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Europe, to It derived its authority from immemorial usage and "universal reception throughout the kingdom," as phrased by Sir William Blackstone â€” in his Commentaries on the Laws of England â€” The common law was contrasted with written statutory laws enacted by Parliament. Indeed, the De Laudibus Legum Angliae c. As Sir Edward Coke â€” put it in the preface to the eighth volume of his Reports â€ , it was "the grounds of our common laws" that were "beyond the memorie or register of any beginning. Their continued existence carried the presumption of both original and continued popular consent. As Hale wrote in his History of the Common Law , the common law was "singularly accommodated" to the "Disposition of the English Nation" and "incorporated into their very Temperament," while also reflecting their experience. As Coke pointed out in the first volume of his Institutes of the Laws of England â€ , there were "divers lawes within the realme of England," including the prerogative law of the crown, the canon law practiced in the ecclesiastical courts, and the maritime law administered in the Admiralty. However, as John Selden â€ put it, "There are no laws in England but are made laws either by custom or act of parliament" Commons Debates, These "particular laws" were included in the definition of lex non scripta, because their authority in England derived, according to Hale, from "their being admitted and received by us" either through statute or "by immemorial Usage and Custom in some particular Cases and Courts. Besides these particular laws, the lex non scripta also encompassed local and particular customs. Local customs, which originated in local practice in derogation from the general rules of common law, were recognized and enforced in the common law courts, but only if they were immemorial, continuous in usage, certain, and reasonable. Particular customs such as the custom of merchants lex mercatoria were also said to be part of the common law. In court, if any doubt arose about what the custom was, the evidence of merchants was received to inform the court. In the first half of the seventeenth century common lawyers fearful of the ambitions of the Stuart monarchy challenged the idea that law derived from the commands of a king, whose authority came either from divine right or conquest. For them, the common law was a "fundamental law" derived from an ancient constitution, limiting the power of the crown and guaranteeing the freedoms and rights of the English, most particularly to their property. But the vision of the constitution espoused by common lawyers prevailed in the later seventeenth century and was secured by the Bill of Rights in Before the outbreak of the English Civil War in , lawyers sometimes described Parliament as a court, implying that statutes might be seen as judgments or declarations of the common law. In doing so they did not expect and did not see an active, interventionist legislature. Legislation that was passed amended and modified the common law, rather than displacing it. Just as the common law grew from the consent of the people as manifested in custom, so statute was seen to come from current consent. It was a fundamental rule of the constitution, constantly reiterated, that the crown could neither change the law nor impose taxation without consent. The notion of the mixed constitution, founded on a presumed ancient original contract reconfirmed in and conferring unlimited power on the crown-in-Parliament, was generally accepted in mid-eighteenth-century England. Where parliamentary sovereignty became the cornerstone of the British constitution, the American constitution of recast the old ideas of a fundamental law. The common law administered in these three courts contrasted with "equity" as administered primarily in the Court of Chancery. The Chancery was originally a court of conscience, concerned with securing justice in individual cases rather than following strict rules. There were some complaints in the sixteenth and seventeenth centuries about the certainty of the common law being undermined by the interference of the lord chancellor. In â€ an unsuccessful attempt was made by Coke to assert the supremacy of the common law courts over the Court of Chancery. However, after the Restoration, when Heneage Finch, earl of Nottingham, was lord chancellor â€ , the court began to develop a more fixed set of principles and rules, which were further developed by Philip Yorke, earl of Hardwicke lord chancellor, â€ By the eighteenth century, the old antagonism between the systems had gone. With a distinct procedure and set of remedies, the Chancery was able to develop a

