

Le Fonti Dellordinamento R Blicano

Challenges the social-science image of Israel as a historical peculiarity by situating Israel's history in comparative context; by building bridges between Israel and other Middle Eastern states; and by using the Israeli case to reconsider existing social science theories and correct common misperceptions about the comparative method.

<http://dx.doi.org/10.12946/gplh3> <http://www.epubli.de/shop/buch/48746> "Spanish colonial law, *derecho indiano*, has since the early 20th century been a vigorous subdiscipline of legal history. One of great figures in the field, the Argentinian legal historian Víctor Tau Anzoátegui, published in 1997 his *Nuevos horizontes en el estudio histórico del derecho indiano*.

The book, in which Tau addressed seminal methodological questions setting tone for the discipline's future orientation, proved to be the starting point for an important renewal of the discipline. Tau drew on the writings of legal historians, such as Paolo Grossi, Antonio Manuel Hespanha, and Bartolomé Clavero. Tau emphasized the development of legal history in connection to what he called "the posture superseding rational and statutory state law." The following features of normativity were now in need of increasing scholarly attention: the autonomy of different levels of social organization, the different modes of normative creativity, the many different notions of law and justice, the position of the jurist as an artifact of law, and the casuistic character of the legal decisions. Moreover, Tau highlighted certain areas of Spanish colonial law that he thought deserved more attention than they had hitherto received. One of these was the history of the learned jurist: the *letrado* was to be seen in his social, political, economic, and bureaucratic context. The Argentinian legal historian called for more scholarly works on book history, and he thought that provincial and local histories of Spanish colonial law had been studied too little. Within the field of historical science as a whole, these ideas may not have been revolutionary, but they contributed in an important way to bringing the study of Spanish colonial law up-to-date. It is beyond doubt that Tau's programmatic visions have been largely fulfilled in the past two decades. Equally manifest is, however, that new challenges to legal history and Spanish colonial law have emerged. The challenges of globalization are felt both in the historical and legal sciences, and not the least in the field of legal history. They have also brought major topics (back) on to the scene, such as the importance of religious normativity within the normative setting of societies. These challenges have made scholars aware of the necessity to reconstruct the circulation of ideas, juridical practices, and researchers are becoming more attentive to the intense cultural translation involved in the movement of legal ideas and institutions from one context to another. Not least, the growing consciousness and strong claims to reconsider colonial history from the premises of postcolonial scholarship expose the discipline to an unseen necessity of reconsidering its very foundational concepts. What concept of law do we need for our historical studies when considering multi-normative settings? How do we define the spatial dimension of our work? How do we analyze the entanglements in legal history? Until recently, Spanish colonial law attracted little interest from non-Hispanic scholars, and its results were not seen within a larger global context. In this respect, Spanish colonial law was hardly different from research done on legal history of the European continent or common law. Spanish colonial law has, however, recently become a topic of interest beyond the Hispanic world. The field is now increasingly seen in the context of "global legal history," while the old and the new research results are often put into a comparative context of both European law of the early Modern Period and other colonial legal orders. In this volume, scholars from different parts of the Western world approach Spanish colonial law from the new perspectives of contemporary legal historical research."

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"This study examines in depth the *pugio* (pl. *pugiones*), a short daggersword and one of the weapons of choice of the Roman army -- it was the weapon that killed Julius Caesar. Its rich decoration and the use of precious metals have given it legendary status, which has been enhanced by a scarcity of literary sources and the lack of a clear explanation of its function or the specific use soldiers made of it. This work tries to fill this gap, basing its finds exclusively on undisputed data and sources. This study of the *pugio* takes us through the history and evolution of the Roman army itself"--Publisher's web site.

Written by one of our most respected legal historians, this book analyzes the interaction of law and religion in ancient Rome. As such, it offers a major new perspective on the nature and development of Roman law in the early republic and empire before Christianity was recognized and encouraged by Constantine. At the heart of the book is the apparent paradox that Roman private law is remarkably secular even though, until the late second century B.C., the Romans were regarded (and regarded themselves) as the most religious people in the world. Adding to the paradox was the fact that the interpretation of private law, which dealt with relations between private citizens, lay in the hands of the College of Pontiffs, an advisory body of priests. Alan Watson traces the roots of the paradox--and the way in which Roman law ultimately developed--to the conflict between patricians and plebeians that occurred in the mid-fifth century B.C. When the plebeians demanded equality of all citizens before the law, the patricians prepared in response the Twelve Tables, a law code that included only matters considered appropriate for plebeians. Public law, which dealt with public officials and

