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Handbook of Roman Law, by Max Radin

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NOTICES

Handbook of Roman Law, by Max Radin. Hornbook Series. West Publishing Co., St. Paul, Minnesota. 1927. Pages xiv, 516. Price \$4.50.

Professor Radin terms his work "Handbook of Roman Law." In his preface he suggests that this book may serve as an introduction to the fuller study of Roman law and he refers in his customary modest and generous way to the more considerable work of Girard's *Manuel de Droit Romain* (7th edition, Paris, 1924) and to Professor Buckland's "Textbook of Roman Law," Cambridge, 1921. It seems fair to say that Professor Radin's book is not only an admirable introduction to the general subject but it will serve for reference purposes in many cases fully as well as the more elaborate studies on the subject. It seems to the reviewer that lawyers are in an especial debt to Professor Radin for publishing this book. Perhaps it is not unreasonable to expect that it will have a great influence in familiarizing common law lawyers with some of the outlines and legal principles of the Roman law which they would not secure if they were forced to undertake any of the other basic books on the subject now published. For one thing this handbook of Roman law treats much of the Roman law under English terms and always it seems, gives analogies or equivalents from the common law where this is possible, without doing violence to the distinctive system of the Roman law and without a more detailed comparison than his brief space permits. His analysis is peculiarly helpful for those who are trained in the common law way of thinking. Thus he has the headings "Mandate as Agency" and "Mandate as Assignment." He has a chapter entitled "The Conditions and Quasi Contracts" under which he considers the different elements in the Roman law that gives rise to many relations which we treat generally under the heading "Quasi Contracts." It has always seemed to the writer that one of the main difficulties in studying the Roman law, at least for the beginning student, is not so much the inherent difficulties of the legal concepts as it is the difficulties of the terminology and the entire system of the development of legal ideas which may seem totally foreign to any comparable development in our law. It is submitted that Professor Radin's plan of taking Roman law in terms of common law as much as possible should not be opposed on the ground that it leads to false assumption of similarity or contrast. Indeed the entire Roman system is separate from our system and exact comparisons are dangerous.

The book begins with an admirable summary of the historical development of Roman law and the explanation of the imperial system together with an analysis of the different Roman law courts and some explanation of their procedure. Later in the body of the book itself Professor Radin considers the Roman law that was applicable to what we would now call "Negotiable Instruments" and considers this in connection with the development of the Law Merchant which grew out of the civil law beginning in the middle ages and coming down to very modern times. This entire discussion covers a field that every lawyer should know at least in a summary way, although it must be admitted that most lawyers have very little understanding of the matter. One need only speak of the discharge

of sureties, the creation and discharge of servitudes or many doctrines in the law of negotiable instruments as well as in the law of inheritance that can hardly be understood without some familiarity with the Roman law.

The book is arranged with the usual black type of the Hornbrook Series which is used for the setting forth of the main principles with an accompanying text in explanation. It is divided into convenient chapters and smaller subdivisions that show the inter-relation of the Roman law together with its convenient arrangement for the comprehension of the common law Reader. There are a reasonable number of citations to the Digest or to other Roman law authorities and these are given in a brief clear way. It seems that Professor Radin is entirely right when he deplores the needlessly complicated form of citations to Roman law authorities that has usually obtained in the standard works on Roman law published in modern times.

Briefly, it may be concluded that the book will be found a convenient and valuable accession to the library of any student of law whether in practice or in teaching work. For many purposes it will be sufficient for the information or reference of the readers and it is believed that it will prove invaluable as an introduction to further study.