

## **TWENTIETH BRITISH LEGAL HISTORY CONFERENCE:**

### ***Law and Legal Process***

**13 to 16 July 2011, University of Cambridge**

#### ***Judith Rowbotham***

The objective of the conference organisers was to shape a programme which explored the intersection between *Law and the Legal Process* – the theoretical or methodological aspects and the daily practice of law in action – through papers on the interactive impacts of the one on the other. The names of many of the speakers were those to conjure with, in terms of the luminaries of legal history – unsurprising given the venue and the theme. From Sir John Baker to David Sugarman, from David Ibbotson to the organisers of the Exeter conference in 2009 (Tony Musson and Chantal Stebbing), it is difficult to think of a significant name who had not been attracted to give a paper at the conference. It was thus pleasurable and interesting that three SOLON presenters were amongst this collection of the genuinely great and good. Lorie Charlesworth, Kim Stevenson and Judith Rowbotham were there, as were a number of others who have previously spoken at SOLON conferences such as Aniceto Masferrer and Tom Mohr.

It suffered, as do all such conferences, from a series of tensions – to which sessions should one/could one go? It was, for the author of this report, a distinct problem that ‘session hopping’ (an intellectually bad habit into which so many of us fall) was not really feasible thanks to the difficulties of moving around the building in which the conference was housed. So, instead of a ‘pick and mix’ approach across sessions, highlighting papers and speakers one *knew* (or hoped) one would like to hear because of relevance to one’s own research for instance, the strategy had to be – go to the parallel session which, overall, looked the best and apologise to (and where possible, ask for papers from) those you also wanted to hear. Thus a desire to hear Catharine Macmillan and David Lieberman (so I missed Louis Knafla, sadly), meant that I also enjoyed David Rabban’s paper on ‘Roscoe Pound: Overcoming Individualism through Sociological Jurisprudence’ which I found thought provoking.

Listening to Sir John Baker's fascinating discussion of the development of legal process in the last half of the eighteenth century, on the basis of the exchange of letters between solicitors and agents in Newcastle and London, meant missing Diane Kirkby on married women's property in colonial Australia. But I was unexpectedly stimulated by listening to Jonathan Rose on the chivalric ethos of the legal profession, with his discussion of the impact on the modern conceptualisations of how to practice law of medieval comprehensions of honour. It sent me rushing back to Harold Perkin's seminal text, *The Rise of Professional Society* with a set of new insights into how and why nineteenth and early twentieth century professionals invoked ideas of morality with distinctly Gothic overtones. It also underlined the importance for professions including law as they developed in the modern era of establishing an 'authentic' historical chronology to justify their claims to that status. Baker's paper also invoked wider considerations. It reminded me of the extent to which we should not forget the mundane and everyday when speculating on the reasons for the timings of particular developments – was it coincidental that this epistolary expansion occurred in parallel with the development of improvements in road transport? This is where a socio-legal approach, rather than the more traditional doctrinal legal approach, has advantages in comprehending developments in law and legal process, I would argue, given the emphasis that this theme requires on the broader cultural contexts in order to illuminate the interactions of the two in the light of the needs of those involved as litigants.

In the session where I presented, the paper from Cerian Griffiths provided an invaluable reminder of the importance of the Prisoners' Counsel Act 1836, and how much still needs to be done in the area of socio-legal studies on the evolution and impact of that legislation. Later, Tom Mohr's paper (elaborated on in terms of substantive understandings by the paper he delivered to the Legal History Section of the Society of Legal Scholars conference in September) provided a thought-provoking set of insights into the importance of taking into account the personalities and prejudices of those involved in developments in law and consequently in legal process. His point about the modern agendas surrounding the will to create a sense of authentic law which was distinctively Irish, to mark the recent break with British rule, was crucial to the understandings we need to bring to the development of more recent post-colonial and also post-despotic systems in Africa, Asia and also parts of Europe.

While I was not able to hear all the papers that I wanted to hear, I have high hopes that I will read a significant number of them at least in the subsequent publications of paper givers such as Matt Dyson and Michael Lobban, to give just two examples. As always, the overall impact of the conference was stimulating – if not always in ways expected by either the organisers or the delegates. Recent events, for instance, gave an entirely unanticipated impact to Clive Holmes' discussion of the Witch of Wapping.....(not Rebecca Brookes, but an early modern unfortunate named Joan Peterson). It was, however, in its emphasis on public perception, reputation and legal inventions, a remarkably modern (as well as a remarkably enjoyable and scholarly) presentation!