REVIEWS AND NOTICES OF PUBLICATIONS

REVIEWS

ERNST MEYER, ROMISCHER STAAT UND STAATSGEDANKE. Zürich: Artemis-Verlag, 1948.
Pp. 466. 198.

I. The right thing to say about Mommsen's Staatsrecht is, of course, that it is too systematic and unhistorical in its approach. This was observed by L. Lange in his famous review (now in Kleine Schriften II, 1887, 154) and was discussed by E. Herzog in the introduction to his Geschichte und System der römischen Staatsverfassung (1884). The quest for a more historical interpretation of the Roman constitution is one of the leit-motivs of all research which came after Mommsen, from Eduard Meyer and Gaetano De Sanctis down to 'minores' and 'minimi'. Mommsen got a certain amount of support from sociologically-minded lawyers who found his classifications to their taste. The long contention between Bonfante (who translated Mommsen's Abriss) and De Sanctis is a case in point. But, generally speaking, scholars agree in disapproving of Mommsen's approach to the Roman constitution.

I am not pleading for a return to Mommsen. But I should like to hear in more detail from our leading historians what they really mean by interpreting the Roman constitution historically. For, to all appearance, the task of replacing Mommsen by something more historical is not so easy: otherwise Mommsen would not be as indispensable to-day as he was seventy years ago. One fact is particularly disturbing. Some of the most efficacious stimuli towards revising our ideas of the Roman constitution have not come from students of Roman history, but from members of the disreputable class of sociologists and students of political science. Bagehot, who taught us to distinguish between the 'dignified' and the 'efficient' part of a constitution; Gaetano Mosca with his superb analysis of the 'political class'; Pareto, following on Mosca with his attempt at analysing the qualities of a ruling class; Max Weber with his ominous rediscovery of 'charismatic' Führertum; O. Hintze in his study of the relations between army and constitution (now in Staat und Verfassung, Leipzig, 1941; see also E. R. Huber, Heer und Staat, 2nd. ed., Hamburg, 1943); H. Triepel with his analysis of what one means by hegemony in international relations (1938)—and many others—have all contributed to our awareness of new aspects of constitutional phenomena. None of them (with perhaps the partial exception of Max Weber) was a Roman historian.

Only one ancient historian has questioned closely the validity of current methods of writing constitutional history. E. Täubler's works on this subject (chiefly Imperium Romanum 1, 1913; Römisches Staatsrecht und römische Verfassungsgeschichte Hist. Zeitschr. 120, 1919, 189; Grundfragen der römischen Verfassungsgeschichte, in Tyche 1926, 180; Der römische Staat in Gercke-Norden, Einleitung, 1935) are hardly appreciated as they deserve. Täubler's impossibly abstract style is partly responsible for his failure to impress. But there is perhaps a more serious reason. Though he realized that a new constitutional history of Rome must take account of the Roman policy of expansion, he did not succeed in showing how one could outline the constitutional development of Rome without sacrificing either the more permanent features of Roman constitution or the factors of change. For this seems to be the real difficulty. It is easy to say that a constitution must be seen against the background of social structure and of changing political circumstances. What is not so easy is to produce a constitutional history where both the legal framework and the social forces which put pressure on it are given their due. Any teacher of constitutional history knows this difficulty.

II. These reflections were suggested by Professor Ernst Meyer's new volume. It would be impertinent to praise its most obvious qualities—such as sober judgment, command of the current literature on the subject and the clear style—for what Professor Meyer offers is in fact an original attempt to describe the beginnings, the development and the decline of the Roman Republican constitution. Professor Meyer is one of the many who believe that Mommsen saw the Roman constitution too much as a lawyer, but he is distinctly independent in the solution he finds for the difficulties which beset Mommsen's Staatsrecht. He divides his exposition into two parts: one in which he describes (mainly according to Mommsen) the various elements of the Roman constitution, and another in which he summarizes more modern research from Münzer and Heinze onwards both on the social structure and on the political ideas of the Roman aristocracy. This would seem to be an excellent arrangement for presenting the ideas and the social forces which stood behind the constitutional forms, if only Professor Meyer were able to combine 'Form' and 'Gedanken'

Romischer Staat Und Staatsgedanke

Christian Gizewski

Romischer Staat Und Staatsgedanke:

