

# Roman Law in Context

Second Edition

DAVID JOHNSTON



KEY THEMES IN ANCIENT HISTORY

# Roman Law In Context

**David A. Kaden**



## **Roman Law In Context:**

**Roman Law in Context** David Johnston,1999-09-28 Roman Law in Context explains how Roman law worked for those who lived by it by viewing it in the light of the society and economy in which it operated The book discusses three main areas of Roman law and life the family and inheritance property and the use of land commercial transactions and the management of businesses It also deals with the question of litigation and how readily the Roman citizen could assert his or her legal rights in practice In addition it provides an introduction to using the main sources of Roman law The book ends with an epilogue discussing the role of Roman law in medieval and modern Europe a bibliographical essay and a glossary of legal terms The book involves the minimum of legal technicality and is intended to be accessible to students and teachers of Roman history as well as interested general readers

*Roman Law in Context* David Johnston,2022-05-12 This book explains how Roman law worked for those who lived by it by viewing it in the light of the society and economy in which it operated Written in an accessible style with the minimum of legal technicality the book is designed for students and teachers of Roman history as well as interested general readers Topics covered include the family and inheritance property and the use of land business and commercial transactions and litigation In this second edition all chapters have been extensively revised and updated and a new chapter on crime and punishment has been included The book ends with an epilogue covering the fate of Roman law in medieval and modern Europe David Johnston is a lawyer practising in the courts and draws on his experience of law in practice to shape the work and provide new insights for his readers

*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

**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      *The Oxford Handbook of Roman Law and Society* Paul J. du Plessis, Clifford Ando, Kaius Tuori, 2016 The Handbook is intended to survey the landscape of contemporary research and chart principal directions of future inquiry Its aim is to bring to bear upon Roman legal study the full range of intellectual resources of contemporary legal history from comparison to popular constitutionalism from international private law to law and society This unique contribution of the volume sets it apart from others in the field Furthermore the volume brings the study of Roman law into closer alignment and thus into dialogue with historical sociological and anthropological research in law in other periods The volume is therefore directed not simply to ancient historians and legal historians already focused on the ancient world but to historians of all periods interested in law and its complex and multifaceted relationship to society      **Borkowski's Textbook on Roman Law** Paul J. du Plessis, 2015 This volume provides students with an exposition of Roman civil law and procedures setting the law in context of the history of Rome and keeping the use of Latin phrases to a minimum The text uses numerous quotations from Justinian's Digest and Institutes      **Literature and the Law of Nations, 1580-1680** Christopher N. Warren, 2015-05-28 Literature and the Law of Nations 1580 1680 is a literary history of international law in the age of Shakespeare Milton Grotius and Hobbes Seeking to revise the ways scholars understand early modern English literature in relation to the history of international law it argues that scholars of law and literature have tacitly accepted specious but politically consequential assumptions about whether international law is real law Literature and the Law of Nations shows how major writers of the English Renaissance deployed genres like epic tragedy comedy tragicomedy and history to solidify the canonical subjects and objects of modern international law By demonstrating how Renaissance literary genres informed modern categories like public international law private international law international legal personality and human rights the book over its seven chapters and conclusion helps early modern literary scholars think anew about the legal entailments of genre and scholars in law and literature long accustomed to treating all law with a single broad brush better confront the distinct complexities fault lines and variegated histories at the heart of international law      *The Historical Context of Roman Law* Michael A. Lambiris, 1997-01-01 Provides an introduction to an understanding of the historical events which shaped Roman law giving an accessible account of major events social economic and political institutions and the customs practices and beliefs of the various periods of Roman history and the manner in which Romans created and enforced law      **Textbook on Roman Law** J. Andrew Borkowski, Paul J. du Plessis, 2005 Textbook on Roman Law provides students with an exposition of

