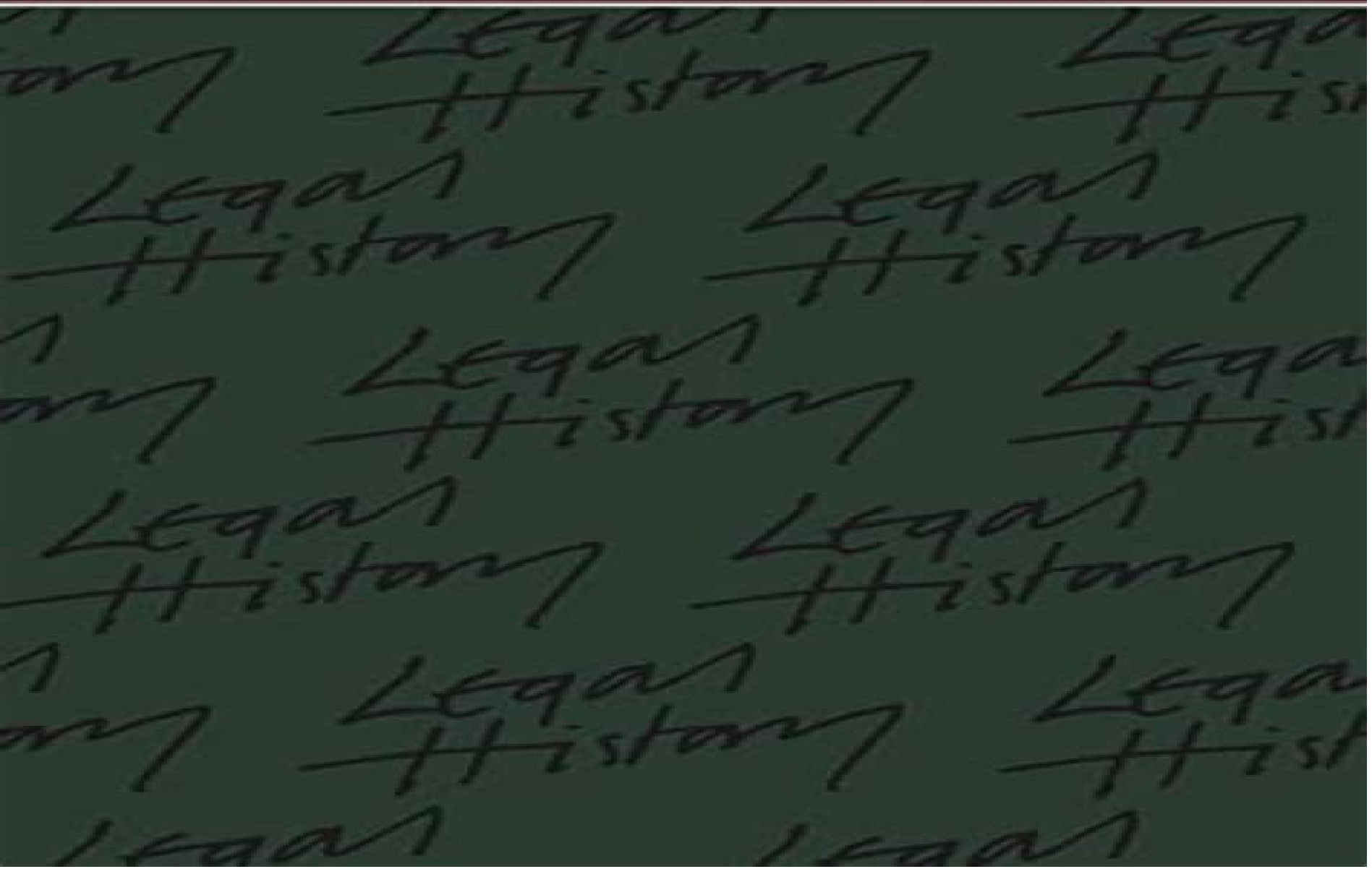


JUDGES, LEGISLATORS & PROFESSORS

R. C. VAN CAENEHEM

CHAPTERS IN EUROPEAN LEGAL HISTORY



Judges Legislators And Professors Chapters In European Legal History

Warren Swain, Sagi Peari



Judges Legislators And Professors Chapters In European Legal History:

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European Legal History Randall Lesaffer, 2009-06-25 The rediscovery of Roman law and the emergence of classical canon law around AD 1100 marked the beginnings of the civil law tradition in Europe Between the twelfth and eighteenth centuries a highly sophisticated legal science of a truly European dimension was developed Since then the different European States have developed their own national legal systems but with the exception of England and Ireland they are all heirs to this tradition of the *ius commune* This historical introduction to the civil law tradition from its original Roman roots to the present day considers the political and cultural context of Europe's legal history Political diplomatic and constitutional developments are discussed and the impacts of major cultural movements such as scholasticism humanism the Enlightenment and Romanticism on law and jurisprudence are highlighted This contextual approach makes for a fascinating story accessible to any reader regardless of legal or historical background

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

European Ways of Law Volkmar Gessner, David Nelken, 2007-10-30 Can there be such a thing as a European sociology of law The uncertainties which arise when attempting to answer that straightforward question are the subject of this book which also overlaps into comparative law legal history and legal philosophy The richness of approaches reflected in the

essays including comparisons with the US makes this volume a courageous attempt to show the present state of socio legal studies in Europe and map directions for its future development Certainly we already know something about the existence of differences in the use and meaning of law within and between the nation states and groups that make up the European Union They concern the role of judges and lawyers the use of courts patterns of delay contrasts in penal sensibilities or the meanings of underlying legal and social concepts Still similarities in legal culture are at least as remarkable in societies at roughly similar levels of political and economic development The volume should serve as a needed stimulus to a research agenda aimed at uncovering commonalities and divergences in European ways of approaching the law *Law and Revolution* Harold J. Berman, 2006-09-30 Berman's masterwork narrates the interaction of evolution and revolution in the development of Western law This volume explores two successive transformations of the Western legal tradition under the impact of the 16th century German Reformation and the 17th century English Revolution with particular emphasis on Lutheran and Calvinist influences Regional Private Laws and Codification in Europe Hector L. MacQueen, Antoni Vaquer, Santiago Espiau Espiau, 2003-10-16 Regions within European Union member states such as Scotland in the UK and Catalonia in Spain have their own legal systems how will the process of Europeanization affect them This volume examines the phenomenon of regional private law in the European Union considering jurisdictions and laws below those of the member states and drawing comparisons with other such jurisdictions elsewhere in the world such as Louisiana and Quebec The whole is considered in relation to the development of European private law and the use of codification in that process This volume will be of interest to academic lawyers worldwide advanced law students and European policy makers

Globalisation and the Western Legal Tradition David B. Goldman, 2008-02-07 What can globalisation teach us about law in the Western tradition This important new work seeks to explore that question by analysing key ideas and events in the Western legal tradition including the Papal Revolution the Protestant Reformations and the Enlightenment Addressing the role of law morality and politics it looks at the creation of orders which offer the possibility for global harmony in particular the United Nations and the European Union It also considers the unification of international commercial laws in the attempt to understand Western law in a time of accelerating cultural interconnections The title will appeal to scholars of legal history and globalisation as well as students of jurisprudence and all those trying to understand globalisation and the Western dynamic of law and authority The Foundations of European Private Law Roger Brownsword, Hans-W. Micklitz, Leone Niglia, Stephen Weatherill, 2011-09-19 There remains an urgent need for a deeper discussion of the theoretical political and federal dimensions of the European codification project While much valuable work has already been undertaken the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on going work of the various codification bodies The volume contains chapters by representatives of the Common Frame of Reference the Study Group and the Acquis Group as well as by those who have not been involved in

