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FROM GENERAL LEGAL HISTORY TOWARDS COMPARATIVE LEGAL TRADITIONS*

The so called Bologna process has incited a kind of "cultural revolution" in law schools' curricula all over Europe. Positivistic and empirical approaches, practi cal specializations and utilitarian demands are given priority by the Bologna re forms. The process compresses the teaching of legal history into fewer courses, em phasizing professional and applied learning outcomes over the traditional liberal arts centered model of legal education. Skills and practical knowledge are favored, sometimes at the expense of gaining a profound comprehension and intellectual un derstanding of the underlying principles of law and the social and historical dy namic through which they developed. I believe that seemingly "impractical" topics like legal history actually strengthen the applied portion of the curriculum. In reality, nothing is as practical, particularly in a time of rapid social and technological change, as a clear appreciation of the historical, moral and ethical principles that form the basis of the modern legal order.

Modernizing legal pedagogy must include, inter alia, major adjustments in the subjects taught. Consequently, at the University of Belgrade Law Faculty, the basic course in legal history that was inherited from the socialist curricula, General History of State and Law, was first updated into General Legal History, and, through a second step, into Comparative Legal Traditions. This evolution is not merely termi

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nological. The modernized courses are more pragmatic (bringing Serbian legal edu cation into conformity with similar classes at universities worldwide), theoretical (emphasizing the inseparable linkage between legal history and comparative law, as stressed by Kaser, Watson, Glenn, Zimmerman and many others) and pedagogical (offering more applied knowledge to students). They conceptualize the subject differ ently in at least two ways: firstly, the focus is transferred from the abstract, universal ist concept of "general (legal) history" (Weltgeschichte) to the more neutral, theo retically less demanding comparative approach. Secondly, the change encompasses a partial shift from history (implying the processes have been completed) to tradition (pointing to living traces of previous legal development, defined by Glenn as „the presence of the past"). The subject is now more oriented towards a better under standing of the roots of current legal doctrine and of the likely shape of future legal changes. The new approach favors understanding of law in the context of legal trans plants, diffusion and harmonization of law, of the interaction and internal dynamics of legal systems, as well as an awareness that the era of autonomous and isolated national legal systems is ending.

The second change in teaching methods, has shifted from formal lectures to interactive learning through Clinical Legal History. Students are engaged by playing roles in historical court cases. Court simulations of cases from ancient Athens or Rome enable students to develop legal reasoning and imagination, train their rhe torical skills, develop their creative understanding of legal terminology, learn about procedural maneuvers, build up argumentation, become familiar with the legal deci sion making processes, and gain an appreciation that legal principles, institutions, rules and judiciary experience do not apply only to ancient courtrooms. Students gain a deeper understanding of how previous societies dealt with legal dilemmas that parallel contemporary legal problems. Acting as an Athenian jury, for example, teaches students both the values and the dangers inherent in a more democratic judi cial system. This broad understanding of legal traditions may build a prospective barrier against the hurricane of positivist and pragmatic challenges that threaten to turn lawyers into mere technical specialists.

Key words: *Bologna process. Comparative Law. Legal Transplants. Diffu sion of Law. Legal Education. Clinical Legal History.*

1. BOLOGNA PROCESS AND LEGAL HISTORY

Along with its beneficial aspects, the Bologna process has deemphasized the role of legal history courses in favor of classes that stress more technical and applied learning outcomes. The traditional educational model, which was oriented toward furnishing students with generalized legal knowledge and a deep intellectual understanding of law is being undermined by an increasing stress on technical legal skills. Classes that lack direct pragmatic content and immediate applied relevance have came under strong pressure to justify their presence in the curriculum. Topics that appear to lack practical significance are downgraded or even completely replaced with more immediately practical ones. Roman law and

subjects dealing with national, as well as with general, legal history and their derivates (such as Cuneiform Law, Ancient Greek Law, Medieval Law, Modern Codifications, and the like) that have been flourishing for decades are being either reduced, turned into optional classes, integrated into the more „practical" courses of private or public law, or eliminated completely.[1] Positivistic approaches, reduction of broad approaches into narrow specializations and other utilitarian demands have gained priority. Specialized legal skills and practical knowledge have become popular, frequently at the expense of fundamental comprehension of law, broad legal background and generalized legal education. The pedagogical dangers of an overreliance on this approach have been noted in ELFA (*European Law Faculty Association*) documents.[2] Many scholars note that without a broad comprehension of legal doctrine, theoretically grounded knowledge and a thoughtful understanding of underlying legal principles, it is not possible to develop profound legal reasoning and understanding of the very essence of law, of its ethical and philosophical dimensions, of its dynamic and social context, peculiarities and of the intersection of different legal systems. The simplified and overly pragmatic approach to legal studies may imperil creative inquisitiveness, genuine implantation of legal-ethical values and intellectual criticism of future lawyers.[3] The

[1] R. Lesaffer, *Law between Past and Present*, points: „In the stretch of a few generations, the study of Roman private law degraded from the backbone of the whole curriculum to an introduction in private law taught at the start. During the final quarter of the 20th century, in many European countries, Roman law disappeared altogether as a separate subject and was, at best, integrated in a general course on European legal history", available at *http://ssrn.com/abstract 1316256*, 5 (last visited October 2009). However, need for understanding and creating the new *ius commune* in Europe based upon common legal heritage excuses a contemporary use and value of Roman law. This is why Roman law has better chances to survive than the broader legal history, particularly if percieved as a source of inspiration for a new common law of Europe, as Zimmermann has pointed out so often. Moreover, comparative legal history is sometimes reduced to Romanist perspective, its possible impact to comparative law and modern legal institutions, particularly in the Western legal thought. Very instructive text on contemporary doctrinal issues on that point offers D. Heirbaut, „Comparative Law and Zimmermann's new *ius commune*: a life line or a death sentence for Legal History? Some reflections on the use of Legal History for Comparative Law and vice versa", *Ex iusta causa traditionis Essays in honour of Eric H. Pool*, Fundamina editio specialis, Pretoria 2005, 136 153.

[2] See particularly statements of the 2005 ELFA Conference held in Graz, available at *http://www.elfa afde.org/PDF/Conferences/Workshops Graz.doc* (last visited October 2009), as well as attitudes expressed in the documents of subsequent Conferences.

