

# CONTENTS

<i>Preface</i>	ix
<i>Abbreviations</i>	xi
<b>Introduction</b>	1
<b>1 The monarchy and early Republic: the historical, social and constitutional background</b>	3
<i>The origins of Rome</i>	3
<i>Early Roman society</i>	4
<i>Economic conditions</i>	6
<i>The political organization of the regal period</i>	6
<i>The coming of the Republic</i>	8
<i>The Roman expansion in Italy</i>	9
<i>The republican constitution</i>	10
<b>2 The monarchy and early Republic: the sources of law</b>	19
<i>Introduction</i>	19
<i>Customary law and the laws of the kings</i>	22
<i>The law of the Twelve Tables and the emergence of legislation</i>	24
<i>Interpretation and the origins of jurisprudence</i>	27
<b>3 The monarchy and early Republic: the administration of justice</b>	31
<i>Civil procedure</i>	31
<i>Criminal law and criminal justice</i>	35
<b>4 The late Republic: the historical, social and constitutional background</b>	39
<i>Rome's expansion in the Mediterranean world</i>	39



## CONTENTS

<i>Internal developments during the late Republic</i>	41
<i>The crisis and fall of the Republic</i>	43
<b>5 The late Republic: the sources of law</b>	<b>49</b>
<i>Introduction</i>	49
<i>The edicts of the magistrates</i>	52
<i>Legislation</i>	57
<i>The jurisprudence of the late Republic</i>	59
<b>6 The late Republic: the administration of justice</b>	<b>65</b>
<i>Civil procedure: the formulary system</i>	65
<i>The course of the formulary procedure</i>	70
<i>Extraordinary praetorian remedies</i>	74
<i>Criminal justice</i>	76
<i>The development of a standing court system</i>	77
<b>7 The Principate: the historical, social and constitutional background</b>	<b>83</b>
<i>The reforms of Augustus</i>	83
<i>Organs of the imperial administration</i>	85
<i>The senate, the magistrates and the assemblies</i>	87
<i>The empire in the first and second centuries AD</i>	89
<i>The social classes</i>	92
<i>The army</i>	94
<i>The expansion of the Roman citizenship</i>	95
<i>The crisis of the third century and the end of the Principate</i>	97
<b>8 The Principate: the sources of law</b>	<b>100</b>
<i>Introduction</i>	100
<i>The decline of the comitial legislation</i>	103
<i>The magisterial law</i>	104
<i>Legislation by the senate</i>	105
<i>Imperial law-making</i>	107
<i>The jurisprudence of the Empire</i>	110
<i>The ius publice respondendi</i>	111
<i>The work of the jurists</i>	112
<i>The major jurists</i>	114
<i>Defining features of classical Roman jurisprudence</i>	120



<b>9</b>	<b>The Principate: the administration of justice</b>	<b>126</b>
	<i>Introduction</i>	126
	<i>Civil procedure</i>	126
	<i>The formulary procedure</i>	126
	<i>The cognitio extraordinaria</i>	127
	<i>The administration of criminal law</i>	129
	<i>The jurisdiction of the senate</i>	131
	<i>Imperial jurisdiction</i>	131
<b>10</b>	<b>The Dominate: the historical, social and constitutional background</b>	<b>135</b>
	<i>Introduction</i>	135
	<i>The reforms of Diocletian</i>	135
	<i>The empire of Constantine the Great</i>	139
	<i>The emperor and his officials</i>	142
	<i>The senate and the old magistrature</i>	145
	<i>The social structure of the late Empire</i>	146
	<i>The final years of the Roman Empire</i>	151
	<i>The collapse of the Roman state in the West</i>	153
	<i>The survival and transformation of the empire in the East</i>	154
<b>11</b>	<b>The Dominate: the sources of law</b>	<b>157</b>
	<i>Introduction</i>	157
	<i>Imperial legislation</i>	160
	<i>The jurists' law</i>	162
	<i>The law schools</i>	163
	<i>Late imperial juridical literature</i>	165
	<i>Trends in post-classical law</i>	167
<b>12</b>	<b>The Dominate: the administration of justice</b>	<b>170</b>
	<i>The court system</i>	170
	<i>Judicial protection of the lower classes</i>	171
	<i>The civil procedure</i>	173
	<i>Resolving private disputes through arbitration</i>	175
	<i>Criminal law and procedure</i>	176
	<i>The criminal justice process</i>	176



<b>13 The Dominate: the codification of Roman law</b>	<b>179</b>
<i>The first codifications</i>	179
<i>The Theodosian Code</i>	180
<i>The Germanic codes of Roman law</i>	181
<i>The codification of Justinian</i>	183
<i>The first Code</i>	183
<i>The Digest or Pandects</i>	184
<i>The Institutes</i>	187
<i>The second Code</i>	188
<i>The Novels</i>	189
<i>The Corpus Iuris Civilis</i>	190
<i>Conclusion</i>	190
 <b>Epilogue</b>	 <b>192</b>
 <i>Notes</i>	 196
<i>Select bibliography</i>	262
<i>Index</i>	269