

## Conclusion: A Historian's Point of View

*Jean-Jacques Aubert*

By chance, the organization of the 1996 panel of the American Philological Association from which this collection of essays derives coincided with the publication of Alan Watson's *The Spirit of Roman Law* (Athens, GA, and London, 1995), a sophisticated exposition of the independence of Roman law from its social, economic, religious, cultural, and intellectual context, along the line of two earlier important works: R. von Jhering's four-volume *Geist des römischen Rechts, auf den verschiedenen Stufen seiner Entwicklung* (Leipzig, 1852–65) and F. Schulz's *Prinzipien des römischen Rechts* (Munich, 1934). Professor B. W. Frier, who drew my attention to Watson's book, wondered back then whether the purpose of the panel was to take our senior colleague to task. The answer is resolutely and definitely negative. Watson was eager to demonstrate how little Roman law, mostly known through the opinions of those jurists excerpted in Justinian's *Digest*, was influenced or conditioned by external factors. The "spirit of Roman law," according to Watson, is no more than the reflection of the concerns, ways of reasoning, and values of a small social stratum to which belonged both those who made the law and those who used it—respectively, magistrates (praetors, aediles, provincial governors) and the jurists, on the one hand; plaintiffs, defendants, and judges or referees, on the other.

There is no doubt that "legal isolationism" (*Isolierung*, to which Watson devotes no less than three chapters), abstraction, and simplicity are striking features of Roman law and lawmaking, be it through statutes, edicts, or jurisprudence. However, because law (*ius, fas, lex*) is by essence

reactive (as much as custom [*mos, consuetudo*] is reflective),<sup>1</sup> it seemed worthwhile to look into the question of what ancient legal sources—as distinct from the legal system—can tell us about Roman society. Laws and legal decisions—just like some nonlegal sources, such as agricultural treatises—are admittedly to be read as normative and prescriptive or even as political propaganda (as is the *senatus consultum de Cn. Pisone patre*). The standards they try to propose, the rules they are supposed to impose, and the directions they mean to lay out certainly represent nothing but a desired correction (the way things should be) from an unsatisfactory reality (the way things are). It is difficult to estimate the importance of the gap between utopia and reality. Were it small, prescription would verge on description. Were it large, reality would remain elusive, and the only object of inquiry would be the mentality of the laws' promoters; at issue would be behavior versus attitude, the inescapable choice. Lawyers may not have to care about the size of this gap, but historians are bound to decide between the alternative measures for their discourse to make sense.

When the study of Roman history was mostly concerned with politics and institutions, focused on the capital city and Italy, and obsessed by the Roman quality of its upper-class culture, the legal sources could be used to good effect to get a rough picture of the social and economic context—just like Plautus's plays, Cicero's speeches, Virgil's *Eclogues*, Petron's novel, and Juvenal's *Satires*. Now that a more global approach to the Roman world (and beyond) implies an acute awareness of chronological, geographical, and social diversity, the legal evidence often seems all too heterogeneous while lacking in specificity. Not only a rigorous exegesis of the texts but also the confrontation of sources of different kinds can make the use of the legal evidence relevant to the construction of models and the writing of history. Consequently, the discourse tends to underline the limits of our knowledge rather than to extend it.

Ancient historians willing to trespass onto a territory—considered by some legal scholars as a reserved playground—in which modern legal systems have their roots and measure their differences or their superiority must be well aware of the diversity of what they call the “legal sources”: statutes; magistrates' edicts; juristic opinions excerpted from lost monographs and commentaries; imperial or official decisions, codified or preserved in epigraphical or papyrological documents; textbooks; reports of judicial proceedings; deeds of commercial transactions; petitions; descrip-

---

1. See Andreau 1999, 96–97, with a good discussion of law and custom as factors in determining interest rates.

tions—too often elliptic, anachronistic, or contaminated, if not utterly confused—of legal situations, actors, and institutions in literary sources (fictional, rhetorical, poetic, antiquarian); and so on. Their use, viewed in series or considered individually, requires a careful philological and literary analysis, the extent and modalities of which can only be sparingly reported in the historical discourse lest what constitutes a preliminary approach obliterate the main thesis and the arguments on which it is built.

