have improved the economic status of recently freed slaves becomes far more complete when the denial of property rights of Native Americans in the West is considered at the same time.

¶51 The brevity of Edwards’s book has at least one notable consequence: only a small number of case studies of individual Americans’ or communities’ participation with these dynamics of legal change appear in her book. The quotes from a petition from African American citizens of Lincoln County, Tennessee, in 1865 to the Freedman’s Bureau, and the description of Bella Newton’s 1869 litigation in defense of her family and a changed social order, tease the reader with the wealth of case studies that may exist in primary source documents. Linking individual or small community stories to the powerful currents of change described in Edwards’s book would more powerfully connect the reader to her ideas.

¶52 Edwards’s book leads the reader from the nineteenth century into the twentieth, tracing how the tension between war-changed perceptions of rights and the hyper-individual judicial interpretation of rights profoundly altered the law of the United States and Americans’ perceptions of it. Stephen C. Neff’s book Justice in Blue and Gray: A Legal History of the Civil War (2010) takes the reader on a journey from the legal warfare issues of the Civil War to the legal issues of the War on Terror. I am not surprised that Edwards makes no reference to Neff’s work. A Legal History of the Civil War and Reconstruction stands on its own and merits inclusion in any collection that already contains Neff’s book. Any library that collects in the areas of legal history, constitutional history, or civil rights would be well served by the addition of this title.


Reviewed by Andrew Dorchak*

¶53 The multiple authors of Magna Carta and the Rule of Law offer an erudite, historical overview of Magna Carta’s influence throughout the world over eight centuries. The authors identify five common themes: the ability of a written document to bind everyone (including the sovereign) to the law of the land, the “dynamism and adaptability” of Magna Carta, the myth of Magna Carta, “resilience in the face of varying treatment,” and the “enduring relevance and persuasiveness” of Magna Carta to the rule of law (pp.14–16). Several chapters note the role of Edward Coke (and William Blackstone), who worked to associate Magna Carta, rather more specifically than historical accuracy might dictate, to concepts such as habeas corpus and due process. In addition to such advocacy, the authors discuss alternative sources of legal concepts often attributed to Magna Carta, such as an 1199 reference to habeas corpus, the English Bill of Rights, and the Fourth Lateran Council’s ban on trial by ordeal.

¶54 The multitude of cases cited in the book treat Magna Carta in various ways: reverential, inspirational, vague, dismissive, and irrelevant. Chapters 5 and 10 describe the “largely symbolic” role of Magna Carta in helping to inspire the Con-

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stitution and Bill of Rights in the United States and fifty of fifty-three Common-
wealth countries. The U.S. Supreme Court cited Magna Carta seventy-one times
from 1960 to 2000, reflecting its “expansive view of civil rights and liberties” (p.116).
At least three U.S. Supreme Court cases since 2008 have mentioned Magna Carta.

¶55 Magna Carta’s inspiration of due process and fundamental rights under the
ancient law still resonates today in international law, with scholars advocating for
important procedural rules to supplement the international legal regime that deals
with modern issues such as drone strikes, atrocities, and refugees. Nicholas
Vincent’s 2012 book Magna Carta: A Very Short Introduction covers many of the
same topics, for example, the lack of terms such as habeas corpus and due process
in Magna Carta. Vincent’s book might be an easier read for those with fewer specific
rule of law concerns. Vincent notes that materials in libraries and archives offer the
potential for novel scholarship on Magna Carta, in addition to the new historical
information that scholars have produced of late. The authors here seem to take up
that challenge in chapters 11 and 12.

¶56 Chapter 11 offers an in-depth and possibly novel analysis of the relation-
ship of Magna Carta to ius commune, the body of civil law and canon law that
existed in 1215. Magna Carta negotiators may have borrowed legal terminology
from ius commune as a means of political posturing, trying to win favor with Pope
Innocent III. Intriguingly, it seems unclear to which side (King John or the barons)
belonged the primary posturers. Of course, King John had already performed the
ultimate political posturing in 1213—giving homage and fealty to the pope and
“acknowledging that he held England as a papal fief” (p.25). Not surprisingly, the
pope would see fit to declare Magna Carta null and void on August 24, 1215, two
months after the agreement had been reached. The modern reader might have
trouble imagining the role of the church in thirteenth-century society.10

¶57 Chapter 12 covers the Charter of the Forest and the “several hundred sepa-
rate acts” of Parliament that “embedded the Charter so deeply in the law of the land
that its formalistic repeal in 1971 was anticlimactic” (p.312). The Charter of the
Forest evolved over centuries from a way for the ruler to maximize revenue (with
occasional pushback from his subjects) to a modern-day mixed-use approach, with
input from a variety of stakeholders, including Parliament, conservation groups,
recreational users, and even some international treaties.

¶58 Reading this book in its entirety may be a challenge for those unfamiliar
with the subject. However, the chapters and reader aids, including thirteen appen-
dixes, function quite well both as a cohesive whole and as individual starting points
for researchers with a narrower focus. This book is highly recommended for aca-
demic law libraries and large academic libraries.

10. For an in-depth treatment of religion, rule of law, and Magna Carta, see MAGNA CARTA,