[3] The most vibrant testimony on advantages of combined educational model comes by famous Scottish American lawyer and professor Alan Watson in his provocative book A. Watson, *Shame of American Legal Education*, Belgrade 2005, 175: „I state openly and without exaggeration my considered opinion that first year law students at the University of Belgrade, where law is an undergraduate degree, have more sophisticated understanding of the relationship of law to society, the historical underpinnings of the law, the impact of foreign law, and the operation of law in society, than have American law

law is evolving rapidly due to societal changes, globalization and technological advances. If legal experts are to develop the law of the future, they must understand how past societies confronted, or failed to adequately deal with, their own legal crises. Nonetheless, at the higher education table arranged *alla Bolognese*, even at some prestigious university centers within the European Union, there is no more place for Roman law as a compulsory subject in the undergraduate curricula, although the very core of contemporary civil law systems is derived from it.

Fortunately, in former Yugoslavian university centers, as well as in some other Southeastern European countries, the teaching of legal history has not suffered such a dramatic decline.[4] Roman law is still a part of the core curriculum, as are General Legal History and National Legal History.[5] However, it seems that it is only matter of time before the pressure coming from positivist and pragmatic educators will pressure these nations to further „modernize" their curriculum. Legal history, legal theory and other general educational subjects will be attacked as unnecessary burdens to place on law students who much master rapidly evolving fields such as Intellectual Property Law or Environmental Law. Pointing to the fact that some prestigious universities within the European Union have cut back on their liberal arts curriculum will grow to be a favorite argument for abandoning „old fashioned" requirements.

2. TRANSFORMATIONS OF *GENERAL LEGAL HISTORY*

So, what ought to be done? Opposition to the current pedagogical trend must not be based upon particularistic guild interests. Safeguarding and upholding the quality of legal education and its essence is at stake. To

school graduates". Although some may find those statements to tough, combination of traditional legal education with innovative elements may really lead to good results. Sim ilar statement could be applied to the most part of law faculties all over ex Yugoslavia, as they have more or less achieved to save their students of professional onesidedness throughout their curricula.

[4] It might have not always been result of awareness that those disciplines are in evitable for a proper legal educational background, but have rather been consequence of personal authority, prestige and university position of certain distinguished professors in those fields.

[5] Striking example is the first private Faculty of Law (Union University) in Ser bia, being very firmly oriented to practice and business law (well attested by its first of ficial name: Faculty for Business Law). Although they removed Roman Law initially, in the 2008/09 curricula it reappeared again, along with already existing Legal History (which included at first Roman Law, General Legal History and National Legal History in a single small, hardly informative subject), see *http://www.fpp.edu.yu/files/kurikulumi/studijski plan i program 2008 2009.doc* (last visited October 2009).

lament the passing of „the good old days" when educators were independent of market demands is not enough. Changes seems to turn into *conditio sine qua non*. It particularly affects the discipline which was titled *General History of State and Law*, which for more than a half of century in ex-socialist countries was deeply influenced by the Soviet scholarship and by political interests. It was often oriented towards history of state rather than to history of law. Law was perceived as a derivate of the state, and its history had a priority. On the other hand, although legal history as a discipline is usually perceived by the Western scholars primarily as national legal history (particularly in the USA), it was not the case in countries under the Soviet ideological and scholarly influence. *General History of State and Law* tended to explain state and law through a sometimes too simplistic Marxist lens as universal phenomena growing out of economic forces and relations of production. In Southeastern Europe the socialist mark was first removed at the University of Belgrade Law School by modification of the name, methodology and the subject's content, transforming the course into *General Legal History*.[6] Finally, in 2006, more radical change took place. The curricula successor of the old socialist subject emerged as a *Comparative Legal Traditions*, with an innovative content and approach.[7]

The transformation of this legal history course was not a mere change of its title, although in our time labels are not unimportant, both in general and in academic marketing. The rationale for the updated format was not only pragmatic, but it is equaly well theoreticaly grounded. The pragmatic justification can be easily located by googling *General Legal History* or, particularly, *General History of State and Law* on the Internet. With exception of several law faculties from ex-socialist countries, scientific and educational discipline with the later title does not exist in the world's most prestigious universities. However, number of law faculties in former Yugoslavia have still stayed with the „traditional" name. It provides an excellent basis for attacks by aggressive positivists and Bologna process extremists. The subject is not recognizable enough, and one could easily claim that it endangers student mobility, etc.

Theoretical reasons for pedagogical changes are much more important than pragmatic ones. *General Legal History*, as a scientific and, later on, as a didactic discipline, emerged out of the Historical School expansion in the XIX century. Although Savigny, with his rejection of the universal approach to law favored by the natural law scholars and with his „spirit of the people" (*Volksgeist*) theory was a temporary winner over

[6] S. Avramović, *Opšta pravna istorija stari i srednji vek* [General Legal History Ancient and Medieval Times], Beograd 1999.

[7] S. Avramović, *Uporedna pravna tradicija* [Comparative Legal Traditions], Beograd 2006.

Thibaut, the idea of a universal legal history did not die. On the contrary, it was smoldering in the remarkable works of Thibaut's followers like Gans. Paradoxically, it was fed by the flourishing of national legal historical research, as it offered the basis for a synthetic approach to different legal systems, particularly along with Hegel's general philosophy of history. His point that the spirit of a nation (*Volksgeist*) is an intermediate stage of world history as the history of the world spirit (*Weltgeist*), and that the world spirit gives impetus to the realization of the historical spirits of various nations, provided a solid grounding for *General Legal History* to grow up as a separate legal discipline. The objective idea of law developes within mankind as a whole, and therefore its development has to be perceived within the framework of world history, what greatly strengthenes the universalist approach. In so far as national legal histories are a part of world legal development, they get their full sense, understanding and explanation only within a universalist analysis.

Positivists rejected idea of the world spirit and Hegel's metaphysical interpretation of history, but they did not neglect completely the concept of general legal history, although they underestimated importance of legal philosophy and deemphasized legal history and comparative law.[8] Nevertheless, they accepted it as an artificial construction, which builds abstractions from concrete data, but which is still useful in understanding certain regularities in social development. Marxist theory was also open to the idea of general legal history, particularly due to its advocation of proletarian internationalism, world revolution and its tendency to advance a universal model of state and law with a leading role given to members of the communist and socialist ideological community. Therefore *General History of State and Law* became a common core subject in the socialist law schools curriculum. Its aim was to identify and to teach „general rules (laws)[9] in development of state and law", being understood as strict laws of social progress deriving out of changes in „modes of production and means of production", as inevitable consequence of economic base and material conditions of the society.