Staat und Staatlichkeit in Der Frühen Römischen Republik Carmine Ampolo, 1990 Aus dem Inhalt W Eder Der Buerger und sein Staat Der Staat und seine Buerger Eine Einleitung Sektion I Politik und Religion mit Beitr gen von Jerzy Linderski Paul M Martin Mario Torelli Sektion II Quellen und Quellenkritik mit Beitr gen von Juergen von Ungern Sternberg RonaldT Ridley Gabriella Poma Elizabeth Rawson Jean Claude Richard Wilhelm Kierdorf Sektion III Interdisziplin re und vergleichende Methoden mit Beitr gen von Jochen Martin Ed ward Ch L van der Vliet J rgen C Meyer Robert W Wallace Sarah C Humphreys Sektion IV Recht und Verfassung mit Beitr gen von Leo Peppe Giuliano Crif Dieter Timpe Hartmut Galsterer Sektion V Magistratur und Gesellschaft mit Beitr gen von Adalberto Giovannini Karl Joachim H lkeskamp Ernst Badian Sektion VI Wirtschaft Expansion und innere Entwicklung mit Beitr gen von Carmine Ampolo William V Harris Kurt Raaflaub Literaturverzeichnis Quellenverzeichnis Index geographischer Begriffe Index antiker Namen Index moderner Autoren Familie, Staat und Gesellschaftsformation / Family, State and the Formation of Society Joachim Herrmann, Jens Köhn, 2022-08-01 No detailed description available for Familie Staat und Gesellschaftsformation Family State and the Formation of Society **Der Beauftragte als Rechtsfigur.** Wibke Werner, 2024-07-02 Beauftragte finden sich sowohl in gesetzlich gepr gten als auch zunehmend in gesetzesfreien Bereichen In dieser Untersuchung werden die historische Entwicklung und die charakteristischen Merkmale der Bundesbeauftragten und der Beauftragten der Bundesregierung analysiert Dabei stehen auch die Probleme die mit dem Einsatz von Beauftragten fr den demokratischen Rechtsstaat verbunden sind im Fokus Die meisten Beauftragten k nnen durch ihre Informationst tigkeit lediglich faktisch das Geschehen im Staat beeinflussen Es wird empfohlen einerseits die Anzahl der Beauftragten zu begrenzen und andererseits besonders bedeutende Beauftragte mit mehr Befugnissen auszustatten Eine solche Aufwertung macht eine gesetzliche Regelung der T tigkeit der Beauftragten erforderlich Eine verfassungsrechtliche Normierung ist nur bei Beauftragten mit herausragender Bedeutung anzustreben Als solche sind der Beauftragte gegen Antisemitismus und der Datenschutzbeauftragte hervorzuheben **The Governance of ROME** K. Loewenstein, 2012-12-06 Next to the Bible Shakespeare the French revolution and Napoleon ancient Rome is one of the most plowed through fields of historical experience One of the truly great periods of history Rome over the centuries deservedly has attracted the passionate attention of historians philologists and more recently archeologists Since Roman law constituted the source of the legal life of most of Western Europe the legal profession had a legitimate interest Veritable libraries have been built around the history of Rome In the past confmed mostly to Italian German and French scholars the fascination with things Roman by now has spread to other civilized nations in cluding the Anglo Saxon Among the contributors to our knowledge of ancient Rome are some of the great minds in history and law Our bibliography selective as neces sarily it has to be records outstanding generalists as well as some of the numerous specialists that were helpful for our undertaking Why then another study of the Roman political civilization and

one that at least measured by volume and effort is not altogether insubstantial And why has to be added one presented by an author who whatever his reputation in other fields ostensibly is an outsider of the classical discipline These are legitimate questions that should be honestly answered By training and avocation the author is a constitutional lawyer or rather a political scientist primarily interested in the operation of governmental institutions The Growth of Papal Government in the Middle Ages Walter Ullmann, 2013-04-15 This book reveals how the medieval papacy grew from modest beginnings into an impressive institution in the Middle Ages and deals with a wide field It charts the history of the papacy and its relations to East and West from the 4th to the 12th centuries embraces such varied subjects as law finance diplomacy liturgy and theology The development of medieval symbolism is also discussed as are the view of eminent political scientists of the period This re issues reprints the revised 3rd edition of 1970 Politics in the Roman Republic: Perspectives from Niebuhr to Gelzer Cary Michael Barber, 2022-09-19 B G Niebuhr the founder of modern history exerts an enduring influence even in death Goethe once claimed Niebuhr still walks around and works Today Niebuhr is a humbler phantom rarely invoked and largely forgotten Similar fates await the shades of Theodor Mommsen Friedrich M nzer and Matthias Gelzer Yet each demands reconsideration and revitalization Their texts remain foundational constituting the conceptual and methodological core of Republican political studies Politics in the Roman Republic represents the first critical comprehensive Anglophone survey of these scholars influence Its innovative reassessments dispel deep seated misconceptions and emphasize relevance The work s unique re interpretations render it essential reading for any student of Rome specialist and non specialist alike

