economy in Colonial New York* (Columbus, OH, 1997), 59–73.

⁷ Robert Beverley, *The History and Present State of Virginia*, ed. Louis B. Wright (Chapel Hill, NC, 1947 [London, 1705]), 95, 101, 255–56.

common law procedures. Trained lawyers who could navigate this world became more valuable to litigants. As English statutes and the common law became more central in the legal system, other sources of law—civil, natural, and scriptural law—receded.

Not only dispute resolution and litigation but the organization of legal institutions as well became more like England's. Justices of the peace appointed by royal governors emerged as the workhorses of local government. Trial courts divided into courts of common pleas and jail delivery. Judiciaries grew more hierarchical, with the governor and council or provincial supreme courts exercising greater control over lower tribunals staffed by local notables. England removed assemblies' appellate jurisdiction. The Crown reduced some measure of creole control by the appointment of English customs inspectors and of English-trained lawyers as vice-admiralty judges, justices of the colonial supreme courts, and attorneys general. To be sure, even with the anglicization of legal structures and culture, the British ministry faced difficulties in having its legal positions enforced, most notably in the decisive years between the Stamp Act crisis and the American Revolution. Local notables concerned with their own rather than imperial interests staffed nearly every office from judge and juror to sheriff and parish vestryman and controlled the means of communication by which legal ideas circulated throughout colonial society.⁸

Despite this qualification, it is evident that the colonial legal systems converged toward each other and toward that of England. Over time, the godly discipline of the New England colonies abated, as did the neo-feudal experiments of some of the early proprietary colonies, the tentative absolutist political initiatives in New York, and Pennsylvania's commitment to its Quaker "holy experiment." Anglicization reduced the distinctiveness of the legal orders in the various English colonies.

Ireland

The story of anglicization in and through law had medieval origins. Rees Davies has traced the intrusion of the English state across Britain and Ireland from the late eleventh century, culminating with the Anglo-Norman invasion of Ireland after 1169. From 1310 a parliament met irregularly and there were intermittent attempts to use ecclesiastical courts and the law, most notably the Statutes of Kilkenny (1366), to anglicize Ireland.⁹ That said, the impact of anglicization

⁸ James A. Henretta, "Magistrates, Common Law Lawyers, Legislators: The Three Legal Systems of British America," in *Cambridge History of Law in America*, vol. 1, *Early America (1580–1815)*, ed. Christopher L. Tomlins and Michael Grossberg (Cambridge, 2008), 577–82; Richard J. Ross, "Legal Communications and Imperial Governance: British North America and Spanish America Compared," in *Cambridge History of Law in America*, 104–43.

⁹ R. R. Davies, *The First English Empire: Power and Identities in the British Isles, 1093–1343* (Oxford, 2002). Also see Peter Crooks, "State of the Union: Perspectives on

was geographically confined to the eastern parts of the island, the so-called Pale, and even there it remained vulnerable as Old English settlers intermarried, assimilated, and become Gaelicized.¹⁰ In the wake of the Protestant Reformation of the 1530s, Catholic Ireland became a very real security threat to England, and Henry VIII and his offspring renewed efforts to anglicize—or, as contemporaries dubbed it, to “civilise”—the peoples of Ireland. Legislation that promoted the English language, dress, and culture became law in 1537. The need to reform “uncivil” natives and to anglicize their “barbarous” customs led to the prohibition of Gaelic cultural practices.¹¹ The desire to convert the Irish from Catholicism to the English religion, Protestantism, formed another key element of the “civilising” agenda.¹²

Before the 1541 Kingship Act Ireland comprised a “patchwork of feudal lordships.” After the act, Irish subjects were “accorded the same rights as those of English origin.” This “constitutional revolution,” together with a series of surrender and regrant agreements with leading Gaelic chieftains, redefined relations between the English king and his subjects, especially those of Irish provenance.¹³ Land held by a non-English title was surrendered to the Crown and regranted to its holder with title and tenure good in English law. The lord agreed to renounce his Gaelic title for an English one, to accept primogeniture as the basis for succession and inheritance, and to recognize the king’s writ, and he promised to anglicize his territories.¹⁴ An “Act for Shiring Ireland” (1569) signaled the arrival of

English Imperialism in the Late Middle Ages,” *Past and Present* 212 (2011): 3–42; Geoffrey Hand, *English Law in Ireland, 1290–1324* (Cambridge, 1967).

¹⁰ Vincent Carey, “‘Neither Good English nor Good Irish’: Bi-lingualism and Identity Formation in Sixteenth-Century Ireland,” in *Political Ideology in Ireland, 1541–1641*, ed. Hiram Morgan (Dublin, 1999), 53, 61.

¹¹ Edmund Curtis and R. B. McDowell, eds., *Irish Historical Documents, 1172–1922* (London, 1943), 55. Also see Jane Ohlmeyer, “Civilize,” *New Literary History* 56 (2025): 275–89.

¹² Jane Ohlmeyer, “Conquest, Civilization, Colonization: Ireland, 1540–1660,” in *The Princeton Guide to Modern Irish History*, ed. Richard Bourke and Ian MacBride (Princeton, NJ, 2016), 21–47; Ohlmeyer, “‘Civilizinge of those rude partes’: The Colonization of Ireland and Scotland, 1580s–1640s,” in *The Oxford History of the British Empire*, ed. Nicholas Canny (Oxford, 1998), 1:124–47; and Ohlmeyer, “A Laboratory for Empire?: Early Modern Ireland and English Imperialism,” in *Ireland and the British Empire*, ed. Kevin Kenn (Oxford, 2004), 26–60.

¹³ Brendan Bradshaw, *The Irish Constitutional Revolution of the Sixteenth Century* (Cambridge, 1979), 231–57. Also see Ciaran Brady, *The Chief Governors: The Rise and Fall of Reform Government in Tudor Ireland, 1536–1588* (Cambridge, 1995).

¹⁴ David Edwards, “Collaboration Without Anglicisation: The MacGiollapadraig Lordship and Tudor Reform,” in *Gaelic Ireland: Land, Lordship, and Settlement c. 1250–c. 1650*, ed. Patrick Duffy, David Edwards, and Elizabeth Fitzpatrick (Dublin, 2001), 77–97.

English property law, the primacy of primogeniture, and the introduction of a culture of “improvement.”¹⁵

Legislation mandated that all lawsuits be settled by English common law, in an attempt, as one contemporary put it, to bring the people to “the obedience of English law and the English empire.”¹⁶ The four central courts functioned effectively in Dublin Castle, along with the Court of Castle Chamber, which was the judicial arm of the Irish Privy Council. The Crown set up assize circuits along with prerogative courts familiar from England, including the court of wards.¹⁷ Though the records are largely lost, ecclesiastical courts operated alongside manorial ones.

From the 1580s an aggressive policy of plantation consolidated control over land. The Crown also did everything possible to commercialize and urbanize Ireland and to transform its pastoral and barter economy into one that was market and money orientated and into one where profits for England might be made. With the completion of the Cromwellian military reconquest and the mid-seventeenth-century revolution in landholding, a new order founded on English legal, administrative, political, landed, and economic structures, the English language, and English culture had been established. Aggressive economic imperialism characterized the decades of the second half of the seventeenth century. Protestant victory in the “Wars of the Three Kings,” as the conflict of 1688–91 is known, completed the political subjugation of Catholic Ireland.¹⁸ As a result, during the eighteenth century, it was the Protestant ruling elite that contested the nature and scope of the Crown’s anglicizing agenda and returned, time and again, to the vexed issues of the nature of Ireland’s relationship with England and with the English sovereign.¹⁹

India

The history of anglicization in British India begins with the establishment of the English East India Company in 1600. Though the company maintained a relatively minimal, if steadily growing, footprint in Asia across the next century, it

¹⁵ John Patrick Montaña, *The Roots of English Colonialism in Ireland* (Cambridge, 2011).

¹⁶ R. P. Mahaffy, ed., *Calendar of State Papers, Ireland, 1625–32* (London, 1900), 58.

¹⁷ T. C. Barnard, “Lawyers and the Law in later Seventeenth-Century Ireland,” *Irish Historical Studies* 28 (1993): 256–82; Barnard, *Cromwellian Ireland* (Oxford, 1972); Hans Pawlisch, *Sir John Davies and the Conquest of Ireland: A Study of Legal Imperialism* (Cambridge, 1985); John G. Crawford, ed., *A Star Chamber Court in Ireland: The Court of Castle Chamber, 1571–1641* (Dublin, 2005).

¹⁸ Michael Brown and Seán Patrick Donlan, eds., *The Laws and Other Legalities of Ireland, 1689–1850* (Farnham, 2011); and J. G. Simms, *The Williamite Confiscation in Ireland, 1690–1703* (London, 1956).

¹⁹ S. J. Connolly, *Religion, Law, and Power: The Making of Protestant Ireland, 1660–1760* (Oxford, 1995); C. I. McGrath, *The Making of the Eighteenth-Century Irish Constitution* (Dublin, 2000).

gradually assumed responsibility for governing a diverse and complicated set of jurisdictional spaces: ships with cosmopolitan crews; trading stations (“factories”) and residences in commercial centers firmly within Asian states and empires; and, by the second half of the seventeenth century, independent settlements obtained either on leases or treaties with local authorities (as in Madras and Calcutta) or under English royal charters, as in Bombay and the Atlantic island of St. Helena, inhabited by subjects drawn from Britain, Europe, and across Asia.²⁰ The company’s persistent need to negotiate across boundaries for the rights and immunities necessary to both trade and govern enmeshed its commerce and politics within various cities, states, and empires, each with its own legal system.²¹ Meanwhile, despite being itself a royally chartered corporation, it also maintained a “curious” and “thorny” relationship with the Crown and other English authorities and institutions, including the law.²²

In each of these jurisdictions, the company drew on various forms of English law—prerogative, statute, common, and equity—as well as martial, civil, and Admiralty law, and the laws of nations. East India Company leadership also explicitly drew on examples and experiences of governance in Ireland and the Atlantic world. Yet in early modern Asia, anglicization necessarily took a much different path than in Ireland and America. The early East India Company could not, and indeed often did not seek to, displace Indigenous peoples and law so much as incorporate them under its authority. Meanwhile, the company’s delicate diplomacy with neighbors and reliance on other Europeans and Asians to sail its ships, supply its trade, fill the ranks of its garrison, and settle in its towns ensured that any efforts to establish English law necessarily sat alongside or layered atop a syncretic mix of other legal forms: Portuguese administrative structures; south Indian caste councils; grants, privileges, offices, licenses from Mughal and other sovereign powers; and so on.

As in North America and Ireland, the company’s use of English law to govern its territories and subjects grew stronger and more determined over time. Where for much of its first century the company resisted crown and especially parliamentary interference, royal prerogative and statute law came over time to exert a greater influence over its affairs. By the 1720s, the company’s three major South Asian city-colonies—Madras, Bombay, and Calcutta—had been incorporated by royal charter into European-style municipalities, complete with sheriffs, juries,

²⁰ Philip J. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (New York, 2011); David Veevers, *The Origins of the British Empire in Asia, 1600–1750* (Cambridge, 2020).

