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ROMAN LAW AND MOHAMMEDAN JURISPRUDENCE (PAPERBACK)



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Theclassics.Us, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1908 edition. Excerpt: . in. AFTER having, in a summary manner, reviewed the historical connection existing between the Roman and Mohammedan laws, and examined the social condition of their respective people, we now come to our last theme, namely, the comparison of their laws proper, which will show their similarity in more than one point. This examination--which will be preceded by an explanation of jurisprudence in both systems and an attempt to show the likeness of their respective jurisconsults--will be limited to certain subjects of personal law and contracts, and concluded with a few observations on judicial organization. JURISPRUDENCE Jurisprudence, according to the Roman conception, is the knowledge of divine and human things; it is the science of the just and the unjust. 185 This definition has been severely criticised by various writers as not giving the exact idea of jurisprudence, and a distinguished English jurist went so far as to charge the Roman jurisconsults who adhered to that definition with contemptible imbecility. 186 It has been very often well observed that we should not view the thoughts of ancient sages with our modern standard of conception, but that, on the contrary, in passing judgment upon ideas, and even prejudices which have been the growth of centuries, we should entirely divest ourselves of actual conditions and environments. On the other hand, we should not lose sight of the fact that in ancient Rome, as well as in its sister country. Greece, religion and law were so much...



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