

An
Introduction
to
ENGLISH
LEGAL
HISTORY

J. H. Baker

Butterworths

An Introduction To English Legal History Baker

Christian Witting



An Introduction To English Legal History Baker:

An Introduction to English Legal History John Hamilton Baker, 1979 **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 **Öffentlichkeit und Geheimhaltung im**

Verwaltungsprozess Anton Trossbach, 2019-07-22 Im Verwaltungsprozess treffen grundrechtlich gesicherte Geheimhaltungs und Öffentlichkeitsinteressen aufeinander Dabei handelt es sich nicht um eine über die Grenzen des Nationalstaates hinausgehende Konfliktlage Im deutschen Verwaltungsprozess erfolgt zur Losung dieses Gegensatzes ein geheimes Zwischenverfahren in dem über die Offenlegung streitgegenständlicher Informationen entschieden wird sog in camera Verfahren Diese Konzeption ist insbesondere bei mehrpoligen Streitverhältnissen und Informationszugangsansprüchen auf Kritik gestossen Anton Trossbach vergleicht das in camera Verfahren mit dem äquivalenten Konfliktlosungsmechanismus im englischen Judicial Review Zudem diskutiert er ob eine Übernahme bestimmter Konfliktlosungsmechanismen aus dem englischen Recht möglich ist Abschliessend entwirft er einen Vorschlag für eine gesetzgeberische Neufassung **Die Streitsache im deutschen und englischen Zivilverfahren** Hendrik Albrecht, 2013

English summary In order to conduct civil proceedings sensibly the parties concerned have to know exactly what they are disputing about Hendrik Albrecht studies the interpretation of the matter in dispute in English civil proceedings and then compares it to German law and the development in European law German description Um ein Zivilverfahren sinnvoll führen zu können müssen die Parteien wissen worüber sie genau streiten Hendrik Albrecht untersucht mit welchen Mechanismen englische Juristen den Inhalt ihres Rechtsstreits bestimmen und Klagen voneinander abgrenzen Hierfür nutzt Hendrik Albrecht den dogmatisch unvorbelasteten Begriff der Streitsache Er erklärt unterschiedliche Vorgehensweisen bei der Bestimmung der Streitsache aus der historischen Entwicklung des deutschen und englischen Rechts heraus und analysiert die Lösungen für das sich anschliessende Problem dass es keine mehrfachen Klagen über dieselbe Streitsache geben soll Immer deutlicher zum Vorschein kommt dabei die Suche der Verfahrensordnungen nach einer Balance zwischen Parteiherrschaft und Verfahrensökonomie Schliesslich vergleicht und bewertet der Autor die deutsche und englische

Herangehensweise an die Streitsache mit der europarechtlichen Rechtsprechung um Impulse für die zukünftige Auslegung der Streitsache zu geben

Baker and Milsom Sources of English Legal History John Baker, 2010-05-13 Baker and Milsom's Sources of English Legal History is the definitive source book on the development of English private law. This new edition has been comprehensively revised and updated to incorporate new sources discovered since the original publication in 1986 and to reflect developments in recent scholarship. All the sources included are translated into modern English offering an accessible inroad to the leading primary materials for students of the history of the common law. The sources themselves revealing the operation of courts across a wide range of personal and economic disputes offer a rich resource for historians researching the development of the English government, society and economy. Their significance in shaping the common law spans beyond England and ensures the collection is an essential reference point for all those interested in the history of the common law in any jurisdiction

Landmark Cases in the Law of Contract Charles Mitchell, Paul Mitchell, 2008-05-30 Landmark Cases in the Law of Contract offers twelve original essays by leading contract scholars. As with the essays in the companion volume Landmark Cases in the Law of Restitution Hart 2006 each essay takes as its focus a particular leading case and analyses that case in its historical or theoretical context. The cases range from the early eighteenth to the late twentieth centuries and deal with an array of contractual doctrines. Some of the essays call for their case to be stripped of its landmark status whilst others argue that it has more to offer than we have previously appreciated. The particular historical context of these landmark cases as revealed by the authors often shows that our current assumptions about the case and what it stands for are either mistaken or require radical modification. The book also explores several common themes which are fundamental to the development of the law of contract for instance the influence of commercial expectations, appeals to reason and the significance of particular judicial ideologies and techniques

