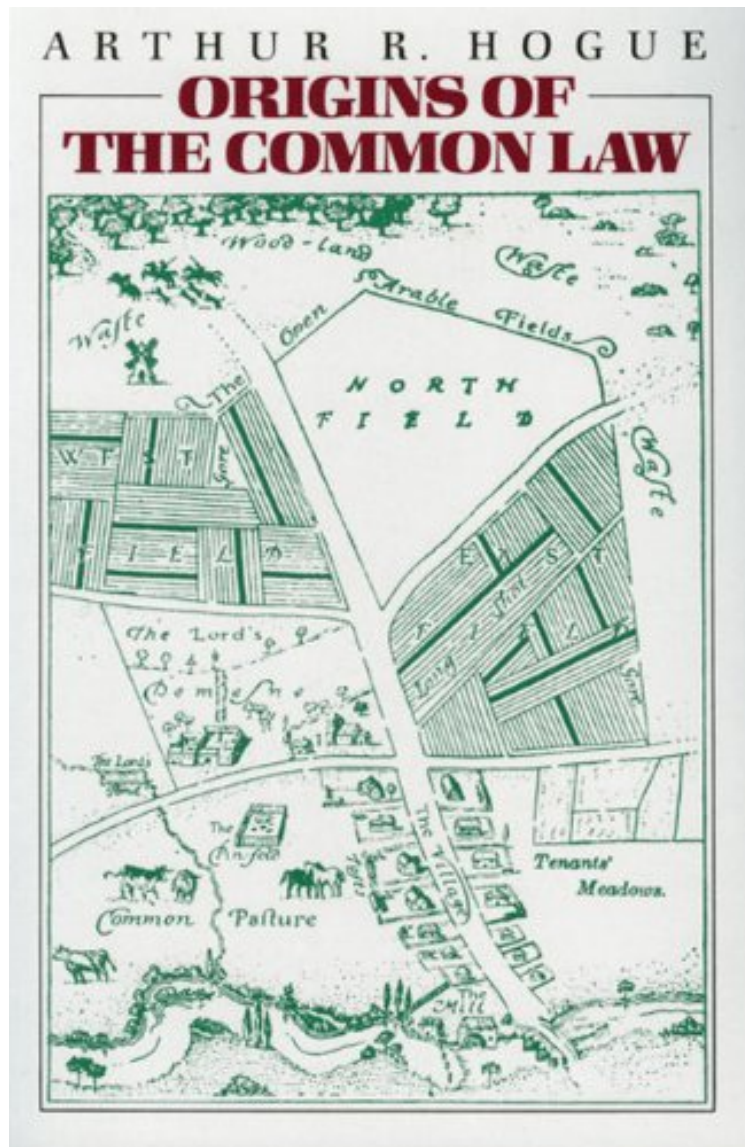


Origins of the Common Law

Arthur R. Hogue

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Arthur R. Hogue : Origins of the Common Law before purchasing it in order to gauge whether or not it would be worth my time, and all praised Origins of the Common Law:

1 of 1 people found the following review helpful. Have not read but book is well recommended By Maria E. SanchezBough as a Christmas present for my Canadian nephew(now in college) who wants to study Law as a means of introducing him to a basic concept of British Law. He was thrilled. I have not read the book but the reviews are very positive. Described as entertaining and accessible to lay persons. 0 of 1 people found the following review helpful.

Three StarsBy CustomerGood read8 of 8 people found the following review helpful. A Rewarding HistoryBy C RThis is wonderful book about the origins of the Common Law in England between the years 1154, when Henry II became king, and 1307, when Edward I died. It is a history that does not require the reader to be a lawyer to have legal training. The author claims the book provides an excellent grounding for the study of later legal developments.I was surprised to see that there was a constant tension between the kings and the the barons who wanted to limit the kings power. I was under the apparently mistaken belief that that conflict emerged later in history (and eventually led to the development of Parliament). I thought that during the period covered by this book that the kings of England were absolute monarchs. However the author states that absolutism emerged only later. At the time covered by this book "the successors of Henry II met opposition when they reached for absoluter power. They were forced to recognize that, although they might continue to rule as supreme administrators, they could not invade the customary legal rights of their subjects; the king is under law, is limited by the law. " (See page 34.)Another exciting thing I learned from this book was what was meant by customary law. The author quotes Blackstone explaining what is an appropriate custom to receive the force of law. " Good custom is: 1) ancient, no man can remember the beginning of it, 2) continuous, the rights claimed under it have never been abandoned or interrupted, 3) peaceable, supported by the common consent of those using the custom 4) reasonable, in the light of 'legal' reason, 5) certain, in the sense of being ascertainable, 6) compulsory, it is not left to the option of every man whether he will obey it or not, and 7) consistent, for one custom cannot contradict another custom without producing an absurdity." (See page 197.)I will mention that I wanted to learn more about the eventual development of Parliament. The author does speak of various parliaments held, but for me he did not put them in context nor did he indicate how these would develop into the "Parliament." I also wish he had explained more about what exactly the King's Council or Royal Council was and how it related to the development of Parliament.The book is an excellent read. I hope you enjoy it as much as I did.

Written for the beginning student as well as the experienced scholar, this introductory analysis of the origin and early development or the English common law provides and excellent grounding for the early study of legal history. Between 1154, when Henry II became king, and 1307, when Edward I died, the common law underwent spectacular growth. The author begins with a discussion of the relationship between the early rules of common law and the social order they serve during this period and concludes with an extended commentary on the durability and continued growth of the common law in modern times. Arthur Reed Hogue (19061986) was Professor of History at Indiana University.

"The book has an important function for which it does not have any real competition. It deals with the development of the English Common Law on a level which is accessible.... It is well written and reliable."