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SANTALUCIA B., *Duumviri perduellionem iudicent. Considerazioni sui processi dell’Orazio e di Rabirio* [p. 1-14].

Abstract

This article is intended to examine Pellosso’s arguments against my opinion that Livy took the trial of Rabirius (63 BC) as his model for the legendary trial of Horatius.

Keywords

Livy’s sources – *causa Horatiana* – *perduellio* – *lex horrendi carminis* – Cicero, *pro Rabirio perd.*

LAFFI U., *Fondi agricoli e forme istitutive di compascua publica* [p. 15-34].

Abstract

Based on a new interpretation of Hyg. *Grom. const.* 164,6 – 165,3 Th. the paper examines the problem of the forms of establishment and management of the *compascua publica* in the Roman colonial experience. In many colonies the *compascua* are established on land belonging to the Roman people; this land was granted in common enjoyment to the proximate owners, free of charge, by the Roman people themselves, acting through those in charge of the division and allotment of the territory. On the other hand, in many places the *compascua* are established on land that the Roman people have ceded in ownership by an act of munificence to the colony; the colony in turn grants exclusive use of it to the owners of certain lands, presumably also in this case neighbouring, imposing on them the payment of a minimum vectigal, a nominal recognition tax. Different in one case or the other is therefore the granting body, and different, at least nominally, are the conditions of exploitation. But the figure of the *compascua publica*, whether statal or colonial, remains unitary in its legal essence and functionality.

Keywords

Compascua – *subsiciva concessa* – *concessa aut adsignata coloniae* – *haec beneficio coloniae habent* – *compascua publica Iuliensium*.

SCEVOLA R., *Appunti preliminari circa la controversa abrogazione della dittatura romana* [p. 35-68].

Abstract

This essay aims to inquire into the historical circumstances and legal reasons that led to the disappearance of the Roman dictatorship in the late republican and early imperial period. According to the classical point of view a *lex Antonia*, approved immediately after Caesar’s death, would have abrogated this magistracy – not only in its final form, i.e. without a time limit, but also in its original setting – and the Augustan refusal to hold it in 22 BC would have been due to compliance with this law. However, from a previous but complete overview of the sources, oriented to a broader work, it appears that this theory is undermined by several inconsistencies: on reflection, the final suppression of the magistracy should be attributed directly to Augustus, for reasons peculiar and independent of

the *lex Antonia de dictatura tollenda*, perhaps swept away by the senatorial enactments that took place at the beginning of 43 BC.

Keywords

Abolition of Dictatorship – Overruling the Law – Senate – Caesar, Antony – Augustus.

BUONGIORNO P., *Riflessioni sulle riforme in tema di diritto associativo da Augusto a Settimio Severo* [p. 69-121].

Abstract

This paper aims to reconsider, apart from doctrinal superfetations, the sources at our disposal on the reforms concerning the discipline of associative law that occurred from Augustus to the Severans, thus attempting to draw a balance, as objective as possible, of the certain data and the margins by which it is possible to develop reasonable hypotheses to fill the gaps in our knowledge.

In particular, the paper examines the jurisprudential sources and the epigraphic evidence that allow us to place a reform destined to significantly modify the provisions of the *lex Iulia de collegiis* in the age of Hadrian (AD 121).

Keywords

Collegia – Hadrian – Roman Senate – Jurisprudence – Empire.

MASI DORIA C., *À la cour du prince, une affaire controversée: l'héritage de Pactumeius Androsthene* [p. 123-140].

Abstract

Analisi di un testo paolino, D. 28.5.93(92), la cui *inscriptio* nei Digesta fa riferimento sia ai *libri decretorum*, sia ai *libri imperialium sententiarum in cognitionibus prolatarum*. Si tratta di una complessa questione di diritto ereditario (che ha come protagonista Pattumeia Magna, una donna d'alto rango, figlia di un console) per la quale il giurista ricorda la decisione imperiale, equitativa, che deforma la possibile soluzione strettamente civilistica.

Keywords

Giulio Paolo – Settimio Severo – Pattumeia Magna – diritto ereditario – *ius patronatus* – giurisdizione del principe – politica imperiale.

GENOVESE M., *Mortis causa stipulatio. Il lemma di Pompeo Festo [L. 152] al vaglio delle risultanze giurisprudenziali* [p. 141-260].

Abstract

The present essay aims to investigate the meaning of Festus' lemma "*mortis causa stipulatio*" [L. 152] which refers to a definition by *Labeo* placed in correlation with a previous explanation ascribed to other jurists ("*quidam*"). The analytical key makes use of an unprecedented critical comparison between the voice of Festus and the evidences of Roman jurists (received through Justinian's Digest) which document negotiating activities involving a *stipulari/promittere* expressly characterized as "*mortis causa*". Among the relevant passages found, three (D. 39.6.31.3, Gai. 8 *ad ed. prov.*;

