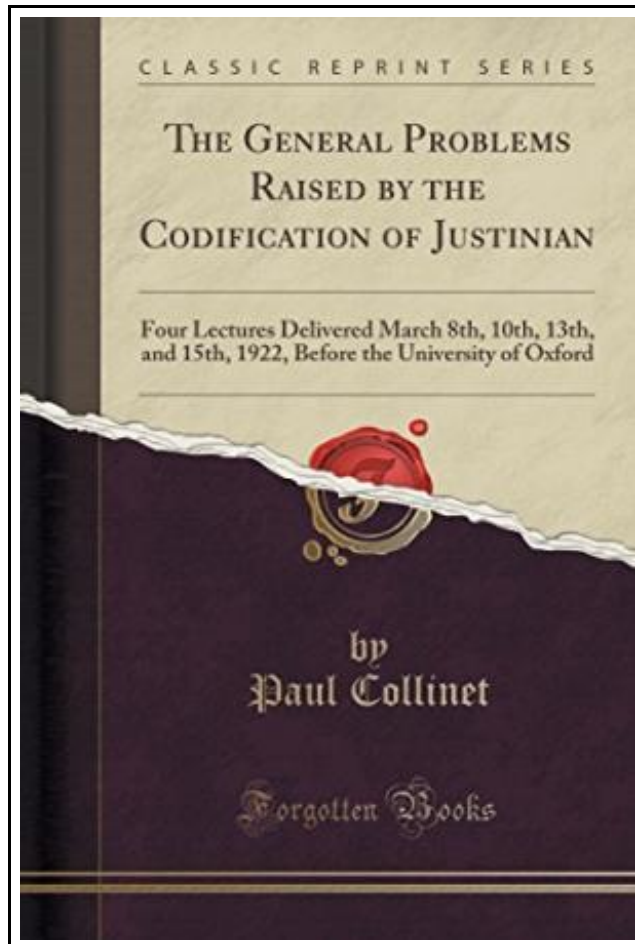


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(Judd Schulist)

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Forgotten Books, United States, 2015. Paperback. Book Condition: New. 229 x 152 mm. Language: English . Brand New Book ***** Print on Demand *****.Excerpt from The General Problems Raised by the Codification of Justinian: Four Lectures Delivered March 8th, 10th, 13th, and 15th, 1922, Before the University of Oxford The general problems that I intend to examine are historical problems the solution of which is, of course, to be found by means of historical method. But, in the treatment of these problems, I should like to show that the historical method, as it is applied to-day, is not yet broad enough and must be developed as far as possible. That is necessary, I think, if we would reconstruct more completely and more surely Roman law, classical as well as Byzantine and primitive (the consideration of the primitive Roman law remaining outside our present plan.) My meaning is that, up to now, the historical method, as used by Roman lawyers, has been rather critical than properly historical, i.e. rather the method used by philologists than that used by historians. In my opinion, indeed, many new and important results may be obtained if scholars will endeavour to consider the compilation of Justinian as a work whose interpretation must be historical, i.e. a work which, to be thoroughly understood, must not be isolated from the historical atmosphere and political circumstances in which it came to birth. In other words, scholars will endeavour to use, to its full extent, historical criticism in which philological and juridical criticisms are far from being the only elements. Criticism, as understood by many authors (for example, recently, by Gerhard Beseler) is merely textual criticism. By such a method, as a matter of fact, Byzantine elements in the Corpus iuris can be distinguished from classical. It even permits the...

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