Ideen als gesellschaftliche Gestaltungskraft im Europa der Neuzeit Lutz Raphael, Heinz-Elmar Tenorth, 2009-01-01 Die 24 Beiträge präsentieren zentrale Forschungsergebnisse des DFG Schwerpunktprogramms Ideen als gesellschaftliche Gestaltungskraft im Europa der Neuzeit. Sie geben Einblick in die neuesten Tendenzen ideengeschichtlicher Forschung, gruppiert um fünf Themenschwerpunkte: Politikdiskurse der frühen Neuzeit, Theorieeffekte in Recht, Politik und Gesellschaft, die Ideengeschichte des europäischen Nationalismus, Verschränkungen moralischer und rechtlicher Normsetzung sowie die gesellschaftliche Rolle wissenschaftlicher Ideen. Diskurse und Praktiken im 19. und 20. Jahrhundert

Rechtsdogmatik in England Martin Flohr, 2017-12-15 Lässt sich die Präsenz dogmatischen Denkens als Beleg für den europäischen Charakter des englischen Rechts anführen? Martin Flohr erhellt den geistesgeschichtlichen Hintergrund des englischen Rechtsdenkens, zeichnet ein Bild der englischen Rechtsmentalität und deckt die institutionellen Hindernisse auf, die der Verbreitung dogmatischer Methoden entgegenstanden. Seit einigen Jahren ist ein tiefgreifender Wandel des Selbstverständnisses englischer Universitätsjuristen zu beobachten. In der lebhaften Debatte darüber, ob und gegebenenfalls wie das Fallrecht systematisiert

werden kann ohne es zu verfälschen und seiner Anpassungsfähigkeit zu berauben wird der Mentalitätsbruch besonders deutlich Während die ältere Generation der Rechtslehrer sich mit einer akkuraten Darstellung der Kasuistik begnügt hatte sucht der wissenschaftliche Nachwuchs nach der inneren Struktur des Rechts sowie den bestmöglichen Erklärungen für dessen Regeln Martin Flohr stellt verschiedene Forschungsansätze vor die eine Rationalisierung des Privatrechts versprechen und eröffnet damit auch eine neue Perspektive auf die Grundlagen der kontinentaleuropäischen Jurisprudenz

Das Schriftformerfordernis bei langfristigen Mietverträgen Hans Trageser, 2023-05-03 Bereits seit vielen Jahren wird über eine Reform des 550 BGB diskutiert Die Formvorschrift für langfristige Mietverträge soll vorrangig sicherstellen dass sich Erwerber der Immobilie verlässlich über den Inhalt der Mietverträge informieren können Bei Missachtung der Schriftform können Mietverträge unabhängig von der Laufzeit ordentlich gekündigt werden In der Praxis nutzen dies vor allem die Mietvertragsparteien um sich von unliebsamen Mietverträgen zu lösen Der Bundesrat hat im Dezember 2019 eine umstrittene Gesetzesreform auf den Weg gebracht und auch das Bundesjustizministerium veröffentlichte im Herbst 2021 einen Reformvorschlag Es ist jedoch eine grundlegendere Reform des 550 BGB erforderlich Hans Trageser zeigt auf Grundlage eines funktionalen Rechtsvergleichs dass dem englischen common law wichtige Impulse für eine Neuregelung des 550 BGB entnommen werden können A Historical Introduction to English Law Russell Sandberg, 2023-05-11 Designed for those studying law for the first time this book explores where the English common law came from *Street on Torts* Christian Witting, 2021 *Street on Torts* provides a scholarly and incisive treatment of the law of torts with a focus upon key concepts and clear explanations **European Traditions in Civil Procedure** C. H. van Rhee, 2005 European co operation has resulted in many new and challenging opportunities for legal scholars who since the so called codification period have become used to operating in a purely national context This applies also to scholars in the field of civil procedure who for a considerable period of time have resisted leaving the purely national domain These scholars have devoted a great deal of attention to the question whether or not harmonisation of civil procedural law is a feasible option and if so in what manner harmonisation should be achieved The contributors to this book seek to further the harmonisation debate by exploring some of the main trends in the development of civil procedural law during the last two centuries in several European countries Germany Austria Switzerland France England and Wales The Netherlands and Belgium Two of the central issues that are addressed by the contributors are the extent to which the various procedural models have influenced each other and the extent to which common traditions in civil procedural law may be distinguished in Europe Each general chapter in this book is supplemented by three chapters devoted to specific procedural topics Conciliation Party Interrogation as Evidence and the Role of the Judge In addition extensive bibliographical references are included **Interpersonelle Gewalt und gesellschaftlicher Wandel** Benjamin Seebröker, 2023-12-18 Entgegen der weitverbreiteten Forschungsmeinung die von einem Rückgang der Gewalt in europäischen Gesellschaften im 18. Jahrhundert ausgeht ist für Lancashire in England während