While there is little doubt that the imperial constitutions (mostly *responsa*) collected in the codes are “real responses to real problems,”<sup>2</sup> it is not so clear whether the jurists’ opinions excerpted in the *Digest* are based on hypothetical or real cases. David Johnston, in his timely book *Roman Law in Context* (Cambridge, 1999), remarked that “it would in any case be surprising if the jurists designed hypothetical cases which were entirely remote from the realities of life in Rome.”<sup>3</sup> As reasonable and convincing as one would like it to be, Johnston’s opinion is no more than an educated guess (though maybe more educated than others’). Only a case-by-case investigation can shed some light on the question. Aulus Agerius as plaintiff, Numerius Negidius as defendant, and the slave Stichus as delinquent, accessory, or agent are all fictitious characters in made-up cases. We are thus close to the literary genre of the *declamatio*, but this still does not imply that the envisaged situation is unrealistic or even unreal. What, then, are we to think of a case like the one mentioned by Ulpianus featuring an agent in charge of running a business in Arelate producing or distributing olive oil and collecting loans in money, to whom a payment was made with no specification for its purpose, to the effect that subsequent litigation under one title (claiming a debt of foodstuff or money) by the creditor was not considered as exhausting his claim under the other title as far as an earlier jurist, Iulianus, was concerned?<sup>4</sup> When may such a situation have occurred? Why was the case located in Arelate? Were olives being cultivated and/or traded in southern Gaul? Was the economy already monetarized in that area by that time? Was the institorial system of management, which had been introduced back in the second century

2. Johnston 1999, 22.

3. Johnston 1999, 24. Later, writing about usufruct, Johnston says, “it seems unlikely that this was simply for their own amusement, and more probable that there were disputes about precisely what the usufructuary was entitled to do” (67).

4. Ulpianus (28 *ad ed.*) *Dig.* 14.3.13 *pr.* reads: “Habebat quis servum merci oleariae praepositum Arelate, eundem et mutuis pecuniis accipiendis: acceperat mutuam pecuniam: putans creditor ad merces eum accepisse egit proposita actione: probare non potuit mercis gratia eum accepisse. Licet consumpta est actio nec amplius agere poterit, quasi pecuniis quoque mutuis accipiendis esset praepositus, tamen Iulianus utilem ei actionem competere ait.”

B.C., designed to permit moneylending and dealing in food business by one and the same agent as two activities not inconsistent with one another? Were such double appointments unusual? Did the creditor get a receipt for his payment? Would such a receipt normally mention the reason for the payment? Was the creditor likely to litigate in such a case? All these questions find their answers in the observation of real situations, and none of the details retained by Justinian's compilers adds an unrealistic touch to the text. However, short of external evidence, no more can be said about this case.

Sometimes more is known, no thanks to the legal sources. In the mid-second century A.D., Q. Cervidius Scaevola discusses the seemingly exceptional legacy of a necklace of thirty-five pearls and the opportunity to return it to the heir in accordance with the *lex Falcidia*.<sup>5</sup> The detail concerning the object is catchy: *it just happens that a partly preserved letter addressed by the famous rhetor M. Cornelius Fronto to the emperor Marcus Aurelius explains the circumstances and difficulties attached to the succession of a female member of the imperial family. The emperor found himself in a conflict of interests regarding the validity of dubious codicils, which affected the will as a whole and the legacies attached to it.*<sup>6</sup> E. Champlin remarks that "the details of that [Scaevola's] case are so reminiscent of those in the correspondence, yet so difficult to fit into any coherent reconstruction of the affair, that it may be best to view it as a hypothesis based by the jurist on an actual recent case."<sup>7</sup> Considered from the point of view of this particular juristic opinion, it is fair to say that not much regarding Roman society is learned from Scaevola's excerpt, except that juriconsults were attuned to court gossips and that some necklaces could be fairly eccentric, which would come as no surprise to those familiar with human nature and Roman taste for luxury. However, the excerpt draws attention to the fact, known otherwise, that Scaevola's *Responsa*, like his *Digest*, "retained juristically unnecessary but historically useful details, details ranging from personal and geographical names to documentary quotation."<sup>8</sup>

5. Scaevola (5 resp.) *Dig.* 35.2.26: "Lineam margaritorum triginta quinque legavit, quae linea apud legatarium fuerat mortis tempore: quaero, an ea linea heredi restitui deberet propter legem Falcidia."