More recent theoretical tendencies, mostly influenced by sociological and anthropological approach to law, have melted old traditional doctrines. Legal development is more often perceived as a consequence of interaction and contacts among different legal systems and legal families, not as more or less independent, in a way isolated process of internal,

[8] In terms of R. von Jhering, *Geist des Römishen Rechts auf den Verschiedenen Stufen seiner Entwicklung*, Leipzig 1878[4], 15: „Die Wissenschaft ist zur Landesjurispru denz degradiert".

[9] English term „general rule" is not completely adequate translation of the Marx ist phraseology, which implies that society and law are subject to firm, inevitable general *laws* („opšte zakonitosti") of evolution and development, based upon material conditions of the society.

evolutionary and revolutionary legal changes.[10] The controversial writings of Alan Watson, who stresses the importance of legal transplants and legal borrowings in law making, as well as other theories on the diffusion of law, are attracting increasing attention.[11] We are currently witnessing the global impact of multiculturalism, both as a political discourse and as a set of international legal norms. In this context, a comparative approach to legal development becomes more and more essential. Its importance appears not only in understanding the history of a specific legal system, but in the comprehension of its underlying principles as well. Legal history and comparative law inevitably suppliment, and sometimes convene with each other, being very complementary disciplines.

3. LEGAL HISTORY, COMPARATIVE LAW AND COMPARATIVE LEGAL TRADITIONS

One of the most prominent German legal historians and a leading contemporary European comparative scholar, Reinhard Zimmermann, stresses that a legal historical approach can „enable us to take stock of our present legal condition. It may help us to map out, and to become aware of, the common ground still existing between our national legal systems as a result of a common tradition, of independent but parallel developments, and of instances of intellectual stimulation or the reception of legal rules and concepts. At the same time, it will be able to explain discrepancies on the level of specific results, general approach, and doctrinal

[10] Worth mentioning is an old statement by R. H. Lowie, *Primitive Society*, New York 1920, 441 that „cultures develop mainly through borrowings due to chance con tacts“, or the one by R. Pound that „history of a system of law is largely a history of bor rowings of legal materials from other legal system and of assimilation of materials from outside of the law“, as quoted by A. Watson, 22 (see the next note). See also excellent article with a plenty of recent literature on the topic, D. A. Westbrook, „Theorizing the Diffusion of Law in an Age of Globalization: Conceptual Difficulties, Unstable Imagina tions, and the Effort to Think Gracefully Nonetheless“, *Annals of the Faculty of Law in Belgrade Belgrade Law Review* 3/2008, 159 179.

[11] A. Watson, *Legal transplants: an approach to comparative law*, Athens GA 1993[2] (translated in Serbian as A. Votson, *Pravni transplanti pristup uporednom pravu*, Belgrade 2000). A part of important literature on legal transplants and diffusion of law could be reached also at *http://www.alanwatson.org/publications.htm* in the section *Re source Readings on Legal Transplants, the Diffusion of Law and Related Topics*. Watson is commonly attacked by sociologists and Marxists for neglecting social circumstances and economic conditions in law making, although he states clearly: „All legal rules are created by a cause. The cause of their creation is commonly but not always rooted in so cial, economic or political factors important to the life of the society or its leaders“, A. Watson, *Society and Legal Change*, Philadelphia 2001, 7. See also the article A. Votson, „Pravo u knjigama, zakon i stvarnost: uporednopravni pogled“ [Law in Books, Law and Reality: A Comparative Law Perspective], *Anali Pravnog fakulteta u Beogradu* [Annals of the Faculty of Law in Belgrade] 2/2007, 5 18.

nuance. It is this kind of comprehension that paves the way for rational criticism and organic development of the law. The past, of course, does not justify itself; nor does it necessarily contain the solutions for present-day problems. But, an understanding of the past is a first and essential prerequisite for devising the most appropriate solutions. This is as true within a given national legal system as it is for the formation of a European law. And just as legal history informs the development of private law doctrine in the one case, so it constitutes the basis for comparative scholarship in the other. European private law requires a combination of comparative and historical scholarship".[12]

This sounds like a very valid manifesto for all legal historians at European law faculties today! It seems quite useful to keep that passage on hand during debates over curricula at law school faculty meetings. Common legal tradition as the possible basis for a new European *ius commune* sounds like a convincing rationale for legal history. A similar argument for the need for a new synthesis between legal history and legal system, as well as of establishing intellectual link between legal history and comparative law, was expressed more than half a century ago by Max Kaser.[13]

Alan Watson and his followers often stress that classes in comparative law inevitably have (or should have) a strong historical component.[14] He also notes: „Comparative law does not only take from Legal History: it can also give".[15] However, some authors are afraid that the legal history mainly gives, while comparative law takes, stating openly that the joining of the two disciplines may be a dangerous development for the weaker and less popular one – i.e. for legal history.[16]

The question of how widely the mentioned theoretical framework — respecting inter-connection of legal systems in history, as well as the linkage between legal history and comparative law — has spread may be easily tested by searching the the Internet again. One has only to check occurrence of the term *Comparative Legal Traditions*. Many curricula and syllabi at different universities will appear, as well as a significant number of manuals with the same or similar title.

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[12] R. Zimmermann, R., *Roman Law, Contemporary Law, European Law The Civilian Tradition Today*, Oxford 2004, 110.

[13] R. Zimmerman, „Max Kaser und das moderne Privatrecht", *Zeitschrift der Savigny Stiftung (ZS)* 115/1998, 99.

[14] A. Watson, *Legal History and a Common Law for Europe*, Stockholm 2001, 17.

[15] A. Watson (1993), 103. A very interesting article on how comparative law may influence the practice and the study of legal history, see M. Graziadei, „Comparative Law, Legal History, and the Holistic Approach to Legal Cultures", available at *http://www.jus.unitn.it/cardozo/Critica/Graziadei.htm* (last visited October 2009).

[16] Sharp argumentation on that point develops D. Heirbaut, 136.

