



Law and Revolution: The Formation of the Western Legal Tradition

By Harold J. Berman

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The roots of modern Western legal institutions and concepts go back nine centuries to the Papal Revolution, when the Western church established its political and legal unity and its independence from emperors, kings, and feudal lords. Out of this upheaval came the Western idea of integrated legal systems consciously developed over generations and centuries.

Harold J. Berman describes the main features of these systems of law, including the canon law of the church, the royal law of the major kingdoms, the urban law of the newly emerging cities, feudal law, manorial law, and mercantile law. In the coexistence and competition of these systems he finds an important source of the Western belief in the supremacy of law.

Written simply and dramatically, carrying a wealth of detail for the scholar but also a fascinating story for the layman, the book grapples with wideranging questions of our heritage and our future. One of its main themes is the interaction between the Western belief in legal evolution and the periodic outbreak of apocalyptic revolutionary upheavals.

Berman challenges conventional nationalist approaches to legal history, which have neglected the common foundations of all Western legal systems. He also questions conventional social theory, which has paid insufficient attention to the origin of modern Western legal systems and has therefore misjudged the nature of the crisis of the legal tradition in the twentieth century.

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Editorial Review

Review

A magnificent volume, broad in scope and rich in detail; this may be the most important book on law in our generation. (*American Political Science Review*)

This is a book of the first importance. Every lawyer should read it ... Clearly written and well-organized, it is a work of immense scholarship. (*Los Angeles Daily Journal*)

Superb... A tour de force of insight and erudition The principal text divides into two parts, the first dealing with the papal revolution and its distinctive legal system of canon law and the second describing the emergence of secular legalism through its roots in feudal, manorial, mercantile, urban, and royal systems... A magnificent topping-off to the conventional [law school] curriculum. (*The Benchmark*)

By demonstrating the revolutionary character of the papal reformation, Berman upsets periodizations commonly accepted by Church historians, positivists, Marxist historians, and historians of the law... *Law and Revolution* is itself a revolutionary book in obliging the practitioners of many university disciplines to readjust their focus and to see in law a revolutionary cultural force. (George H. Williams)

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About the Author

Harold J. Berman was Woodruff Professor of Law at Emory University and Ames Professor of Law, Emeritus, at Harvard University.

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