



Roman Law  
&  
Comparative  
Law

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Alan Watson

# Roman Law Comparative Law

**Alan Watson**



## **Roman Law Comparative Law:**

**Roman Law & Comparative Law** Alan Watson, 1991 Provides a comprehensive description of the system of Roman law discussing slavery property contracts delicts and succession Also examines the ways in which Roman law influenced later legal systems such as the structure of European legal systems tort law in the French civil code differences between contract law in France and Germany parameters of judicial reasoning feudal law and the interests of governments in making and communicating law Readings in Roman Law and the Civil Law and Modern Codes as Developments Thereof, an Introduction to Comparative Law Roscoe Pound, 1914 **Readings in Roman Law and the Civil Law and Modern Codes as Developments Thereof** Roscoe Pound, 1916 **Readings in Roman Law and the Civil Law and Modern Codes as Developments Thereof (2nd Ed.).**, 1914 **Readings in Roman Law and the Civil Law and Modern Codes as Developments Thereof an Introduction to Comparative Law** Roscoe Pound, 2013-09 The Making of Modern Law Foreign Comparative and International Law 1600 1926 brings together foreign comparative and international titles in a single resource Its International Law component features works of some of the great legal theorists including Gentili Grotius Selden Zouche Pufendorf Bijndershoek Wolff Vattel Martens Mackintosh Wheaton among others The materials in this archive are drawn from three world class American law libraries the Yale Law Library the George Washington University Law Library and the Columbia Law Library Now for the first time these high quality digital scans of original works are available via print on demand making them readily accessible to libraries students independent scholars and readers of all ages The below data was compiled from various identification fields in the bibliographic record of this title This data is provided as an additional tool in helping to insure edition identification Yale Law LibraryLP3Y101200119140101The Making of Modern Law Foreign Comparative and International Law 1600 1926The present collection is the outgrowth of the original mimeographed collection of extracts as revised and printed in a book of about 250 pages in 1906 Pref Part 2 mimeographed Title varies slightly Imprint on v 2 reads Cambridge Mass Issued privately Vol 2 lacking copy 2 Cambridge Harvard University Press 19142 v 23 28 cmUnited States Critical Studies in Ancient Law, Comparative Law and Legal History Alan Watson, 2001 This book focused on texts and contexts is dedicated to a great contemporary Romanist legal historian and comparative lawyer Professor Watson The Spirit of Roman Law Alan Watson, 1995 This book is not about the rules or concepts of Roman law says Alan Watson but about the values and approaches explicit and implicit of those who made the law The scope of Watson s concerns encompasses the period from the Twelve Tables around 451 B C to the end of the so called classical period around A D 235 As he discusses the issues and problems that faced the Roman legal intelligentsia Watson also holds up Roman law as a clear although admittedly extreme example of law s enormous impact on society in light of society s limited input into law Roman private law has been the most admired and imitated system of private law in the world but it evolved Watson argues as a hobby of gentlemen albeit a hobby that carried social status The jurists the private individuals

most responsible for legal development were first and foremost politicians and in the Empire bureaucrats their engagement with the law was primarily to win the esteem of their peers The exclusively patrician College of Pontiffs was given a monopoly of interpretation of private law in the mid fifth century B C Though the College would lose its exclusivity and monopoly interpretation of law remained one mark of a Roman gentleman But only interpretation of the law not conceptualization or systematization or reform gave prestige says Watson Further the jurists limited themselves to particular modes of reasoning no arguments to a ruling could be based on morality justice economic welfare or what was approved elsewhere No praetor one of the elected officials who controlled the courts is famous for introducing reforms Watson points out and in contrast with a nonjurist like Cicero no jurist theorized about the nature of law A strong characteristic of Roman law is its relative autonomy and isolation from the rest of life Paradoxically this very autonomy was a key factor in the Reception of Roman Law the assimilation of the learned Roman law as taught at the universities into the law of the individual territories of Western Europe

*Critical Studies in Ancient Law, Comparative Law and Legal History* John Cairns, Olivia Robinson, 2001-01-19 This important collection of essays is at the cutting edge of contemporary research on Roman law comparative law and legal history The international and distinguished group of authors address some of the most lively contemporary problems in their respective fields and provide new perspectives and insights in a wide range of areas With a firm focus on texts and contexts the papers come together to provide a coherent volume dedicated to one of the greatest contemporary Romanists legal historians and comparative lawyers The book covers Professor Watson s main fields of interest in a clear and accessible form while also making available the scholarship of some individuals who do not normally publish in English This fully indexed volume will be of interest to all scholars and students of Roman law ancient Jewish and Chinese law legal history and comparative law and will be useful for teaching and research in these fields

