Book Review. From Medieval Group Litigation to the Modern Class Action by Stephen C. Yeazell

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scientists. His book, after an extended introduction, contains two parts that address John Calvin's thought and a conclusion that explores recent discussion among political scientists about the origins of modernity. Most of Hancock's introduction is devoted to presenting and criticizing how earlier historians of political thought, notably J. W. Allen, Quentin Skinner, and Michael Walzer, have analyzed and assessed Calvin's contribution to modern political theory. The bulk of the first major part explores the political ideas in Calvin's Institutes of the Christian Religion, especially the difficult last chapter (IV, 20) on civil government. Quoting liberally from many parts of the Institutes to illuminate Calvin's meaning, Hancock discusses the relation of religion and politics, Christian freedom and spiritual government, forms of government, authority and resistance (notably the right and duty of inferior magistrates to resist tyrannical monarchs), law and ethics, fallen reason and conscience. This section seems the strongest part of Hancock's work. He has read the text closely, and his writing is thoughtful and dense and sometimes shows a fine turn of phrase, although he is too fond of paradox. The second part, "Calvin's Antitheology: Transcendence without Another World," tries to relate Calvin's thought on politics to his theology of justification, sanctification, and man as the image of God. Here I felt Hancock's treatment was more elaborate than his purpose required. His conclusions try to rehabilitate but soften and refine Emile Doumergue's argument that Calvin was one of the founders of the modern world. To this end Hancock enters a prolonged critique of the theories of modernity developed by Leo Strauss, Karl Löwith, Eric Voegelin, and Hans Blumenberg, especially the tendency to equate modernity with secularism. This book will please theologians and political scientists more than historians. Hancock writes a sort of abstract intellectual history that is no longer acceptable. There is nothing on excommunication, the problem that long bedeviled Calvin's relations with the Genevan government. There is nothing on Calvin's training as a lawyer and how he used it in the service of the Genevan government. Although there are detailed discussions of how recent political scientists understand Calvin, I noted references to only five contemporaries of Calvin. Under "B" in the index, for instance, there are no references to Theodore Beza, Martin Bucer, Heinrich Bullinger, Basel, or Bern. Indeed, I cannot recall Geneva itself being mentioned in the text. Can one understand Calvin without a historical context? His Institutes is also treated in a vacuum. Hancock ignores Calvin's letters, which often deal with concrete political problems, such as the persecution of French Calvinists. Calvin's Old Testament commentaries often touch political questions, but Hancock cites only a couple of secondhand references from Doumergue's biography. One cannot fault Hancock for not using William Bouwsma's recent John Calvin (1988), but Hancock could have profit from various works of André Biéler, Josef Bohatec, Alexandre Ganoczy, Robert Kingdon, William Monter, T. H. L. Parker, Charles Partee, and Suzanne Selinger.


Stephen C. Yeazell's work traverses a vast chronological canvas, tracing the evolution of group litigation from the ecclesiastical courts of Canterbury in 1199 to the 1966 redaction of Federal Rule of Civil Procedure 23, which governs class actions in the federal courts. The book is essentially a narrative that breaks the history of Anglo-American group litigation into three periods: medieval, early modern, and modern. According to Yeazell, medieval law courts routinely entertained litigation involving diverse social groups without recognizing anything remarkable about treating unincorporated groups as litigative entities. The author found no medieval doctrine to explain or justify group litigation. During the sixteenth and seventeenth centuries, in contrast, the variety of group litigation shrank, the phenomenon itself began to be challenged, and the chancellors began to grope for a theoretical justification for permitting unincorporated groups to litigate. The answer lay in the idea of representation, which according to Yeazell was just creeping into the English consciousness. Finally, in the modern era, group litigation began to require elaborate justification because modern Anglo-American legal culture rests on individualistic assumptions rather than collective ones. As a result, group litigation lay nearly completely dormant during the nineteenth and early twentieth centuries until it was resuscitated in the guise of the class action. Yeazell's work makes a contribution to the literature of legal history by tracing the evolution of legal doctrines surrounding group litigation and, perhaps more importantly, by attempting to underscore the connection between this relatively narrow area of procedural law and broader social realities and ideas about representation.

