

Answer Key: Roman Law Worksheet

Name of Legal System: Roman Law

Background:

- Corpus Juris Civilis (body of civil law) - this piece of legislation by emperor Justinian I is one of most important sources of Roman Law
- This system developed in 753 BCE and remained in use in the Byzantine Empire until 1453
- Two main reference works - collections of past laws, and opinions of Roman legal experts
- Is the basis for the law codes of most European countries today

What areas of law are included?

- Family- marriage, guardianship
- Contracts - land and property ownership, liability, and damage, rents, leases
- Law of succession
- Procedure laws - for lawsuits and complaints
- Criminal law
- Commerce laws for specific industries
- Citizenship

How does the system work?

- Law established through statutes as well as decisions by officials, rulers, and assembly votes
- Flexible and cumulative in nature - new laws could be added or replace old laws
- During the Republic, law could be adapted by magistrates (i.e., increase a fine to keep pace with inflation)
- Emperors and the Senate could issue pronouncements
- Legal experts called jurists examined laws to find legal principles that could be applied to new legislation
- Penalties for crimes could include loss of citizenship, fines, prisons, forced labour, etc. Males of higher social status usually received lesser penalties.

Main Principles:

- Fairness and practicality
- Penalties for crimes as deterrents rather than punishments

Example:

“The child born to you and your wife is in your power. And so is the child born to your son of his wife, that is, your grandson or granddaughter; so are your great-grandchildren, and all your other descendants. But a child born of your daughter is not in your power, but in the power of its own father.”

References:

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