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## Roman Law Group Meeting, University of Edinburgh

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## The Edinburgh Legal History Blog

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### Roman Law Group Meeting, University of Edinburgh

Posted on [August 13, 2011](#) by [Karen Baston](#)

The Edinburgh Roman Law Group was delighted to host a summer seminar on 12 August 2011 which featured talks by Professor Roberto Fiori (Professor of Roman Law, University of Rome (Tor Vergata)) and Professor Maria Floriana Cursi (Professor of Roman Law, Dean of the Faculty of Law, University of Teramo).

Prof Fiori's paper on 'The rise and fall of the specificity of contracts' considered the types of contracts used in archaic Roman law with illustrations of cases involving among other things the hiring of ships, the loan of pearls, the borrowing of acrobatic horses, money lending, and making and building things. Ancient contracts were generally fluid and each case filled gaps in the law. Prof Olivia Robinson led the discussion and agreed with Fiori's thesis.

Prof Cursi's paper on 'What did *occidere iniuria* in the *lex Aquilia* actually mean?' looked at the history of the *lex Aquilia* to explore the different types of *iniuria* as understood by Roman jurists and concluded that *iniuria* was gradually absorbed into *culpa*. The change occurred because juristic interpretation changed from being subjective to being objective. Dr Paul du Plessis led the discussion and agreed that we still do not really understand legal terms as used by Roman jurists. (**Update**, 31 August 2011: Prof Cursi's paper is now available from *Roman Legal Tradition*, Vol. 7 (2011), pp. 16-29. Click [here](#) to download a copy).

Both papers highlighted the need for more research to determine how Roman jurists used their terminology. Why did they use different words (hire, sale, sales within a fixed time or wrong, harm, insult, injury) to express similar ideas? We need to explore law in its historical context and to free ourselves from modern conceptual models if we are to understand Roman law. The papers inspired a stimulating discussion and all agreed that more study is needed to determine the meanings of Roman law. (As an early modernist, your correspondent could not help but be reminded of humanism.)

The meeting then adjourned to *Ciao Roma!* (where else would a Roman law group go?!) for a meal and more discussion.



## Professors Fiori and Cursi

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