INTRODUCTION TO ROMAN LAW

Introduction and Tentative Syllabus

Prof. Donahue, Mr. Schwennicke Fall, 2020

Meeting times. Had we been meeting in person, the course would have met from 1:00 to 2:30 on Mondays and Tuesdays. We are meeting online, so we can be more flexible, but we are asking that you keep those times (EDT) open for Zoom classes. On many days, the formal class may not take the full hour and half. We learned at the end of last semester that hour-and-a-half Zoom classes are rough. Rather, what Professor Donahue (CD) has done for the first half of the course is record lectures, which we are asking you to watch before the class. There is a discussion board on Canvas where you can post your reactions to and questions about the recorded lectures. We’ll begin class with a general discussion about the lecture. Then we’ll break up into two smaller groups for more specific discussion of the texts on which the lecture was based. CD will attend one of the smaller groups; Mr. Schwennicke (AS) will attend the other, but we’ll probably switch around who does which. Then we will regroup with everyone to report on what we did in the smaller groups. Notionally each of these segments is about a half an hour long, but the formal class, as we just said, may take less than an hour and a half.

One of the things that we learned last semester was that even with groups that already knew each other, you missed being able to chat with each other more informally and not necessarily about the course. We’ll open the Zoom sessions 15 minutes before the class is supposed to start and not join them until 1:00 p.m. We’ll also ‘hang around’ after class is formally over for more informal questions and discussion but then drop out, although Zoom won’t go off until 3:00 p.m.

This arrangement is obviously quite experimental. We can juggle it to get it to work. Let us know by email what you think as we are going along or about any difficulties that you are having, so that we can make adjustments. See the separate document: ‘Procedure for Zoom Classes’.

The discussion board is threaded, so that you can react to what each other has said. You can open a new thread on the discussion so that you talk about things not specifically related to one of the recorded lectures. And, of course, you can share emails with each other if you so choose.

Course content. In the thousand years between, roughly, 500 BC and 500 AD, the Romans developed the most elaborate and most comprehensive secular legal system that was known in the ancient world. This system was revived in the high middle ages and became an important (some would say the most important) influence on the development of modern western legal systems. This course introduces that system: (1) the political and social context in which it arose and flourished, (2) the categories of private law which it applied in its ‘classical’ period (roughly the first 250 years of our era), (3) its speculative origins in the distant past (the XII Tables of 450 BC), and (4) the
mechanisms by which it was developed by a group of lawyers called ‘jurists’ in the classical period. Each of these four topics takes up approximately three weeks in the course.

The course raises important substantive, comparative, and methodological issues, issues that are of concern to all lawyers, whether or not they happen to be interested in Rome. We will focus particularly on the relationship between legal doctrine, of which Roman law has a lot, and Roman society. We will ask the question – to which there is no firm answer – whether the seeming autonomy of Roman private law over the long period of its development is real or just apparent.

The specific topics for the first three-quarters of the course are relatively well fixed, but there is flexibility at the end, depending on your interests. The focus will be largely on private law. We will spend some time on the Roman ‘constitutions’ at the beginning of the course. We will say relatively little about Roman criminal law. If your principal interest is in the history of criminal law and you can take only one legal history course this year, the course in Ancient Law in the spring semester is probably more appropriate for you.

Prerequisites. None. See below under Background.

Requirements. (1) Post some sort of reaction on the discussion board before each class. (2) A short paper (no more than 5 double-spaced pages exclusive of notes), a first draft rewritten in response to our reactions. (3) A take-home exam. For further details on the latter two, see below under Papers and Exam.

Workload. You could spend a lot more time on this course than you do in a regular three-hour course. Some of the primary sources in the Materials are quite long, and there is secondary reading that goes with each part of the course. You could spend a lot of time, but you don’t have to. One of the reasons that the primary sources can be long is that we wanted to include what you would need to write a paper, and you won’t be writing a paper on every part of the course. In the past, CD asked students who did well in the course what they did. Most of them said that they looked at the lecture outlines before the class and tried to read the primary sources that were cited in the outlines. They only looked at the secondary sources for their papers and when they were reviewing for the exam. Converting that to how we are operating this semester suggests that if you listen to the recorded lectures, perhaps having a copy of the outline with you, take some notes, look up the primary sources that are cited in the lectures (all of which are in the Materials), and come to class, you’ll do just fine. This is likely to be a small course, and it does not have to be graded on a ‘curve’.

