

## LEGAL HISTORY AS A TOOL OF LAW REFORM: A MODERN LAW REVIEW SEMINAR

**Wednesday 13 April 2022, 9:30 – 16:30**

### **The National Archives**

#### THE THEME

This seminar, exploring the idea of legal history as a tool of law reform, seeks to assert and interrogate the central role and value of legal historical research in the analysis of law and its reform. Not only, it is argued, can legal history facilitate a better substantive understanding of the law, but it can teach the lawyer about the process of change, and about how and why changes occur within the legal system. It empowers the law reformer by challenging the assumption that change is random or definitive, and by enabling them better to understand the conditions within which it is most likely to occur. No less importantly, it can disrupt and unsettle accepted accounts and understandings of the law and challenge conventional thinking. Engaging with law both as the modern lawyer would think of it, and with the wealth of law and legal activity which never made it into the court room or onto the statute book, it historicises the law and relativizes the legal system with which the law reformer is familiar - challenging the dignity and sacredness which attaches to it.<sup>1</sup>

#### MODE OF DELIVERY AND BOOKING

This seminar will be delivered in a hybrid format and attendance is free. We have very limited spaces for in-person attendance at the National Archives, but we will be facilitating virtual attendance on Zoom. To book a place, or to receive the Zoom link, please contact Dr Charlotte Smith ([c.l.smith@reading.ac.uk](mailto:c.l.smith@reading.ac.uk)).

#### SCHEDULE AND TOPICS

**Arrival tea/coffee (09:30 – 10:00)**

##### Session 1 (10:00 – 11:30)

- **Professor Rebecca Probert** (University of Exeter): Family law
- **Professor Chantal Stebbings** (University of Exeter): Tax law
- **Dr Charlotte Smith** (Associate Professor in Law, University of Reading): Ecclesiastical law

**Break (11:30 – 11:50)**

##### Session 2 (11:50 – 12:50)

- **Dr Ruth Paley** (formerly History of Parliament): Predatory marriage and *Durham v Durham* (1885) 10 PD 80
- **Dr David Foster** (Lecturer in Law, UCL): Certainty in discretionary trusts and *McPhail v Doulton* [1971] AC 424.

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<sup>1</sup> See Reinhard Zimmermann, *Legal History: Does it Still Deserve a Place in the Curriculum?* (University of Cape Town: Inaugural Lecture, 6<sup>th</sup> May 1981).

**LUNCH** (12:50 – 13:30)

Session 3 (13:30 – 15:00)

- **Professor Catharine MacMillan** (King's College London): Contract
- **Dr Mark Wilde** (Associate Professor in Law, University of Reading): Law and the delivery of major infrastructure projects
- **Dr Elena Cooper** (Leverhulme Early Career Fellow, CREATE, University of Glasgow): Copyright

Closing Comments/Roundtable Discussion (15:00 – 15:20)

**END OF CONFERENCE**