At the intersection of judicial procedure and social and intellectual history, however, the author's work falls short of what he set out to accomplish. Yeazell painstakingly unearthed the legal doctrine concerning group litigation from case reports spanning eight centuries, but he does not do a convincing job of fitting the evidence from the case reports into the context of social and intellectual history. In part his failure results from reliance on some dubious secondary authorities. For example, Yeazell reiterates Susan Reynolds's assertion that "no system of medieval law developed any concept of legal personality or corporation before 1300" (p. 74). This statement would have dumbfounded the canonists of the twelfth century, who described the universitas or corporation as a persona ficta. Yeazell's reliance on Reynolds reflects unawareness of a rich
historical literature with continental roots. Like many
lawyers before him, Yeazell disdains to recognize the
existence of any ideas or institutions except those that
appeared in the English case records. Because group
litigation was in large part a phenomenon of ecclesias-
tical courts and chancery courts, both of which relied
on the jurisprudence of Roman and canon law, and
since ideas about representation, incorporation, and
agency loomed large in the discourse of civilians and
canonists before 1200, Yeazell's preoccupation exclu-
sively with sparse English records impoverishes his
analysis. In discussing group litigation in medieval,
early modern, and more recent legal doctrine, Yeazell
recognizes the vital importance of ideas about repre-
sentation, but he fails to refer to a single thread of
influence outside the Anglo-American tradition.
This book is a useful guide to the procedural ances-
try of the modern class action. It is not a useful analysis
of the social and intellectual history of groups, represen-
tation, and litigation.

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RONDO CAMERON. A Concise Economic History of the World:
From Paleolithic Times to the Present. New York: Oxford

The one-volume economic history of Europe from
earliest times to the present, which seemed doomed to
extinction, is making a comeback. The recent stimulat-
ing effort by Nathan Rosenberg and L. E. Birdzell, Jr.,
How the West Grew Rich: The Economic Transformation of
the Industrial World (1986), was a milestone in this
resurgence, as I noted in these pages (AHR, 91 [1987]:
96–97). Now Rondo Cameron has offered another
more systematic survey, which he modestly describes as
"a textbook for an upper division undergraduate
course in European economic history" (p. vii). Well
known for his seminal work on French economic
development in the nineteenth century and for com-
parative studies in the history of banking and longtime
tutor of the Journal of Economic History, Cameron is
well positioned to summarize and interpret the schol-
arly work of a generation.

An economist by training, Cameron follows a clear
historical organization and has a historian's apprecia-
tion for factual accuracy. Beginning with an introduc-
tory chapter that outlines some basic economic con-
cepts with admirable clarity, Cameron treats in
successive chapters antiquity, medieval Europe, the
non-Western world before 1500, European overseas
expansion, and mercantilism. These chapters focus on
well-established problems in economic history—for ex-
ample, the rise of medieval towns, the price revolution,
Spanish economic decline, agriculture and industrial
technology, and the use of standard historical meth-
ods—while drawing gracefully on economic concepts
as needed. Turning to the era of industrialization in
the remaining sixty percent of his work, Cameron
provides in two interrelated chapters a general concep-
tual overview of modern economic growth and a dy-
mamic historical account (to 1914) of its main determi-
nants, population, resources, technological change,
and social institutions. Case studies of industrial devel-
opment in all European nations (plus the United States
and Japan) compose two more chapters, as do the
world economy (including imperialism) and three
"strategic sectors" in the nineteenth century: agriculture,
banking, and the state. The twentieth century is
treated with an overview and two narrative chapters on
the interwar and postwar eras.

Cameron has performed his ambitious task well. The
writing is economical, precise, and eminently under-
able. Differences in interpretation and major histor-
ical debates are noted and evaluated but without
overwhelming the author's own judicious interpreta-
tions. Graduate students (and nonspecialist professors)
will find this a most valuable guide and reference work.
The bibliography is exceptionally well selected and
annotated, for Cameron knows the literature and eval-
uates it with a judiciousness that infuses the entire
book. There is also an abundance of illustrations,
useful for the student and rare in general economic
histories.

Certain limitations may also be noted. The "world" in
the book's title is largely a misnomer, although there is
enough non-European material to make it understand-
able. The chapters on the Middle Ages and the early
modern period seem to parallel older treatments, with
a heavy stress on political factors and government
policy in explaining regional and national variations in
economic performance. The chapters on nineteenth-
century industrialization are the best in the book. The
general stress is on the gradual, nonrevolutionary
chapter of industrialization and the wealth of alterna-
tives open to different countries in their march toward
the industrial world. This stress grows out of Cam-
eron's own work and reinterpretations, and it generally
leads to more balanced judgments of the different
national experiences. For example, Cameron effec-
tively presents the revisionist view of generally good
French economic performance in the nineteenth cen-
tury, which he has done much to spread.

Cameron's strong opposition to the whole idea of an
industrial revolution in Great Britain (or anywhere
else) on the grounds that economic change was gradual
and spotty, however, seems overdone. The question is
complex and at least partly semantic, but it should be
pointed out that Cameron's emphasis on technological
change and "epochal innovation" (p. 195) in fueling
long-term economic development actually fits rather
well with the original concept of the industrial revolu-
tion as an interrelated cluster of revolutionary techno-
logical breakthroughs, of which the new "factory sys-
tem" was the overarching expression and summation.
The fact that macroeconomic rates of national eco-
nomic growth moved up gradually and that agricul-