Background. This course assumes that you have had the first year of law school and nothing else. The readings are all in translation, and no prior knowledge of Latin, ancient history (etc., etc.) is required. We will ask you to learn about a hundred Latin words and to be able to recognize about a hundred more, because we believe that one should not speak of a foreign legal system without using the technical vocabulary of that system. Even here, there are transliterations into English. We don’t care whether you say “usufruct” (believe it or not, an English word) or usus fructus. What we don’t want you to say is ‘life estate’ when you mean usufruct. The Roman usufruct is like a life estate, but it is also unlike, and the point of using the Roman technical term is that it reminds us of the fact that we are not dealing with the same thing.

Traditionally about half the people who take this course have some background in classical languages and/or ancient history, and about half don’t. We will probably divide the small groups on that basis. A prior exposure changes somewhat the kind of paper that you can write, but everyone who has taken the course has found something to write about intelligently. Those who are
unencumbered with prior knowledge frequently see things that those who have some prior knowledge assume away. This is a small course. Don’t be scared away.

Assignments. Each class has an assignment that is posted under Lectures on the website. All the classes have reading assignments in the Materials, which are posted in the same place. Every class also has an outline which you can download and print. (The ones for the last quarter of the course will be made up after you have decided what we are going to cover.) The outlines have been made up in advance and cover material both in the recorded lectures and in the Zoom class. The first half of the course has recorded lectures that are linked in the same place. The recorded lectures have accompanying PowerPoint slides that can also downloaded in the same place. How you balance these various pieces is up to you. Do what works for you. As noted above, however, we would like you to watch the recorded lectures before the class and post some kind of reaction (comments, questions, a few sentences, no more than a couple of paragraphs) on the discussion board before 9:00 a.m. on the morning of the class, because the discussion in class will be based on the recorded lectures and your reaction to them.

Papers and Exam. In addition to preparation for and attendance at class, you will be required to submit a paper and take a take-home final exam (described in the course description as two ‘take-home’ papers). If you have kept up with the reading and lectures, the exam should not take you more than a day to complete, but it will be distributed in the last class and may be turned in at any time during the examination period. It will pose a problem, a traditional law-school ‘issue-spotter’ (“Gaius lent Julius his lawnmower, which the latter left out in the rain . . . ” – you get the idea) to be answered in traditional law school fashion. It will also require a general essay, maximum five pages, on some aspect of the relationship between Roman private law and Roman society. The take-home exam should be emailed to CD not later than Fri., 18 Dec. (You do not turn it into the registrar’s office.)

The paper should be no more than five pages exclusive of notes. It should analyze a piece or a couple of pieces of primary source material (the original or in translation as you prefer) and lead to a general idea. It may deal with any of the topics covered in Parts III and IV of the course, or with a topic of your choosing. You should let us know your choice of topic not later than Tue., 20 Oct. (earlier is better). A draft of the paper should be emailed to CD no later than the day on which we cover your topic in class (preferably before the class; you certainly should have thought about the primary materials before the class). We will return the draft to you with comments and on the basis of these and of the class discussion of your topic you are to rewrite the paper, emailing the final draft to CD not later than Fri., 18 Dec. There is more about the papers in Papers and Paper Topics and the Select Bibliography contains at the beginning some advice on how to proceed.

The submissions on the discussion board count for 10% of your final grade, the paper for 30%, and each of the take-home exam questions for 30%. Ties will be broken on the basis of the paper.

Office Hours. CD’s office hours are currently scheduled from 2:30–4:30 on Tuesdays, or by appointment. Send him an email, and he’ll send you back a Zoom link. If that starts getting awkward, he’ll make up an online sign-up sheet. AS’s office hours have yet to be scheduled, but they will be. CD’s assistant, Mr. Matthiessen (email), will be handling some of the course administration. Feel free to get in touch with him if you can’t raise either CD or AS.

