

Cambridge University Press
0521441994 - The Roman Law Tradition
Edited by A. D. E. Lewis and D. J. Ibbetson
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In *The Roman Law Tradition* an international team of distinguished legal scholars explore the various ways in which Roman law has affected and continues to affect patterns of legal decision-making throughout the world. Roman law began as the local law of a small Italian city. It grew to dominate the legal relationships of the Mediterranean basin for the first five hundred years of our era. The revival of its study in the mediaeval universities led to its influencing the subsequent development of the legal system of western Europe and thereafter those parts of the rest of the world colonised from Europe. Roman legal ideas penetrated procedure as well as the substance of law and assisted the process of harmonisation and codification of local customary laws. Techniques of legal reasoning which first emerge in Rome continue in daily use. Roman law was also of immense significance in the emergence of modern political thought.

Few scholars have written as widely and influentially on the Roman legal tradition as Peter Stein, former Regius Professor of Civil Law in the University of Cambridge. As a tribute to and continuation of his work, the present volume brings together twelve studies, ranging in time from republican Rome to the European Court of Human Rights, which together provide an emphatic endorsement of the continued importance and vitality of that tradition.

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Foreword: Peter Stein, Regius Professor of Civil Law in the University of Cambridge, 1968–1993

Bracton got his Roman law from the Glossators, Hale from the Humanists and Austin from the Pandectists. In each case the English writer was affected by the form and tendency of his source. Bracton found a legal grammar with which he was able to build up a picture of English law in substantive rather than procedural terms. Hale found an account of the parallel development of law and society from a primitive to a sophisticated system. Austin found the categories and tools of analysis with which to test the scientific quality of the law against an external standard.

This passage from his inaugural lecture as Regius Professor of Civil Law in Cambridge, *Roman Law and English Jurisprudence Yesterday and Today* (Cambridge, 1969), witnesses to the depth and range of Peter Stein's scholarship. He has made major contributions to jurisprudence and its history, and he is a master of the western European legal tradition and its Roman foundation.

His writings have ranged across the whole field of the Roman legal tradition: the substantive Roman law and its reflection in modern legal systems, both Common law and civilian, from Scotland to San Marino; the resurgence of Roman law in the twelfth and thirteenth centuries, and legal humanism in the sixteenth; the basic forms of legal reasoning and modes of legal analysis; Roman legal ideas and their pervasive influence on political philosophy.

Few scholars command more affection and admiration, and few have done more to illuminate not only Roman law as it was in its first life but also the huge contribution of the Roman law library to both the principal legal families in modern Europe. His long and immensely fruitful tenure of the Cambridge chair has also brought many to depend on his permanent availability as a leader and defender of a particular view of the law and legal education, as requiring, indispensably, an historical foundation.

PETER BIRKS

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 University of Oxford*

Abbreviations

A.C.	Law Reports, Appeal Cases
All E.R.	All England Law Reports
B. & Ald.	Barnewall and Alderson's Reports
B. & C.	Barnewall and Cresswell's Reports
B.G.B.	Bürgerliches Gesetzbuch (German Civil Code)
B.I.D.R.	Bulletino dell'Instituto di Diritto Romano
B. & S.	Best and Smith's Reports
Bing.	Bingham's Reports
Bulstr.	Bulstrode's Reports
Burr.	Burrow's Reports
C.	Codex Justinianus
C.B.	Common Bench Reports
C.L.J.	Cambridge Law Journal
C.L.P.	Current Legal Problems
Cmd.	Command Paper
Co.Rep.	Coke's Reports
Coll.	Collatio Legum Mosaicarum et Romanarum
Const.	Constitutio(n)
Cr.App.Rep.	Criminal Appeal Reports
Crim.L.R.	Criminal Law Review
Cro.Eliz.	Croke's Reports of the time of Elizabeth I
D.	Digesta or Dunlop's Court of Session Cases
F.	Faculty Decisions, Court of Session
FIRA	Fontes Iuris Romani Antejustiniani (ed. S. Riccobono <i>et alii</i> , 2nd edn (Florence, 1968))
G. or Gaius	The Institutes of Gaius
Gl.	Gloss(a)
H.t.	Hoc titulo
J.Inst.	Justinian's Institutes
Kel.	Sir John Kelyng's Reports
L.Q.R.	Law Quarterly Review
Lib.Ass.	Liber Assisarum

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Lord Raym.	Lord Raymond's Reports
M.	Morison's Dictionary of Decisions
M. & W.	Meeson and Welsby's Reports
Mod.	Modern Reports
O.J.L.S.	Oxford Journal of Legal Studies
P.R.O.	Public Record Office
P.S.	Pauli Sententiae
Q.B.	Law Reports, Queen's Bench Division
R.	Rettie, Crawford and Melville, Court of Session Cases
R. & R.	Russell and Ryan's Crown Cases Reserved
S.	Shaw's Session Cases, first series
S.C.	Session Cases
S.D.H.I.	Studia et Documenta Historiae et Iuris
S.L.T.	Scots Law Times Reports
Salk.	Salkeld's Reports
Stra.	Strange's Reports
T.R.	Term Reports
T.v.R.	Tijdschrift voor Rechtsgeschiednis
Tab.	Twelve Tables
W.Bl.	William Blackstone's Reports
W.L.R.	Weekly Law Reports
Wils.	Wilson's King's Bench Reports
Y.B.	Year Book
Z.S.S.	Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: römianistische Abteilung