

HISTORICAL INTRODUCTION TO THE STUDY OF ROMAN LAW

by

the late H. F. JOLOWICZ

sometime Regius Professor of Civil Law in the University of Oxford

and

BARRY NICHOLAS

*Professor of Comparative Law in the University of Oxford
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Preface

The purpose of this book remains what it was forty years ago, when Jolowicz wrote in the preface to the first edition :

‘ This book is intended, in a sense, to provide a version of *Hamlet* without the Prince of Denmark. The central subject of Roman legal studies must remain the private law of classical and later times, but an historical background has always been necessary, and is even more so now that the new problems discussed by modern authors are mainly of an historical rather than a dogmatic nature. My object has therefore been to . . . give the student what he needs to know about Roman law rather than the Roman law itself. The main emphasis is on the sources of law and the constitutional developments without which the nature of the sources cannot be understood, but I have tried in addition to explain procedure and to give an idea of the judicial structure. It seemed also that for the republican period it was possible to give some account of the state of our knowledge without explaining or presupposing the institutions of the developed law in any detail, and thus to portray the foundations on which the later edifice was built. No attempt has been made to avoid controversial topics, because in these studies controversy is the breath of life, and there is often more to be learnt from an appreciation of opposing theories than from an acknowledged fact.’

But the study of Roman law and Roman constitutional history have not stood still, and, since Jolowicz was able to make only minor alterations in the second edition twenty years ago, a thoroughgoing revision seemed now to be essential. The character of the book is, I hope, unchanged, but some sections are entirely new, many have been largely rewritten, and there are few pages which have remained altogether unaltered. My chief endeavour has been to maintain the balance which I have always regarded as a great virtue of the book, and which was manifested not only in its assessment of controversial questions but also in the relationship between text and footnotes. In introducing the second edition Jolowicz expressed the hope that it was ‘ still possible for a reader to understand the text although he has no previous acquaintance with the subject, while the scholar is told of the direction in which he might profitably dig ’. My difficulty has been to take account of the mass of literature which has appeared in the last forty years without destroying Jolowicz’s careful balance or swamping the notes with a flood of bibliography. For, paradoxical as it may seem, at a time when Roman law at an

Preface

elementary level has been almost everywhere in retreat, there has been a great increase in the interest devoted to it by the learned. A simple measure of this is provided by the fact that whereas in 1932 there were only four periodicals wholly or mainly given over to Roman law, there are now eight or nine. I have therefore had to be severely selective in citation and have endeavoured to give an account only of what seemed to me the most significant developments, providing bare sign-posts to the rest. As far as the substantive law and the law of procedure are concerned I have done this the more readily because of the existence of Kaser's *Privatrecht* and *Zivilprozessrecht*, which provide a very thorough bibliography. With very few exceptions I have been able to take account only of literature which reached me before the end of 1970.

I am indebted to my colleague Mr. D. L. Stockton for criticising the draft of some of the more purely historical chapters, and to Professor J. A. C. Thomas for reading the proof of the chapter on the criminal law. And I must express my appreciation of the patience and care with which the staff of the Cambridge University Press and the printer have dealt with a very tangled manuscript.

Barry Nicholas.

Oxford
March 1972

Dates

MONARCHY

B.C. 753	Foundation of Rome
510	Expulsion of the Tarquins

REPUBLIC

451–450	Compilation of Twelve Tables
445	<i>Lex Canuleia</i>
367	<i>Leges Liciniae Sextiae</i>
	Admission of plebeians to consulate
	Institution of praetorship
338	Dissolution of Latin league
304	<i>Ius Flavianum</i>
300	<i>Lex Ogulnia</i>
	Admission of plebeians to pontificate
287	<i>Lex Hortensia</i>
	Final equation of <i>plebiscita</i> with <i>leges</i>
252	Ti. Coruncanus first plebeian <i>pontifex maximus</i>
c. 242	Institution of peregrine praetorship
241	First province (Sicily)
123–122	Tribunate of C. Gracchus
82–79	Dictatorship of Sulla
44	Assassination of Caesar
31	Battle of Actium