dieser Zeit ein deutlicher Anstieg von T tungsraten festzustellen Die Fallstudie untersucht anhand von T tungsdelikten die Auswirkungen von Fr hindustrialisierung Urbanisierung und Bev lkerungswachstum auf das Auftreten von gewaltsamen Auseinandersetzungen und ordnet g ngige Fortschrittsnarrative kritisch ein Methodisch verbindet das Buch dazu einen sozialgeschichtlich quantitativen mit einem kulturgeschichtlich qualitativen Zugriff auf die Akten der Strafjustiz und wirft im Ergebnis ein neues Licht auf das Verh ltnis von Gewalt und gesellschaftlichem Wandel in dieser wichtigen

Transformationsphase am bergang zur Moderne Die gestörte Gesamtschuld im Internationalen Privatrecht Anna-Lisa Kühn,2014-08-05 English summary Anna Lisa Kuhn examines under which circumstances a situation of unsettled joint and several liability can arise in the context of International Private Law with the help of an exemplary comparison of how the basic conflict of interest is resolved under English and German substantive law She goes on to discuss the conflict of laws approach to such a situation subject to the Rome I and Rome II Regulations German description Die gestorte Gesamtschuld stellt bereits nach deutschem Sachrecht ein sehr umstrittenes Problemfeld dar Eine besondere Verschärfung erhält der Interessenkonflikt aber wenn die Mitschuldner nach unterschiedlichen Rechtsordnungen verpflichtet sind Es stellt sich hier die Frage was es für die Auflösung des Mehrpersonenverhältnisses bedeutet wenn der Gläubiger einen der Schuldner nicht in Anspruch nehmen kann die betroffenen Rechtsordnungen die Auswirkungen dieser Privilegierung im

Dreipersonenverhältnis aber unterschiedlich beurteilen Anna Lisa Kuhn untersucht die Möglichkeit der Entstehung einer solchen gestorten Gesamtschuld im Internationalen Privatrecht durch exemplarische Gegenüberstellung der Auflösung des zugrundeliegenden Interessenkonflikts nach englischem und deutschem Sachrecht und entwickelt die kollisionsrechtliche Behandlung dieser Konstellation unter Geltung der Verordnungen Rom I und Rom II Die Verantwortlichkeit des Presseunternehmens für die Veröffentlichung von Äußerungen Dritter Antje Gruneberg,2014-01-08 Shakespeare's Strangers and English Law Paul Raffield,2023-01-26 Through analysis of 5 plays by Shakespeare Paul Raffield examines what it meant to be a stranger to English law in the late Elizabethan and early Jacobean period The numbers of strangers increased dramatically in the late sixteenth century as refugees fled religious persecution in continental Europe and sought sanctuary in Protestant England In the context of this book strangers are not only persons ethnically or racially different from their English counterparts be they immigrants refugees or visitors The term also includes those who transgress or are simply excluded by their status from established legal norms by virtue of their faith sexuality or mode of employment Each chapter investigates a particular category of stranger Topics include the treatment of actors in late Elizabethan England and the punishment of counterfeits Measure for Measure the standing of refugees under English law and the reception of these people by the indigenous population The Comedy of Errors the establishment of Troynovant as an international trading centre on the banks of the Thames Troilus and Cressida the role of law and the state in determining the rights of citizens and aliens The Merchant of Venice and the disenfranchised estranged position of the citizen in a dysfunctional society and an

