

Law In Context

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law in civil society advances a new and comprehensive theory of how legal institutions should be reformed to uphold the property family and economic rights of individuals in civil society in so doing it offers a powerful challenge to the dominant legal theories and practices espoused by liberalism positivism natural law and critical legal thought winfield argues against the prevailing assumptions of legal philosophers who dogmatically embrace formal or historical conceptions of law true law he contends must be constructed within the context of the different spheres of rights and ultimately can only exist within a civil society committed to self determination and community working from these fundamental premises he analyzes in detail a rich array of important legal issues fair access to legal representation the rationale for jury trials appropriate distinctions between civil and criminal legal procedures the controversies pitting common law versus codification and adversarial versus inquisitorial systems of trial and the relationship between civil society and the state much inspired by hegel s philosophy of right winfield s study offers the most convincing critique yet of that renowned philosopher s work and in the process provides a more complete and coherent conception of law than hegel himself articulated provocative and highly instructive the book should attract scholars teachers and students in legal and political philosophy and anyone else with an abiding interest in the foundations of western law

roman law in context explains how roman law worked for those who lived by it by viewing it in the light of the society and economy in which it operated the book discusses three main areas of roman law and life the family and inheritance property and the use of land commercial transactions and the management of businesses it also deals with the question of litigation and how

readily the roman citizen could assert his or her legal rights in practice in addition it provides an introduction to using the main sources of roman law the book ends with an epilogue discussing the role of roman law in medieval and modern europe a bibliographical essay and a glossary of legal terms the book involves the minimum of legal technicality and is intended to be accessible to students and teachers of roman history as well as interested general readers

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an introduction to and meditation on the key concepts history evolution complexities and importance of law in our nation s 233 year existence

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