²¹ Nandani Das, *Courting India: Seventeenth-Century England, Mughal India, and the Origins of Empire* (New York, 2023); Guido van Meersbergen, *Ethnography and Encounter: The Dutch and English in Seventeenth-Century South Asia* (Leiden, 2022).

²² Rupali Mishra, *A Business of State: Commerce, Politics, and the Birth of the East India Company* (Cambridge, MA, 2018), 2.

and justices of the peace. Appeals from company territories to English courts, especially the Privy Council, once discouraged, became routine. Meanwhile, as elsewhere in the Anglophone world, rivals to and rebels against company authority drew on English forms of law and sovereignty to challenge its rule. Such trends only accelerated as the company's power expanded beyond enclaved coastal and urban settlements into large-scale territorial governance by the 1760s and beyond. Over time, company and crown officials recast Mughal and other existing forms of law through the languages and assumptions of English law, while the company's rule itself increasingly was "anglicized" in a sense under the growing regulation of Crown and Parliament.²³ By the late eighteenth and early nineteenth century, company officials debated whether, how, and to what extent India should be ruled by forms of metropolitan law, prompted by issues ranging from land tenure and revenue collection to attempts to criminalize particular religious and cultural practices such as sati, widow self-immolation, in the 1820s.²⁴ Eventually, South Asian subjects also came to stake their own legal and political claims via the languages and institutions of the very same law that ironically worked increasingly to distance Britons and other Europeans from them. Even then, however, "anglicization" was never totalizing and always evolving, not least because the growing number of Scottish, Welsh, and Irish subjects responsible for colonial rule raised the question of just how English—as opposed to British—such "anglicization" was in fact.²⁵

II. COMMONALITIES IN ANGLICIZATION: TECHNIQUES OF CONVERGENCE

Having presented overviews of anglicization in North America, Ireland, and India, let us compare them to reveal shared elements. As these accounts suggest, each region converged, relatively and incompletely, and on different timelines, from disparate starting points toward metropolitan models. The points of similarity among the diverse settlements and jurisdictions in each region increased as each more closely adapted metropolitan legal institutions and practices. What were the starting points? Early sixteenth-century Ireland was a patchwork of feudal lordships. Colonies in North America largely drew on an array of minority or suppressed social visions in the metropolis, whether Puritan, Quaker, absolutist,

²³ Robert Travers, *Empires of Complaints: Mughal Law and the Making of British India, 1765–1793* (Cambridge, 2022); Burset, *Empire of Laws*, chap. 4.

²⁴ Lata Mani, *Contentious Traditions: The Debate on "Sati" in Colonial India* (Berkeley, CA, 1998).

²⁵ While Scots law competed with and mixed with English law in India, this was not the case in Ireland or British North America. Andrew Mackillop, *Human Capital and Empire: Scotland, Ireland, Wales, and British Imperialism in Asia, c. 1690–1820* (Manchester, 2021). See also Martha McLaren, *British India & British Scotland, 1780–1830: Career Building, Empire Building, and a Scottish School of Thought on Indian Governance* (Akron, OH, 2001).

corporate, or neo-feudal. English India featured a handful of small, embattled East India Company enclaves, either settled with the permission of South Asian rulers upon terms varying among sites or obtained from other European powers, including the English Crown. Convergence toward metropolitan models took place in regions dissimilar from each other and diverse within. That pronounced diversity establishes the baseline against which we chart anglicization.

Yet within this diversity, certain techniques and processes of anglicization recur. These similar devices can be found in two and sometimes in all three of our regions, occasionally overlapping and occasionally at distinct times.

Institutional Structure and Personnel

The capsule history of North American anglicization revealed how its advocates recommended that colonial governance and judicature more closely resemble metropolitan models. Colonial supreme courts claimed to unify the powers of King's Bench, Common Pleas, and Exchequer in Westminster. Imperial administrators and English-trained justices and attorneys general reduced the influence of provincial notables oriented toward local concerns. Royal governors and their councils more closely supervised town and county tribunals staffed with lay justices. In early modern Ireland the Crown largely replicated the English judicial hierarchy and the high court of Parliament sat irregularly in Dublin. More distant and troublesome regions fell under the jurisdiction of a lord president and provincial council, akin to the English councils of the Marches of Wales and of the North. Lacking a paid bureaucracy, the English created a "service nobility" of mixed religions and ethnicities to implement anglicizing policies alongside imperial officials.²⁶

In Asia, early English government was formally in the hands of the East India Company, whose governing techniques mirrored those of the metropolis, but attempts across the seventeenth and early eighteenth centuries to adopt rather English-looking institutions in India often bore a somewhat superficial resemblance and tenuous connections to those models. For example, the "Admiralty Courts" the company instantiated in the late seventeenth century to condemn prizes taken at sea by its ships had no connection with or appeal to the English High Court of Admiralty or Royal Navy, rendered decisions based on a range of legal principles besides the civil law, and looked quite different in different places.²⁷ Likewise, the company incorporated its settlement of Madras in 1687, complete with a mayor, aldermen, burgesses, justices of the peace, and a Mayor's Court, using Portsmouth, England, as its prototype, but in both theory and practice diverged significantly from practices in Europe and the Atlantic. While the court maintained a

²⁶ Jane Ohlmeyer, *Making Ireland English: The Irish Aristocracy in the Seventeenth Century* (New Haven, CT, 2012).

²⁷ Stern, *Company-State*, 60; Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge, 2010), 147–48.

certain adherence to English legal procedure, it deployed a jumble of Luso-Indian and Tamil practices alongside arbitration, equity, and English common law. Town officials in theory, if less so in practice, were to be drawn from a “Mixture” of “all sorts of People” in the settlement. At the same time, the town and its judicature in various ways remained subject and subordinate to the company’s governor and council.²⁸

This all began to change across the long eighteenth century, as the company had greater recourse—sometimes willingly, sometimes not—to both Parliament and Crown to underscore its authority. The incorporation of Bombay and Calcutta, along with the reincorporation of Madras, now by royal rather than company charter, was, in the words of historian Mitch Fraas, a “watershed moment” that instituted “intensely anglicized formal practice” and brought “legal practice in India firmly into communion with that of metropolitan England and the rest of the empire,” even if also accommodating “Indian customary norms.”²⁹ Company assumption of large-scale territorial power in Bengal and elsewhere led to a series of further parliamentary interventions and “reforms.” These introduced more common law or common-law-style institutions (notably the Supreme Court of Calcutta staffed by British judges), reforms to land revenue inflected by English assumptions and practices (the “permanent” *zamindari* settlement in Bengal of 1793), and more centralized systems of governance (such as the governor-general and his council, and a “Board of Control” for India).

Review of Legislation and Court Decisions

Metropolitan officials furthered anglicization by overturning or reworking statutes and judicial decisions from America, Ireland, and India that deviated too far from the laws of England or that challenged Crown prerogative and trade policies. Vetting could be retrospective or, more powerfully, prospective. England more commonly reviewed legislation retrospectively, as in North America, where settlements sent laws to the Privy Council for approval or disallowance, sometimes receiving suggestions for rewriting. Through Poynings’ Law (1494), the Crown imposed prospective control by mandating that the Privy Council approve in advance all legislation introduced in the Irish Parliament.³⁰ Even when that authority diminished in the eighteenth century, the Privy Council continued to have a key role in vetoing, amending, and approving, though seldom any longer initiating,

²⁸ “Charter Granted by the Governor and Company of Merchants, Trading into the East-Indies to the Mayor, Aldermen, and Burgesses of Madras,” in *Charters Relating to the East India Company from 1600 to 1761*, ed. John Shaw (Madras, 1887), 87, 90; Fraas, “They Have Travailed,” 52–58; Burset, *Empire of Laws*, 22–28.

²⁹ Fraas, “They Have Travailed,” 12–13.

³⁰ Micheál Ó Siochrá, “Catholic Confederates and the Constitutional Relationship between Ireland and England, 1641–1649,” in *British Interventions in Early Modern Ireland*, ed. Ciaran Brady and Jane Ohlmeyer (Cambridge, 2004).

legislation.³¹ Moreover, the king and his officials in London saw Ireland as a template for colonial governance, using the example of Ireland in an (only partly successful) effort to restrict the legislative function of assemblies elsewhere, especially in Barbados and Jamaica.³²

Over all three of our regions, the Crown exercised appellate jurisdiction, if differently configured. The Irish and English House of Lords vied for ultimate appellate authority, with the Declaratory Act (1719–20) settling the matter in favor of Westminster.³³ The Privy Council heard 231 appeals from the American thirteen colonies between 1696 and 1783, typically in civil matters where over £200 or £300 was at stake.³⁴ In India, new legal institutions, from the incorporation of the company's major settlements in 1726 to the creation of the Supreme Court in Calcutta a half-century later, also meant that once extraordinarily rare and procedurally ad hoc reviews of legal matters by the company and English courts in the seventeenth century gave way to far more routinized and formalized processes of appeal, especially to the East India Company's legal advisors and the Privy Council.³⁵

Increased Training in English Law and Circulation of Lawbooks

The influence of England on the Irish legal system was reinforced by the fact that from 1542 to 1885 any Irish person who wished to practice at the Irish bar, whether Catholic or Protestant, had to learn common law and some Roman law at the Inns of Court in London before being admitted to King's Inn, Dublin.³⁶ The landed elite, especially Catholic families, felt it critical that a family member be able to understand the law in order to protect their interests. Tenurial and other

³¹ James Kelly, *Poynings' Law and the Making of Law in Ireland, 1660–1800* (Dublin, 2007).

³² Aaron Graham, "Searching for Sovereignities: The Formation of the Penal Laws and Slave Codes in Ireland and the British Caribbean, c. 1680–c. 1720," in *Ireland, Slavery, and the Caribbean: Interdisciplinary Perspectives*, ed. Finola O'Kane and Ciaran O'Neill (Manchester, 2023).

³³ Isolde Victory, "The Making of the 1720 Declaratory Act," in *Parliament, Politics, and People: Essays in Eighteenth-Century Irish History*, ed. Gerard O'Brien (Dublin, 1989).

³⁴ According to Joseph H. Smith's count, 199 of these appeals involved civil matters. Smith, *Appeals to the Privy Council from the American Plantations* (New York, 1950), 667–71.

³⁵ Mitch Fraas, "Making Claims: Indian Litigants and the Expansion of the English Legal World in the Eighteenth Century," *Journal of Colonialism and Colonial History* 15 (2014); and Fraas, "They Have Travailed," 167, 272–80.

