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Rev. ed. of: Textbook on Roman law / Andrew Borkowski, Paul du Plessis. 3rd ed. c2005.

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 -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

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 review 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.

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Ars Docendi et Scribendi: Essays in honour of Johan Scott Edited by the Faculty of Law, University of Pretoria ISBN: 978-1-920538-76-7 Pages: 243 Print version: Available Electronic version: Free PDF available About the publication "Festschrift" - a collection of articles by the colleagues, former students, etc. of a noted scholar, published in his or her honour. During his travels abroad Johan Scott built up a wide network of international scholars who over time became a valued circle of friends, many of whom spent enriching moments in his company and who contributed to this Festschrift. Contributors were requested to write in their home language, and furthermore to submit their contributions for publication in other journals worldwide, specifically accrediting this Festschrift in order to expand access worldwide to the wonderful contributions written in honour of our colleague. Great scholars like Johan never retire. They might go fishing more than they could in the past, but his calling of being a true teacher will never fade. Scholars like Johan understand that the present and the future are inevitably linked to the past, and although education depends on talent and performance, it should always serve to build character and a vision for future generations. Table of Contents Dedication Acknowledgments Publications of Johan Scott Essays Sessie en subrogasie Susan Scott Revisiting the maxim imperitū culpae adnumeratur in context of medical negligence – can the maxim be extended to include the application of luxuria? Pieter Carstens The Omissions in Oppelt Duard Kleyn & Emile Zitzke Skeepsouer-geboue – roerend of onroerend? I Knobel Wrongfulness: derailed or on track? Johann Knobel Fremdsprachige Rechtsbegriffe und Auslegung von internationalen Verträgen Gabriele Koziol Die actio de delictis vel offusis in Südafrika und Österreich Helmut Koziol, Wien/Gratz Die resneglevansie van owerespeel: qua valens? Johann Neethling & Johan Potgieter Die impak van die Nasionale Kredietwet op die Sakerse en Saaklike Sakeheid JM Otto How the European Court of Human Rights changed the life of surrogate children Prof Dr Walter Pirtens De Nederlandse Natuurschoonwet: voorbeeld voor Zuid-Afrika? Prof Sebastiaan Roes Borgstelling, saaklike sakeheidsregte en die verpligtinge van ' n medieshoofskuldensar – ' n werklik merkwaaardige uitspraak. JC Sommers The Hopeless Case of Climate Change: Can we still keep the floodgates shut? Jaap Spier & Daniël Witto Die Consumer Protection Act: Laaste spyker in voetstoetsbedinge se doods kis? Philip N Stoop Protection of trust beneficiaries through the application of basic trust principles Anton van der Linde Taming the chimera: The treatment of " wrongfulness " in South African delict scholarship Daniel Visser Enkele aspekte rakende " n retensiering en " n verhuurder se stilsrywende hipoteek Dr M Wiese Personal tributes André Boraine Christof Heyns Aenna Malan Chris Pretorius Neil van Schalkwyk Caroline Van Schoubroeck Bibliography

The delict of iniuria is among the most sophisticated products of the Roman legal tradition. The original focus of the delict was assault, although iniuria-literally a wrong or unlawful act-indicated a very wide potential scope. Yet it quickly grew to include sexual harassment and defamation, and by the first century CE it had been re-oriented around the concept of contumelia so as to incorporate a range of new wrongs, including insult and invasion of privacy. In truth, it now comprised all attacks on personality. It is the Roman delict of iniuria which forms the foundation of both the South African and-more controversially-Scots laws of injuries to personality. On the other hand, iniuria is a concept formally alien to English law. But as its title suggests, this book of essays is representative of a species of legal scholarship best described as 'oxymoronic comparative law', employing a concept peculiar to one legal tradition in order to interrogate another where, apparently, it does not belong. Addressing a series of doctrinal puzzles within the law of assault, defamation and breach of privacy, it considers in what respects the Roman delict of iniuria overlaps with its modern counterparts in England, Scotland and South Africa; the differences and similarities between the analytical frameworks employed in the ancient and modern law; and the degree to which the Roman proto-delict points the way to future developments in each of these three legal systems.

Mainstream historians in recent decades have often treated formal categories and rules as something to be 'used' by individuals, as one might use a stick or stone, and the gains of an earlier legal history are often needlessly set aside. Anthropologists, meanwhile, have treated rules as analytic errors and categories as an imposition by outside powers or by analysts, leaving a very thin notion of 'practice' as the stuff of social life. Philosophy of an older vintage, as well as the work of scholars such as Charles Taylor, provides fresh approaches when applied imaginatively to cases beyond the traditional ground of modern Europe and North America. Not only are different kinds of rules and categories open to examination, but the very notion of a rule can be explored more deeply. This volume approaches rules and categories as constitutive of action and hence of social life, but also as providing means of criticism and imagination. A general theoretical framework is derived from analytical philosophy, from Wittgenstein to his critics and beyond, and from recent legal thinkers such as Schauer and Waldron. Case-studies are presented from a broad range of periods and regions, from Amazonia via northern Chad, Tibet, and medieval Russia to the scholarly worlds of Roman law, Islam, and Classical India. As the third volume in the Legalism series, this collection draws on common themes that run throughout the first two volumes: Legalism: Anthropology and History and Legalism: Community and Justice, consolidating them in a framework that suggests a new approach to rule-bound systems.

This edited collection presents an interesting and original series of essays on the roles of principle and pragmatism in Roman private law. The book traverses key areas of Roman law to examine the explanatory power of - and delineate interactions between - abstract, doctrinal principle, and pragmatic, real-world problem-solving. Essays canvassing sources of law, property, succession, contracts and delicts sketch the varied roles of theoretical narratives - whether internal to Roman doctrine or derived from external influence - and of practical, policy-based solutions in the jurists' thought. Principled reasoning in Roman juristic argument ranges from safeguarding commerce, to the priority of acts or intentions in property transactions, to notions of pietas, to Platonic conceptions of the market. Pragmatism is discernible in myriad ways, from divergence between form and substance, to extension of legal rules for economic, social or political utility, to emphasis on what parties did rather than what they said. The distinctive contribution of the book is its survey of different manifestations of principle and pragmatism across Roman private law. The essays - by eminent as well as emerging academics - will stimulate debate about the roles principle and pragmatism play in juristic argument, and will be of interest to both scholars and students of Roman law.

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