

Abstracts

Frédéric Hurlet, *L'ecumene romana in una nuova avventura editoriale* (pp. 13-18)

The A. compares *Storia d'Europa e del Mediterraneo* and *Storia di Roma* edited by Einaudi, in a broader analysis of the evolution of Italian historiography about ancient Rome between the twentieth and twenty-first century.

Parole chiave

Storia d'Europa e del Mediterraneo, *Storia di Roma* 'Einaudi', Storiografia
Storia d'Europa e del Mediterraneo, *Storia di Roma* 'Einaudi', Historiography

Valerio Marotta, *Roma e la sua ecumene: una prospettiva interdisciplinare di lettura* (pp. 19-27)

Moving from the contributions appeared on this subject in the *Storia d'Europa e del Mediterraneo*, the A. discusses of Roman citizenship as peculiar aspect for an interdisciplinary exam of the Roman experience.

Parole chiave

Storia d'Europa e del Mediterraneo, cittadinanza romana, *constitutio Antoniniana*, *editicii*
Storia d'Europa e del Mediterraneo, Roman citizenship, *constitutio Antoniniana*, *editicii*

Francesca Lamberti, *Per una storia di Roma nel Mediterraneo* (pp. 29-35)

The A. highlights the «phil rouge» of the *Storia d'Europa e del Mediterraneo*, analyzing the relations between center and periphery as a 'reading-key' of the expansion of Rome in the Mediterranean. She discusses also the issues raised by the concept of Romanization.

Parole chiave

Storia d'Europa e del Mediterraneo, romanizzazione, storiografia
Storia d'Europa e del Mediterraneo, Romanization, Historiography

Giusto Traina, *L'ecumene romana tra Italia e Mediterraneo* (pp. 37-39)

The A. traces the events about the realization of the volumes V-VII of the *Storia d'Europa e del Mediterraneo*, analyzing the position of this 'work' in the European scientific debate.

Parole chiave

Storia d'Europa e del Mediterraneo, Storiografia, Altertumswissenschaften
Storia d'Europa e del Mediterraneo, Historiography, Altertumswissenschaften

Lorenzo Gagliardi, *L'assegnazione dei nuovi cives alle tribù dopo la lex Iulia de civitate del 90 a.C.* (pp. 43-58)

Les membres des communautés italiques qui acceptèrent la citoyenneté romaine offerte par la *lex Iulia de civitate* de 90 av. n.è. furent répartis dans des tribus surnuméraires, distinctes des trente-cinq tribus originelles (peut-être 8 dans un premier temps puis 10) et amenés ainsi à voter dans les comices tributes. A partir de 88 av. n.è. toutefois, ces novi cives commencèrent à réclamer leur admission dans les trente-cinq tribus originelles. La doctrine moderne est incertaine quant à la date

à laquelle survint cette admission. Dans cette étude, on se propose de montrer qu'elle fut décidée à la suite d'un sénatus-consulte datant de 84 av. n.è.

Parole chiave

Cittadinanza romana, *Lex Iulia de civitate, Tribus*, Soci italici
Roman Citizenship, *Lex Iulia de civitate, Tribus*, Italic allies

Stefano Barbati, *Ancora sulle cosiddette «colonie latine fittizie» transpadane (Asc. In Pis. 3 Clark)* (pp. 59-106)

Asconius *In Pis. 3 Clark*, is the only witness of the institution of latin colonies in *Transpadana* (indeed to be extended also to main urban settlements of *Cispadana* not yet organized in the forms of Roman towns), in different shapes from the previous ones settled, and of the attribution of *ius Latii* to the concerned inhabitants, by Pompeius Strabo in 89 BC. Which were those differences is disputed. Overlooked theories of the Authors about it, the way in which this new type of colonies was settled and their Constitution are investigated, as well as if their magistrates could achieve Roman citizenship, and eventually in which way, and also if the attribution of *ius Latii* should be referred just to the inhabitants of these towns or to all *Cisalpini*, point related to the content of *ius Latii* starting from 89 BC.

Parole chiave

Colonie latine, *Ius Latii*, *Ius adipiscendae civitatis per magistratum*
Latin Colonies, *Ius Latii*, *Ius adipiscendae civitatis per magistratum*

Johannes Platschek, *Das responsum des Pontifikalkollegiums de domo Ciceronis* (pp. 107-116)

During his exile, Cicero's estate on the Palatine hill had been confiscated and partly dedicated to the goddess Libertas by Clodius. From Cic. Att. 4.2.3 we can reconstruct the pontiffs' opinion on the restitution of the estate to Cicero after his return from exile. According to the pontiffs, the dedication is void and restitution is possible, only if neither of two alternative ways to authorize Clodius had been followed at the time. However, in his *de domo sua* Cicero had referred to an earlier, but corresponding pontiffs' opinion in another case, as if the two ways of authorization were not alternatives but cumulative requirements for a proper dedication. The article tries to examine the background of the pontiffs' distinction, as well as Cicero's hardly visible manipulations, their purpose and consequences.