The Consul at Rome Francisco Pina Polo, 2011-02-24 In modern times there have been studies of the Roman Republican institutions as a whole as well as in depth analyses of the senate the popular assemblies the tribunate of the plebs the aedileship the praetorship and the censorship However the consulship the highest magistracy of the Roman Republic has not received the same attention from scholars The purpose of this book is to analyse the tasks that consuls performed in the civil sphere during their term of office between the years 367 and 50 BC using the preserved ancient sources as its basis In short it is a study of the consuls at work both within and outside the city of Rome in such varied fields as religion diplomacy legislation jurisdiction colonisation elections and day to day politics Clearly and accessibly written it will provide an indispensable reference work for all scholars and students of the history of the Roman Republic **Death and Renewal: Volume 2** Keith Hopkins, 1983 This is a book for Roman historians which will also be of interest to sociologists The Alternative Augustan Age Josiah Osgood, Kit Morrell, Kathryn Welch, 2019-09-02 The princeps Augustus 63 BCE 14 CE recognized as the first of the Roman emperors looms large in the teaching and writing of Roman history Major political literary and artistic developments alike are attributed to him This book deliberately and provocatively shifts the focus off Augustus while still looking at events of his time Contributors uncover the perspectives and contributions of a range of individuals other than the princeps Not all thought they were living in the Augustan Age Not all took their cues from

Augustus In their self display or ideas for reform some anticipated Augustus Others found ways to oppose him that also helped to shape the future of their community The volume challenges the very idea of an Augustan Age by breaking down traditional turning points and showing the continuous experimentation and development of these years to be in continuity with earlier Roman culture In showcasing absences of Augustus and giving other figures their due the papers here make a seemingly familiar period startlingly new Hispaniae J. S. Richardson, John S. Richardson, 2004-07-08 This book traces the beginnings and the first 140 years of the Roman presence in Spain showing how what began as a purely military commitment developed in addition into a range of civilian activities including taxation jurisdiction and the founding of both Roman and native settlements The author uses literary sources the results of recent and earlier archaeology numismatics and epigraphic material to reveal the way in which patterns of administration were created especially under the direction of the military commanders sent from Rome to the two Spanish provinciae This is of major importance for understanding the way in which Roman power spread during this period not only in Spain but throughout the Mediterranean world Römischer Staat und Staatsgedanke Ernst Meyer,1975-01 People, Land, and Politics Luuk de Ligt, S. J. Northwood, 2008 Recent research has called into guestion the orthodox view that the last two centuries of the Roman Republic witnessed a decline of the free rural population Yet the implications of the alternative reconstructions of Italy's demographic history that have been proposed have never been explored systematically This volume offers a series of in depth discussions not only of the republican manpower and census figures but also of the abundant archaeological data It also explores the growth of cities especially Rome and the changing distribution of the population over the Italian landscape On the rural side it addresses the interplay between demographic economic and legal developments and the background to the Gracchan land reforms Finally it examines the political implications of demographic growth and large scale migration to the provinces The volume as a whole demonstrates that demography is the key to many aspects of Italy s economic social military and political history

Five Legal Revolutions Since the 17th Century Jean-Louis Halpérin, 2014-07-22 This book presents an analysis of global legal history in Modern times questioning the effect of political revolutions since the 17th century on the legal field Readers will discover a non linear approach to legal history as this work investigates the ways in which law is created These chapters look at factors in legal revolution such as the role of agents the policy of applying and publicising legal norms codification and the orientations of legal writing and there is a focus on the publicization of law The author uses Herbert Hart s schemes to conceive law as a human artefact or convention being the union between primary rules of obligations and secondary rules conferring powers Here we learn about those secondary rules and the legal construction of the Modern state and we question the extent to which codification and law reporting were likely to revolutionize the legal field These chapters examine the hypothesis of a legal revolution that could have concerned many countries in modern times To begin with the book considers the legal aspect of the construction of Modern States in the 17th and 18th centuries It goes on to examine the

