

OXFORD

PRIVATE LAW AND SOCIAL INEQUALITY IN THE INDUSTRIAL AGE

COMPARING LEGAL CULTURES IN
BRITAIN, FRANCE, GERMANY, AND
THE UNITED STATES



Edited by
Willibald Steinmetz

THE GERMAN HISTORICAL INSTITUTE LONDON

Private Law And Social Inequality In The Industrial Age

Iain Ramsay



Private Law And Social Inequality In The Industrial Age:

Private Law and Social Inequality in the Industrial Age Willibald Steinmetz (historien.), 2000 A promise of equality inherited from revolutionary declarations of rights enlightened law codes and constitutions stood at the beginning of the industrial age Conflicts were inevitable when in reality the law continued to be used as ever mostly in support of the rich and powerful The essays assembled here explore how private law helped to maintain change or upset inequalities that were common to all industrialized countries The book deals with relations between lords and peasants husbands and wives masters and servants landlords and tenants and producers and consumers While law and society histories have become a growth industry in recent years most studies in this field tend to be limited by national and disciplinary boundaries This volume goes beyond such boundaries by comparing legal cultures in Britain Germany France and the United States Taking analogous although not necessarily simultaneous conflicts as a starting point the essays offer new insights into different attitudes towards the law and different paths of juridification The book thus enables historians lawyers and social scientists to view the history of their own legal culture in the light of others *Property, Tenancy and Urban Growth in Stockholm and Berlin, 1860-1920* Håkan Forsell, 2006 Exploring the social and political meanings attributed to property specifically home ownership this study looks at how these changed during the course of the modern city building process between 1860 and 1920 Focussing on two northern European capital cities Berlin and Stockholm the study contributes to the understanding of various factors that shaped the dynamic urban growth that characterized this period **The Many Concepts of Social Justice in European Private Law** H. W. Micklitz, 2011-11-01 Does European regulatory private law offer a genuine model of justice for society Beyond its initial libertarian focus on economic integration through the market citizen might it now serve the social inclusion of the vulnerable In the wake of Hans Micklitz's inspired and relentless pursuit of meaning within the ongoing constitutionalization of private law relationships this rich collection explores the implications of new specifically European forms of access rights which ensure horizontally and vertically enforceable and non discriminatory opportunity for market participation Horatia Muir Watt Columbia Law School US This insightful book with contributions from leading international scholars examines the European model of social justice in private law that has developed over the 20th century The first set of articles is devoted to the relationship between corrective commutative procedural and social justice more particularly the role and function of commutative justice in contrast to social justice The second section brings together scholars who discuss the relationship between constitutional order the values enshrined in the constitutional order and the impact of constitutional values on private law relations The third section focuses on the impact of socio economic developments within the EU and within selected Member States on the proprietary order of the EU on the role and function of the emerging welfare state and the judiciary as well as on nation state specific patterns of social justice The final section tests the hypothesis to what extent patterns of social justice are context related and differ in between labour consumer and

competition law The Many Concepts of Social Justice in European Private Law will prove to be of great interest to academics of law as well as to private lawyers and European policymakers

The SAGE Handbook of Industrial Relations Paul Blyton, Edmund Heery, Nicolas Bacon, Jack Fiorito, 2008-09-12 This handbook is an indispensable teaching research and reference guide for anyone interested in issues of labour and employment The editors have assembled a top flight group of authors and the end product is an encompassing state of the art review of the industrial relations field Professor Bruce E Kaufman AYSPPS Georgia State University This Handbook will quickly become the standard reference in industrial relations research It provides the most comprehensive and challenging presentation of the key theoretical debates and topics of research that will shape our field well into the 21st century All who wish to contribute to this field will need to read this volume and then build on what these authors have to say Professor Thomas A Kochan MIT Institute for Work and Employment Research This authoritative panorama of the field demonstrates the contemporary vitality breadth and critical depth of industrial relations scholarship and research Thirty four stimulating essays by an international blend of leading academics expertly review the analytical and empirical state of play across all aspects of industrial relations enquiry In doing so a rich agenda for further scholarly endeavour emerges Paul Marginson University of Warwick Over the last two decades a number of factors have converged to produce a major rethink about the field of Industrial Relations Globalization the decline of trade unions the spread of high performance work systems and the emergence of a more feminized flexible work force have opened new avenues of inquiry The SAGE Handbook of Industrial Relations charts these changes and analyzes them It provides a systematic comprehensive survey of the field The book is organized into four interrelated sections Theorizing Industrial Relations The changing institutions that shape employment practice The processes used by governments employers and unions Income inequality employee wellbeing business performance and national comparative advantages The result is a work of unprecedented scope and unparalleled ambition It offers a complete guide to the central debates new developments and emerging themes in the field It will quickly be recognized as the indispensable reference for Teachers Students and Researchers It is relevant to economists lawyers sociologists business and management researchers and Industrial Relations specialists

