

<http://www.law.harvard.edu/faculty/cdonahue/courses/lhsemelh/materials/>

The following description was downloaded from the Medway Archives, but they have taken it down, apparently since the manuscript was returned to Rochester Cathedral:

For digital images of the manuscript, see:

<https://luna.manchester.ac.uk/luna/servlet/media/book/showBook/Man4MedievalVC~4~4~990378~142729>

To get from the folio numbers to the image number on the page turner double the folio number and add 7.

For the Oliver edition in digital form (and much more), see:

<http://www.earlyenglishlaws.ac.uk/laws/texts/Abt/>

The *Textus Roffensis*

(*Textus de Ecclesia Roffensi per Ernulphum episcopum*) * (The Book of the Church of Rochester through Bishop Ernulf)

Synopsis of contents

Part 1 is preceded by various miscellaneous notes added by much later hands.

p.i recto memoranda and notes in early modern hands

p.i verso list of Old English characters

p.ii recto Latin inscription pertaining to book's return to custody following a law suit 1633

p.ii verso palimpsest

p.iii recto transcription by Dr. John Harris of inscription found on the medieval wooden cover of book, as above 1633

p.iii verso a list of Old English characters by Elizabeth Elstob entered up in 1712

Part 1: *Quedam instituta de legibus regum Anglorum* (Some enactments from the laws of the kings of the English) (DRc/R1 f.58 recto) [translation Flight]

i.e. legal texts, law codes and regnal lists stemming from the kingdoms of the English Heptarchy, England

ff.1 recto- 3 verso: Ethelbert [cf. Aethelbert] king of Kent [commencing *Dis syndon da domas de aethelbirht cyning asette on agustinus daege* (transliteration Morris/Sawyer) (*these are the dooms [or laws] that King Ethelbert fixed in Augustine's days*) (translation Fordham University.)] It should be noted modern scholars (Hough, Richards and Wormald) suggest this heading to be a later rubrication prefaced by the scribe to the text of the original document from which he copied. (For a 35mm colour slide/transparency see collection M51)

ff.3 verso-5 recto: Hlothre [cf. Lothar/Lothair] and Eadric [cf. Eadric], kings of Kent

ff.5 recto-6 verso: Wihtrud [cf. Wightred], king of Kent

f.7 recto-verso: *Hadbot* [cf. *Hadbote/had*; compensation for affront or injury to a person in holy orders, see *The Oxford English Dictionary* edited by J.A.H. Murray [etc.] 1970, Archives library]

ff.7 verso-8 verso: West Saxon (Wessex) regnal table i.e. list of kings of Wessex

ff.9 recto-31 verso: Alfred [cf. Aelfred] (ff.11 recto- 24 verso) and Ine (ff.24 verso-31 verso), kings of Wessex;

ff.31 verso-32 recto: *be blaserum* (About Arsonists) and *Forfang* [rescue of stolen money or reward for rescuing stolen money]

f.32 recto-verso: Ordeal (cf. Ordal)

f.32 verso: *Walreaf* (*despoiling the dead*) [cf. *Wealreaf*, *Weilreif*, *Walaraupa*, *A Treatise of Gavelkind* [etc.], William Somner, 1660]

ff.32 verso-37 recto: II King Athelstan [cf. Aethelstan]

ff.37 recto-38 recto: V King Athelstan [cf. Athelstan]

f.38 recto: IV King Athelstan [cf. Aethelstan]

f.38 recto: *Pax* [i.e. the king's peace]

ff.38 verso-39 verso: *Swerian* [i.e. oath forms]

f.38 verso: f.39 verso: *Mirca Laga* (Of Mercian Law)

ff.40-41: Laws of Edward [cf. Eadward] the Elder, king of England and Guthrum (or Aethelstan/Athelstan), king of the Dane-Law +; after c.901;

ff.41 verso-42 recto: *Wergeld* the price set upon a man according to his rank, paid by way of compensation or fine in cases of homicide and certain other crimes to free the offender from further obligation or punishment (*The Oxford English Dictionary*, q.v.); ff.42 recto-43 recto: I King Edward

ff.43 recto-44 recto: II King Edward

ff.44 recto-45 recto: I King Edmund

ff.45 recto-46 recto: II King Edmund

ff.46 recto-47 recto: I King Ethelred

f.47 recto-verso: King William I, On Exculpation

ff.48 recto-49 verso: III King Ethelred

ff.49 verso-57 recto: *Iudicia Dei I III* i.e. the judgment of God, comprising *Exorcismus-aquae* (f.49 verso), *Exorcismus-ferri* (f.53 verso) and *Exorcismus-panis* (ff.55 verso -56 recto) i.e. the ceremonies of ordeal by red-hot iron, boiling water, immersion in water or by barley bread and cheese

