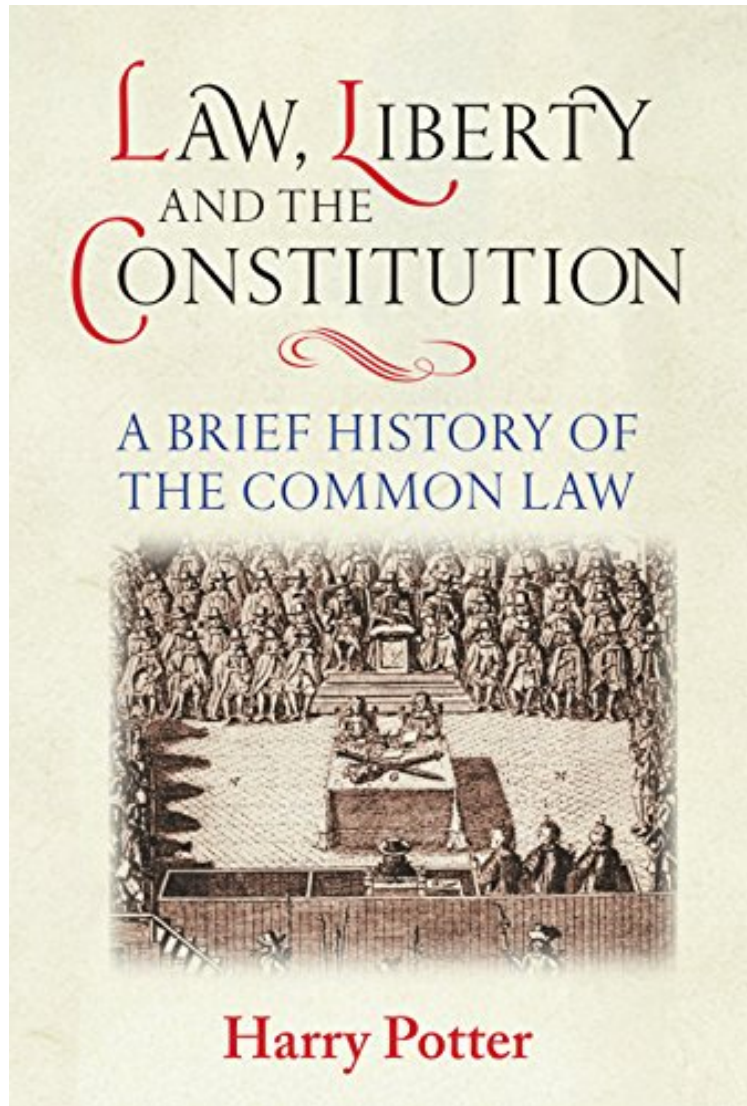


(Free) Law, Liberty and the Constitution: A Brief History of the Common Law

# Law, Liberty and the Constitution: A Brief History of the Common Law

Von Harry Potter

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**Von Harry Potter : Law, Liberty and the Constitution: A Brief History of the Common Law** before purchasing it in order to gage whether or not it would be worth my time, and all praised Law, Liberty and the Constitution: A Brief History of the Common Law:

KundenrezensionenHilfreichste Kundenrezensionen0 von 0 Kunden fanden die folgende Rezension hilfreich. A turbulent and tumultuous history.... Von Phillip Taylor MBEFROM ANGLO SAXON TIMES TO TODAY: THE