particular projects but who have previously commented more distantly on their work for instance those belonging to the Trento Group and the Social Justice Group The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project its theoretical political and federal foundations and the future prospects for enforcement and compliance *Elgar Encyclopedia of Comparative Law, Second Edition* J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library _ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners *The British and Their Laws in the Eighteenth Century* David Lemmings, 2005 New analysis and interpretation of law and legal institutions in the long eighteenth century Law and legal institutions were of huge importance in the governance of Georgian society legislation expanded the province of administrative authority out of all proportion while the reach of the common law and its communal traditions of governance diminished at least outside British North America But what did the rule of law mean to eighteenth century people and how did it connect with changing experiences of law in all their bewildering complexity This question has received much recent critical attention but despite widespread agreement about Law's significance as a key to unlock so much which was central to contemporary life as a whole previous scholarship has only offered a fragmented picture of the Laws in their social meanings and actions Through a broader brush approach *The British and their Laws in the Eighteenth Century* contributes fresh analyses of law in England and British settler colonies c 1680 1830 its expert contributors consider among other matters the issues of participation central local relations and the maintenance of common law traditions in the context of increasing legislative interventions and grants of statutory administrative powers Contributors SIMON DEVEREAUX MICHAEL LOBBAN DOUGLAS HAY JOANNA INNES WILFRED PREST C W BROOKS RANDALL MCGOWEN DAVID THOMAS KONIG BRUCE KERCHER [A Jurisprudence of Movement](#) Olivia Barr, 2016-02-22 Law moves whether we notice or not Set amongst a spatial turn in the humanities and jurisprudence

more specifically this book calls for a greater attention to legal movement in both its technical and material forms Despite various ways the spatial turn has been taken up in legal thought questions of law movement and its materialities are too often overlooked This book addresses this oversight and it does so through an attention to the materialities of legal movement Paying attention to how law moves across different colonial and contemporary spaces this book reveals there is a problem with common law s place Primarily set in the postcolonial context of Australia although ranging beyond this nationalised topography both spatially and temporally this book argues movement is fundamental to the very terms of common law s existence How then might we move well Explored through examples of walking and burial this book responds to the challenge of how to live with a contemporary form of colonial legal inheritance by arguing we must take seriously the challenge of living with law and think more carefully about its spatial productions and place making activities Unsettling place this book returns the question of movement to jurisprudence

Definition in the Criminal Law Andrew

Halpin,2004-10 This book investigates the role and scope of definition in criminal law the nature of legal materials and the diversity of perspectives on law

Succession Law, Practice and Society in Europe across the Centuries Maria

Gigliola di Renzo Villata,2018-03-19 This book presents a broad overview of succession law encompassing aspects of family law testamentary law and legal history It examines society and legal practice in Europe from the Middle Ages to the present from both a legal and a sociological perspective The contributing authors investigate various aspects of succession law that have not yet been thoroughly examined by legal historians and in doing so they not only add to our knowledge of past succession law but also provide a valuable key to interpreting and understanding current European succession law Readers can explore such issues as the importance of a father s permission to marry in relation to disinheritance as well as inheritance transactions and private dynastic and cross border successions Further themes addressed by the expert contributors include women s inheritance rights the laws of succession for the prince in legal consulting and succession in the Rota Romana s jurisprudence

Comparative Constitutional Reasoning András Jakab,Arthur Dyevre,Giulio

Itzcovich,2017-04-27 A large scale comparative work of leading cases examines judicial constitutional reasoning in eighteen different legal systems globally

Networking the Rule of Law Cristina Dallara,Daniela Piana,2016-04-22

Judicial networks have proved effective in influencing recent judicial policies enacted by both old and new EU member states However this influence has not been standard This volume seeks to improve our understanding of how networks function as well as the extent they matter in the governance of a constitutional democracy The authors examine the judicial function of networks the way they cross the legal and territorial borders that confine the jurisdiction of the domestic institutions and whether or not they are independent of the capacity and the leadership of their members A highly salient issue in contemporary law and politics judicial networks are now qualified actors of governance With the aim to understand how to what extent and with what consequences networks interact with hierarchical institutions that still exist within the States this book is essential

reading for legal experts policy makers engaged in promoting the rule of law members of the judicial networks in the EU and extra EU countries as well as academics and students **The Struggle for European Private Law** Leone

