Islam and Political-Cultural Europe

This book explores the development of law in Europe from its medieval origins to the present day, charting the transformation from law rooted in the Church and local community towards a recognition of the centralised, secular authority of the state. Shows how these changes reflect the wider political, economic, and cultural developments within European history. Demonstrates the diversity of traditions between European states and the possibilities and limitations in the search for common European values and goals.

The Oxford Handbook of European Legal History

This historical introduction to the civil law tradition considers the political and cultural context of Europe’s legal history from its Roman roots. 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.

Regional History as Cultural Identity

Roman Law: An Introduction offers a clear and accessible introduction to Roman law for students of any legal tradition. In the thousand years between the Law of the Twelve Tables and Justinian’s massive Codification, the Romans developed the most sophisticated and comprehensive secular legal system of Antiquity, which remains at the heart of the civil law tradition of Europe, Latin America, and some countries of Asia and Africa. Roman lawyers created new legal concepts, ideas, rules, and mechanisms that most Western legal systems still apply. The study of Roman law thus facilitates understanding among people of different cultures by inspiring a kind of legal common sense and breadth of knowledge. Based on over twenty-five years’ experience teaching Roman law, this volume offers a comprehensive examination of the subject, as well as a historical introduction which contextualizes the Roman legal system for students who have no familiarity with Latin or knowledge of Roman history. More than a compilation of legal facts, the book captures the defining characteristics and principal achievements of Roman legal culture through a millennium of development.

The Common Legal Past of Europe, 1000–1800

This volume provides a comprehensive analysis of civil liability for invasion of personality interests in Europe. It is the final product of the collaboration of twenty-seven scholars and includes case studies of fourteen European jurisdictions, as well as an introductory chapter written from a US perspective. The case studies focus in particular on the legal protection of honour and reputation, privacy, self-determination and image. This volume aims to detect hidden similarities (the ‘common core’) in the actual legal treatment accorded by different European countries to personal interests which in some of these countries qualify as ‘personality rights’, and also to detect hidden disparities in the ‘law in action’ of countries whose ‘law in the books’ seem to protect one and the same personality interest in the same way.

A Usable Past

The cultural borders of Europe are today more visible than ever, and with them comes a sense of uncertainty with respect to liberal democratic traditions: whether treated as abstractions or concrete realities, cultural divisions challenge concepts of legitimacy and political representation as well as the legal bases for citizenship. Thus, an understanding of such borders and their consequences is of
utmost importance for promoting the evolution of democracy. Cultural Borders of Europe provides a wide-ranging exploration of these lines of demarcation in a variety of regions and historical eras, providing essential insights into the state of European intercultural relations today.

**Politics and the Histories of International Law**

Written by one of the leading academics specialising in European law and legal theory, A Critical Introduction to European Law explains the history and institutional framework of European Union law to students and scholars. Through the inclusion of commentaries on successive drafts of the Constitutional and Lisbon treaties, and discussion of recent developments such as the Turkish application, this third edition explores the evolving role of the EU in international and global politics. A consciously interdisciplinary approach, which draws on a variety of materials from political and legal thought, social theory, economic analysis, literature, history and cultural studies, is deployed to make the present state of Union law comprehensible.

**Personality Rights in European Tort Law**

This book explores the issue of migrants, Muslims, integration and citizenship in Europe.

**Cultural Property Law and Restitution**

**Judges, Legislators and Professors**

This historical introduction to the civil law tradition considers the political and cultural context of Europe's legal history.

**Gender, Law and Material Culture**

This book uses the philosophy of Thomas Kuhn to provide a new vision of the development of European comparative law that will challenge and inspire scholars in the field. With the 'empathic' use of some ideas from Kuhn's theories on the history of science – paradigm, paradigm-shift, puzzle-solving research and incommensurability – the book rethinks the modern history of European comparative law from the late 19th century to the modern day. It argues that three major paradigms determine modern comparative law: - historical and comparative jurisprudence, - droit comparé, and - post-World War II comparative law. It concludes that contemporary methodological trends are not signs of a paradigm-shift toward a postmodern and culturalist understanding of comparative law, but that the new approach spreads the idea of methodological plurality.

**Law, History, the Low Countries and Europe**

The Twelve Years Truce covers the legal history of a crucial text in the formation of the Republic of the Northern Netherlands as a sovereign power and highlights its significance in the formation of the early modern laws of war and peace.

**Proportionality and Constitutional Culture**

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.