6. See Fronto *Ad Marcum Caesarem* 2.16 (Haines 2:94-96) = *Ad Antoninum imperatorem* 2.1 (van den Hout).

7. Champlin 1980, 162 n. 60; see also 70-72.

8. Champlin 1991, 33. In the same category, Champlin mentions Papinianus's *Quaestiones* and *Responsa*, Paulus's *Decreta*, *Quaestiones*, and *Responsa*, and Modestinus's *Responsa* as containing the "great majority of factual cases recorded in the *Digest* and the other surviving fragments of classical jurisprudence" (34), as far as testamentary matters are concerned.

Thus, if not always as useful as one would wish, details can often be suggestive. In a text dealing with the law of agency (*actio institoria*), Ulpianus quotes the opinions of earlier authors (Servius Sulpicius Rufus, Labeo, etc.) who list various trades (the food and garment industry, transportation, banking, building, lodging, agriculture, and undertaking), providing a rather specific setting for this type of legal relationship, with attention to bilingualism as a fact of life, whether in Rome or, more likely, across the empire.<sup>9</sup> Considered from a legal point of view, the texts quoted are far from straightforward, and their interpretation is not facilitated by the specificity adduced by the earlier jurists. Ulpianus's use of these texts suggests, however, that the study of the ancient economy may have a lot to gain from the examination of the legal evidence, not limited to the reconstruction of Roman commercial law.

It has been said that the random information culled from the legal sources creates only a partial picture of Roman society.<sup>10</sup> This is true, however, of any kind of ancient sources, including, despite their number and detailed content, the papyri from Roman Egypt.<sup>11</sup> But how would we know of a smoked-cheese industry at Minturnae (?) and the problem of air pollution linked to it, were it not for an allusion by Ulpianus, quoting an earlier jurist, to a smelly factory (*taberna casiaria*) leased out by the colony (?) to a private entrepreneur?<sup>12</sup> The fact is that the law of servitudes was applied to deal with such problems as nuisances resulting from economic activities. Again, where would we find information about reduced fares or free rides for newborn babies, if the same Ulpianus had not thought appropriate to comment on the hypothetical case of a woman traveling by sea and giving birth en route. It seems that the price of a ticket could include more than transportation (*vectura*), since the jurist's reasoning takes into consideration the fact that an infant would not use all the amenities (food and drinks, bathroom, entertainments?) offered to regular passengers.<sup>13</sup>

9. Ulpianus (28 *ad ed.*) *Dig.* 14.3.5.1–12, 14.3.11.3. See Aubert 1994, 7–8, 12. Bilingualism is here limited to Greek and Latin, but the same Ulpianus (2 *fideicom.*) extends the list to nonclassical languages in the writing of *fideicommissa*; *Dig.* 32.1.11 *pr.* reads, “non solum Latina vel Graeca, sed etiam Punica vel Gallicana vel alterius cuiuscumque gentis.”

10. See Johnston 1999, 62.

11. See Aubert 2001, illustrating how little the papyri have to say about the management of non-agricultural production.

12. Ulpianus (17 *ad ed.*), quoting a *responsum* of Aristo (early second century A.D.) to one Cerellius Vitalis, *Dig.* 8.5.8.5. See Johnston 1999, 75. To start with, Minturnae had a bad reputation for its air quality in (early?) Roman times; cf. *Ov. Met.* 15.716: “Minturnaeque graves. . . .”

13. Ulpianus (32 *ad ed.*) *Dig.* 19.2.19.7: “Si quis mulierem vehendam navi conduxisset, deinde in nave infans natus fuisset, probandum est pro infante nihil deberi, cum neque vectura eius magna sit neque his omnibus utatur, quae ad navigantium usum parantur.” See Johnston 1999, 97.

The sum of partial pictures amounts to an incomplete jigsaw puzzle, the pieces of which come from legal and nonlegal sources. Discussing the sale of mules, Ulpianus features as the buyer in one case a *desultor*, that is, an acrobat specialized in jumping from one animal to the other. *Desultores* are not ubiquitous social characters in legal texts, but both literary and epigraphical sources indicate that they must have been pretty common, to the point that the word came to be used metaphorically to designate a deserter or a promiscuous lover.<sup>14</sup> However, the case presented by Ulpianus can be used in combination with a text by the agricultural writer Varro to show that there may have been a lively market for circus horses in the late first century B.C., as the specific expectations of *desultores* in terms of breeding, feeding, and training of their animal partners left a mark on two different and complementary kinds of sources.<sup>15</sup> In short, to quote David Johnston again (in the different context of Roman litigation): “To read modern books of law would not give a perfect picture of the realities of vindicating rights in practice. No more should we expect the writings of the Roman jurists to achieve that. A fuller picture requires the use of other kinds of sources.”<sup>16</sup>