Wolff = H. J. Wolf, *Roman Law: An Historical Introduction* (Norman, 1951); Watson = A. Watson, *Rome of the Twelve Tables* (Princeton, 1975). Basically, Wolff is the secondary reading for the first part of the course, Nicholas for the second, and Watson for the third. The secondary readings for the fourth part of the course will be included in the *Materials* for that part of the course when they are issued. Complete copies of the *Materials* and all of the secondary readings are available online in Canvas under the ‘Files’ tab.

I. THE EXTERNAL HISTORY OF ROMAN LAW

**Tue., 8 Sep.**
Introduction, Chronology, Survey of Roman Constitutional History to the end of the Republic.

*Recorded Lecture01*

*Materials*, p. vi, Section 1A, Section 1E (paragraphs pr–32 [in boldface]; Wolff, 7-48; Nicholas, 1-14.

**Mon., 14 Sep.**
Survey of Roman Constitutional History in the Principate; Outline of Roman Procedural Systems.

*Recorded Lecture02* (includes material [on the Dominate] that will not be covered in class until Mon., 21 Sep.)

*Recorded Lecture03* (includes material [on the formulary procedural system] that will not be covered in class until Tue., 15 Sep.)


**Tue., 15 Sep.**
The Formulary Procedural System; Overview of Sources of Law.

*Recorded Lecture04* (includes material on the jurists that will not be covered in class until Mon., 21 Sep. and material on imperial constitutions that will not be covered in class until Tue., 22 Sep.)

*Materials*, Sections 2A1, 2A2 (2A2 is long; review what is at the beginning [paragraphs 1–9 (boldface)]; then focus on paragraphs 32–52; they explain the chart in 2A1), 3A1 (short but critical for sources of law), 3C (first page only but also critical for sources of law); Wolff, 49–126; Nicholas, 14–37.

**Mon., 21 Sep.**
The Jurists; Constitutional History of the Dominate.

Material in *Recorded Lectures 02 and 04* are relevant to this class.

*Materials*, Sections 1D, 1E (particularly relevant here are paragraphs 35 and following), 2A3 (only if you are interested in what Justinian did with the corresponding passages in Gaius).

**Tue., 22 Sep.**
Imperial Constitutions; Codification; the Making of the *Corpus Juris Civilis*.

*Recorded Lecture 04* is relevant to this class.

*Recorded Lecture05*

*Materials*, Sections 1F–G (this is two whole titles from the *Digest* and the *Code*; you don’t need to get into the details; try to get some sense for the
types of material that they contain and the structure); Wolff, 127-75; Nicholas, 38-45.

Mon., 28 Sep. The Contents of the *Corpus Iuris Civilis*; the Second Life of Roman Law. Review *Materials*, Sections 1F–G (we will focus particularly on D.23.2.1–7 and the notes that come at the end of Section 1F); Nicholas, 45-54; Wolff, 177-225.

II. CATEGORIES: A SURVEY OF ROMAN PRIVATE LAW

Tue., 29 Sep. General Categories; Persons. Recorded Lecture07 Recorded Lecture08 (This lecture contains material that we will not reach in class until Mon., 5 Oct.) *Materials*, Sections 3A1–4, 3B1, 3C (this last is relevant to all the classes in this Part); Nicholas, 54-97.


Mon., 12 Oct. Holiday


Mon., 19 Oct. Obligations. Recorded Lecture11 (We will probably not reach the material on delicts in class until Tue., 20 Oct.) *Materials*, Sections 3A9–10; 3B3 (contractual obligations) 3B4 (delicts); Nicholas, 158-233.

Tue., 20 Oct. Obligations (cont’d), Actions, Introduction to the XII Tables. Recorded Lecture12 (The lecture includes both actions [which is quite short] and an introduction to the XII Tables.) Review *Materials*, Sections 2A2–3.

PAPER TOPICS MUST BE CHOSEN BY THIS DATE.

III. HOW DID IT ALL START?
Read Watson 125-33; Materials, Section 4A1 (for this and every other assignment in this Topic; Tables I-III are particularly relevant here); review Materials, Sections 2A2 (Gaius 4.10-31), 2B1, 4A4.