³⁶ Colum Kenny, "Not Every Judge a Phoenix: King's Inns under Cromwell," in *Law and Revolution in Seventeenth-Century Ireland*, ed. C. A. Dennehy (Dublin, 2020); Brid McGrath, "Ireland and the Third University: Attendance at the Inns of Court, 1603–1649," in *Regions and Rulers in Ireland, 1100–1650: Essays for Kenneth Nicholls*, ed. David Edwards (Dublin, 2004), 217–36.

insecurities caused by anglicization ensured that from the 1620s members of the gentry, along with townsmen engaged in trade, betook themselves to the Inns of Court in ever-increasing numbers. Between 1625 and 1641, for example, 140 Irish recusants, mostly Old English, attended the Inns of Court.³⁷ After 1660 the sons of Gaelic Irish grandees followed suit in significant numbers.³⁸ Trinity College Dublin established its first chair of feudal and English law in 1761, only a few years after William Blackstone was appointed the first Vinerian Professor of English law at Oxford.³⁹ In America, attorneys who worked part-time at the law with modest training through apprenticeship, reading, and attendance at local courts undertook most legal representation. By the first half of the eighteenth century, more stringent imperial supervision and greater integration into transatlantic trade networks created a demand for attorneys who made law their full-time profession and underwent extensive instruction in English law. A handful of barristers who immigrated to the colonies trained students to a higher level of competence than their predecessors. They were joined by the growing number of settlers who crossed the ocean to attend the Inns of Court—approximately sixty before 1760 and an additional 115 between 1760 and 1776. In Massachusetts, the number of lawyers who could be styled trained professionals rose from five in the first decade of the eighteenth century to fifteen in 1740 and to between seventy and eighty in 1775.⁴⁰ As in Ireland, these trained lawyers served many agendas, some in opposition to imperial policies. But they were agents of anglicization insofar as they took intellectual cues from Westminster, disseminated knowledge of metropolitan law, and used it as a standard to restyle local practices.

The growing circulation of lawbooks likewise furthered anglicization by providing models for emulation. Lawyers and administrators in the polyglot trading posts of India relied more heavily on civil law works than their counterparts in America, who acquired more extensive collections of English case reporters and

³⁷ Donal Cregan, "Irish Recusant Lawyers in Politics in the Reign of James I," *Irish Jurist* 5 (1970): 306–20; Jane Ohlmeyer, "Irish Recusant Lawyers During the Reign of Charles I," in *A Kingdom in Crisis: The Confederates and the Irish Civil Wars*, ed. Micheál Ó Siochrú (Dublin, 2000), app.; Hazel Maynard, "The Irish Legal Profession and the Catholic Revival, 1660–89," in *People, Politics, and Power: Essays on Irish History, 1660–1860*, ed. Ivar McGrath and John McCafferty (Dublin, 2009).

³⁸ Hazel Maynard, "Irish Membership of the English Inns of Court, 1660–1699: Lawyers, Litigation, and the Legal Profession" (PhD diss., University College Dublin, 2006).

³⁹ W. H. Bryson, "English Ideas on Legal Education in Virginia," in *Learning the Law: Teaching and the Transmission of Law in England, 1150–1900*, ed. Jonathan A. Bush and Alain Wijffels (London, 2006), 331–32.

⁴⁰ C. E. Consalus, "Legal Education During the Colonial Period, 1663–1776," *Journal of Legal Education* 29 (1978): 307; Murrin, "Legal Transformation," 546, 554; Gerard W. Gawalt, *The Promise of Power: The Emergence of the Legal Profession in Massachusetts, 1760–1840* (Westport, CT, 1979), 14.

specialized treatises. Yet the two regions were alike in one key respect. Most lawbooks that they imported or reprinted were compilations of statutes or practical guidebooks—manuals for justices of the peace, jurors, attorneys, and clerks; legal dictionaries; formularies; and one-volume summaries of the leading principles of metropolitan law. Throughout eighteenth-century estate inventories, library catalogues, and court records the same titles reappear, such as Michael Dalton's *Country Justice*, Richard Burn's *Justice of the Peace and Parish Officer*, Giles Jacob's *New Law Dictionary*, William Nelson's *Lex Testamentaria*, the *Officium Clerici Pacis: A Book of Indictments, Appeals, Informations, and Inquisitions*, and *The Compleat Clerk*. As a result, settlers drafting indictments or wills, or seeking to understand the purpose and powers of a justice of the peace, might well turn to the same works in Boston, Belfast, and Bombay.⁴¹ More rare, but impressive, were the large-scale collections assembled in Ireland and America by notables, which included law reports and specialized treatises. A 1686 catalogue of the library of the Earl of Anglesey, one of the most influential men in later seventeenth-century Ireland, listed 541 legal volumes.⁴² Even more modestly sized personal law libraries encouraged circulation of English law around the colonial world as books were sold, inherited, and borrowed.⁴³ Lawbooks made English practices and assumptions a standard for workaday law.

Outward from London and Lateral Circulation Among Settlements

It is hard to overstate London's importance in formulating and disseminating anglicizing policies. In London were found nearly every critical institution and place of discussion and planning: the Privy Council, Board of Trade, and Parliament; the Admiralty, the customs service, the royal courts at Westminster; the Inns of Court; the printers of lawbooks and tracts on colonization; the offices of colonial

⁴¹ For India, see Mitch Fraas, "Documentary Practice in Eighteenth-Century British India: Anglicization Beyond the Atlantic" (paper presented at conference on "Anglicization of Law and through Law: Early Modern British North America, India, and Ireland Compared"), Newberry Library (April 2016) (cited with permission of author). On the presence of English lawbooks in America and Ireland, see William Hamilton Bryson, *Census of Law Books in Colonial Virginia* (Charlottesville, VA, 1978); Morris Cohen, *Bibliography of Early American Law*, 6 vols. (Buffalo, NY, 1998); Barnard, "Lawyers and the Law," 260, 269n43. On the impact of English lawbooks, see Warren M. Billings, "English Legal Literature as a Source of Law and Legal Practice for Seventeenth-Century Virginia," *Virginia Magazine of History and Biography* 87 (1979): 403–16; John A. Conley, "Doing It by the Book: Justice of the Peace Manuals and English Law in Eighteenth-Century America," *Journal of Legal History* 6 (1985): 257–98.

⁴² *Bibliotheca Angleseiana, sive Catalogus Variorum Librorum . . .* (London, 1686), 64–69.

⁴³ Miles Ogborn, *Indian Ink: Script and Print in the Making of the English East India Company* (Chicago, 2007), 198n1.

agents and lobbyists; and the headquarters of joint stock companies and the East India Company.

Yet anglicization was not solely a set of programs emanating outward. Some initiatives emerged from a dynamic interplay of borrowing and adaptation between metropolis and colonies facilitated by the movement of administrators and texts throughout the extended English Empire. Historians have long shown how the Irish experiences of English expansionists such as Sir Walter Raleigh and Humphrey Gilbert encouraged them to see the supposed savagism, paganism, and barbarism of the Gaelic in New World native peoples.⁴⁴ The works of Irish Lord Chancellor Sir Richard Bolton—such as his *Statutes of Ireland* . . . (1621) and *A Justice of Peace for Ireland* (1638)—circulated broadly enough to wind up in a 1673 inventory of the books in the library of the East India Company at Surat.⁴⁵ Techniques developed in America, especially in Puritan New England, returned to Ireland to help define the Cromwellian occupation in the 1650s.⁴⁶ Settlers familiar with the severe repressive techniques used during the Cromwellian conquests in Ireland in the 1650s—including pass laws, prohibitions on assembly, and fierce summary justice—brought these methods to Barbados to be reworked into controls on servants and slaves. Their “usefulness” attracted notice in London, where the East India Company recommended the “Barbados discipline” as a model for the slave code in its settlements of St. Helena and, later, Sumatra.⁴⁷

Resistance to legal innovation followed similar conduits across the colonial world. North American settlers reacted angrily when the Crown tried to apply to them controlling techniques of governance developed in Ireland. In the 1670s the usually turbulent factions in Jamaica joined together to oppose the Lords of Trade’s efforts to impose Poyning’s Law, aware of its deadening effect on Irish government. Their resistance headed off tentative plans to inflict the law on Virginia and other settlements.⁴⁸ The Declaratory Act of 1719–20 had so strongly

⁴⁴ Nicholas P. Canny, *The Elizabethan Conquest of Ireland: A Pattern Established, 1565–1576* (New York, 1976), 160; D. B. Quinn, “Ireland and Sixteenth Century European Expansion,” in *Historical Studies*, ed. T. D. Williams (London, 1958), 20–32.

⁴⁵ Richard Bolton, *The Statutes of Ireland* . . . (Dublin, 1621); and *A justice of peace for Ireland, consisting of two bookes; whereunto are added many presidents of indictments of treasons, felonies* . . . (Dublin and London, 1638). BL, IOR/E/3/34, f. 86, Acco[un]t of Bookes Remayning in the Library of Surratt July 31st Anno Domini 1673. IOR/E/3/88, f. 423, Letter Book 5, Company to President and Council in Surat, 13 Dec. 1672, 3 law books sent to Bombay, including “a statute booke.”

⁴⁶ Alison Games, *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560–1660* (New York, 2009), chap. 8.

⁴⁷ Jennifer Wells, “Anglicizing Social Control and Punishment, from Irish Servants to East Indian Slaves” (paper presented at the “Anglicization of Law and Through Law” conference (cited with permission of author); Stern, *Company-State*, 22, 75.

⁴⁸ *Calendar of State Papers Colonial, America and West Indies, 1677–1680* (London, 1896), 158, 178, 310; Jack P. Greene, *Peripheries and Center: Constitutional*

become a symbol of the subservience of Ireland that American patriots recognized the ominous implications of Parliament passing the Declaratory Act of 1766 claiming the right to bind the colonies “in all cases whatsoever.”⁴⁹ The intertwining of “outward” initiatives from London and “lateral” circulation helps explain the momentum of anglicization and the striking similarities in widely separated regions with diverse populations and circumstances.

III. COMMONALITIES IN ANGLICIZATION: MOTIVATIONS

Overreaching Elites

Changes in institutions and officials, review of legislation and judicial decisions, an increasingly powerful House of Commons, attorneys and lawbooks, London and circulation: these all help explain *how* anglicization came about. To understand *why*, a look at the targets and causes of anglicization is in order. Perhaps contrary to expectations, anglicization was not essentially an imposition by elites upon the middling and poorer sort. Certain segments of the elites were as much the concern of anglicization as the beneficiary, while often “lower ranks” of society opened the doors to it by employing its ideas and institutions and lending them currency and legitimacy.

In North America, the empire cut back on privileges that seventeenth-century colonial elites granted themselves to solidify their power. The Crown prohibited legislatures from serving as the highest appellate court in Virginia (1683) and Massachusetts (1686), removing local notables’ oversight of judicature in favor of the royally appointed governor and council or provincial supreme court. Imperial administrators’ concern with insufficiently bounded elite power comes through in a review of Connecticut statutes that English lawyer Francis Fane submitted to the Board of Trade (1733–41). Fane recommended disallowance or amendment of statutes that empowered magistrates to punish or disenfranchise colonists who walked “scandalously,” defamed courts, or spoke in a “reviling” manner. The “uncertain signification” of such offenses gave lay elites on the bench “a discretionary power” that could become “extraordinary and arbitrary.”⁵⁰ Among the reasons why the Privy Council worked to enhance the authority of provincial supreme courts and governors and their councils over town and country tribunals was a conviction

Development in the Extended Polities of the British Empire and the United States, 1607–1788 (Athens, GA, 1987), 33, 40.

