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THE CAMBRIDGE COMPANION TO
ROMAN LAW



This book reflects the wide range of current scholarship on Roman law. The essays, newly commissioned for this volume, cover the sources of evidence for classical Roman law; the elements of private law, as well as criminal and public law; and the second life of Roman law in Byzantium, in civil and canon law, and in political discourse from AD 1100 to the present. Roman law nowadays is studied in many different ways, which are reflected in the diversity of approaches in the essays. Some focus on how the law evolved in ancient Rome, others on its place in the daily life of the Roman citizen, still others on how Roman legal concepts and doctrines have been deployed through the ages. All of them are responses to one and the same thing: the sheer intellectual vitality of Roman law, which has secured its place as a central element in the intellectual tradition and history of the West.

David Johnston is a Queen's Counsel who practises at the Bar in Scotland, mainly in the fields of public and commercial law. He holds MA, PhD, and LL.D. degrees from the University of Cambridge. From 1993 to 1999 he was Regius Professor of Civil Law at the University of Cambridge and a Fellow of Christ's College. He is currently an honorary professor at Edinburgh Law School. Johnston is the author of many publications, including *The Roman Law of Trusts* (1988), *Roman Law in Context* (1999), and *Prescription and Limitation* (second edition, 2012).

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DAVID JOHNSTON
Faculty of Advocates, Edinburgh



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ABBREVIATIONS



I. GENERAL

<i>AARC</i>	Atti dell'Accademia Romanistica Costantiniana
<i>AE</i>	<i>L'Année Épigraphique</i>
<i>AJP</i>	<i>American Journal of Philology</i>
<i>ANRW</i>	<i>Aufstieg und Niedergang der römischen Welt</i> , edited by H. Temporini (Berlin, 1972–)
<i>BIDR</i>	<i>Bulletino dell'Istituto di Diritto Romano</i>
c.	caput (i.e., chapter)
C.	Code of Justinian (<i>Corpus iuris civilis</i> vol. 2, edited by P. Krueger)
C. I q. I c. I	<i>Decretum Gratiani</i> , Causa I, quaestio I, canon I
<i>CAH</i>	<i>Cambridge Ancient History</i> , 2nd edn. (Cambridge, 1970–2005)
<i>CCG</i>	<i>Cahiers du Centre Glotz</i>
<i>CGL</i>	<i>Corpus Glossariorum Latinorum</i> , edited by G. Goetz, 7 vols. (Leipzig, 1893–1901)
<i>CIL</i>	<i>Corpus Inscriptionum Latinarum</i> (Berlin)
<i>Collatio</i>	<i>Mosaicarum et Romanarum Legum Collatio</i> (in <i>FIRA</i> vol. 2, 541–89)
<i>CPL</i>	<i>Corpus Papyrorum Latinarum</i> , edited by R. Cavenaile (Wiesbaden, 1958)
<i>CQ</i>	<i>Classical Quarterly</i>
C.Th.	Theodosian Code
D.	Digest (<i>Corpus iuris civilis</i> vol. I, edited by T. Mommsen and P. Krueger)
DD	<i>Doctores</i> (authoritative jurists on the <i>ius commune</i>)
Dist. I c. I	<i>Decretum Gratiani</i> , Distinctio I, canon I
D. p.	Dictum post (in the <i>Decretum Gratiani</i>)
Ed. Just.	Edict of Justinian