**Paradigms in Modern European Comparative Law**

This book provides an overview of the developments in family law in Europe during the last two millennia. It aims to examine the so-called 'cultural constraints argument', which suggests that family law is
unsuitable for harmonisation because the family laws of the European countries are deeply imbedded in their unique national cultures and history. It follows the path of the greatest-ever harmonisation event in European legal history: the creation of the medieval canon family law, and shows how, under the impact of pan-European economic, cultural and ideological trends, medieval uniformity turned into present-day diversity. Everywhere in Europe the evolution of family law generally followed the same pattern - from a traditional restrictive family law, built upon communitarian, transpersonal premises, to a more permissive family law, based upon modern personalistic ideology - yet national differences seem not to be disappearing. It appears, however, that this has little to do with the embedding of family law in unique national cultures and history. It is the differences in the balance of political power between the proponents and the opponents of the ongoing modernisation of family law that make the various countries respond to the pan-European challenges in dissimilar ways.

West-Eastern European studies

Cultural expertise in the form of expert opinions formulated by social scientists appointed as experts in the legal process is not different from any other kind of expertise in court. In specialised fields of law, such as native land titles in America and in Australia, the appointment of social scientists as experts in court is a consolidated practice. This Special Issue focuses on the contemporary evolution and variation of cultural expertise as an emergent concept providing a conceptual umbrella for a variety of evolving practices, which all include use of the specialised knowledge of social sciences for the resolution of conflicts. It surveys the application of cultural expertise in the legal process with an unprecedented span of fields ranging from criminology and ethnospsychiatry to the recognition of the rights of autochthone minorities including linguistic expertise, and modern reformulation of cultural rights. In this Special Issue, the emphasis is on the development and change of culture-related expert witnessing over recent times, culture-related adjudication, and resolution of disputes, criminal litigation, and other kinds of court and out-of-court procedures. This Special Issue offers descriptions of judicial practices involving experts in local laws and customs and surveys of the most frequent fields of expert witnessing that are related with culture; interrogates who the experts are, their links with local communities, and also with the courts and the state power and politics; how cultural expert witnessing has been received by judges; how cultural expertise has developed across the sister disciplines of history and psychiatry; and eventually, it asks whether academic truth and legal truth are commensurable across time and space.

Cultural History of Early Modern European Streets

This is the first book that directly addresses the cultural history of the legal profession. An international team of scholars canvasses wide-ranging issues concerning the culture of the legal profession and the wider cultural significance of lawyers, including consideration of the relation to cultural processes of state formation and colonisation. The essays describe and analyse significant aspects of the cultural history of the legal profession in England, Canada, Australia, France, Germany, Italy, Sweden, Switzerland, Norway and Finland. The book seeks to understand the complex ways in which lawyers were imaginatively and institutionally constructed, and their larger cultural significance. It illustrates both the diversity and the potential of a cultural approach to lawyers in history. Contents: Introduction and Overview; Part I The Formation of Lawyers; Part II Lawyers and the Liberal State; Part III Work and Representations; Part IV Lawyers and Colonialism Contributors: David Applebaum, Professor of History, Rowan University, Glassboro, NJ; Harold Dick, Barrister and Solicitor, City of Winnipeg, Manitoba, Canada; Ann Fidler, Assistant Professor and Dean, History Department, Honors Tutorial College, Ohio University; Jean-Louis Halperin, University of Bourgogne, CNRS; Esa Konttinen, Senior Lecturer of Sociology, University of Jyväskyla, Finland; David Lemmings, Associate Professor of History, University of Newcastle, Australia; Anne McGillivray, Professor of Law, University of Manitoba, Canada; Rob McQueen, Professor of Law, Victoria University, Melbourne, Australia; Kjell A Modeer, Lund University, Sweden; W. Wesley Pue, Nemetz Chair in Legal History, Faculty of Law, University of British Columbia; John Savage, Assistant Professor, History Department, Lehigh University; Hannes Siegrist, Professor of Modern European History, University of Leipzig; David Sugarman, Professor of Law, Law School, Lancaster University.

Roman Law

Roman law forms a vital part of the intellectual background of many legal systems currently in force in Continental Europe, Latin America, East Asia and other parts of the world. Knowledge of Roman law, therefore, constitutes an essential component of a sound legal education as well as the education of the student of history. This book begins with a historical introduction, which traces the evolution of Roman law from the earliest period of Roman history up to and including Justinian’s codification in the sixth century AD. Then follows an exposition of the principal institutions of Roman private law: the body of rules and principles relating to individuals in Roman society and regulating their personal and proprietary relationships. In this part of the book special attention is given to the Roman law of things, which forged the foundations for much of the modern law of property and obligations in European legal systems. Combining a law specialist’s informed perspective with a historical and cultural focus, the book provides an accessible source of reference for students and researchers in many diverse fields of legal and historical learning.