The key changes that result from this different conceptualization of the traditional curricula subject (*General Legal History*) are mainly twofold. The first one is manifested in the partial transfer of the main focus from the somewhat speculative and risky concept of „general" legal history[17] to the more neutral, theoretically less rigorous comparative approach, although it creates a new challenge, connected to the very notion of „comparative law": the dilemma whether comparative law is a science, separate branch of law, or just a method. The long-standing argument has never been resolved, and many different viewpoints about its character are still being debated.[18] However, in spite of significant differences among comparative scholars in defining comparative law itself, all approaches agree that there is a substantial and indissoluble link between comparative law and legal history. On that point Watson offers an important elaboration:

„The nature of any such relationship, the reason for the similarities and the differences, is discoverable only by a study of the history of the systems or of the rules; hence in the first place, Comparative Law is Legal History concerned with the relationship between systems. But one cannot treat Comparative Law simply as a branch of Legal History. It must be something more. When once comes to trace the growth of these similarities and differences – how, for instance, has it come about that France, Germany and Switzerland, all deriving their law from Justinian's *Corpus Iuris Civilis*, have each different rules on the passing of risk and property in sale? – one finds oneself better able to understand the particular factors which shape legal growth and change. Indeed this may be the easiest approach to an appreciation of how law normally evolves. This

[17] Immanent methodological problem with the concept of „general legal history" is permanent substantial objection on selection of „representative samples", as well as on criteria how far one should go with generalization and abstraction of peculiarities within the selected legal systems.

[18] Famous French comparatist E. Lambert, *La fonction du droit civil comparé*, Paris 1903 represents the attitude that comparative law is more than a simple method of research. He suggested that there are three kinds of comparative law: descriptive com parative law, comparative history of law, and comparative legislation. Quite influential was another threefold division of comparative law by Wigmore comparative nomoscopy (description of legal systems), comparative nomotethics (analysis of the policies, merits and values of legal systems and institutions) and comparative nomogenetics (studying evolution of legal ideas and systems in their relation one to another), see J. H. Wigmore, *Panorama of the World's Legal Systems*, Washington 1936, and, before that, „A New Way of Teaching Comparative Law", *Journal of the Society of Public Teachers of Law*, 1926, 6. Objectives of comparative law were set up at the famous Paris Congress in 1900 pre sided by Lambert, and re examined a century later by the Cambridge Conference in 2000. More on that R. Munday, „Accounting for an encounter", in: P. Legrand, R. Munday, *Comparative Legal Studies: Traditions and Transitions*, Cambridge 2003, 3. In Serbian see B. T. Blagojević, „Uporedno pravo metod ili nauka" [„Comparative Law Method or Science"], *Anali Pravnog fakulteta u Beogradu* [Annals of the Faculty of Law in Bel grade] 1/1953, 7.

seems a proper field of study for Comparative Law. So, in the second instance, I suggest that Comparative Law is about the nature of law, and especially about the nature of legal development".[19] Or, in the words of Pringsheim, „comparative law without the history of law is an impossible task".[20]

The very fact that comparative law and legal history are so interwoven and closely tied provides a grounding for their drawing from each other and touch in a particular discipline, in a „combination of comparative and historical scholarship", to quote Zimmerman again.[21] That kind of approach could make sense not only at the doctrinal level, but it is even more indispensable as an academic discipline, due to its educational value. It may help students to understand more profoundly nature of law, paths of its development, to scrutinize differences and similarities, to comprehend the kinds of ties among different legal families and systems, as well as to appreciate the connections among particular legal principles and institutions. In that way the changed focus from „general" to „comparative" legal history, independently of its theoretical meaning, becomes a central discipline that should be mastered by the modern attorney.

The second transformation of the title is about the use of the term „tradition" instead of „history". This is also not a purely terminological switch. History basically implies ended processes, although messages and comprehension provided by *magistrae vitae* have, no doubt, important pedagogic and intellectual value in understanding the present. There are, parenthetically, many proverbs on that point. However, more than that, „tradition" could be understood to entail living traces of former processes, that impact contemporary legal practices.[22] One may say history lasts into the present day. Tradition can be conceptualized as a movie, while history is seen as a completed picture. History is like „the dead" Latin language, tradition is like the continually evolving Italian tongue. It is a vital, active, ongoing system. In the very first chapter of his famous book on comparative legal traditions, Patrick Glen, one of the most prominent of today's comparative scholars, uses a striking title to denote (legal) tradition as „the changing presence of the past".[23] The genuine purpose of

[19] A. Watson (1993), 6 7.

[20] F. Pringsheim, „The inner Relationship between English and Roman Law", *Ge sammelte Schriften I*, Heidelberg 1961, 78.

[21] R. Zimmermann, (2004), 110.

[22] In a recent draft paper H. P. Glenn, *A Concept of Legal Tradition* (Queen's University, Faculty of Law, January 2008), 6 differs „living tradition" as opposed to a „submerged, frozen, or suspended one". The whole text of the working paper is available at *http://law.queensu.ca/facultyAndStaff/facultyProfiles/bailey/baileyCourseMaterials/law650/glennLegalTradition.pdf,* last visited October 2009.

[23] H. P. Glenn, *Legal Traditions of the World: Sustainable Diversity in Law*, Ox ford 2007^2, 22. That phrase can be taken in a double sense (at least), due to the use of the word „presence": it may mean both „existence" of the past, but as well „actuality" of the

historical research is, indeed, to discover and understand the impact of the past on the present not simply to be an intellectual game. It aims to discover authentic, actual living traces of what has been inherited or has been transmitted over time from the past. Tradition is not the „total" history, it does not include all events and outcomes, it is „a living tradition, as opposed to a simple deposit of information", to put it in Glenn's words.[24] In accordance with the original sense of the Latin word *traditio* – to pass over (or, to pass on), it primarily involves that which has been transferred from history to the present. So with legal tradition. „Law is essentially a tradition, that is to say something which has come down to us from the past".[25] While investigating legal past, research should be primarily oriented towards better understanding of different contemporary legal principles, institutions and doctrines, of actual legal systems and legal families, as well as of the patterns of their changes and interaction. Students need to explore the origins and development of law, particularly of the new *common law* of Europe, in order to achieve a better comprehension of the European commonalities of national legal systems and their interactions.