acephalous realm King Lear This is the third sole authored book by Paul Raffield on the subject of Shakespeare and the Law The others are Shakespeare's Imaginary Constitution Late Elizabethan Politics and the Theatre of Law 2010 and The Art of Law in Shakespeare 2017 both published by Hart Bloomsbury Verwaltungsrechtsschutz durch tribunals in England Jonas Jansing, 2013 Deutsch Beschreibung Thema dieses Bandes ist der Rechtsschutz auf dem Gebiet des Verwaltungsrechts in England durch tribunals und deren Reform Diese einfach klingende Umschreibung ist wenig aussagekräftig da schon der Begriff tribunal in der englischen Rechtswissenschaft bisher nicht definiert werden konnte zu vielfältig waren ihre Erscheinungsformen zu unterschiedlich ihre Aufgaben und Verfahrensweisen Mit dem Tribunals Courts and Enforcement Act 2007 c 15 hat der englische Gesetzgeber erstmals den Versuch unternommen die administrative justice landscape zu systematisieren und zu rationalisieren Diese Arbeit untersucht dieses Reformvorhaben und widmet sich dabei vor allem der Frage wie sich das Verhältnis der im Rahmen der Reformen neu geschaffenen tribunals zu den ordentlichen Gerichten darstellt die seit jeher durch die Ausübung ihrer supervisory jurisdiction Verwaltungsrechtsschutz gewahren English Description This work deals with tribunals and administrative justice in England and their reorganisation following the Tribunals Courts and Enforcement Act 2007 c 15 From the German perspective this description of the issue is not very telling since in the past even for English lawyers the term tribunal was not easy to define Too diverse were their tasks too different their organisation With the Tribunals Courts and Enforcement Act 2007 c 15 for the first time this has changed dramatically This work then shows the significance of the changes against the background of the historical development of tribunals as an essential element in the English administrative justice landscape and tries to assess the relevance which the newly created structure of tribunals could have on the future progress of administrative law in England Therefore it particularly focuses on the relationship between the new Upper Tribunal and the supervisory jurisdiction of the High Court as it was outlined by the Supreme Court in the recent decision R on the application of Cart et al **Die Stellung des zentralen Kontrahenten im deutschen und englischen Effektenhandel** Thomas Tiedemann, 2011 Das Anwaltsprivileg und sein zivilprozessualer Schutz Robert Magnus, 2010 Das Vertrauensverhältnis zwischen Anwalt und Mandant ist unverzichtbar für jede wirksame anwaltliche Interessenwahrnehmung Denn soll der Anwalt seinen Mandanten im Zivilprozess wirksam vertreten bedarf er aller dafür notwendigen Informationen die ihm in erster Linie der Mandant zugänglich machen muss Das wird dieser freilich nur tun wenn er darauf vertrauen kann dass sein Anwalt die offenbarten Informationen weder missbrauchen wird noch zu ihrer Offenlegung ohne Weiteres gezwungen werden kann Dem Anwalt muss daher das Recht zustehen diese Informationen zurückhalten zu dürfen Robert Magnus untersucht rechtsvergleichend den Umfang und die Grenzen dieses Privilegs in Deutschland Frankreich und England Er kommt dabei zu dem Ergebnis dass die deutschen Vorschriften im internationalen Vergleich als eher schwach ausgeprägt erscheinen und einer kritischen Hinterfragung bedürfen *Reading Max Weber's Sociology of Law* Hubert Treiber, 2020-08-20 Reading Max Weber's Sociology of Law serves both as an introduction and as a

distillation of more than thirty years of reading and reflection on Weber's scholarship. It provides a solid and comprehensive introduction to Weber and sets out his main concepts. Drawing on recent research in the history of law, this book also presents and critiques the process by which the law was rationalized and which Weber divided into four ideal typical stages of development. Hubert Treiber provides commentary in a manner informed both historically and sociologically. The book explores Weber's concepts in relation to the creation of laws between secular and religious powers. The book goes on to examine the codifications that were undertaken by Prussian absolutism and Napoleon in the Code Civil. It further covers Weber's thoughts on antiformal legal tendencies, issues that are still prevalent in law today. This text is no mere reiteration of Weber's concepts. The volume contextualizes Weber's work in the light of current research, setting out to amend misinterpretations and misunderstandings that have prevailed from Weber's original texts. Treiber's introduction is much more than a simple guide through a complicated text. It is an important work in its own right and critical for any student of the sociology of law.

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