The legal sources can provide an impressionistic picture of ancient realities. To return to the law of agency, several scholars have pointed out that most cases in the *Digest* concerning *institores* feature in the capacity of agent male slaves as opposed to *filiifiliae familias in potestate*, freedmen or freedwomen, or freeborn people of either gender, whereas the jurists Gaius and Ulpianus explicitly say that anybody could be appointed as agents regardless of legal status, gender, and age. A prosopographical study of recorded *institores* and of what I regard as their inscriptional counterparts, *vilici* and *actores*, confirms this impression. Conversely, agents in charge of running a ship or engaged in seaborne trade seem to have been more likely to be outsiders. Good reasons could be invoked to explain either state of affairs, but they need not be repeated here.<sup>17</sup>

14. See Ulpianus (32 *ad ed.*), quoting Labeo and Mela (both in the Augustan period), *Dig.* 19.5.20 *pr.*–1; Johnston 1999, 83. Cf. Sen. *Suas.* 1.7 (“desultorem bellorum civilium”); Ov. *Am.* 1.3.15 (“non sum desultor amoris”). Cf. also Liv. 23.29.5, 44.9.4; Manilius *Astronomica* 5.85–87; Hyg. *Fab.* 80.5; Festus 498 (p. 452 Lindsay), s.v. “simpludiarea funera.” For the female counterpart (*desultrix*), see Sen. *Controv.* 1.3.11 (metaphorically); Tert. *Adv. Valent.* 38. In the inscriptions *ex actis fratrum Arvalium*, *desultores* are always considered in a group: see *ILS* 230 (A.D. 58/59), 5037 (A.D. 87), 5040 (A.D. 90), 5050 (A.D. 204, *ex actis sacrorum saecularium*).

15. Varro *Rust.* 2.7.15 reports: “Itaque peritus belli alios eligit atque alit ac docet; aliter quadrigarius ac desultor; . . .”

16. Johnston 1999, 131.

17. Gaius (9 *ad ed. prov.*) *Dig.* 14.3.8; Ulpianus (28 *ad ed.*) *Dig.* 14.3.7.1; Aubert 1994, 15 n. 53 (with bibliography), 193–94, 290–91, 444–76; Aubert 1999.

Impression falls short of quantification, absolute and relative. The fact that approximately one-third of the texts collected in the *Digest* deals with the law of succession does not mean that Roman society was to such extent concerned with the intricacies of wills, legacies, trusts, codicils, and so on. In comparison, it can be assumed that despite its dispersion and lack of systematization, Roman commercial law must have affected to a high degree the lives and well-being of a significant part of the population at large, from the earliest time to the end of antiquity.<sup>18</sup> In this regard, the emphasis and success of modern scholarship can create mirages: the Roman law of lease and hire (*locatio conductio*) has been the subject of influential studies in the last quarter of a century, in the wake of which scholars have had the tendency to consider that “by the time of our principal legal sources tenancy appears to have become the chief method for exploiting land throughout the Roman empire.”<sup>19</sup> Alternative models exist (e.g., direct exploitation, agency), and it should be stressed here that the available evidence does not allow us to decide which system was more commonly used, where, and when.

Despite its beguiling air of stability, Roman law was prone to evolution at the level of not-so-insignificant details. The law of succession and property was adapted to take into consideration the interests of particular social groups, such as soldiers, who could dispense with some formalities in writing their will and were allowed to hold and dispose of a *peculium castrense* when they happened to be dependents (*in potestate*) (see *Dig.* 49.17). The latter rule was even extended later on to civil servants engaged in the imperial administration (*peculium quasi castrense*). Such an evolution of course reflects the importance given by the Roman government to the creation of a privileged class, such as the military, on which it could depend to operate, exist, and survive. Roman private law being foremost a law of remedies, it is telling that many *actiones* were conceived *in factum* or called *utiles* or *fictionae* and extended from a restricted norm (covered by an *actio directa*) to deal with new situations on the basis of analogy. However, the legal sources can rarely be used to trace the absolute or relative time of the introduction of such extensions. At most, they provide *termini ante quos* that leave ample room for fantasizing.