Conceptualized in this manner, the subject acquires its inclusive sense and pragmatic justification.[26] And, as it should be usually taught at the beginning of legal studies, it could strongly contribute to advancing the students' legal reasoning and their more profound understanding of law, of its roots, contemporary form and upcoming solutions. The usual objections against the abstract „historicism" of legal history subjects do not fit, due to the subject's clear practical value and importance – not only in actual legal understanding, but also in the conceptualization of the future path of the law, either through legislation or via judge made law.[27] The comparative legal tradition strongly supports the adoption of legal

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past. However, in a recent paper (footnote above) Glenn steps forward from the „tradi tional" understanding of tradition, as of *Überlieferung* in its dynamic sense, as of a visible link with the past. He offers a more modern, multidisciplinary approach, being shaped through information age lenses, and states that „tradition is information (as opposed to its transmission or reaction to it)". Consequently, he claims that the study of (legal) tradition is therefore the study of the content and flow of large bodies of normative information over time and over space!

[24] H. P. Glenn, (2008), 4. In that prospect, legal history can find its proper place in the law school curricula today, but „it must earn it by producing books that not only re store memories of forgotten jurists, doctrines, and practices, but that also provide different ways of thinking about law", K. Pennington, „The Spirit of Legal History", *University of Chicago Law Review* 64/1997, 1115.

[25] A. W. B. Simpson, *Invitation to Law*, Oxford 1988, 23.

[26] By the way, H. P. Glenn, (2008), 8 claims that inclusiveness is important char acteristic of legal tradition.

[27] „Historicism" in its negative sense may be recognized in many legal subjects and manuals in law schools. Many of them often contain a bit of legal history, particu

transplants, borrowings and harmonization of law as significant methods of legal progress. And these insights are increasingly needed, particularly in drafting contemporary legislation. However, diffusion of law is a relatively recent topic among legal historians, mainly due to lack of a proper comparative approach. Despite the impressive works of Alan Watson on this issue,[28] there is still a lot to be done in developing appropriate methods of evaluation and of understanding the complex correlations between comparative law and legal history, particularly, for example, in explaining the adoption of foreign laws in countries with different social and economic structures or of the current expansion of common law. More and more, legal ideas are spreading all over the world, regardless of political borders or cultural differences, particilarly after the fall of Comunism in Eastern Europe, along with the tendency of many countries to get closer to the European Union or to import American legal institutions.

The comprehension of comparative legal traditions, and the ability to conceptualize solutions deriving from different legal systems has never been more important due to the rapid increase of globalization. New technologies and forms of communication alter social, political and legal realities at a pace never before witnessed in world history.[29] The study of comparative legal traditions facilitates intellectual perceptions of interrelated changes and of the integration processes in legal development, particularly in the interactions and dynamics of contemporary European law. European legal integration can be more easily achieved if national laws

larly in their introductory parts, perceiving it as a collection of facts about the discipline, without profound understanding of the context.

[28] Along with the books allready mentioned, his treatement of legal transplants, borrowings and diffusion of law is particularly valuable in A. Watson, *Sources of Law, Legal Change and Ambiguity*, Philadelphia 1984; *id.*, *The Evolution of Law*, Baltimore 1985; *id.*, *Failures of Legal Immagination*, Philadelphia 1988; *id.*, *Ancient Law and Mod ern Understanding*, *At the Edges*, Athens, GA London 1998; *id.*, *Law Out of Context*, Athens, GA London 2000; *id.*, *Society and Legal Change*, Philadelphia 2001[2]; *id.*, *The Evolution of Western Private Law* Baltimore London 2001; *id.*, *Legal History and a Common Law for Europe*, Stockholm 2001; *id.*, *Authority of Law; and Law*, Stockholm 2003; *id.*, *Comparative Law: Law, Reality and Society*, Lake Mary, FL 2007. It is not pos sible to record here many important articles by Watson. More on A. Watson theory and adversary reactions, see M. Graziadei, „The Functionalist Heritage", in: P. Legrand, R. Munday, *Comparative Legal Studies: Traditions and Transitions*, Cambridge 2003, 121 etc.

[29] B. Markesenis, *Comparative Law in the Courtroom and Classroom The Story of the Last Thirty Five Years*, Oxford Portland, Oregon 2003 points in the Foreward that the law today has to accommodate and reflect changes like European integration, world trade, the global recognition of human rights, information technology, the power of the media, social security and modern insurance practices, and many other common problems and chalanges. Therefore, in his view, the primary role of the comparative law is to assist the practitioner, and above all the judge, in the development of the law. See also J. Klab bers, Sellers, M., *The Internationalization of Law and Legal Education*, Springer 2009.

are viewed as a part of great legal families, each shaped by historical dynamics. It becomes easier to understand similarities and differences, to recognize legal imperialism, colonialist and nationalist heritage, influences and transplants among legal systems, either as a donor or receiving society if one has studied legal history. After the rigorous study of legal traditions, it becomes more and more evident that some legal systems could be more adequately defined by introducing new notions, such as *mixed legal systems* or *mixed jurisdictions*.[30] This is the most visible point of common focus of legal history and comparative law. It gives strength to the peculiar process of „comparative law renaissance", as Christian Joerges has put it out.[31] Our time is characterized, more than ever before, by a mutual contact not only between two different legal systems, but among whole „legal traditions" and legal families, particularly in the form of the increasing impact of common law concepts on the civil law system.[32] Certain common background principles survive and perhaps transcend a world of differences. This is why Glenn asserts that knowing only one tradition means having only partial knowledge of another.[33]

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[30] V. V. Palmer, Mixed Jurisdictions of the World: The Third Legal Family, Cam bridge 2001; V. V. Palmer, „Two Rival Theories of Mixed Legal Systems", Journal of Comparative Law, 3/2008. See also R. Zimmermann, *Mixed legal systems in comparative perspective: property and obligations in Scotland and South Africa*, Oxford 2003. The notion of „mixed legal systems" becomes more actual in connection with emerging of European private law, see particularly A. Watson, „A Common Private Law for Europe?", *Maastricht Journal of European and Comparative Law* 9, 4/2002, 329; J. Smits, „A Eu ropean Private Law as a Mixed Legal System", *Maastricht Journal of European and Comparative Law* 5, 4/1998, 328.

[31] C. Joerges, „Europeanization as Process: Thoughts of the Europeanization of Private Law", *European Public Law* 10, 1/2005, 63.