⁴⁹ Edmund S. Morgan, *Prologue to Revolution: Sources and Documents on the Stamp Act Crisis, 1764–1766* (Chapel Hill, NC, 1959), 155.

⁵⁰ Francis Fane, *Reports on the Laws of Connecticut*, ed. Charles M. Andrews (New Haven, CT, 1915 [MS, 1733–41]), 80, 99, 165. Similar concerns about “arbitrary construction” animated the Board of Trade’s recommended disallowance of selected Pennsylvania laws (1705): James T. Mitchell and Henry Flanders, eds., *Statutes at Large of Pennsylvania from 1682 to 1801* ([Harrisburg], 1896), 2:464–67.

that local notables were prone to dispense “summary” justice that resulted in “much petty tyranny.”⁵¹ These initiatives constrained colonial elites for the benefit of common settlers below them and of royal governors and imperial administrators uneasily above or beside them.

Within Ireland, the mid-sixteenth-century state attacked the military systems on which lordly power rested and pressured lords to accept royal authority. Writers like Edmund Spenser and Sir John Davies particularly resented the power and influence enjoyed by the Catholic magnates who “exercise plain tyranny over the common people.”⁵² Spenser portrayed them as lawless and disloyal princelings who upheld an alien and subversive culture, as forces of degeneration, and as the principal obstacles to the implementation of government policies and Protestantism. Matters barely improved over the course of the 1610s and 1620s. The key difference was that these “opposers of justice” included not only the established lords but also the Protestant newcomers, the men who were supposedly committed to a “civilizing”/anglicizing agenda.⁵³

In India, there were very few English people who one might have classified back in England as “elite,” but through the seventeenth and early eighteenth centuries, the East India Company was deeply concerned with the obedience of all sorts of English subjects ranging from company leadership to landowners to soldiers. Particularly worrisome were those English subjects trading and living in India outside the company’s stations and settlements, known generally as “interlopers.” Company employees, settlers, interlopers, and rebels alike voiced their discontent quite frequently in the language of arbitrary government, accusing the upper echelons of company rule—and sometimes one another—of despotism and appealing to Crown sovereignty or law as a remedy. Thus, until the East India Company’s larger-scale territorial expansion in the eighteenth century, English subjects far more than Asian or other European ones were the object of “anglicization” efforts in India; both company officials and those who rejected its authority agreed that English men and women in British India should be ruled with reference to British law. Just who it was that was properly charged with implementing and safeguarding that law was a far more contentious question.

People Other than English Protestants

If subversive or overreaching elites concerned advocates of anglicization, so too did peoples who were not English Protestants. It was a short step from apprehension about non-English peoples to unease with non-English laws. Anglicization

⁵¹ Stephen Botein, *Early American Law and Society* (New York, 1983), 54.

⁵² John Davies, *A Discovery of the True Causes why Ireland Was never Entirely Subdued* (1612; London, 1968), 219.

⁵³ Ohlmeyer, *Making Ireland English*, esp. chaps. 7–9.

projects either accommodated non-English laws in a subordinate position or worked to eliminate them.

In North America, the Dutch in New York and the Germans in Pennsylvania and the backcountry provide two examples of how anglicization worked. For several decades after the conquest of New Netherland (1664), New York courts fused the legal practices of the English minority and the restless Dutch majority. The Articles of Capitulation introduced a limited measure of legal pluralism by guaranteeing the surrendered residents of New Netherland the security of land titles, “their own customs concerning their inheritances,” and the adjudication of disputes over already existing contracts “according to the manner of the Dutch.” Over the next three-quarters of a century, the position of Dutch law receded along with the Dutch share of the population. The jury system, the preference of imperial administrators and transatlantic merchants for English law, the centralization of the court system upon anglicized models achieved by the 1691 Judiciary Act, and the resulting spread of common law formalities combined to wear away the once vibrant Dutch legal inheritance.⁵⁴ German-speaking immigrants displayed another feature of anglicization—not the gradual submerging of non-English law so much as the resort to English legal forms in order to protect German customs. Until the 1750s, German immigrants shied away from English courts and common law legal forms, instead turning to their own ministers, teachers, and merchants to adjudicate disputes and negotiate with the authorities. The problem with this strategy was that English courts might not ratify contracts and sales undertaken in forms familiar from German villages. By the middle of the eighteenth century, German immigrants became more adept in devising documents that would survive the unwelcome scrutiny of English officials. The point was to anglicize in the limited sense of substituting English forms for German ones, the better to secure contrary ethnic customs.⁵⁵

Anglicization in Ireland touched the Welsh and Scots settlers but concentrated on Catholics, both Gaelic Irish and Old English. From the sixteenth century, the Crown labored to suppress Gaelic customs and make English rather than Irish the lingua franca of commerce and the courts. English law replaced Brehon (Gaelic customary) law. Traditionally the Catholic ruling elite whose ancestors came as part of the Anglo-Norman conquest (or the Old English, as they became known from the early seventeenth century) had dominated politics and Parliament to the

⁵⁴ “Articles of Capitulation on the Reduction of New Netherland” (August 27, 1664), in *Documents Relative to the Colonial History of the State of New-York*, ed. E. B. O’Callaghan (Albany, NY, 1853–87), 2:250–51; Herbert A. Johnson, “The Advent of Common Law in Colonial New York,” in *Essays on New York Colonial Legal History* (Westport, CT, 1981), 37–54; William E. Nelson, *The Common Law in Colonial America*, vol. 2, *The Middle Colonies and the Carolinas, 1660–1730* (Oxford, 2013), 32–58.

⁵⁵ A. G. Roeber, “The Origins and Transfer of German-American Concepts of Property and Inheritance,” *Perspectives in American History* 3 (1987): 115–71.

virtual exclusion of the Gaelic-speaking “native Irish.” By the early seventeenth century the Crown determined to replace the Catholic majorities in the Elizabethan Irish parliaments with those who supported the Protestant interest. King James I and VI created forty parliamentary boroughs out of the newly founded plantation towns with the specific intention of packing the 1613 Irish House of Commons with Protestant MPs and thereby diluting the Old English influence that had hitherto predominated. This gave greater impetus to their anglicizing agenda, ranging from the passage of legislation to its more effective implementation in local communities through a growing network of assize and other courts.⁵⁶

In India, while anglicization mainly grasped for English subjects, other Europeans as well as South Asians also fell within its potential reach. Through the seventeenth century, the company confronted a pluralist tapestry of Portuguese, Muslim, Hindu, and other forms of dispute resolution at Bombay and Madras with assertive efforts at imposing English civil codes and court structures. Echoing English efforts in Ireland a century earlier to suppress Brehon law and Gaelic language and customs, Bombay under the leadership of Gerald Aungier in the 1670s saw land title investigations and repossession, driven by a concern for displacing the influence of the island’s Jesuits and Portuguese landowners.⁵⁷ Such efforts, especially under subsequent governorships, were gradual and uneven, and efforts such as the implementation of Portuguese law at Bombay, as well as Madras, withered through the early eighteenth century. This presaged a similar process that would unfold as the company first co-opted, and then transformed, Mughal forms of revenue collection and justice in Bengal in the wake of its territorial expansion in the later eighteenth century. The company increasingly layered English ideas of landlordship, perpetual revenue right, and judicial rule atop and within existing institutions and systems of governance. Thus, for example, as Robert Travers has argued, the company “redefin[ed] Indian legality” by gradually interpreting Mughal law through their expectations of the authority of codified legal texts, the alienability of land rights, and the importance of fixed forms of regulation. These anglicized reimaginings of Mughal legal culture culminated in the so-called Cornwallis Code and its “Permanent Settlement” of 1793, which, by recasting the nature of *zamindars* (landholders) and fixing tax obligations, produced a new system of law that was in a way derived from Mughal practices but by that point so distorted as to be, in the words of a professor of

⁵⁶ Coleman Dennehy, *The Irish Parliament, 1613–89: The Evolution of a Colonial Institution* (Manchester, 2019); Bríd McGrath, *The Operations of the Irish House of Commons, 1613–48* (Dublin, 2023).

⁵⁷ Jane Ohlmeyer, *Making Empire: Ireland, Imperialism & The Early Modern World* (Oxford, 2023); Ohlmeyer, “Eastward Enterprises: Colonial Ireland, Colonial India,” *Past & Present* 240 (2018): 83–118.

law at the company's college in Calcutta, "cemented with the spirit of the British constitution."⁵⁸

Economic Motivations

Proponents of anglicization aimed at more tightly controlling economic exchange so as to make it more profitable for the metropolis. Irish-born New York governor Richard Coote, 1st Earl of Bellomont, wrote a series of letters to the Lords of Trade estimating that the obstacles in enforcing the trade laws cost the empire about nine-tenths of the province's potential customs revenue. Local men resigned from appointments as customs inspectors or lapsed into inactivity fearing reprisals from neighbors. The Attorney General, not a trained lawyer, lost "many seizures of ships and unlawfull goods by the lameness of the informations he draws up." In order to suppress illegal trade and piracy and collect revenue, the Crown eventually heeded the recommendations of Bellomont and other imperial administrators and sent them what they wanted: English customs inspectors and (sometimes) "judges and an attorney general whose integrity and skill in their profession I can safely rely on."⁵⁹ England also increased the jurisdiction of admiralty courts and insisted that the Privy Council review colonial statutes and accept appeals from supreme courts. London's initiatives anglicized law as a by-product or a conscious goal by creating incentives for settlers involved in transatlantic trade to hire trained attorneys and familiarize themselves with the intertwined English and civil law that governed commerce.

In Ireland, economic imperialism both reinforced political dominance and underpinned anglicization. At its foundation was the wholesale expropriation of Irish land, eight million acres in all. A series of major plantations, first in Munster during the late sixteenth century and then in Ulster during the early seventeenth century, facilitated this economic exploitation. The Cromwellian land settlement of the 1650s transferred 2.5 million acres from Catholic to Protestant hands. Control of land allowed the state to promote with even greater impact English tenurial and agricultural practices, along with proto-industrialization. In short, Irish land—and the private enterprise that it spawned—funded English imperialism in Ireland and beyond.⁶⁰

Proponents of anglicization developed towns, important for a commercially oriented economy that encouraged production of marketable goods exchangeable for cash. The move away from the traditional "fighting and feasting" culture (and

⁵⁸ Travers, *Empires of Complaints*, 22, 241.

⁵⁹ New York Governor Earl of Bellomont to the Lords of Trade, Letters of 15 Dec 1698, 13 May 1699, 15 May 1699, 24 August 1699, and 14 December 1699, in *Documents Relative to the Colonial History of the State of New-York*, 4:442, 515–18, 551, 599 (quotations from 4:516 and 4:520).

⁶⁰ David Brown, *Empire and Enterprise: Money, Power, and the Adventurers for Irish Land During the British Civil Wars* (Manchester, 2020); Ohlmeyer, *Making Empire*.

related exchange economy) had huge implications for the Indigenous people of Ireland. Many adopted English commercial and farming practices as well as consumerism, with the result that a significant number became deeply indebted and were forced to mortgage lands. Finally, from the 1660s (and the Navigation Acts) legislation consistently privileged the English economy over the Irish one and created a political economy of dependency centered on London, where trade was controlled, enterprise financed, and joint stock companies established.

