
The Sources of Roman Law

Problems and Methods for Ancient
Historians

O.F. Robinson



London and New York

Contents

<i>Preface</i>	vii
<i>List of abbreviations</i>	ix
1 THE MAKERS OF ROMAN LAW	
<i>The beginnings</i>	1
<i>The constitution of the middle and late Republic</i>	3
The assemblies	3
The magistrates	5
The Senate	8
<i>The 'Roman Revolution'</i>	9
The jurists and the new order: the <i>ius respondendi</i>	10
<i>The Principate</i>	13
New institutions	13
The old: magistrates and assemblies	15
<i>The Later Empire</i>	17
Lawmaking in the Later Empire	19
Justinian	20
2 THE LEGAL SOURCES	
<i>The sources defined</i>	25
<i>Equity</i>	26
<i>Decided cases</i>	27
<i>Custom</i>	28
<i>Legislation: leges and plebiscita</i>	29
<i>Resolutions of the Senate</i>	32
<i>Imperial enactments</i>	34
<i>Edicts of the magistrates</i>	39
<i>The jurists</i>	42
Appendix on praetorian lawmaking	48

3 TRANSMISSION	
<i>Introductory</i>	54
<i>The legal sources</i>	56
The <i>Corpus Iuris Civilis</i>	57
The pre-Justinianic codes	61
Pre-Justinianic jurisprudence	62
<i>The literary sources</i>	66
<i>Other sources: inscriptions, papyri, etc.</i>	69
4 THE SETTLING OF DISPUTES	
<i>Introductory</i>	79
<i>The legis actiones</i>	80
<i>The formulary system</i>	84
Three imaginary case histories	89
Cognitio	90
<i>Appeal</i>	96
5 THE USES AND PITFALLS OF USING THE SOURCES OF ROMAN LAW	
<i>The problems</i>	102
<i>Definitions</i>	103
<i>The authenticity of the sources</i>	105
<i>Using the sources</i>	115
<i>Further reading</i>	131
<i>Index of sources</i>	142
<i>General index</i>	149