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## Preface

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This book was written to highlight the importance of history in contemporary socio-legal scholarship. My hope is that by interesting the reader in past events, and illustrating how these events remain significant to our understanding of law in the present, I might convince the reader that history matters to our future. History may not help us predict the future, but it can show us that the challenges we face are not necessarily new, and that proposed solutions may not necessarily be the best solutions. History, as the historian Margaret MacMillan notes in her book *Dangerous Games: The Uses and Abuses of History*, is important for teaching us the limits of our understanding, and for nurturing humility, skepticism and an awareness of ourselves.

More specifically, I hope to show that the historical narratives that have developed over 400 years with respect to the development of modern western law—that law is objective, rational, universal and unbiased—are fundamentally flawed. By highlighting selected historical moments which I call ‘legal landmarks’, and focusing on the ways in which the concepts of religion, race and rights influenced the unfolding events, I suggest that Anglo-American law is deeply imbued with the ideologies, values and concepts that these discourses promoted. This point is of grave importance given the increasing cultural, religious and legal pluralism apparent in many countries in the early years of the twenty-first century.

I explore the development of Anglo-American law against the backdrop of great social, cultural, religious and economic revolutions. At times law facilitated these upheavals; at other times law was forced to respond, accommodate and adapt to new circumstances and conditions created by them. In short, Anglo-American law is both an architect and an artifact of social change. Most importantly, it is never value-free, floating abstractly above the melee of power and politics that informs everyday interactions.

The underlying question that frames the book, and the issue I leave the reader to ponder, is: Why is the narrative of law’s neutrality still so compelling, perhaps even necessary, for contemporary western nations? Or, to put it another way, why do societies that employ Anglo-American law need to *believe*, perhaps now more than ever before, in the impartiality of the rule of law, despite many people’s daily experiences to the contrary?