GEORGETOWN UNIVERSITY

DEPARTMENT OF CLASSICS

FALL 2018

### **Classics 242**

### **An Introduction to Roman Law**

TTh, 5:00-6:15 P.M. Zachary Herz, 318 Healy

Car Barn 309 (Not Actually a Barn) zh149@@georgetown.edu

Office Hours: W 1-3 PM



The Supreme Court Building, designed in the form of a Roman temple by Cass Gilbert. Image courtesy of the Architect of the Capitol.

Course Description:

Roman law is remarkable not only for its complexity and specification, but also its pragmatism; the rules it set out expressed core cultural values while also fostering an efficient and complex system of exchange. This class examines Roman law through a close reading of its primary texts. We will focus on two distinct areas of Roman law; the law of delict—analogous to modern tort—and Roman family law, including marriage, divorce, and inheritance. Students will learn not only how Romans addressed legal questions in these spheres, but also what sort of intellectual or ideological apparatus encouraged them to look to the state to solve these sorts of problems. Primary readings will come mostly from the collection of legal texts known as the Digest, accompanied by papyri and inscriptions. All readings will be in translation. Assignments will include a short paper and a final exam. **NOTE: this has changed from the initial course description!**

Classes:

Each class meeting will consist of a mixture of lecture by me and discussion, based primarily on the day’s readings. I will practice the Socratic method, which means I rely on students to explain the cases we’ve prepared; **I cold call**, so students absolutely must be prepared to answer questions and think through material. If you will not be prepared on any given day, let me know in advance and I will not call on you; do this too often, however, and it will be reflected in your grade.

Assignments and Grading:

Students are expected to participate actively in class by answering questions and participating in discussion. In addition, students will write a three-to-five page paper applying Roman legal principles to a given fact pattern, and will show their mastery of Roman legal principles in a final exam. Grades will be calculated as follows:

Midterm Paper: 30%

Participation: 30%

Final Exam: 40%

I reserve the right to depart from this rubric in extraordinary circumstances, but rarely do so.

Classroom Conduct:

I expect students to remain attentive and respectful at all times, particularly of each other. Because you and your colleagues will have to speak extemporaneously, I expect all of you to help me create as comfortable a space for open dialogue as possible.

I strongly prefer that students not use personal computers in class. Students with electronic editions of texts may bring a Kindle or other e-reader, but I will ask that any devices be disconnected from the internet during class time. Students who require laptops or other note-taking devices as a matter of accommodation should contact the Academic Resource Center (ARC).

Disability and Accommodation:

As a Georgetown student, you are entitled to reasonable disability accommodations under the Americans with Disabilities and Rehabilitation Acts. However, you also have strong privacy rights under the Family Educational Rights and Privacy Act, which forbids me from asking you questions about your medical history in order to evaluate an accommodations request. Like many universities, Georgetown has created a special office to address accommodation requests within ARC.

In order to receive disability-related academic accommodations, you must first be registered with ARC, who will walk you through the process of requesting accommodation. Please do not come to me directly with accommodation requests—I will gladly honor such requests from ARC, but cannot evaluate and accommodate students myself.

Academic Honesty:

I expect you to adhere to Georgetown’s Honor Code and am affirmatively responsible for reporting suspected infractions. If you plagiarize, **I will catch you, and I am mean.** That said, the rules around plagiarism and academic honesty are not always intuitive; if you are not sure how best to cite a source or what sort of attribution is appropriate, bring the source to office hours or make an appointment to discuss it. I’m happy to help you stay out of trouble.

Required Texts:

The following texts are available at the Georgetown University bookstore. If you prefer to save some money, or to contribute to America’s once thriving and now critically endangered independent book sellers, **mazel tov**; however, please make sure you have purchased the most recent edition.

Crook, *Law and Life of Rome, 90 B.C. - A.D. 212*. Cornell University Press. ISBN: 0801492734.

Johnston, *Roman Law in Context*. Cambridge University Press. ISBN: 0521639611.

Frier, *A Casebook on the Roman Law of Delict*. Oxford University Press. ISBN: 1555402674.

Frier & McGinn, *A Casebook on Roman Family Law*. Oxford University Press. ISBN: 0195161866.

Schedule of Topics and Reading Assignments:

All readings for a given week should be completed by class on that Tuesday.

Unit 1: **Sources of Roman Law**

Week 1: Introduction

*Read Maine,* Ancient Law *(on Canvas).*

Week 2: Archaic and Republican Law

*Read excerpts from the XII Tables; Aulus Gellius,* Noctes Atticae *20.1.45-51; Cicero,* Pro Caelio *(on Canvas)*

Week 3: Imperial Lawmaking

*Read Johnston, chs. 1-2; Millar,* The Emperor in the Roman World *228-40 (on Canvas); Digesta 1.1 (on Canvas) (this is pp. 1-3 of the PDF); P. Giss. 40 (on Canvas); P. Col. 123 (on Canvas).*

Week 4: The Roman Jurists

*Read Crook, 1-33; Codex Theodosianus 1.4.3 (on Canvas); Gaius, Institutiones 1.1 (on Canvas); Digesta 42.3 (on Canvas) (pp. 59-60 of the PDF).*

Unit 2: Th**e Roman Law of Delict**

Week 5: The Lex Aquilia, Basics of Roman Ownership

*Read Crook, pp. 162-90; Johnston, ch. 4; Frier, Delict, cases 1-24.*

Week 6: The Elements of Delict

*Read Frier, Delict, cases 25-48.*

Week 7: Defenses to Delict

*Read* *Frier, Delict, cases 49-71.*

Week 8: Outrage and Defamation

*Read Frier, Delict, cases 127-43;* Stern v. Cosby*, 645 F.Supp.2d 258 (on Canvas).*

Unit 3: **Roman Family Law**

Week 9: Introduction to Roman Marriage

*Read Johnston, ch.3; Crook, pp. 98-118.*

Week 10: Roman Marriage

*Read Frier & McGinn, Family, cases 29-55.*

Week 11: Intestate and Testate Succession

*Read Frier & McGinn, Family, cases 159-76.*

Midterm Paper due Tuesday, November 13

NO CLASS THANKSGIVING WEEK

Week 12: Legacies and Trusts

*Read Frier & McGinn, Family, cases 198-205; Crook, pp. 119-40*.

Week 13: Summation, Final Review

Final Exam: Friday, December 4, 7:00-9:00 P.M.