Chapter: (p. 321) 10. Obligations Arising from Delict

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This chapter discusses the Roman law of delict. It covers wrongful damage to property; theft and robbery; insulting behaviour; praetorian delicts; liability for damage caused by animals; and the quasi-delict. A delict, as one of the main sources of an obligation, can be defined in broad terms as a wrongful act which causes damage to someone’s personality, his family, or his property, and for which the victim or his heirs is entitled to compensation. There is an obvious parallel between the Roman delict and the common law tort; but the analogy should not be pursued too far since the Roman law of delict had a strong penal element—the law penalized the conduct of the wrongdoer, as well as ensuring that the victim was adequately compensated.
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