

# NEW PERSPECTIVES IN THE ROMAN LAW OF PROPERTY

Essays for Barry Nicholas

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PETER BIRKS

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# New Perspectives In The Roman Law Of Property Essays For Barry Nicholas

**Paul J. du Plessis**



## **New Perspectives In The Roman Law Of Property Essays For Barry Nicholas:**

**New Perspectives in the Roman Law of Property** Peter Birks, 1989 This collection of essays contributed by friends and colleagues of Barry Nicholas is a Festschrift to mark the occasion of his 70th birthday and it is also an important contribution to the study of a specific area of Roman Law Barry Nicholas is one of the leading comparatists and Roman lawyers of his day For many years All Souls Reader in Roman Law and then Professor of Comparative Law in the University of Oxford he retires this year after more than 10 years as Principal of Brasenose College **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, Scots Law and Legal History William Gordon, 2019-07-30 Selection of articles and essays published by the author throughout his career in legal academics

**Borkowski's Textbook on Roman Law** Paul J. du Plessis, 2020 Borkowski's Textbook on Roman Law is the leading contemporary textbook on Roman law Providing students with a clear and highly readable account of Roman private law and civil procedure it gives a comprehensive overview of both the historical context and modern relevance of Roman law today Translated extracts from the most important Latin legal sources the Digest and the Institutes of Justinian are included throughout Annotated further reading sections at the end of each chapter support further research Book jacket **A**

**Casebook on Roman Property Law** Richard Gamauf, 2012-02-07 This volume introduces Roman property law by means of cases consisting of brief excerpts from Roman juristic sources in Latin with English translations The cases are followed by series of analytical questions and translated excerpts from modern civil codes to illustrate the dynamic character and continuing life of the Roman legal tradition **Borkowski's Textbook on Roman Law** Paul du Plessis, 2010-05-13 Borkowski's Textbook on Roman Law provides a clear and concise overview of Roman private law and civil procedure supported by numerous extracts in translation from the Digest and Institutes The book has been written with undergraduate students in mind and covers all key areas commonly taught on Roman law courses at undergraduate level The Oxford Handbook of Roman Law and Society Paul J du Plessis, Clifford Ando, Kaius Tuori, 2016-10-20 The Oxford Handbook of Roman Law and Society surveys the landscape of contemporary research and charts principal directions of future inquiry More than a history of doctrine or an account of jurisprudence the Handbook brings to bear upon Roman legal study the full range of intellectual

resources of contemporary legal history from comparison to popular constitutionalism from international private law to law and society thereby setting itself apart from other volumes as a unique contribution to scholarship on its subject The Handbook brings the study of Roman law into closer alignment and dialogue with historical sociological and anthropological research into law in other periods It will therefore be of value not only to ancient historians and legal historians already focused on the ancient world but to historians of all periods interested in law and its complex and multifaceted relationship to society

*Judge and Jurist* Andrew Burrows, David Johnston, Reinhard Zimmermann, 2013-06-20 Collecting together 47 essays from colleagues and friends of Lord Rodger of Earlsferry this book commemorates his work and contribution to law and legal scholarship including his role as a judge of the UK Supreme Court and his interests in Roman law Scots law and legal history

**Law and Society in the Age of Theoderic the Great** Sean D. W. Lafferty, 2013-07-25 This book explores the evolution of Roman law and society in Italy from 493 with the proclamation of the Ostrogoth Theoderic the Great as king until about 554 when the eastern Emperor Justinian was able to re establish imperial authority in the region Drawing upon evidence from a variety of legal and historical sources it investigates how Theoderic and his successors attempted to govern the peninsula in the wake of foreign invasions the collapse of civic administration the break up of the Mediterranean economy and the emergence of new forms of religious and secular authority It challenges long held assumptions as to just how peaceful prosperous and Roman like Theoderic's Italy really was Its primary focus is the Edictum Theoderici a significant but largely overlooked document that offers valuable historical insights into the complex and sometimes contested social political and religious changes that marked Italy's passage from Antiquity into the Middle Ages

**Lord Kames** Andreas Rahmatian, 2015-05-20 Andreas Rahmatian explains Kames' conceptions of legal philosophy including black letter law legal science legal theory legal sociology and anthropology in its early stages setting them in the context of the Scottish Enlightenment

**Ancient Law and Modern Understanding** Alan Watson, 2012-03-01 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

**Sovereignty** Cornel Zwierlein, Daniel Lee, 2024-09-16 Was the emperor as sovereign allowed to seize the property of his subjects Was this treated differently in late medieval Roman law vis vis the theory and practice of zabt in Mughal India How did political sovereignty relate to the church's powers and to trade How about maritime sovereignty after Grotius How was the East India Company as a corporation

interacting with an Indian Nawab How did the shogunate negotiate sovereignty in early modern Japan This volume addresses such questions through thoroughly researched historical case studies covering the disciplines of History Political Sciences and Law Contributors Nicholas Abbott Tiraana Bains Michael P Breen Sylvio Hermann De Franceschi Philippe Denis David Dyzenhaus Andrew Fitzmaurice Joshua Freed Kajo Kubala Daniel Lee Fabrice Micallef Kenneth Pennington Mark Ravina and Cornel Zwierlein

