

Preface

An 'OPUS MIRABILE', 'that work which has superseded all that went before it'; thus did J. H. Round refer to Pollock and Maitland's *History of English Law*.¹ The present volume is a celebration of the *History*, a study of the writing of legal history in the late nineteenth century, and a contribution to present day scholarship on medieval law. The focus is almost entirely upon Maitland. Pollock's contribution to the *History* was very limited, as he himself admitted.² Contributors have looked at Maitland's working methods and style; his reaction to his predecessors and contemporaries; the sources he used and did not use; his concentration upon England as opposed to the wider assemblages of lands ruled by the kings of England. And as Maitland would have wished, they have also analysed topics and issues to which he devoted only limited attention. In turn, they have revealed the scope for further scholarship, in legal history and in the study of Maitland. The manuscript copy of the *History* remains little exploited, despite being a vital source for those concerned with his style. The relationship of that style to other literature of the day, and perhaps to other arts, most notably music, also requires investigation.³ A full intellectual biography will one day deal with these aspects of Maitland, as well as his attitude to law, history, and other disciplines such as statistics.

This future biographer will no doubt comment upon the speed at which Maitland worked, and upon the late-nineteenth century circumstances that allowed him to write the history in roughly five years. By the time the current volume appears, a similar period will have passed from when, in the distinctly late twentieth-century circumstances of Fitzwilliam College car park, I first raised with Professor Holt the idea

¹ Letter of Round to Maitland, 28 March 1895; Maitland's reply is *Letters*, i no. 154. *The King's Serjeants and Officers of State* (London, 1911), p. 1.

² M. DeWolfe Howe, ed., *The Pollock-Holmes Letters* (2 vols, Cambridge, 1942), i 60-1; Pollock's calculation of the division of labour, Cambridge University Library, Add. MS 2766/16/18.

³ Note that both Helmholtz and Hyams, below, pp. 157, 239, use the word *leitmotiv* in discussing the style of this devotee of Wagner's music. One also wonders, for example, whether in Maitland's circle discussions concerning England as a 'land without music' accompanied those concerning England as a land without editors of its ancient law-codes.

of a symposium to celebrate 'Pollock and Maitland'. In that time many have helped both with the symposium⁴ and the production of this volume. Thanks are due to the organising committee — Sir James Holt, Professors Milsom and Baker, Patrick Wormald, myself, and in particular Rosemary Lambeth of the British Academy; to the contributors for their exemplary punctuality; to Henry Summerson and Mark Philpott for contributions not presented at the original symposium; to James Rivington and Janet English for guidance with publication; and to Nora Bartlett for her indexing.

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⁴ Held at Downing College, Cambridge, on 7–8 July 1995.