Roman Law

Version of 6 April 2020

Sessions
Tuesday, asynchronous Video posted to Canvas
Thursday, synchronous 2:00-3:20, by Zoom
https://uchicago.zoom.us/j/649965641

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Course objectives:

The course has two chief aims. First, to investigate the Roman law as a topic of historical inquiry— to chart its development over time; to study its implication in political and demographic changes in the society it sought to map; and to raise problems of evidence and method in grappling with the sources of knowledge that survive to us. Second, to consider some areas of legal doctrine and legal practice both in Rome itself and in the communities over which Rome ruled. The systems that we study have great comparative interest in the study of law and empire, and they exercised profound, even determinative influence on the subsequent history of law in Europe and European empire.

Grading

Canvas discussions posts 30%
Midterm 25%
Final 45%

Assessment

By 2pm on Tuesday (Chicago time, i.e., when we would have met), I will post (i) the videos for the week and (ii) some prompts for the discussion posts on canvas. Every student in the course will be responsible for posting to the discussion four times: students with last names starting with A-L should post in weeks 2, 4, 6, and 8; students with last
names starting with M-Z should post in weeks 3, 5, 7, and 9. Please post by 11:59pm on Wednesday.

Although I will specify that these should be c. 200 words, the object is not performance (and assessment) as such. These are opportunities for you to try out ideas; to encounter each other’s ideas; and to pose questions. I will read the the posts and they will be among the things that guide discussion on Thursday.

As per my email of 22 March, the midterm will consist of short-answer questions; the final will post questions that seek long-format answers or short essays.

Academic regulations:

To quote the College website, your conduct in this course is "expected to adhere to the University’s expectations of good citizenship and to abide by its standards for academic integrity." The website contains statements on Academic Integrity and Study Conduct and provides a link to the University of Chicago Student Manual, which contains a section on "Academic Honesty & Plagiarism," with which you should familiarize yourself.

Readings

I have recommended the purchase of David Johnston, *Roman Law in Context* (Cambridge: Cambridge University Press, 1999). Johnston also edited an excellent *Cambridge Companion to Roman Law* (published 2015), and I collaborated with two colleagues in editing an *Oxford Handbook of Roman Law and Society* (published 2016). The essays in these latter two volumes are consistently good, and both books are available through the library website. All other readings for the course will made available via Canvas or the Library's website.

Calendar

**Week 1**

Introduction

7 April  
Aims, themes, key concepts

9 April  
Sources of law; corpora, ancient and modern

Johnston 1999, chapters 1-2 or Mantovani, "More than Codes"  
(OHRLS chapt. 3)  
Recommended: Galsterer 1996

**Week 2**

Roman histories of law

14 April  
Selections from Gaius on the Twelve Tables and Pomponius,  
*Handbook*: Digest 1.2.1 and 1.2.pr.-34 (Canvas)
Gellius *Attic Nights* 20.1 (Canvas)

16 April
Two classical memories of archaic law: declarations of war and the *legis actio in rem sacramento*, "the legal action for a thing by means of oath"

Selections from Livy on the fetial priests and Gellius on archaic procedure (Gellius 20.10) (Canvas)
Gaius *Inst. 4.1-25* (Canvas)
Servius on *Aeneid* 9.52 (Canvas)

**Week 3**
Legal institutions; the language of law

Optional: Schweber pp. 16-45, 197-259
Optional: Daube, *Forms*, chapters 1-3

21 April
The law on magisterial malfeasance (*Roman Statutes* no. 1) (Canvas)

23 April
Judiciary laws: *ARS* nos. 102 and 103 (Canvas)

**Week 4-5**
The formulary system

Johnston 1999, chapter 6 (Canvas)
Optional: Metzger 1997

28 April
Gaius *Inst. 4.1-30* (Canvas)

30 April
Gaius *Inst. 4.30-68s* (Canvas)

5 May

7 May
Midterm

**Week 6**
The law of persons

Tristan Taylor, "Social status, legal status, and legal privilege" *(OHRLS* chapt. 27)
Andrew Lewis, "Slavery, Family and Status" (*Johnston 2015*, chapt. 9)
**Optional:** Johnston 1999, chapter 3

12 May  
Gaius *Inst.* 1.1-47 (Canvas)

**Optional:** Richard Gamauf, "Slavery" and Henrik Mouritsen, "Manumission" ([OHRLS](https://www.ohrls.de) chapt. 30-31)

14 May  
Gaius *Inst.* 1.48-193 (Canvas)

**Optional:** Suzanne Dixon, "Family," Jakub Urbanik, "Husband and Wife," and Ville Vuolanto, "Child and Parent in Roman Law" ([OHRLS](https://www.ohrls.de) chapt. 35, 36, 37)

**Week 7**  
**Law in Roman municipalities**

Saskia Roselaar, "Local administration" ([OHRLS](https://www.ohrls.de) chapt. 10)  
Optional: Galsterer 1988 ([JSTOR](https://www.jstor.org))

19 May  
The Flavian Municipal Law = González 1986, pp. 147-150, 182-199 required ([JSTOR](https://www.jstor.org))

21 May  
The Flavian Municipal Law = González 1986, pp. 147-150, 182-199 required ([JSTOR](https://www.jstor.org))

**Week 8**  
**Petitions**

26 May  
Hauken 1998, nos. 1 and 5, esp. pp. 1-6, 11-16, 74-76, 95-98 (Canvas)  
Connolly, *Lives Behind the Laws*, chapter 4 (Canvas)

28 May  
The Seleukos dossier and Euphrates papyri (Canvas)

**Week 9**  
**Proceedings**

2 June  
A boundary dispute in Sardinia: the hearing before Helvius Agrippa ([ARS](https://arsub.uni-kl.de) no. 181, on Canvas)  

Optional: Frend 1956

**Final exam**

**Bibliography**


