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Introduction

David A. Frenkel

History is the present of the past. Today's present will be the history in the future. Current life, trends and views cause change in laws, and laws cause changes in everyday life. Life and law are reflections of each other. Law is the mirror of life and life is the mirror of law. One cannot separate law and life. Each affects and influences the other. It is impossible to understand law and legal trends of any period, without learning and understanding the real life and trends during the period, not only in a definite geographical location but also the international trends and political pressures. Likewise it is impossible to understand and follow social and political trends, without being acquainted and understanding the law of that time.

One method of legal research to analyse and interpret any law from itself, by reading it, compare the various versions of the amendments legislated, analyse the differences and changes, compare it to other laws, either in the same country or elsewhere. Another method, which should be added to the first, is study and research into the reasons that caused the legislation and its amendments; to learn what and how political, cultural, economic, moral and social interests and trends influenced and affected the legislation, and, on the other side to learn how the laws influenced them. This is needed not only in order to understand and interpret the law correctly, as binding documents, but also to draw conclusions regarding the need for changing the existing legislation, planning future legislation taking in to consideration the possible effects of any legislation on the lifestyle, culture, financial, philosophical, moral and social behaviour of the people and the international relations of the country.

This book offers a collection of essays whose research is focusing on the interrelationship between law and history.

The essays are revised versions based on selected presentations at the special sessions at the 2014 International Conference on Law, organised by the Athens Institute for Education and Research (ATINER) held in Athens, Greece. They were peer-reviewed and selected on the basis of the reviewers' comments and their

contributions to the research discussion of the Law and History issues.

The following will briefly present the different contributions.

The book commences with Valdis Bluzma's essay *The Impact of Western Legal Culture on the Formation of Latvian Legal System before Establishing of the Latvian Statehood (13th – early 20th century)*. The essay characterises the exclusive historical influence of law and legal thought of Western European states on formation of Latvian legal system. Latvian legal history is relatively unknown outside the borders of the Baltic States. The law in pre-statehood period of Latvia corresponded to level of law development in Western Europe. In some periods it was even in vanguard position because of impact of law of progressive powers on territory of Latvia

The second contribution is Guy Lurie's essay *Medieval Emergencies and the Contemporary Debate*. The contemporary debate on emergencies and the state of exception often relies on historical examples. Lurie shows that medieval France formulated its own state of exception, meant to deal with emergencies, based on the legal principle of necessity. He challenges the historical narrative inherent in the contemporary debate, which assumes the modern inception of the state of exception. In his essay he reinforces the trepidation with which many scholars today view the uses and abuses of the state of exception. He shows that the French crown used and abused the medieval principle of necessity in ways similar to current uses of the state of exception which served similar purposes. Just as some scholars fear today, the French medieval state of exception often served

Norbert Varga's essay *Citizenship and Civil Procedure Law (Act I of 1911) in Hungary* describes the role citizenship had, taking personal and territorial effect into account, and how the jurisdiction against foreign citizens was regulated, including the question of legal aid - all in connection to the civil procedure code. Varga shows that Procedural law could only be codified at the beginning at the 20th century in Hungary.

The next essay is *Hungarians and Citizenship in Croatia-Slavonia 1868-1918*, written by Ivan Kosnica. Kosnica analyses the concept of citizenship, including the differences between national and local citizenships, their contents and applications. In his essay Kosnica examined the constitutional status in the Austro-Hungarian

Monarchy and the employment of Hungarians in Common Croatian-Hungarian offices.

In the final essay in the book, Nina Christiane Lück, in her essay *Charitable Foundations in England, Germany and the EU Philanthropic Governance Perspective – of Altruism and Calculation*, analyses the development of the “third sector” in exemplary historical epochs and thereby contributes to the comparative legal analysis of charitable foundations which have become a new research area. The essay focuses on the English and the German third sector in order to elaborate on the differences and similarities between a classical common law country and a classical civil law country. Lück argues that in the light of the ongoing controversial debate about the Europeanisation of private law, an ever closer European Union and a community of values and common heritage, cross-border giving can amount to an engine of creating a common European philanthropic landscape and thereby make a substantial contribution to turning round inertia and the lack of enthusiasm about the European project.

I hope that the readers will find this collection of essays stimulating and interesting not only in the particular issues discussed but also to acquaint themselves with the law and history field of research.