*Final Judgments* Edward Champlin, 2023-04-28 Freed from the familial and social obligations incumbent on the living the Roman testator could craft his will to be a literal last judgment on family friends and society The Romans were fascinated by the contents of wills believing the will to be a mirror of the testator's true character and opinions The wills offer us a unique view of the individual Roman testator's world Just as classicists ancient historians and legal historians will find a mine of information here the general reader will be fascinated by the book's lively recounting of last testaments Who were the testators and what were their motives Why do family kin servants friends and community all figure in the will and how are they treated What sort of afterlife did the Romans anticipate By examining wills the book sets several issues in a new light offering new interpretations of or new insights into subjects as diverse as captatio inheritance seeking the structure of the Roman family the manumission of slaves public philanthropy the afterlife and the relation of subject to emperor Champlin's principal argument is that a strongly felt duty of testacy informed and guided most Romans a duty to reward or punish all who were important to them a duty which led them to write their wills early in life and to revise them frequently Freed from the familial and social obligations incumbent on the living the Roman testator could craft his will to be a literal last judgment on family friends and society The Romans were fascinated by the contents of wills believing the will to be

**Legitimacy and Law in the Roman World** Elizabeth A. Meyer, 2004-02-12 Greeks wrote mostly on papyrus but the Romans wrote solemn religious public and legal documents on wooden tablets often coated with wax This book investigates the historical significance of this resonant form of writing its power to order the human realm and cosmos and to make documents efficacious its role in court the uneven spread an aspect of Romanization of this Roman form outside Italy as provincials made different guesses as to what would please their Roman overlords and its influence on the evolution of Roman law An historical epoch of Roman legal transactions without writing is revealed as a juristic myth of origins Roman legal documents on tablets are the ancestors of today's dispositive legal documents the document as the act itself In a world where knowledge of the Roman law was scarce and enforcers scarcer the Roman law drew its authority from a wider world of belief

**Structure and Justification in Private Law** C.E.F. Rickett, Ross Grantham, 2008-02-27 Peter Birks's tragically early death and his immense influence around the world led immediately to the call for a volume of essays in his honour by scholars who had known him as a colleague teacher and friend One such volume published in 2006 contained essays largely from scholars working in England Mapping the Law Essays in Memory of Peter Birks edited by Andrew Burrows and Lord Rodger This volume contains the essays of those outside England who chose to honour Peter and appears later than the

English volume reflecting the far flung habitations of its authors The essays contained in this volume are focussed around the law of unjust enrichment but are not narrowly preoccupied instead they move freely from unjust enrichment to some of the most profound questions in private law concerning taxonomy the relationship between contract property and unjust enrichment and the place of remedies within private law This volume featuring the work of some of the world s great private lawyers provides a fitting tribute to a great scholar and a series of thought provoking essays inspired by his example Contributors Kit Barker Michael Bryan Peter Butler Hanoch Dagan Simone Degeling Daniel Friedmann Mark Gergen Ross Grantham Steve Hedley John McCamus Mitchell McInnes Eoin O Dell Charles Rickett Struan Scott Emily Sherwin Stephen Smith Richard Sutton Michael Tilbury Stephen Waddams Peter Watts Ernest Weinrib Eric Descheemaeker *Biographical Memoirs of Fellows* British Academy,2004 Volume 124 of the Proceedings of the British Academy contains 19 obituaries of recently deceased Fellows of the British Academy

**William of Ockham's Early Theory of Property Rights in Context** Jonathan William Robinson,2012-11-23 William of Ockham s ca 1288 1347 Opus nonaginta dierum has long been of interest to historians for his theory of rights Yet the results of this interest has been uneven because most studies do not take sufficient account of the defences of Franciscan poverty already articulated by his fellow Franciscans Bonagratia of Bergamo Michael of Cesena and Francis of Marchia This book therefore presents and analyzes Ockham s account of property rights alongside those of his confreres This contextualization of Ockham s theory corrects many misconceptions about his theory of property natural law and natural rights and therefore also provides a new foundation for studies of his political oeuvre intellectual development and significance as a political theorist [William of Ockham's Early Theory of Property Rights in Context](#) Jonathan Robinson,2012-11-23 This book analyzes William of Ockham s early theory of property rights alongside those of his fellow dissident Franciscans paying careful attention to each friar s use of Roman and civil law which provided the conceptual building blocks of the poverty controversy

**Australian Property Law** Michael Nancarrow,Penny Carruthers,Steven White,Christopher Boge,Dominic Cudmore,Astrid Di Carlo,2022-09-30 Australian Property Law Principles to Practice is an engaging introduction to property law in Australia Covering substantive law and procedural matters this textbook presents the law of personal and real property in a contemporary light Australian Property Law details how property law practice is transformed by technology and provides insights into contemporary challenges and risks Taking a thematic approach the text covers possession of goods and land land tenure estates and future interests property registration systems Indigenous land rights and native title social housing Crown land and ethics Complex concepts are contextualised by linking case law and legislation to practical applications Each chapter is supported by digital tools including case and legislation boxes with links to the full source online links to useful online resources multiple choice questions review questions and longer narrative problems Australian Property Law provides an essential introduction to the principles and practice of property law in an ever changing technological environment

**A History of Water Rights at Common Law**

Joshua Getzler, 2004 This volume describes how the courts created rights for land owners and users competing to appropriate water for factories town supply drainage and transport It covers the period from early times to the late nineteenth century illustrating the changing common law of property and tort and throwing new light on the growth of the economy and the social and legal dimensions of technological innovation

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