Roman Law. Linguistic, Social and Philosophical Aspects. By DAVID
DAUBE, Regius Professor of Civil Law, University of Oxford. [The
Gray Lectures, 1966.] [Edinburgh: at the University Press. 1969.
vii, 194 and (Index) 9 pp. 45s. net.]

LANGUAGE is full of traps in historical scholarship as in other intellectual
endeavour, no doubt more so where other peoples' or ancient language
is the material of study. But there are regularities in language which
are shared by more than one tongue. If not everyone who cooks is in
English a cook, so not everyone who *scribit* is in Latin a *scriptor*, not
everyone who *imperat* is an *imperator*, and not everyone who *spondet* is
a *sponsor*. The agent noun has not necessarily so wide an ambit as the
verb from which it is formed; very likely it denotes one who performs
the action indicated by the verb in a special or striking way. It may
seem obvious that, as it is not only a cook who cooks, so it is not only
an *imperator* who *imperat*, and not only a *sponsor* who *spondet*. Yet
the thesis has been advanced, by Mitteis and others, that *spondere* must
originally have meant to promise as a *sponsor*—as a guarantor or surety.
 Professor Daube's thesis in the first lecture published in this little
book is that untested assumptions about language, for example that
there must be an absolute, initial agreement between a verb and its
agent noun, have contributed to false historical conclusions. Much new
illumination can also come, the author shows, from attention to the
evolution of action nouns, for example in English of neutralisation from
neutralise, or nationalisation from nationalise; in Latin of *fructus
perceptio* from *fructum percipere*, while, significantly, there was no
emergence of *fructus separatio*: " strong and unexpected support " argues
Professor Daube, for the thesis that " acquisition of fruits on separation
is spurious, a post-classical intrusion into the earlier texts." The appear-
ance of the action noun marks the attainment of a relatively advanced
stage of institutionalisation of the action in question, and the history of
the emergence of institutions may be charted by exploring the evolution
of the respective action nouns. There is an illuminating discussion of
the fact that the action noun *alienatio* precedes by hundreds of years the
appearance of *acquisitio*: " conveyance " is an institutionalised concep-
tion long before " acquisition." Some verbs never generate the action
noun, and if *fidepromissio* and *adpromissio*, for example, are totally
absent from the sources, Professor Daube will have us think again about
the concepts which these terms are supposed to represent. Sometimes,
it may be, the institution, as well as the word, is a modern invention
(see the discussion of *confirmatio donationis* at p. 38, note 3), or the
modern invention of the action noun may invest an old rule or practice
with a novel and false significance (*cf.* pp. 51–52, *denegatio actionis*).
 Lecture 2, concerned with social and economic realities beneath the
" systematic coherence and conceptual smoothness of the law," begins
with a splendidly sustained piece of irony, directed against the view
that the third chapter of the *lex Aquilia* imposed a penalty of the full
value of the property damaged. Professor Daube's burlesque masks a
formidable attack, though it should be said that it is only the extreme
form of the opinion assailed, which holds the entire value to have been
still the measure of damages in the classical law and as such applicable
to all kinds of property, that suffers the full force of his criticism.

Roman Law Linguistic Social And Philosophical Aspects

Beryl Rawson

Roman Law Linguistic Social And Philosophical Aspects:

Roman Law David Daube,1969 **Women in the Ancient World** John Peradotto,J. P. Sullivan,1987-04-15 One of the reasons for the study of the Greek and Roman classics is their perpetual relevance In no area can this position be more clearly defended than in the investigation of the feminine condition for it was here that basic attitudes derogatory to the sex were molded by legal and social systems by philosophers and poets and by the thinking of men long since gone Women in the Ancient World brings together essays that examine philosophy social history literature and art and that extend from the early Greek period through the Roman Empire Their wide range of critical perspectives throws new light on the personal political socio economic and cultural position of women *A Companion to Justinian's Institutes* Ernest Metzger,1998 The Corpus Iuris Civilis a distillation of the entire body of Roman law was directed by the Emperor Justinian and published in a d 533 The Institutes the briefest of the four works that make up the Corpus is considered to be the cradle of Roman law and remains the best and clearest introduction to the subject A Companion to Justinian s Institutes will assist the modern day reader of the Institutes and is specifically intended to accompany the translation by Peter Birks and Grant McLeod published by Cornell in 1987 The book offers an intelligent and lucid guide to the legal concepts in the Institutes The essays follow its structure and take up its principal subjects for example slavery marriage property and capital and noncapital crimes and give a thorough account of the law relating to each of them Throughout the authors explain technical Latin vocabulary and legal terms