Law and Society in England 1750-1950 William Cornish, Stephen Banks, Charles Mitchell, Paul Mitchell, Rebecca Probert, 2019-10-31 Law and Society in England 1750 1950 is an indispensable text for those wishing to study English legal history and to understand the foundations of the modern British state In this new updated edition the authors explore the complex relationship between legal and social change They consider the ways in which those in power themselves imagined and initiated reform and the ways in which they were obliged to respond to demands for change from outside the legal and political classes What emerges is a lively and critical account of the evolution of modern rights and expectations and an engaging study of the formation of contemporary social administrative and legal institutions and ideas and the road that was travelled to create them The book is divided into eight chapters Institutions and Ideas Land

Commerce and Industry Labour Relations The Family Poverty and Education Accidents and Crime This extensively referenced analysis of modern social and legal history will be invaluable to students and teachers of English law political science and social history

The Victorian World Martin Hewitt, 2013-01-25 With an interdisciplinary approach that encompasses political history the history of ideas cultural history and art history The Victorian World offers a sweeping survey of the world in the nineteenth century This volume offers a fresh evaluation of Britain and its global presence in the years from the 1830s to the 1900s It brings together scholars from history literary studies art history historical geography historical sociology criminology economics and the history of law to explore more than 40 themes central to an understanding of the nature of Victorian society and culture both in Britain and in the rest of the world Organised around six core themes the world order economy and society politics knowledge and belief and culture The Victorian World offers thematic essays that consider the interplay of domestic and global dynamics in the formation of Victorian orthodoxies A further section on Varieties of Victorianism offers considerations of the production and reproduction of external versions of Victorian culture in India Africa the United States the settler colonies and Latin America These thematic essays are supplemented by a substantial introductory essay which offers a challenging alternative to traditional interpretations of the chronology and periodisation of the Victorian years Lavishly illustrated vivid and accessible this volume is invaluable reading for all students and scholars of the nineteenth century

The Story of Work Jan Lucassen, 2021-07-27 The first truly global history of work an upbeat assessment from the age of the hunter gatherer to the present day We work because we have to but also because we like it from hunting gathering over 700 000 years ago to the present era of zoom meetings humans have always worked to make the world around them serve their needs Jan Lucassen provides an inclusive history of humanity s busy labor throughout the ages Spanning China India Africa the Americas and Europe Lucassen looks at the ways in which humanity organizes work in the household the tribe the city and the state He examines how labor is split between men women and children the watershed moment of the invention of money the collective action of workers and at the impact of migration slavery and the idea of leisure From peasant farmers in the first agrarian societies to the precarious existence of today s gig workers this surprising account of both cooperation and subordination at work throws essential light on the opportunities we face today

The International after 150 Years George Comninel, Marcello Musto, Victor Wallis, 2017-10-02 The International Workingmen s Association was the prototype of all organizations of the Labour movement and the 150th anniversary of its birth 1864 2014 offers an important opportunity to rediscover its history and learn from its legacy The International helped workers to grasp that the emancipation of labour could not be won in a single country but was a global objective It also spread an awareness in their ranks that they had to achieve the goal themselves through their own capacity for organization rather than by delegating it to some other force and that it was essential to overcome the capitalist system itself since improvements within it though necessary to pursue would not eliminate exploitation and social injustice This book

reconsider the main issues broached or advanced by the International such as labor rights critiques of capitalism and the search for international solidarity in light of present day concerns With the recent crisis of capitalism that has sharpened more than before the division between capital and labour the political legacy of the organization founded in London in 1864 has regained profound relevance and its lessons are today more timely than ever This book was published as a special issue of *Socialism and Democracy* **Commentaries on European Contract Laws** Nils Jansen, Reinhard

