

MAKING LEGAL HISTORY

Approaches and Methodologies

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The Oxford Handbook of Legal History Markus D. Dubber, Christopher Tomlins, 2018-07-26 Some of the most exciting and innovative legal scholarship has been driven by historical curiosity Legal history today comes in a fascinating array of shapes and sizes from microhistory to global intellectual history Legal history has expanded beyond traditional parochial boundaries to become increasingly international and comparative in scope and orientation Drawing on scholarship from around the world and representing a variety of methodological approaches areas of expertise and research agendas this timely compendium takes stock of legal history and methodology and reflects on the various modes of the historical analysis of law past present and future Part I explores the relationship between legal history and other disciplinary perspectives including economic philosophical comparative literary and rhetorical analysis of law Part II considers various approaches to legal history including legal history as doctrinal intellectual or social history Part III focuses on the interrelation between legal history and jurisprudence by investigating the role and conception of historical inquiry in various models schools and movements of legal thought Part IV traces the place and pursuit of historical analysis in various legal systems and traditions across time cultures and space Finally Part V narrows the Handbooks focus to explore several examples of legal history in action including its use in various legal doctrinal contexts

Comparative Legal History Olivier Moréteau, Aniceto Masferrer, Kjell A. Modéer, The specially commissioned papers in this book lay a solid theoretical foundation for comparative legal history as a distinct academic discipline While facilitating a much needed dialogue between comparatists and legal historians this research handbook examines methodologies in this emerging field and reconsiders legal concepts and institutions like custom civil procedure and codification from a comparative legal history perspective

Introduction to English Legal History John Baker, 2019-03-26 Fully revised and updated this classic text provides the authoritative introduction to the history of the English common law The book traces the development of the principal features of English legal institutions and doctrines from Anglo Saxon times to the present and combined with Baker and Milsom's Sources of Legal History offers invaluable insights into the development of the common law of persons obligations and property and also of criminal and public law It is

an essential reference point for all lawyers historians and students seeking to understand the evolution of English law over a millennium The book provides an introduction to the main characteristics institutions and doctrines of English law over the longer term particularly the evolution of the common law before the extensive statutory changes and regulatory regimes of the last two centuries It explores how legal change was brought about in the common law and how judges and lawyers managed to square evolution with respect for inherited wisdom

The Literature of American Legal History William Nelson, John Phillip Reid, 1985 Republishes articles by two senior legal historians Besides summarizing what has now become classical literature in the field it offers illuminating insight into what it means to be a professional legal historian

The Yale Law School Guide to Research in American Legal History John B. Nann, Morris L. Cohen, 2018-06-19 The study of legal history has a broad application that extends well beyond the interests of legal historians An attorney arguing a case today may need to cite cases that are decades or even centuries old and historians studying political or cultural history often encounter legal issues that affect their main subjects Both groups need to understand the laws and legal practices of past eras This essential reference is intended for the many nonspecialists who need to enter this arcane and often tricky area of research

Collected Papers on English Legal History John Baker, 2013-10-31 Over the last forty years Sir John Baker has written on most aspects of English legal history and this collection of his writings includes many papers that have been widely cited Providing points of reference and foundations for further research the papers cover the legal profession the inns of court and chancery legal education legal institutions legal literature legal antiquities public law and individual liberty criminal justice private law including contract tort and restitution and legal history in general An introduction traces the development of some of the research represented by the papers and cross references and new endnotes have been added A full bibliography of the author's works is also included

Some Lessons from Our Legal History Sir William Searle Holdsworth, 1928

The Oxford Handbook of European Legal History Heikki Pihlajamäki, Markus D. Dubber, Mark Godfrey, 2018-06-28 European law including both civil law and common law has gone through several major phases of expansion in the world European legal history thus also is a history of legal transplants and cultural borrowings which national legal histories as products of nineteenth century historicism have until recently largely left unconsidered The Handbook of European Legal History supplies its readers with an overview of the different phases of European legal history in the light of today's state of the art research by offering cutting edge views on research questions currently emerging in international discussions The Handbook takes a broad approach to its subject matter both nationally and systemically Unlike traditional European legal histories which tend to concentrate on heartlands of Europe notably Italy and Germany the Europe of the Handbook is more versatile and nuanced taking into consideration the legal developments in Europe's geographical fringes such as Scandinavia and Eastern Europe The Handbook covers all major time periods from the ancient Greek law to the twenty first century Contributors include acknowledged leaders in the field as well as rising talents representing a wide