*Ancient Law and Modern Understanding* Alan Watson, 1998 In *Ancient Law and Modern Understanding* Alan Watson proposes that ancient law is relevant and important for understanding history theology sociology and literature Law though technical he writes is not remote from scholarship on other matters and law is a central element in society From Homeric Greece to present day Armenia Watson examines law s influence Without a sensitivity to technical legal language scholars of literature or history miss much the use of puns in Plautus Sulla s claim that Julius Caesar was descended from a slave the relationship between the Synoptic Gospels Legal history is an essential tool for understanding society Watson argues but it must be applied with knowledge of how law moves from one society to the next legal reliance on authority juristic concern with apparent trivia and the impact on legal growth

**Law Out of Context** Alan Watson, 2000 Law and society are closely related though the relationship between the two is both complicated and understudied In a world of rapidly changing people places and ideas law is frequently taken out of context often with surprising and unnecessary consequences As societies and their structures religious doctrines and economies change laws previously established often remain unchanged Dominant nations frequently

impose their own laws on weaker nations whether or not their cultures are similar Conquered nations after regaining freedom often keep their conquerors laws by default Law is often misrepresented in literature and legal scholars citizens and businesspeople alike ignore large portions of the legislation under which they live and work Even the American system of legal education frequently proves itself irrelevant to a proper understanding of today s laws Alan Watson studies examples from the ancient laws of Rome and Byzantium laws within the Christian Gospels and policies of legal education in the modern United States to demonstrate the need for a new approach to both law and legal education Law Out of Context illustrates that only by understanding comparative legal history and by paying more attention to changes in our society can we hope to devise consistently fair and respected laws     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     Legal Transplants Alan Watson, 1993 In Legal Transplants one of the world s foremost authorities on legal history and comparative law puts forth a clear and concise statement of his controversial thesis on the way that law has developed throughout history When it was first published in 1974 Legal Transplants sparked both praise and outrage Alan Watson s argument challenges the long prevailing notion that a close connection exists between the law and the society in which it operates His main thesis is that a society s laws do not usually develop as a logical outgrowth of its own experience Instead he contends the laws of one society are primarily borrowed from other societies therefore most law operates in a society very different from the one for which it was originally created Utilizing a wealth of primary sources Watson illustrates his argument with examples ranging from the ancient Near East ancient Rome early modern Europe Puritan New England and modern New Zealand The resulting picture of the law s surprising longevity and acceptance in foreign conditions carries important implications for legal historians and sociologists The law cannot be used as a tool to understand society Watson believes without a careful consideration of legal transplants For this edition Watson has written a new afterword in which he places his original study in

the context of more recent scholarship and offers some new reflections on legal borrowings law and society      *Comparative Law* Alan Watson, 2008 Summary This book does not deal with conventional comparative law Rules and structures of one system are not set out against those of another for contrast Rather rules particular or general are examined to explain why they are as they are and how they came to be The author does not accept that to a great extent law reflects society or the power of the ruling elite Chapters range from grand legislation the Ten Commandments and Napoleon's code civil to unrecognized law in action and daily life Jesus and the Samaritan woman Jesus and the adulteress the claim that Julius Caesar descended from a slave Other chapters deal with judges passivity in giving needlessly a judgment they claimed was unjust to deciding against the judge's own theoretical and practical position Somerset's Case Likewise stressed is the difficulty of developing law fit for the society and of understanding foreign legal thinking The survival of law in different circumstances for centuries and also in a different place is emphasized The chapters are separate entities and the author claims that each must stand on its own merits But he insists that if each is plausible then together they present a very different approach to law in society from those habitually offered Publisher description      *Studies in Roman Private Law* Alan Watson, 1990-07-01 This edited collection brings together recent scholarship on the understanding of Roman private law From studying the Latin texts of some of the most famous and influential Roman scholars such as Livy and Cicero Watson has built an invaluable resource on the details of Roman law The topics covered in this volume include Enuptio gentis the right to marry outside the gens Manus marriage Divorce Acquisition of Possession Acquisition of Ownership Acquisition of Young Drunkenness Personal injuries Including analysis of little studied Latin texts this important volume comes from one of the world's foremost authorities on Roman law comparative law legal history and law and religion      L.R. Legal roots. The international journal of roman law, legal history and comparative law (2018) ,2018      **The State, Law, and Religion** Alan Watson, 1992 Written by one of our most respected legal historians this book analyzes the interaction of law and religion in ancient Rome As such it offers a major new perspective on the nature and development of Roman law in the early republic and empire before Christianity was recognized and encouraged by Constantine At the heart of the book is the apparent paradox that Roman private law is remarkably secular even though until the late second century B C the Romans were regarded and regarded themselves as the most religious people in the world Adding to the paradox was the fact that the interpretation of private law which dealt with relations between private citizens lay in the hands of the College of Pontiffs an advisory body of priests Alan Watson traces the roots of the paradox and the way in which Roman law ultimately developed to the conflict between patricians and plebeians that occurred in the mid fifth century B C When the plebeians demanded equality of all citizens before the law the patricians prepared in response the Twelve Tables a law code that included only matters considered appropriate for plebeians Public law which dealt with public officials and the governance of the state was totally excluded from the code thus preserving gross inequalities between the classes of Roman citizens Religious law

