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OUTLINES OF
HISTORICAL
JURISPRUDENCE

SIR PAUL VINOGRADOFF

OUTLINES
OF
HISTORICAL
JURISPRUDENCE

BY

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Volume One

Introduction Tribal Law

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Outlines of Historical Jurisprudence Sir Paul Vinogradoff, 2015-06-15 Excerpt from *Outlines of Historical Jurisprudence* Vol 1 The introduction to this work has grown to such a length that the Preface may well be cut short I should merely like to explain why I have undertaken a most complicated task In the course of my legal and historical studies one great problem has presented itself over and over again the problem of the relation between conditions and efforts between aims and fate It is in the sphere of law that this problem assumes its most definite aspect Law both customary and enacted is intended to be a direction of conduct but its actual application is a compromise between intentions and circumstances As Aristotle has put it we have to take account in human affairs both of what is desirable and of what is possible From this point of view attempts to arrange society on reasonable lines culminate in conceptions of jurisprudence while on the other hand all theories of jurisprudence have necessarily to start from some basis of given fact Some knowledge of historical jurisprudence is needed by historians because it helps to arrange the data of political and social life in accordance with consistent schemes of law For lawyers historical jurisprudence is the best introduction to the social interpretation of the innumerable technical rules and doctrines of their profession Unfortunately collaboration between jurists and historians though highly desirable is not often achieved in practice Historians have not yet come to realize that private law may be more important for social development than constitutional arrangements And as for lawyers they often have to be content with the stereotyped statements of more or less antiquated textbooks There is nothing for it but to step into the breach in the hope of reopening the discussion A task of this kind is naturally beset with great difficulties About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books Find more at www.forgottenbooks.com This book is a reproduction of an important historical work Forgotten Books uses state of the art technology to digitally reconstruct the work preserving the original format whilst repairing imperfections present in the aged copy In rare cases an imperfection in the original such as a blemish or missing page may be replicated in our edition We do however repair the vast majority of imperfections successfully any imperfections that remain are intentionally left to preserve the state of such historical works

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