f.57 verso: Canute, king of England, Charter for Christ Church, Canterbury

ff.58 recto-80 recto: *Instituta Cnuti, I II III*

ff.80 recto-81 verso: III King William I, Ten Articles

ff.81 verso-87 recto: *Exceptiones, ex decretis pontificum, quales accusatores*

ff.88 recto-93 recto: VI King Athelstan

f.93 verso- 94 recto *Northleoda laga* (Of the North people's law)

ff.93 verso-94 recto: *Wergeld*

ff.94 verso-95 recto: On betrothal/wedding

f.95 recto: charm against theft

f.95 recto-verso: Bequeathing form

ff. 96 recto-97 verso: King Henry I; *Institutiones henrici regis* [=n199 H I Coronation charter]

ff.98 recto - 100 recto: Excommunication

f.101 recto-verso: West Saxon [i.e. Wessex] genealogy

ff. 102 recto-104 recto: English royal genealogies, Adam to Edward Ironside (f.101 recto), Northumbria (f.102 recto), Mercia (f.102 recto), Kent (f.103 recto), Wessex (f.103 verso)

ff. 105 recto-116 recto: lists of popes, Roman++ emperors f.107 verso), oriental patriarchs [i.e. of Jerusalem [Palestine/Israel] (f.107 verso), Alexandria [Egypt] (f.109 recto) and Antiocha/Antioch [Syria] (f.109 verso)), and of English archbishops and bishops (ff.110 verso-116 recto) (Canterbury f.110v., Rochester f.111r. [=n229])

f.116 verso: a list of popes, seven archangels [the names of the 24 elders of Rev 4:10. I can't find these names on Google]

f.117 recto: concerning pope Celestine [=n241]

f.118 verso: note of an inquisition made in 1199 concerning debts of Rochester Priory.

Part 2: *Incipiunt privilegia aecclesiae sancti andreae hrofensis concessa a tempore ethilberhti regis, qui fide christiana a beato augustino suscepta, eandem ecclesiam construi fecit* (Privileges granted to the church of Saint Andrew of Rochester, from the time of king Aethelbert onwards, who, converted to the Christian faith by Saint Augustine, caused this church to be built) (DRc/R1 f.119 recto) [translation Flight]

i.e. cartulary of Rochester Cathedral Priory

Part 2 begins with an illuminated letter R formed out of an angel and winged dragon coloured green, lake and vermilion.

ff.119 recto-222 recto: cartulary, here partly summarised:

[604]

King Aethelberht [cf. Ethelbert] I of Kent to St. Andrew's Priory, Rochester of land in south-western part of the city, f.119. For an image of folio 119 recto, please click here [reference now disabled] [see

<http://www.esawyer.org.uk/charter/1.html>]

738

King Eadberht [cf. Edbert, Eadbert] of Kent to St. Andrew's Priory, Rochester ff119-120

762 Actually 747

King Eardwulf of Kent to St. Andrew's Priory, Rochester f123

762 King Sigereð of Kent to Bishop Eardwulf of Rochester ff122-123;

764

King Offa of Mercia to Bishop Eardwulf of Rochester ff123-125;

765

King Ecgberht [cf. Egbert] of Kent to Bishop Eardwulf of Rochester confirmed by Heaberht of Kent and Offa of Mercia ff126-127;

761 x 764

Sigered, king of half Kent to Bishop Eardwulf of Rochester; confirmed by Eanmund of Kent ff125-126

778

King Ecgberht [cf. Egbert] of Kent to Bishop Deora of Rochester ff129-130;

779

King Ecgberht [cf. Egbert] II of Kent to bishop Deora f130

781 Actually 860-866

King Aethelberht [cf. Ethelbert] of Wessex to Bishop Deora of Rochester ff130-131

788

King Offa of Mercia to St. Andrew's Priory and Bishopric of Rochester ff131-132;

789

King Offa of Mercia to Bishop Waermund of Rochester ff133-134

789

King Offa of Mercia to Bishop Waermund and church at Rochester ff132-133;

