

History of Law

Fariba Abdoli Mazraei

**1st Edition
Spring 2018**



**Masoumi Publication Service
for
Science & Culture**



کتابخانه ملی جمهوری اسلامی ایران

سرشناسه	: جلدی مزرانی، فریبا، ۱۳۵۱ -
عنوان و نام پدیدآور	: Abdoli Mazrae, Fariba
مشخصات نشر	: History of law/ Fariba Abdoli Mazraei.
مشخصات ظاهری	: تهران : علمی فرهنگی معصومی، ۱۳۹۷، ۲۰۱۸ م.
شابک	: ۹۷ ص.
وضعیت فهرست نویسی	: ۹۷۸-600-97428-6-8: ۱۵۰۰۰۰ ریل
یادداشت	: فیا
آوانویسی عنوان	: انگلیسی
موضوع	: هیستری آو...
موضوع	: حقوق -- تاریخ
رده بندی سگره	: Law -- History
رده بندی دی	: K150/ع289 ۱۳۹۷
شماره کتابخانه ملی	: ۳۴۰/۰۹
	: ۵۱۹۶۲۲۶

عنوان	: History of Law
مؤلف	: فریبا عبدلی مزرانی
ناشر	: Fariba Abdoli Mazraei
نویت چاپ	: علمی فرهنگی معصومی
سال چاپ	: اول
تیراژ	: بهار ۱۳۹۷
شابک	: ۱۰۰۰ جلد (هزار)
قیمت	: ۹۱۱-۶۰۰-۹۷۴۲۸-۶-۸
تعداد صفحات	: ۱۵۰۰۰ تومان
چاپخانه و صحافی	: ۹۷ صفحه
طراح جلد	: ناشر
	: فریبا عبدلی مزرانی

تهران، میدان انقلاب، ابتدای خیابان آزادی، کوچه جنتی، پست فرسار، پلاک ۲، طبقه ۳، واحد ۲.
 صندوق پستی: ۱۳۱۴۵۸۷۳، تلفن: ۶۶۰۰۶۶۳۰، www.masoumipub.com

Title	Page
Preface	7
Chapter 1: Common Issues	11
Feudal Jurisprudence	13
The Civil Law	14
Law and Legislation	15
Chapter 2: History of Law	21
Greek History of Law	23
History of Civil Law in Rome	25
The Comitia Curiata and the Comitia Centuriata	30
History of English Law	33
The common Law of England	37
History of American Law	39
Maritime Law History	41
Testamentary Law History	44
Law Development Phoenicia	47
Law Development Egypt	51
The Legal System of Ancient Egypt	54
Laws of Pythagoras	58
Magna Carta	62
Magna Carta History A D 1215	66
Roman Twelve Tables of Law	86
Roman Canon Law	90
Hugo Grotius	92
Resources	95

Preface

Known to every one is that the history of law, better to say, legal history is the history of human race, and personification of its experience. The Law developed before history was even recorded and rules were recognized to reconcile discussions before written laws or courts ever existed. This dates back to the age of the ancient Egyptians and Babylonians. Different to the general idea by the people, law was not invented but discovered systematically and established on historical experiences and historical events of generations for years and centuries.

Thousands of years ago, in Babylonia, the Mesopotamia region, and ethnic customs were transformed into social laws and regulations. Laws existed in the ancient Greece as well. The information on ancient Greek laws comes from several Homeric writings. As well, the Roman law was the legal system not only in ancient Rome, but applied all over Europe until the eighteenth century.

Some huge part of European modern laws is still influenced by Roman law. English and North American common and civil laws also are obliged some debt to the Roman ancient law.

Customary law ruled over human actions, for a long time, by reflecting the conduct of people towards one another. Below customary law, rules spontaneously emerged and developed aimed at establishing an argument between people. These spontaneously born rules are voluntarily pursued by the parties implicated in the dispute and are more likely to be gratifying to the parties than a rule imposed on them by an authoritative body. The customary law was the procedure that guides

to the discovery of natural law. Natural law is the irrefutable standard to which the laws must be stable in order to be legitimate. To clarify we can say that natural law is the body of rules of right conduct and justice common to all people. By comparison, common law is a system by which a law comes to pass based on some legal antecedent.

Historically, Anglo-Saxon customary law implicated a group of people known as Bohr compromising a guarantee for each of its members. Each individual would protect his/her property claims by accepting the responsibility to respect the property rights of others. The group would then pay the penalties for any member found to be in infringement of the agreement. Since finances were at stake, the group had an inducing reason to police its members and often invalidate the membership of those found in infringement of the rules. Moreover, it was also common to socially exile those who violate the rules. If the outcast member pays compensation, then they may be permitted to become members of the group again. These rules evolved spontaneously to establish the disputes between people in a civilized method thus eliminating violent measures. In some cases, the process implicated appeals and mutual disputes. This process and these two way arguments are analogous to financial organizations (in our times) such as insurance companies and institutes. Early Anglo-Saxon courts were assemblies made up of common people and neighbors. These early courts passed their sentence according to the customary law governing the society at the time in place. This guaranteed non violent means for solving conflicts occurred.

In the middle ages, there was a commercial and trade law governing the trade and commercial

transactions all over the Europe. This law emerged appropriate to require for certain standards to normalize international trade. Europe wide court systems and legal orders were formed and those who did not abide by the rules, regulations and decisions of this system were excluded from the social as well as business community.

Basically, customary law seeks to protect individual rights and during non violent resources. The economic fines and penalties imposed on the culpable party are destined to compensate the victim in the dispute. The culpable party is obliged to make payment in order to elude social and commercial exclusion. At the same time, this method permits space for every individual including the supposed guilty party to speak, dispute and express their difference.

Among certain lawyers and historians of legal method, it has been seen as the registering of the progress of laws and the technical clarification of how these laws have been developed with the view of better considerate the origins of diverse legal concepts, some consider it an area of intellectual history. Twentieth century historians have examined legal history in a more contextualized mode more in line with the thoughts of social historians. They have looked at legal institutions as complicated systems or rules, players and symbols and have seen these elements interrelate with society to change, adjust, oppose or promote certain characteristics of civil society. Such legal historians have tended to evaluate case histories from the parameters of social science investigation, using statistical methods, analyzing class differences among litigants, petitioners and other players in diverse legal processes. By analyzing case results, operation costs, number of settled cases; they have come to examine the legal institutions, practices, actions and briefs that give us a more composite picture

of law and society than the study of jurisprudence, case law and civil codes can accomplish.

www.ketab.ir