the governance of the state, was totally excluded from the code, thus preserving gross inequalities between the classes of Roman citizens. Religious law, deemed to be the preserve of patrician priests, was also excluded. As Watson notes, giving a monopoly of legal interpretation to the College of Pontiffs was a shrewd move to maintain patrician advantages; however, a fundamental consequence was that modes of legal reasoning appropriate for judgments in sacred law were carried over to private law, where they were often less appropriate. Such reasoning, Watson contends, persists even in modern legal systems. After sketching the tenets of Roman religion and the content of the Twelve Tables, Watson proceeds to such matters as formalism in religion and law, religion and property, and state religion versus alien religion. In his concluding chapter, he compares the law that emerged after the adoption of the Twelve Tables with the law that reportedly existed under the early Roman kings.

This book disseminates a selected collection of research texts from the Congress Hybrid Identities, held in 2011 in the Institute for Research into Identities and Society (University of Lleida, Catalonia, Spain). Outstanding researchers from Social and Humanities fields adapted the hybridization of society such as a new perspective in order to study and understand the evolution of conviviality from the Middle Ages to current days throughout a comparative space and time. Taking the concept from the anthropology, the hybridization became a new approach for social studies and Humanities. Hybridization offers a historical perspective in order to renew perspectives for study different societies during all historical periods since Middle Ages to current days. At the same time, hybridization appears as a tool for analysing social realities in the different continents of the world. In any case, it is a new way in order to understand how the societies reaches its respective cohesions throughout mixed identities.

Evaluates the conservative movement that has swept across America in recent years, contending that conservatives have waged deliberate and effective campaigns against liberal advances, in an analysis that offers insight into right-wing politics and its organizers, representatives, and supporters. 50,000 first printing.

Vols. 10-12 (1899-1901) include "Bolletino della Società bibliografica italiana" (separately paged in v. 10).

What are the aims of a criminal trial? What social functions should it perform? And how is the trial as a political institution linked to other institutions in a democratic polity? What follows if we understand a criminal trial as calling a defendant to answer to a charge of criminal wrongdoing and, if he is judged to be responsible for such wrongdoing, to account for his conduct? A normative theory of the trial, an account of what trials ought to be and of what ends they should serve, must take these central aspects of the trial seriously; but they raise a number of difficult questions. They suggest that the trial should be seen as a communicative process: but what kinds of communication should it involve? What kind of political theory does a communicative conception of the trial require? Can trials ever actually amount to more than the imposition of state power on the defendant? What political role might trials play in conflicts that must deal not simply with issues of individual responsibility but with broader collective wrongs, including wrongs perpetrated by, or in the name of, the state? These are the issues addressed by the essays in this volume. The third volume in this series, in which the four editors of this volume develop their own normative account, will be published in 2007.

In this provocative and engagingly written book, the authors argue that politicians seldom tailor their policy decisions to "pander" to public opinion. In fact, they say that when not facing election, contemporary presidents and members of Congress routinely ignore the public's preferences and follow their own political philosophies. 37 graphs.

Increasing attention is being paid to the political uses of the new communication technologies. Digital Democracy offers an invaluable in-depth explanation of what issues of theory and application are most important to the emergence and development of computer-mediated communication systems for political purposes. The book provides a wide-ranging critical examination of the concept of virtual democracy as discussed in theory and as implemented in practice and policy that has been hitherto unavailable. It addresses how the Internet, World Wide Web and computer-mediated political communication are affecting democracy and focuses on the various theoretical and practical issues involved in digital democracy. Using international examples Digital Democracy attempts to connect theoretical analysis to considerations of practice and policy.

Politics and Society in Imperial Rome offers fresh new interpretations of the politics, society, and culture Rome's imperial era. Argues that the early principate was fundamentally incompatible with the persisting structures of the Roman Republic Demonstrates how these contradictory systems affected the development of Roman society Includes case studies on the imperial court and the emperor Caligula, as well as chapters on the scholarship of Theodor Mommsen and Christian Meier

In recent years, numerous multi-national states have disintegrated along national lines, and today, many more, in both the first and the third worlds, continue to witness bitter secessionist struggles. The proliferation of national conflicts and secessionist movements has given rise to many important questions which urgently need to be addressed. When is secession justified? What is a people and what gives them a right to secede? Is national determination consistent with liberal and democratic principles? Or is it a dangerous doctrine? In the years following 1991, when Allen Buchanan published *Secession*, a number of competing theories of the ethics of secession have been put forward. This pathbreaking study, by a host of leading figures in the field, brings together for the first time a series of original essays on these theories. Offering fresh insight into debates about contested territory, the problem of minorities, and the place of secession in resolving national conflicts, this volume provides a much-needed philosophical discussion of the normative implications of nationalism.

