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978-1-107-04405-0 - Law and the Formation of Modern Europe: Perspectives from the Historical Sociology of Law
Edited by Mikael Rask Madsen and Chris Thornhill
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LAW AND THE FORMATION OF MODERN EUROPE

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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UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

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/9781107044050

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First published 2014

Printed in the United Kingdom by Clays, St Ives plc

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

Library of Congress Cataloguing in Publication data
Law and the formation of modern Europe : perspectives from the historical sociology of law / edited by Mikael Rask Madsen, Chris Thornhill.
pages cm
ISBN 978-1-107-04405-0 (Hardback)
1. Law–Europe–History–20th century. 2. Law–Social aspects–Europe. I. Madsen, Mikael Rask, editor of compilation. II. Thornhill, Chris, editor of compilation.
KJC147.L37 2014
349.4–dc23 2014006240

ISBN 978-1-107-04405-0 Hardback

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PREFACE

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.

Many of the chapters included in this book were first presented, in very preliminary form, at two conferences held in Copenhagen in 2010 and 2011, organized by the editors of this book, both of which were entitled *Law and the Formation of Modern Europe*. We would like to extend our gratitude to the institution which hosted these two conferences, The Centre for Studies in Legal Culture at the Faculty of Law, University of Copenhagen, and to the sponsor of both events, EURECO, a research excellence initiative for European studies at the University of Copenhagen. We also wish to thank all participants in these events for stimulating discussions and questions

In addition, we are indebted to Finola O'Sullivan at Cambridge University Press for her support throughout the process of turning a set of wide-ranging ideas into a book. Finally, we would like to offer very warm thanks to Katrine Meldgaard Kjaer, research assistant at iCourts – The Danish National Research Foundation's Centre of Excellence for International Courts – for her excellent editorial assistance.

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