801

King Coenwulf of Mercia and Cuthred of Kent to Swithlun ff135-136

811

King Coenwulf of Mercia to Bishop Beornmod of Rochester ff136-137

823

King Ecgberht [cf. Egbert] of Wessex to St. Andrew's Priory, Rochester ff137-138

838

King Ecgberht [cf. Egbert] of Wessex to Bishop Beornmod of Rochester ff138-139

841

King Aethelwulf [cf. Ethelwulf] of Wessex to Bishop Beornmod of Rochester f139

855

King Aethelwulf [cf. Ethelwulf] of Wessex to his minister Dunn; with Dunn's will ff139-140

860 & 790; actually c.975

King Aethelberht [cf. Ethelbert] of Wessex to Bishop Waermund of Rochester ff134-135

868

King Aethelred [cf. Ethelred] I of Wessex to Cuthwulf, Bishop of Rochester ff140-141

880

King Aethelwulf [cf. Ethelwulf] of Wessex to St. Andrew's Priory and Bishop Swithwulf ff141-142
942x946

King Eadmund [cf. Edmund] I (of Wessex) to Bishop Burhic of Rochester ff143-144

955

King Eadgar [cf. Edgar] of Wessex to St. Andrew's Priory ff150v-152

995 King Aethelred [cf. Ethelred] II to see of Rochester ff152-155

998 King Aethelred [cf. Ethelred] II to see of Rochester ff156-159

1012

King Aethelred [cf. Ethelred] II to Bishop Godwine (cf. Godwin) of Rochester ff159-162

[ff.163-221: here are charters and other documents mainly post-Conquest

including ff164v-167r list of persons and parishes liable for the repair of Rochester Bridge (Old English), an account of a trial on Penenden Heath, ff.168 recto-170 verso (Latin) and a list of churches and chapels in the diocese of Rochester liable to pay Rochester Cathedral a fee for receiving Holy Chrism or consecrated oil at Easter ff.220v-222r (written c.1115 but thought to have been composed c.1089 and possibly in use pre-Conquest); also including charter of King Ethelbert to St. Andrew's Church of land in south-eastern part of city 600 [actually 604] [forged] (f.177 recto)

ff.222 recto-223 verso: list of offices, masses etc. that ought to be said for members of religious houses in confraternity with Rochester

ff.224 recto-229 verso, 230 recto: lists/catalogue/inventory of books in Rochester Cathedral Priory Library [f.228 recto, line 1, mentions the first part (i.e. the laws) of the present *Textus Roffensis* as above

ff.232 verso-235: assize of ward of King Edward III

a version of the Domesday account of the Rochester fief, ff.209 recto-210 recto;

benefactions, mainly royal, 8th. Century - King William II, ff.215 recto-216 recto;

a list of knights, f.217 recto;

confirmations of privileges by archbishops of Canterbury William [Corbois/Corbyl] and Theobald, ff.203 recto, 204 verso-222 recto;

a judgment by Imar of Tusculum [cf. Frascati, near Rome, Italy] ff.203 verso-204 recto;

copy of a bull of Pope Eugenius III of 1146, ff.206 recto-208 recto.]

The above list has been compiled from Sawyer (Part 1) pp.15-18 and from Liebermann *Archaeologia Cantiana* volume xxiii (1898) p.112.

[+ cf. Denmark; Northumbria, Lincolnshire, Nottinghamshire, Derbyshire, Leicestershire, Rutland, Norfolk, Suffolk, Northamptonshire, Huntingdonshire, Cambridgeshire, Bedfordshire, Hertfordshire and Essex]

[++ cf. Rome, Italy]

Date: 12th.-14th. centuries

Quantity: 1 volume 9 1/2" x 7" x 2 1/4" (240mm x 175mm x 55mm)

The following gives the provisions about women in Aethelberht's Code first Anglo-Saxon from the Oliver edition, second the Oliver translation, and third the older Attenborough translation (who uses a somewhat different numbering system). The manuscript may be found at nn. 13 - 14 on the page turner. The first provision listed is there for the possible help that it gives for c. 72/3.

9. **Gif cyning æt mannes ham drincæþ 7 ðær man lyswæs hwæt gedo, twibote gebete.** [3]

9. If the king drinks at a person's home, and a person should do anything seriously dishonest there, let him pay two[-fold] restitution.

3. If the king is feasting at anyone's house, and any sort of offence is committed there, twofold compensation shall be paid.

31. **Gif friman wið fries mannes wif geligeþ, his wergilde abicge, 7 oðer wif his agenum scætte** [31]
begete 7 ðæm oðrum æt þam gebrenge.