range of legal systems methodologies areas of expertise and research agendas **interpretations of legal history** Roscoe Pound,1930 **A Companion to American Legal History** Sally E. Hadden,Alfred L. Brophy,2013-02-22 A Companion to American Legal History presents a compilation of the most recent writings from leading scholars on American legal history from the colonial era through the late twentieth century Presents up to date research describing the key debates in American legal history Reflects the current state of American legal history research and points readers in the direction of future research Represents an ideal companion for graduate and law students seeking an introduction to the field the key questions and future research ideas **Essays in Law and History for David Ibbetson** Joe Sampson,Stelios Tofaris,2024-12-12 Over the last 40 years David Ibbetson has paved the way in a remarkably broad range of fields In ancient law his scholarship has spanned both the detailed doctrine of the Roman law of obligations and the cross pollination of legal influences around the ancient Mediterranean His work on English legal history has ranged from the earliest days of the common law through to the turn of the 20th century combining forensic archival research with a sensitivity to how lawyers thought about their subject In European legal history he has shown the porousness of the civil law and the extent to which it has been shaped by other areas of intellectual life from theology to rationalist philosophy The contributions to this volume in his honour mirror both the breadth and the depth of Ibbetson s scholarship The book combines chapters from leading legal historians close colleagues and over a dozen of Ibbetson s students Some chapters build upon or respond to Ibbetson s ideas others his areas of interest The contributions are introduced by Ibbetson s valedictory lecture on the importance of legal history to modern practice and scholarship and the work yet to be done *The Oxford Encyclopedia of American Political and Legal History* ,2012-04-17 The Oxford Encyclopedia of American Political and Legal History brings together in one authoritative reference work an unparalleled wealth of information about the laws institutions and actors that have governed America throughout its history Embracing the interconnectedness of politics and law The Encyclopedia addresses all aspects of both spheres from presidents and Supreme Court justices to specifics of policy history critical legislation and party formation Entries capture the unique nature of the nation s founding principles embodied in the Constitution the expansive nature of American democracy political conflict and compromise and the emergence of the modern welfare and regulatory state all of which evince the tensions contradictions and possibilities manifest throughout America s history Clearly demonstrating how US politics and law have evolved since the colonial era The Encyclopedia encourages readers to anticipate further changes With over 450 articles by expert scholars each signed entry features numerous cross references and discussion of political and legal history as well as additional sources for further study This two volume A to Z compendium is a reference work of unparalleled depth and scope and will introduce a new generation of readers to the complexities of this dynamic field of study It also features extensive cross referencing a topical outline and a subject index *Making Legal History* Anthony Musson,Chantal Stebbings,2014-05-14 Drawing together leading legal historians from a range of jurisdictions and cultures

this collection of essays addresses the fundamental methodological underpinning of legal history research Via a broad chronological span and a wide range of topics the contributors explore the approaches methods and sources that together form the basis of their research and shed light on the complexities of researching into the history of the law By exploring the challenges posed by visual unwritten and quasi legal sources the difficulties posed by traditional archival material and the novelty of exploring the development of legal culture and comparative perspectives the book reveals the richness and dynamism of legal history research