PRINCIPATE

27	Augustus regularises his power
A.D. 14	Death of Augustus

Earlier classical period of law

117–138	Reign of Hadrian
138–161	Reign of Antonius Pius
? 161	Institutes of Gaius
161–172	Reign of M. Aurelius and L. Verus (<i>Divi Fratres</i>)
172–180	Reign of M. Aurelius alone

Dates

Later classical period of law

A.D. 193-211	Reign of Septimius Severus
211-217	Reign of Caracalla (Antoninus)
? 212	<i>Constitutio Antoniniana</i>
222-235	Reign of Alexander Severus

DOMINATE

284-305	Reign of Diocletian
312	Conversion of Constantine the Great
395	Death of Theodosius the Great
	Division of the empire
438	<i>Codex Theodosianus</i>
476	End of western empire
527-565	Reign of Justinian

Abbreviations*

- Abbott and Johnson, *Municipal Administration*: F. F. Abbott and A. C. Johnson, *Municipal Administration in the Roman Empire* (Princeton, 1926).
- ACII: *Acta Congressus Iuridici Internationalis*, 1934 (2 vols., Rome, 1935).
- AG: *Archivio Giuridico* (1868–).
- AJA: *American Journal of Archaeology* (1897–).
- AJPhil: *American Journal of Philology* (1880–).
- Albertario, *Introd.*: E. Albertario, *Introduzione storica allo studio del diritto romano giustiniano* 1 (Milan, 1935).
- Albertario, *Studi*: E. Albertario, *Studi di diritto romano* (6 vols., Milan, 1933, 1941, 1936, 1946, 1937, 1953).
- Ann. stor. dir.: *Annali di storia del diritto* (1957–).
- APal.: *Annali del Seminario giuridico dell' Università di Palermo* (1913–).
- Arangio-Ruiz, *Compravendita*: V. Arangio-Ruiz, *La compravendita in diritto romano* (2nd ed., Naples, 1954).
- Arangio-Ruiz, *Istit.*: V. Arangio-Ruiz, *Istituzioni di diritto romano* (14th ed., Naples, 1960).
- Arangio-Ruiz, *Rariora*: V. Arangio-Ruiz, *Rariora* (Rome, 1946).
- Arangio-Ruiz, *Storia*: V. Arangio-Ruiz, *Storia del diritto romano* (7th ed., Naples, 1957).
- Athenaeum: *Athenaeum – Studi periodici di letteratura e storia* (1913–).
- Atti Bologna: *Atti del Congresso internazionale di diritto romano*, Bologna, 1933 (Pavia, 1934).
- Atti Roma: *Atti del Congresso internazionale di diritto romano*, Roma, 1933 (Pavia, 1934).
- Atti Verona: *Atti del Congresso internazionale di diritto romano e di storia del diritto*, Verona, 1948 (Milan, 1953).
- B.: *Basilica*.
- Beseler: G. Beseler, *Beiträge zur Kritik der römischen Rechtsquellen* 1–4 (Tübingen, 1910–20).
- Bethmann-Hollweg: M. A. von Bethmann-Hollweg, *Der römische Civilprozess* 1–3 (Bonn, 1864–66; repr. Aalen, 1959).

* For details of places of publication etc. of periodicals see L. Caes, *Collectio bibliographica operum ad ius romanum pertinentium*, Series I, Suppl. I (Brussels, 1969). For general bibliography see Kunkel, *Intro.* 179ff.; Buckland xxxiii.