[32] There are many examples of common law institutions influencing rapidly the civil law tradition, only during the last two decades (mediation, protected witness, in former, plea bargaining, etc.). Convergence of legal traditions in constitutional law, tax law, corporate and commercial law, arbitration, as well as in legal education (e.g. intro duction of legal clinics, moot courts, credit system in evaluating students, etc.) is also obvious. Therefore, some authors are speaking of „Americanization" of law, see more M. Langer, „From Legal Transplants to Legal Translations: The Globalization of Plea Barga ining and the Americanization Thesis in Criminal Procedure", *Harvard International Law Journal* 45, 1/2004, 2. Sometimes mixture of legal traditions comes from quite unexpec ted regions, see e.g. Sh. Prakash, „Globalization and the Challenge of Asian Legal Trans plants in Europe", *Annals of the Faculty of Law in Belgrade Belgrade Law Review* 3/2008, 180. See also very instructive voluminous book edited by J. M. Smits et all., *El gar Encyclopedia of Comparative Law*, Cheltenham, UK Northampton, MA, USA 2006, 821 with particularly interesting contributions by P. Glenn, „Aims of comparative law", 57 65; D. Nelken, „Legal culture", 372 381; J. Husa, „Legal families", 382 392; E. Schrage, V. Heutger, „Legal history and comparative law", 393 406; J. Fedtke, „Legal transplants", 434 437; V.V. Palmer, „Mixed jurisdictions", 467 475, etc.

[33] H. P. Glenn, 46. He raises the issue to philosophy and gnoseology level, stating that „human reasoning inevitably turns out to be comparative reasoning", *ibid.*

Therefore, *Comparative Legal Traditions* expands the mastery of multivalent legal logic, both with for students and among the most innovative law makers and judges.

4. EDUCATIONAL VALUE OF COMPARATIVE LEGAL TRADITIONS

Many universities worldwide have recognized for the aforementioned reasons that there is considerable value and importance of the discipline, whether it appears in curricula as *Comparative Law* (including many elements of Legal History)[34] or as *Comparative Legal Traditions*.[35] Notwithstanding certain conceptual differences between *Comparative Law* and *Comparative Legal Traditions*, those two disciplines are very closely attached to each other and they have successfully found their place within the core curricula at prestigious law faculties, including those in the USA, traditionally oriented primarily towards practical knowledge. Harvard University School of Law, for example, in the 2008/09 school year offered two courses with this approach – *Comparative Law: Globalization of Law in Historical Perspective* taught by Professor Duncan Kennedy,[36] and *Comparative Law: Introduction to European Legal Traditions* offered by Visiting Professor Paolo Carozza.[37] The importance of comparative law and legal history is attested, or even explicitly stressed, in every comparatist's manual.[38]

Comparatists often emphasize that the key purpose of comparative law research and teaching should be to help understand what is distinctive (and problematic) about domestic law and to promote an improved comprehension of one's own legal system.[39] In the same way, *Comparative Legal Traditions* not only meets the educational need for a better understanding of history of law and of its origins, but it may be very useful *de*

[34] *Comparative Law* became quite recently a compulsory subject in the law school curricula in Italy, but most comparative law courses introduce students to the historical dimension of comparison, as asserted by M. Graziadei, 14 n. 52.

[35] Probably the most influential book is the one already mentioned by Patrick Glenn, but very important are also M. A. Glendon, M. W. Gordon, P. G. Carozza, *Com parative Legal Traditions*, St. Paul, Minn., 1999[2]; P. Legrand, R. Munday, *Comparative Legal Studies: Traditions and Transitions*, Cambridge 2003, etc.

[36] *http://www.law.harvard.edu/academics/courses/2008 09/?id 5379*, last visited October 2009.

[37] *http://www.law.harvard.edu/academics/courses/2008 09/?id 5506*, last visited October 2009.

[38] It is particularly present in one of the most prestigious manual of that kind, K. Zweigert, H. Koetz, T. Weir, *An Introduction to Comparative Law*, Amsterdam Oxford 1998.

[39] M. A. Glendon, M. W. Gordon, P. G. Carozza, 5.

lege ferenda in law reforms – not necessarily by offering concrete solutions, but in the sphere of methodological and intellectual perception of legal problems, in legal reasoning and better understanding of law making processes. It provides solid grounding for the analysis of many important ideas including the necessary connections among legal systems, creating an openness to considering differences and learning from them, awareness of alternatives, the need to overcome legal egocentrism and any foolish assumption of absolute national legal originality, readiness to accept more adequate solutions from foreign legal systems, overcoming any guilty feeling if borrowing or transplanting law, the necessity to understand law in a socio-historical context (instead of traditional positivist or functionalist comparative law approaches), creating a feeling that legal systems have to get closer to each other in creating new *ius commune*, primarily in the integrated Europe. The age of autonomous and isolated national legal systems is passing. Boundaries between internal and foreign law, particularly between national and European communitarian law (primarily among the EU member states, but also among the others) are rapidly becoming less and less rigid. We are facing an era of post-positivist unification, where comprehension of ties among comparative law and legal history becomes indispensable, as is „communication between normative and anthropological methods" in the development of legal history doctrine itself. Of course, knowing different legal traditions does not necessary lead to their acceptance. It is sufficient to be aware of external experience when facing the same or similar problems and issues, keeping in mind, of course, different or similar historical circumstances and backgrounds. „Bridge building between systems and even cultures is a complex and noble task, for the search for the common ground can help create an open mind and foster tolerance at a time when intolerance is again on the increase... and it is also intellectually challenging".[40] If so, the educational value of Comparative Law (with inescapable elements of legal history) and Comparative Legal Traditions is then indispensable and multifaceted.

5. TEACHING METHODS

Along with switch in the character of the historical approach, as a necessary consequence of changes in both the law and society during the last decades, it appears to be very important to improve and revise teaching methods in legal history and analogous subjects. Methodological and pedagogic innovations are not necessary only to „be trendy" by accepting

[40] B. Markesenis, XI. It is strange in a way that Markesinis, who urges „bridge building between systems and even cultures" is challenging in the same time „the contin ued utility of Roman law, arguing, instead, for the centrality of contemporary foreign law" (p. XII), nevertheless the role of Roman law in creating those bridges is undisputable!

elements of Socratic method, so favored within the US law schools, with the aim to acquire more practical learning outcomes. It is also vitally important to develop a sincere interest among the students in subjects dealing with legal history, so that they do not view their classes as a necessary curricula obligation. Learning these disciplines can create real excitement and enjoyment, bringing about a genuine enthusiasm among students. During the many years of experience in organizing „clinical legal history" classes at the University of Belgrade Law Faculty, the faculty have learned how to capture sutdents' interest.[41] I have already exchanged teaching techniques with many colleagues teaching Ancient Greek Law, and also offered my ideas on that issue at the Conference of legal historians in Split.[42] I find it important to share know-how with other legal historians and hopefully inspire them to use that teaching method in other subjects that touch on legal history.

