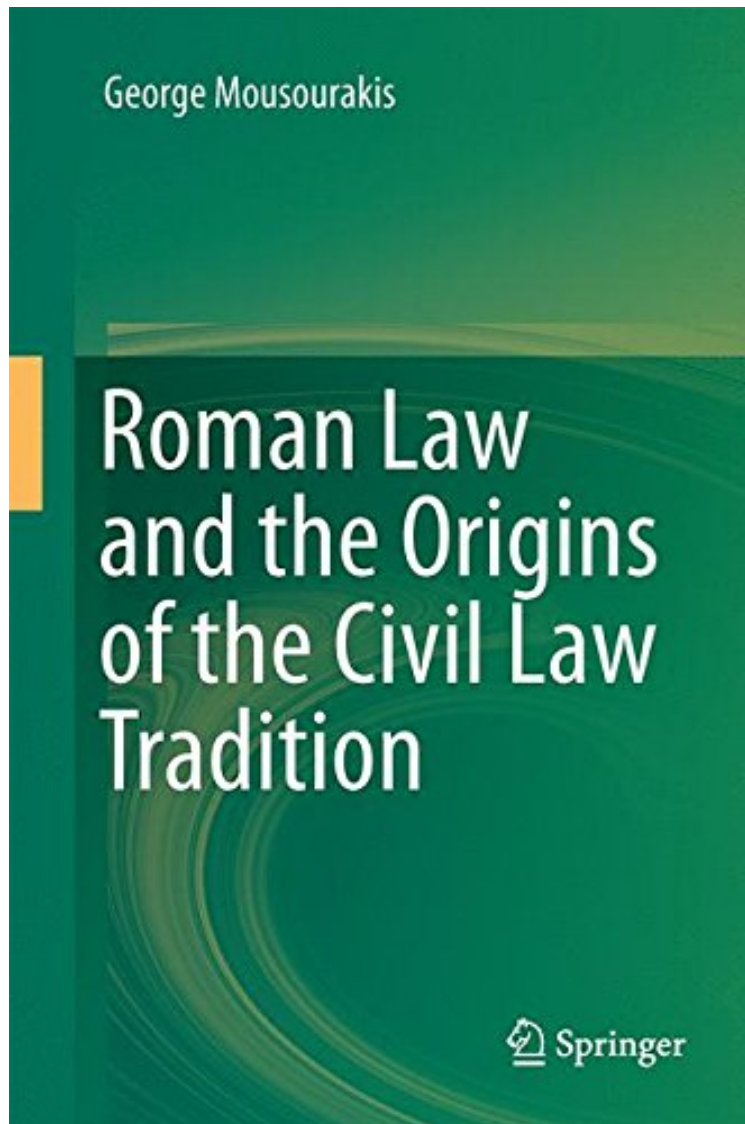


[Download] Roman Law and the Origins of the Civil Law Tradition

Roman Law and the Origins of the Civil Law Tradition

George Mousourakis

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George Mousourakis : Roman Law and the Origins of the Civil Law Tradition before purchasing it in order to gage whether or not it would be worth my time, and all praised Roman Law and the Origins of the Civil Law Tradition:

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SYSTEMSAn appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers
For Scottish advocates (as opposed to English barristers or solicitors) Roman law holds less mystery and somewhat more significance than it does for their fellow professionals in England and Wales and other common law jurisdictions. The reasons why are numerous, varied and often complicated, but certainly understandable and in fact, clearly revealed in this brilliant book from Springer Publishing by George Mousourakis who hails from the University of Auckland, New Zealand. Apart from having to understand a few Latin terms, many of which are fast becoming obsolete, most lawyers, as well as law students have had little more than a passing acquaintanceship either with Latin, or with Roman history. However, on the principle that what has been done in the past invariably impacts on the present, just about anyone interested in the law will be interested in this book. It is about as clear a presentation as you are likely to get of how Roman law, directly or indirectly, has spread its influence through the civil law tradition and to a lesser extent, has had some bearing on the development of the Common Law. In the words of the author, the book is designed to offer students and general readers an accessible and comprehensive introduction to the subject by combining the perspectives of legal history with those of political constitutional and social history. Readers are thus given a comprehensive overview not only of the history, but the fundamental principles and the major institutions of Roman law. Roman law, says the author deserves to be studied not merely as an important part of the intellectual background of civil legal systems, but also as an essential part of the history of civilization. He has therefore undertaken a prodigious amount of research at some of the best known academic institutions for legal study worldwide, including the Max Planck Institute for European Legal History in Frankfurt and the Max Planck Institute for Comparative and Private Law in Hamburg. Succinctly, yet in pertinent detail, he explains how Roman law evolved over a time span of eleven centuries and how it came to be the first catalyst in the evolution of the civil law tradition. The book covers the historical and constitutional context of Roman law and its sources before examining private law, (including persons, property and succession) plus criminal law, the court system and the criminal justice process. In the final three chapters, the means by which Roman law provided the basis for contemporary civil law systems is explained. This section contains commentary on the influence (but not the reception) of Roman law in Britain, with a brief note on why Roman law is more closely linked to the Scottish legal system than that of England and Wales. It is worth pointing out that most books on classical history do not often focus specifically on Roman law. This one does -- and is therefore a welcome addition to the scholarship on the classical period. It will undoubtedly come to be regarded as an important acquisition for the well-stocked law library for lawyers and students alike. The publication date is cited as at 2015.

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.

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