Roman Law

Version of 30 March 2018

Lecture
T/Th 2:00-3:20

Stuart 101

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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.

Grading

Midterm 25%
Paper 35%
Final 40%

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" (https://college.uchicago.edu/advising/student-conduct). 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). All other readings for the course will made available via Canvas or the Library's website.

### Calendar

<table>
<thead>
<tr>
<th>Week 1</th>
<th>Introduction</th>
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<tr>
<td>27 March</td>
<td>Aims, themes, key concepts</td>
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<tr>
<td>29 March</td>
<td>Sources of law; corpora, ancient and modern</td>
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Johnston chapters 1-2 or Mantovani, "More than Codes" ([OHRLS](http://ohrls.org)) chapt. 3)  
Recommended: Galsterer 1996

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<tr>
<th>Week 2</th>
<th>Roman histories of law</th>
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<tr>
<td>3 April</td>
<td>Selections from Gaius on the Twelve Tables and Pomponius, <em>Handbook</em>: Dig. 1.2.1 and 1.2.pr.-34 (Canvas); Gellius <em>Attic Nights</em> 20.1 (Canvas)</td>
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<tr>
<td>5 April</td>
<td>Two classical memories of archaic law: declarations of war and the <em>legis actio in rem sacramento</em>, &quot;the legal action for a thing by means of oath&quot;</td>
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Selections from Livy on the feticial priests and Gellius on archaic procedure (Gellius 20.10) (Canvas)  
Gaius *Inst*. 4.1-25 (Canvas)  
Servius on *Aeneid* 9.52 (Canvas)

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<th>Week 3</th>
<th>Legal institutions; the language of law</th>
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<tr>
<td>10 April</td>
<td>The law on magisterial malfeasance (<em>Roman Statutes</em> no. 1) (Canvas)</td>
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<td>12 April</td>
<td>Judiciary laws: <em>ARS</em> nos. 80, 102 and 103 (Canvas)</td>
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<th>Week 4-5</th>
<th>The formulary system</th>
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<td></td>
<td>Johnston chapter 6 (Canvas)</td>
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**Optional: Metzger 1997**

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

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


26 April  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 chapter 3

1 May  Optional: Richard Gamauf, "Slavery" and Henrik Mouritsen, "Manumission" (*OHRLS* chapt. 30-31)

Gaius *Inst.* 1.1-47 (Canvas)


Gaius *Inst.* 1.48-193 (Canvas)

**Week 7**

**Law in Roman municipalities**

Saskia Roselaar, "Local administration" (*OHRLS* chapt. 10)

Optional: Galsterer 1988 (JSTOR)

8 May  The Flavian Municipal Law = González 1986, pp. 147-150, 182-199 required (JSTOR)

10 May  The Flavian Municipal Law = González 1986, pp. 147-150, 182-199 required (JSTOR)
**Week 8**  
**Petitions**

15 May  
Connolly, *Lives Behind the Laws*, chapter 4 (Canvas)

17 May  
The Babatha and Euphrates papyri and Seleukos dossier (Canvas)

**PAPER DUE**

**Week 9**  
**Interpersonal violence and redress in Roman Egypt**

22 May  
Riggsby, "Public and Private Criminal Law" ([OHRLS](https://ohrls.ch/)) chapt. 24  
Bryen, "Crimes against the Individual" ([OHRLS](https://ohrls.ch/)) chapt. 25

24 May  
**Optional:** Conley & O'Barr chapter 7

**Week 10**  
**Proceedings**

29 May  
Keenan, Manning and Yiftach-Firanko §10.3 through §10.3.2, §10.4 through §10.4.3

**Final exam**

**Bibliography**


the Roman Republic, 146-43 B.C. Cambridge: Cambridge University Press. 531-563.


* Regestein: Course reserves (these will be ready soon)
† Location: Regenstein, Room 470, Classics Reading Room