jurisdiction over matters to which the common law remained blind, most notably trusts. It thereby made up for the shortcomings of the common law, but its rules and doctrines presumed the existence of the common law, which it modified in particular contexts. While common lawyers saw their law as based on immemorial custom, they also described it in terms of reason. As Coke put it in the Institutes, "reason is the life of the Law, nay the common law itself is nothing else but reason. Knowledge of the law was a specialized enterprise, which had to be left to lawyers, and "if all the reason that is dispersed into so many several heads were united into one, yet he could not make such a law as the Law of England is. On the one hand, its core principles were seen as timeless. The common law had originated in the reign of Henry II ruled â€" not as a set of substantive rules, but as a set of institutions and procedures to enforce rights whose substance was defined by community custom. However, with the development both of a legal profession and of the jury in the thirteenth century, new legal norms emerged by which custom was rapidly turned into law, which then developed within the courtroom. In the later Middle Ages , when the process of pleading was flexible, judges avoided making clear determinations of substantive law, preferring to get the parties in uncertain cases to reformulate their claims to reflect the common understanding of what the law was. In this era, the law was often seen in terms of the "common erudition" of the lawyers, as debated at the Inns of Court as well as in the courtroom. By the sixteenth century, however, when pleading had become more formal, judges began to be more confident about making clear statements of law. Law was now often settled, after the determination of facts by the jury, by motions debated on the bench at Westminster Hall after a trial had taken place at the assizes. In elaborating the law, judges assumed that the common law already contained within itself the answers to any questions they might be asked. They saw their function as being to declare what the law already was, rather than to make new law. In order to maintain certainty, they were expected as far as possible to follow the reasoning of earlier cases. Since cases were seen to be evidence of the law rather than law itself, no doctrine of binding precedent emerged in this period. Nevertheless, from the sixteenth century onward, law reports were produced that clearly set out the substantive decisions, in a way not done in the medieval Year Books, and lawyers such as Edmund Plowden â€" and Coke now published reports that sought to illustrate the principles of the law. Until the mid-eighteenth century most published law reports were the unreliable results of speculating publishers, but manuscript reports circulated widely and were often quoted in court. Principles, or maxims, could thus be obtained by a process of induction from the ratio decidendi, or reason for the decision, of earlier cases. Besides applying the principles and maxims thus obtained, judges were also expected to extend the reason of one case to another by a process of analogy. However, judges did not only derive their law from precedent or analogy, for in novel cases they were free to resort to arguments drawn from natural law , public policy, or convenience. Commentaries on the Laws of England. Edited by Francis Hargrave and Charles Butler. Concerning the Jurisdiction of the Courts. La huictme part des reports de sr. Le quart part des reportes del Edward Coke. De Laudibus Legum Angliae. Edited and translated by S. The History of the Common Law of England. Edited by Charles M. New Haven , â€" Secondary Sources Baker, J. An Introduction to English Legal History. Lawyers, Litigation, and English Society since London and Rio Grande , Ohio , The Politics of the Ancient Constitution: An Introduction to English Political Thought, â€" The Common Law and English Jurisprudence, â€" Oxford and New York , The Ancient Constitution and the Feudal Law: A Reissue with a Retrospect. Politics and Ideology in England, â€" London and New York , Common Law and Liberal Theory: Coke, Hobbes, and the Origins of American Constitutionalism. The Common Law Mind: Medieval and Early Modern Conceptions. Michael Lobban Pick a style below, and copy the text for your bibliography. Encyclopedia of the Early Modern World. Retrieved November 15, from Encyclopedia. Then, copy and paste the text into your bibliography or works cited list. Because each style has its own formatting nuances that evolve over time and not all information is available for every reference entry or article, Encyclopedia.

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PHILOSOPHY OF LAW, HISTORY OF. The problems of authority, law and order, obligation, and self-interest first became central topics of speculation in the thought of the Sophists (late fifth and early fourth centuries BCE).

