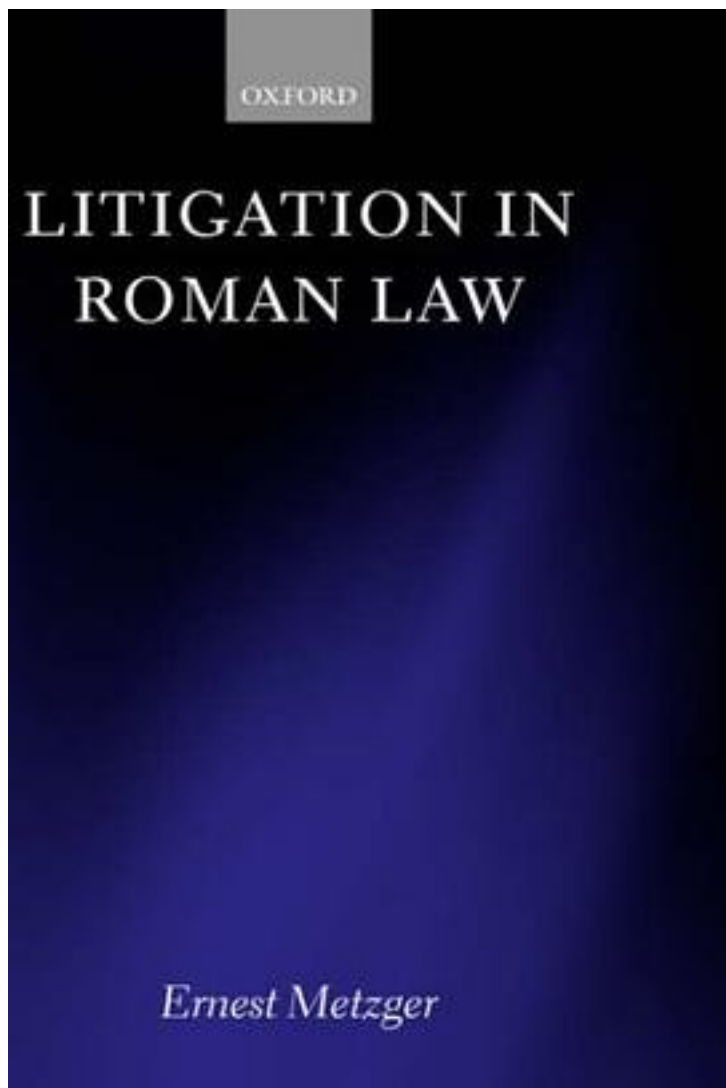


# Litigation in Roman Law



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Modern accounts of how the classical Romans sued each other tend to show the opponents willingly working together under the guidance of a magistrate, until their case was ready for trial. The parties found a convenient time to make their first appearance, at which time they decided on the details of their case, selected a judge, and received permission to go to trial. If any delay were necessary, the magistrate helped the parties in their arrangements to return. This picture is unrealistic: it presumes a high degree of cooperation between the parties, the personal stewardship of a magistrate, and the ready availability of a judge. This accepted picture emerged over time from a tiny amount of evidence. Justinian had no interest in preserving evidence on classical procedure, and subsequent generations of jurists often did not regard rules of procedure as worthy of interest. Recent years, however, have brought a flood of new evidence on classical Roman legal procedure. Metzger examines this evidence, painting a picture of litigation that is far less polite and far less orderly. He examines how the rules of procedure coped with the typical pretrial delays that the Roman system, and indeed any legal system, faces.

作者介绍:

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