

A Casebook On The Roman Law Of Delict

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The casebook also illustrates the survival and adaptation of elements of Roman property law in the modern European civil codes, especially the three most influential of those codes: the General Civil Code of Austria (Allgemeines Burgerliches Gesetzbuch), the German Civil Code (Burgerliches Gesetzbuch), and the Civil Code of Switzerland (Zivilgesetzbuch).

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E-mail bwfrier@umich.edu. Bruce W. Frier is the John and Teresa D'Arms Distinguished University Professor of Classics and Roman Law. He is the author of numerous books and articles about economic and social history, focusing especially on Roman law. His publications include Landlords and Tenants in Imperial Rome, The Rise of the Roman Jurists, A Casebook on the Roman Law of Delict, A Casebook on Roman Family Law, and The Modern Law of Contracts, now in its fourth edition and written with ...

Frier, Bruce W. - University of Michigan Law School

A Casebook on the Roman Law of Delict. Atlanta, Ga.: Scholars Press, 1989.

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"This casebook explores the writings of Roman lawyers on the law of contracts, a rich and hugely influential area of Roman private law. The 235 "Cases" are actual texts deriving, for the most part, from the Digest of Justinian (535 CE), but written hundreds of years earlier during the Classical era of Roman law. These Cases give a fairly complete view of the concepts and methods used to create rules and judge contract cases in Roman courts. The casebook concentrates especially on two central Roman contracts, stipulation and sale; but all other contracts are discussed, as well as Roman legal thinking on unjustified enrichment"--

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.

This casebook is designed to introduce the Roman law concerning delicts, private wrongs which broadly resemble torts in Anglo-American law. The Roman law of delict is unusually interesting, since many basic Roman principles of delict are still prominent in modern legal systems, while other Roman principles offer sharp and important contrasts with modern ideas. The influence of Roman law has been especially strong in the Civil Law systems of Continental Europe and its former dependencies, since these systems derive many basic principles from Roman law; but Roman influence on Anglo-American law has also been appreciable in some areas, although not usually in tort. A casebook relies on direct use of primary sources in order to convey a clear understanding of what legal sources are like and how lawyers work. For Roman law, the primary sources are above all the writings of the early imperial Roman jurists. Almost all their writings date to the classical period of Roman law, approximately 30 B.C. to A.D. 235 The 171 Cases in this book all derive from the writings of pre-classical and classical jurists.

Publisher description

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Roman Law in Context 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. The book discusses three main areas of Roman law and life: the family and inheritance; property and the use of land; commercial transactions and the management of businesses. It also deals with the question of litigation and how readily the Roman citizen could assert his or her legal rights in practice. In addition it provides an introduction to using the main sources of Roman law. The book ends with an epilogue discussing the role of Roman law in medieval and modern Europe, a bibliographical essay, and a glossary of legal terms. The book involves the minimum of legal technicality and is intended to be accessible to students and teachers of Roman history as well as interested general readers.

Borkowski's Textbook on Roman Law is the leading textbook in the field of Roman law, and has been written with undergraduate students firmly in mind. The book provides an accessible and highly engaging account of Roman private law and civil procedure, with coverage of all key topics, including the Roman legal system, and the law of persons, property, and obligations. The author sets the law in its social and historical context, and demonstrates the impact of Roman law on our modern legal systems. For the fifth edition, Paul du Plessis has included references to a wide range of scholarly texts, to ground his judicious account of Roman law firmly in contemporary scholarship. He has also added examples from legal practice, as well as truncated timelines at the start of each chapter to illustrate how the law developed over time. The book contains a wealth of learning features, including chapter summaries, diagrams and maps. A major feature of the book is the inclusion throughout of extracts in translation from the most important sources of Roman law: the Digest and the Institutes of Justinian. Annotated further reading sections at the end of each chapter act as a guide to further enquiry. Online Resource Centre The book is accompanied by an extensive Online Resource Centre, containing the following resources: -Self-test multiple choice questions -Interactive timeline -Biographies of key figures -Glossary of Latin terms -Annotated web links -Original Latin versions of the extracts from the Digest and the Institutes of Justinian -Examples of textual analysis of Roman law texts -Guide to the literature and sources of Roman law

Roman contract law has profoundly influenced subsequent legal systems throughout the world, but is inarguably an important subject in its own right. This casebook introduces students to the rich body of Roman law concerning contracts between private individuals. In order to bring out the intricacy of Roman contract law, the casebook employs the case-law method--actual Roman texts, drawn from Justinian's Digest and other sources, are presented both in Latin and English, along with introductions and discussions that fill out the background of the cases and explore related legal issues. This method reflects the casuistic practices of the jurists themselves: concentrating on the fact-rich environment in which contracts are made and enforced, while never losing sight of the broader principles upon which the jurists constructed the law. The casebook concentrates especially on stipulation and sale, which are particularly well represented in surviving sources. Beyond these and other standard contracts, the book also has chapters on the capacity to contract, the creation of third-party rights and duties, and the main forms of unjustified enrichment. What students can hope to learn from this casebook is not only the general outlines and details of Roman contract law, but also how the jurists developed such law out of rudimentary civil procedures.

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