The most famous Sophists all stressed the distinction between nature physis and convention nomos , and they put laws in the latter category. Laws were artificial, arrived at by consent; the majority of acts that were just according to the law were contrary to nature; the advantages laid down by the law were chains upon nature, but those laid down by nature were free. In the time of the Sophists notions of law, justice, religion, custom, and morality were largely undifferentiated; yet in this same period some of the crucial problems of legal philosophy were first formulated, and attempts were made at a formal definition of law. Thus, Xenophon Memorabilia I, 2 reported that Alcibiades, who associated with both Critias and Socrates, remarked to Pericles that no one can really deserve praise unless he knows what a law is. Pericles replied that laws are what is approved and enacted by the majority in assembly, whereby they declare what ought and what ought not to be done. He admitted that if obedience is obtained by mere compulsion, it is force and not law, even though the law was enacted by the sovereign power in the state. Xenophon also reported an alleged conversation between Socrates and the Sophist Hippias in which both maintained an identity between law, or what is lawful, and justice, or what is right, while admitting that laws may be changed or annulled ibid. Socrates claimed that there are "unwritten laws," uniformly observed in every country, which cannot conceivably be products of human invention. They are made by the gods for all men, and when men transgress them, nature penalizes the breach. The Sophists conceived of man as egoistically motivated and antisocial, whereas for Socrates, as for Plato and Aristotle, man was a social being with other-regarding as well as self-regarding motives, who finds fulfillment in social life. The less radical Sophists, although they could not identify law with some feature of reality, still accepted its practical usefulness. Plato and Aristotle plato There is hardly any problem of legal philosophy not touched upon by Plato. He wrote during the decline of the Greek polis, when law and morality could appear as mere conventions imposed by shifting majorities in their own interest and the harmony between the legal order and the order of the universe could not easily be maintained. Plato sought to restore, as far as possible, the traditional analogy between justice and the ordered cosmos. Justice, or right action, cannot be identified with mere obedience to laws, nor can a truly moral life be reduced to conformity with a conventional catalog of duties. Duties involve a knowledge of what is good for man, and this bears an intimate relation to human nature. The question "What is justice? Plato conceived of justice as that trait of human character which coordinates and limits to their proper spheres the various elements of the human psyche, in order to permit the whole man to function well. In order to understand the operation of justice in the human soul, Plato examined human nature writ large, the city-state. The state functions well when it is governed by those who know the art of government, and the practice of this art requires a positive insight into the Good. In a just society every citizen performs the role of which he is best capable for the good of the whole. A just social order is achieved to the extent to which reason and rational principles govern the lives of its members. Law is reasoned thought logismos embodied in the decrees of the state Laws d. Plato rejected the view that the authority of law rests on the mere will of the governing power. The Laws contains a detailed discussion of many branches of law and is an attempt at a formulation of a systematic code to govern the whole of social life. In contrast with the ideal polis of the Republic, in which there would be little need for legislation, in the Laws Plato accepted "law and order, which are second best" Laws d. He wrote variously that law is "a sort of order, and good law is good order" Politics a , "reason unaffected by desire" ibid. However, these must be taken not as definitions but as characterizations of law motivated by the point Aristotle was making in the given context. Following Plato, Aristotle rejected the Sophistic view that law is mere convention. In a genuine communityâ€”as distinguished from an alliance, in which law is only a covenantâ€”the law concerns itself with the moral virtue of the citizenry Politics b. Aristotle sharply distinguished between the constitution politeia and laws nomoi ; the constitution concerns the organization of offices within the state, whereas the laws are "those according to which the officers should administer the state, and proceed against offenders"