Since the French and Dutch voters rejected the Treaty establishing a Constitution for Europe, in May and June 2005 respectively, politicians and lawyers have been confronted with the question of how to move forward. This book strives to formulate answers on the question of what to do if not all the Member States ratify the Treaty. It brings together contributions from over 50 experts from the 25 Member States, from candidate, potential candidate and neighbouring

countries, as well as from Russia and the US. Key topics covered are: the process and impact of EU constitution-making; the democratic life of the EU; improving the efficiency and quality of legislation in the EU; the expansion of executive, judicial and legislative powers; and access to justice.

At the intersection of two sweeping global trends—the rise of popular support for principles of theocratic governance and the spread of constitutionalism and judicial review—a new legal order has emerged: constitutional theocracy. It enshrines religion and its interlocutors as “a” or “the” source of legislation, and at the same time adheres to core ideals and practices of modern constitutionalism. A unique hybrid of apparently conflicting worldviews, values, and interests, constitutional theocracies thus offer an ideal setting—a “living laboratory” as it were—for studying constitutional law as a form of politics by other means. In this book, Ran Hirschl undertakes a rigorous comparative analysis of religion-and-state jurisprudence from dozens of countries worldwide to explore the evolving role of constitutional law and courts in a non-secularist world. Counterintuitively, Hirschl argues that the constitutional enshrinement of religion is a rational, prudent strategy that allows opponents of theocratic governance to talk the religious talk without walking most of what they regard as theocracy’s unappealing, costly walk. Many of the jurisdictional, enforcement, and cooptation advantages that gave religious legal regimes an edge in the pre-modern era, are now aiding the modern state and its laws in its effort to contain religion. The “constitutional” in a constitutional theocracy thus fulfills the same restricting function it carries out in a constitutional democracy: it brings theocratic governance under check and assigns to constitutional law and courts the task of a bulwark against the threat of radical religion.

Jean Andraeu and Raymond Descat break new ground in this comparative history of slavery in Greece and Rome. Focusing on slaves' economic role in society, their crucial contributions to Greek and Roman culture, and their daily and family lives, the authors examine the different ways in which slavery evolved in the two cultures. Accessible to both scholars and students, this book provides a detailed overview of the ancient evidence and the modern debates surrounding the vast and largely invisible populations of enslaved peoples in the classical world.

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This book shows how Darwinian biology supports an Aristotelian view of ethics as rooted in human nature. Defending a conception of “Darwinian natural right” based on the claim that the good is the desirable, the author argues that there are at least twenty natural desires that are universal to all human societies because they are based in human biology. The satisfaction of these natural desires constitutes a universal standard for judging social practice as either fulfilling or frustrating human nature, although prudence is required in judging what is best for particular circumstances. The author studies the familial bonding of parents and children and the conjugal bonding of men and women as illustrating social behavior that conforms to Darwinian natural right. He also studies slavery and psychopathy as illustrating social behavior that contradicts Darwinian natural right. He argues as well that the natural moral sense does not require religious belief, although such belief can sometimes reinforce the dictates of nature.

This book gives a radical, new, chapter-by-chapter reading of Machiavelli's *The Prince*, arguing that it is an ironic masterpiece with a moral purpose. It outlines Machiavelli's most important ironic techniques: a normatively coded use of language.

Global Urban Analysis provides a unique insight into the contemporary world economy through a focus on cities. It is based upon a large-scale customised data collection on how leading businesses use cities across the world: as headquarter locations, for finance, for professional and creative services, for media. These data - involving up to 2000 firms and over 500 cities - provide evidence for both how the leading cities, sometimes called global cities, are coming to dominate the world economy, and how hundreds of other cities are faring in this brave new urban world. Thus can the likes of London, New York and Hong Kong be tracked as well as Manchester, Cleveland and Guangzhou, and even Plymouth, Chattanooga and Xi'an. Cities are assessed and ranked in terms of their importance for various functions such as for financial services, legal services and advertising, plus novel findings are reported for the geographical orientations of their connections. This is truly a comprehensive survey of cities in globalization covering global, world-regional, and national scales of analysis: - 4 key chapters outline the global structure of the world economy featuring the leading cities; - 9 regional chapters covering the whole world also feature the level of services provided by 'medium' cities; - 22 chapters on selected countries and sub-regions indicate global-ness and local-ness and feature an even wider range of cities. Written in an easy to understand style, this book is a must read for anybody interested in their own city in the world and how it relates to other cities.

