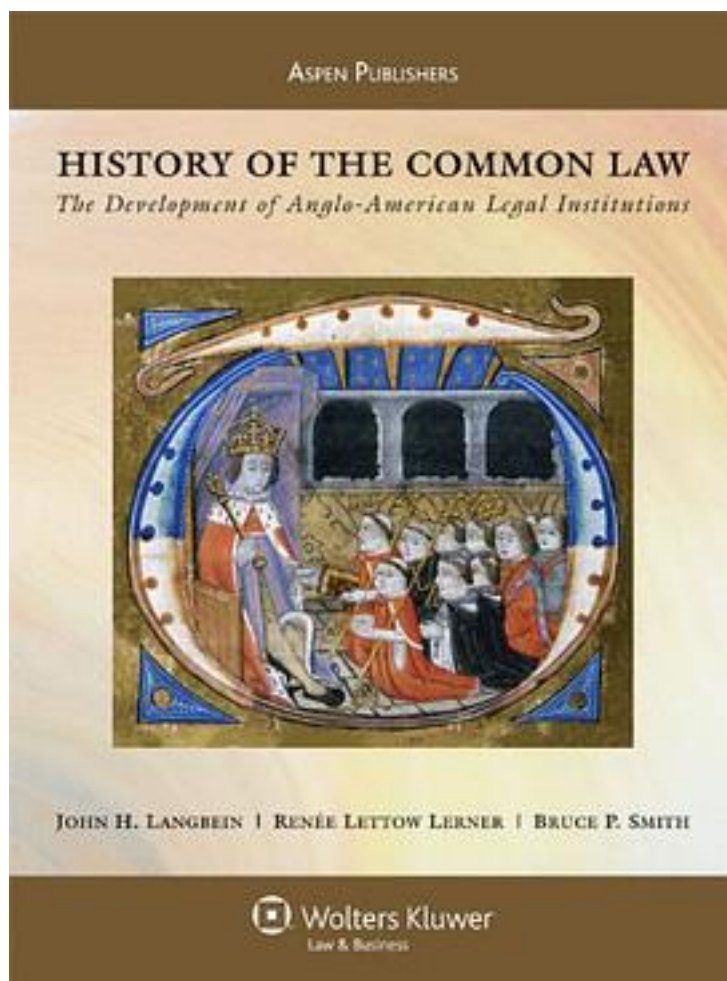


# History of the Common Law



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This introductory text explores the historical origins of the main legal institutions that came to characterize the Anglo-American legal tradition, and to distinguish it from

European legal systems. The book contains both text and extracts from historical sources and literature. The book is published in color, and contains over 200 illustrations, many in color, including medieval illuminated manuscripts, paintings, books and manuscripts, caricatures, and photographs. Two great themes dominate the book: (1) the origins, development, and pervasive influence of the jury system and judge/jury relations across eight centuries of Anglo-American civil and criminal justice; and (2) the law/equity division, from the emergence of the Court of Chancery in the fourteenth century down through equity's conquest of common law in the Federal Rules of Civil Procedure. The chapters on criminal justice explore the history of pretrial investigation, policing, trial, and sentencing, as well as the movement in modern times to nonjury resolution through plea bargaining. Considerable attention is devoted to distinctively American developments, such as the elective bench, and the influence of race relations on the law of criminal procedure. Other major subjects of this book include the development of the legal profession, from the serjeants, barristers, and attorneys of medieval times down to the transnational megafirms of twenty-first century practice; the literature of the law, especially law reports and treatises, from the Year Books and Bracton down to the American state reports and today's electronic services; and legal education, from the founding of the Inns of Court to the emergence and growth of university law schools in the United States. History of the Common Law offers:

Dynamic teaching materials that include primary sources, scholarship, summaries, notes, and questions judiciously selected and edited sources;

Over 200 illustrations, many in full color;

Living Law units that connect legal-historical developments to modern law;

An illustrated timeline that highlights key dates. Vivid writing, engaging source materials, and lavish illustrations breathe life into nearly 1,000 years of Anglo-merican legal history.

作者介绍:

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标签

法律

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## 评论

神一样的教材。。读到想吐

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备考两天读完Langbein教授著作。本书讲述普通法史的两条线索是陪审团制度的演变以及普通法和衡平法间的互相关系。政治思想、国家组织、社会经济制度怎样影响了法律体系和教义的形成非常精彩。英美两国法律教育的演变也相当有趣。最大的感触是，对刑事被告权利的保护并非只是人权思想的进步。在没有强大国家机器支持刑事调查的时代，对权利的“蔑视”可能是被迫的折中。当我们审视过去的制度时，需要多去挖掘其背后的结构性成因，避免总是掉入“古人思想落后天性残暴”的陷阱。

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## 书评

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