Zimmermann, 2018-07-13 The book provides rule by rule commentaries on European contract law general contract law consumer contract law the law of sale and related services dealing with its modern manifestations as well as its historical and comparative foundations After the collapse of the European Commission's plans to codify European contract law it is timely to reflect on what has been achieved over the past three to four decades and for an assessment of the current situation In particular the production of a bewildering number of reference texts has contributed to a complex picture of European contract laws rather than a European contract law The present book adopts a broad perspective and an integrative approach All relevant reference texts from the CISG to the Draft Common European Sales Law are critically examined and compared with each other As far as the *acquis commun* ie the traditional private law as laid down in the national codifications is concerned the Principles of European Contract Law have been chosen as a point of departure The rules contained in that document have however been complemented with some chapters sections and individual provisions drawn from other sources primarily in order to account for the quickly growing *acquis communautaire* in the field of consumer contract law In addition the book ties the discussion concerning the reference texts back to the pertinent historical and comparative background and it thus investigates whether and to what extent these texts can be taken to be genuinely European in nature ie to constitute a manifestation of a common core of European contract law Where this is not the case the question is asked whether and for what reasons they should be seen as points of departure for the further development of European contract law *Defending Privilege* Nicole Mansfield Wright, 2020-03-10 A critique of attempts by conservative eighteenth and nineteenth century authors to appropriate the rhetoric of victimhood and appeals to rights to safeguard the status of the powerful As revolution and popular unrest roiled the final decades of the eighteenth century authors activists and philosophers across the British Empire hailed the rise of the liberal subject valorizing the humanity of the marginalized and the rights of members of groups long considered inferior or subhuman Yet at the same time a group of conservative authors mounted a reactionary attempt to cultivate sympathy for the privileged In *Defending Privilege* Nicole Mansfield Wright examines works by Tobias Smollett Charlotte Smith Walter Scott and others to show how conservatives used the rhetoric of victimhood in attempts to convince ordinary readers to regard a privileged person's loss of legal agency as a catastrophe greater than the calamities and legally sanctioned exclusion suffered by the poor and the enslaved In promoting their agenda these authors resuscitated literary modes regarded at the time as derivative or pass including romance the gothic and

epistolary or invented subgenres that are neglected today due to widespread revilement of their politics the proslavery novel Although these authors are not typically considered alongside one another in scholarship they are united by their firsthand experience of legal conflict each felt that their privilege was degraded through lengthy disputes In examining the work of these eighteenth and early nineteenth century authors Wright traces a broader reactionary framework in the Anglophone literary legacy Each novel seeks to reshape and manipulate public perceptions of who merits legal agency the right to initiate a lawsuit serve as a witness seek counsel from a lawyer and take other legal actions As a result *Defending Privilege* offers a counterhistory to scholarship on the novel's capacity to motivate the promulgation of human rights and champion social ascendance through the upwardly mobile realist character

Alienation and Emancipation in the Work of Karl Marx George C. Comninel, 2018-08-18 This book considers Karl Marx's ideas in relation to the social and political context in which he lived and wrote It emphasizes both the continuity of his commitment to the cause of full human emancipation and the role of his critique of political economy in conceiving history to be the history of class struggles The book follows his developing ideas from before he encountered political economy through the politics of 1848 and the Bonapartist farce the maturation of the critique of political economy in the *Grundrisse* and *Capital* and his engagement with the politics of the First International and the legacy of the Paris Commune Notwithstanding errors in historical judgment largely reflecting the influence of dominant liberal historiography Marx laid the foundations for a new social theory premised upon the historical consequences of alienation and the potential for human freedom

Global Histories of Work Andreas Eckert, 2016-09-12 *Global Histories of Work* is the first title in the new series *Work in Global and Historical Perspective* This collection of selected articles written by leading scholars in different disciplines provides both an introduction and numerous insights into themes debates and methods of Global Labour History as they have been developed over the last years The contributions to the volume discuss crucial historiographical developments present different professions that have gained new attention in the context of an emerging Global Labour History critically engage the boundaries of free labour and the ambiguities contained in this concept and take up and historicize current debates about informal labour *Global Histories of Work* will familiarize readers with a burgeoning field of high academic social and political relevance

Personal Insolvency Law, Regulation and Policy David Milman, 2017-05-15 As the radical reforms contained in the Enterprise Act 2002 have come fully on stream *Personal Insolvency Law* has become a major focus of attention At the same time all evidence points to increasing levels of personal debt with the consequential rise in bankruptcies *Personal Insolvency Law Regulation and Policy* therefore provides a timely evaluation of the current state of English law in this important area The volume presents a critical analysis of the regimes of bankruptcy and individual voluntary arrangement in the context of current policy goals It examines the impact of the Insolvency Act 2000 and the Enterprise Act 2002 and discusses the treatment of bankruptcy within the global economy The book will be a valuable guide for students and academics engaged in the study of this

increasingly important branch of private law The study will also be of value to practitioners and policy makers

The First Modern Risk Julia Moses, 2018-06-21 During the late nineteenth century many countries across Europe adopted national legislation that required employers to compensate workers injured or killed in accidents at work These laws suggested that the risk of accidents was inherent to work and not due to individual negligence By focusing on Britain Germany and Italy during this time Julia Moses demonstrates how these laws reflected a major transformation in thinking about the nature of individual responsibility and social risk The First Modern Risk illuminates the implications of this conceptual revolution for the role of the state in managing problems of everyday life transforming understandings about both the obligations and rights of individuals Drawing on a wide array of disciplines including law history and politics Moses offers a fascinating transnational view of a pivotal moment in the evolution of the welfare state