Niglia,2015-03-26 The European codification project has rapidly gathered pace since the turn of the century This monograph considers the codification project in light of a series of broader analytical frameworks comparative historical and constitutional which make modern codification phenomena intelligible This new reading across fields renders the European codification project currently being promoted through the Common Frame of Reference and the Optional Sales Law Code proposal vulnerable to constitutionally grounded criticism traceable to normative considerations of private law authority and legitimacy Arguing that modern codification phenomena are more complex than positivist socio legal and historical approaches have suggested over the past two centuries the book stages a pathbreaking method of analysis of the law discourse nomos centred which questions at once the reduction of private law to legislation and of law to power and on this basis redefines the ways in which to counter law s disintegration and crisis in the context of Europeanisation Professor Niglia reconstructs the European codification project as a complex structure of government in the making that embodies a set of contingent world views excludes alternatives challenges the plurality of private laws and entrenches conflicts that pertain not only to form codification de codification recodification but also to dilemmas implicated in determining the substantive orientation of European private law The book investigates the position of the codifiers and their discontents in the shadow of the codification strategy pursued by the European Commission noting a new turn in the struggle over the configuration of private law which has taken place since the Savigny Thibaut dispute of 1814 which this book critically revisits exactly two centuries later This monograph is particularly aimed at readers interested in exploring the complexities and interconnections of the supposedly separate realms of comparative law European law private law legal history constitutional law sociology of law and last but not least legal theory and jurisprudence *Law and Religion in Europe* Norman Doe,2011-08-04 A

comparative introduction for students on the national laws governing religion in Europe this book examines national laws particularly as they affect the attitudes of states towards religion religious freedom and discrimination and the legal position and autonomy of religious organizations **Rethinking Unjust Enrichment** Warren Swain,Sagi Peari,2024-01-07 This inter disciplinary volume brings together scholars from across the globe to challenge the dominant position of unjust enrichment and suggest more satisfactory alternatives Rethinking Unjust Enrichment includes a broad range of voices from the UK US Australia Canada China Singapore Germany Ireland New Zealand Hong Kong and South America The book includes voices of sceptics who think that the current unjust enrichment doctrine must be seriously qualified and others who think that it should be eliminated altogether The contributions cast doubt on the various parameters of unjust enrichment from an analytical standpoint representing four interrelated perspectives history sociology doctrine and theory The four limb structure of the book provides readers with a clear understanding of the current problems of unjust enrichment at the

deepest levels of its history sociological forces doctrinal fallacies and normative deficiencies This treatment of the subject serves as the basis for a comprehensive reform across jurisdictions Comprehensive and multi faceted Rethinking Unjust Enrichment is interesting to both sceptics and supporters of the unjust enrichment It facilitates a critical and constructive dialogue between the two *Jurists and Judges* Neil Duxbury,2001-03 Jurists and Judges examines the nature of academic influence and particularly the influence of juristic commentary on judicial decision making Focusing on three legal systems its author argues that inter jurisdictional comparisons of juristic influence are often simplistic and inattentive to problems of incommensurability The centrepiece of the study is a detailed chapter offering a nuanced history of juristic influence in England All academic lawyers who reflect upon the history and objectives of their profession who in other words wonder what it is that they are about will profit from reading this most informative and engaging book An Historical Introduction to Western Constitutional Law R. C. van Caenegem,1995-03-23 Professor van Caenegem s new book addresses fundamental questions of constitutional organization democracy versus autocracy unitary versus federal organization pluralism versus intolerance by analyzing different models of constitutional government through a historical perspective The approach is chronological constitutionalism is explained as the result of many centuries of trial and error through a narrative that begins in the early Middle Ages and concludes with contemporary debates focusing on Europe the United States and the Soviet Union

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