Roman civil law and procedure setting the law in the context of the history of Rome and keeping the use of Latin phrases to a minimum A major feature of the book is the use of texts from Roman legal and literary sources *Matthew, Paul, and the Anthropology of Law* David A. Kaden, 2016-09-30 Drawing from Michel Foucault's understanding of power David A Kaden explores how relations of power are instrumental in forming law as an object of discourse in the Gospel of Matthew and in the Letters of Paul This is a comparative project in that the author examines the role that power relations play in generating discussions of law in the first century context and in several ethnographies from the field of the anthropology of law from Indonesia Mexico the Philippines and colonial era Hawaii Discussions of law proliferate in situations where the relations of power within social groups come into contact with social forces outside the group David A Kaden's interdisciplinary approach reframes how law is studied in Christian Origins scholarship especially Pauline and Matthean scholarship by focusing on what makes discourses on law possible For this he relies heavily on cross cultural ethnographic materials from legal anthropology

**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 *Brevísima 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

**"In Christ" in Paul** Michael J. Thate, Kevin J. Vanhoozer, Constantine R. Campbell, 2018-02-08 Nineteen biblical scholars and theologians in this volume explore the notions of union and participation within Pauline theology teasing out the complex web of meaning conveyed through Paul's theological vision of being in Christ With essays that investigate Pauline theology and exegesis examine highlights from reception history and

offer deep theological reflection this exemplary multidisciplinary collection charts new ground in the scholarly understanding of Paul's thought and its theological implications Rabbinic Scholarship in the Context of Late Antique Scholasticism

Catherine Hezser, 2024-12-12 Based on an understanding of scholasticism as a cross cultural phenomenon undertaken by rabbinic Graeco Roman and Christian scholars in late antiquity this book examines the development of Palestinian rabbinic compilations from social historical and literary historical perspectives The book focuses on the compilation of the Talmud Yerushalmi in the context of late antique scholarly practice aimed at preserving past knowledge for future generations This book provides insight into how rabbinic scholarship in the Land of Israel participated in the wider intellectual practices of Roman Byzantine times Beginning with the social educational and legal contexts that generated rabbinic knowledge Catherine Hezser goes on to investigate the oral and written transmission of rabbinic traditions to eventually examine the compilation of the Talmud Yerushalmi with a comparative and redaction historical approach Integrating Palestinian rabbinic education and scholarship into the context of late antique Graeco Roman and Byzantine Christian scholarly practices Catherine Hezser demonstrates how rabbinic compilatory techniques resembled but also differed from those of Hellenistic Roman and Christian scholars The book highlights how rabbinic compilations are idiosyncratic and create a distinct rabbinic identity Overall Hezser argues that rabbinic scholarship was an integral part of late antique intellectual life in the Near Middle East and should be recognized as an Eastern equivalent to Western paideia based forms of scholarship in the Roman Byzantine period and beyond *African Customary Law: An Introduction* Peter Onyango, 2013 The author is a Don at the

School of Law University of Nairobi Kenya and a development consultant with various NGOs and other international bodies in Eastern Africa region and Italy He is a researcher and writer of articles and texts on matters concerning law and culture Dr Onyango is an expert in modern legal science with wide knowledge of law ranging from comparative legal system international public law ethics philosophy theology sociology mass media and social realities today He is currently teaching Social Foundations of Law Customary Law International Public Law and International Relations at the University of Nairobi and he is a part time lecturer at St Pauls University Among his publication are Cultural Gap and Economic Crisis in Africa and Dholuo Grammar for Beginners **From Mesopotamia to the Mishnah** Jonathan S. Milgram, 2016-06-20 In this study

Jonathan S Milgram demonstrates that the transformation of inheritance law from the biblical to the tannaitic period is best explained against the backdrop of the legal and social contexts in which the tannaitic laws were formulated Employing text and source critical methods he argues that in the absence of the hermeneutic underpinnings for tannaitic innovations the laws were not the result of the rabbinic imagination and its penchant for inventive interpretation of Scripture Turning to the rich repositories in biblical ancient near eastern Second Temple Greek Elephantine Judean desert and Roman sources the author searches for conceptual parallels and antecedents as well as formulae and terminology adopted and adapted by the tannaim Since the tannaitic traditions reflect the social and economic contexts of the tannaitic period the nuclear family on

privatized landholdings in urban centers the author also considers the degree to which tannaitic inheritance laws may have emerged out of these contexts

