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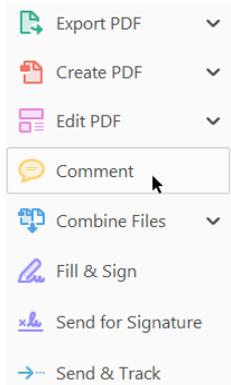
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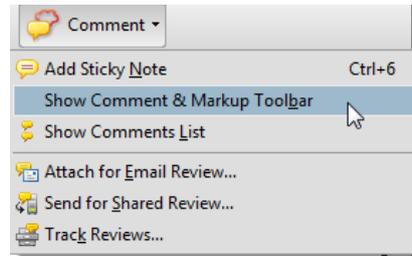
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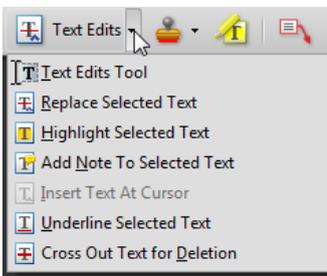


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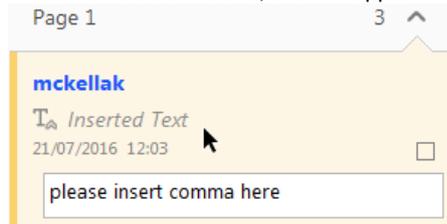


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Book Review

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BOOK REVIEW

Antonio Padoa-Schioppa, *Storia del diritto in Europa. Dal medioevo all'età contemporanea* (Bologna, Italy: Il Mulino, Second Edition, 2016). Pp. 840. €45.00 (hardcover). ISBN: 978-8-815-26523-4; Antonio Padoa-Schioppa, *A History of Law in Europe: From the Early Middle Ages to the Twentieth Century* (Cambridge: Cambridge University Press, 2017). Pp. 820. £120.00 (hardcover). ISBN: 978-1-107-18069-7. 5

Antonio Padoa-Schioppa is Emeritus and former Dean of the Law School at the *Università degli Studi di Milano*, where he taught Legal History for several decades. His seminal book on the History of Law in Europe proves his lifelong experience both as a researcher and as a lecturer. The first Italian edition of this work was published in 2007 by *Il Mulino*. A revised Italian edition was released by the same publisher in 2016 and includes several additional pages about the Middle Ages, a new section on the developments of the European Union and updates to the bibliography. This revised version is now available in English, published by Cambridge University Press. 10 15

The core of the work, which spans from the fifth to the twentieth century, demonstrates a remarkable attention to legal sources, which are considered in relation to legislative models, doctrines and customs within Europe, including English Common Law. In fact, the entire historiographical reconstruction turns around a careful and documented analysis of the interconnections between legal sources throughout the development of legal systems. A strong emphasis is placed on legal methods, the history of justice, the role of jurists and the legal professions. Moreover, in his impressive and richly documented account of European legal history, the author considers legal theory alongside religious, philosophical, economic and political doctrines. 20 25

Professor Padoa-Schioppa adopts a comparative approach. This means that he goes beyond national histories to promote a transnational point of view. However, his point is in no way to juxtapose national histories. In the introduction he draws our attention to the fact that his purpose is to sketch the history of a common civilisation with its roots in ancient Greece, Roman Law and Christianity. In order to shed light on the common features throughout the history of Europe, he chose to study a selection of the institutions of private and public law that are most representative of each epoch and each country. 30 35

The book explores how law was brought to life in the six main phases of European legal history: Late Antiquity to Early Middle Ages (Fifth-Eleventh

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Centuries); the Age of the Classical *Ius Commune* (Twelfth-Fifteenth Centuries); the Early Modern Period (Sixteenth-Eighteenth Centuries); the Age of Reforms (1750-1814); the Age of Nations (1815-1914); the Twentieth Century. Therefore, the volume is divided into six sections. Each section has its own introduction and is divided into chapters. The book's chapters offer detailed outlines of specific topics, such as the law of the Germanic kingdoms; canon law; legal humanism; natural law; the enlightenment and the law; the French revolution and the law; codifications; the historical school and German legal science; law in the second half of the twentieth century; European Union law.

The work was initially conceived as a handbook for law students to help them prepare for the compulsory legal history exam, and in fact, it served (and still serves) as a handbook in a great number of law schools in Italy. However, due to its valuable scholarly content, footnotes detailing and clarifying the sources and comprehensive bibliography, this book can be considered a reliable reference for any scholar interested in the topic. The brand new English translation means that an even larger, international audience can take advantage of this unique work.

Finally, Padoa-Schioppa's idea of a European legal history is, perhaps, one of the most noteworthy features of his work: the history of law in Europe is akin to a "polyphonic concert" to which people coming from different and faraway lands, cities, kingdoms and towns contributed, from Constantinople to Rome, from Ireland to Salamanca, from Bologna to Paris. Richness and complexity of European history come to the fore. Very different cultures and traditions take part in this long "route", or path, till the most recent developments. Each step of this "shared" history where law played a central role shows not only peaceful reciprocal exchanges, but also hard conflicts.

To this end, in recent years legal historians have begun to debate a European centred point of view. More specifically, the claim for emancipation from Eurocentric traditions to study the history of law in different contexts has become more and more common. New terms and concepts have been adopted: normative entanglements, hybridization, *métissage*, circulation, migration, travelling of law, legal transfers and cultural translation. This is certainly a historiographical trend worth praising and spreading, which appears to represent a major historiographical renewal leading to the development of new approaches. However, it seems that even this new research perspective cannot do without the methodological lessons as well as the historiographical and documentary achievements that make up the incomparable richness of this book.

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