The shift from mere teaching to inter-active learning can be easily achieved, e.g. by the reconstruction of cases from the Athenian court, as preserved in historical records. Students take roles of the parties and other judiciary participants. By playing the „real" role of parties, witnesses, court officials or jurors, the students develop their capabilities in legal

[41] For the first time I tested the idea at the ABA CEELI Congress (*American Bar Association Central European and Eurasian Law Initiative*) in Skopje in December 2002. It appeared to be very interesting not only for legal historians, but for practitioners as well, and the name for new teaching method was then born *Clinical Legal History*. The first academic positive reactions appeared soon, see L. Wortham, *The Lawyering Process,* Clinical Law Review 10/1, Fall 2003, 55. In April 2003 University of Belgrade Faculty of Law has hosted International meeting of legal historians (*Internationales Sommerseminar Antike Rechtsgeschichte*), and demonstration of a case simulation was performed by Belgrade law students. Some colleagues from other European universities have shown quite a vivid interest, announcing that they will also accept „Belgrade teaching method". At the *Internationales Sommerseminar Antike Rechtsgeschichte* held in Sarajevo in May 2005 two simulation of cases from Athenian courtroom were performed, one by Graz law students team trained by Professor Gerhard Thür (Lysias 1, On the Murder of Eratosthenes), and the second by my Belgrade students (Isaeus, On the Estate of Menekles). A very successful Seminar *Clinikum Antike Rechtsgeschichte (forensiche Rhetorik),* titled *Drei Prozesse nach attichen Muster*, gathered international professors' jury at the University of Graz School of Law in 2006. Spreading ancient cases simulation gave imput to its further upgrading. Valuable evaluation and proposals on how to improve the new teaching method was offered by G. Thür, „Clinicum Antike Rechtsgeschichte: Forensische Rhetorik", *Imperium und Provinzen (Zentrale und Regionen)*, Sarajevo 2006, 191 197. The same method in teaching Ancient Greek Law is also accepted at the Harvard University Law School by Professor Adriaan Lanni, see R. London, „The Nuts and Bolts of Ancient Law", *Harvard Law Today*, January 2006, 8.

[42] S. Avramović, „Clinical legal history: simulation of Athenian court a new teaching method", Zbornik radova Pravnog fakulteta u Splitu 3 4/2006, 347 353, see also *http://www.pravst.hr/zbornik.php?p 5&s 34* (last visited October 2009). Article with a similar content was published before as S. Avramović, „Simulation of Athenian Court A New Teaching Method", *Dike, Rivista di storia del diritto greco ed ellenistico. Edizioni Universitarie di Lettere Economia e Diritto*, Milano 5/2002, 187 194.

reasoning and imagination, train their rhetorical skillfulness, adapt to novel legal terminology and understand the importance of the proper use of legal notions in an oral, dynamic face-to-face communication, learn how to exercise procedural maneuvers, build up argumentation skills, become familiar with legal principles and institutions, with rules and judiciary experience belonging not only to the ancient courtrooms.[43] Students discover the dangers of „group think" when they feel the strong psychological pressure to go along with the other members of the jury rather than asserting their own unique insights. The practical value of this educational model is evident, which is an extra argument to use in debates over law school curricula reform. Its convenience and effectiveness is well attested not only in Belgrade but particularly at the University of Graz Law Faculty owing to Professor Gerhard Thür, and at the Harvard University Law School through the efforts of Professor Andriaan Lanni.

This new educational approach is not necessarily connected solely to Ancient Greek Law. Roman law represents a perfect ground for this kind of teaching as well. One of Cicero's speeches, *Contra Verres*, for example, was recently used by Gerhard Thür at the *Internationales Sommerseminar Antike Rechtsgeschichte* 2008 in Leibniz. National Legal History may also employ similar method, not only in the reenactment of past court cases, but also in dealing with parliamentary procedures. A striking example was offered by an excellent simulation of Parliamentary Committee debate on drafting the Serbian Constitution of 1888, which was performed by Professor Nebojša Randjelović and his students at the University of Niš Law Faculty. Every legal historian is able to recall in a moment many topics that are appropriate for a clinical legal history learning exercise.

Labeling the method in terms of the Bologna mantra as *Clinical Legal History*, together with renewed character of the discipline, looks like a favorable tactic in defending legal history subjects and endorsing their pedagogic value. To repeat once more, the principal goal of those changes should not be oriented primarily to save the disciplines as they were, but to make them more actual and modern, to adapt them to the sensibilities and receptiveness of the younger generation, to contribute in developing the general capabilities of students in mastering the reflective understanding of historical processes and legal development, to reveal the development of governing legal ideas and basic legal principles that have come to be part of the reality of the legal world today, and, most impor-

[43] It is particularly striking how enthusiasticaly students accept their roles, often with incredible level of identification with the legal position of „their" party. They are often faced with sincere dissapointment when they loose the case, learning vividly that justice is not granted by itself, but that they have to fight for it and make it visible through clear and convincing argumentation. For more details on advantages of the new teaching method, see S. Avramović, *Dike* 5/2002, 190 etc.

tantly, to boost their actual impact and increase students' interest and passion for creative legal analysis. The quality of legal education is at stake, as well as better understanding of overall legal development and the crafting of law reforms.

6. THE WAY OUT

To conclude. The law schools need to be responsive to the changing legal world if they are to keep their curricula and educational approach relevant and meaningful. New circumstances require serious changes in our perception of how to approach legal history at universities, both in essence and in ways of teaching. The new conceptualization of Comparative Legal Traditions has transformed General Legal History into an alliance with Comparative Law. Creative modes of teaching in order to make this topic more relevant to the needs and interests of contemporary students and their needs provides the chief argument for continuing to require that students be exposed to this discipline. Comparative Legal Traditions can become an important cornerstone in modern legal education, having practical as well as theoretical significance. On the other hand, the objection that Comparative Legal Traditions may endanger the essence of legal history, leading the field to be swallowed by comparitists sounds plausible. It may seem that legal history today is traveling down a dead-end street, having only the choice between two bad ways of survival: either to keep with the clear, pure, contemplative concept of the discipline, as it was, and as it tends to be in many cases today (no matter what social transformations, global challenges and demands of the modern era occur), or to make an „unequal and unhappy marriage" with Comparative Law.

