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SIMMONS MILLER

Law from the Tigris to the Tiber Oxford University Press

This is the first systematic treatment in English by an historian of the nature, aims and efficacy of public law in late imperial Roman society from the third to the fifth century AD. Adopting an interdisciplinary approach, and using the writings of lawyers and legal anthropologists, as well as those of historians, the book offers new interpretations of central questions: What was the law of late antiquity? How efficacious was late Roman law? What were contemporary attitudes to pain, and the function of punishment? Was the judicial system corrupt? How were disputes settled? Law is analysed as an evolving discipline, within a framework of principles by which even the emperor was bound. While law, through its language, was an expression of imperial power, it was also a means of communication between emperor and subject, and was used by citizens, poor as well as rich, to serve their own ends. *Legalism: Anthropology and History* Martinus Nijhoff Publishers

Comprising an array of distinguished contributors, this pioneering volume of original contributions explores theoretical and empirical issues in comparative law. The innovative, interpretive approach found here combines explorative scholarship and research with thoughtful, qualitative critiques of the field. The book promotes a deeper appreciation of classical

theories and offers new ways to re-orient the study of legal transplants and transnational codes. Methods of Comparative Law brings to bear new thinking on topics including: the mutual relationship between space and law; the plot that structures legal narratives, identities and judicial interpretations; a strategic approach to legal decision making; and the inner potentialities of the 'comparative law and economics' approach to the field. Together, the contributors reassess the scientific understanding of comparative methodologies in the field of law in order to provide both critical insights into the traditional literature and an original overview of the most recent and purposive trends. A welcome addition to the lively field of comparative law, *Methods of Comparative Law* will appeal to students and scholars of law, comparative law and economics. Judges and practitioners will also find much of interest here.

Private Law in the 21st Century Penn State Press

Why did the Gentile church keep Old Testament commandments about sex and idolatry, but disregard many others, like those about food or ritual purity? If there were any binding norms, what made them so, and on what basis were they articulated? In this important study, Markus Bockmuehl approaches such questions by examining the halakhic (Jewish legal) rationale behind the ethics of Jesus, Paul and the early Christians. He offers fresh and often unexpected answers based on careful biblical and

historical study. His arguments have far-reaching implications not only for the study of the New Testament, but more broadly for the relationship between Christianity and Judaism.

Jewish Law in Gentile Churches Oxford University Press, USA

This book brings together a wide range of contributors from across the common law world to identify and debate the principal moral and systemic challenges facing private law in the remaining part of the twenty-first century. The various contributions identify serious problems relating to complexity and overload, threats to research and education, the law's unintelligibility, the unsatisfactory nature of the law reform process and a general lack of public engagement. They consider the respective future roles of statutes, codes, and judge-made law (in the form of both common law and equitable rules). They consider how best to organise the private law system internally, and how to co-ordinate it externally with other public and economic systems (human rights, regulation, insurance markets and social security frameworks). They address the challenges for private law presented by new forms of technology, and by modern demands for the protection of new and intangible forms of moral interest, such as interests in privacy, 'vindication' and 'personal choice'. They also engage with the critical contemporary debates about access to, and the privatisation of, civil justice. The work is designed as a source of inspiration and reference for private lawyers, as well as legislators, policy-makers and students.

Natal University Law Review

Cambridge University Press

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.

Law and Empire in Late Antiquity Oxford University Press

This is a study of the interrelationships between the formulary traditions of the legal documents of the Jewish colony of Elephantine and the legal formulary traditions of their Egyptian counterparts. The legal documents of Elephantine have been approached in three different ways thus far: first, comparing them to the later Aramaic legal tradition; second, as part of a self-contained system, and more recently from the point of view of the Assyriological legal tradition. However, there is still a fourth possible

approach, which has long been neglected by scholars in this field, and that is to study the Elephantine legal documents from an Egyptological perspective. In seeking the Egyptian parallels and antecedents to the Aramaic formulary, Botta hopes to balance the current scholarly perspective, based mostly upon Aramaic and Assyriological comparative studies.

The Roman Law of Obligations Oxford University Press, USA

“It stands alone in its field not only due to its comprehensive coverage, but also its original methodology. Although it appears to be a weighty tome, in fact, in light of its scope, it is very concise. While providing a wealth of intensely practical information, its heart is highly conceptual and very ambitious... likely to become a classic text in its field.”

(*American Journal of Comparative Law*) Volume 3 of this new edition deals with the transnationalisation of contract law. It compares common law and civil law concepts, noting the origin of the one in commercial law and of the other in consumer law, and identifies the different attitudes to protection, risk management, and risk distribution. The volume also explores future directions in international commerce and finance, as well as the potential, effects, and challenges of e-commerce, the blockchain, and the emergence of the smart contract. The complete set in this magisterial work is made up of 6 volumes. Used independently, each volume allows the reader to delve into a particular topic. Alternatively, all volumes can be read together for a comprehensive overview of transnational comparative commercial, financial and trade law.

