Enlightenment, Legal Education, and Critique
John W. Cairns

This is the second volume in a collection of the most influential essays on legal history from the career of Professor John W. Cairns. The book deals with broad themes in legal history, such as the development of Scots law through the major legal thinkers of the Enlightenment, essays on Roman law and miscellaneous essays on the literary and philosophical traditions within law. Both volumes combine together and reprint a selection of some of the many articles and essays published by Cairns over a distinguished career in legal history. It is a mark of Cairn's international eminence that much of his prolific output has been published outside of the UK, in a wide variety of journals and collections. The consequence is that some of his most valuable writing has appeared in sources which are difficult to locate.

Law, Lawyers, and Humanism
John W Cairns

The first of two volumes, this collection of essays on Scots law represents a selection of the most cited articles published by Professor John W. Cairns over a distinguished career in legal history. It is a mark of his international eminence that much of his prolific output has been published outside of the United Kingdom, in a wide variety of journals and collections. The consequence is that some of his most valuable writing has appeared in sources which are difficult to locate. This collection covers the foundation and continuity of Scots law from sixteenth- and seventeenth-century Scotland through the eighteenth-
century influence of Dutch Humanism into the nineteenth century and the further development of the Scots legal system and profession.

Beyond Dogmatics
John W. Cairns and Paul J. du Plessis

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DOI: 10.3366/edinburgh/9780748627936.001.0001

Item type: book

This book contributes to the debate about the relationship between law and society in the Roman world. This debate, which was initiated by the work of John Crook in the 1960s, has had a profound impact upon the study of law and history and has created sharply divided opinions on the extent to which law may be said to be a product of the society that created it. This work is an attempt to provide a balanced assessment of the various points of view. The chapters within the book have been specifically arranged to represent the debate. The chapters address this debate by focusing on studies of law and empire, codes and codification, death and economics, commerce and procedure. This book does not purport to provide a complete survey of Roman private law in light of Roman society. Its primary aim is to address specific areas of the law with a view to contributing to the larger debate.

Reassessing Legal Humanism and its Claims
Paul J. du Plessis and John W. Cairns (eds)

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Legal humanism has become deeply entrenched in most modern works on European legal history from the seventeenth century onwards and has been accepted with such blind faith by many modern scholars that few have challenged it. The consequence is that scholars who have accepted the traditional view have used it to substantiate larger claims about the death of Roman law, the separation between the golden age of a pan-European medieval ius commune and the fragmented reception of Roman law into the nation states of Europe, and the relevance of ‘dogmatic’ Roman law as opposed to ‘antiquarian’ Roman law.
This book surveys the traditional classifications of private law to establish the cognitive techniques used by medieval Italian and French jurists to transform Roman law into the ius commune of Western Europe. It discusses in detail how medieval scholars reacted to the casuistic discussions in the inherited Roman texts, particularly the Digest of Justinian. It shows how they developed medieval Roman law into a system of rules that formed a universal common law for Western Europe. Because there has been little research published in English beyond grand narratives on the history of law in Europe, this book fills a gap in the literature. With a focus on how the medieval Roman lawyers systematised the Roman sources through detailed discussions of specific areas of law, it considers: the sources of medieval law and how to access them; the development from cases to rules; medieval lawyers' strategies for citing each other and their significance; and the growth of a conceptual approach to the study of law.

Honouring the work of Knud Haakonssen, this book consists of a series of studies that investigate the place of early modern natural law in the history of political thought. These studies follow Haakonssen’s lead in treating natural law as central to the formulation of doctrines of obligations and rights in accordance with the interests of early modern polities and churches. In doing so, they approach natural law less as a unified doctrine and much more as a field of cross-cutting idioms in which competing political and juridical programs were prosecuted for a variety of purposes. The studies thus investigate how natural law doctrines were formulated, received, and put to work in a wide array of cultural, political and institutional contexts, ranging from the political thought of the Dutch Arminians, Locke’s struggle with the concept of religious toleration, the political-jurisprudential thought of Pufendorf, Thomasius and Wolff in the German Empire, and the jurisprudential thought of Hume and Smith in the context of the Scottish Enlightenment.