31. If a freeman lies with a free man's wife, let him buy [him/her] off [with] his/her wergild and obtain another wife [for the husband] [with] his own money and bring her to the other man at home.¹

31. If [one] freeman lies with the wife of [another] freeman, he shall pay [the husband] his [or her] wergeld, and procure a second wife with his own money, and bring her to the other man's home.

Between this provision and the next one there is a long section that outlines the payments that are to made for personal injury.

72. **Gif friwif locbore leswæs hwæt gedep, XXX sciH gebete.** [73]

72. If a free woman in charge of the locks does anything seriously dishonest, let her pay 30 shillings.

73. If a freeborn woman, with long hair, misconducts herself, she shall pay 30 shillings as compensation.

73. **Mægþbot sy¹ swa friges mannes.** [74]

73. Compensation for [injury to/offense against] a maiden shall be as for a free man.

74. Compensation [for injury] to be paid to an unmarried woman, shall be on the same scale as that paid to a freeman.

74. **Mund þare betstan widuwan eorlcundre, L scillinga gebete.** [75]

74.1. **Ðare oþre, XX scH.** [75.1]

74.2. **Ðare þridan, XII scH.**

74.3. **Þare feorðan, VI scH.**

74. [For violation of] protection of the foremost widow of noble rank, let him pay 50 shillings.

74.1. [For a widow] of the second [rank], 20 shillings.

74.2. [For a widow] of the third [rank], 12 shillings.

74.3. [For a widow] of the fourth [rank], 6 shillings.

75. The compensation to be paid for violation of the mund of a widow of the best class, [that is, of a widow] of the nobility, shall be 50 shillings.

§ 1. For violation of the mund of a widow of the second class, 20 shillings; of the third class, 12 shillings; of the fourth class, 6 shillings.

75. **Gif man widuwan unagne genimeþ, II gelde seo mund sy.²** [76]

75. If a person takes a widow who does not belong to him, the [payment for violation of] protection shall be 2[-fold] as compensation.

76. If a man takes a widow who does not [of right] belong to him, double the value of the mund shall be paid.

76. **Gif man mægþ gebigeð ceapi, geceapod sy gif hit unfacne is.** [77]
- 76.1. **Gif hit þonne facne is, efl[t] þær æt ham gebrenge, 7 him man his scæt agefe.** [77.1]
- 76.2. **Gif hio cwic bearn gebyreþ, healfne scæt age gif ceorl ær swylteþ. /3v/ [new unit]** [78]
- 76.3. **Gif mid bearnum bugan wille, healfne scæt age.** [79]
- 76.4. **Gif ceorl agan wile, swa an bearn.** [80]
- 76.5. **Gif hio bearn ne gebyreþ, fæderingmagas fioh agan 7 morgengyfe.** [81]
76. If a person buys a maiden with a [bride-]price, let the bargain be [valid], if there is no deception.
- 76.1 If there is deception, afterwards let him bring [her to her] home, and let him be given his money.
- 76.2 If she bears a living child, let her obtain half the goods [belonging to the household] if the husband dies first.
- 76.3 If she should wish to dwell with the children, let her obtain half the goods [of the household].
- 76.4 If she should wish to take a man [i.e., another husband], provision as for one child [i.e., the inheritance is split equally between the mother and each of the children].
- 76.5 If she does not bear a child, her paternal kin should obtain [her] property and the morning-gift.
77. If a man buys a maiden, the bargain shall stand, if there is no dishonesty.
§ 1. If however there is dishonesty, she shall be taken back to her home, and the money shall be returned to him.
78. If she bears a living child, she shall have half the goods left by her husband, if he dies first.
79. If she wishes to depart with her children, she shall have half the goods.
80. If the husband wishes to keep [the children], she shall have a share of the goods equal to a child's.
81. If she does not bear a child, [her] father's relatives shall have her goods, and the "morning gift."
77. **Gif man mægþman nede genimeþ, ðam agende L scillinga, 7 eft æt þam agende sinne willan ætgebigce.** [82]
- 77.1. **Gif hio oþrum mæn in sceat bewyddod sy, XX scillinga gebete.** [83]
- 77.2. **Gif gængang geweorðeþ, XXXV sciþ, 7 cyninge XV scillingas.** [84]
77. If a person takes a maiden by force: to the owner [of her protection] 50 shillings, and afterwards let him buy from the owner his consent [to marry her].
- 77.1. If she should be betrothed to another man by goods [i.e., the bride-price has been paid], let him pay 20 shillings [to that man as well].
- 77.2. If return [of the stolen maiden] occurs, 35 shillings and 15 shillings to the king.
82. If a man forcibly carries off a maiden, [he shall pay] 50 shillings to her owner, and afterwards buy from the owner his consents.
83. If she is betrothed, at a price, to another man, 20 shillings shall be paid as compensation.
84. If she is brought back, 35 shillings shall be paid, and 15 shillings to the king.
78. **Gif man mid esnes cwynan geligeþ be cwicum ceorle, II gebete. [new unit]** [85]
78. If a person lies with a servant's wife while the husband is alive, let him pay 2[-fold what he would have paid were she unmarried].
85. If a man lies with the woman of a servant, during the lifetime of the husband, he shall pay a twofold compensation.

