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ROMAN & CIVIL LAW

AND THE
DEVELOPMENT OF
ANGLO-AMERICAN
JURISPRUDENCE
IN THE NINETEENTH
CENTURY

M. H. HOFFLICH

Roman And Civil Law And The Development Of Anglo American Jurisprudence In The Nineteenth Century

J. McHugh



Roman And Civil Law And The Development Of Anglo American Jurisprudence In The Nineteenth Century:

Roman and Civil Law and the Development of Anglo-American Jurisprudence in the Nineteenth Century Michael H. Hoeflich, 1997 Seeking to fill a gap in our knowledge of the legal history of the nineteenth century this volume studies the influence of Roman and civil law upon the development of common law jurisdictions in the United States and in Great Britain M H Hoeflich examines the writings of a variety of prominent Anglo American legal theorists to show how Roman and civil law helped common law thinkers develop their own theories Intellectual leaders in law in the United States and Great Britain used Roman and civil law in different ways at different times The views of these lawyers were greatly respected even by nonlawyers and most of them wrote to influence a wider public By filling in the gaps in the history of jurisprudence this volume also provides greater understanding of the development of Anglo American culture and society *The Oxford Handbook of Comparative Law* Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of *The Oxford Handbook of Comparative Law* provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field Comparative Studies in Continental and Anglo-American Legal History Javier Martínez-Torrón, 1998-01-01 Hauptbeschreibung In the book at issue the author endeavors to demonstrate a fact that has often been neglected by many Anglo American legal historians the Anglo American legal tradition has more elements in common with Continental law than is frequently believed Continent European continental law and doctrine see also *ius commune ius utrumque* The insularity of English law has never been complete The learned laws and particularly the canon law have also played a very significant role in the historical evolution of English law The formative process of the common The Lost Translators of 1808 and the Birth of Civil Law in Louisiana Vernon Valentine Palmer, 2021-02-01 In 1808 the legislature of the Louisiana territory appointed two men to translate the Digest of the Laws in Force in the Territory of Orleans or as it was called at the time simply the Code from the original French into

English Those officials however did not reveal who received the commission and the translators never identified themselves Indeed the translators of 1808 guarded their secret so well that their identities have remained unknown for more than two hundred years Their names personalities careers and credentials indeed everything about them have been a missing chapter in Louisiana legal history In this volume Vernon Valentine Palmer through painstaking research uncovers the identity of the translators presents their life stories and evaluates their translation in the context of the birth of civil law in Louisiana One consequence of the translators previous anonymity has been that the translation itself has never been fully examined before this study To be sure the translation has been criticized and specific errors have been pointed out but Palmer's study is the first general evaluation that considers the translation's goals the Louisiana context its merits and demerits its innovations failures and successes It thus allows us to understand how much and in what ways the translators affected the future course of Louisiana law

The Lost Translators through painstaking research uncovers the identity of the translators presents their life stories and evaluates their translation in the context of the birth of civil law in Louisiana *Leon Petrażycki* Edoardo Fittipaldi, A. Javier Treviño, 2022-09-23 The early 20th century Russo Polish legal thinker Leon Petrażycki 1867-1931 developed a comprehensive social psychology of law Because only a fraction of his work is available in English Petrażycki is today little known and seldom discussed in the Anglophone countries This volume aims to remedy this deficit by introducing Petrażycki's life and work specifically to an English speaking audience It is intended as a reappraisal of some of his views in the context of current advancements This collection of 12 chapters produced by a panel of international scholars from various social science fields will be useful to a new generation of students formulating their own theories and research on socio legal behavior Leon Petrażycki Law Emotions Society will be of interest to students and scholars of sociology of law socio legal studies and philosophy of law

The Cambridge Companion to Roman Law David Johnston, 2015-02-16 This book reflects the wide range of current scholarship on Roman law The essays newly commissioned for this volume cover the sources of evidence for classical Roman law the elements of private law as well as criminal and public law and the second life of Roman law in Byzantium in civil and canon law and in political discourse from AD 1100 to the present Roman law nowadays is studied in many different ways which is reflected in the diversity of approaches in the essays Some focus on how the law evolved in ancient Rome others on its place in the daily life of the Roman citizen still others on how Roman legal concepts and doctrines have been deployed through the ages All of them are responses to one and the same thing the sheer intellectual vitality of Roman law which has secured its place as a central element in the intellectual tradition and history of the West

Elgar Encyclopedia of Comparative Law, Second Edition J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of

Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library _ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners **Toward a North American Legal System** J. McHugh, 2012-10-31 Toward a North American Legal System is a collection of scholarship that looks at a timely issue in public policy Two decades after NAFTA the team assembled by James T McHugh works through both philosophical and practical questions related to a possibly more integrated legal system on the North American continent **Harvard Law Review: Volume 124, Number 7 - May 2011** Harvard Law Review, 2011-06-07 This ebook issue of the Harvard Law Review is May 2011 Contents of Volume 124 Number 7 include Article Article III and the Scottish Judiciary by James E Pfander and Daniel D Birk Book Review Constitutional Alarmism by Trevor W Morrison Note A Justification for Allowing Fragmentation in Copyright Note Taxing Partnership Profits Interests The Carried Interest Problem Recent Case Corporate Law Principal s Liability for Agent s Conduct Recent Case Administrative Law Retroactive Rules Recent Case Federal Preemption of State Law Implied Preemption Recent Case Labor Law LMRA Recent Legislation Corporate Law Securities Regulation Recent Publications Scholars of Tort Law James Goudkamp, Donal Nolan, 2019-10-03 The publication of Scholars of Tort Law marks the beginning of a long overdue rebalancing of private law scholarship Instead of concentrating on judicial decisions and academic commentary only for what that commentary says about judicial decisions the book explores the contributions of scholars of tort law in their own right The work of a selection of leading scholars of tort law from across the common law world ranging from Thomas Cooley 1824 1898 to Patrick Atiyah 1931 2018 is addressed by eminent current scholars in the field The focus of the contributions is on the nature of the work produced by each of the scholars in question important influences on their work and the influence which that work in turn had on thinking about tort law The process of subjecting tort law scholarship to sustained analysis provides new insights into the intellectual development of tort law and reveals the important role played by scholars in that development By focusing on the work of influential tort scholars the book serves to emphasise the importance of legal scholarship to the development of the common law more generally *Jurists and Jurisprudence in Medieval Italy* Osvaldo Cavallar, Julius Kirshner, 2020-10-01 Jurists and Jurisprudence in Medieval Italy is an original collection of texts exemplifying medieval Italian jurisprudence known as the ius

commune Translated for the first time into English many of the texts exist only in early printed editions and manuscripts Featuring commentaries by leading medieval civil law jurists notably Azo Portius Accursius Albertus Gandinus Bartolus of Sassoferrato and Baldus de Ubaldis this book covers a wide range of topics including how to teach and study law the production of legal texts the ethical norms guiding practitioners civil and criminal procedures and family matters The translations together with context setting introductions highlight fundamental legal concepts and practices and the milieu in which jurists operated They offer entry points for exploring perennial subjects such as the professionalization of lawyers the tangled relationship between law and morality the role of gender in the socio legal order and the extent to which the ius commune can be considered an autonomous system of law

Encyclopedia of Law and Society David S. Clark, 2007-07-10 This work will be very valuable for academic and public libraries supporting prelaw law social and cultural studies Summing Up Highly recommended Upper level undergraduates through professionals practitioners general readers CHOICE There are two aspects of scholarship about the legal systems of our day that are especially salient one being for the first time there is a fair amount of genuine research on legal systems and two that this research is increasingly global As soon as you cross a jurisdictional line even if it separates countries that are very similar you enter a different legal system It cannot be assumed that any particular rule doctrine or practice is the same in any two jurisdictions regardless of how close these jurisdictions are in terms of history and tradition The Encyclopedia of Law and Society is the largest comprehensive and international treatment of the law and society field With an Advisory Board of 62 members from 20 countries and six continents the three volumes of this state of the art resource represent interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics By globalizing the Encyclopedia's coverage American and international law and society will be better understood within its historical and comparative context Key Features Includes more than 700 biographical entries that are historical comparative topical thematic and methodological Presents the rich diversity of European Latin American Asian African and Australasian developments for the first time in one place to reveal the truly holistic interdisciplinary virtues of law and society Examines how and why legal systems grow and change how and why they respond or fail to respond to their environment how and why they impact the life of society and how and why the life of society impacts in turn these legal systems With borders more porous than ever before this Encyclopedia reflects the paradoxical reality of modern life including legal life This valuable resource aims to present research along with the theories on which it is grounded fairly and comprehensively and is a must have for all academic libraries

The Making of a German Constitution Margaret Barber Crosby, 2008-02-01 The Making of a German Constitution is one of the first books to explore the important place of the theory and practice of private law civil law in the transformation of Modern Germany's financial constitutional arrangements Reading sources from early nineteenth century private law scholarship the book offers a thought provoking and novel understanding of German political development The author argues that the German idea of

sovereignty grew out of a dual conception of law not only as the product of socio political transformation but also as a means to it In the short term a modern social and political system in Germany was attained through non violent means and the domestic authority of the Kaiser was severely limited by law However the exclusive bourgeois socio political arrangements that were installed in this era led to considerable discontent in German society particularly with regard to gender and class tensions The slow B rgerliche Revolution thus contributed to the traumatic ruptures that mark German history in the first third of the twentieth century