LIST OF ABBREVIATIONS

FIR	<i>Fontes Iuris Romani</i> , edited by C. G. Bruns, 7th edn. by O. Gradenwitz (Tübingen, 1909)
FIRA	<i>Fontes Iuris Romani Anteiustiniani</i> , edited by S. Riccobono, J. Baviera, C. Ferrini, J. Furlani, and V. Arangio-Ruiz, 3 vols., 2nd edn. (Florence, 1968)
fo.	folio
FV	<i>Fragmenta Vaticana</i> (in <i>FIRA</i> vol. 2, 463–540)
Gaius	<i>Institutes</i> of Gaius
gl.	gloss
gl. ord.	<i>glossa ordinaria</i>
ILS	Inscriptiones Latinae Selectae
Inst.	<i>Institutes</i> of Justinian (<i>Corpus iuris civilis</i> vol. 1, edited by P. Krueger)
JJP	<i>Journal of Juristic Papyrology</i>
JRS	<i>Journal of Roman Studies</i>
lex Inn.	<i>lex Irnitana</i>
lib.	liber (i.e., book)
ms	manuscript
Nov.	Novels (<i>Corpus iuris civilis</i> vol. 3, edited by R. Schoell and G. Kroll)
PS	<i>Pauli sententiae</i> (in <i>FIRA</i> vol. 2, 317–417)
PSI	Publicazioni della Società italiana per la ricerca dei papyri greci e latini in Egitto
RAAN	Rendiconti dell'Accademia di Archeologia Lettere e Belle Arti di Napoli
RAC	Reallexikon für Antike und Christentum (Stuttgart, 1950–2012)
RE	<i>Paulys Realencyclopädie der classischen Altertumswissenschaft</i> , edited by G. Wissowa et al. (Stuttgart, 1894–1978)
RHDFE	<i>Revue Historique de Droit Français et Étranger</i>
RIDA	<i>Revue Internationale des Droits de l'Antiquité</i>
Roman Statutes	Roman Statutes, edited by M. H. Crawford, 2 vols. (London, 1996)
SB	Sammelbuch Griechischer Urkunden aus Ägypten
SDHI	<i>Studia et Documenta Historiae et Iuris</i>
SEG	Supplementum Epigraphicum Graecum
Sext I.I.I	<i>Liber Sextus</i> , Lib. 1, tit. 1, cap. 1
TH	Herculaneum tablet

LIST OF ABBREVIATIONS

TP	Pompeian tablet
TPN	New Pompeian tablet (in edition by Wolf, 2010)
TPSulp	New Pompeian Tablet (in edition by Camodeca, 1999)
TR	<i>Tijdschrift voor Rechtsgeschiedenis</i>
TUI	Tractatus universi iuris (Rome, 1584–86)
UE	<i>Ulpiani Epitome</i> (in <i>FIRA</i> vol. 2, 259–301)
X 1.1.1	<i>Decretales Gregorii IX</i> , Lib. 1, tit. 1, cap. 1
ZSS	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte</i> (unless otherwise stated, all references are to the Romanistische Abteilung)

2. CLASSICAL AUTHORS

App. <i>Iber.</i>	Appian, <i>Iberica</i>
Apul. <i>Apol.</i>	Apuleius, <i>Apologia</i>
Ar. <i>Pol.</i>	Aristotle, <i>Politica</i>
Asc. <i>Corn.</i>	Asconius, <i>in Cornelianam</i>
<i>Mil.</i>	<i>in Milonianam</i>
<i>Scaur.</i>	<i>in Scaurianam</i>
Aug. <i>Ep.</i>	Augustine, <i>Epistulae</i>
Caes. <i>Gall.</i>	Caesar, <i>De bello Gallico</i>
Call.	Callistratus
Cels.	Celsus
Cic. <i>Att.</i>	Cicero, <i>Epistulae ad Atticum</i>
<i>ad Brut.</i>	<i>Epistulae ad Brutum</i>
<i>Brut.</i>	<i>Brutus</i>
<i>Caec.</i>	<i>pro Caecina</i>
<i>Cat.</i>	<i>in Catilinam</i>
<i>Clu.</i>	<i>pro Cluentio</i>
<i>Deiot.</i>	<i>pro rege Deiotaro</i>
<i>Dom.</i>	<i>de Domo sua</i>
<i>Fam.</i>	<i>Epistulae ad familiares</i>
<i>Flacc.</i>	<i>pro Flacco</i>
<i>Inv.</i>	<i>de Inventione</i>
<i>Leg.</i>	<i>De Legibus</i>
<i>Mur.</i>	<i>pro Murena</i>
<i>Off.</i>	<i>de officiis</i>