ibid. The constitution of a state may tend to democracy, although the laws are administered in an oligarchical spirit and vice versa ibid. Legislation should aim at the common good of the citizens, and justiceâ€"what is equalâ€"should be determined by the standard of the common good ibid. Yet Aristotle recognized that the law is often the expression of the will of a particular class, and he stressed the role of the middle class as a stabilizing factor. In his discussion of the forms of government in Book III of the Politics, Aristotle took up the Platonic problem of rule by the best man versus rule according to laws. A society of equals by its very nature excludes the arbitrary rule of one man. In any case, even the best man cannot dispense with the general principles contained in laws; and legal training helps to make better officers of government. Furthermore, administrators, like all men, are subject to passion, and it is thus preferable to be judged by the impersonal yardstick of the laws. This in no way conflicts with the need to change the law through legislation when it has been found by experience to be socially inadequate. But not all law is the product of legislation; customary law is in fact more important than the written law. Although it is better to have written laws than to rely completely on discretion, "some matters can be covered by the laws and others cannot" ibid. General rules are insufficient to decide particular cases ibid. Aristotle seems to have had two considerations in mind. First, judicial decision making is practicalâ€"it involves deliberationâ€"and as such cannot be completely determined in advance. Second, the resolution of disputed issues of fact in a particular case, on which the decision depends, cannot be settled in advance by legislation. Equity is just, "but not legally just but a correction of legal justice" Nicomachean Ethics b Yet he also seems to suggest that equity corrects the harshness of the law when adherence to the written law would work an injustice. Principles of equity are thus closely related to the unwritten universal laws "based on nature," a "natural justice" binding on all men, even those who have no association or covenant with each other. Nevertheless, what is naturally just may vary from society to society. There is also a sense in which "justice" refers to a particular virtue involving the fair dealings of individuals in matters handled by private law. Two kinds of rights fall under this special virtue: Rome stoics The Stoics, who conceived of the universe as a single, organic substance, exercised a lasting influence on legal thought. Nature, which exhibits structure and order, and man both partake of intelligence, or reason logos. An animal is directed by a primary impulse toward self-preservation that adapts it to its environment. The criterion of moral action is consistency with the all-determining law of nature koinos logos. This conception of a law of nature that is the ultimate standard of human laws and institutions was combined with Aristotelian and Christian notions to form the long-standing natural-law tradition of medieval legal philosophy. Nor is mere utility the standard: An unjust statute is not a true law. Law and morality are logically connected, and only that which conforms to the law of nature is genuine law. This view exercised a lasting influence on natural-law thinking and reappeared in the thought of Thomas Aquinas. Like Cicero, Lucius Annaeus Seneca c. He reiterated the conception of the equality of all men under natural law , but perhaps more important was his conception of a golden age of human innocence, a prepolitical state of nature. Legal institutions became necessary as human nature became corrupted. It is disputed whether these were any more than remarks designed to ornament legal texts, but they nevertheless influenced the thought of later ages. The jurists distinguished three kinds of law: In practice, the last originally referred to the law of the city of Rome, but ultimately it was applied to any body of laws of a given community. The jus gentium first meant the law applied to strangers, to whom the jus civile was not applicable, and was later extended to those legal practices common to all societies. Gaius mid-second century , who systematized the Roman law in his Institutes, identified the jus naturale and jus gentium as universal principles of law agreeable to natural reason and equity. Thus, law was not a mere expression of human will or institution but that which is rationally apprehended and obeyed. The jus gentium was not an ideal law by which the positive law was judged but the rational core of existing legal institutions. Thus, among animals there is an institution similar to human marriage. Slavery and its attendant rules are products of the jus gentium, for by the jus naturale all men were born free. It is not clear, however, that Ulpian regarded slavery as bad. To him we owe the oft-repeated definition of justice: Again, it does not seem that Ulpian thought of the jus naturale as an ideal law opposed to the jus civile or to the jus gentium. The doctrines of the Roman jurists owe their lasting influence to their incorporation into the Corpus Juris Civilis of Justinian sixth century , principally in the section called the

Digest. The Corpus Juris also preserved statements of the Roman jurists concerning the source of the authority to make and unmake the laws constituting the civil law. According to a number of these statements, this authority resides in the consent of the people; however, the statement that "what pleases the prince has the force of law" Digest I, 4, 1 was probably a more accurate view of the facts. Justinian seems to have combined these views theoretically in his reference to a nonexistent "ancient law" by which the Roman people transferred all their powers to the emperor Codex I, 17, 1, 7. Early Middle Ages To the legal thought of the Stoics and the Roman philosophers and jurists the Church Fathers added a distinctively Christian element. The law of nature was no longer the impersonal rationality of the universe but was integrated into a theology of a personal, creative deity. The relationship among the Mosaic law, the Gospels, and natural law emerged as a specific problem; the notion of jus divinum divine law as a distinct type of law, along with the three recognized by the jurists, was crystallized. The notion of the fall of man from a state of perfection which may be compared with the view of Seneca played an important role. Thus, according to St. Ambrose â€" the Mosaic lawâ€"a law of sin and death see Romans 8: The fact that many legal institutions, such as slavery and private property, deviate from this ideal law does not necessarily imply that they are unjust or illegitimate; for the natural law is adapted to man only in a condition of innocence. Of the Church Fathers, St. Augustine â€" was perhaps the most original and complex: Only one point in his thought will be noted here. Cicero maintained that nothing can be nobler than the law of a state De Legibus I, 14 and that if a state has no law, it cannot truly be considered a state ibid. The law of the state must therefore embody justice, for without justitia there is no jus. We must therefore seek another definition of "state" populus in which justice is not an essential element. Augustine stressed the notion of orderâ€""a harmonious multitude"â€"with the suggestion that legal order need not be moral or just. There are passages in Augustine, however, which seem to uphold a more orthodox natural-law position. In any event the terms of his discussions are somewhat different; his main points of contrast are divine and human law, rather than jus naturale and jus civile. Isidore of Seville c. Middle Ages and Renaissance civilians and canonists In the revived study of Roman law in the twelfth century, associated with the glossators, legal philosophy received a fresh stimulus. Of special interest are the attempts at reconciling differences among the Roman jurists on the definition of law and the classification of its branches. Strict law requires that all agreements be kept, but equity allows exceptions to the rule.