---

18. This point is noted in Johnston 1999—in which Johnston wisely devotes his longest chapter to it (chap. 5, pp. 77–111)—and missed in Bürge 1999.

19. Johnston 1999, 61, citing the work of Finley (1976), de Neeve (1984), and Kehoe (1997), to which one should at least add Kehoe's earlier work (1988, 1992) and Frier 1980, to mention only scholarship in English. Italian and German scholars have been as prolific, often in connection with the important question of the origin of the late antique colonate.

The temptation to write economic history on the basis of the hypothetical reconstruction of legal history can be very strong. To take the law of indirect agency as an example once more, a debate has been literally raging over the last century and a half, with no sign of abating in recent years.<sup>20</sup> At stake are not only the relative chronological order of six remedies enabling a party to a contract to sue for liability the principal of the agent with whom the contract has been entered into but also the validity of various types of arguments used by each school of thought and the presupposed level of sophistication of the Roman economy at the uncertain time, in the middle or late republican period, when these remedies were introduced in the Praetorian Edict—the dates proposed by modern scholars run from the mid-third century to the early first century B.C. The arguments rest specifically on

- textual exegesis—whether Gaius means what he says in *Inst.* 4.70–71 and book 9 of his commentary *ad edictum provinciale* (*Dig.* 14.5.1);
- the relationship between the order of presentation of the remedies in the *Edictum Perpetuum* (which matches the order in *Dig.* 14 and 15), the order in the original edict, and the relative dates of their respective introduction;
- what is retained as the most reasonable assumption regarding the transition from full to partial liability (or vice versa) and the relative chronological order of specific versus general remedies;
- whether the law tried to protect the economic interests of principals versus third parties in contracts or vice versa;
- what economic functions (entrepreneurial, managerial) each type of agent was supposed to perform.

At a more general level, the arguments rest on

- what validity should be given to arguments from silence;
- whether a general consensus makes an assumption correct;
- how much weight such an assumption carries with regard to primary sources;
- whether secondary assumptions can actually weaken reconstructions

---

20. See de Ligt 1999, taking to task Aubert (1994) and Wacke (1994), in an intelligent article, the arguments and conclusion of which remain, in my opinion, unconvincing because of a string of unwarranted assumptions, dubious *argumenta e silentio*, and a general lack of attention to historical plausibility with regard to technical factors.

based out of necessity on subjective premises that any contradictor would readily label as dogmatic;

- whether a series of assumptions based on such debatable premises can result in a reasonably safe conclusion.

What emerges from this rather selective list of concerns is that even in such a legalistic topic as the early history of agency, the relatively abundant legal evidence will not yield positive results in the field of social and economic history. Historians are bound to construct models heavily dependent on their own preconceived idea of what the social and economic context would have been; they therefore cannot use their model to shape their view of this context, lest they give in to circular reasoning. But far from being the result of an exercise in futility, the existence of various models provides the opportunity to examine the nonlegal material in different lights, extending the range of the possibilities and inspiring new interpretations of the evidence, which is in itself somewhat cryptic, ambiguous, or lacunar, be it literary, epigraphical, or archaeological.

The—relative—dynamics of Roman law become visible in various, sometimes contradictory ways: the repetition of a specific rule can illustrate its failed or its successful effect.<sup>21</sup> The silence of the law can translate either the obsolescence or the uncontested application of a rule or use of an institution. Only the existence of positive evidence allows us to decide one way or the other: the *Theodosian Code* has nothing to say about the *actiones adiecticiae qualitatis*, except for a quite specific imperial constitution addressed to a praetorian prefect on 11 July 422, regarding the application of the *actiones quod iussu* and *de peculio*,<sup>22</sup> which by that time are likely to have played no more than a subsidiary role in the law of indirect agency. However, a little more than a century later, the compilers of Justinian's *Digest* devoted close to two books (out of fifty) to what the silence of the *Theodosian Code* could have marked as an arrangement by then inert. Historical probability and the positive evidence of the *Digest* suggest that the law of indirect agency did not require significant juristic interpretation or legislative innovation after the end of the third century A.D.