Tue., 27 Oct. Archaic Family, Succession & Guardianship.
Materials, Sections 3A2–4, 2A2 (Gaius 1.108-15, 48-51, 55-57, 116-31, 136-137a, 142-200, 4.79); Watson 3-51; 166-86. Materials, Sections 3A, 2A (Gaius 2.224, 101-04, 191-245, 4.17a, 3.154-154b, 1.141-200, 2.64); Watson 52-80.

Mon., 2 Nov. Archaic Slavery, Patronage & Nexum.
Materials, Sections 3A, 2A (Gaius 1.124-41, 4.21-25); Watson 81-124.

Tue., 3 Nov. Archaic Property.

Mon., 9 Nov. Archaic Delict, the Greek Comparison and Summary.
Read Watson 1-3; review Watson 166-86; read Materials, Sections 4A2–3, 4B.

IV. SOCIAL FORCES AND JURISTIC METHOD: TOWARD A THEORY OF LEGAL DEVELOPMENT

Tue., 10 Nov. Classical Marriage and Family Property.
Materials, Section 5.

Mon., 16 Nov. Classical Delict (the lex Aquilia).
Materials, Section 6.

Tue., 17 Nov. Social Aspects of Classical Procedure and the actio iniuriarum.
Materials, Section 7.

Materials, Section 8.

Tue., 24 Nov. Property and Society: servitudes and landlord/tenant.
Materials, Section 9.

Mon., 30 Nov. General Juristic Ideas (ius courtia, ius gentium, ius naturale, regulae iuris.
Materials, Section 10.

Materials, Section 11.

Take-home exam period and exam period.

Fri., 18 Dec.
Exams and papers due by 4:30 p.m. emailed to CD.
Sign-up Sheet

Roman Law  

We are asking you to fill in the following sheet giving us some basic information about yourself and telling us, to the extent that you can, what you would like to write about for your paper. Nothing other than your name, class, and whether or not you have had any exposure to Latin is required, but the more information you can give us at this time, the easier it will be to plan the course. We need to have these forms back by 9:00 a.m. on Mon., 14 Sep. because we are going to organize the small groups on the basis of the information that you give us.

NAME: .................................................................................................................................................................

CLASS (e.g., “2L”, “LL.M.”, “2G in FAS History”, etc.):
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HOW MUCH AND WHAT KIND OF BACKGROUND FOR THIS COURSE HAVE YOU HAD? (E.g., “College major in Ancient history”; “Two courses in Ancient literature in translation in college”; “Nothing other than 1L”.)
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WHAT LANGUAGES OTHER THAN ENGLISH HAVE YOU HAD SOME EXPOSURE TO? (E.g., “college major in Latin”, “speak Spanish with my grandmother”, “nothing.” It’s particularly important that you tell us what, if any, exposure you have had to Latin.)
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WHAT IN PARTICULAR LED YOU TO SIGN UP FOR THIS COURSE? (E.g., “I have a lot of background in the field, and I wanted to put the two halves of my life together.” “It looked interesting.” “I needed a Monday course.”)
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WHAT DO YOU THINK YOU WOULD LIKE TO WRITE YOUR PAPER ABOUT? (See Suggested Paper Topics List, paying particular attention to the dates. “Don’t know” is a quite acceptable answer at this point, but the more that you can tell us now, without in any way committing yourself, the easier it will be to plan the course.)
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Procedure for Zoom Classes

We think we learned some things about Zoom classes in the final weeks of last semester. They have some advantages: (1) One-on-one dialogue probably works better in Zoom than it does in a large classroom. (2) It’s easier to break down into smaller groups and then come back together than it is in classrooms. (3) Side conversations, polling, and hand-raising are easier than they are in a classroom.

There are also some decided disadvantages: (1) Lectures do not work well in Zoom. It’s difficult, if not impossible, for the lecturer to get a ‘feel’ of the room (what’s working and what isn’t). (2) Students (and even the instructor) get tired faster in Zoom, and the technology makes it easier for the student to ‘tune out’. (3) Even when students are not tired, it’s a lot easier to be passive in a Zoom class than it is in an in-person class.