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 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 **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 *Legalism* Georgy Kantor,Thomas Benedict Lambert,Hannah Skoda,2017 This volume brings together anthropologists and historians to examine how property and ownership operate and are understood across contexts ranging from Roman provinces to modern day piracy in Somalia Among other things it examines the way legal property regimes intertwine with economic moral ethical and political prerogatives *God as Father in Luke-Acts* Diane G. Chen,2006 God as Father in Luke Acts argues that Father is the central image for God in Luke Acts by tracing a line of continuity in the portrayal of God as Israel s merciful faithful and authoritative Father from the Old Testament to Luke Acts and its Second Temple Jewish milieu The fulfillment of the promises to Abraham David and Israel in Jesus is best understood as the fatherly actions of Israel s God Furthermore the striking similarities between God as Father and Augustus as Pater Patriae undermine the assertion of the Lukan view of the Roman Empire as highly polemical **Handbook for Classical Research** David Schaps,2010-09-13 One of the glories of

the Greco Roman classics is the opportunity that they give us to consider a great culture in its entirety but our ability to do that depends on our ability to work comfortably with very varied fields of scholarship The Handbook for Classical Research offers guidance to students needing to learn more about the different fields and subfields of classical research and its methods and resources The book is divided into 7 parts The Basics Language The Traditional Fields The Physical Remains The Written Word The Classics and Related Disciplines The Classics since Antiquity Topics covered range from history and literature lexicography and linguistics epigraphy and palaeography to archaeology and numismatics and the study and reception of the classics Guidance is given not only to read for example an archaeological or papyrological report but also on how to find such sources when they are relevant to research Concentrating on how to topics the Handbook for Classical Research is a much needed resource for both teachers and students   *Defending the Gospel in Legal Style* John Warwick Montgomery,2017-10-25 Traditional apologetics is either focused on obscure quasi Thomist philosophical arguments for God s existence or on 18th century style answers to alleged biblical contradictions But a new approach has recently entered the picture the juridical defence of historic Christian faith with its particular concern for demonstrating Jesus s deity and saving work for humankind The undisputed leader of this movement is John Warwick Montgomery emeritus professor of law and humanities University of Bedfordshire England and director International Academy of Apologetics Evangelism and Human Rights Strasbourg France His latest book of more than sixty published during his career shows the strength of legal apologetics its arguments drawn from secular legal reasoning can be rejected only at the cost of jettisoning the legal system itself on which every civilised society depends for its very existence The present work also includes theological essays on vital topics of the day characterised by the author s well known humour and skill for lucid communication   *Infamy* Jerry Toner,2019-07-04 Rome is an empire with a bad reputation From its brutal games to its depraved emperors its violent mobs to its ruthless wars its name resounds down the centuries like a scream in an alley But was it as bad as all that Join the historian Jerry Toner on a detective s hunt to discover the extent of Rome s crimes From the sexual peccadillos of Tiberius and Nero to the chances of getting burgled if you left your apartment unguarded pretty high especially if the walls were thin enough to knock through he leaves no stone unturned in his quest to bring the Eternal City to book Meet a gallery of villains high and low Discover the problems that most exercised its long suffering citizens Explore the temptations of excess and find out what desperation can make a pleb do What do we see when we look at Rome A hideous vision of ancient corruption or a reflection of our own troubled age   *Semitic Papyrology in Context* Lawrence Schiffman,2003-02-01 One of the major and complicating characteristics of the antique Middle East is the interconnection between the Semitic and Greco Roman cultures The current volume brings together studies which relate to the multi cultural traditions of papyrus writing with special attention regarding the linguistic literary and cultural features of these often documentary texts Originally presented at a conference in honour of the retirement of Professor Baruch A Levine Skirball Professor Emeritus of Biblical and Ancient