Abbreviations

- BGU:** *Berliner Griechische Urkunden* (*Ägyptische Urkunden aus den Museen zu Berlin, Griech. Urk.*) (Berlin, 1895-).
- BIDR:** *Bullettino dell'Istituto di diritto romano* (1888-).
- Biondi, Dir. rom. crist.:** B. Biondi, *Il diritto romano cristiano* 1-3 (Milan, 1952-4).
- Bleicken, Senatsgericht:** J. Bleicken, *Senatsgericht und Kaisergericht. Eine Studie zur Entwicklung des Prozessrechtes im frühen Prinzipat* (Göttingen, 1962).
- Bonfante, Corso:** P. Bonfante, *Corso di diritto romano* 1, 2 (in two parts), 3, 6 (Rome, 1925, 1926/28, 1933, 1930; repr. Milan, 1963-).
- Bonfante, Scritti:** P. Bonfante, *Scritti giuridici* 1-3 (Turin, 1926, 1918, 1921) 4 (Rome, 1926).
- Bonfante, Storia:** P. Bonfante, *Storia del diritto romano* (4th ed., 2 vols., Turin/Rome, 1934; repr. with revised bibliography, Milan, 1958/9).
- Boyé, Denuntiatio:** A.-J. Boyé, *La denuntiatio introductive d'instance sous le principat* (Bordeaux, 1922).
- Broggini, Coniectanea:** G. Broggini, *Coniectanea. Studi di diritto romano* (Milan, 1966).
- Broggini, Iudex:** G. Broggini, *Iudex arbiterve* (Cologne/Graz, 1957).
- Bruns: Fontes Iuris Romani Antiqui,** ed. C. G. Bruns (7th ed., 2 vols. in 1, Tübingen, 1909; repr. Aalen, 1958).
- Buckland:** W. W. Buckland, *A Text-book of Roman Law from Augustus to Justinian* (3rd ed. by P. Stein, Cambridge, 1963).
- Buckland, Main Institutions:** W. W. Buckland, *Main Institutions of Roman Private Law* (Cambridge, 1931).
- Buckland: Manual:** W. W. Buckland, *A Manual of Roman Private Law* (2nd ed., Cambridge, 1939).
- Buckland, Slavery:** W. W. Buckland, *The Roman Law of Slavery* (Cambridge, 1908).
- C.:** *Codex of Justinian.*
- CAH:** *The Cambridge Ancient History*, 1929-39.
- C. Cordi, C. Deo auctore, C. Haec, C. Imp. mai., C. Omnem, C. Summa, C. Tanta, C. Δέδωκεν:** Introductory constitutions to parts of Justinian's compilation; see below, 479, n. 3.
- CIL:** *Corpus Inscriptionum Latinarum* (Berlin, 1863-).
- Class. Quart.:** *The Classical Quarterly* (1907-).
- Class. Rev.:** *Classical Review* (1887-).
- CLJ:** *The Cambridge Law Journal* (1921-).
- Coll.:** *Collatio legum Mosaicarum et Romanarum* (FIRA 2.548ff.; and see p. 456, below).

Abbreviations

- Collinet, *Ecole de Beyrouth*: P. Collinet, *Histoire de l'Ecole de droit de Beyrouth (Etudes historiques sur le droit de Justinien, 2, Paris, 1925).*
- Collinet, *Le caractère oriental*: P. Collinet, *Le caractère oriental de l'oeuvre législative de Justinien et les destinées des institutions classiques en occident (Etudes historiques, 1, Paris, 1912).*
- Collinet, *La procédure par libelle*: P. Collinet, *La procédure par libelle (Etudes historiques, 4, Paris, 1932).*
- Const. Sirm.: *Constitutiones Sirmondianae* (in vol. 1 of Mommsen-Meyer edition of CTh.; see below, 465).
- Consult: *Consultatio veteris cuiusdam iurisconsulti (FIRA 2.593ff.; and see below, 458).*
- Corbett, *Marriage*: P. E. Corbett, *The Roman Law of Marriage* (Oxford, 1930).
- Costa, *Cicerone giureconsulto*: E. Costa, *Cicerone giureconsulto* (2 vols., Bologna, 1927).
- Crook, *Consilium Principis*: J. A. Crook, *Consilium Principis* (Cambridge, 1955).
- Crook, *Law and Life*: J. A. Crook, *Law and Life of Rome* (London, 1967).
- CTh.: *Codex Theodosianus*.
- D.: Digest of Justinian.
- Daube, *Biblical Law*: D. Daube, *Studies in Biblical Law* (Cambridge, 1947).
- Daube, *Forms*: D. Daube, *Forms of Roman Legislation* (Oxford, 1956).
- David-Nelson: *Gai Institutionum Commentarii IV mit philologischem Kommentar herausgegeben von M. David u. H. L. W. Nelson (=Studia Gaiana, vol. 3, Kommentar; Leiden, 1954—)*.
- Entretiens Hardt 13: Fondation Hardt pour l'étude de l'antiquité classique. *Entretiens sur l'antiquité classique, vol. 13* (Geneva, 1967).
- Epit. Ulp.: *Epitome Ulpiani (FIRA 2.261ff.; and see below, 458).*
- Eranion Maridakis: *Eranion in honorem G. S. Maridakis* (3 vols. Athens, 1963/4).
- Essays in Legal History, ed. Vinogradoff: *Essays in Legal History read before The International Congress of Historical Studies held in London in 1913*, ed. Sir P. Vinogradoff (Oxford, 1913).
- Ferrini, *Opere*: C. Ferrini, *Opere*, ed. V. Arangio-Ruiz (5 vols., Milan, 1929/30).
- FIRA: *Fontes Iuris Romani Anteiustiniani*, ed. S. Riccobono, J. Baviera, C. Ferrini, J. Furlani, V. Arangio-Ruiz (3 vols., 2nd ed., Naples, 1941, 1940, 1943).