With these points in mind, we have adopted some simple procedures to maximize the advantages of Zoom and minimize its disadvantages.

(1) The lecture elements for the first half of the course have been prerecorded, so that they can be watched at your leisure before the class.

(2) But if the classes are going to be devoted to discussion, we need to have something to discuss. So we’re asking you to post something on the discussion board before the class (before 9:00 am. in the morning before the afternoon class). What should you post? Anything, it need not be long. Something that interested you. Something that puzzled you. A couple of sentences is fine. Don’t go over a paragraph or two. There are some very broad questions on the discussion board with each class.

(3) Even with a small class with a group as diverse in interests and background as this one is likely to be, breaking down into smaller groups is likely to be fruitful. Some of you have some Latin and/or a background in Ancient History; some of you have no background other than the first year of law school. Whichever it is you all have something to contribute, but breaking down into groups on the basis of background seems to be a good idea. At least, let’s try it. So that we can set up the groups, everybody should fill out the Sign-up Sheet before the second class.

(4) If a question occurs to you in class and you don’t want to raise your hand to ask it, use the chat function. Direct the question privately to Mr. Schwennicke. It can be as simple as ‘I didn’t hear the last sentence’ to something more complicated: ‘I don’t understand this concept’. If Mr. Schwennicke thinks the question should be discussed with the whole group, he’ll send the question to me.

(5) Anonymity is a real problem when we were are trying to create an interactive group at a distance. For this reason we are asking that you keep your video on during class. If you don’t want people to see your messy room, put a background picture behind you. (That’s why CD uses Hauser 105 in the background of his Zoom; his office at home is even messier than the one at the Law School.) For the same reason, we are asking you to sign into Zoom with something that resembles your official name. ‘Charlie Donahue’ is fine. ‘Charlie’ all by itself is not (there may be 2 Charles’s in the class).
### Suggested Paper Topics

**Roman Law**

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
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<tbody>
<tr>
<td>Mon., 26 Oct.</td>
<td>Archaic procedure</td>
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<tr>
<td>Tue., 27 Oct.</td>
<td>Archaic family</td>
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<tr>
<td>Tue., 27 Oct.</td>
<td>Archaic succession or guardianship</td>
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<td>Mon., 2 Nov.</td>
<td>Archaic slavery, or patronage, or nexum</td>
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<tr>
<td>Tue., 3 Nov.</td>
<td>Archaic property</td>
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<tr>
<td>Mon., 9 Nov.</td>
<td>Archaic delict or the place of the XII Tables in legal history or could one have predicted that the Romans would be good lawyers?</td>
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<tr>
<td>Tue., 10 Nov.</td>
<td>Classical Marriage and Family Property: manus, or dowry, or the &quot;emancipation of women&quot;</td>
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<tr>
<td>Mon., 16 Nov.</td>
<td>Classical Delict (<em>lex Aquilia</em>)</td>
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<tr>
<td>Tue., 17 Nov.</td>
<td>The Unspoken Law of Persons: the poor and the praetor or honestiores and humiliores or iniuria</td>
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<tr>
<td>Mon., 23 Nov.</td>
<td>Classical Contract: gratuitous contract or societas (Other possible topics include: sale or the general notion of contract</td>
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<tr>
<td>Tue., 24 Nov.</td>
<td>Classical Property: lease or servitudes</td>
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<tr>
<td>Mon., 30 Nov.</td>
<td>The Role of General Notions in Classical Law: iusticia, or ius gentium, or ius naturale, or regulae iuris</td>
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<tr>
<td>Mon., 30 Nov.</td>
<td>Roman Jurists and Roman Orators: Was there an “oratorical” understanding of law different from that of the jurists?</td>
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To repeat:

1. No more than 5 pp. exclusive of notes.
2. Analyze one or two *primary sources* leading to an idea.
3. First draft to be emailed to CD on the day on which we cover the topic in class.
4. Final draft (on basis of comments and class discussion) emailed to CD no later than 4:30 p.m. on Dec. 18.

