LAW IN THEORY AND HISTORY: NEW ESSAYS ON A NEGLECTED DIALOGUE. Ed by Maksymilian Del Mar and Michael Lobban

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A title is not required for this review. Should that not have been the case, the title would have been something like this: *(Not Only) Preaching to the Choir: (A Chorister's) Reflections on Law in Theory and History*. From this title, it may be apparent that, before reading any edited collection that aims to consider the lessons that can be shared between legal theory and legal history, I was already convinced of the relative importance of the relationship. In this brief review, I will suggest that the potential value in the contribution also extends to others—non-choristers—who may not be aware of the benefits that an enhanced dialogue may bring. Both the collection's aim and the included essays not only reflect a generally important contribution, but also a contribution that is potentially useful to a readership in both sub-disciplines to which the book most closely relates: legal theory and legal history.

The majority of the collection's essays are drawn from a conference; the theme of which is broadly reflected in the collection's title. The structure of the collection is unsurprising, and eminently sensible. After a brief preface, a series of introductory essays contextualise the project more broadly. Two of the four chapters in this part—by Del Mar and Lobban, as the collection's editors—are wonderfully detailed works that outline the rationale behind increasing the dialogue between legal theory and legal history. These reflections—together with an Afterword by Brian Tamanaha—provide the central rationale and exegesis of the collection's key question: can legal theory and legal history form part of a fruitful dialogue? Four essays comprise each of the three substantive parts. A 'Methodology and Historiography' part comes before 'The History of Theory' and the final substantive part relates the 'Uses and Limits of Theory in History'. The formal structure imposed on the collection enhances the content and assists in creating a broad narrative across the works. Despite the formal structure, most of the essays provide broad illustrations or examples of the potential for and benefits of such a dialogue. The contributors themselves are both as impressively accredited as they are broad in their respective areas of specialism. It is this broad cross section—including academics who may describe themselves as legal theorists, public lawyers, legal historians, or moral philosophers—provides a healthy support for the enterprise generally and adds weight to suggestion that the question posed is both relevant and useful.

The basic premise of the collection's sub-title—*New Essays on a Neglected Dialogue*—suggests there is (or was / should be) a dialogue between theory and history and, further, that this has been neglected. What is clear, and what shines through across the work, is that an academic's exploration of the dialogue between the sub-disciplines would be both relevant and useful. Establishing relevance and use are crucial here; after all, dialogues—whether neglected or otherwise—could be proposed between any number of sub-disciplines. Whilst there are benefits, there are risks. Locating one that could enhance one's own field could prove to be a shot-in-the-dark. Stepping out of one's own sub-discipline could be both daunting and time-sapping and risks being a potential fool's errand. For many, these risks may obscure any benefit. From my perspective—seated within the choir—the relevance and use of an increased dialogue argued for in the collection could, perhaps, have been put more forcefully (or, perhaps, have at least been sung *forza*). However, this criticism—if it is a criticism—is, of course, somewhat empty, as an edited collection would not be the ideal

forum to mount an argument of this kind. Nevertheless, the collection does clearly provide an argument to counter many of the risks of exploring a 'new' sub-discipline; it illustrates that—whilst stepping out of one's sub-discipline, between legal theory and legal history, may still be daunting and be a sap on time—the endeavour will not be a fool's errand. There are, potentially substantially, benefits. And these benefits *particularly* relate to legal theorists.

It is this point that brings me to my final two observations. The dialogue proposed and described in the collection appears to be, at least somewhat, one-sided. The beneficial lessons seems to predominantly flow from history to theory. Or, in other words, there is an emphasis on the lessons that legal theory can learn from legal history and, relatively, less on what theory can bring to history. Perhaps this variance reflects the true benefit may be uncovered by an increased dialogue? But my intuition is that the dialogue can, and perhaps should, be—at least a little—less one sided. This emphasis means the collection will undoubtedly prove useful to legal theorists. But, as the dialogue is not entirely one sided, and as the relative uses to which one's own field is put is undoubtedly of benefit, the collection will doubtless also provide an interesting perspective for legal historians. My final observation is this: there is such a wealth of information, approaches, tools and ideas contained within the work's pages—principally as a result of the varying perspectives brought by each of the contributors—that real benefits may follow without the need for a cover to cover read. Reading the entire collection would, certainly, not be harmful or in any way imprudent. It is simply the case that doing so is—as with many well edited collections—unnecessary. In this respect, the volume or breadth of material should not be seen as overwhelming and, instead, provides a real strength of the work.

In summary, the collection of essays provides benefits to legal theorists and legal historians, and choristers and non-choristers, alike. The collection achieves the editors' aim of extolling the virtues of considering the lessons that can be shared between legal theory and legal history. For any choristers—those who already see the benefits in dialogue between legal theory and legal history—the collection provides an interesting perspective on how other like-minded academics view the benefits of increased dialogue. For any non-choristers that do explore the various essays, the collection will undoubtedly provide a further point of consideration and some useful tools to apply in any future work: an outcome that would, I am sure, reflect a fundamental drive behind the collection's creation.

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