Foundations of Public Contracts Giacomuzzi, José G.,2022-05-06 This Research Agenda documents and establishes the thinking of leading scholars in the field of political marketing and related sub fields also encompassing additional social science disciplines that intersect at the crossroads of political marketing

Legal Science in the Early Republic , Steven J. Macias,2016-05-31 This work examines the intellectual motivations behind the concept of legal science the first coherent American jurisprudential movement after Independence Drawing mainly upon public but also private sources this book considers the goals of the bar s professional leaders who were most adamant and deliberate in setting out their visions of legal science It argues that these legal scientists viewed the realm of law as the means through which they could express their hopes and fears associated with the social and cultural promises and perils of the early republic Law perhaps more so than literature or even the natural sciences provided the surest path to both national stability and international acclaim While legal science yielded the methodological tools needed to achieve these lofty goals its naturalistic foundations more importantly were at least partly responsible for the grand impulses in the first place This book first considers the content of legal science and then explores its application by several of the most articulate legal scientists working and writing in the early republic

Reader's Guide to the Social Sciences Jonathan Michie,2014-02-03 This 2 volume work includes approximately 1 200 entries in A Z order critically reviewing the literature on specific topics from abortion to world systems theory In addition nine major entries cover each of the major disciplines political economy management and business human geography politics sociology law psychology organizational behavior and the history and development of the social sciences in a broader sense

Cases Without Controversies James E. Pfander,2021-03-17 This book offers a new account of the power of federal courts in the United States to hear and determine uncontested applications to assert or register a claim of right Familiar to lawyers in civil law countries as forms of voluntary or non contentious jurisdiction these uncontested applications fit uneasily with the commitment to adversary legalism in the United States Indeed modern accounts of federal judicial power often urge that the language of the Article III of the U S Constitution limits federal courts to the adjudication of concrete disputes between adverse parties thereby ruling out all forms of non contentious jurisdiction Said to rest on the so called case or controversy requirement of Article III this requirement of party contestation threatens the power of federal courts to conduct a range of familiar proceedings such as the oversight of bankruptcy proceedings the issuance of warrants and the adjudication of applications for mandamus and habeas corpus relief

By recounting the tradition of naturalization and other uncontested litigation in antebellum America and coupling that tradition with an account of the important difference between cases and controversies this book challenges the prevailing understanding of Article III In addition to defending the power of federal courts to hear uncontested matters of federal law the book examines the way the Constitution s meaning has changed over time and suggests a constructive interpretive methodology that would allow the Supreme Court to take account of the old and the new in defining the contours of federal judicial power

Jurists and Legal Science in the History of Roman Law Fara Nasti,Aldo Schiavone,2021-10-10 This book provides a new approach to the study of the History of Roman Law It collects the first results of the European Research Council Project *Scriptores iuris Romani* dedicated to a new collection of the texts of Roman jurisprudence highlighting important methodological issues together with innovative reconstructions of the profiles of some ancient jurists and works Jurists were great protagonists of the history of Rome both as producers and interpreters of law since the Republican Age and as collaborators of the principes during the Empire Nevertheless their role has been underestimated by modern historians and legal experts for reasons connected to the developments of Modern Law in England and in Continental Europe This book aims to address this imbalance It presents an advanced paradigm in considering the most important aspects of Roman law the Justinian Digesta and other juridical late antique anthologies The work offers an historiographic model which overturns current perspectives and makes way for a different path for legal and historical studies Unlike existing literature the focus is not on the Justinian Codification but on the individualities of ancient Roman Jurists As such it presents the actual legal thought of its experts and authors the ancient *iuris prudentes* The book will be of interest to researchers and academics in Classics Ancient History History of Law and contemporary legal studies

A Companion to American Legal History Sally E. Hadden,Alfred L. Brophy,2013-02-22 A Companion to American Legal History presents a compilation of the most recent writings from leading scholars on American legal history from the colonial era through the late twentieth century Presents up to date research describing the key debates in American legal history Reflects the current state of American legal history research and points readers in the direction of future research Represents an ideal companion for graduate and law students seeking an introduction to the field the key questions and future research ideas

The Golden Age of the Classics in America Carl J Richard,2009-07-23 In a masterful study Carl Richard explores how the Greek and Roman classics became enshrined in American antebellum culture For the first time knowledge of the classics extended beyond aristocratic males to the middle class women African Americans and frontier settlers The Civil War led to a radical alteration of the educational system in a way that steadily eroded the preeminence of the classics

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Introduction

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