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3: Oxford International Encyclopedia of Legal History - Oxford Reference

The Oxford International Encyclopedia of Legal History is a comprehensive, international, interdisciplinary reference work that includes approximately 1, articles on all aspects of legal history throughout the world from ancient to modern times.

In manyâ€¦ Historical development Contract law is the product of a business civilization. It will not be found, in any significant degree, in noncommercial societies. Most primitive societies have other ways of enforcing the commitments of individuals; for example, through ties of kinship or by the authority of religion. In an economy based on barter , most transactions are self-enforcing because the transaction is complete on both sides at the same moment. Problems may arise if the goods exchanged are later found to be defective, but these problems will be handled through property law â€"with its penalties for taking or spoiling the property of anotherâ€"rather than through contract law. Even when transactions do not take the form of barter, noncommercial societies continue to work with notions of property rather than of promise. In early forms of credit transactions, kinship ties secured the debt , as when a tribe or a community gave hostages until the debt was paid. In other casesâ€"constructing a hut, clearing a field, or building a boatâ€"enforcement of the promise to pay was more difficult but still was based on concepts of property. When workers sought to obtain their wages, the tendency was to argue in terms of their right to the product of their labour. A true law of contractsâ€"that is, of enforceable promisesâ€"implies the development of a market economy. In a market economy, on the other hand, a person may seek a commitment today to guard against a change in value tomorrow; the person obtaining such a commitment feels harmed by a failure to honour it to the extent that the market value differs from the agreed price. It recognized various types of contracts and agreements, some of them enforceable, others not. A good deal of legal history turns upon the classifications and distinctions of the Roman law. Only at its final stage of development did Roman law enforce, in general terms, informal executory contractsâ€"that is, agreements to be carried out after they were made. This stage of development was lost with the breakup of the Western Empire. As western Europe declined from an urbanized commercial society into a localized agrarian society, the Roman courts and administrators were replaced by relatively weak and imperfect institutions. It was everywhere accompanied by a commercial revival and the rise of national authority. Both in England and on the Continent, the customary arrangements were found to be unsuited to the commercial and industrial societies that were emerging. The informal agreement, so necessary for trade and commerce in market economies, was not enforceable at law. The economic life of England and the Continent flowed, even after a trading economy began to develop, within the legal framework of the formal contract and of the half-executed transaction that is, a transaction already fully performed on one side. Neither in continental Europe nor in England was the task of developing a law of contracts an easy one. Ultimately, both legal systems succeeded in producing what was needed: The new contract law began to grow up throughout Europe through the practices of merchants; these were at first outside the legal order and could not be upheld in courts of law. Merchants developed informal and flexible practices appropriate for active commercial life. The merchant courts provided expeditious procedures and prompt justice and were administered by men who were themselves merchants and thus fully aware of mercantile problems and customs. In the 12th and 13th centuries the development of the law of contracts on the Continent and in England began to diverge. In England the common law of contracts developed pragmatically through the courts. On the Continent the process was very different, with speculative and systematic thinkers playing a much larger role. Page 1 of 6.

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History of the Law of the Sea Law of the Sea and Related Boundary Issues. In relation to the international law practice and law of the sea and related boundary issues in this world legal Encyclopedia, please see the following section.