deemed to be the preserve of patrician priests was also excluded As Watson notes giving a monopoly of legal interpretation to the College of Pontiffs was a shrewd move to maintain patrician advantages however a fundamental consequence was that modes of legal reasoning appropriate for judgments in sacred law were carried over to private law where they were often less appropriate Such reasoning Watson contends persists even in modern legal systems After sketching the tenets of Roman religion and the content of the Twelve Tables Watson proceeds to such matters as formalism in religion and law religion and property and state religion versus alien religion In his concluding chapter he compares the law that emerged after the adoption of the Twelve Tables with the law that reportedly existed under the early Roman kings

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

Law of Succession. Roman Legal Framework and Comparative Law Perspective Franciszek Longchamps de Berier, 2011-08-01 The experience of comparative law extends the experience of Roman law verifies it and points to the dead end alleys into which one can be led if the precepts of Roman law are slavishly followed Roman law should however be included in analyses of comparative law If these analyses are thorough and based on an understanding of the law and its mechanisms aims values and principles and do not simply involve comparing clauses or consist in arguing to prove a hypothesis that has been formulated in advance then they are aware of and they prove the great value of the experience of Roman law The Roman law of succession which was so well developed and dogmatically rich evolved over many centuries thus constituting a jurisprudential framework of concepts This framework can be treated as the language that is used for talking about the law of succession in general irrespective even of which legal tradition the binding regulations derive from Knowledge of the Roman law of succession allows any law of succession to be described The Roman law of succession also creates the framework for discussion about the law of

succession and regulations adopted by particular countries about reforms in the case of some countries and building from scratch in the case of others Furthermore on account of the legal experience and specifically as a language of understanding it creates excellent opportunities for the debate on the unification of the law of succession in Europe

**Introduction to Comparative Law** Jaakko Husa, 2023-05-18 A delightful and fresh approach to the comparative study of law Jans Smits Maastricht University the Netherlands of the first edition This textbook presents a clear and thought provoking introduction to the study of comparative law The book provides students with in depth analyses of the major global comparative methodologies and theories Written in a lively style it leads the student through debates in comparative legal scholarship both in the Western world and in the lesser studied jurisdictions beyond Europe and North America The second edition includes a revised structure to help the student understand the subject an updated introductory chapter and new material on legal transplants and globalisation It also explores allied disciplines including linguistics history and post colonial studies giving students full context of the subject

*A Catalogue of the Law Collection at New York University* Julius J. Marke, 1999 Marke Julius J Editor A Catalogue of the Law Collection at New York University With Selected Annotations New York The Law Center of New York University 1953 xxxi 1372 pp Reprinted 1999 by The Lawbook Exchange Ltd LCCN 99 19939 ISBN 1 886363 91 9 Cloth 195 Reprint of the massive well annotated catalogue compiled by the librarian of the School of Law at New York University Classifies approximately 15 000 works excluding foreign law by Sources of the Law History of Law and its Institutions Public and Private Law Comparative Law Jurisprudence and Philosophy of Law Political and Economic Theory Trials Biography Law and Literature Periodicals and Serials and Reference Material With a thorough subject and author index This reference volume will be of continuous value to the legal scholar and bibliographer due not only to the works included but to the authoritative annotations often citing more than one source Besterman A World Bibliography of Bibliographies 3461

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