

# The Origin and History of Contract in Roman Law

W. H. Buckler

# Roman Law In European History

**George Mousourakis**



## **Roman Law In European History:**

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**Europe** Paul Vinogradoff, 1909 Traces the history of the decay of Roman law and its revival in France England and Germany in a series of lectures given at the University of London by the noted scholar Sir Paul Vinogradoff 136 pp **Roman Law and the Origins of the Civil Law Tradition** George Mousourakis, 2014-12-02 This unique publication offers a complete history of Roman law from its early beginnings through to its resurgence in Europe where it was widely applied until the eighteenth century Besides a detailed overview of the sources of Roman law the book also includes sections on private and criminal law and procedure with special attention given to those aspects of Roman law that have particular importance to today's lawyer The last three chapters of the book offer an overview of the history of Roman law from the early Middle Ages to modern times and illustrate the way in which Roman law furnished the basis of contemporary civil law systems In this part special attention is given to the factors that warranted the revival and subsequent reception of Roman law as the common law of Continental Europe Combining the perspectives of legal history with those of social and political history the book can

be profitably read by students and scholars as well as by general readers with an interest in ancient and early European legal history The civil law tradition is the oldest legal tradition in the world today embracing many legal systems currently in force in Continental Europe Latin America and other parts of the world Despite the considerable differences in the substantive laws of civil law countries a fundamental unity exists between them The most obvious element of unity is the fact that the civil law systems are all derived from the same sources and their legal institutions are classified in accordance with a commonly accepted scheme existing prior to their own development which they adopted and adapted at some stage in their history Roman law is both in point of time and range of influence the first catalyst in the evolution of the civil law tradition

**The Oxford Handbook of European Legal History** Heikki Pihlajamäki, Markus D. Dubber, Mark Godfrey, 2018-07-04 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

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Early European History Hutton Webster, 1924

**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

**On the Rule of Law** Brian Z. Tamanaha, 2004-11-18 The rule of law is the most important political ideal today yet there is much confusion about what it means and how it works This 2004 book explores the history politics and theory surrounding the rule of law ideal beginning

with classical Greek and Roman ideas elaborating on medieval contributions to the rule of law and articulating the role played by the rule of law in liberal theory and liberal political systems The author outlines the concerns of Western conservatives about the decline of the rule of law and suggests reasons why the radical Left have promoted this decline Two basic theoretical streams of the rule of law are then presented with an examination of the strengths and weaknesses of each The book examines the rule of law on a global level and concludes by answering the question of whether the rule of law is a universal human good

**European History Studies**, 1898 Roman Law and the Idea of Europe Kaius Tuori, Heta Björklund, 2018-12-27 This book is available as open access through the Bloomsbury Open Access programme and is available on [www.bloomsburycollections.com](http://www.bloomsburycollections.com) It is funded by the European Research Council Roman law is widely considered to be the foundation of European legal culture and an inherent source of unity within European law Roman Law and the Idea of Europe explores the emergence of this idea of Roman law as an idealized shared heritage tracing its origins among exiled German scholars in Britain during the Nazi regime The book follows the spread and influence of these ideas in Europe after the war as part of the larger enthusiasm for European unity It argues that the rise of the importance of Roman law was a reaction against the crisis of jurisprudence in the face of Nazi ideas of racial and ultranationalistic law leading to the establishment of the idea of Europe founded on shared legal principles With contributions from leading academics in the field as well as established younger scholars this volume will be of immense interests to anyone studying intellectual history legal history political history and Roman law in the context of Europe

*Early European History* Hutton Webster, 2019-11-21 In *Early European History* Hutton Webster offers a concise and comprehensive account of human progress during ancient medieval and early modern times The book meets the needs of high schools and preparatory schools where ancient history is being supplanted by a more extended course that is introductory to the study of recent times and contemporary problems The book includes a detailed discussion of Oriental civilization ancient Greek and Roman history Christianity Feudalism the Renaissance and the colonization of Europe

*Law and Authority in British Legal History, 1200-1900* Mark Godfrey, 2016-04-07 By presenting original research into British legal history this volume emphasises the historical shaping of the law by ideas of authority The essays offer perspectives upon the way that ideas of authority underpinned the conceptualisation and interpretation of legal sources over time and became embedded in legal institutions The contributors explore the basis of the authority of particular sources of law such as legislation or court judgments and highlight how this was affected by shifting ideas relating to concepts of sovereignty religion political legitimacy the nature of law equity and judicial interpretation The analysis also encompasses ideas of authority which influenced the development of courts remedies and jurisdictions international aspects of legal authority when questions of foreign law or jurisdiction arose in British courts the wider authority of systems of legal ideas such as natural law the authority of legal treatises and the relationship between history law and legal thought

**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

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