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Laws

Law was one of the pillars on which Roman civilization rested. Throughout most of Roman history, the common masses had little real say in government; it was of more concern to them that they received fair treatment under the majestic protective umbrella of Roman law. The great body of that law was also the main structural link between the Republic and Empire, preserving the best of the political and legal tradition of Rome's past, while continually [Page 133 | Top of Article](#) growing and adapting to the needs and demands of changing times. Roman law also survived the fall of the Empire; many of its principles and statutes became the basis for later European legal systems.

Above all, Roman law was based on common sense and practical ideas. What seemed obvious to the Romans (and still does to us) was that written laws should reflect naturally existing principles of justice that apply to all citizens within a state. Their first application of this and other rational legal concepts occurred in about 450 B.C., when they wrote down their first set of laws (*leges*) in the famous Twelve Tables. Though most of these statutes have disappeared, some of their substance survives in references and quotations in later works. Like many other laws that followed, they emphasized individual citizens' rights and especially rights pertaining to the ownership of property. Later laws, which were developed and altered as social conditions warranted, dealt with inheritance, women's rights, money matters, masters versus slaves, and many other issues, including moral behavior. But all of them, down to the Empire's last years, continued to use the original laws in the Twelve Tables as precedents.

Over the centuries, the sources and interpreters of Roman law were many and varied. In the early Republic, an assembly, the *comitia centuriata*, passed laws, which were named after the leaders who proposed them. After 287 B.C., when the resolutions (*plebiscita*) of another assembly, the *concilium plebis*, became binding on all Romans, this body came to introduce most new laws. However, certain important decrees of the Senate (*senatus consulta*) had the force of law (if voted on by the tribunes), as did decrees issued by officials holding the *imperium* ("power to command"). In addition, judges and jurists often wrote down their interpretations of various laws in documents called edicts (*edicti*), which became part of the growing corpus of legal matter that new generations of legislators, lawyers, judges, and jurists drew on in administering the law and creating new legislation. Provincial governors also issued legal edicts, and because they took local customs into account in doing so, laws could differ considerably from one province to another.

During the Empire, the assemblies at first continued to pass laws, but mostly they simply rubber-stamped legal decrees and edicts issued by the emperors. By the end of the first century A.D., the assemblies had ceased their activities and the emperors and the Senate (through its decrees), both acting on the advice of jurists, were the only major sources of new legislation. The emperors also significantly reduced the authority of judges to interpret laws. In addition, the Empire witnessed several attempts to compile and codify the huge, diverse, and still growing body of Roman law. In the second century, for example, the emperor Hadrian ordered that all of the provincial edicts be collected and standardized. And in the fifth century, the eastern emperor Theodosius II, in cooperation with the western emperor Valentinian III, codified all the laws that had been passed since Constantine I (early fourth century). This so-called Theodosian Code (*Codex Theodosianus*), completed in 438, consisted of sixteen books of laws, decrees, and legal commentary; it became a major basis for the even larger law codification completed by the emperor Justinian in the century that followed. **See** *Corpus Juris Civilis* ; crime and punishment ; jurists .

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