Commerce and traffic to and in British Asia was until the nineteenth century vested in a different sort of Navigation Law in a sense: the East India Company's monopoly charter. Given the nature of the company's regime, these restrictions were perhaps less effective as anglicizing tools than the Atlantic Navigation Acts. As company commercial and especially naval power increased, it imposed more restrictions on travel and more tightly controlled sea lanes. As interlopers, pirates, and a range of others routinely flouted such restrictions, the company attempted to use English courts to enforce them, with varying degrees of success. In Asia, its efforts to control traffic included a Portuguese-style pass system and, by the later seventeenth century, the establishment of so-called Admiralty courts. By the eighteenth century, these regimes increasingly turned against other Europeans and South Asian maritime powers, like the Marathas, rebranded as "pirates."⁶¹ In addition, as in Ireland, the company dispossessed property by exercising its power to transform land tenure into English forms—and then used that property, along with its right to administer justice, to attract economically productive Asians and Europeans to live within enclaves governed in part by English law.

IV. LIFE CYCLE OF ANGLICIZATION

Though anglicization in Ireland, America, and India displayed important commonalities—convergence from diversity toward metropolitan models, shared processes, a concern with disciplining elites and peoples other than English Protestants, and a desire to secure for the Crown a greater share of economic gain—it did not take place in unison in the three regions. The timelines extended over three centuries and to some extent did not overlap. Historians of Ireland see anglicization, though dating back to the twelfth century, gathering momentum from the 1540s. But only during the early and middle decades of the seventeenth century did the island experience it most intensively. It began in the late seventeenth century in North America and India, concluding in the former case with the American Revolution and in the latter ranging through the middle nineteenth century.

Yet the similarities among the three cases reemerge when the historian asks not about the *timing* of anglicization but the *sequence*. Anglicization can be seen as

⁶¹ Stern, *Company-State*, chaps. 8–9; Simon Layton, *Piratical States: British Imperialism in the Indian Ocean World* (Cambridge, 2026).

part of the “life cycle” of colonialism. The three cases have in common a (roughly) similar pattern of stages. Indeed, some regions within these three large zones experienced these stages at different times, leading to a common if staggered experience of anglicization.

In the first stage, colonial settlements were vulnerable and adaptive. Such plantations were frequently defensive, enclaved, and volatile. They often failed.⁶² Anglicization, if even a desire, would have been unrealistic. Many settlements were constituted by those looking for alternatives to English law—say, concerning religion or land tenure—and thus by design diverged from English law and from one another. Vulnerability also produced forms of domination, such as martial law or slavery, that derived from English law but were exercised in significantly different ways outside the realm. In such circumstances, the Crown had to tolerate or accept toleration. But, practicalities aside, it was not clear whether English officials even believed they had the right to intervene. Concerns with anglicization tended to be defensive—that is, concerned with preserving the Englishness of subjects rather than expanding it or extending it to others. In India, for example, English soldiers and civilians rather than other Europeans and South Asians were the primary object of laws concerning religion, morality, and deportment. This first stage exhibited at most a sort of ambivalent anglicization. It sought to rule through or in fusion with Indigenous or other European (Portuguese, Dutch) systems of law, as these were ultimately translated through English concepts.

The vulnerable phase in Ireland occurred in the period between the 1541 passage of the Kingship Act and 1603. During these years anglicization was geographically limited to Dublin, the Pale, Waterford, and other urban enclaves. From the 1540s, revolts challenged the Crown’s authority, and the king’s writ operated alongside Brehon law. Examples of first-stage settlements in America include the summary, marchland justice of early Virginia (1610s–20s), and the fusion of Dutch and English legal practices in New York from the 1660s through the 1680s. Every one of the East India Company’s seventeenth-century settlements faced some sort of existential crisis within the first few decades after its establishment, either through rebellion (as in Bombay and St. Helena in the 1670s and 1680s) or through threatened invasion.

The second stage was one of consolidation. If colonies survived stage one—and many did not—the establishment of stronger and more stable forms of government allowed for the imposition of various forms of English law. Under these circumstances, people subject to colonial rule (British, European, and Indigenous) reinforced the power of English law by electing to use it for their own purposes. In America, some enslaved people claimed (without success) that their conversion to Christianity freed them according to the law of England, seeking to elevate it

⁶² For example, Tangier, dubbed by some a “failed colony.” Linda Colley, *Captives: Britain, Empire, and the World, 1600–1850* (London, 2002), 30.

over colonial statutes that retained Christian Blacks in bondage. Mohegan leaders appealed to the English attorney general and, later, to the Privy Council in support of their land claims. Proponents of anglicization pursuing a wide variety of agendas might display confidence in English law (as was common in Ireland and America) or despair at the failure of syncretic forms of law to resolve disputes (as was more typical in India).

This second stage began in Ireland with the completion of English military conquest at the end of the Nine Years' War (1594–1603). The Crown imposed a much more aggressive form of anglicization on the entire island, engaging in intensive colonization, abolishing Brehon law and establishing English law, along with a network of local courts, across the island. In America, the close of the seventeenth century saw the fading of distinctive systems of justice in godly Massachusetts, Quaker Pennsylvania, and Dutch/English New York, and more extensive and sustained pressure by the Crown to make colonial judicature more hierarchical and more subject to review by royal officials. Consolidation within the East India Company's settlements happened gradually and on different timelines. After Bombay and Madras, and to some extent Calcutta, recovered from the stresses of late seventeenth-century Mughal expansion, they consolidated their military power and economic position and, from the 1710s to the 1750s, came to rely more on English forms of law and governance.

The third stage—what one might call the anglicization of resistance—grew out of the second stage of consolidation, coexisting with it and drawing strength from it. Anglicization, in a sense, became the victim of its own success. The dissemination and growing prominence of metropolitan law reached beyond settlers and English Protestants and at least in part embraced non-English and non-Anglophone populations, even if their participation required implicit or explicit coercion (as with the Gaelic Irish, New Netherlands Dutch, and Indian Hindus and Muslims). Metropolitan law became not only a source of English power but also a resource for resistance to it—and from a variety of directions.

In America, decades of disputes about trade, land speculation, the Navigation Acts, and the limits of royal prerogative increased competence in English law and constitutional argument, which facilitated revolutionary mobilization in the 1760s and 1770s. Anglicization created a stronger expectation that settlers deserved the rights of Englishmen and, therefore, a deeper sense of betrayal when the British ministry after 1764 acted in ways that Patriots saw as contemptuous of those rights. The colonial revolts against James II's governors after the Revolution of 1688–89 featured accusations of “popery” and detailed accounts of “arbitrary” policies with relatively little analysis of English legal categories and precedents. By contrast, the Patriot leaders of the 1760s knew how to assail internal taxes and restrictions on juries and self-government with exquisitely detailed readings of English law. Anglicization did not, of course, teach the Patriots to interpret the Anglo-American constitutional heritage in the same fashion as the

British ministers and members of Parliament who would, between the Sugar Act (1764) and the Coercive Acts (1774), create what the Declaration of Independence called “a long train of abuses and usurpations.” Rather, anglicization gave the Patriots experience turning a contested constitutional heritage in favor of popular rather than prerogative politics and made available to them the intellectual resources to uphold a customary constitutionalism against London’s championing of newer doctrines of parliamentary sovereignty.⁶³

Irish Protestant colonial leaders more than the displaced Catholic elite, the original “targets” of anglicization, deployed English legal arguments in resistance to Britain. The silencing of Catholic voices from the mid-seventeenth century meant that effective challenges to the anglicizing agenda of king and Parliament thereafter came from the Protestant ruling elite. From the 1690s, Protestants led by William Molyneux revived the claim that Ireland was a distinct and self-governing kingdom united to England only by the link of the Crown. In the final quarter of the century, the Protestant ruling elite, known as the “patriots,” presumed that they were entitled to the same rights as Englishmen.⁶⁴ They pressed in the 1770s for habeas corpus until the Irish in 1781 secured their own (by then rather outdated) version of the English Act of 1679.⁶⁵ After the Dublin House of Commons in 1782 voted an Irish Declaration of Independence, Britain repealed the Declaratory Act. The part of Poynings’ Law that required the Irish Parliament to first submit its legislation to London for approval was also repealed.

India represents a different irony in that almost all seventeenth- and eighteenth-century resistance against company rule by Englishmen was done in the name of anglicization. Dissenters frequently attacked company governance for not being English enough. Residents in Bombay and Madras, English and not, petitioned the Crown for redress of grievances or to overrule the company, albeit with limited success. Interlopers justified their activities by pointing to their supposed rights as free-born Englishmen. Even open rebellion, such as one in Bombay led by Richard Keigwin in 1683, proceeded in the name of “his Majestys Honour” and declared that the company had betrayed English law and had failed to protect their rights as English subjects (the king did not agree).⁶⁶ In the eighteenth

⁶³ On the difference between these two constitutional traditions, see John Phillip Reid, *In Defiance of the Law: The Standing-Army Controversy, the Two Constitutions, and the Coming of the American Revolution* (Chapel Hill, NC, 1981).

⁶⁴ This issue is broadly addressed in James Kelly, “‘Era of Liberty’: The Politics of Civil and Political Rights in Eighteenth-Century Ireland,” in *Exclusionary Empire: English Liberty Overseas, 1600–1900*, ed. Jack P. Greene (New York, 2010), 77–111.

⁶⁵ Kevin Costello, *The Law of Habeas Corpus in Ireland* (Dublin, 2006).

⁶⁶ Richard Keigwin et al., to Surat, 1 Jan 1683/4 IOR E/3/43 f. 285; Bombay (Keigwin) to Charles II, 27 Dec to 8 Feb 1683/4, IOR E/3/43 f. 369–83. Samuel Horewood, “Rebel Empire: Subjecthood and Rebellion in Britain’s Early Empire” (PhD diss., Duke University, 2025).

century, the Mayor's Courts offered yet another forum for subjects to use English law against company policy. The capacity for such claims increased dramatically, however, with the creation of the Supreme Court in Calcutta in 1774. This gave English as well as Asian subjects greater recourse to claims on the common law, such as habeas corpus.⁶⁷ The growing number of petitions from South Asian subjects to company officials made prolific use of English legal arguments, among others, especially as some reached courts in England as well.⁶⁸

The future—from Ram Mohan Roy in early nineteenth-century India to Gandhi in the twentieth, and from Daniel O'Connell in nineteenth-century Ireland to Douglas Hyde in the twentieth—brought no shortage of “reform” or anticolonial movements led by English-trained lawyers, intellectuals, and statesmen.⁶⁹ Anglicization made dissidents familiar with the constitutional arguments and legal institutions to mobilize against English rule, whether resistance operated “within” or “against” the colonial system. This ensured that anglicization would long outlive the early modern colonialism in which it first arose.