Good Neighbourliness in the European Legal Context

In urban life, streets are elemental, but urban history seldom places them centre stage. It tends to view them as mere backdrops for events or social relations, or to study them as material constructions, the
fruit of urban planning, but largely vacant of inhabitants. Examining people and streets in tandem, the contributors to this volume strive towards more integrated urban history. They discuss the social and political processes of early modern street life, and the discursive play in which streets figured. Six chapters, based in Sweden–Finland, England, Portugal, Italy, and Transylvania, discuss the subtle interplay of the material and immaterial, public and private, planned order and versatility, spontaneous invention, control and resistance a “all matters central to how streets worked. Contributors are Emese Bálint, Maria Helena Barreiros, Elizabeth S. Cohen, Thomas V. Cohen, Alexander Cowan, Anu Korhonen, Riitta Laitinen, and Dag Lindström.

The Twelve Years Truce (1609)

R.C. Van Caenegem is the successor of Henri Pirenne and of F.L. Ganshof at the University of Ghent. These essays reflect Van Caenegem’s main interests over his career: the Common Law in England and Customary Law in the Low Countries; the differences between institutional development in England and in the rest of Europe; and the forces making for autocratic as opposed to representative government. A number of pieces discuss the nature of history itself: how it compares with the sciences and what it can teach us. Two essays commemorate the lives and work of Pirenne and Ganshof.

Cultural Borders of Europe

Examination of divergence of continental and common law by one of the world’s foremost legal historians.

The Oxford Handbook of Law and Humanities

With a vigor and passion rarely found in a scholarly text, Manlio Bellomo has written a broad history of the western European legal tradition. It is now made available to an English-speaking audience in an elegant and lucid translation from the original Italian.

Handbook of European Intelligence Cultures

This book equips both lawyer and historian with a complete history of Roman law, from its beginnings c.500BC through to its re-discovery in Europe where it was widely applied until the eighteenth century. Including bibliographic references and organised accessibly by historical era, this book is an excellent introduction to the history of Roman law for students of both law and ancient history. - Taken from back cover.

Lawyers and Vampires

Islam and Political-Cultural Europe identifies the sometimes confusing and often contentious new challenges that arise in daily life and institutions as Islam settles deeper into Europe. Critiquing past and recent assimilation efforts in the fields of education, finance, and security, the contributors offer prospective solutions to diverse contemporary problems. Exploring the interactions of Muslim, Christian and secular cultures in the context of highly pluralized contemporary European societies, this book offers a valuable tool for those within and outside Europe seeking to understand the far-reaching implications of combining cultures, the struggles of the Muslim-Christian-secular transition, and the progress which the future promises.

Cultural Expertise

Partly because its colonial settlements were tiny, remote, and inconsequential, the early history of Arkansas has been almost entirely neglected. Even Arkansas Post, the principal eighteenth-century settlement, served mainly as a temporary place of residence for trappers and voyageurs. It was also an entrepot for travelers on the Mississippi—a place to be while on the way elsewhere. Only a very few inhabitants, true agricultural settlers, ever established themselves a or around the Post. For most of the eighteenth century, Arkansas’s non-Indian population was less than one hundred, and never much exceeded five or six hundred. Its European residents of that era, mostly French, have left virtually no physical trace: the oldest buildings and the oldest marked graves in the state date from the 1820s. Drawing on original French and Spanish archival sources, Morris Arnold chronicles for the first time the legal institutions of colonial Arkansas, the attitude of its population towards European legal ideas as were current in Arkansas when Louisiana was transferred to the United States in 1803. Because he views the clash of legal traditions in the upper reaches of the Jefferson’s Louisiana as part of a more general cultural conflict, Arnold closely examines the social and economic characteristics of Arkansas’s early residents in order to explain why, following the American takeover, the common law was introduced into Arkansas with such relative ease.
Harmonisation of Family Law in Europe: a Historical Perspective

National intelligence cultures are shaped by their country's history and environment. Featuring 32 countries (such as Albania, Belgium, Croatia, Norway, Latvia, Montenegro), the work provides insight into a number of rarely discussed national intelligence agencies to allow for comparative study, offering hard to find information into one volume. In their chapters, the contributors, who are all experts from the countries discussed, address the intelligence community rather than focus on a single agency. They examine the environment in which an organization operates, its actors, and cultural and ideological climate, to cover both the external and internal factors that influence a nation's intelligence community. The result is an exhaustive, unique survey of European intelligence communities rarely discussed.