The walls of Le Nuove prison in Turin are scarred by graffiti, bullets and blood. Opened in 1870, Le Nuove was one of Italy's first panoptical prisons. During the Second World War it was occupied by the Nazis, who executed and deported anti-Fascist and Jewish prisoners held there. In the 1970s it housed left-wing 'terrorists', who spearheaded violent riots that spread to prisons across Italy. The prison staff became targets and four were shot dead. When Le Nuove finally closed down in October 2003, the memories of the tragic events that occurred there became obstacles to its demolition. Combining oral history, anthropology and micro-history, this book examines the cultural memory of Le Nuove via interviews, archives and the material traces left within the building itself. The volume examines issues such as the relationship between memory and place, forgetting, and the problems of a global cultural heritage increasingly focused on places of suffering. By following the architecture of the prison in her narrative, the author actively engages with the many layers of time competing to give meaning to the prison today, as well as addressing the hidden stories, myths and silences that condition any study of cultural memory.

A fascinating history of nationalistic policies in Europe in the mid-nineteenth century. Both Germany, France and Italy experienced huge nationalistic political reforms and they helped create the modern Europe we know today.

The cultural and material legacies of the Roman Republic and Empire in evidence throughout Rome have made it the "Eternal City." Too often, however, this patrimony has caused Rome to be seen as static and antique, insulated from the transformations of the modern world. In *Excavating Modernity*, Joshua Arthurs dramatically revises this perception, arguing that as both place and idea, Rome was strongly shaped by a radical vision of modernity imposed by Mussolini's regime between the two world wars. Italian Fascism's appropriation of the Roman past—the idea of Rome, or *romanità*—encapsulated the Fascist virtues of discipline, hierarchy, and order; the Fascist "new man" was modeled on the Roman legionary, the epitome of the virile citizen-soldier. This vision of modernity also transcended Italy's borders, with the Roman Empire providing a foundation for Fascism's own vision of Mediterranean domination and a European New Order. At the same time, *romanità* also served as a vocabulary of anxiety about modernity. Fears of population decline, racial degeneration and revolution were mapped onto the barbarian invasions and the fall of Rome. Offering a critical assessment of *romanità* and its effects, Arthurs explores the ways in which academics, officials, and

ideologues approached Rome not as a site of distant glories but as a blueprint for contemporary life, a source of dynamic values to shape the present and future.

Mediterranean Diasporas looks at the relationship between displacement and the circulation of ideas within and from the Mediterranean basin in the long 19th century. In bringing together leading historians working on Southern Europe, the Balkans, and the Ottoman Empire for the first time, it builds bridges across national historiographies, raises a number of comparative questions and unveils unexplored intellectual connections and ideological formulations. The book shows that in the so-called age of nationalism the idea of the nation state was by no means dominant, as displaced intellectuals and migrant communities developed notions of double national affiliations, imperial patriotism and liberal imperialism. By adopting the Mediterranean as a framework of analysis, the collection offers a fresh contribution to the growing field of transnational and global intellectual history, revising the genealogy of 19th-century nationalism and liberalism, and reveals new perspectives on the intellectual dynamics of the age of revolutions.

Long a major element of classical studies, the examination of the laws of the ancient Romans has gained momentum in recent years as interdisciplinary work in legal studies has spread. Two resulting issues have arisen, on one hand concerning Roman laws as intellectual achievements and historical artifacts, and on the other about how we should consequently conceptualize Roman law. Drawn from a conference convened by the volume's editor at the American Academy in Rome addressing these concerns and others, this volume investigates in detail the Roman law of obligations—a subset of private law—together with its subordinate fields, contracts and delicts (torts). A centuries-old and highly influential discipline, Roman law has traditionally been studied in the context of law schools, rather than humanities faculties. This book opens a window on that world. Roman law, despite intense interest in the United States and elsewhere in the English-speaking world, remains largely a continental European enterprise in terms of scholarly publications and access to such publications. This volume offers a collection of specialist essays by leading scholars Nikolaus Benke, Cosimo Cascione, Maria Floriana Cursi, Paul du Plessis, Roberto Fiori, Dennis Kehoe, Carla Masi Doria, Ernest Metzger, Federico Procchi, J. Michael Rainer, Salvo Randazzo, and Bernard Stolte, many of whom have not published before in English, as well as opening and concluding chapters by editor Thomas A. J. McGinn.

