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THE HISTORICAL
AND INSTITUTIONAL
CONTEXT OF ROMAN LAW

GEORGE MOUSOURAKIS

The Historical And Institutional Context Of Roman Law

Alex Feldman



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The Historical and Institutional Context of Roman Law George Mousourakis, 2017-03-02 Roman law forms an important part of the intellectual background of many legal systems currently in force in continental Europe Latin America and other parts of the world This book traces the historical development of Roman law from the earliest period of Roman history up to and including Justinian's codification in the sixth century AD It examines the nature of the sources of law forms of legal procedure the mechanisms by which legal judgments were put into effect the development of legal science and the role of the jurists in shaping the law The final chapter of the book outlines the history of Roman law during the Middle Ages and discusses the way in which Roman law furnished the basis of the civil law systems of continental Europe The book combines the perspectives of legal history with those of social political and economic history Special attention is given to the political development of the Roman society and to the historical events and socio economic factors that influenced the growth and progress of the law Designed to provide a general introduction to the history of Roman law this book will appeal to law students whose course of studies includes Roman law legal history and comparative law It will also prove of value to students and scholars interested in ancient history and classics **Borkowski's Textbook on Roman Law** Paul du

Plessis, 2010-05-13 Borkowski's Textbook on Roman Law provides a clear and concise overview of Roman private law and civil procedure supported by numerous extracts in translation from the Digest and Institutes The book has been written with undergraduate students in mind and covers all key areas commonly taught on Roman law courses at undergraduate level

Borkowski's Textbook on Roman Law Paul J. du Plessis, 2020 Borkowski's Textbook on Roman Law is the leading contemporary textbook on Roman law Providing students with a clear and highly readable account of Roman private law and civil procedure it gives a comprehensive overview of both the historical context and modern relevance of Roman law today Translated extracts from the most important Latin legal sources the Digest and the Institutes of Justinian are included throughout Annotated further reading sections at the end of each chapter support further research Book jacket **The**

Unheard Voice of Law in Bartolomé de Las Casas's Brevísima Relación de la Destrucción de las Indias David T. Orique, 2021-04-13 The Unheard Voice of Law in Bartolomé de las Casas's Brevísima relación de la destrucción de las Indias reinterprets Las Casas's controversial treatise as a legal document whose legal character is linked to civil and ecclesial genres of the Early Modern and late Renaissance juridical tradition Bartolomé de las Casas proclaimed I have labored to inquire about study and discern the law I have plumbed the depths and have reached the headwaters The Unheard Voice also plumbs the depths of Las Casas's voice of law in his widely read and highly controversial Brevísima relación a legal document published and debated since the 16th century This original reinterpretation of his Very Brief Account uncovers the juridical approach voiced in his defense of the Indigenous peoples of the Americas The Unheard Voice innovatively asserts that the Brevísima relación's legal character is intimately linked to civil and ecclesial genres of the late Renaissance juridical tradition

This paradigm shifting book contextualizes the formation of Las Casas's juridical voice in canon law and theology initially as a secular cleric subsequently as a Dominican friar and finally as a diocesan bishop and demonstrates how his experienced juridical voice fought for justice in trans Atlantic debates about Indigenous peoples level of humanity religious freedom enslavement and conquest Reaching the headwaters of Las Casas's hitherto unheard juridical voice of law in the Brevissima Relación provides readers with a previously unheard interpretation an appealing voice for readers and students of this powerful Early Modern text that still resonates today The Unheard Voice of Law is a valuable companion text for many in the disciplines of literature history theology law and philosophy who read Bartolomé de las Casas's Very Brief Account and study his life labor and legacy

Roman Law and Economics Giuseppe Dari-Mattiacci, Dennis P. Kehoe, 2020-05-26 Ancient Rome is the only society in the history of the western world whose legal profession evolved autonomously distinct and separate from institutions of political and religious power Roman legal thought has left behind an enduring legacy and exerted enormous influence on the shaping of modern legal frameworks and systems but its own genesis and context pose their own explanatory problems The economic analysis of Roman law has enormous untapped potential in this regard by exploring the intersecting perspectives of legal history economic history and the economic analysis of law the two volumes of Roman Law and Economics are able to offer a uniquely interdisciplinary examination of the origins of Roman legal institutions their functions and their evolution over a period of more than 1000 years in response to changes in the underlying economic activities that those institutions regulated Volume I explores these legal institutions and organizations in detail from the constitution of the Roman Republic to the management of business in the Empire while Volume II covers the concepts of exchange ownership and disputes analysing the detailed workings of credit property and slavery among others Throughout each volume contributions from specialists in legal and economic history law and legal theory are underpinned by rigorous analysis drawing on modern empirical and theoretical techniques and methodologies borrowed from economics In demonstrating how these can be fruitfully applied to the study of ancient societies with due deference to the historical context Roman Law and Economics opens up a host of new avenues of research for scholars and students in each of these fields and in the social sciences more broadly offering new ways in which different modes of enquiry can connect with and inform each other