V. CHALLENGES TO THE CONCEPT OF ANGLICIZATION

Having made the case for a comparative study of anglicization, we now want to serve as devil's advocates, raising doubts and pointing out difficulties. These can stress-test the concept and discipline its use. Our initial formulation began with the image of convergence, or relative movement from diversity toward greater congruence with metropolitan legal norms. This tacitly assumes a more or less linear progression, an English law potentially capable of an expanding, propulsive anglicization, and determinate starting and ending points. What happens if we put pressure on these assumptions?

Local Divergence Within Overall Convergence

A model of convergence implicitly assumes a forward progression. Yet we must remain alert for contrary trends, for areas or moments of growing divergence from English law. This could come about in several ways. Colonial society contained features lacking or scarcely existing in the metropolis, and these generated specific bodies of law at variance with the general course of anglicization. The leading example in North America is the law of slavery. English law did provide structural support for the slave trade and regulated credit networks and debt collection related to slavery. But the metropolis did not promulgate an imperial slave

⁶⁷ Halliday, *Habeas Corpus*, chap. 7.

⁶⁸ See special issue, “Petitioning and Political Cultures in South Asia,” ed. Rohit De and Robert Travers, *Modern Asian Studies* 53, no. 1 (2019).

⁶⁹ On Roy, see C. A. Bayly, *Recovering Liberties: Indian Thought in the Age of Liberalism and Empire* (Cambridge, 2012)

code in the fashion of France and Spain or maintain plantations where ordinances imposed harsh restrictions on the associations, movement, permitted activities, and family life of bound laborers, who were tried in special courts and subject to slave patrols. By treating slave law, particularly its coercive discipline and police regulations, as a matter largely for “municipal” control, the empire allowed the colonies to create an infamous, ever more significant deviation from metropolitan law.⁷⁰

Alternatively, metropolitan leaders could create divergence in specific areas by denying colonists protections adopted in England. Consider the question of judicial independence. The Crown could generally remove judges in the common law courts of Westminster until the Act of Settlement (1701) changed judicial tenure from service “at pleasure” to “during good behavior.” The Privy Council blocked extension of this new norm to the colonies despite demands by settlers wary of prerogative.⁷¹ The metropolis could also create a divergence by degrading a privilege in the colonies while preserving it within the realm. To prevent illegal trade and customs evasion, England successively extended the jurisdiction of juryless vice-admiralty courts in the colonies beyond their restriction to marine causes at home.⁷² This policy prevented colonists from enjoying what many saw as liberties of Englishmen. Each of these divergences, as with slavery, challenged the notion of growing overall convergence with metropolitan norms suggested by the rubric “anglicization.”

In India, early experiments in anglicization were not uniformly successful and led to a process of what Mitch Fraas has called “de-anglicization.” Over time municipal corporations began segregating non-English litigants and cordoning off their disputes into separate legal forums. Various experiments were either abandoned or modified in the face of resistance to or impotence of English law.⁷³ While Fraas and others have credited this resistance to conditions on the ground, Christian Burset has argued, in both India and America, such “authoritarian legal pluralism” was the result of deliberate if controversial policy originating in Britain itself; “a selective denial of English law” to render colonies subordinate

⁷⁰ Compare Holly Brewer, “Creating a Common Law of Slavery for England and Its New World Empire,” *Law and History Review* 39 (2022): 765–834, with Jonathan A. Bush, “Free to Enslave: The Foundations of Colonial American Slave Law,” *Yale Journal of Law and the Humanities* 5 (1993): 417–70.

⁷¹ Joseph H. Smith, “An Independent Judiciary: The Colonial Background,” *University of Pennsylvania Law Review* 124 (1976): 1104–56.

⁷² Charles M. Andrews, “Introduction: Vice-Admiralty Courts in the Colonies,” in *The Records of the Vice-Admiralty Court of Rhode Island, 1716–1752*, ed. Dorothy S. Towle (Washington, DC, 1936), 1–79; Carl Ubbelhode, *The Vice-Admiralty Courts and the American Revolution* (Chapel Hill, NC, 1960), 5, 18–19. William Penn, among many others, complained about this overreaching admiralty jurisdiction. *The Papers of William Penn*, ed. Mary Maples Dunn and Richard S. Dunn, 5 vols. (Philadelphia, 1981–87), 3:596; 4:44.

⁷³ Fraas, “Making Claims.”

to the metropole such that in some ways the “common law became less common in the crucial century between the Glorious and American Revolutions.”⁷⁴ Likewise, territorial expansion did not lead to the triumph of English law so much as produce a renewed engagement with Mughal governance structures, producing at least at first a sort of dual system in which traditional Mughal tribunals, like *moffusil* courts, sat in Bengal alongside English magistrates exercising jurisdiction over Calcutta and its environs.

Restrictions Imposed by Other Systems of Law

We might also raise doubts about the process of anglicization, or perhaps shrink it to smaller proportions, by recognizing the limitations upon it. “Limitations” means more than the usual drift, confusion, and local exceptions that splitters use to slice away at lumpers. It refers to impediments that were significant and endured over the long term. Systems of law that were not English, often the targets of anglicization, might also restrain it. “Might”: America was an exception to this generalization, whereas in India a variety of South Asian and European laws maintained a forceful presence.

In America, non-English law imposed few barriers to anglicization. Settlers in America never conceded that Native law bound them outside of a few special circumstances. Indigenous law mattered politically but exerted almost no claims over settlers *as law*. Its reach became a question for diplomacy rather than a “choice of law” problem within the core areas of European colonization. The initial English respect for Dutch contract and inheritance practices in New Netherland gradually faded after the 1680s until the English felt that they did not need to accommodate Dutch law in any meaningful sense.

Non-English systems of law presented the greatest obstacle to anglicization in India. Company settlements operated not only under crown and parliamentary permissions but also under grants and agreements from South Asian sovereigns, which authorized jurisdiction over native residents and shaped the techniques through which the English governed. The English engaged with an exceptionally sophisticated and regionally diverse system of land tenure, revenue collection, and dispute resolution. In a region where South Asians allowed late seventeenth-century Calcutta to exercise the jurisdictional privileges of a landholding *zamindar*, where the company expanded effective control of territory in Bengal by assuming the office of a *diwan* (a Mughal revenue collector and administrator), and where caste councils continued to have a good deal of local power, the English needed to deploy South Asian legal concepts in order to rule. Other European systems of

⁷⁴ Burset, *Empire of Laws*, 5, 9; Christian Burset, “Quebec, Bengal, and the Rise of Authoritarian Legal Pluralism,” in *Entangling the Quebec Act: Transnational Contexts, Meanings, and Legacies in North America and the British Empire*, ed. Olivier Hubert and François Furstenberg (Montreal, 2020), 131–62.

law, especially in places like Bombay that had previously been held under Portuguese sovereignty, also restrained anglicization. Local manor-based systems of adjudication in Bombay persisted well into the eighteenth century, employing Portuguese procedures and sometimes the Portuguese language. Company approaches to customs and crime were influenced by their understanding of Dutch and Portuguese practices as well as English law. Anglicization was further limited by the fact that even Anglophone colonial expansion was not entirely English, but drew on Irish and Scottish personnel and experiences.

Did Metropolitan Law “Want” to Fully Anglicize Settlements?

Limitations on anglicization did not emerge only from contrary legal heritages; they were, so to speak, baked into English law itself. By this we do not mean merely that constituencies hostile to anglicization had many opportunities to stall and deflect it. Local notables could, with anglicization as with so much else, lobby against it and quietly disregard what they did not favor. This perspective has merit but implicitly assumes that anglicization pressed forward relentlessly, that absent practical and political restraints English law would “want” to extend its sway.

The British Empire was nowhere characterized by a singular state authority, let alone uniformity of opinion among legal and political officials as to how best to frame or even interpret law. The wisdom of anglicizing colonial law was a subject of trenchant debate on which there was no consensus. Even when something we might call “English law” seemed to make inroads into colonial legal systems, it was always confronted by competing or intersecting interpretations of what it might mean and of law that inevitably obstructed or reimaged the forms it might take abroad. Moreover, the thing we might conveniently call the “British Empire” was governed by variable forms of political agencies, communities, and authorities—what scholars have generally described as “legal pluralism”—not to mention ever-evolving systems of negotiation, agreement, and conflict among these jurisdictional forms, what Lauren Benton and Adam Clulow call “interpolity law,” or “international law *avant la lettre*.”⁷⁵

English law and constitutionalism held back as well as encouraged anglicization in a number of ways. First, imperial administrators, lawyers, and colonial leaders disagreed about the extent to which the common law and parliamentary statutes extended to dominions outside the realm. A widespread opinion maintained that settlers in America could claim as their “birthright” the common law and statutes enacted before a colony had its own legislature, along with parliamentary acts passed after that date should these expressly name the territory. Statutes and common law principles developed after the creation of a colony’s legislature did not of their own accord extend to that settlement. A more restrictive position

⁷⁵ Among their other writings on the subject, see Lauren Benton and Adam Clulow, “Interpolity Law and Jurisdictional Politics,” *Law and History Review* 42 (2024): 198.

denied that colonists carried all of the common law with them—they carried merely the portions suitable to their conditions, a matter of dispute.⁷⁶ In India, even in those instances in which the seventeenth-century company, out of principle or pragmatism, acknowledged the supervisory power of the common law and the Crown, it often selectively applied or even rejected the authority of parliamentary statutes.

Second, metropolitan authorities commonly denied that colonies by right obtained, even “deserved,” the English law and liberties appropriate to free men and women in the realm. Settlements were entitled to such laws as the Crown thought would keep them dependent and economically profitable and were suited to the supposedly degenerate and disorderly nature of their inhabitants.⁷⁷ The Privy Council, for example, disallowed a 1692 Maryland statute that appeared to adopt the full statutory law of England on the grounds that this threatened the royal prerogative.⁷⁸ While the Crown aggressively anglicized Ireland, it also maintained that it could withhold elements of common law and parliamentary statutes if these compromised the English interest (for instance, the Habeas Corpus Act). Through the seventeenth century, the East India Company selectively applied English law, sometimes casting it as inefficient and inappropriate. In the eighteenth century, many argued that transplanting English customary law into South Asia was dangerous. In all three regions, crown or corporate administrators managed anglicization to reinforce rather than to undermine the proper subordination of settlements.

Third, certain features of metropolitan law were not modular and portable; they were embedded in larger structures that would not readily transfer overseas. Consider church courts. In England and Ireland, bishops of the established church oversaw ecclesiastical courts, which handled probate of chattels and punishment of moral offenses. No Church of England bishop established residence in North America, and colonists fought against periodic efforts to impose one.⁷⁹ Ecclesiastical courts could not be severed from the bishops and instituted abroad in isolation.

⁷⁶ On the perplexities of the various positions, see James Alexander and William Smith, *Some Observations on the Charge Given by the Honorable James De Lancey, Esq., Chief Justice of the Province of New York, to the Grand Jury, the 15th Day of January, 1733* (New York, 1734), 9–10; Anonymous [Benjamin Harrison III], *An Essay Upon the Government of the English Plantations on the Continent of America (1701)*, ed. Louis B. Wright (San Marino, 1945), 23.

⁷⁷ Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607–1788* (Athens, GA, 1987), 7–54.