The Struggle for Female Suffrage in Europe , 2012-06-07 Whilst scholarship on women s suffrage usually focuses on a few emblematic countries The Struggle for Female Suffrage in Europe casts a comparative look at the articulation of women s suffrage rights in the countries that now make up the political unity in the making we call the European Union The book uncovers the dynamics that were at play in the recognition of male and female suffrage rights and in the definition of male and female citizenship in modern Europe It allows readers to identify differences and commonalities in the histories of women s disenfranchisement and sheds light on the role suffrage has played in the construction of female citizenship in European countries It provides the background against which a new European paradigm of parity democracy is gradually asserting itself

Making the Market Paul Johnson, 2010-03-04 Corporate capitalism was invented in nineteenth century Britain most of the market institutions that we take for granted today limited companies shares stock markets accountants financial newspapers were Victorian creations So were the moral codes the behavioural assumptions the rules of thumb and the unspoken agreements that made this market structure work This innovative study provides the first integrated analysis of the origin of these formative capitalist institutions and reveals why they were conceived and how they were constructed It explores the moral economic and legal assumptions that supported this formal institutional structure and which continue to shape the corporate economy of today Tracing the institutional growth of the corporate economy in Victorian Britain and demonstrating that many of the perceived problems of modern capitalism financial fraud reckless speculation excessive remuneration have clear historical precedents this is a major contribution to the economic history of modern Britain

Labour Law in the Courts Silvana Sciarra, 2001-03-12 The research underpinning this book was designed to support and further develop ideas already described in broader and more theoretical studies about the dialogues happening among national courts and the ECJ as a key factor of European integration The role played by the courts as part of the interplay of institutions within the European Union has been recognised as crucial and this research which was conducted at the European University Institute homes in upon some specific examples It deals with six Member States of the European Union Denmark France Germany Italy Spain and the

UK analysing two select but significant areas of substantive law transfer of undertakings and equality legislation The analysis dwells on these key areas although some other fields of social law were selected in order to prove the main theory underlying the whole research While on the one hand offering a comparative assessment of developments in the six member states chosen for study the research also highlights national peculiarities as well as the factors perceived to be driving national actors towards the preliminary ruling procedures This work will be of interest to all scholars of EU law and labour law

Personal Insolvency in the 21st Century Iain Ramsay, 2017-05-04 Since 1979 the world has witnessed a remarkable cycle of personal insolvency law reform Changes in capitalist economies financial crises and political interest groups all contributed to this cycle of reform This book examines the role of interest groups and distinct narratives in shaping reform in different countries while drawing attention to the role of timing path dependency and unintended consequences in the development of personal insolvency law The book presents case studies of personal insolvency law in the US France Sweden and England and Wales It then analyses how following the Great Recession of 2008 international financial institutions paid greater attention to the significance of household debt in contributing to financial instability and the role of individual insolvency law in providing a fresh start Personal insolvency law reform became part of EU responses to the eurozone crisis and the EU has proposed harmonisation of individual insolvency law to promote entrepreneurialism This book examines the extent to which these developments represent an emerging international commonsense about personal insolvency and its relationship to neo liberalism Finally this book discusses whether the international emergence of individual personal insolvency law represents a progressive step or a band aid for the costs of neo liberal policies where a significant number of people live close to the precipice of over indebtedness

Property in Work Wanjiru Njoya, 2016-04-15 The notion of property in work has deep historical roots in the common law tradition but is yet to receive the attention it deserves In this timely and thought provoking book Wanjiru Njoya contrasts ideas of ownership and property rights in English American and European labour law and considers their practical implications The author's contention that shared ownership within a stakeholder theory of the firm allows better protection of both shareholders and employees interests in the large public corporation puts employee participation firmly back on the corporate governance agenda The book offers a refreshing new perspective on how a more socially desirable balance between economic flexibility and job security may be achieved

New Perspectives on European Women's Legal History Sara L. Kimble, Marion Röwekamp, 2016-07-01 This book integrates women's history and legal studies within the broader context of modern European history in the late nineteenth and twentieth centuries Sixteen contributions from fourteen countries explore the ways in which the law contributes to the social construction of gender They analyze questions of family law and international law and highlight the politics of gender in the legal professions in a variety of historical social and national settings including Eastern Southern Western Northern and Central Europe Focusing on different legal cultures they show us the similarities and differences in the ways the law has shaped the contours of women

and men's lives in powerful ways. They also show how women have used legal knowledge to struggle for their equal rights on the national and transnational level. The chapters address the interconnectedness of the history of feminism, legislative reforms, and women's citizenship and build a foundation for a comparative vision of women's legal history in modern Europe.

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