**TURBULENT AND TUMULTUOUS HISTORY OF THE ENGLISH COMMON LAW** An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers If anyone from parts of the world that Shakespeare would have called less happier lands ever asks you about our common law, you can tell them its a long story some fifteen-hundred years long to be reasonably precise and it is told with verve and vigour -- and rigorous scholarship -- in this really quite enthralling book. Published by the Boydell Press, this book reveals page after page that the story of the common law contains many stories within it, too numerous to count. But taken as a whole, they hold up a mirror to the constitutional history of England and the continuing struggle over the centuries to establish a workable system of justice and the rule of law often against fierce and implacable opposition. The author, Harry Potter an academic barrister and former fellow of Selwyn College, Cambridge, has pointed out that the development of the common law owed much to the English kings and their judiciary who, in the twelfth century created a unified system of law, predating that of any other European country based to a significant extent on Anglo Saxon tradition. If it were at all possible to summarise the narrative thread of this book, you could safely say that it traces the development of the common law from A.D. 600 to AD 2014, basically from the Anglo Saxon bodies of law called dooms to the developments of the present day. It is interesting that the earliest extant code comes from the reign of King Aethelbert of Kent, the first Christian Anglo Saxon monarch, at about 602 AD. It is no coincidence, says the author, that Aethelbert set down his code shortly after Augustine, arrived in Canterbury and converted him to Christianity. Travelling from Rome, Augustine introduced Aethelbert not only to the tradition of Roman law, but the Mosaic laws in the Bible, which also contains the forensic wisdom of Solomon the advocacy of Jesus and the Last Judgment. With its roots in ancient wisdom, the common law, has kept on renewing itself, century after century and, it is hoped, will continue to do so, maintaining Englands (actually Britains) traditions as a law abiding country. In the space of a thousand years, comments the author, English law had evolved from a rough code to settle disputes, constrain feuds and keep the peace into an institution used to bring a king to justice or so many thought or asserted. The most spectacular examples of bringing a tyrannical king to justice include, in this anniversary year of Magna Carta, the only temporary submission of King John by the barons at Runnymede (of which much has been written this year, 2015) and the execution of Charles I a cataclysmic event which still excites controversy. If you happen to be a barrister at Grays Inn, you might be interested to know that the prosecutor at the trial of Charles I was a barrister at Grays Inn. His name was John Cook and although not the first choice for the task, proved equal to it nevertheless. In an astonishing encounter between prosecutor and accused, the king apparently struck John Cook twice with his cane, an assault which the enigmatic prosecutor staunchly ignored -- and undeterred, carried on prosecuting, you might say. Upon hitting John Cook a third time, the silver tip of the Charless cane was seen to fall off, with the king placed in the humiliating position of having to bend down and pick it off the floor himself -- an omen of impending doom if there ever was one -- and duly noted with varying degrees of amazement and horror by the spectators there assembled. The book fairly bristles with anecdote after startling anecdote such as this. With the focus generally on specific cases and judicial decisions, the narrative reveals any number of illuminating insights into the often shadowy corners of the history of the common law and its extraordinary evolution. The common law, says Harry Potter, is the spinal cord of the English body politic and we are further reminded that it persists as one of the great legal systems of the world, even though subjected to continuing threats by expediency and vested interests up to and including the present day. As Scottish-born barrister, broadcaster and campaigner Helena Kennedy has said, there is nothing that can beat it. General readers as well as lawyers, particularly in common law jurisdictions, can consider themselves fortunate that this distinguished brief history has indeed brought the English common law to life.

**Kurzbeschreibung** Throughout English history the rule of law and the preservation of liberty have been inseparable, and both are intrinsic to England's constitution. This accessible and entertaining history traces the growth of the law from its beginnings in Anglo-Saxon times to the present day. It shows how the law evolved from a means of ensuring order and limiting feuds to become a supremely sophisticated dispenser of justice and the primary guardian of civil liberties. This development owed much to the English kings and their judiciary, who, in the twelfth century, forged a unified system of law - predating that of any other European country - from almost wholly Anglo-Saxon elements. Yet by the seventeenth century this royal offspring - Oedipus Lex it could be called - was capable of regicide. Since then the law has had a somewhat fractious relationship with that institution upon which the regal mantle of supreme power descended, Parliament. This book tells the story of the common law not merely by describing major developments but by concentrating on prominent personalities and decisive cases relating to the constitution, criminal jurisprudence, and civil liberties. It investigates the great constitutional conflicts, the rise of advocacy, and curious and important cases relating to slavery, insanity, obscenity, cannibalism, the death penalty, and miscarriages of justice. The book concludes by examining the extension of the law into the prosecution of war criminals and protection of universal human rights and the threats posed by over-reaction to national emergencies and terrorism. Devoid of jargon and replete with good stories, *Law, Liberty and the Constitution* represents a new approach to the telling of legal history and will be of

interest to anyone wishing to know more about the common law - the spinal cord of the English body politic. Harry Potter is a former fellow of Selwyn College, Cambridge and a practising barrister specialising in criminal defence. He has authored books on the death penalty and Scottish history and wrote and presented an award-winning series on the history of the common law for the BBC. *Pressestimmen* Full of triumphs, tragedies, comedies, accidents and unintended consequences (with) an immense cast of characters. ... (A) lively and opinionated book. *TIMES* Potter lacerates the jargon and marches through a long timeline to produce a slim, superbly written account of the common law. *LAW SOCIETY GAZETTE* Full of triumphs, tragedies, comedies, accidents and unintended consequences (with) an immense cast of characters. ... (A) lively and opinionated book. *TIMES* An enjoyable read. *PARLIAMENTARY HISTORY* Potter lacerates the jargon and marches through a long timeline to produce a slim, superbly written account of the common law. *LAW SOCIETY GAZETTE* Full of triumphs, tragedies, comedies, accidents and unintended consequences (with) an immense cast of characters. ... (A) lively and opinionated book.

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