Near Eastern Studies New York University Important for students of the Greco Roman world and the Near East in Late Antiquity   **The Family in Ancient Rome** Beryl Rawson,1987 Provides a general picture of the main features of the Roman family and looks at important legal aspects such as property rights dowries divorce and the authority of the male with its links to political power   The Oriental, the Ancient and the Primitive Jack Goody,1990-02-08 Continuing the comparative survey of pre industrial family formation undertaken in The Development of Family and Marriage in Europe 1983 Professor Goody looks in depth at kinship practice in Asia His findings cause him to question many traditional assumptions about the primitive East and he suggests that in contrast to pre colonial Africa kinship practice in Asia has much in common with that prevailing in parts of pre industrial Europe Goody examines the transmission of productive and other property in relation both to the prevailing political economy and to family and ideological structures and explores the distribution of mechanisms and strategies of management across cultures The book concludes that notions of western uniqueness are often misplaced and that much previous work on Asian kinship has been unwittingly distorted by the application of concepts and approaches derived from other inappropriate social formations   **War, Women and Children in Ancient Rome (Routledge Revivals)** John Evans,2014-02-04 J K Evans pioneering work explores the profound changes in the social economic and legal condition of Roman women which it is argued were necessary consequences of two centuries of near continuous warfare as Rome expanded from city state to empire Bridging the gap that has isolated the specialised studies of Roman women and children from the more traditional political and social concerns of historians J K Evans investigation ranges from Cicero s wife Terentia to the anonymous spouse of the peasant soldier Ligustinus charting the severe erosion of the very institutions that kept women and children in thrall War Women and Children in Ancient Rome will be of interest not only to classicists and historians of antiquity but also to sociologists and anthropologists while it will similarly prove an indispensable reference work for historians of women and the family   Leisure and Ancient Rome J. P. Toner,2013-05-28 In this book Toner offers a new way of looking at Roman society at all levels not just among the elite by examining the imperial games and the baths as well as gambling the taverns theatre and carnivals   **Shopping in Ancient Rome** Claire Holleran,2012-04-26 This volume provides the first comprehensive account of the retail network in ancient Rome and investigates the diverse means by which goods were sold to consumers in the city Holleran places Roman retail trade within the wider context of its urban economy and explores the critical relationship between retail and broader environmental factors   **Monsters and Monstrosity** Daniela Carpi,2019-06-17 Every culture knows the phenomenon of monsters terrifying creatures that represent complete alterity and challenge every basic notion of self and identity within a cultural paradigm In Latin and Greek culture the monster was created as a marvel appearing as something which like transgression itself did not belong to the assumed natural order of things Therefore it could only be created by a divinity responsible for its creation composition goals and stability but it was triggered by some in or non human action performed by humans The identification of something as

monstrous denotes its place outside and beyond social norms and values The monster evoking transgression is most often indistinguishable from reactions to the experience of otherness merging the limits of humanity with the limits of a given culture The topic entails a large intersection among the cultural domains of law literature philosophy anthropology and technology Monstrosity has indeed become a necessary condition of our existence in the 21st century it serves as a representation of change itself In the process of analysis there are three theoretical approaches psychoanalytical representational ontological The volume therefore aims at examining the concept of monstrosity from three main perspectives technophobic xenophobic superdiversity Today s globalized world is shaped in the unprecedented phenomenon of international migration The resistance to this phenomenon causes the demonization of the Other seen as the antagonist and the monster The monster becomes therefore the ethnic Other the alien To reach this new perspective on monstrosity we must start by examining the many facets of monstrosity also diachronically from the philological origin of the term to the Roman and classical viewpoint from the Renaissance medical perspective to the religious background from the new filmic exploitations in the 20th and 21st centuries to the very recent ethnological and anthropological points of view to the latest technological perspective dealing with artificial intelligence **"Let the Little Children Come to Me"** Cornelia B. Horn,John W. Martens,2009 Providing a wealth of detail about childhood and family structure this book explores the hidden lives of children at the origins of Christianity Let the Little Children Come to Me pays careful attention to the impact of gender class and slave status on children s lives A History of Madness in Sixteenth-Century Germany H. C. Erik Midelfort,1999 This magisterial work explores how Renaissance Germans understood and experienced madness It focuses on the insanity of the world in general but also on specific disorders examines the thinking on madness of theologians jurists and physicians and analyzes the vernacular ideas that propelled sufferers to seek help in pilgrimage or newly founded hospitals for the helplessly disordered In the process the author uses the history of madness as a lens to illuminate the history of the Renaissance the Reformation and Counter Reformation the history of poverty and social welfare and the history of princely courts state building and the civilizing process Rather than try to fit historical experience into modern psychiatric categories this book reconstructs the images and metaphors through which Renaissance Germans themselves understood and experienced mental illness and deviance ranging from such bizarre conditions as St Vitus s dance and demonic possession to such medical crises as melancholy and mania By examining the records of shrines and hospitals where the mad went for relief we hear the voices of the mad themselves For many religious Germans sin was a form of madness and the sinful world was thoroughly insane This book compares the thought of Martin Luther and the medical religious reformer Paracelsus who both believed that madness was a basic category of human experience For them and others the sixteenth century was an age of increasing demonic presence the demon possessed seemed to be everywhere For Renaissance physicians however the problem was finding the correct ancient Greek concepts to describe mental illness In medical terms

the late sixteenth century was the age of melancholy For jurists the customary insanity defense did not clarify whether melancholy persons were responsible for their actions and they frequently solicited the advice of physicians Sixteenth century Germany was also an age of folly with fools filling a major role in German art and literature and present at every prince and princeling s court The author analyzes what Renaissance Germans meant by folly and examines the lives and social contexts of several court fools

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