To add:

1. Topic of your choosing but see us if it is outside the above.
2. We will be happy to help with bibliography, but the first draft should start with primary sources not with secondary literature.
3. Please let CD know by email what your topic is by class time on Tue., 20 Oct.
As the syllabus indicates, we are urging you to write the first drafts of your papers from primary sources, ideally one or two – that’s all you have space for in a short paper. We are also urging you to begin with the sources and work up to an idea, a conclusion. Starting with a thesis, then giving the support for it, and then reaffirming the thesis in the conclusion may be a good way to write a legal memo or a brief, but in the history biz we like to think that the evidence leads to the conclusions rather than the other way around.

We can’t prevent you from looking at secondary sources when you write your first draft, but you don’t have to. For these purposes, the secondary sources in the Materials, or already available in the ‘Files’ tab in Canvas, should be more than adequate. (We will add some secondary sources, in addition to the primary ones, in the Materials for the last quarter of the course.) If there’s a secondary source that you ought to look at before you rewrite for the final draft, we’ll try to find it online and tell you about it.

The previous sentence is, of course, referring to the fact that much of what is in the Harvard libraries, which are quite good for Roman law, is inaccessible to most of you. That makes the method that we urging you to use – work from the primary sources – close to a necessity. By and large the primary sources, both in the original language and in translation are available online. (More of that in a minute.) Many of the secondary sources are not, and working with a collection of secondary material which, in large part, cuts off in 1923 or is written for a general audience, e.g., Wikipedia, is not a good way to write a paper that approaches professional standards.

As of this writing (August of 2020), there is a workaround. Hathi Trust, has a huge collection of digitized scholarly books that are normally not available if they were published after 1923. During the pandemic it has allowed users who have a password from one of their subscribing libraries, which includes Harvard, to display the text of the book online even if it is in copyright. We do not know how long this arrangement will last. The publishers are not happy about it.

One should not talk long about Roman Law without actually going to the texts. The following lists the basic texts in the editions which have received general approval and some translations, which, unfortunately, have received something less than general approval. Some notes on online accessibility follow.

Fontes Iuris Romani Anteiustineani (3 vols. S. Riccobono et al. eds. 2d ed. 1941, 1940, 1943)
Institutes, Gaius, (2 vols. F. de Zulueta, ed., trans. and commentary 1946, 1953) [Note: a fine scholarly job.]
The Theodosian Code and Sirmondian Constitutions, (T. Mommsen ed. 1905)
The Theodosian Novels (P. M. Meyer and T. Mommsen eds. 1905)
The Theodosian Code and Novels and the Sirmondian Constitutions, (C. Pharr trans. 1952) [Note: first-class.]
The Institutes of Justinian (J. A. C. Thomas ed., trans. and commentary 1975)
Ancient Roman Statutes (A. C. Johnson et al. trans. 1961) [Note: A first-class translation and commentary on all the Roman statutes (and some other legal documents) not included in the Corpus Iuris Civilis or in the Theodosian Code.]
Corpus Iuris Civilis (T. Mommsen, P. Krueger R. Schoell, and W. Kroll eds. 3 vols. various
dates) [Note: Known as the “Berlin stereotype edition.”]

The Civil Law (17 vols. in 7, S.P. Scott trans., 1932) [Note: The complete Corpus Iuris
Civilis and all of the substantial (as opposed to fragmentary) pre-Justinianic works,
except for the Theodosian Code. Also includes the Constitutions of the post-Justinianic
emperor Leo. The translation is unfortunate in many places, but it is complete.]

The Digest of Justinian (2 vols. C. H. Monro trans. 1904, 1909) [Note: A far better job than
Scott but covers, unfortunately, only the first 15 of the 50 books of the Digest.]

The Digest of Justinian (4 vols. A. Watson ed. 1985) [Note: A new translation under
the direction of a distinguished Romanist. This replaces Scott for the Digest, though Monroe
should still be consulted for difficult passages.]

The Codex of Justinian: a new annotated translation, with parallel Latin and Greek text
based on a translation by Justice Fred H. Blume (3 vols., B. Frier gen. ed. 2016) [Note:
Even better than Watson’s Digest, and replaces Scott for the Codex.]