⁷⁸ Aubrey C. Land, *Colonial Maryland: A History* (Millwood, 1981), 99.

⁷⁹ On these struggles, see Carl Bridenbaugh, *Mitre and Sceptre—Transatlantic Faith, Ideas, Personalities, and Politics, 1689–1775* (New York, 1962).

Finally, North American charters empowered settlements to pass laws and create legal institutions suitable to local conditions so long as these were not “repugnant” to the law of England.⁸⁰ The proprietary charters of Bombay and St. Helena, which quite closely resembled those of the Atlantic world, likewise included the so-called repugnancy clause. However, “not repugnant” was not the same thing as compliant. Settlers could and did interpret “repugnancy” liberally to do what they could not do at home—establish slave plantations in America, caste-based governance in India, and religious liberty for Catholics, Hindus, and Muslims. In sum, metropolitan law did not relentlessly press for anglicization so much as expect and protect significant variation.

VI. IMPORTANCE OF BASELINES AND FRAMING

Our determination to acknowledge the difficulties as well as benefits of thinking comparatively about anglicization means that we should be aware of the uncertainties that result when deploying the concept. Ascertaining the extent and nature of anglicization depends crucially on the baselines that the historian selects. English law was not static, allowing ready comparison between a stable metropolitan legal order and American, Irish, and Indian ones converging toward it. Instead, a dynamic metropolitan law changed over time. Anglicization represented convergence upon a moving, not a stable target. Common law and parliamentary statutes functioned within a metropolitan legal system alongside much that was not “English” in origin—such as civil, mercantile, and martial law and the law of nations. Each potentially maintained different relationships to the Scottish, Portuguese, Gaelic, Dutch, and Indigenous laws they encountered abroad. In addition, no territory in the extended English Empire was ever fully anglicized or non-anglicized; divergences arose within overall patterns of convergence. But how does one balance contrary trends? Does the growth of colonial slave law in North America represent an exception to be kept in mind, or is it of such profound significance as to call into question the assumption of convergence at the heart of anglicization? These points become more salient when we recall that anglicization in the three regions occurred between the middle sixteenth century and the middle nineteenth century. On any given date, our three regions sat at different points in the life cycle of anglicization. It was, in 1700, well underway in Ireland, nascent in North America, and less than that in India.

Anglicization also manifested itself in different ways. Most historians employ the term to explain how some version of English law and ways were imposed as a model for new colonial legal systems or for reordering existing ones. This more familiar type of anglicization we might call “replicative.” English law, practices,

⁸⁰ Smith, *Appeals to the Privy Council*; Mary Sarah Bilder, *The Transatlantic Constitution: Colonial Legal Culture and the Empire* (Cambridge, MA, 2004).

and institutions grew more prominent in settlements, albeit in gradual, incomplete, and often hybrid forms. The replicative mode predominated in seventeenth-century Ireland and in British North America after, roughly, 1690. The second and less frequently acknowledged form of anglicization was a “translational” enterprise. Even when ostensibly incorporating or accommodating the legal practices of other Europeans or Indigenous peoples, English officials interpreted them through distinctly English concepts (“the ancient constitution”) or institutions and personnel (quarter sessions, justices of the peace, assizes). One sees this in areas of sixteenth-century Ireland before the abolition of Brehon law and in the de facto fusion of Dutch and English legal traditions in postconquest New York. It is most visible in eighteenth-century India. Mayor’s courts, juries, and sheriffs enforced an uneasy mixture of common, civil, mercantile, and admiralty law, along with equity and Portuguese, Hindu, and Muslim norms. Theorists sought to recover a Muslim and Hindu “ancient constitution,” a notion familiar in England but alien to foreign traditions forced into it. Even as the East India Company respected and worked with *zamindari* (landholdership) rights and imperial *farmans* (commands), Anglophone notions of property and government encouraged the English to understand the former as a type of “landlordship” and the latter as “charters.” In the translational mode of anglicization non-English laws were seen through an English lens or were translated into an English conceptual vocabulary. Sometimes these modes—replicative and translational—coexisted and sometimes one of the two predominated.

Anglicization, then, was not a single process, but multiple ones, with dissimilar timelines and historical actors depending on the nature of the concepts, institutions, and localities under consideration. Since anglicization means movement along a continuum toward English models, the historian can minimize or maximize the phenomenon by adjusting starting and ending points, highlighting or downplaying contrary trends (divergences), and deciding which events and processes “count” as confirming or opposing evidence. Students of anglicization must appreciate the significance of these interpretive options and acknowledge the choices made and their implications.

VII. ANGLICIZATION(S) IN BRITISH AND COMPARATIVE IMPERIAL HISTORY

Once we have made clear the interpretive options and choices that shape accounts of anglicization, what does a comparative perspective help us see? Within British imperial history, it lets us recognize that projects proceeding under different labels in national historiographies can be brought together under the rubric of anglicization. Historical actors debating about such matters as civilizing, reform, and improvement through law were sometimes discussing legal anglicization *avant la lettre*; and scholars have long been treating aspects of it under other labels. Grouping historical actors’ projects and statements under the rubric of legal

anglicization both emphasizes the importance of the process and fills out a robust concept that can be used for comparison across multiple zones of the British Empire. Comparisons may be tacit or overt.

A scholar undertakes a tacit comparison when writing of legal anglicization in one national historiography while being aware of its course and consequences in other areas of the empire. Suppose a historian treating only North America thinks about how Ireland was, in one important sense, less jurisdictionally diverse than the mainland colonies. The institutions promoting anglicization in Ireland—Parliament, the royal courts in Dublin Castle, assize circuits—operated with a marked degree of uniformity. Knowing about but not writing about Ireland, the historian could better appreciate how much jurisdictional competition within American settlements and how mimicry and competition among the colonies served as a structural foundation for rivalries, which, depending on circumstances, could retard, reshape, or accelerate potentials for anglicization.⁸¹

Our project, though, pursues an overt comparison. One of its advantages is that it helps generate analytic categories for thinking about legal anglicization that would be underdeveloped or missing in each of our three cases studies taken in isolation. What we have termed the life cycle of anglicization would not be apparent from studying one imperial zone. Only comparison of North America, Ireland, and India shows each going through roughly similar stages of anglicization on different timelines. Contrasting the three regions at dissimilar points in time also creates the distinction between replicative anglicization (predominant in seventeenth-century Ireland and eighteenth-century America) and translational anglicization (evident in sixteenth-century Ireland, postconquest New York, and eighteenth-century India). Finally, comparison also highlights the limitations of anglicization. Seeing how specific legal policies—from religious pluralism, slavery, and “at pleasure” judicial tenure through repugnancy clauses and selective withholding of subjects’ common law “birthright”—played out across our three regions reveals legal divergences and partial de-anglicizations and raises the question of how much metropolitan law “wanted” to anglicize settlements. The analytic categories that emerge from comparison offer resources for thinking about the problem of legal anglicization, a key element of colonialism. These resources are portable and can be applied to regions beyond our three and outside the early modern period.

Anglicization is a specific case of a more general process: an empire’s extension of its legal practices to a periphery, whether internal (a region doing law in a

⁸¹ Such debates over how to think about the British Empire as a whole have been going on for some time and show no signs of subsiding. Cf. J. G. A. Pocock, “British History: A Plea for a New Subject,” *Journal of Modern History* 47 (1975): 601–21; and Steven Pincus, Tiraana Bains, and A. Zuercher Reichardt, “Thinking the Empire Whole,” *History Australia* 16 (2019): 610–37, esp. 610–11 and 633.

distinct fashion) or external (a newly conquered province or an overseas colony). Scholars investigating this process outside the English Empire might find our comparative treatment of the techniques and limits of anglicization useful as a stimulus. Rather than speaking in generalities, we will make our point by asking how consideration of anglicization recasts a long-standing research topic. The Spanish Empire's extension of legal authority over Indigenous peoples (*indios*) in the New World brings to mind, perhaps surprisingly, elements of the anglicization story visible in two of our cases, Ireland and British North America.

First, "anglicization" refers to a relative shift in British North America toward a more technical and lawyerly system of litigation responsive to English precedents and procedures. Indigenous communities in Spanish America underwent a partial Hispanicization in how they handled disputes. In conflicts with settlers and officials, Natives learned to use Spanish legal tools, from petitions and lawsuits to *amparos* (protective judicial orders), in order to protect communal lands, reduce tribute and labor exactions, and defend against the overreaching of officials. They litigated within Spanish jurisdictions to gain advantages in conflicts among ethnic groups and Andean ayllus (Indigenous communities), in disputes about succession to chieftanships, and in arguments over the extent of duties owed to Indian notables. Before the Juzgado General de Indios (General Indian Court) of Mexico, Indians repeatedly appealed to Spanish notions of *justicia* and claimed that excessive forced labor undermined their *libertad* and functionally amounted to slavery in violation of Crown law.⁸² Within their own communities, Indians used Spanish notarial models to shape their *cabildo* records, wills, and petitions, even when these were written in Native languages. This dynamic sorting and combination recalls early seventeenth-century Ireland where, for instance, the Dublin Chancery attracted a disproportionately large number of Catholic Gaels, especially women, in the process of mediating English common law and Gaelic custom.⁸³ To look at these developments comparatively is to notice that Indigenous internalization of Spanish legal concepts, what Victor Tau Anzoátegui provocatively calls

⁸² Susan Kellogg, *Law and the Transformation of Aztec Culture, 1500–1700* (Norman, OK, 1995), 13, 51; Brian Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford, CA, 2008), 20, 41–44, 88–89, 95–100, 127–28, 137–41, 157, 295–98; Steve J. Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 2nd ed. (Madison, WI, 1993), 116–19, 132–34; Yanna Yannakakis and Martina Schrader-Kniffki, "Between the 'Old Law' and the New: Christian Translation, Indian Jurisdiction, and Criminal Justice in Colonial Oaxaca," *Hispanic American Historical Review* 96 (2016): 521.

⁸³ Mary O'Dowd, "Women and the Irish Chancery Court in the Late Sixteenth and Early Seventeenth Centuries," *Irish Historical Studies* 31 (1999): 470–87; Jane Ohlmeyer, "Records of the Irish Court of Chancery: A Preliminary Report for 1627–1634," in *Mysteries and Solutions in Irish Legal History*, ed. Desmond Greer and Norma Dawson (Dublin, 2001), 15–49; and <https://voicesproject.ie/impact/blog-3-from-the-ashes-locating-women-in-irish-chancery-court-records/>.

“*mestizaje jurídico*,” resembles anglicization in an important respect.⁸⁴ For the external dimension of anglicization (the deployment of English legal technicalities by settlers hoping to press their case more effectively with imperial officials and other colonies) brought about an internal refashioning of settlers’ own legal culture as they became habituated to more lawyerly and formal English legal practices.