Comparative Legal History

While the internationalisation of society has stimulated the emergence of common legal frameworks to coordinate transnational social relations, private law itself is firmly rooted in national law. European integration processes have altered this state of affairs to a limited degree with a few, albeit groundbreaking, interventions that have tended to engender resistance from various actors within European nation-states. Against that background, this book takes as its point of departure the need to understand the process of legal denationalisation within broader political frameworks. In particular it seeks to make sense of opposition to Europeanisation at this point in the evolution of European law when, despite growing nationalist attitudes, great efforts have been made to produce comprehensive legal instruments to synthesise general contract law - an area that has traditionally been solely within the ambit of nation-states. Combining insights from the disciplines of law, history and political science, the book investigates the conceptual and cultural associations between law and the nation-state, examines the impact of nationalist ideas in modern legal thought and reveals the nationalist underpinnings of some of the arguments employed against and, somewhat paradoxically, even in support of legal Europeanisation. The author's research for this book has been supported by the Hague Institute for the Internationalisation of Law.

European Multiculturalisms

This book delves into the substance and legal nature of the good neighbourly relations principle established in public international law and traces its interpretation and application in various fields of EU law.

European Legal History

This invaluable book, for the first time, brings together the international and European Union legal framework on cultural property law and the restitution of cultural property. Drawing on the author's extensive experience of international disputes, it provides a very comprehensive and useful commentary. Theories of cultural nationalism and cultural internationalism and their founding principles are explored. Irini Stamatoudi also draws on soft law sources, ethics, morality, public feeling and the role of international organisations to create a complete picture of the principles and trends emerging today.

Print Culture and Peripheries in Early Modern Europe

This volume offers a critical inquiry into the ever-evolving notion of cultural heritage and the way it has been made accessible, governed, and protected by the institutional, operational, and legal structures of the European Union.

Law and Custom in Korea

What is the current state of discussion in Cultural History? Which European institutions engage exclusively in Cultural History and which topics do they address? And how will Cultural History develop in the future? These and other questions are raised by European scholars in the discussion of Institutions, Themes and Perspectives of Cultural History in this volume. It provides a profound overview of contemporary developments in Scandinavia, Finland, Great Britain, Latvia, Poland, Hungary, Austria, Switzerland, Germany, Italy and Spain.

European Legal History
This book brings together 18 contributions by authors from different legal systems and backgrounds. They address the political implications of the writing of the history of legal issues ranging from slavery over the use of force and extraterritorial jurisdiction to Eurocentrism.

Cultural History in Europe

Although the most important constitutional doctrine worldwide, a thorough cultural and historical examination of proportionality has not taken place until now. This comparison of proportionality with its counterpart in American constitutional law - balancing - shows how culture and history can create deep differences in seemingly similar doctrines. Owing to its historical origin in Germany, proportionality carries to this day a pro-rights association, while the opposite is the case for balancing. In addition, European legal and political culture has shaped proportionality as intrinsic to the state's role in realizing shared values, while in the United States a suspicion-based legal and political culture has shaped balancing in more pragmatic and instrumental terms. Although many argue that the USA should converge on proportionality, the book shows that a complex web of cultural associations make it an unlikely prospect.

A Legal History of Rome

The essays assembled here represent forty years of reflection about the European cultural past by an eminent historian. The volume concentrates on the Renaissance and Reformation, while providing a lens through which to view problems of perennial interest. A Usable Past is a book of unusual scope, touching on such topics as political thought and historiography, metaphysical and practical conceptions of order, the relevance of Renaissance humanism to Protestant thought, the secularization of European culture, the contributions of particular professional groups to European civilization, and the teaching of history. The essays in A Usable Past are unified by a set of common concerns. William Bouwsma has always resisted the pretensions to science that have shaped much recent historical scholarship and made the work of historians increasingly specialized and inaccessible to lay readers. Following Friedrich Nietzsche, he argues that since history is a kind of public utility, historical research should contribute to the self-understanding of society.

A Critical Introduction to European Law

How does materiality matter to legal scholarship? What can affect studies offer to legal scholars? What are the connections among visual studies, art history, and the knowledge and experience of law? What can the disciplines of book history, digital humanities, performance studies, disability studies, and post-colonial studies contribute to contemporary and historical understandings of law? These are only some of the important questions addressed in this wide-ranging collection of law and humanities scholarship. Collecting 45 new essays by leading international scholars, The Oxford Handbook of Law and Humanities showcases the work of law and humanities across disciplines, addressing methods, concepts and themes, genres, and areas of the law. The essays explore under-researched domains such as comics, videos, police files, form contracts, and paratexts, and shed new light on traditional topics, such as free speech, intellectual property, international law, indigenous peoples, immigration, evidence, and human rights. The Handbook provides an exciting new agenda for scholarship in law and humanities, and will be essential reading for anyone interested in the intersections of law and humanistic inquiry.