100 Americans Making Constitutional History Melvin I. Urofsky, 2004-04-28 100 Americans Making Constitutional History A Biographical History presents 100 profiles of the key people behind some of the most important U S Supreme Court cases Edited by Melvin I Urofsky a respected constitutional historian each 2 000 word profile delves into the social and political context behind landmark Court decisions For example while a case like Brown v Board of Education is about an important idea the equal protection of the law at its heart it is the story of a little girl Linda Brown who wanted to go to a decent school near her home The outcome is accessible and objective stories about the individuals heroes and scoundrels who fought their way to constitutional history 100 Americans Making Constitutional History helps students understand the human side of the Supreme Court s decisions from the early republic to the present Each biographical profile written by a constitutional scholar or legal analyst includes a discussion about the Court decision and how the specific legal issues evolved into great constitutional questions and drama It puts a face and history to major cases by reminding the reader that there are people behind them seeking vindication of their individual liberties and civil rights Each profile includes a brief bibliography for further research Excellent for undergraduate students studying American government American history Constitutional Law and journalism Sample List of Litigants Larry Flynt Hustler Magazine Inc v Falwell 1988 Elmer Gertz Gertz v Robert Welch Inc 1974 Demetrio Rodriguez Rodriguez v San Antonio Independent School District 1973 Curt Flood Flood v Kuhn 1972 Estelle Griswold Griswold v Connecticut 1965 Linda Brown Brown v Board of Education 1954 Gordon Hirabayashi Hirabayashi v United states 1943 Eugene Debs Debs v United states 1919 William Marbury Marbury v Madison 1803

New Legal Approaches to Studying the Court of Justice Claire Kilpatrick, Joanne Scott, 2020-12-16 At the beginning of 2015 the Court of Justice opened its archives which created a new and challenging primary source for those studying the Court of Justice the dossiers de proc dure which contain much more than the contemporary documents published by the Court This volume includes five chapters which analyse the activities of the Court of Justice from a highly diverse range of non doctrinal perspectives However they also highlight significant new developments at the Court itself which attract attention and deserve analysis Thus the idea behind this volume is to make available new tools and approaches through which the activities of the Court of Justice can be studied It shows a more intense engagement with scholars across disciplines to reflect on law and courts with the Court of Justice as a central focus and new methods such as network citation analysis and sources such as the Court s archives being discovered and developed

It also shows a more intense and deeply knowledgeable engagement with EU law and the Court of Justice by non legal scholars such as the new sociologies and histories of the Court of Justice These and other new approaches have spawned productive and ongoing conversations across disciplines Interdisciplinary Comparative Law Husa, Jaakko, 2022-05-17 This is an open access title available under the terms of a CC BY NC ND 4.0 License It is free to read download and share on Elgaronline.com This insightful and timely book introduces an explanatory theory for surveying global and international politics Describing the nature and effects of democracy beyond the state Hans Agn explores peace and conflict migration politics resource distribution regime effectiveness foreign policy and posthuman politics through the lens of democratism to both supplement and challenge established research paradigms *Legal Realism to Law in Action* William Clune, 2021-12-16 This is a book of papers and interviews about innovative law school courses developed by faculty of the Wisconsin Law School from 1950 to 1970 that forged a path from legal realism to law and social science These courses took a law in action approach to the study of law which became a signature feature of the school's tradition from that time to the present day The Legal Realists of the 1920s and 30s taught that the law that mattered was the law in action as applied by ordinary officials and experienced by ordinary people But they mostly failed to get their program adopted as part of professional education alongside the study of appellate cases Only at Wisconsin thanks to a cluster of great scholar teachers in Willard Hurst Frank Remington Herman Goldstein Stewart Macaulay Bill Whitford and their collaborators has the Realist vision been fully and splendidly realized in law teaching This is the story of that thrilling experiment Robert W Gordon Professor of Law Emeritus Stanford University Chancellor Kent Professor Emeritus of Law and Legal History Yale Law School This book is a must read for anyone interested in the history of the law and society movement and the unique role that the University of Wisconsin Law School has played in that tradition In a series of essays by and interviews of current and former Wisconsin law teachers the creativity of Wisconsin's challenge to the traditional legal academy comes alive Lauren Edelman Agnes Roddy Robb Professor of Law and Professor of Sociology University of California Berkeley In a time when an increasing number of law schools characterize themselves as bastions of law in action this volume provides a bracing reminder of a more precise vision That vision was rooted in the legal realist tradition during an earlier golden age of sociolegal thought at the University of Wisconsin Law School In this important book we hear vivid accounts of the innovative law teaching during that time which took realist discoveries seriously in Contracts Legal Process Legal History and Criminal Law Elizabeth Mertz Research Professor American Bar Foundation John and Rylla Bosshard Professor Emerita UW Madison Law School

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