## COMMON LAW, CIVIL LAW, AND

Common Law, Civil Law, and Colonial Law builds upon the legal historian F. W. Maitland's famous observation that history involves comparison, and that those who ignore every system but their own 'hardly came in sight of the idea of legal history'. The extensive introduction addresses the intellectual challenges posed by comparative approaches to legal history. This is followed by twelve essays derived from papers delivered at the 24th British Legal History Conference. These essays explore patterns in legal norms, processes, and practice across an exceptionally broad chronological and geographical range. Carefully selected to provide a network of inter-connections, they contribute to our better understanding of legal history by combining depth of analysis with historical contextualization. This title is also available as Open Access on Cambridge Core.

WILLIAM EVES is a Research Fellow at the University of St Andrews. He has published on law and legal procedure in England during the twelfth and thirteenth centuries.

JOHN HUDSON is Professor of Legal History at the University of St Andrews and an L. Bates Lea Global Law Professor at Michigan Law. His books include *The Formation of the English Common Law* (expanded edn., 2017) and *The Oxford History of the Laws of England, II: 871-1216* (2012). He is a Fellow of the British Academy.

INGRID IVARSEN is a Junior Research Fellow at Emmanuel College, University of Cambridge. She has published on language and law in Anglo-Saxon England.

SARAH B. WHITE is a Research Fellow at the University of St Andrews. She has published on ecclesiastical and legal history, specifically argument and procedure, in England in the twelfth and thirteenth centuries. She is a Fellow of the Higher Education Academy.

## COMMON LAW, CIVIL LAW, AND COLONIAL LAW

# Essays in Comparative Legal History from the Twelfth to the Twentieth Centuries

### Edited by

WILLIAM EVES

University of St Andrews, Scotland

JOHN HUDSON

University of St Andrews, Scotland

INGRID IVARSEN

University of Cambridge

SARAH B. WHITE

University of St Andrews, Scotland



#### CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi - 110025, India

79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781108845274

DOI: 10.1017/9781108955195

© Cambridge University Press 2021

This work is in copyright. It is subject to statutory exceptions and to the provisions of relevant licensing agreements; with the exception of the Creative Commons version the link for which is provided below, no reproduction of any part of this work may take place without the written permission of Cambridge University Press.

An online version of this work is published at doi.org/10.1017/9781108955195 under a Creative Commons Open Access license CC-BY-NC-ND 4.0 which permits re-use, distribution and reproduction in any medium for non-commercial purposes providing appropriate credit to the original work is given. You may not distribute derivative works without permission. To view a copy of this license, visit https://creativecommons.org/licenses/by-nc-nd/4.0

All versions of this work may contain content reproduced under license from third parties.

Permission to reproduce this third-party content must be obtained from these third-parties directly.

When citing this work, please include a reference to the DOI 10.1017/9781108955195

First published 2021

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Names: British Legal History Conference (24th : 2019 : University of St. Andrews) | Eves, William, 1985–editor. | Hudson, John, 1962–editor. | Ivarsen, Ingrid, 1989–editor. | White, Sarah B., 1990–editor.

Title: Common law, civil law, and colonial law: essays in comparative legal history from the twelfth to the twentieth centuries / edited by William Eves, John Hudson, Ingrid Ivarsen, Sarah B. White.

Description: New York : Cambridge University Press, 2021. | Includes index.

Identifiers: LCCN 2020049616 (print) | LCCN 2020049617 (ebook) | ISBN 9781108845274 (hardback) | ISBN 9781108925129 (paperback) | ISBN 9781108955195 (epub)

Subjects: LCSH: Comparative law-History-Congresses. | Common law-History-Congresses. | Civil law-History-Congresses. | Colonies-Law and legislation-History-Congresses.

Classification: LCC K561 .B75 2019 (print) | LCC K561 (ebook) | DDC 340/.209-dc23

LC record available at https://lccn.loc.gov/2020049616 LC ebook record available at https://lccn.loc.gov/2020049617

ISBN 978-1-108-84527-4 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.