Second, anglicization alludes to a more “English” style of governance. North America saw the creation of more hierarchical judiciaries and the displacement of some measure of creole control by the appointment of English customs inspectors, vice-admiralty judges, and barristers in the colonial supreme courts. In Ireland, administration—structures and personnel, from the royal courts in Dublin Castle to the assize circuits—mirrored that of England where possible. Castile likewise pressed for a more intrusive governance of Indigenous communities. This occurred in stages. From the mid-sixteenth century onward, the Empire drew on models of Spanish municipal government to impose *cabildos* (local administrative councils) with *alcaldes* and *regidores* on native community units.⁸⁵ The imperial bureaucracy from the local *corregidor* (district magistrate) through the Council of the Indies scrutinized Indigenous customs and bylaws, reserving the right to eliminate native usages that violated natural law, reason, or Christian doctrine. The empire’s screening process did not extend only to usages brought before its tribunals. Crown officials interviewed Indian elders and conducted ethnographic and historical surveys in order to determine—and begin the triage of—native customs.⁸⁶ Over time, provincial and local officials intervened more extensively into Indian affairs within native communities. Subdelegates and *jueces españoles* inserted among the Yucatan Mayans and a *corregidor de los naturales* in Lima curbed arbitrary *caciques* (Indigenous nobleman) and adjudicated intra-Indian disputes that previously would have been handled by Native leaders.⁸⁷ In

⁸⁴ Victor Tau Anzoátegui, *Nuevos horizontes en el estudio historico del Derecho Indiano* (Buenos Aires, 1997), 102.

⁸⁵ Charles Gibson, *The Aztecs Under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519–1810* (Stanford, CA, 1964), 166–81; Rebecca Horn, *Postconquest Coyoacan: Nahuatl-Spanish Relations in Central Mexico, 1519–1650* (Stanford, CA, 1997), 44–85; James Lockhart, *The Nahuas After the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth Through Eighteenth Centuries* (Stanford, CA, 1992), 28–58. *Alcaldes* were municipal officials combining executive and judicial authority. *Regidores* were council members.

⁸⁶ Victor Tau Anzoátegui, *El poder de la costumbre: Estudios sobre el derecho consuetudinario en América hispana hasta la emancipación* (Buenos Aires, 2001), 134–43; Tamar Herzog, “Immemorial (and Native) Customs in Early Modernity: Europe and the Americas,” *Comparative Legal History* 9 (2021): 40–44.

⁸⁷ Nancy M. Farris, *Maya Society Under Colonial Rule: The Collective Enterprise of Survival* (Princeton, NJ, 1984), 355–66; Karen B. Graubart, *Republics of Difference: Religious and Racial Self-Governance in the Spanish Atlantic World* (New York, 2022), 143, 166–70.

Ireland, English officials scrutinized Gaelic customs as a first step toward better controlling them, most famously in the *Discovery of the True Causes* (1612) by the legal imperialist Sir John Davies. Inspired in part by Sir William Petty's political anatomy of Ireland completed in the 1670s, the Board of Trade sent questionnaires to the North American colonies asking about settler laws and customs.⁸⁸ And the board demanded transmission of statutes for Privy Council review, a proactive way of beginning the process of vetting. The development of the legal orders encompassing the Spanish American *indios*, the Irish (Gaelic and English alike), and the North American settlers shows some similarities: one sees the (partial) reordering of governing structures along metropolitan lines; a modest shift from indirect to direct rule through the appointment of officials more responsive to imperial priorities than to provincial audiences; and the screening of locally generated law, both reactively (as a by-product of litigation) and proactively (through Crown-initiated surveys).

Third and finally, anglicization refers in North America to the fading distinctiveness of the legal cultures in various colonies and their convergence toward each other and toward England. Spanish rule likewise brought about a limited convergence of the distinct Indigenous legal cultures among the Nahuas, the Yucatan Mayas, and the Andean peoples. The Spanish slowly dissolved the control that the Aztec and Inca empires and Mayan provincial officials had exercised over Indigenous villages before the conquest. Over the sixteenth and seventeenth centuries, the wide variety of local institutions that previously obtained in Mexico, the Yucatan, and the Andes were subordinated as the Spanish imposed upon native communities throughout the Americas the municipal *cabildo* with its *alcaldes*, *regidores*, and other minor officials. Like their Spanish counterparts, Indian elected officers in all of these regions came to enjoy legal authority—as a formal matter—because of their connection to the king rather than by hereditary succession.⁸⁹ As Indigenous governance withdrew from Native provincial networks to concentrate in *cabildos* with structural similarities throughout the Americas, as Indian officials traced the source of their power back to the Crown, and as native judicature and administration increasingly incorporated Spanish legal concepts and looked upward to imperial tribunals and councils for appeals and redress of grievances, the legal cultures of Nahuas, Yucatan, and Andean communities began to look more like each other, and somewhat more like Castile, than they had at the time of conquest.

To be sure, the English and Spanish Empires differed in motivation, in the reasons why they encouraged greater adherence to metropolitan law and patterns of

⁸⁸ Ted McCormick, *Mobility and Demographic Thought in the British Atlantic World, 1500–1800* (Oxford, 2022).

⁸⁹ Farriss, *Maya Society*, 148–50, 158–59; Gibson, *Aztecs*, 166–67; Owensby, *Empire of Law*, 37, 212–13, 227.

governance. The Tudors and Stuarts used law to “civilize” the Gaelic Irish and make them more English, to refashion their culture, a motivation largely absent when the Crown anglicized the legal orders of the North American settlers with an eye toward solidifying royal rule and profiting from trade regulation. The Spanish quarreled in the sixteenth century about how far Indigenous customs should be suppressed or aligned with Castilian ones. At the extremes, some jurists and priests pushed for wholesale imposition of Spanish law in place of Indigenous custom, while others advocated keeping the two communities apart as much as possible to reduce corruption and abuse of the Natives. The majority approach, adopted by the empire, committed its officials to uphold “good” Indigenous usages consistent with Christianity, reason, justice, and Crown law.⁹⁰ This dispute called into question how far the Spanish wanted to reshape Indian legal practices, unlike in the Irish case, where the Crown strongly favored making the Gaelic more English. Even as the Spanish allowed some measure of Indian custom in the civil realm—say, in inheritance practices—they demanded conversion to Christianity. The English pursued the reverse agenda in Ireland. Unusually for Europe, they reluctantly accepted that most subjects would practice a religion different than the king’s, but they worked to anglicize civic customs, especially inheritance and land-owning regimes. Furthermore, the Spanish intended the *pueblos de indios*, growing more assured in the use of metropolitan law and styles of argument, to serve as a counterweight to undue exploitation of Natives by settler *cabildos* and *encomenderos*.⁹¹ The English did not use anglicization as a form of political balancing, hoping that the Indians in North America and the Gaelic in Ireland could use newly acquired legal skills to restrain Protestant settlers.

A frank acknowledgment that the Spanish and English varied in their ambitions for and understandings of the *indios*, Gaelic and Protestant Irish, and North American settlers is consistent with our restrained claims: that in dispute resolution and governance structures these communities experienced suggestive similarities in their trajectories of legal development; and that the history of Indigenous peoples no less than Castilian settlers can establish a productive comparative dialogue with anglicization in the extended English/British Empire. Among the benefits of that dialogue is the realization that Spanish governance of Indigenous communities displayed both replicative and translational aspects, as did anglicization. The English Empire engaged in replicative anglicization when it used metropolitan law as a model for new or reordered legal systems in North America, Ireland,

⁹⁰ Woodrow Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley, CA, 1983), 27–36, 43, 54; Tau Anzoátegui, *El poder de la costumbre*, 135–42; Ricardo Zorraquín Becú, “Los derechos aborígenes,” *Revista de historia del Derecho* 14 (1986): 427–51.

⁹¹ The Spanish also intended the *alcaldes* and *regidores* elected yearly by Native residents of the *pueblo* to reduce the authority and jurisdiction of hereditary caciques. Graubart, *Republics of Difference*, 15, 139, 144, 164–65.

and India. Spain operated in a replicative mode when it created parishes and imposed upon *pueblos de indios* an administrative structure, the *cabildo*, based on Castilian municipal government. By contrast, the Spanish Empire's commitment to upholding "good" Native usages consistent with Christianity and justice but interpreting and applying these through Castilian concepts, institutions, and personnel was a translational program. Indian communities in Mexico, Yucatan, and the Andes, heirs to a wide array of preconquest customs, could make them legally effective outside their villages if Spanish officials chose to confirm and enforce them. This work of translation, of making Indian usages intelligible and acceptable as *fueros* (customs particular to a place or class of persons), occurred in the conquerors' institutions—from the viceroy and *audiencias* (provincial judicial and administrative bodies) to the church and the *cabildos* of the *pueblos de indios*. Getting officials to recognize a custom was easier if Natives could appeal to Spaniards in their familiar legal categories rather than in an alien idiom. And so Indians learned, for example, to ground prescriptive rights in "immemorial" usage; and to respond to the Spanish preference for written land records by generating *títulos primordiales*, narratives with pictures attesting to communal landowning. Spanish officials undertaking the selective recognition and reshaping inherent in legal translation reworked Native customs to align with their own notions of justice and Christian morality and to calibrate "appropriate" levels and methods of dispossession and exploitation.⁹² One would expect an empire, at least to some extent, to impose its institutions and reshape Indigenous customs. The question is how. This distinction between replication and translation—which is captured in the portrait of Castilian governing structures, including the *cabildo* in the *pueblo de indios*, providing a site for a sophisticated project of translation—adds vital detail. It also invites comparison with translational anglicization, as when the East India Company and British state filtered Hindu and Muslim customs through the alien construct of an "ancient constitution," or when English settlers tried to uphold for the Dutch their inheritance law in postconquest New York.

Throughout Europe and outside it, the core areas of states and empires have sought intermittently to extend their legal practices to newly conquered provinces and overseas colonies. Each of these efforts varied in their techniques, motivations, and life cycle; each deployed mixtures of replicative and translational strategies and was subject to limitations particular to its legal and political context; and each could appeal to historians grander or lesser in ambition and extent

⁹² Tamar Herzog, "Colonial Law and 'Native Customs': Indigenous Land Rights in Colonial Spanish America," *The Americas* 69 (2013): 303–21; Herzog, "Immemorial (and Native) Customs"; Graubart, *Republics of Difference*, 144–51; Borah, *Justice by Insurance*, 43; Yannakakis, "Old Law;" Horst Pietschmann, "Consideraciones en torno al problema del estudio del derecho indígena colonial," in *IX Congreso del Instituto Internacional de Historia del Derecho Indiano*, ed. Instituto Internacional de Historia del Derecho Indiano (Madrid, 1991), 2:7–17.

depending on the selection of baselines and framings. Our categories designed to study legal anglicization within early modern North America, Ireland, and India could frame comparative work elsewhere and at other times within the British Empire and could offer tools to those working on other empires with partially analogous forms of colonialism, such as Spanish America. In tight focus and with attention directed to its specifics, anglicization looks distinctive, even singular; but at higher levels of generality, its similarities to the experiences and challenges of other empires grow more prominent. Our project contributes to the work of charting what Jane Burbank and Frederick Cooper called “repertoires of rule,” the “multiple—but limited—solutions” to problems that empires faced in maintaining control and exploiting culturally different peoples.⁹³

⁹³ Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton, NJ, 2010), 2–3, 8, 16, 145.