The Novels of Justinian: a complete annotated English translation (2 vols., D. Miller and P.
Sarris ed. 2018) [Note: Replaces Scott for the Novels.]

Online availability. The original Latin texts of virtually everything listed above (‘virtually’,
because the texts in the Codex that are only in Greek are not yet there, and a couple of the Novels
have not yet been posted) can be found in the Roman Law Library. One can quibble with some of
the texts that they used (we prefer Zulueta’s text of GI to Kuebler’s), but the quality of the work is
high. The texts are in HTML, which means that they can be copied into a Word document, but it also
means that in many cases the notes are missing.

For the translations, it is much more of a mixed bag. The Zulueta translation of Gaius’
Institutes is in the Materials as is Moyle’s translation of Justinian’s Institutes, which is not so good
as Thomas’s but will do the job for starters if you have to use a translation. The Watson group’s
translation of the Digest (with some corrections but not with the accompanying Latin text) is
available online (comes up on your screen as a PDF): volume 1, volume 2. Frier’s translation of the
Codex is not available online, but the translation of Fred H. Blume, on which it is based is.1 The
Miller and Sarris translation of the Novels is also not online, but the translation of the indefatigable
Blume is. It would probably not be a good idea to use any of Scott’s translation of the Corpus, the
most easily available online copy of which is in HeinOnline.2 CD has copies of the Frier Codex and
the Miller and Sarris Novels. Check with him if you are going to base your paper on a Codex text or
on a text from Novels.

1 Blume’s is truly amazing story. He was a lawyer in Wyoming and ultimately a justice of its Supreme Court. His
knowledge, moreover, of Latin, Greek, and German was excellent, and although he worked largely his own he had a
good library and the best editions of the works he translated. (That’s quite different from Scott.) Not only are his
translations good, his annotations, though now out of date, are also reliable for their time. The University of Wyoming
Law Library, with justifiable pride and some editorial clean-up, has published digitized versions of his translations,
which Blume, who died in 1971 at the age of 95, never saw in anything except typescript.

2 The full title of the work is The Civil Law Including The Twelve Tables, The Institutes of Gaius, The Rules of Ulpian,
The Opinions of Paulus, The Enactments of Justinian, and The Constitutions of Leo: Translated from the original Latin,
edited, and compared with all accessible systems of jurisprudence ancient and modern. Finding what you are looking for
in the 17 vols. is something of a challenge, but it’s all there, including, so far as we are aware, the only English
translations of the Regulae Ulpiani and the Sententiae Pauli.
Johnson’s Roman Statutes and Pharr’s Theodosian Code are currently available through Hathi Trust, though as mentioned above, it is not clear how long that arrangement is going to last.

Harvard has a partial subscription to what the Oxford University Press has online. Among other things, it allows you access the Oxford Classical Dictionary (click on the button for the Dictionary once you get there). This is a multi-authored work, so the coverage varies, depending on what the author thought was important. What it’s got, however, is much more reliable than what can found by a general Google search for, for example, Ulpian’s dates. In using the search engine, keep in mind that guys who wrote this are classicists, so you won’t find ‘Ulpian’, but you will find ‘Ulpianus’. On the other hand if you need a quick reference about the Roman wine trade, ‘wine trade’ are the words that you should use.

The standard dictionary for classical Latin is the Oxford Latin Dictionary. If someone can figure out how to get online access to it through Harvard, let us know. Oxford has a complicated system whereby you pull a word out of a Latin text and the Dictionary supposedly comes up. It works, but only with those texts which Oxford has online and only with those online texts to which Harvard has a subscription, which is not all of them.

What we use for a Latin dictionary is a remarkable website created by the University of Chicago called Logeion. The basic dictionary in it is the older Oxford Latin dictionary known as ‘Lewis and Short’. For almost all purposes this is just as good as the newer Oxford Latin Dictionary. The site also includes some standard Greek dictionaries, but to get it to hit, you need to put in the word with Greek unicode. (It’s forgiving, however, about the accents.)