**Textbook on Roman Law** Andrew Borkowski, 1997 Roman law constitutes one of the most important and enduring legacies from the ancient world to the modern It has helped to shape many of the legal systems of today and continues to provide an invaluable introduction to the study of legal concepts The book provides students with an exposition of Roman civil law and procedure setting the law in the context of the history of Rome and keeping the use of Latin phrases to a minimum A major feature of the book is the use of texts from the ultimate source of Roman law the Digest of Justinian The texts serve to illustrate the law and to make it more vivid for the reader Emphasis is placed on the influence of Roman law on the modern world and more extensive reference to the fruits of Roman law scholarship

*Encyclopedic Dictionary of Roman Law* Adolf Berger, David R. Clark, 1953 This Dictionary explains technical Roman legal terms translates elucidate those Latin words which have a specific connotation when used in a juristic context or in connection with a legal institution or question provides a brief picture of Roman legal institutions sources as a sort of an introduction to them The objectives of the work not the juristic character of available Latin writings therefore determined the inclusion or exclusion of any single word or phrase This dict is not intended to be a complete Latin English dict for all words which occur in the writings of the Roman jurists or in the various codifications of Roman law The reader must consult a general Latin English lexicon for ordinary words that have no specific meaning in law or juristic language Reprinted 1980

**The Oxford Handbook of European Legal History** Heikki Pihlajamäki, Markus D. Dubber, Mark Godfrey, 2018-06-28 European law including both civil law and common law has gone through several major phases of expansion in the world European legal history thus also is a history of legal transplants and cultural borrowings which national legal histories as products of nineteenth century historicism have until recently largely left unconsidered The Handbook of European Legal History supplies its readers with an overview of the different phases of European legal history in the light of today's state of the art research by offering cutting edge views on research questions currently emerging in international discussions The Handbook takes a broad approach to its subject matter both nationally and systemically Unlike traditional European legal histories which tend to concentrate on heartlands of Europe notably Italy and Germany the Europe of the Handbook is more versatile and nuanced taking into consideration the legal developments in Europe's geographical fringes such as Scandinavia and Eastern Europe The Handbook covers all major time periods from the ancient Greek law to the twenty first century Contributors include acknowledged leaders in the field as well as rising talents representing a wide range of legal systems methodologies areas of expertise and research agendas

*The Literature of the Sages*, 2022-07-11 This volume presents the major works of classical rabbinic Judaism as inter related aggregates analyzed through three central themes Part 1 Intertextuality investigates the multi directional relationships among and between rabbinic texts and nonrabbinic Jewish sources Part 2 East and West explores the impact on rabbinic texts of the cultures of the Hellenistic Roman and Christian

West and the Sasanian East Part 3 Halakha and Aggada interrogates the relationship of law and narrative in rabbinic sources This bold volume uncovers alliances and ruptures textual cultural and generic obscured by document based approaches to rabbinic literature This important book presents a series of new introductions to rabbinic literature Ishay Rosen Zvi Tel Aviv University BMCR 2024 10 05      **Roman Law in European History** Peter Stein, 1999-05-13 This is a short and succinct summary of the unique position of Roman law in European culture by one of the world s leading legal historians Peter Stein s masterly study assesses the impact of Roman law in the ancient world and its continued unifying influence throughout medieval and modern Europe Roman Law in European History is unparalleled in lucidity and authority and should prove of enormous utility for teachers and students at all levels of legal history comparative law and European Studies Award winning on its appearance in German translation this English rendition of a magisterial work of interpretive synthesis is an invaluable contribution to the understanding of perhaps the most important European legal tradition of all



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