A Legal History of Rome George Mousourakis, 2007-08-07 This book equips both lawyer and historian with a complete history of Roman law from its beginnings c 1000 BC through to its re discovery in Europe where it was widely applied until the eighteenth century Combining a law specialist's informed perspective of legal history with a socio political and cultural focus it examines the sources of law the ways in which these laws were applied and enforced and the ways the law was influenced and progressed with an exploration of civil and criminal procedures and special attention paid to legal science The final chapter covers the history of Roman law in late antiquity and appraises the move towards the codification of law that culminated in the final statement of Roman law the Corpus Iuris Civilis of Emperor Justinian

Throughout the book George Mousourakis highlights the relationship between Roman law and Roman life by following the lines of the major historical developments Including bibliographic references and organized accessibly by historical era this book is an excellent introduction to the history of Roman law for students of both law and ancient history **The Savage Republic** Eric Michael Wilson,2008 Intended for the professional academic and graduate student this book is the first to utilize the methodology of a oeNew Streama legal scholarship in an extended critical a oeexegesis of Hugo Grotiusa TM De Indis c 1604 6 De Indis is predicated upon a two fold discursive strategy i investing a oeprivatea Trading Companies with a oepublica international legal personality and ii collapsing the distinction between a oeprivatea and a oepublica warfare Governing the operation of textual interpretation is De Indisa TM status as a republican treatise juridically legitimating an early modern Trans National corporation the VOC that served as an agent of a a oeprimitivea system of global governance the early Capitalist World Economy The application of New Stream scholarship reveals that the republican signature of De Indis consists of a discursive a oemicro oscillationa between the a oethicka ontology of Late Scholasticism a oeUtopiaa and the a oethina ontology of Civic Humanism a oeApologya wholly appropriate to the governance requirements of the embryonic Modern World System **Rome and the Classic Maya** Rebecca Storey,Glenn R Storey,2017-01-20 This volume compares two of the most famous cases of civilizational collapse that of the Roman Empire and the Classic Maya world First examining the concept of collapse and how it has been utilized in the historical archaeological and anthropological study of past complex societies Storey and Storey draw on extensive archaeological evidence to consider the ultimate failure of the institutions infrastructure and material culture of both of these complex cultures Detailing the relevant economic political social and environmental factors behind these notable falls Rome and the Classic Maya contends that a phenomenon of slow collapse has repeatedly occurred in the course of human history complex civilizations are shown to eventually come to an end and give way to new cultures Through their analysis of these two ancient case studies the authors also present intriguing parallels to the modern world and offer potential lessons for the future , Sovereignty and Territorial Temptation Christopher R. Rossi,2017-04-27 This powerful reworking of the liberal tradition of international law uses Grotius as the vehicle for understanding coming challenges to the global commons Fundamental problems of scarcity sovereignty anachronistic thinking and territorial temptation are interwoven in historical and contemporary contexts to illuminate the tendency among states to share resources but only when necessary **Foundations of American Criminal Due Process at Trial** Francis R. Herrmann,Brownlow M. Speer,2025 A combination of media personal experience and education have introduced the average American to their right to a fair trial by jury a protection set out in the Bill of Rights of the American Constitution However the specific rights that set the jury system up for fair trial procedure have roots far older than the Bill of Rights Foundations of American Criminal Due Process at Trial delves into a subject whose historical horizon includes the pulpit of St Augustine a workshop of ninth century forgers the prosecution of pirates in medieval England and defendants

demands for basic safeguards in English common law trials Francis R Herrmann and Brownlow M Speer scrutinize previously overlooked primary sources underline the influence of canon law and classic writings on English law and trace the fundamental protections of accused persons to Judeo Christian principles A text sure to be of interest to practitioners scholars and lay readers Foundations of American Criminal Due Process at Trial anchors American fair trial rights in the geography and chronology of a Western legal tradition that encompasses Rome medieval Europe and England

Environmental Protection and Human Rights Donald K. Anton, Dinah L. Shelton, 2011-04-11 With unique scholarly analysis and practical discussion this book provides a comprehensive introduction to the relationship between environmental protection and human rights being formalized into law in many legal systems This book instructs on environmental techniques and procedures that assist in the protection of human rights The text provides cogent guidance on a growing international jurisprudence on the promotion and protection of human rights in relation to the environment that has been developed by international and regional human rights bodies and tribunals It explores a rich body of case law that continues to develop within states on the environmental dimension of the rights to life to health and to public participation and access to information Five compelling contemporary case studies are included that implicate human rights and the environment ranging from large dam projects to the creation of a new human right to a clean environment *Orthodox Mercantilism* Alex Feldman, 2024-04-02 This book demonstrates how the political economy of mercantilism was not simply a Western invention by various cities and kingdoms during the Renaissance but was the natural by product of perpetually limited growth rates and rulers relentless pursuits of bullion It contributes to discussions of the economic history surrounding the so called Great Divergence between East and West which would consequently lend context and credence to differences of economic thought in the world today Additionally it seeks to explain present economic thought as tacitly derived from implicit antique paradigms This book advances fields of research from numismatics and sigillography to historical materialism and historical political economy Divided into three parts Orthodox Mercantilism first examines the political theology the sovereignty of the cumene from the early 11th century Second it analyzes its peripheral legislation from the customary laws of newly Christianized dynasties up to the Korm aja Kniga s adoption the Nomokanon by 13th century Orthodox dynasties across Eastern Europe Third it explores how these dynasties and their own satellite dynasties hoarded finite bullion to pay for defense resulting in the 11 14th century coinless period across Eastern Europe and Western Eurasia Appealing to students and scholars alike this book will be of interest to those studying and researching economic and mercantile history particularly in the context of Byzantine and Eastern European societies **The History of Law in Europe** Bart Wauters, Marco de Benito, 2017-04-28 Comprehensive and accessible this book offers a concise synthesis of the evolution of the law in Western Europe from ancient Rome to the beginning of the twentieth century It situates law in the wider framework of Europe s political economic social and cultural developments **Reassessing Legal Humanism and its**