[The Structure of Tort Law](#) Bloomsbury Publishing

In this collection of essays, contributors act on John Crook's injunction to 'think like lawyers' about Roman law and Rome—and also ancient Greece, Persia, and the modern world. A literary strand runs through the book alongside its legal and historical strands.

Dalhuisen on Transnational Comparative, Commercial, Financial and Trade Law Volume 2 Bloomsbury Publishing

Borkowski's Textbook on Roman Law provides a thorough and engaging overview of Roman private law and civil procedure. It is the ideal course companion for undergraduate Roman law courses, combining clear, comprehensible language and a wide range of supportive learning features with the most important sources of Roman law.

The Law of Obligations Rowman & Littlefield

Law and law-like institutions are visible in human societies very distant from each other in time and space. When it comes to observing and analysing such social constructs historians, anthropologists, and lawyers run into notorious difficulties in how to conceptualize them. Do they conform to a single category of 'law'? How are divergent understandings of the nature and purpose of law to be described and explained? Such questions reach to the heart of philosophical attempts to understand the nature of law, but arise whenever we are confronted by law-like practices and concepts in societies not our own. In this volume leading historians and anthropologists with an interest in law gather to analyse the nature and meaning of law in diverse societies. They start from the concept of legalism, taken from the anthropologist Lloyd Fallers, whose 1960s work on

Africa engaged, unusually, with jurisprudence. The concept highlights appeal to categories and rules. The degree to which legalism in this sense informs people's lives varies within and between societies, and over time, but it can colour equally both 'simple' and 'complex' law. Breaking with recent emphases on 'practice', nine specialist contributors explore, in a wide-ranging set of cases, the place of legalism in the workings of social life. The essays make obvious the need to question our parochial common sense where ideals of moral order at other times and places differ from those of modern North Atlantic governance. State-centred law, for instance, is far from a 'central case'. Legalism may be 'aspirational', connecting people to wider visions of morality; duty may be as prominent a theme as rights; and rulers from thirteenth-century England to sixteenth-century Burma appropriate, as much they impose, a vision of justice as consistency. The use of explicit categories and rules does not reduce to simple questions of power. The cases explored range from ancient Asia Minor to classical India, and from medieval England and France to Saharan oases and southern Arabia. In each case they assume no knowledge of the society or legal system discussed. The volume will appeal not only to historians and anthropologists with an interest in law, but to students of law engaged in legal theory, for the light it sheds on the strengths and limitations of abstract legal philosophy.

The Oxford Handbook of European Legal History Cambridge University Press

In classical scholarship, the presence of legal language in love poetry is commonly interpreted as absurd and

incongruous. Ovid's legalisms have been described as frivolous, humorous, and ornamental. Law and Love in Ovid challenges this wide-spread, but ill-informed view. Legal discourse in Latin love poetry is not incidental, but fundamental. Inspired by recent work in the interdisciplinary field of law and literature, Ioannis Ziogas argues that the Roman elegiac poets point to love as the site of law's emergence. The Latin elegiac poets may say 'make love, not law', but in order to make love, they have to make law. Drawing on Agamben, Foucault, and Butler, *Law and Love in Ovid* explores the juridico-discursive nature of Ovid's love poetry, constructions of sovereignty, imperialism, authority, biopolitics, and the ways in which poetic diction has the force of law. The book is methodologically ambitious, combining legal theory with historically informed close readings of numerous primary sources. Ziogas aims to restore Ovid to his rightful position in the history of legal humanism. The Roman poet draws on a long tradition that goes back to Hesiod and Solon, in which poetic justice is pitted against corrupt rulers. Ovid's amatory jurisprudence is examined vis-à-vis Paul's letter to the Romans. The juridical nature of Ovid's poetry lies at the heart of his reception in the Middle Ages, from Boccaccio's *Decameron* to Forcadel's *Cupido iurisperitus*. The current trend to simultaneously study and marginalize legal discourse in Ovid is a modern construction that *Law and Love in Ovid* aims to demolish.

Borkowski's Textbook on Roman Law A&C Black

This book presents a developed theory of how national lawyers can approach, understand, and make use of foreign law. Its theme is pursued through a set

of detailed essays which look at the courts as well as business practice and, with the help of statistics, demonstrate what type of academic work has any impact on the 'real' world. Engaging with Foreign Law thus aims to carve out a new niche for comparative law in this era of globalisation, and may also be the only book which deals in some depth with both private and public law in countries such as England, Germany, France, South Africa, and the United States.