I argue for a third survival strategy: as an educational discipline, legal history needs to adopt the cautiously measured pragmatic and applicative touch of comparative law approach. As a scholarly discipline it has to keep its long-lasting identity and soul, accepting only those changes that will not ruin its overall strengths. Its survival in law schools' curricula may not guarantee its survival as a scholarly discipline, but, vice versa, its disappearance from law schools will at best keep legal history alive only as a „living fossil" in a few scientific institutes. And, the worst scenario: as of now, at least in most ex-communist countries, a serious danger exists that legal curricula may abandon both Legal History and Comparative Law in favor of narrow specialization. Therefore it seems that an unhappy marriage through Comparative Legal Traditions offers better chances for both disciplines. Of course, the survival of legal history in any form within law schools' curricula will depend on diverse elements, including personal ones and idiosyncratic factors. But it is up to us

to modernize the concept, to modify its content (and, let us be impartial, to reduce it to some extent for the students), to actualize it and include a broader European dimension and the new *ius commune* in its scope. And, equally important, we must refresh our teaching methods. Through imaginative pedagogical approaches we can build a prospective barrier to protect the discipline against the still impending hurricane of positivist and pragmatic Bologna challenges. In the short run, at least, our efforts could greatly chances for legal history to stay alive. In the long run...

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VON DER ALLGEMEINEN RECHTSGESCHICHTE ZUR VERGLEICHENDEN RECHTSTRADITION

Zusammenfassung

Der sogenannte Bologna Prozess rief europaweit eine gewisse „Kulturrevolution" der Curricula an juristischen Fakultäten hervor. Das hatte wiederum seine Konsequenzen in Bezug auf die Stellung der rechtsgeschichtlichen Studienfächer. Die daraus ersichtliche Tendenz, dass allem Berufsbezogenen und Fachlichen Vorrang gegeben wird, konfrontierte die Bologna Curricula mit dem hergebrachten Ausbildungsmodell. Der übermäßige Positivismus, die Reduzierung auf Spezialisierung so wie der vulgäre Utilitarismus wurden in den Vordergrund gestellt. Die sogenannten Fähigkeiten (skills) und die praktischen Kenntnisse werden als vorrangig gesehen, und zwar sehr oft auf Kosten eines gründlichen Allgemeinwissens und Rechtsverständnisses, einer breiten rechtswissenschaftlichen Grundlage und der allgemeinen juristischen Ausbildung. Die Beibehaltung der Rechtsgeschichte in Curricula ist notwendig, damit die Grundwerte der juristischen Ausbildung erhalten bleiben. Im Folgenden soll gezeigt werden, auf welche Art und Weise dieses Ziel erreicht werden kann.

Eine Lösung des oben genannten Problems setzt inter alia auch eine Neudefinierung der Studienfächer voraus. Deshalb wurde an der Juristischen Fakultät der Universität Belgrad das ehemalige und von sozialistischen Curricula geerbte Studienfach Allgemeine Staats und Rechtsgeschichte zunächst durch Allgemeine Rechtsgeschichte und dann, in einem zweiten Schritt, durch Vergleichende Rechtstradition ersetzt. Es handelt sich nicht nur um eine terminologische Angelegenheit. Die Gründe dafür sind sowohl pragmatisch (Studienfächer mit ähnlicher Bezeichnung und Bestimmung existieren auch an anderen Universitäten der Welt) als auch theoretisch (Notwendigkeit einer Verflechtung der Rechtsgeschichte und des vergleichenden Rechts, worauf schon Kaser, Watson, Glenn, Zimmermann u.a. hingewiesen haben) und pädagogisch (Vermittlung anwendbarer Kenntnisse an Studierende). Eine solche Neudefinierung des Studienfaches hat wenigstens zwei Folgen in Bezug auf den In

halt: Einerseits wird der gewissermaßen spekulative Standpunkt der „allgemeinen (Rechts)Geschichte“ (Weltgeschichte) zu Gunsten eines eher neutralen und theore tisch nicht so anspruchsvollen vergleichenden Ansatzes verlassen. Andererseits wird der Schwerpunkt von der Geschichte, die einen vollendeten Prozess bedeutet, auf die Tradition verlegt, die ihrerseits die Existenz lebender Spuren der früheren Rechtsent wicklung voraussetzt. Ein auf diese Art und Weise definiertes Studienfach ist nicht nur für das Verständnis des geltenden Rechts, sondern auch für die Rechtsbildung von Bedeutung. Es erleichtert das Verständnis des Rechts in einem breiteren Zusam menhang der legal transplants, der Rechtsdiffusion und Rechtsharmonisierung, der Wechselwirkungen verschiedener Rechtssysteme und ihrer Dynamik, da wir uns des Umstands bewusst sind, dass die Zeiten der autonomen und geschlossenen nationa len Rechtssysteme vorbei sind.

Diese Änderung spiegelt sich auch in einer neuen Unterrichtsmethode wider, der Clinical Legal History. Diese Methode bedeutet einen Übergang zum interaktiven Lernen. Die Studierenden nehmen im Rahmen des Unterrichts an sogenannten Rol lenspielen teil, wobei diese Rollenspiele auf realen Fällen aus der Geschichte beru hen. Diese Methode ist auf alle rechtsgeschichtlichen Fächer anwendbar. Die Simu lation von Gerichtsverfahren auf Grund von hergebrachten historischen Quellen (z.B. des alten Athens oder Roms) ermöglicht den Studierenden, ihr Rechtsverständnis und ihre Fantasie sowie ihre rhetorischen Fähigkeiten zu entwickeln, sich entsprechende Rechtsterminologie zu eigen zu machen, mehr über das Gerichtsverfahren selbst zu erfahren, die Kunst der Beweisführung und Gerichtsentscheidung zu fördern, Rechts grundsätze, Institutionen, Regeln und Rechtsprechung kennen zu lernen, die nicht nur für altertümliche Gerichtssäle kennzeichnend sind. Durch einen innovativen Plan, Inhalt und eine innovative Unterrichtsmethode im Rahmen dieses Studienfaches könnte ein wirksamer Damm gegen die immer noch verhältnismäßig starke Flut des Positivismus und Pragmatismus errichtet werden.

Schlüsselwörter: *Bologna Prozess. Vergleichendes Recht. Legal Transplants. Rechtsdiffusion. Rechtsstudien. Clinical Legal History*.