Aniceto Masferrer, Cornelis Hendrik (Remco) van Rhee, Seán P. Donlan and Cornelis Heesters, (eds.), *A Companion to Western Legal Traditions. From Antiquity to the Twentieth Century (Legal History Library, vol. 65)*, Leiden/Boston, Brill and Nijhoff, 2024, 546 pp. [ISBN 978-9004687240]

To choose as the backdrop of a collective book the whole *Western legal traditions, from Antiquity to the Twentieth century*, is a daring endeavour. It imposes to the editors to convincingly elaborate a concept without being either too broad or too narrow in scope, while risking disappointing the readers looking for an introductive volume as well as the ones hoping to acquire a deeper knowledge of a certain historical period or the evolution of a given legal concept. For the greatest delight of comparative legal historians, the challenge was met, in my opinion, with flying colours.

Providing the necessary expertise for such an achievement are the fifteen contributors (of whom all but two were at the time of publication holding professorial rank), including the four editors, who are affiliated to universities or institutions in seven European countries, as well as Canada and the United States.

The book is divided into seven chapters (of roughly fifty to ninety pages each) moving forward in chronological order. Chapters focus on a given time frame and follow an identical organisational structure. After a short introduction setting the "climate of the era" under consideration, a section entitled "*Creation*" describes what was law and how it was created, modified and preserved for generations to come. It analyses in detail each source of law (origins, characteristics, importance in practice, concerned body of law, etc.). "*Actors*" are the subject of the third section, which examines which authority – being individuals (judges, monarchs, autocrats, etc.) or organised bodies (executive or legislative assemblies) – authored the law in its different emanations, developing it, preventing it from changing or on the contrary radically transforming it. After two sections concentrating on structural issues, the final section "*Application*" takes a detailed look on actual procedural and substantive rules of the period of interest. The conclusive section of each chapter allows for summaries and foreseeing links with the next era. Along the way, students (and scholars alike) will know how to take advantage of the short lists of questions underlying salient points of main sections and placed immediately after each one. Finally, a list of carefully curated material for further reading closes each chapter, including some classics as well as recently penned authoritative works. The end matters includes an extensive index allowing for a topical reading across the volume.

In a way that is relevant but too often overlooked in the literature, a great number of (primary and secondary) sources are quoted *in extenso*. This does not only save the inquisitive reader time, but provides context, shows the law as it was discussed by others, allows the direct confrontation of ideas (those of the chapter's authors as well as the reader's) and legal concepts (thereby allowing one to mentally navigate beyond the division into chapters), as well as gives a rhythm to the reading. This common frame in all of the volumes' writings is worth highlighting.

The first chapter covers the "*Antiquity (753 BC-565 AD)*" as a whole. Written by Prof. Em. Jan Hallebeek (Vrije Universiteit Amsterdam), both the problem of the sources available to researchers and the extremely varied and evolving reality of Roman law are addressed from the outset. Choosing to concentrate on the most relevant material for later

periods, the focus is placed on Classical Roman Law and "Justinianic Law", that is the *Corpus iuris civilis*. Rules examined are presented on a case-by-case approach (each case corresponding to one or several Roman legal provisions) and address manly issues of Property and Obligations laws.

Written by Prof. Stephan Dusil (University of Tübingen), Prof. Bernd Kannowski (University of Bayreuth) and Prof. Gerald Schwedler (Christian-Albrechts Universität Kiel), the second chapter, "*Early middle Ages (500-1100)*", slightly overlaps with the first at the beginning, showing how and to what extent "Justinianic Law" survived the fall of the Western Roman Empire. After examining the creation of Roman (vulgar) law, Germanic (tribal) law and Canon law, but before examining the numerous actors, this chapter deviates from the above described structure to insert a few pages on the forms used to transmit the various sources of law distinguishing between material objects (*codices*) and generational transmission. Among the entities involved in law-making, a new actor – which is growing in importance and maintain its presence throughout the following chapters – is the Catholic Church. Logically, the section dealing with the application of the law emphasises the issue of multi-ethnic, multi-religious and inter-social societies of great diversity that are regulated by different laws for each different group. The different (personal) laws are examined separately before being compared in the concluding remarks.