First page of the edition of the Napoleonic Code. Civil law is the legal system used in most countries around the world today. In civil law the sources recognised as authoritative are, primarily, legislationâ€”especially codifications in constitutions or statutes passed by governmentâ€”and custom. Modern civil law systems essentially derive from the legal practice of the 6th-century Eastern Roman Empire whose texts were rediscovered by late medieval Western Europe. Roman law in the days of the Roman Republic and Empire was heavily procedural, and lacked a professional legal class. Decisions were not published in any systematic way, so any case law that developed was disguised and almost unrecognised. From â€” AD the Byzantine Emperor Justinian I codified and consolidated Roman law up until that point, so that what remained was one-twentieth of the mass of legal texts from before. As one legal historian wrote, "Justinian consciously looked back to the golden age of Roman law and aimed to restore it to the peak it had reached three centuries before. Western Europe, meanwhile, relied on a mix of the Theodosian Code and Germanic customary law until the Justinian Code was rediscovered in the 11th century, and scholars at the University of Bologna used it to interpret their own laws. Both these codes influenced heavily not only the law systems of the countries in continental Europe e. Greece , but also the Japanese and Korean legal traditions. Common law and equity[edit] Main article: Common law King John of England signs Magna Carta In common law legal systems , decisions by courts are explicitly acknowledged as "law" on equal footing with statutes adopted through the legislative process and with regulations issued by the executive branch. The "doctrine of precedent", or stare decisis Latin for "to stand by decisions" means that decisions by higher courts bind lower courts, and future decisions of the same court, to assure that similar cases reach similar results. In contrast , in " civil law " systems, legislative statutes are typically more detailed, and judicial decisions are shorter and less detailed, because the judge or barrister is only writing to decide the single case, rather than to set out reasoning that will guide future courts. Common law originated from England and has been inherited by almost every country once tied to the British Empire except Malta, Scotland , the U. In medieval England, the Norman conquest the law varied-shire-to-shire, based on disparate tribal customs. The concept of a "common law" developed during the reign of Henry II during the late 12th century, when Henry appointed judges that had authority to create an institutionalized and unified system of law "common" to the country. The next major step in the evolution of the common law came when King John was forced by his barons to sign a document limiting his authority to pass laws. In , for instance, while the highest court in France had fifty-one judges, the English Court of Common Pleas had five. From the time of Sir Thomas More , the first lawyer to be appointed as Lord Chancellor, a systematic body of equity grew up alongside the rigid common law, and developed its own Court of Chancery. In developing the common law, academic writings have always played an important part, both to collect overarching principles from dispersed case law, and to argue for change. William Blackstone , from around , was the first scholar to collect, describe, and teach the common law. Religious law Religious law is explicitly based on religious precepts. Examples include the Jewish Halakha and Islamic Sharia â€”both of which translate as the "path to follow"â€”while Christian canon law also survives in some church communities. Often the implication of religion for law is unalterability, because the word of God cannot be amended or legislated against by judges or governments. For instance, the Quran has some law, and it acts as a source of further law through interpretation, [88] Qiyas reasoning by analogy , Ijma consensus and precedent. This is mainly contained in a body of law and jurisprudence known as Sharia and Fiqh respectively. This contains the basic code of Jewish law, which some Israeli communities choose to use. Nevertheless, Israeli law allows litigants to use religious laws only if they choose. A trial in the Ottoman Empire, , when religious law applied under the Mecelle Main article: Since the mids, efforts have been made, in country after country, to bring Sharia law more into line with modern conditions and conceptions. The constitutions of certain Muslim states, such as Egypt and Afghanistan, recognise Islam as the religion of the state, obliging legislature

to adhere to Sharia. I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition; that thou givest up, thy right to him, and authorise all his actions in like manner. Thomas Hobbes, Leviathan, XVII The main institutions of law in industrialised countries are independent courts , representative parliaments, an accountable executive, the military and police, bureaucratic organisation, the legal profession and civil society itself. John Locke, in his Two Treatises of Government , and Baron de Montesquieu in The Spirit of the Laws , advocated for a separation of powers between the political, legislature and executive bodies. Judiciary A judiciary is a number of judges mediating disputes to determine outcome. Most countries have systems of appeal courts, answering up to a supreme legal authority. The European Court of Human Rights in Strasbourg allows citizens of the Council of Europe member states to bring cases relating to human rights issues before it. For example, in Brown v. Board of Education , the United States Supreme Court nullified many state statutes that had established racially segregated schools, finding such statutes to be incompatible with the Fourteenth Amendment to the United States Constitution. In most countries judges may only interpret the constitution and all other laws. But in common law countries, where matters are not constitutional, the judiciary may also create law under the doctrine of precedent. The UK, Finland and New Zealand assert the ideal of parliamentary sovereignty , whereby the unelected judiciary may not overturn law passed by a democratic legislature. By the principle of representative government people vote for politicians to carry out their wishes. Although countries like Israel, Greece, Sweden and China are unicameral , most countries are bicameral , meaning they have two separately appointed legislative houses. In the UK the upper house is appointed by the government as a house of review. One criticism of bicameral systems with two elected chambers is that the upper and lower houses may simply mirror one another. The traditional justification of bicameralism is that an upper chamber acts as a house of review. This can minimise arbitrariness and injustice in governmental action. Normally there will be several readings and amendments proposed by the different political factions. If a country has an entrenched constitution, a special majority for changes to the constitution may be required, making changes to the law more difficult. A government usually leads the process, which can be formed from Members of Parliament e. However, in a presidential system, the government is usually formed by an executive and his or her appointed cabinet officials e. The executive in a legal system serves as the centre of political authority of the State. In a parliamentary system , as with Britain, Italy, Germany, India, and Japan, the executive is known as the cabinet, and composed of members of the legislature. The executive is led by the head of government , whose office holds power under the confidence of the legislature. Because popular elections appoint political parties to govern, the leader of a party can change in between elections. Examples include the President of Germany appointed by members of federal and state legislatures , the Queen of the United Kingdom an hereditary office , and the President of Austria elected by popular vote. The other important model is the presidential system , found in the United States and in Brazil. In presidential systems, the executive acts as both head of state and head of government, and has power to appoint an unelected cabinet. Under a presidential system, the executive branch is separate from the legislature to which it is not accountable. In presidential systems, the executive often has the power to veto legislation. Most executives in both systems are responsible for foreign relations , the military and police, and the bureaucracy. Military and police[edit] U. Customs and Border Protection officers While military organisations have existed as long as government itself, the idea of a standing police force is a relatively modern concept.