Abbreviations

de Francisci, *Primordia*: P. de Francisci, *Primordia Civitatis* (Rome, 1959).
Fschr. Koschaker: *Festschrift P. Koschaker* (3 vols., Weimar, 1939).
Fschr. Rabel: *Festschrift für E. Rabel* (2 vols., Tübingen, 1954).
Fschr. Schulz: *Festschrift F. Schulz* (2 vols., Weimar, 1951).
Fschr. Siber: *Festschrift für H. Siber* (2 vols., Leipzig, 1941/3).
Fschr. Wenger: *Festschrift für L. Wenger* (= *Münch Beitr.* 34, 1944; 35, 1945).
FV: *Fragmenta Vaticana* (*FIRA* 2.463ff.; and see below, 456).

Gai.: *Institutes of Gaius*.

Gai. Aut.: The Autun Gaius (*FIRA* 2.207ff.; and see below, 458).

Gai. Epit.: The Epitome of Gaius (*FIRA* 2.231ff.; and see below, 466).

Gai. Sympos.: *Gaio nel suo tempo. Atti del symposio romanistico* (Naples, 1966).

Garnsey: *Social Status*: P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford, 1970).

Gaudemet, *Formation*: J. Gaudemet, *La formation du droit séculier et du droit de l'église aux IV^e et V^e siècles* (Paris, 1957).

Gaudemet, *Institutions*: J. Gaudemet, *Institutions de l'antiquité* (Paris, 1967).

Girard: P. F. Girard, *Manuel élémentaire de droit romain* (8th ed. by F. Senn, Paris, 1929).

Girard, *Mélanges*: P. F. Girard, *Mélanges de droit romain* (2 vols., Paris, 1912, 1923).

Gradenwitz, *Interpolationen*: O. Gradenwitz, *Interpolationen in den Pandekten* (Berlin, 1887).

Greenidge: A. H. J. Greenidge, *Roman Public Life* (Oxford, 1901).

Guarino, *Ordinamento*: A. Guarino, *L'ordinamento giuridico romano* (3rd ed., Naples, 1959).

H.A.: *Historia Augusta*.

Hammond: *Antonine Monarchy*: M. Hammond, *The Antonine Monarchy* (American Acad. in Rome, Papers 19, 1959).

Heimbach: *Basilicorum libri LX*, ed. G. Heimbach (7 vols., Leipzig, 1833–97).

Hill, *Roman Middle Class*: H. Hill, *The Roman Middle Class in the Republican Period* (Oxford, 1952).

Historia: *Historia. Zeitschrift für alte Geschichte* (1950–).

Holdsworth, *HEL*: W. S. Holdsworth, *A History of English Law* (16 vols., London, 1923–66).

Honoré, *Gaius*: A. M. Honoré, *Gaius. A Biography* (Oxford, 1962).

