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The Evolution of Roman Law through the Prism of Roman History

Centre for Classical Studies

Thursday, 5.15 pm, 17 March 2016

Milgate Room, 1st Floor, A.D. Hope Bldg, Australian National University

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Roman law came to being with the XII Tables that were promulgated in response to the plebs' quest for transparent administration of justice.

The XII Tables, *legis actiones* [actions-at-law], controlled by pontiffs, as well as the interpretation of laws, were three original sources of Roman private law.

The secularisation of law resulted in the *legis actiones* becoming publicly known, and, then, removed from the pontiffs' office to the office of urban praetor. Urban praetors came to grant new remedies in addition to ones under strict old civil law, publishing edicts that comprised *ius honorarium*.

Interpretation of laws (originally, in hands of the pontiffs) became secularised as well. But it did not come under the auspices of any magistrate, but became a matter of private expertise leading to formation of two school of republican jurists: the Proculians and Sabinians.

The paradox of Roman legal evolution is that if, initially, democratisation of law was a by-product of broader plebeian struggle for political representation, later-on, the dissolution of the Republican democratic institutions did not lead to the decline of Roman law or even its full takeover by the state.

Dr Anna Taitslin received her PhD from the University of Tasmania, studying the history of natural law from Zeno to Grotius. Her publications have been featured in the Australian Journal of Legal Philosophy, IVS ANTIQVVM and the forthcoming Comparative Legal History Handbook (Edward Elgar Publishing, 2016). Dr Taitslin's research interests include the notion of possession and *proprietas/dominium*, the distinction between proprietary and possessory remedies and the interlink between notions of *ius* and *dominium*.

Presented by

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This event is free, and all are welcome.

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