Parole chiave

Responsum pontificum; dedicatio; tribunus plebis; iussum; nominatim praeficere

Luca Fezzi, *Legum ... omnes servi sumus ut liberi esse possimus: citazioni e 'non citazioni' umanistiche, liberali e 'neoromane' di una celebre massima ciceroniana* (pp. 117-128)

The paper traces three readings (respectively by Poggio Bracciolini, Friedrich August von Hayek and Maurizio Viroli) of the famous maxim of Cicero «*Legum ... omnes servi sumus ut liberi esse possimus*» (Cic. *Pro Cl.* 53.146), highlighting the complex lines of influence that Cicero has had on modern political and legal thought.

Parole chiave

Pro Cluentio, Poggio Bracciolini, Friedrich August von Hayek, Maurizio Viroli
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Valerio Massimo Minale, *I frammenti tratti dal de appellationibus di Macro in D. 49.1-13 e C. 7.62.6.3: qualche considerazione preliminare* (pp. 129-146)

In C. 7.62.3, the Tetrarchs' edict of 294 on appeal, the third paragraph is very important: it issued a mechanism according which the judge, in presence of the decision of the subject condemned

to death to resist to the sentence, was obliged to produce an opinio, to submit it to the reus, who could reply in writing through the libelli refutatorii, and finally to send all as a relatio to the higher court. Aim of the contribute is to understand if the law was an innovation, maybe connected with some special kinds of procedures, like that one called per relationem, or better the development of a process started during the Severians' age and reported in some fragments of the jurist Macer in the Digest.

Parole chiave

Appello avverso sentenze capitali, Macer, *de appellationibus*, procedimento *per relationem*

Appeal against capital sentences, Macer, *de appellationibus*, process *per relationem*

Sandrine Vallar, *Perseverantia voluntatis e furor* (pp. 147-159)

In Roman law, we find the terms *voluntas* or *consensus* with the adjective *perseverans*, and for example the expression *in eadem voluntate perseverare*. In fact, there are two kinds *voluntas*, a first one that could be called "initial", and a second one which implicates the durability, the time that goes on. This leads to a question: what are the consequences when someone, part of a juridical act, became *furiosus*, whereas his *perseverantia voluntatis* is longer required?

Parole chiave

Voluntas, consensus, furiosus, affectio societatis, affectio maritalis, animus possidendi

Julia Gokel, *Gleichbehandlung von testamentarischer und fideikommissarischer Freilassung im Zwanserbenfall. Eine Entscheidung Scaevolas oder des Senats?* (pp. 161-191)

Il presente contributo tratta di un senatoconsulto emanato *temporibus divi Hadriani* e tramandato solamente da Scevola nella fonte Scaev. 18 *quaest.*, D.28.5.84. Al centro dell'esame esegetico si svolge l'analisi filologico-giuridica del § 1 del frammento. Viene in particolar modo analizzato, se l'equiparazione tra manomissione testamentaria (fraudolenta) e manomissione fedecommissaria (fraudolenta) nel caso di erede necessario fosse frutto di una decisione del Senato romano o del giurista Quinto Cervidio Scevola. Tramite il confronto con alcuni passi di Gaio (Gai. 2 *fideicomm.*, D.36.1.65.15 e Gai. *inst.* 1.46-47) si cerca di rendere plausibile perché questa decisione, rilevante sia sotto l'aspetto giuridico che politico, sia molto probabilmente da attribuire al Senato. Il fatto che, come sappiamo da Gai. *inst.* 1.47, era il Senato ad avere già deciso *ex auctoritate Hadriani* l'equiparazione tra le due forme di manomissione, implica che anche tale *exceptio* provenisse dal Senato.

Parole chiave

Manumissio testamentaria, manumissio fideicommissaria, Senatoconsulti, Cervidius Scaevola

Manumissio testamentaria, manumissio fideicommissaria, Senatsbeschlüsse, Cervidius Scaevola

Peter Groeschler, *Sulle tracce del synallagma. Riflessioni su D. 2.14.7.2 e D. 50.16.19* (pp. 193-215)

The contribution examines the perception of synallagma in Roman jurisprudence. Moving from the debate in the literature, and analyzing the sources of the greek law, the A. investigates the reasons why the Roman jurists Labeo and Aristo used, in their works, the concept of synallagma. Above all, the A. tries to answer the question if they used the *synallagma* in a comparative perspective.

Parole chiave

Synallagma, Labeo, Aristo

Synallagma, Labeo, Aristo