Abbreviations

H.-S. or Heumann-Seckel: *Heumanns Handlexikon zu den Quellen des römischen Rechts* (9th ed. by E. Seckel, Jena, 1907; repr. as 10th ed., Graz, 1958).

IRMAE: *Ius Romanum Medii Aevi, auspice Collegio antiqui iuris studiis provehendis* (Milan, 1961-).

Iura: *Iura. Rivista internazionale di diritto romano e antico* (1950-).

J.: *Institutes of Justinian*.

JEA: *Journal of Egyptian Archaeology* (1914-).

Jhering, *Geist*: R. von Jhering, *Geist des römischen Rechts auf den verschiedenen Stufen seiner Entwicklung* (3 parts in 4 vols., 4th and 5th ed., 1883-94; repr. Aalen, 1968).

JJP: *Journal of Juristic Papyrology* (1946-).

Jolowicz, *De Furtis*: *Digest XLVII.2, De Furtis*, ed. with Introduction, Translation and Notes by H. F. Jolowicz (Cambridge, 1940).

Jolowicz, *Roman Foundations*: H. F. Jolowicz, *Roman Foundations of Modern Law* (Oxford, 1957).

Jones: A. H. M. Jones, *The Later Roman Empire* (3 vols., Oxford, 1964).

Jones, *Studies*: A. H. M. Jones, *Studies in Roman Government and Law* (Oxford, 1960).

Jörs-Kunkel: W. Kunkel, *Römisches Privatrecht auf Grund des Werkes von P. Jörs* (3rd ed., Berlin etc., 1949=2nd ed., 1935, with bibliographical supplement).

JRS: *Journal of Roman Studies* (1911-).

Jurid. Rev.: *Juridical Review* (1889-).

Karlowa: O. Karlowa, *Römische Rechtsgeschichte* (2 vols., Leipzig, 1885, 1901).

Kaser, *AJ*: M. Kaser, *Das altrömische ius* (Göttingen, 1949).

Kaser, *EB*: M. Kaser, *Eigentum und Besitz im älteren römischen Recht* (2nd ed., Cologne/Graz, 1956=1st ed., 1942, with appendix).

Kaser, *RPL*: M. Kaser, *Roman Private Law* (2nd ed., transl. R. Dannenbring, London, 1968).

Kaser, *RPR*: M. Kaser, *Das römische Privatrecht* 1 (2nd ed., Munich, 1971), 2 (1st ed., Munich, 1955)=*Handbuch der Altertumswissenschaft*, ed. H. Bengtson, vol. x.3.3.1, 2).

Kaser, *ZPR*: M. Kaser, *Das römische Zivilprozessrecht* (Munich, 1966= *Handbuch der Altertumswissenschaft*, ed. H. Bengtson, vol. x.3.4).

Kelly, *Roman Litigation*: J. M. Kelly, *Roman Litigation* (Oxford, 1966).