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5: Law - Wikipedia

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Because of this compounded word, fifteenth century readers and since have often, and incorrectly, thought that the Roman authors Quintillian and Pliny described an ancient genre. As several titles illustrate, there was not a settled notion about its spelling nor its status as a noun. In approximately , Franciscus Puccius wrote a letter to Politianus thanking him for his Miscellanea, calling it an encyclopedia. For example, Banglapedia on matters relevant for Bangladesh. Historically, both encyclopedias and dictionaries have been researched and written by well-educated, well-informed content experts , but they are significantly different in structure. A dictionary is a linguistic work which primarily focuses on alphabetical listing of words and their definitions. Synonymous words and those related by the subject matter are to be found scattered around the dictionary, giving no obvious place for in-depth treatment. Thus, a dictionary typically provides limited information , analysis or background for the word defined. While it may offer a definition, it may leave the reader lacking in understanding the meaning, significance or limitations of a term , and how the term relates to a broader field of knowledge. An encyclopedia is, theoretically, not written in order to convince, although one of its goals is indeed to convince its reader of its own veracity. To address those needs, an encyclopedia article is typically not limited to simple definitions, and is not limited to defining an individual word, but provides a more extensive meaning for a subject or discipline. An encyclopedia article also often includes many maps and illustrations , as well as bibliography and statistics. Four major elements define an encyclopedia: General encyclopedias may contain guides on how to do a variety of things, as well as embedded dictionaries and gazetteers. Works of encyclopedic scope aim to convey the important accumulated knowledge for their subject domain, such as an encyclopedia of medicine , philosophy , or law. Works vary in the breadth of material and the depth of discussion, depending on the target audience. Some systematic method of organization is essential to making an encyclopedia usable for reference. There have historically been two main methods of organizing printed encyclopedias: The former method is today the more common, especially for general works. The fluidity of electronic media, however, allows new possibilities for multiple methods of organization of the same content. Further, electronic media offer new capabilities for search, indexing and cross reference. Projects such as Everything2 , Encarta , h2g2 , and Wikipedia are examples of new forms of the encyclopedia as information retrieval becomes simpler. The method of production for an encyclopedia historically has been supported in both for-profit and non-profit contexts. The Great Soviet Encyclopedia mentioned above was entirely state sponsored, while the Britannica was supported as a for-profit institution. By comparison, Wikipedia is supported by volunteers contributing in a non-profit environment under the organization of the Wikimedia Foundation. There are some broad differences between encyclopedias and dictionaries. Most noticeably, encyclopedia articles are longer, fuller and more thorough than entries in most general-purpose dictionaries. Generally speaking, dictionaries provide linguistic information about words themselves, while encyclopedias focus more on the thing for which those words stand. As such, dictionary entries are not fully translatable into other languages, but encyclopedia articles can be. Today they can also be distributed and displayed electronically. He compiled a work of 37 chapters covering natural history, architecture, medicine, geography, geology, and other aspects of the world around him. He stated in the preface that he had compiled 20, facts from works by over authors, and added many others from his own experience. The work was published around AD 77â€”79, although Pliny probably never finished editing the work before his death in the eruption of Vesuvius in AD The work has chapters in 20 volumes, and is valuable because of the quotes and fragments of texts by other authors that would have been lost had he not collected them. The most popular encyclopedia of the Carolingian Age was the De universo or De rerum naturis by Rabanus Maurus , written about ; it was based on Etymologiae. The text was arranged alphabetically with some slight deviations from common vowel order and place in the Greek alphabet. The early Muslim compilations of knowledge in the Middle Ages included many comprehensive works. The enormous encyclopedic work in China of the Four

