

The Making of the Modern World



LAW AND LEGAL HISTORY

Major Figures in Law and Legal Studies

The chart below lists some major figures in legal history and how well they are represented in *The Making of the Modern World* (MOMW). As can be seen, some of them are not included as authors (or sub-authors), but have had their works and thoughts written about or debated in other works. This is represented by the keyword and full text hits on their names.

Some of the legal theorists and judges lived/died prior to the period covered by MOMW, but continued to be published or, more importantly, written about and debated during this period.

NAME	AUTHOR	KEYWORD	FULL TEXT
Adams, John Quincy	12	26	212
Aristotle	1	21	1,828
Bagehot, Walter	0	3	43
Beccaria, Cesare	10	43	59 (844 on just Beccaria)
Bell, Robert	6	12	433
Bentham, Jeremy	96	121	338
Blackstone, William	21	26	349 (2,727 on just Blackstone)
Bodin, Jean	8	11	62 (900 on just Bodin)
Burke, Edmund	124	202	797
Chitty, Joseph	21	22	68
Douglass, Frederick	3	6	18
Durkheim, (Emil)	0	4	28
Grotius, (Hugo)	5	28	147
Hobbes, Thomas	18	38	90
Jefferson, Thomas	12	32	371
Livy	0	5	1,319
Locke, John	23	34	330
Machiavelli, Niccolo	5	11	285
Madison, James	10	31	223
Montesquieu (Charles de Secondat, Baron de)	40	44	64 (3,255 on just "Montesquieu")
Paine, Thomas	117	211	741
Rousseau, Jean-Jacques	41	56	244
Smith, Adam	356	508	3,999
Story, Joseph	5	6	102
Taney, Roger B.	1	2	18

Key topics/subjects in law

Listed below are a number of topics related to law and legal history and how well they are covered in MOMW. It illustrates when the topic has been broken out as a subject heading for a work, as well as how many times the term can be found through a keyword or full-text search.

NOTE: Those terms that don't have subject term hits are no less important - they simply may be too specialized to be captured as a Library of Congress subject heading.

TOPIC/TERM	SUBJECT	KEYWORD	FULL TEXT
"Common Law"	4	186	5,304
"Civil law"	13	82	2,507
"Canon law"	22	57	892
"Administrative law"	19	19	21
"Maritime law"	225	240	509
"Church and state"	166	225	3,305
"Civil rights"	69	85	1,887
Bankruptcy or Bankrupt	191	474	8,271
Censorship	14	26	438
"Commercial law"	313	326	503
"Constitutional law"	111	113	539
"Corn law(s)"	912	1,315	4,458
"Corporal punishment"	2	13	1,060
"Criminal law"	43	89	1,205
"Criminal justice"	22	48	597
"Poor laws"	756	1,022	3,879
"Bill of Rights"	0	33	1,118
"Judicial review"	0	2	9
"Separation of powers"	2	3	9
Supreme Court	0	70	2,336
Congress	208	734	5,892
Legislature	7	508	18,571
Affidavit	0	96	3,072
Plaintiff	0	80	3,758
Arraignment	0	34	465
Deposition	0	77	3,292
Bail	0	177	9,930
"Cross examination"	0	9	797
Grand jury	6	141	2,865
"Judicial appointment"	0	0	15
Tort	0	48	10,387
Suffrage	69	167	4,108
"Articles of incorporation"	24	26	30
"Banking law"	60	74	162

Examples of support for curriculum

1. University of Colorado, Boulder, School of Law

LAWS 7248 - History of Anglo-American Criminal Justice

Explores the social, cultural, and legal history of Anglo-American **criminal justice** from the 16th to the 20th centuries. Also examines tensions between various methods that historians employ to study crime and law.

This 3-unit course explores the history of Anglo-American criminal justice from the 16th century through the end of the 19th century. Most topics will be considered with relation to both the United States and England. Sub-areas of this wide canvas include the increased use of lawyers, the rise of defendants' rights, and the development of **evidentiary rules**. Many of the readings raise questions about the **purposes of punishment** and the use of the law as a tool of gender, class, and racial control.

Examples: As the charts above indicate, we have significant coverage for 'criminal justice' and there are 359 full text matches for 'evidentiary' or 'rules of evidence'. And, as outlined in the Philosophy write-up, Jeremy Bentham (in top chart above) wrote about appropriate but certain punishment and its role in dissuading wrong-doers.

2. Georgetown University, School of Law

2a - English Legal History Seminar: Foundations of American Law

This seminar emphasizes the development of the common law during the 18th Century—the age of **Blackstone** and his **Commentaries**. This was an era of rapid growth in the law, and English procedures and precedents were the foundation upon which much of the laws of the early American republic was built. A central focus is on the role of **Lord Mansfield** as Chief Justice of the Court of King's Bench in creating a modern approach to doctrine and practice. Mansfield was a strong influence on leading American jurists and scholars of the 19th and 20th centuries, such as **Joseph Story** and Karl Llewellyn. Also studied is the role of the jury in 18th-century English — role that continues to govern the scope of the right to jury trial in the United States under the Seventh Amendment. Special juries will be discussed, including the jury **de medietate linguae** ("of the half tongue") and the jury of

matrons. Attention is given to the problem of crime in the 18th century, to the conduct of the criminal trial, and to the early history of the law of evidence. Students examine and discuss original documentary evidence discovered by recent research. A substantial paper is expected.

Examples: As the chart indicates, MOMW includes numerous works by **Blackstone** (including his four volume **Commentaries** on the laws of England) as well as those that reference his works. In addition, there are 37 works where **Lord Mansfield** is a keyword and over 1,100 that refer to "Lord Mansfield" in the text. Both **jury of matrons** (15) and **jury de mediate linguae** (9) have full-text matches as well. All of which would be very valuable for the 'substantial paper' that is expected.

2b - Constitutional Law II: Individual Rights and Liberties

This course focuses primarily on the **First, Fifth, and Fourteenth Amendments** (**free speech**, due process, and equal protection) and the role of the Supreme Court as ultimate interpreter and guardian of the **Bill of Rights**. Professor Cook's course will include documentary videos and guest lecturers from prominent public interest organizations who will supplement the course's emphasis on the relationship between contemporary progressive politics and constitutional litigation.

Examples: There are over 1,100 references to the **Bill of Rights** (33 as keyword), 76 to "**free speech**", 88 references to "**first amendment**".

3. Davidson College

Political Science 311— Legislative Process

The course examines the details and politics of specific **current issues**, as well as how the institution of **Congress** operates broadly. Examines the issue of language in politics.

Examples: As the charts above indicate, MOMW has over 5,000 full text hits for Congress (over 700 are also a keyword); 15 full text hits for the search term "**judicial appointment**"; 9 for "**separation of powers**"; 19 for "**administrative law**";

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