OUTLINES OF THREE LEGAL HISTORIES

English Legal History

<i>Period</i>	<i>Description</i>	<i>Politics</i>	<i>Sources of Law</i>	<i>Roman Influence</i>	<i>Continental Contrast</i>
600-1150	Age of Tort	Tribal->Feudal Monarchy	Barbarian Codes, Custom	Almost non-existent	Weak
(1000?, 1066?) 1150-1300	Age of Property	Feudal monarchy	Custom, Case Law, Statute	Strong on Method	Same
(1250) 1300-1500 (1602)	Age of Trespass	National monarchy	Case Law	Weak	Quite Strong
(1375) 1500-1700	Age of Equity	Absolute Monarchy-> Const. Monarchy	Case Law, Statute	Strong in spots	Strong
1700-1900	Age of Reform	Const. monarchy	Case law, Some Codification	Submerged but there	Very strong

Roman Legal History

<i>Period</i>	<i>Description</i>	<i>Politics</i>	<i>Sources of Law</i>
500-250 BC	Archaic	City-State	XII Tables
250-1 BC	Pre-Classical	Urban Empire	Statutes/Cases
1-250 AD	Classical	Principate	Cases
250-500 AD	Post-Classical	Dominate	Imperial Constitutions
533 AD	Justinian	Byzantine	Code

Continental Legal History

<i>Period</i>	<i>Description</i>	<i>Politics</i>	<i>Roman</i>	<i>Canon</i>	<i>Customary/National</i>
450-1100	Early Middle Ages	Barbarian Invasions,	Romano-barbarian Codes	Collections	Barbarian Codes
1100-1250	High Middle Ages	Feudalism, Feudal monarchy	CJC-glossators	Gratian->decretists Papal decretals	Coutumiers
1250-1500	Later Middle Ages	National monarchy	CJC-commentators, <i>Consilia</i>	Decretalists->encyclopedic jurists	Coutumiers and statutes
1450-1550	Renaissance	Absolutism	Humanists	Councils, <i>Consilia</i>	Codification of custom, Reception
1550-1750	Early Modern	Absolute monarchy	Natural law	Papal bureaucracy, Handbooks	"Institutes" and statutes
1700-1900	Modern	Revolution	Pandectists, Historical School	Codification	Codification

JUSTINIAN'S INSTITUTES

J.I.1.1.3–4

The study of the law consists of two branches, law public, and law private. The former relates to the welfare of the Roman State; the latter to the advantage of the individual citizen. Of private law then we may say that it is of threefold origin, being collected from the precepts of nature, from those of the law of nations, or from those of the civil law of Rome.

J.I.1.2.12

The whole of the law which we observe relates either to persons, or to things, or to actions. And first let us speak of persons: for it is useless to know the law without knowing the persons for whose sake it was established.

J.I.2.1pr

In the preceding book we have expounded the law of Persons: now let us proceed to the law of Things. Of these some admit of private ownership, while others, it is held, cannot belong to individuals: for some things are by natural law common to all, some are public, some belong to a society or corporation, and some belong to no one. But most things belong to individuals, being acquired by various titles, as will appear from what follows.

J.I.2.6pr

It was a rule of the civil law that if a man in good faith bought a thing, or received it by way of gift, or on any other lawful ground, from a person who was not its owner, but whom he believed to be such, he should acquire it by usucapion—if a movable, by one year's possession, and by two years' possession if an immovable, though in this case only if it were in Italian soil;—the reason of the rule being the inexpediency of allowing ownership to be long unascertained. The ancients thus considered that the periods mentioned were sufficient to enable owners to look after their property; but we have arrived at a better opinion, in order to save people from being over-quickly defrauded of their own, and to prevent the benefit of this institution from being confined to only a certain part of the empire. We have consequently published a constitution on the subject, enacting that the period of usucapion for movables shall be three years, and that ownership of immovables shall be acquired by long possession—possession, that is to say, for ten years, if both parties dwell in the same province, and for twenty years if in different provinces; and things may in these modes be acquired in full ownership, provided the possession commences on a lawful ground, not only in Italy but in every land subject to our sway.