Great Books of Song , compiled by the 11th century AD during the early Song dynasty â€" , was a massive literary undertaking for the time. The last encyclopedia of the four, the Prime Tortoise of the Record Bureau , amounted to 9. Some were women, like Hildegard of Bingen and Herrad of Landsberg. Both were written in the middle of the 13th century. This work followed the traditional scheme of liberal arts. However, Valla added the translation of ancient Greek works on mathematics firstly by Archimedes , newly discovered and translated. The Margarita Philosophica by Gregor Reisch , printed in , was a complete encyclopedia explaining the seven liberal arts. The first work titled in this way was the Encyclopedia orbisque doctrinarum, hoc est omnium artium, scientiarum, ipsius philosophiae index ac divisio written by Johannes Aventinus in Pseudodoxia Epidemica was a European best-seller, translated into French, Dutch, and German as well as Latin it went through no fewer than five editions, each revised and augmented, the last edition appearing in Financial, commercial, legal, and intellectual factors changed the size of encyclopedias. During the Renaissance , middle classes had more time to read and encyclopedias helped them to learn more. Publishers wanted to increase their output so some countries like Germany started selling books missing alphabetical sections, to publish faster. Also, publishers could not afford all the resources by themselves, so multiple publishers would come together with their resources to create better encyclopedias. When publishing at the same rate became financially impossible, they turned to subscriptions and serial publications. This was risky for publishers because they had to find people that would pay all upfront or make payments. When this worked, capital would rise and there would be a steady income for encyclopedias. Later, rivalry grew, causing copyright to occur due to weak underdeveloped laws. Encyclopedias made it to where middle-class citizens could basically have a small library in their own house. Europeans were becoming more curious about their society around them causing them to revolt against their government. Explaining not only the Terms of Art, but the Arts Themselves". During the 19th and early 20th century, many smaller or less developed languages[which? While encyclopedias in larger languages, having large markets that could support a large editorial staff, churned out new volume works in a few years and new editions with brief intervals, such publication plans often spanned a decade or more in smaller languages. In the United States, the s and s saw the introduction of several large popular encyclopedias, often sold on installment plans. The best known of these were World Book and Funk and Wagnalls. This trend has continued. Encyclopedias of at least one volume in size now exist for most if not all academic disciplines , including such narrow topics such as bioethics. By the late 20th century, encyclopedias were being published on CD-ROMs for use with personal computers. Articles were supplemented with both video and audio files as well as numerous high-quality images. Unlike commercial online encyclopedias such as Britannica Online , which are written by experts, Wikipedia is collaboratively edited by volunteers. As of 14 November , there are 5,, articles in the English Wikipedia. There are different editions of Wikipedia. As of February , it had 18 billion page views and nearly million unique visitors each month. There are several much smaller, usually more specialized, encyclopedias on various themes, sometimes dedicated to a specific geographic region or time period.

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The Encyclopedia expands and updates the coverage of American political and legal history found in The Oxford Companion to United States History, the award-winning publication edited by Paul Boyer (Emeritus, University of Wisconsin-Madison).

7: History of the Law of the Sea | World Encyclopedia of Law

Through the study of legal history, introduced by Matthew Hale's History of the Common Law (), both English and American lawyers began to understand that the common law evolved and that the law seemed to support a growing emphasis on liberty.

8: About - Oxford Research Encyclopedia of American History

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9: contract | Definition, History, & Facts | www.enganchecubano.com

Contract, in the simplest definition, a promise enforceable by www.enganchecubano.com promise may be to do something or to refrain from doing something. The making of a contract requires the mutual assent of two or more persons, one of them ordinarily making an offer and another accepting.

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