

1974-10-18a: [METHODOLOGY] Legal History and Social History.

Legal history is related to social history in much the way that the history of ideas is to intellectual history: it formulates in perfect truth the principles which operate in a given society over time, but does not relate it to the actual happenings in the minds of individuals.

So legal history tells us what are the controlling rules, abstracted from the individual, as does the history of ideas about politics; but what went on in the minds of individuals vis à vis the law—and, in terms of succession of their thoughts about how their lives & their children's lives were being actually conducted vis à vis those laws—is not known unless there is a complete sondage of testament, contracts, the "livre de raison" of the family. So in the history of ideas, one would have to penetrate the actions of people, usually in terms of presumptions we can reconstruct of the reasons for believing or doing as they did, before we can get a vital historical knowledge of how the "controlling ideas" operated.

In one case the answer can come from hard statistical evidence, if such is available, in the other from an intentional probing of the actions, political or social, that are left for us.