Abbreviations

- Kipp: Th. Kipp, *Geschichte der Quellen des römischen Rechts* (4th ed., Leipzig/Erlangen, 1919).
- Krüger: P. Krüger, *Geschichte der Quellen und Literatur des römischen Rechts* (2nd ed., Munich/Leipzig, 1912).
- Kübler: B. Kübler, *Geschichte des römischen Rechts* (Leipzig/Erlangen, 1925).
- Kunkel, *Herkunft*: W. Kunkel, *Herkunft und soziale Stellung der römischen Juristen* (2nd ed., Vienna, 1967=1st ed., 1952, with bibliographical supplement).
- Kunkel, *Intro.*: W. Kunkel, *An Introduction to Roman Legal and Constitutional History*, transl. J. M. Kelly (Oxford, 1966).
- Kunkel, *Krim.*: W. Kunkel, *Untersuchungen zur Entwicklung des römischen Kriminalverfahrens in vorsullanischer Zeit* (Munich, 1952=Abh. d. Bayer. Akad. d. Wissensch., phil.-hist. Kl., 56).
- Labeo*: Labeo. *Rassegna di diritto romano* (1955-).
- Lawson, *Negligence*: F. H. Lawson, *Negligence in the Civil Law* (Oxford, 1950).
- Lenel, *Gesch.*: O. Lenel, *Geschichte und Quellen des römischen Rechts* (Munich/Leipzig, 1915, *Holtzendorffs Enzyklopädie der Rechtswissenschaft*, vol. 1, 7th ed.).
- Lenel, *EP*: O. Lenel, *Das Edictum Perpetuum* (3rd ed., Leipzig, 1927; repr. Aalen, 1956).
- Levy, *Ehescheidung*: E. Levy, *Der Hergang der römischen Ehescheidung* (Weimar, 1925).
- Levy, *Ges. Schr.*: E. Levy, *Gesammelte Schriften* (2 vols., Cologne/Graz, 1968).
- Levy, *Obligations*: E. Levy, *Weströmisches Vulgarrecht, Das Obligationenrecht* (Weimar, 1956).
- Levy, *Privatstrafe*: E. Levy, *Privatstrafe und Schadensersatz* (Berlin, 1915).
- Levy, *Property*: E. Levy, *West Roman Vulgar Law, The Law of Property* (Philadelphia, 1951).
- Levy, *Sponsio*: E. Levy, *Sponsio, fidepromissio, fideiussio* (Berlin, 1907).
- Lévy-Bruhl, *Nouv. Et.*: H. Lévy-Bruhl, *Nouvelles études sur le très ancien droit romain* (Paris, 1947).
- Lévy-Bruhl, *QP*: H. Lévy-Bruhl, *Quelques problèmes du très ancien droit romain* (Paris, 1984).
- Lévy-Bruhl, *Recherches*: H. Lévy-Bruhl, *Recherches sur les actions de la loi* (Paris, 1960).
- Lipsius: J. H. Lipsius, *Das attische Recht und Rechtsverfahren* (3 vols., Leipzig, 1905, 1908, 1915).
- LQR*: *Law Quarterly Review* (1885-).

Abbreviations

L.R.Burg.: *Lex Romana Burgundionum* (see below, 467).

L.R.Visig.: *Lex Romana Visigothorum* (see below, 466).

Magdelain, *Actions Civiles*: A. Magdelain, *Les actions civiles* (Paris, 1954).

Magdelain, *Recherches sur l'imperium*: A. Magdelain, *Recherches sur l'imperium, la loi curiate, et les auspices d'investiture* (Paris, 1968).

Maine, *Ancient Law*: Sir Henry Sumner Maine, *Ancient Law* (ed. Pollock, London, 1906).

de Martino: F. de Martino, *Storia della costituzione romana* 1-5 (Naples, 1951, 1954/5, 1958, 1962/5, 1967).

v. Mayr: R. von Mayr, *Römische Rechtsgeschichte* (7 vols., Leipzig, Berlin, 1912/13).

Mél. Cornil: *Mélanges de droit romain dédiés à G. Cornil* (2 vols., Ghent/Paris, 1926).

Mél. Gérardin: *Mélanges Gérardin* (Paris, 1907).

Mél. Lévy-Bruhl: *Droits de l'antiquité et sociologie juridique. Mélanges Henri Lévy-Bruhl* (Paris, 1959).

Mél. Meylan: *Mélanges Philippe Meylan* (2 vols., Lausanne, 1963).

Mél. de Visscher: *Mélanges F. de Visscher* 1-4 = *RIDA* 2-5 (1949-50).

Meyer, *Röm. Staat*: E. M. Meyer, *Römischer Staat und Staatsgedanke* (3rd ed., Zurich/Stuttgart, 1964).

Mitteis, *Chrest.*: L. Mitteis, *Grundzüge und Chrestomathie der Papyruskunde*, 2.2 *Chrestomathie* (Leipzig, 1912).

Mitteis, *Grundzüge*: Ibid. 2.1.

Mitteis, *Reichsr.*: L. Mitteis, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs* (Leipzig, 1891).

Mitteis, *RPR*: L. Mitteis, *Römisches Privatrecht bis auf die Zeit Diokletians* 1 (Leipzig, 1908).