J.I.2.9.6

So much at present concerning the modes of acquiring rights over single things: for direct and fiduciary bequests, which are also among such modes, will find a more suitable place in a later portion of our treatise. We proceed therefore to the titles whereby an aggregate of rights is acquired. If you become the successors, civil or praetorian, of a person deceased, or adopt an independent person by adoption, or become assignees of a deceased's estate in order to secure their liberty to slaves manumitted by his will, the whole estate of those persons is transferred to you in an aggregate mass.

J.I.3.1.13

Let us now pass on to obligations. ... [T]hey are arranged in four classes, contractual, quasi-contractual, delictal, and quasi-delictal.

J.I. 4.6pr

The subject of actions still remains for discussion. An action is nothing else than the right of suing before a judge for what is due to one.

I. PAUL'S LETTER TO THE ROMANS

A. The anger of God against both pagan and Jew. Why God is angry against the Jews is easy. They have the Law but they do not keep it, 2:21-2 (bottom of p. 13): "You preach against stealing, yet you steal; you forbid adultery, yet you commit adultery; you despise idols, yet you rob their temples." Why God is angry against the pagans is a bit more complicated, 2:14-15: "Pagans who never heard of the law but are led by reason to do what the law commands, may not actually 'possess' the law but they can be said to 'be' the law. They can point to the substance of the law engraved on their hearts—they can call a witness, that is, their own conscience—they have accusation and defense, that is, their own inner mental dialogue."

B. Now comes the first big move: 3:21 (p. 15): "God's justice that was made known through the Law and the Prophets has now been revealed outside the Law ... to everyone who believes in Jesus Christ. ... [3:31] do we mean that faith makes the Law pointless? Not at all: we are giving the Law its true value."

C. 7:1: "Brothers, those of you who have studied law will know that laws affect a person only during his lifetime. A married woman, for instance, has legal obligations to her husband while he is alive, but all these obligations come to an end if the husband dies. ... That is why you, my brothers, who through the body of Christ are now dead to the Law, can now give yourself to another husband, to him who rose from the dead to make us productive for God. ... The reason [8:1] (p. 16) therefore why those who are in Christ Jesus are not condemned, it that the law of the spirit of life in Christ Jesus has set you free from the law of sin and death. God has done what the Law, because of our unspiritual nature was unable to do." But what is now law? The Church had already decided that circumcision and most of the rules of kashruth were not to be followed, but what is left?

D. 13:8-9 (p. 18): "Avoid getting into debt except the debt of mutual love. If you love your fellow men you have carried out your obligations. All the commandments ... are summed up in this single command: You must love your neighbor as yourself."

E. 13:1 (p. 17): "You must obey the governing authorities. [*exousi'as*, since a student asked, but what does that mean?] Since all government comes from God, the civil authorities were appointed by God, and so anyone who resists authority is rebelling against God's decision The state is there to serve God for your benefit. If you break the law, however, you may well have fear; the bearing of the sword has its own significance. The authorities ... carry out God's revenge by punishing wrongdoers. ... This is also the reason why you must pay taxes since all government officials are God's officers"

II. THE LEGACY OF THE ANCIENT WORLD -- CHRISTIANITY

A. The importance of Christianity in English legal development

B. The letter to the Romans

1. The theology of the letter (justification comes from faith in Christ Jesus, not from the Mosaic law)

2. The antinomianism that seems to lurk in the letter (freedom from the law in Christ Jesus)

C. Law and Christianity in the Roman Empire

1. The relative absence of what we think of as law from the NT

2. Possible explanations

a. Law was not the Greeks' long suit

b. Justification by faith not by the Mosaic law

3. The Council of Jerusalem (Ac 15:1-34; Gal 2:1-21)

4. The need for unity and the concept of communion (*koinonia*)

5. Christianity becomes the official religion of the Roman empire (4th century)

a. The Greek councils (Nicaea (325), Constantinople I (381), Ephesus (431),

Chalcedon (451)

b. Canons of councils (*nomos* vs. *kanon*)

c. Decretal letters of the popes (e.g., Leo I, 440-461)

6. Why does Christianity not develop a genuinely religious legal system?