consequences of the codification movement as a legal revolution before looking at the so called constitutional revolution linked with the extension of judicial review in many countries after World War II Finally the book enquires into the construction of an EU legal order and international law In each of these chapters the author measures the scope of the change how the secondary rules are concerned the role of the professional lawyers and what are the characters of the new configuration of the legal field This book provokes new debates in legal philosophy about the rule of change and will be of particular interest to researchers in the fields of law theories of law legal history philosophy of law and historians more Encyclopedia of the History of Classical Archaeology Nancy Thomson de Grummond, 2015-05-11 With 1 125 entries and 170 contributors this is the first encyclopedia on the history of classical archaeology It focuses on Greek and Roman material but also covers the prehistoric and semi historical cultures of the Bronze Age Aegean the Etruscans and manifestations of Greek and Roman culture in Europe and Asia Minor The Encyclopedia of the History of Classical Archaeology includes entries on individuals whose activities influenced the knowledge of sites and monuments in their own time articles on famous monuments and sites as seen changed and interpreted through time and entries on major works of art excavated from the Renaissance to the present day as well as works known in the Middle Ages As the definitive source on a comparatively new discipline the history of archaeology these finely illustrated volumes will be useful to students and scholars in archaeology the classics history topography and art and architectural history The Cavalry of the Roman Republic Jeremiah B. McCall, 2005-06-29 In this original and revealing work Jeremiah B McCall challenges the generally accepted view of the Roman cavalry and explores the fundamental connections between war and society in republican Rome c 300 100 BC McCall describes the citizen cavalry s equipment tactics and motivation in battle and argues for its effectiveness in the field This success is proof that it cannot finally have been disbanded for purely military reasons he shows that victories in the law courts and lavish displays of wealth came to supersede cavalry service as a way of building the reputations of the Roman elite The clear structure and fresh approach of the book combining insights from both Roman military and social history will be useful to readers at all levels of study The Inhumanity of Right Christos Yannaras, 2022-01-01 Christos Yannaras pioneering critique of the concept of the right of the individual is presented in English for the first time This central aspect of political theory since Hegel's Philosophy of Right summarizes the philosophical and cultural identity of the paradigm of modernity but the philosophical assumptions underlying the concept of right have not hitherto been subject to scrutiny Yannaras shows that the starting point of the concept of right is a phenomenalistic naturalism which presupposes an abstract concept of the human subject as a fundamentally undifferentiated natural individual The question is also explored of how the priority accorded to this concept of right is related to the contemporary crisis of the modern politico social paradigm while a new preface from the translator underlines the continued significance of Yannaras proposal for Anglophone readers Against the modern concept of right with its illusion of objectivity

The Inhumanity of Right sketches out the basic lines of a political theory that prioritizes new social needs that reflect the relational character of the human person Paul's Early Period Rainer Riesner, 1998 This monumental work by German scholar Rainer Riesner examines both biblical and extra biblical sources to establish the chronology of Paul s early ministry and also illumines our understanding of his work by portraying him in his cultural context Harvard Studies in Classical Philology, 1890 Constitutional and Political Theory Ernst-Wolfgang Böckenförde, 2017-02-16 Ernst Wolfgang B ckenf rde b 1930 d 2019 is one of Europe's foremost legal scholars and political thinkers As a scholar of constitutional law and a judge on Germany's Federal Constitutional Court December 1983 May 1996 B ckenf rde has been a major contributor to contemporary debates in legal and political theory to the conceptual framework of the modern state and its presuppositions and to contested political issues such as the rights of the enemies of the state the constitutional status of the state of emergency citizenship rights and challenges of European integration His writings have shaped not only academic but also wider public debates from the 1950s to the present to an extent that few European scholars can match As a federal constitutional judge and thus holder of one the most important and most trusted public offices B ckenf rde has influenced the way in which academics and citizens think about law and politics During his tenure as a member of the Second Senate of the Federal Constitutional Court several path breaking decisions for the Federal Republic of Germany were handed down including decisions pertaining to the deployment of missiles the law on political parties the regulation of abortion and the process of European integration In the first representative edition in English of B ckenf rde s writings this volume brings together his essays on constitutional and political theory The volume is organized in four sections focusing respectively on I the political theory of the state II constitutional theory III constitutional norms and fundamental rights and IV the relation between state citizenship and political autonomy Each of these feature introductions to the articles as well as a running editorial commentary to the work A second volume will follow this collection focusing on the relation between religion law and democracy A companion volume entitled Religion Law and Democracy is also being published Zur Normativität und Struktur der Verfassungsverhältnisse in der späteren römischen Kaiserzeit Christian Gizewski, 1988

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