

## *Epigraphy and Roman law in the Twenty-First Century*

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The first two decades of the twenty-first century have seen both a remarkable revival of the work on Roman law by ‘general’ historians and its expansion into new areas, such as the study of the interactions between Roman law and local law in provincial and municipal contexts, and the role of law and legal institutions in the development of Roman economy.<sup>1</sup> Much of the new work has been interdisciplinary, engaging with diverse fields from social anthropology to ‘New Institutional’ economics. This has been accompanied by important new work on the dissemination of law and legal knowledge in the Roman world, notably the REDHIS project (<http://redhis.unipv.it/>).<sup>2</sup>

Epigraphy has played a central role in this revival of scholarly interest in legal history in three important interlocking respects. First, naturally enough, major new epigraphic finds continued to attract research in new directions. While the effect of the publication of the *lex Irnitana* in 1986 and of the *senatus consultum de Cn. Pisone patre* in 1996 is far from being entirely spent, we may note the role of such finds as the treaty of Rome with Lycia (*SEG* LV 1452), the so-called *lex portorii provinciae Lyciae* found at Andriake (*SEG* LVII 1666), the letters of Hadrian from Alexandria Troas (*SEG* LVI 1359) or Naryca (*IG* IX.1<sup>2</sup>.5 2018), the *lex municipii Troesmensium* (W. Eck, ‘Die *lex Troesmensium*: ein Stadtgesetz für ein *municipium civium Romanorum*’, *ZPE* 200 [2016], 565-606), or the *lex Hadriana de agris rudibus* from Henchir Hnich (A. Chérif and H. González Bordas, ‘Henchir Hnich (région du Krib, Tunisie): la découverte de la première copie de la *lex Hadriana de agris rudibus* et de trois inscriptions funéraires inédites’, *L’Africa Romana* XXI), in shaping the research questions.

Secondly, the interdisciplinary expansion of Roman legal history beyond its traditional focus on the writings of Roman jurists and their context in Roman and Italian elite classes inevitably entailed a growth of interest in documentary sources and expansion of interest to the types of inscriptions that have not traditionally attracted much interest from legal historians, e.g. epitaphs. We note here, by way of example, the groundbreaking work of Kaja Harter-Uibopuu on penalties in Asia Minor epitaphs.<sup>3</sup>

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<sup>1</sup> Law in provinces and municipal law: e.g. L. Capogrossi Colognesi, E. Gabba (eds.), *Gli Statuti Municipali* (Pavia 2006); J. Fournier, *Entre tutelle romaine et autonomie civique. L’administration judiciaire dans les provinces hellénophones de l’Empire romain (129 av. J.-C. – 235 apr. J.-C.)* (Rome 2010); D. Mantovani, L. Pellechi (eds.), *Eparcheia, autonomia e civitas Romana. Studi sulla giurisdizione criminale dei governatori di provincia (II sec. a.C. – II d.C.)* (Pavia 2010); K. Czajkowski, B. Eckhardt, and M. Strothmann (eds.), *Law in the Roman Provinces* (Oxford 2020). Economy: e.g. J. Dubouloz, *La propriété immobilière à Rome et en Italie (Ier – Ve siècles). Organisation et transmission des praedia urbana* (Paris 2011); P. Erdkamp, K. Verboven and A. Zuiderhoek (eds.), *Ownership and Exploitation of Land and Natural Resources in the Roman World* (Oxford 2015); G. Dari-Mattiacci, D.P. Kehoe (eds.), *Roman Law and Economics*, 2 vols. (Oxford 2020); P. Erdkamp and K. Verboven (eds.), *Law and Economic Performance in the Roman World* (Leiden forthcoming). We note also the intersections with the Bordeaux *Patrimonium* project <https://patrimonium.huma-num.fr/> (PI: Alberto Dalla Rosa).

<sup>2</sup> Principal investigator: Dario Mantovani. See also, for a ground-breaking survey of the field, R. Haensch (ed.), *Selbstdarstellung und Kommunikation: Die Veröffentlichung staatlicher Urkunden auf Stein und Bronze in der Römischen Welt* (München 2009).

<sup>3</sup> See e.g. K. Harter-Uibopuu, ‘Tote soll man ruhen lassen... Verbote und Strafen zur Sicherung von Gräbern am Beispiel der Inschriften von Ephesos’, in J. Fischer (ed.), *Der Beitrag Kleinasiens zur Kultur- und Geistesgeschichte der griechisch-römischen Antike* (Wien 2014), 157-80.

Thirdly, not the least of the developments of the last two decades, has been the steady work on updating the key tools of our discipline, such as the revision of Rotondi's *Leges populi Romani* by the LEPOR project (<http://www.cn-telma.fr/lepor/accueil/>), the preparatory work for the revision of the *Fontes Iuris Romani Anteiustiniani*,<sup>4</sup> or the work on senatorial decrees in the *Acta Senatus* series directed by Pierangelo Buongiorno, to name but a few important initiatives.

Much work, however, remains to be done, both in terms of the necessary task of editing and providing commentary on inscriptions or tools for their interpretation, and in terms of bringing together the increasingly diverse work conducted in different countries in the field of Roman (including provincial) legal history. There is an urgent need for further exploration of the methodology of using epigraphic documents as evidence for legal history, and of further reflection on what the methods of legal history can do for an epigraphist. It is a good moment to take stock of the work done so far in this century, particularly as no attempt at methodological reassessment of the discipline so defined has been made at the last three congresses (the panel on 'Administration and Law', organised by Pierre Fröhlich at the Vienna congress, covered a much broader area from the laws of Draco to Italy in the imperial period, and was weighted more towards administration than law).

Modern study of Roman law takes place 'in conditions of unprecedented diversity as regards linguistic, disciplinary and national context'.<sup>5</sup> We shall aim to arrange a panel which, while retaining always a close connection with the epigraphic material, will reflect this diversity closely. We would envisage a 4-hour panel, including an initial presentation to survey the state of the field as we see it, presentations from six speakers (at 30 min for presentation + question), and also a closing discussion to bring our deliberations together (involving, if possible, comments and responses from some scholars who have not had a chance to give a paper of their own in the panel).

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<sup>4</sup> G. Purpura (ed.), *Revisioni ed integrazione dei Fontes Iuris Romani Anteiustiniani (FIRA). Studi preparatori I-II* (Torino 2012).

<sup>5</sup> C. Ando, 'Roman Law', in M. Dubber and C. Tomlins (eds.), *The Oxford Handbook of Legal History* (Oxford 2018), 663.