Law and the Formation of Modern Europe provides an overview of the foundations of the modern European legal order, and it explores processes of legal construction in both the national and the supranational domains. In its supranational focus, it examines the sociological pressures which have given rise to European public law, the national origins of key transnational legal institutions and the elite motivations driving the formation of European law. In its national focus, it addresses legal questions and problems which have assumed importance in parallel fashion in different national societies and which have shaped European law more indirectly. Examples of this are the post-1914 transformation of classical private law, the rise of corporatism, the legal response to the post-1945 legacy of authoritarianism, the emergence of human rights law and the growth of judicial review. This two-level sociological approach to European law generates unique insights into the dynamics of national and supranational legal formation.

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LAW AND THE FORMATION OF MODERN EUROPE:
Perspectives from the Historical Sociology of Law

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This book is the result of a long-term endeavour to understand the legal foundations and the processes of legal transformation that shape and underlie modern European societies. Our specific interest is to examine how law and legal institutions have reacted to and learned from the experiences of Europe's tumultuous century, the twentieth century. Further, the book is an attempt to contribute both to the promotion of new methods for exploring the legal structures of contemporary Europe and to the construction of original and distinctive paradigms for analysing how law has influenced the formation of twentieth-century European society. In pursuit of these goals, we here propose the concept of the historical sociology of law as a new and distinct way of making the interplay of law and European society intelligible.

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