The Institutes of Gaius
Bristol Classical Press

The first extended study of the painting of Florence and Siena in the later 14th century, this book presents a rich interweaving of considerations of connoisseurship, style, iconography, cultural and social background, and historical events.

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A crisp and trenchant dissection of populism today The word 'populism' has come to cover all manner of sins. Yet despite the prevalence of its use, it is often difficult to understand what connects its various supposed expressions. From Syriza to Trump and from Podemos to Brexit, the electoral earthquakes of recent years have often been grouped under this term. But what actually defines 'populism'? Is it an ideology, a form of organisation, or a mentality? Marco Revelli seeks to answer this question by getting to grips with the historical dynamics of so-called 'populist' movements. While in the early days of democracy, populism sought to represent classes and social layers who asserted their political role for the first time, in today's post-democratic climate, it instead expresses the grievances of those who had until recently felt that they were included. Having lost their power, the disinherited embrace not a political alternative to -isms like liberalism or socialism, but a populist mood of discontent. The new populism is the 'formless form' that protest and grievance assume in the era of financialisation, in the era where the atomised masses lack voice or organisation. For Revelli, this new populism the child of an age in which the Left has been hollowed out and lost its capacity to offer an alternative.

This book provides a synthesis of recent research on the history of crime and criminal justice in Europe from the mid-18th to the mid-20th centuries. It tackles the subject chronologically, paying due attention to the evolving economic, social, and political aspects of the continent over the two centuries. It addresses specifically the different forms of criminal offending and the changing interpretations and understandings of that offending at both elite and popular levels. It explores how both old regimes and the new nation states, that emerged in the early 19th century, responded to criminal activity with the development of police forces and the refinement of forms of punishment.

Gaius was a Roman jurist of the 2nd century AD. His Institutes is an important legal textbook covering all the elements of Roman law. This volume contains a useful Introduction, English translation and the Latin text of Seckel and Kuebler. Its aim is to make the Institutes, one of the seminal works of Roman law, accessible to students with little or no Latin.

Whether within or beyond the confines of the state, digitalization continues to transform politics, society and democracy. Information and Communication Technologies (ICTs) have already considerably affected political systems and structures, and no doubt they will continue to do so in the future. Adopting an international and comparative perspective, *Digital Democracy in a Globalized World* examines the impact of digitalization on democratic political life. It offers theoretical analyses as well as case studies to help readers appreciate the changing nature of democracy in the digital age.

Fascism was one of the twentieth century's principal political forces, and one of the most violent and problematic. Brutal, repressive and in some cases totalitarian, the fascist and authoritarian regimes of the early twentieth century, in Europe and beyond, sought to create revolutionary new orders that crushed their opponents. A central component of such regimes' exertion of control was criminal law, a focal point and key instrument of State punitive and repressive power. This collection brings together a range of original essays by international experts in the field to explore questions of criminal law under Italian Fascism and other similar regimes, including Franco's Spain, Vargas's Brazil and interwar Romania and Japan. Addressing issues of substantive criminal law, criminology and ideology, the form and function of criminal justice institutions, and the role and perception of criminal law in processes of transition, the collection casts new light on fascism's criminal legal history and related questions of theoretical interpretation and historiography. At the heart of the collection is the problematic issue of continuity and similarity among fascist systems and preceding, contemporaneous and subsequent legal orders, an issue that goes to the heart of fascist regimes' historical identity and the complex relationship between them and the legal orders constructed in their aftermath. The collection thus makes an innovative contribution both to the comparative understanding of fascism, and to critical engagement with the foundations and modalities of criminal law across systems.

This book brings together two scholarly traditions: experts in Roman, Jewish and Islamic law, an area where scholars tend to be familiar with work in each area, and experts in the legal traditions of South and East Asia, which have tended to be less interdisciplinary. The resulting mix produces new ways of looking at comparative law and legal history from a global perspective, and these essays contribute both to our understanding of comparative religion as well as comparative law.

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