

HIST 3520 ROMAN LAW & SOCIETY

Fall 2018 classes meet Tu. and Th. 10:30-11:50 in Bentley 009

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Office hours: Tu. and Th. 1-2 and Wed. 10:30-12, or scheduled via email

Course Description This is an historical introduction to Roman law, interpreting legal sources, and the role of law in society. We walk through civil law in much the same way as ancient law students: after an introduction to Roman history and legal procedure, we proceed through the Law of Persons (e.g. marriage and slavery), Property (including the difference between ownership and possession), and Inheritance, concluding with Delict (or tort law). It is a course balanced between the technical (which requires mastering a moderate amount of legal concepts and vocabulary) and the imaginative. We are both studying and participating in the construction of legal knowledge, one of the filters through which ancient Romans and modern historians interpreted Roman society. This form of knowledge prevailed in much of the Mediterranean and Europe through the age of Justinian in the sixth century and beyond, influencing later legal systems for more than a thousand years.

Learning Objectives HIST 3520 fulfills Tier 2 Cross-Cultural Perspectives in General Education, Humanities in Arts & Sciences Distribution, and an elective in the Law, Justice, and Culture Certificate. Students completing this course will demonstrate a basic knowledge of the institutions and historical development of Roman law. They will have prepared briefs interpreting legal cases from the perspective of a trained jurist whose moral and social values differ from their own. This requires understanding how another society can utilize institutions and procedures not entirely dissimilar from our own for achieving different ends, including the maintenance of an authoritarian government and military empire. Students also will have compared different understandings of public and private domains, ownership and possession, social status, and personal liberty.

Required Reading Outlines and other handouts will be available electronically. Students should purchase either of the two most recent editions of Paul du Plessis, *Borkowski's Textbook on Roman Law* (Oxford):

- Bork.⁴ = 4th ed. (2010) ISBN 978-0199574889 ([amz](#), [abe](#))
- Bork.⁵ = 5th ed. (2015) ISBN 978-0198736226 ([amz](#), [abe](#))

Grade Distribution and Requirements

1. Participation (10%) earned by being consistently prepared, alert, engaged in lectures and discussions.
2. Class Forums (15%) involve legal briefs and/or original case studies prepared independently or with other students. Each student must prepare and participate in at least three of the four class forums.
3. Exam I (25%) covers Weeks 1-6 and may include identifications, short essays, and/or case studies.
4. Exam II (25%) covers Weeks 7-12 and may include identifications, short essays, and/or case studies.
5. Final Project (25%) includes a short presentation as well as either a topical essay or original case study and legal brief, to be decided before the Thanksgiving holiday.

Grading Scale I calculate letter grades according to a [standard grading scale](#) (e.g. 80%-82% = B- | 83%-86% = B | 87%-89% = B+) with numerical grades rounded to the nearest whole number (e.g. 89.50% = 90% /A- but 89.49% = 89%/ B+).

Course Policies I will help find accommodations for students affected by a disability: please let me know or have the Office of Student Accessibility Services contact me in the first couple weeks of the semester. Late or make-up work is possible only in documented cases of serious illness or emergencies. When University or other authorized activities conflict with scheduled assignments or exams, arrange with me at least two weeks in advance to submit work early or electronically. More than four unexcused absences mean zero for participation; more than six may mean failing the course. Distracting behavior such as arriving late, leaving early, or texting may count as an unexcused absence. Use of laptops, tablets, and cell phones is not permitted unless we have reason to use them as a class. Students who feel this policy inhibits their learning may request an exemption.

Cheating or plagiarism generates a failing grade for the assignment and referral to Community Standards, which may impose its own sanctions. I follow the Student Code of Conduct definition of cheating: “Any attempt by a student to answer questions on a test, quiz, or assignment by means other than his or her own knowledge, without authorization from the instructor resulting in unfair academic advantage.” Likewise for plagiarism: “Using another’s work, in whole or in part, without acknowledging the source and presenting that material as one’s own academic work.”

Class Schedule (reading assignments in parentheses are due on that day)

Week 1	Tu. 08.28	Introduction
	Th. 08.30	Roman History (Bork. ⁴ 1-23 [Bork. ⁵ 1-24])
Week 2	Tu. 09.04	Sources for Roman Law I (Bork. ⁴ 27-39 [Bork. ⁵ 27-39]; XII Tables)
	Th. 09.06	Sources for Roman Law II (Bork. ⁴ 39-61 [Bork. ⁵ 39-62])
Week 3	Tu. 09.11	Procedure I (Bork. ⁴ 63-79 [Bork. ⁵ 63-79])
	Th. 09.13	Procedure II (Bork. ⁴ 79-82 [Bork. ⁵ 79-83])
Week 4	Tu. 09.18	Persons I: Slavery (Bork. ⁴ 85-99 [Bork. ⁵ 85-102] until §4.4)
	Th. 09.20	Persons II: Citizenship (Bork. ⁴ 99-109 [Bork. ⁵ 102-111])
Week 5	Tu. 09.25	Persons III: Marriage (Bork. ⁴ 110-132 [Bork. ⁵ 113-136])
	Th. 09.27	Persons IV: Adoption & Guardianship (Bork. ⁴ 132-146 [Bork. ⁵ 136-151])
Week 6	Tu. 10.02	*Class Forum I: Persons (available here)
	Th. 10.04	**Exam I
Week 7	Tu. 10.09	Property I: Ownership (Bork. ⁴ 151-159 [Bork. ⁵ 155-163] until §6.3)
	Th. 10.11	Property II: Servitude (Bork. ⁴ 159-171 [Bork. ⁵ 163-176] until §6.5)
Week 8	Tu. 10.16	Property III: Possession (Bork. ⁴ 171-77 [Bork. ⁵ 176-182])
	Th. 10.18	Property IV: Acquisition (Bork. ⁴ 178-204 [Bork. ⁵ 183-210])
Week 9	Tu. 10.23	*Class Forum II: Property
	Th. 10.25	Inheritance I: Wills and Heirs (Bork. ⁴ 205-227 [Bork. ⁵ 211-233] until §8.6)
Week 10	Tu. 10.30	Inheritance II: Legacies & Trusts (Bork. ⁴ 227-244 [Bork. ⁵ 233-251])
	Th. 11.01	*Class Forum III: Inheritance
Week 11	Tu. 11.06	Delict I: Property Damage (Bork. ⁴ 317-329 [Bork. ⁵ 325-337] until §10.3)
	Th. 11.08	Delict II: Theft, Robbery, Insult (Bork. ⁴ 329-352 [Bork. ⁵ 337-360])
Week 12	Tu. 11.13	*Class Forum IV: Delict
	Th. 11.15	**Exam II
Week 13	Tu. 11.20	Final Project Planning
	Th. 11.22	<i>No Class: Thanksgiving Holiday</i>
Week 14	Tu. 11.27	Later Roman Law & Society
	Th. 11.29	Future of Roman Law (Apuleius , Symmachus , Augustine)
Week 15	Tu. 12.04	Group Work and Reflective Essay Consultations
	Th. 12.06	*Final Project Presentations
Finals Week	Tu. 12.11 (10:10)	**Final Project Due