The "*High and Late Middle Ages (1100-1500)*" is the focus of the third chapter written by Prof. Dirk Heirbaut (Ghent University) and Prof. Heikki Pihlajamäki (University of Helsinki). This is the period of the revival of Roman law – giving rise to the *ius commune* – and the creation of the first law faculties. Glossators and commentators, followed by professional lawyers, take an in-depth look of the texts, reinterpreting them in their own way. The difficult relations between monarchs (especially the Emperor of the holy Roman Empire) and popes creates a need for doctrinal opinions, hence keeping many scholars busy. The application of the law is presented to the reader according to a classification separating the procedure and the different areas of the law.

Conventional historiography places the beginning of Early Modernity in the year 1500. This is also true for the next chapter entitled "Early Modernity (1500-1650)". Nevertheless Prof. Adolfo Giuliani (Ministry for Education, University and Research, Rome) rightly emphasises that the sixteenth century presents more a continuation of the tranquil legal developments of the Late Middle Ages than a radical change comparable to the rebirth of Roman law or the codifications. Hence, legal sources do not evolve dramatically. All the same, humanists take the lead in the faculties, applying to the legal profession a new approach. The scholastic method is still rigorously applied and there is no doubt that a certain perfectionism in the way law was conceived before the first developments leading to codification is achieved. This is why one can speak of a certain "intellectualization of the legal practice". At the end of the chapter merchant law and the *ius commune* in Latin America are covered.

If chapter 4 highlighted the reign of tradition, chapter 5 presents the beginnings of the revolutionaries eighteenth and nineteenth centuries. "New Legal Dynamics and the Emergence of Modern States (1650-1775)", written by Prof. Jean-Louis Halpérin (École normale supérieure, Paris), shows the emergence of the modern states, the rise of the absolutist rulers (giving rise to many discussions on the various forms of government). Humanism extends its influence to Criminal law. A phenomenon of transition from

decentralised legal systems into centralised legal systems is also a feature of the period. The application of law is now also in the hands of higher courts and procedural rules are revised. Substantive private law, criminal law and public law are examined at length.

"Revolutionary Period and Nineteenth Century (1776-1900)", the fifth chapter written by Prof. Aniceto Masferrer (University of Valencia) and Prof. Cornelis Hendrik (Remco) van Rhee (Maastricht University), primarily discusses the considerable legislative work represented by European codification, and the transformative effect social and political revolutions have in the field of law. Codifications do not only reshape private and criminal law, but also public law by the adoption of written constitutions and the transcription of fundamental rights. The changes brought about by these transformations are also altering the place of other sources of law (much of the heritage of the past disappears), the role of judges (who become the "mouth of the law") and the legality principle (the rule of law and the principle of legislative supremacy provisions become the norm). Private law, including commercial law, and procedural law issues are the main developments of the "*Application*" section.

The seventh and final chapter, "Contemporary Period (1900-Present)", allows Prof. Olivier Moréteau (Louisiana State University), Prof. Agustín Parise (Maastricht University) and Prof. Jacques Vanderlinden (Free University of Brussels) to show why the twentieth century may be designated as a period of "compilation, consolidation and recodification" initiated by the rise of the supranational organisations, the spread of the western legal tradition, the decolonisation, the advent of comparative legal scholarship, the emergence of "soft law", as well as important transformations in procedural and substantive rules (all areas of law influencing each other with much greater fluidity than during the codification period). The repercussions of the world wars are mentioned as well as international protection of Human rights. The evolution in property law and the law of obligations are not forgotten.

The more than five hundred pages of this volume represent a compendium of information on the different western legal traditions, covering all the major topics (and many minor ones) that a student needs to master and on which a researcher might want to brush up his memory. English common law is not put aside along the way and numerous parts of sections are devoted to explaining the developments of this unique body of law (in fact sometimes also quoting passages from English sources), whether they are similar to those of the continent or completely unheard of. Occasional reflexions outside the western hemisphere are also made.

Although not conceived as an innovative work, these collected writings have the advantage of presenting the current state of western legal history research and can therefore serve as a basis for further research (as stated in the book's introduction). It is therefore an excellent entry point for any research seeking a doctrinal summary on a specific topic.

The effective structure of each chapter (from which I have roughly drawn inspiration to shape these lines) combined to the scholarship of the authors (readers will marvel both at the sum of historical anecdotes the book encompasses and at the quality of a prose encapsulating complex notions in a few lines) give justice to the title, making the book a genuine companion whom any researcher working in the field of comparative

legal history will often ask a question, thus almost as often find an answer and, failing that, be equipped with the right tools and a track to pursue the investigation further.

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