39.6.35.7, Paul. 6 *ad leg. Iul. et Pap.*; 24.1.52.1, Pap. 10 *quaest.*) concern as many cases (somewhat special) of *mortis causa donatio* in the form of an obligatory promise; in another case (D. 33.4.11, Paul. 7 *resp.*) to the promise of restitution of the dowry also made for the purpose of donation due to death; in the end, a further passage (D. 23.3.76, Tryph. 9 *disp.*) specifically pertaining to the constitution of a dowry carried out according to the future death of the settlor. Having considered the documentary results adduced and the opinions expressed by modern experts in Roman law over the course of time, the study takes a position both with regard to the non-exclusive pertinence of *Labeo's* definition with the *m. c. donatio* and with regard to the possibility that the "*mortis causa stipulatio*" (to which *Labeo* was referring) has assumed the form of an act *sub condicione* albeit *sui generis*. Subsequently, the framework of the evidences is enriched with the analysis of D. 44.4.4.1 (Ulp.76 *ad ed.*) where a *responsum* from *Labeo* (and taken up by *Iulianus*) is reported which could present links with the definition of the same jurist reported by Festus and, afterwards, of a passage from *Valerius Maximus* (8.2.2) containing the recollection of a sentence issued (first half of 1st century B.C.) by the jurist *C. Aquilius* on a legal case pertaining to an obligation for the purpose of donation assumed due to the feared death of the settlor. In conclusion, new explanatory cues are offered in relation to the sense of the position expressed by *Labeo* on what constitutes "*mortis causa stipulatio*" and on the possible terms of dissent with the opinion expressed by other jurists ("*quidam*") in this regard.

Keywords

Mortis causa stipulatio – mortis causa donatio – dotis promissio mortis causa – condicio.

GRILLONE A., Osservazioni intorno ai programmi neo-assiri di fondazione, riedificazione e rigenerazione urbana come attributo della regalità: pianificazione e procedure [p. 261-301].

Abstract

Cities' foundation/ re-foundation and the planning of specific interventions for the benefit of the urbanized areas are fundamental elements in the framework of the competences of the Assyrian Royalty and in the context of the Neo-Assyrian imperial hegemonic mission. If in the Mesopotamian mindset Cities pre-exist to men, since they were founded by the Gods, who have their own home in them, also their destinies, after the foundation, are often determined by the evolution of the relations between these divinities and populations that live there. A paradigmatic case is represented by Babylon, which under the Assyrian Empire suffers a tragic cycle of devastation and rebuilding, when the God of the Hexagila, Marduk, manifests his will to abandon the people of Babylon due to Mardukapla-iddina's looting of temple treasures, aimed at financing anti-Assyrian military alliances. Sennacherib devastates the City and his son Esarhaddon undertakes the reconstruction according to the will and directives of the same Gods. Likewise, under divine will and command, Assyrian Kings civilize regions on the borders of the known World: they build roads where they have never been; irrigation canals in desolate lands, which will become cultivated plains at service of the near Cities and, sometimes, Artificial Capitals will be founded in places never urbanized before. A King proves to be better than his predecessors when he has conquered, civilized and urbanized lands previously not under the control of Assur. Even the case of the urban regeneration of Nineveh is emblematic: specially, for the meticulous attention with which, under the guidance of Gods, Sennacherib's building program addresses all the main urban planning issues that still affect the contemporary debate on this topic. For this reason, Sennacherib's inscriptions about this city planning somehow provide a General Urban Development Plan of the Assyrian City. If the non-prescriptive content of these inscriptions is evident, nonetheless, in other sources, on one hand, some specific rules seem to exist in relation to the administrative procedures to be followed in the construction process of public buildings, and, on the other hand, citizens were explicitly forbidden to build compromising the planned layout of the cities.

Keywords

Neo-assyrian city – building process – administrative procedure – urban development plan.
Città neo-assira – processo edificatorio – procedimento amministrativo – piano regolatore urbano.

MAZZOLA R., *Acerbitas ulciscendi e repressione del falso in Gell. N.A. 20.1.52* [p. 303-328].

Abstract

From the well-known *disceptatio* between Sextus Caecilius and Favorinus on the specifics of the XII Tables, the paper focuses, in particular, on the reference in Gell. *N.A.* 20.1.53 to the decemviral discipline of *falsum testimonium*. The ironic reference to the *deiectio e Saxo* allows a discussion of the value of *acerbitas ulciscendi* and the punishment functions in the Antonine era.

Keywords

Aulus Gellius – *falsum testimonium* – *deiectio e saxo* – Penalty Functions.

DE SIMONE M., *Alcuni spunti ricostruttivi sulla storia dei praedes* [p. 328-368].

Abstract

In order to propose the outlines of a new history of the *praedes*, an analysis of some lines of the *Monumentum Ephesenum*, a Greek translation of an original *lex portus Asiae*, offers evidence of the existence of a subject, indicated by the Greek term *προέγγυος*, who certainly had a guarantee function. The same term *προέγγυος* occurs in three other Greek epigraphs to indicate the guarantor who was offered at the conclusion of a contract of public relevance. On this basis, it is possible to think that whoever translated the Latin text of the *lex portus Asiae* into Greek used the term *προέγγυος* to indicate the *praes pro se* and perhaps also the *praes qui pro se alium dat*.

Keywords

Praedes – *Monumentum Ephesenum* – Milet I 3.138 – IG XII 6 1:11 – *Tabulae* di Eraclea.

MANNI A., *Si dolia in vasis vinariis non sunt: note sulla classificazione giuridica dei dolia* [p. 368-393].

Abstract

In the *Digesta*, *dolia* are not always included among the *vasa*, despite the fact that such term indicates a very wide category of containers, largely used not only in agriculture. This classification is not linked to physical or structural aspects of the vessel, but depends on the specific use for which it appears to be concretely intended. The effects of this evaluation by Roman jurists are particularly important in the interpretation of the will of *de cuius* in order to define the contents of legacies.

Keywords

Vasa – *dolia* – *legata* – *instrumentum*.