An Index to Common Law Festschriften
OUP Oxford

This is the first ever index of contributions to common law Festschriften and fills a serious bibliographic gap in the literature of the common law. The German word Festschrift is now the universally accepted term in the academy for a published collection of legal essays written by several authors to honour a distinguished jurist or to mark a significant legal event. The number of Festschriften honouring common lawyers has increased enormously in the last thirty years. Until now, the numerous scholarly contributions to these volumes have not been adequately indexed. This Index fills that bibliographic gap. The entries included in this work refer to some 296 common law Festschriften indexed by author, subject keyword, editor, title, honorand and date. It therefore includes over 5,000 chapter entries. In addition, there are more than a thousand entries of English language contributions to predominantly foreign language, non-common law legal Festschriften from Germany, Austria, Switzerland, Denmark, Finland, Iceland, Norway and Sweden.

The Stoic Tradition from Antiquity to the Early Middle Ages, Volume 1. Stoicism in

Classical Latin Literature Cambridge University Press

This is a study of the legal rules affecting the practice of female prostitution at Rome approximately from 200 B.C. to A.D. 250. It examines the formation and precise content of the legal norms developed for prostitution and those engaged in this profession, with close attention to their social context.

McGinn's unique study explores the "fit" between the law-system and the socio-economic reality while shedding light on important questions concerning marginal groups, marriage, sexual behavior, the family, slavery, and citizen status, particularly that of women.

Law and Love in Ovid Edward Elgar Publishing

This 2005 examination of twelve case studies about mistake, fraud and duties to inform reveals significant differences about how contract law works in thirteen European legal systems and, despite the fact that the solutions proposed are often similar, what divergent values underlie the legal rules. Whereas some jurisdictions recognise increasing duties to inform in numerous contracts so that the destiny of mistake and fraud (classical defects of consent) may appear to be uncertain, other jurisdictions continue to refuse such duties as a general rule or fail to recognise the need to protect one of the parties where there is an imbalance in bargaining power or information.

Avoiding preconceptions as to where and why these differences exist, this book first examines the historical origins and development of defects of consent, then considers the issues from a comparative and critical standpoint.

The Historical Foundations of Grotius' Analysis of Delict University of Michigan Press

Exploring the history of internal security under the first Roman dynasty, this book answers the enduring question: If there were nine thousand men guarding the emperor, why did Rome have the highest rate of assassination of any world empire? Sheldon concludes that the repeated problem of "killing Caesar" reflected the empire's larger dynamics and turmoil.

Iniuria and the Common Law Routledge

The dislocations of the worldwide economic crisis, the necessity of a system of global justice to address crimes against humanity, and the notorious 'democratic deficit' of international institutions highlight the need for an innovative and truly global legal system, one that permits humanity to re-order itself according to acknowledged global needs and evolving consciousness. A new global law will constitute, by itself, a genuine legal order and will not be limited to a handful of moral principles that attempt to guide the conduct of the world's peoples. If the law of nations served the hegemonic interests of Ancient Rome, and international law served those of the European nation-state, then a new global law will contribute to the common good of all humanity and, ideally, to the development of durable world peace. This volume offers a historical-judicial foundation for the development of this new global law.

Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law Volume 3 A&C Black

Explores hieroglyphs as a metaphor for the relationship between new media and writing in British modernism.

The Cambridge Companion to Roman Law BRILL

This is the seventh edition of the leading work on transnational and comparative

commercial, financial, and trade law, covering a wide range of complex topics in the modern law of international commerce, finance and trade. As a guide for students and practitioners it has proven to be unrivalled. The work is divided into three volumes, each of which can be used independently or as part of the complete work. Volume 2 deals with the transnationalisation of contract; movable and intangible property law; and the transformation of the models of contract and movable property in commercial and financial transactions between professionals in the international flow of goods, services, money, information, and technology. In this transnational legal order, the emphasis in the new law merchant or modern *lex mercatoria* of contract and movable property turns to risk management, asset liquidity, and transactional and payment finality. Common law and civil law concepts are compared and future directions indicated. The potential, effects, and challenges of the blockchain are noted, so far especially for the carriage of goods by sea. All three volumes may be purchased separately or as part of a single set.

Legal Traditions of the World Oxford University Press

Originally published in 1984, *Literature and Law in the Middle Ages* is a comprehensive bibliography on the subject of literature and law in the Middle Ages. The collection was composed with the notion that early society regarded literature, law and religion from the same single point of view. It discusses how for many medieval poets, their art existed primarily to enforce obedience to God and king and suggests that society viewed law as a chief instrument of the

divine will in human affairs. The book's comprehensive introduction argues that eventually, these areas diverged and became separate; this bibliography covers the broad period of the Middle Ages from the 5th to the 15th century

and examines this period of transition during which, the process was not yet complete. This bibliography will be a vital resource for those studying medieval studies, both in literature and history.