Momigliano, *Quarto Contributo*: A. Momigliano, *Quarto contributo alla storia degli studi classici e del mondo antico* (Rome, 1969).

Momigliano, *Terzo Contributo*: A. Momigliano, *Terzo contributo etc.* (Rome, 1966).

Mommsen, *Abriss*: Th. Mommsen, *Abriss des römischen Staatsrechts* (2nd ed., Leipzig, 1907).

Mommsen, *Ges. Schr.*: Th. Mommsen, *Gesammelte Schriften* (8 vols., Berlin, 1905-13; repr. Berlin/Dublin, 1965; *Juristische Schriften* = vols. 1-3).

Mommsen, *Röm. Chronologie*: Th. Mommsen, *Die röm. Chronologie bis auf Caesar* (Berlin, 1858).

Mommsen, *StR*: Th. Mommsen, *Römisches Staatsrecht* 1, 2 (3rd ed., Leipzig, 1887), 3 (1st ed., Leipzig, 1888); repr. Tübingen, 1952.

Abbreviations

- Mommsen, *StrR*: Th. Mommsen, *Römisches Strafrecht* (Leipzig, 1899; repr. Darmstadt, 1955).
- Monier: R. Monier, *Manuel élémentaire de droit romain* 1 (6th ed., Paris, 1947), 2 (5th ed., Paris, 1954); repr. Aalen, 1970.
- Münch. Beitr.: *Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* (1915-).
- Nicholas, *Introduction*: B. Nicholas, *Introduction to Roman Law* (Oxford, 1962).
- Nicolet, *L'ordre équestre*: Cl. Nicolet, *L'ordre équestre à l'époque républicaine* 1 (*Bibl. des écoles françaises d'Athènes et de Rome*, fasc. 207, 1966).
- NNDI: *Novissimo digesto italiano* (Turin, 1957-).
- Noailles, *Fas et Ius*: P. Noailles, *Fas et ius. Etudes de droit romain* (Paris, 1948).
- Not. Dign. Occid.: *Notitia dignitatum in partibus occidentis*, ed. O. Seeck (Berlin, 1876).
- Nov.: Novels of Justinian.
- Nov. Maioran.: *Novellae Maiorani* (in vol. 2 of the Mommsen-Meyer edition of CTh; see below, 465, n. 5).
- Nov. Marcian.: *Novellae Marciani* (*ibid.*).
- Nov. Th.: *Novellae Theodosii* (*ibid.*).
- Nov. Val.: *Novellae Valentiniani* (*ibid.*).
- Ogilvie, *Livy* 1-5: R. M. Ogilvie, *A Commentary on Livy Books 1-5* (Oxford, 1965).
- Pais, *Ricerche*: E. Pais, *Ricerche sulla storia e sul diritto pubblico di Roma* 1 (Rome, 1915).
- P. Antinoop.: *The Antinoopolis Papyri* (London, 1950-).
- Partsch, *Schriftformel*: J. Partsch, *Die Schriftformel im römischen Provinzialprozesse* (Breslau, 1905).
- Pernice, *Labeo*: A. Pernice, *Labeo, Römisches Privatrecht im ersten Jahrhundert der Kaiserzeit* (1, 1878; 2.1, 2, 2nd ed., 1895/1900; 3.1, 2nd ed., 1892; all Halle; repr. Aalen, 1963).
- Perozzi, *Scritti*: S. Perozzi, *Scritti giuridici* (3 vols., Milan, 1948).
- Peters, *Die oströmischen Digestenkommentare*: H. Peters, *Die oströmischen Digestenkommentare und die Entstehung der Digesten* (*Berichte d. sächs. Gesellsch. d. Wissensch.* 65, 1918; repr. *Labeo* 16 (1970) 183ff., 335ff.).
- P. Giess.: *Griechische Papyri im Museum des oberhessischen Geschichtsvereins zu Giessen* (Leipzig, etc., 1910-12).

Abbreviations

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- PS*: *Pauli Sententiae* (*FIRA* 2.319ff.; and see below, 457).
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