LIST OF ABBREVIATIONS

<i>de Orat.</i>	<i>de Oratore</i>
<i>Part.</i>	<i>Partitiones Oratoriae</i>
<i>Phil.</i>	<i>Philippicae</i>
<i>Q. Rosc.</i>	<i>pro Q. Roscio comoedo</i>
<i>Quinct.</i>	<i>pro Quinctio</i>
<i>Quint. frat.</i>	<i>Epistulae ad Quintum fratrem</i>
<i>Rab. perd.</i>	<i>pro Rabirio perduellionis reo</i>
<i>Rosc. Am.</i>	<i>pro Roscio Amerino</i>
<i>Sest.</i>	<i>pro Sestio</i>
<i>Sull.</i>	<i>pro Sulla</i>
<i>Top.</i>	<i>Topica</i>
<i>1 Verr. /2 Verr.</i>	<i>in Verrem (actio prima/secunda)</i>
Dio	Cassius Dio, <i>Historia romana</i>
Diod.	Diodorus Siculus, <i>Bibliothēke</i>
Dion. <i>Ant.</i>	Dionysius Hallicarnassensis, <i>Antiquitates Romanae</i>
Eutropius	Eutropius, <i>Breviarium Historiae Romanae</i>
Front. <i>de aq.</i>	Frontinus, <i>de aquis urbis Romae</i>
Gai.	Gaius
Gell. <i>NA.</i>	Aulus Gellius, <i>Noctes Atticae</i>
Isid. <i>Etym.</i>	Isidore, <i>Etymologiae</i>
Jul.	Julian
Lact. <i>Mort.</i>	Lactantius, <i>De mortibus persecutorum</i>
Livy	Livy, <i>ab Urbe Condita</i>
Marcel.	Marcellus
Marci.	Marcian
Mod.	Modestinus
Ov. <i>Trist.</i>	Ovid, <i>Tristia</i>
Pap.	Papinian
Paul	Paul
Petr. <i>Sat.</i>	Petronius, <i>Satyrical</i>
Plin. <i>Ep.</i>	Pliny (Caecilius Secundus), <i>Epistulae</i>
Plin. <i>NH.</i>	Pliny (Secundus), <i>Naturalis Historia</i>
Plin. <i>Pan.</i>	Pliny (Caecilius Secundus), <i>Panegyricus</i>
Plut. <i>Cato</i>	Plutarch, <i>Cato maior</i>
<i>Cic.</i>	<i>Cicero</i>
<i>Pomp.</i>	<i>Pompey</i>

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<i>Quaest. rom.</i>	<i>Quaestiones romanae</i>
<i>Sull.</i>	<i>Sulla</i>
Polyb.	Polybius, <i>Histories</i>
Pomp.	Pomponius
Quint. <i>Inst.</i>	Quintilian, <i>Institutio Oratoria</i>
Sall. <i>Cat.</i>	Sallust, <i>Catilina</i>
<i>Hist.</i>	<i>Historiae</i>
<i>Jug.</i>	<i>Jugurtha</i>
Scaev.	Q.Cervidius Scaevola
Sen. <i>Apoc.</i>	Seneca, <i>Apocolocyntosis</i>
<i>Ira.</i>	<i>de Ira</i>
SHA	Scriptores Historiae Augustae
Stat. <i>Silv.</i>	Statius, <i>Silvae</i>
Strabo	Strabo, <i>Geographia</i>
Suet. <i>Aug.</i>	Suetonius, <i>Augustus</i>
<i>Calig.</i>	<i>Caligula</i>
<i>Claud.</i>	<i>Claudius</i>
<i>Galb.</i>	<i>Galba</i>
<i>Jul.</i>	<i>Julius</i>
<i>Ner.</i>	<i>Nero</i>
<i>Tib.</i>	<i>Tiberius</i>
Tac. <i>Ann.</i>	Tacitus, <i>Annales</i>
<i>Dial.</i>	<i>Dialogus</i>
<i>Hist.</i>	<i>Historiae</i>
Ulp.	Ulpian
Val. Max.	Valerius Maximus, <i>Facta et Dicta Memorabilia</i>
Varr. LL.	Varro, <i>de Lingua Latina</i>
Vitr.	Vitruvius, <i>de Architectura</i>