Nationalism and Private Law in Europe

This book brings together scholars to reflect upon the significance and meaning of local and regional history, focusing on how these histories impact people's cultural identity through traditions, culture, language, and politics. Scholars from all over the world analyze the process of communal identity construction - the feeling of belonging to one state or nation regardless of one's legal citizenship status - by focusing on case studies from North America, South America, Africa, and Europe. By analyzing the cultural and social aspects of community formation through language, religion, symbols, politics, race, and blood ties, these papers reveal that national identity, rather than being an inborn trait, is more often a result of the presence of common elements in the daily lives of individuals.

Cultural Heritage in the European Union

This interdisciplinary volume discusses the division of the early modern material world into the important legal, economic, and personal categories of mobile and immobile property, possession, and the rights to usufruct. The chapters describe and compare different modes of acquisition and intergenerational transfer via law and custom. The varying perspectives, including cultural history, legal history, social and economic history, philosophy, and law, allow for a more nuanced understanding of the links between the movability of an object and the gender of the person who owned, possessed, or used it. Case studies and examples come from a wide geographical range, including Norway, England, Scotland, the Holy Roman Empire, Italy, Tyrol, the Ottoman Empire, Greece, Romania, and the European colonies in Brazil and Jamaica. By covering both urban and rural areas and exploring all social groups, from ruling elites to the lower strata of society, the chapters offer fresh insight into the division of
mobile and immobile property that socially and economically posed disadvantages for women. By exploring a broad scope of topics, including landownership, marriage contracts, slaveholding, and the dowry, this book is an essential resource for both researchers and students of women's history, social and economic history, and material culture.

**Fundamentals of Roman Private Law**

Building on earlier work in the anthropology of law and taking a critical stance toward it, June Starr and Jane F. Collier ask, “Should social anthropologists continue to isolate the ‘legal’ as a separate field of study?” To answer this question, they confront critics of legal anthropology who suggest that the subfield is dying and advocate a reintegration of legal anthropology into a renewed general anthropology. Chapters by anthropologists, sociologists, and law professors, using anthropological rather than legal methodologies, provide original analyses of particular legal developments. Some contributors adopt an interpretative approach, focusing on law as a system of meaning; others adopt a materialistic approach, analyzing the economic and political forces that historically shaped relations between social groups. Contributors include Said Armir Arjomand, Anton Blok, Bernard Cohn, George Collier, Carol Greenhouse, Sally Falk Moore, Laura Nader, June Nash, Lawrence Rosen, June Starr, and Joan Vincent.

**A Cultural History of Law in the Early Modern Age**

Opened up by the revival of Classical thought but riven by the violence of the Reformation and Counter Reformation, the terrain of Early Modern law was constantly shifting. The age of expansion saw unparalleled degrees of internal and external exploration and colonization, accompanied by the advance of science and the growing power of knowledge. A Cultural History of Law in the Early Modern Age, covering the period from 1500 to 1680, explores the war of jurisdictions and the slow and contested emergence of national legal traditions in continental Europe and in Britannia. Most particularly, the chapters examine the European quality of the Western legal traditions and seek to link the political project of Anglican common law, the mos britannicus, to its classical European language and context. Drawing upon a wealth of textual and visual sources, A Cultural History of Law in the Early Modern Age presents essays that examine key cultural case studies of the period on the themes of justice, constitution, codes, agreements, arguments, property and possession, wrongs, and the legal profession.

**History and Power in the Study of Law**

This book sets forth the evolution of Korea’s law and legal system from the Chosǒn dynasty through the colonial and postcolonial modern periods. This is the first book in English that comprehensively studies Korean legal history in comparison with European legal history, with particular emphasis on customary law. Korea’s passage to Romano-German civil law under Japanese rule marked a drastic departure from its indigenous legal tradition. The transplantation of modern civil law in Korea was facilitated by Japanese colonial jurists who created a Korean customary law; this constructed customary law served as an intermediary regime between tradition and the demands of modern law. The transformation of Korean law by the forces of Westernisation points to new interpretations of colonial history and presents an intriguing case for investigating the spread of law on a global level. In-depth discussions of French customary law and Japanese legal history also provide a solid conceptual framework suitable for comparing European and East Asian legal traditions.

**A History of European Law**

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.

**Unequal Laws Unto a Savage Race**

This volume seeks to enhance our understanding of printing and the book trade in small and peripheral European cities in the 15th and 16th centuries through a number of specific case studies.