The Roman lawyers' and legislators' approach to law was mostly pragmatic, resulting in the creation of a readily adaptable instrument to be

21. The sumptuary legislation during the republican period and the numerous laws against usury illustrate the former; the laws against official corruption in late antiquity (see Harries 1999, 82–88) illustrate the latter.

22. *Cod. Theod.* 2.31–32. The *Theodosian Code* has not been wholly preserved, and some constitutions concerning the law of indirect agency may have been lost. Compare with *Cod. Iust.* 4.25–26.

used in very different settings. The question of the application of Roman law in the provinces of the Roman Empire is a tricky one, but it is striking that at the time of Bar Kokhba's revolt (132–35), the fugitive Babatha, a young Jewish woman, twice widowed and the mother of an underage child, was carrying with her, in her flight through the cliffs of the Judaeen desert, no less than three copies of a Greek translation of a formula for an *actio tutelae* quite reminiscent of the *actio depositi* recorded by Gaius in his *Institutes*.<sup>23</sup> A quarter of a century after the conquest of the Nabatean kingdom and the creation of the Roman province of Arabia (A.D. 106), Roman law had found its way into an area that had nothing in common with the world of the classical jurists. That Babatha thought she could find a solution to her family problems (successions, property, guardianship, etc.) in a legal system so foreign to her own cultural background is perhaps the best indication that the work of the Roman jurists and lawmakers was not too divorced from daily life in antiquity.

#### BIBLIOGRAPHY

- Andreau, J. 1999. *Banking and Business in the Roman World*. Cambridge.
- Aubert, J.-J. 1994. *Business Managers in Ancient Rome: A Social and Economic Study of Institores, 200 B.C.–A.D. 250*. Columbia Studies in the Classical Tradition 21. Leiden.
- Aubert, J.-J. 1999. "Les *institores* et le commerce maritime." *Topoi* 9:145–64.
- Aubert, J.-J. 2001. "The Fourth Factor: Managing Non-agricultural Production in the Roman World." In D. M. Mattingly and J. Salmon, eds., *Economies beyond Agriculture in the Classical World*, 91–111. London and New York.
- Bürge, A. 1999. *Römisches Privatrecht: Rechtsdenken und gesellschaftliche Verankerung—eine Einführung*. Darmstadt.
- Champlin, E. 1980. *Fronto and Antonine Rome*. Cambridge, MA, and London.
- Champlin, E. 1991. *Final Judgments: Duty and Emotion in Roman Wills, 200 B.C.–A.D. 250*. Berkeley, Los Angeles, and Oxford.
- de Ligt, L. 1999. "Legal History and Economic History: The Case of the *Actiones Adiecticiae Qualitatis*." *TR* 67:205–26.
- de Neeve, P. W. 1984. *Colonus: Private Farm-Tenancy in Roman Italy during the Republic and the Early Empire*. Amsterdam.
- Finley, M. I. 1976. "Private Farm Tenancy in Italy before Diocletian." In M. I. Finley, ed., *Studies in Roman Property*, 103–21. Cambridge.
- Frier, B. W. 1980. *Landlords and Tenants in Imperial Rome*. Princeton.
- Harries, J. 1999. *Law and Empire in Late Antiquity*. Cambridge.

23. See *P. Babatha* (= *P. Yadin*) 28–30; *Gai. Inst.* 4.47.

- Jhering, R. von. 1852–65. *Geist des römischen Rechts, auf den verschiedenen Stufen seiner Entwicklung*. 4 vols. Leipzig.
- Johnston, D. 1999. *Roman Law in Context*. Cambridge.
- Kehoe, D. P. 1988. *The Economics of Agriculture on Roman Imperial Estates in North Africa*. Hypomnemata 89. Göttingen.
- Kehoe, D. P. 1992. *Management and Investment on Estates in Roman Egypt during the Early Empire*. Papyrologische Texte und Abhandlungen 40. Bonn.
- Kehoe, D. P. 1997. *Investment, Profit, and Tenancy: The Jurists and the Roman Agrarian Economy*. Ann Arbor.
- Schulz, F. 1934. *Prinzipien des römischen Rechts*. Munich.
- Wacke, A. 1994. "Die adjektivischen Klagen im Überblick, I: Von der Reeder- und der Betriebsleiterklage zur direkten Stellvertretung." *ZRG* 111:280–362.
- Watson, A. 1995. *The Spirit of Roman Law*. Athens, GA, and London.