Claims Paul J du Plessis,2015-12-31 This book is a fundamental reassessment of the nature and impact of legal humanism on the development of law in Europe It brings together the foremost international experts in related fields such as legal and intellectual history to debate central issues

The Constitutional Value of Sunset Clauses Antonios Kouroutakis,2016-10-04 In recent years sunset clauses have mostly been associated with emergency legislation introduced in the wake of terrorist attacks However as this book demonstrates they have a long history and a substantial constitutional impact on the separation of powers and the rule of law In addition the constitutional value of such clauses is examined from certain neglected normative aspects pertaining to concepts such as deliberative and consensus democracy parliamentary sovereignty and constitutional dialogue The work is an amalgam of three perspectives the historical the positive and the normative All three are intertwined and each subsequent part builds upon the findings of the previous one The historical perspective investigates the historical development of sunset clauses since the first Parliaments in England The positive perspective examines the legal effect and the contemporary utility of sunset clauses Finally the normative perspective analyses their interaction with several models of separation of powers and their influence on the dialogue between various institutions as it values their impact on the rule of law formal and substantive The detailed examination of this topical subject will be a valuable resource for academics researchers and policy makers

European Legal History Randall Lesaffer,2009-06-25 The rediscovery of Roman law and the emergence of classical canon law around AD 1100 marked the beginnings of the civil law tradition in Europe Between the twelfth and eighteenth centuries a highly sophisticated legal science of a truly European dimension was developed Since then the different European States have developed their own national legal systems but with the exception of England and Ireland they are all heirs to this tradition of the ius commune This historical introduction to the civil law tradition from its original Roman roots to the present day considers the political and cultural context of Europe s legal history Political diplomatic and constitutional developments are discussed and the impacts of major cultural movements such as scholasticism humanism the Enlightenment and Romanticism on law and jurisprudence are highlighted This contextual approach makes for a fascinating story accessible to any reader regardless of legal or historical background

Property Law and Economics Boudewijn Bouckaert,2010-01-01 This book contains illuminating and carefully written literature reviews on the central topics of the economics of property rights and institutions As a bonus it includes two fascinating chapters on topics off the beaten path slavery and new types of property rights in environmental goods This book will be indispensable for students and experienced scholars alike Eric Posner University of Chicago Law School US This study covers property law and property rights providing a full summary and comprehensive bibliography of the existing law together with discussion from an economic perspective on the most important aspects of property law Leading experts have brought together their knowledge and insight on a full range of issues including comparative property law and the history of property law to create a truly autonomous interdisciplinary resource This

essential reference work will strongly appeal to scholars and students enrolled in academic programmes of law and economics Academic lawyers involved in research and teaching of private common law practicing lawyers in the field of real estate law as well as economists involved in researching development economics and transition economics will also find this an invaluable resource

A Companion to Ostrogothic Italy ,2016-04-18 A Companion to Ostrogothic Italy is a concise yet comprehensive cutting edge survey of the rise and fall of Italy's first barbarian kingdom the Ostrogothic state ca 489-554 CE The volume's 18 essays provide readers with probing syntheses of recent scholarship on key topics from the Ostrogothic army and administration to religious diversity and ecclesiastical development ethnicity cultural achievements urbanism and the rural economy Significantly the volume also presents innovative studies of hitherto under examined topics including the Ostrogothic provinces beyond the Italian lands gender and the Ostrogothic court and Ostrogothic Italy's environmental history Featuring work by an international panel of scholars the volume is designed for both new students and specialists in the field Contributors are Jonathan Arnold Shane Bjornlie Samuel Cohen Kate Cooper Deborah Deliyannis Cam Grey Guy Halsall Gerda Heydemann Mark Johnson Sean Lafferty Natalia Lozovsky Federico Marazzi Christine Radtke Kristina Sessa Paolo Squatriti Brian Swain and Rita Lizzi Testa

Conrad Summenhart's Theory of Individual Rights Jussi Varkema,2011-10-28 This book aims to provide a detailed and systematic account of Conrad Summenhart's 1455-1502 language of individual rights This study analyses Summenhart's theory in its historical context treating it as a culmination of late medieval discourse on individual rights particularly useful to those interested in the origin of human rights language modern political individualism and late medieval and early modern political and moral philosophy

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