

## Roman law 24-09

In the period in which the law of the Twelve Tables, the first written rule, was enacted at the time of the Romans, if you have any questions about that, please feel free to ask me. Also, if you think that this is a good question, I will answer it now. Okay, after the... No, sorry, I appreciate it.

The last time, in this presentation, I'm trying to recap and fix on your mind all the evidence that I gave you. So, we have the law of the Twelve Tables, and then here is the definition, and these are plebiscites, another of the sources of the Roman law. Plebiscites, taken by the assembly of the plebeians, they were a solution normally utilized and valid only for the plebeians, not for the Patricians.

But after the first period, so with the law of the Twelve Tables, the law for everyone, so plebiscites and the plebiscites were equated. So also, if these type of laws are enacted by the assembly of the plebeians, are valid for all the population, all the Roman citizens. So we have another evolution of the society.

You remember one of the laws of the Twelve Tables where plebeians and Patricians can marry. So here we have an evolution of the society with more possibility for the plebeians. The plebiscites, normally they didn't create new norms, just update, integrate existing laws.

They are not utilized by the Patricians for something new. So something that was not so important in this sense. Starting from Augustus, I remember you that Augustus is the first emperor.

He used them in order to innovate the discipline. So the emperor started to utilize all the institutions of the Roman Republic, of the Republic period, in order to acquire more power and in order to influence the legislation in more than one way. Commercial relations.

We arrive to the 4th and 3rd century. We have an implication of the commerce, of the relations between Rome and other type of state and territory. For example, in this moment, the interpretation of the pontiffs, so the college of the pontiffs that started to create the law with the precedence, with the solutions given to the concrete phase, now is no more able to be effective in one sense.

So we have another type of magistrate, the praetor, that starts his action. The praetor, as other magistrates, had the possibility to create and then act during the year of charge, in the first moment of the year of charge. We have two different type of praetor.

Initially, just the urban praetor, from urbe, that means city. So a praetor that is in charge of the solution of the conflict between citizens, not between citizens and foreigners. For

this reason, after a period, the Romans created also the praetor praeivinus.

Praeivinus means foreigner. The praetor praeivinus is in charge of the solution of the conflicts between citizens and non-citizens or between foreigners. Similarly, the jurisdiction now is in charge of this new official, the praetor.

So the jurisdiction, the solution of the conflicts, not the creation, real creation of new norms like the response of the jurist or the response of the College of Conflicts. All these magistrates, as I told you, at the beginning of their mandate issued the edict. Inside the edict you can find the tools that they will utilize during the year of charge in order to accomplish their tasks.

So the task of the praetor is to solve the conflicts between people. So inside the edict of the praetor you can find Frank Light, that means the praetor says during my year of charge I will protect the private property and I will protect the private property with this instrument and the description of the instrument that you can utilize in order to defend your private property. You have to follow the words of the edict.

What do you do when you have to do something new? So you decide to become a football player. What do you do? You train. Yes, train, but in order to where? Alone.

You have to inscribe yourself in a team. You inscribe yourself in a team, but in order to do it, what do you need? Money. Yes, money sometimes.

But before, where is the football team? Locally. Locally, but how you can find a place? With an agent. With an agent, also? Yes.

Firstly, you acquire information. So you have to do something new. Okay, I have to go now in internet before looking to the books or ask to some friends.

Hi, you are in a team. Where is your team? What do you do? You acquire information. When a new year starts, the new creator, in order to understand exactly his task and in order to look to the past, the precedence of his action, look to the edict of the other creator.

So after 1, 2, 3, 4, 5 years, the edictum is traticum. It means something that is the same during the time and the same. The new creator uses to copy the precedent edict and just add new elements.

But not every time a new complete document with new instruments in order to protect the same rights. So the edict is like fixed, like a code. Start to be fixed like a code.

The normality, like now we decode. Next to the us civile, remember, composed by Morris, so custom and the first written rule. Now we have another source of law.

lus honorarium, from honor, from the cursus honorum in order to become a magistrate.

So the *ius honorarium* is the new rules created by the magistrate through the edicts. Not only the creator, also the other magistrates.

During the principate, so the empire starts with the principate, we have new mode of production of law and gradually the emperor influences the other precedent legal system. I cited you the *senatus consulta*. What is the *senatus consulta*? Originally, and for a long time, the *senatus consulta*, consultation, consultancy, so an advice.

Decenate, so the magistrate and next magistrate, the regent, man of Rome, used to give advice to the other magistrates and to the officials. So the *senatus consulta* served in order to direct the work of the magistrates. Why decenate? Because decenate is composed of magistrates and next magistrates.

So they are able to give advice to the new magistrate. Remember, the magistrate has some also legal tasks, but they are voted. They are not expert on law, expert on something.

So they need advices because they are not able to do everything in the proper manner because they are just politics. They are just rich persons that are elected from the other person, but they are not professionals. Three parts inside the *senatus consulta*.

Prescription, the name of the magistrate speakers, the date, the month of the year of the delegation, decenate, so the day in which those magistrates spoke during decenate. The *relatio* contained the exposition of the object about what the *patres*. *Patres* means fathers.

So the most influential people, the father. You have to learn something from a father. So the *patres* had been called to pronounce.

Now, relation, decree, so the connection also between English languages. So the decision inside the *decreto*. During the second century after Christ, this *senatus consulta*, when you see the changement of the word in Latin, normally because it's plural or singular.

So *senatus consulta* is singular. Changing, turning the action, the function of the *senatus consulta* inside a proposal of law. So normally dated with this proposal of law and in front of decenate and then dated.

The *praetor edict* was codified. If you have always more or less the same content of the *praetor*, from the first one, then the others used to copy the precedent version of the edict, so they codified. But this means that the *praetor* has no more the possibility to innovate and change and create norms.

So the empire, the emperor starts to fix the laws of the other source of law in order to be the only one alive that can enact and decide about laws. If you rule, you have the power, of course. *Te prudentes*, *prudentes* means the expert.

During the principate, so the expert, the jurist or someone else, were replaced by officials. So the jurist became officials under the empire, under the emperor. So they are no more professionals, free, that can create, that had the possibility to create new principles of law, solving cases, etc.

As you can see, everything within the empire started to be more and more not free like before, the freedom of creation of the law, etc. During the principate, there are some struggles between Scylla, Caesar, for the edict, but this is history, you can read it in the slide, but it's not important for us. What is important, that the primus inter pares, so the principality, the emperor, says I am the primus inter pares, the first one, between echo, but he became the supreme power and supreme personality in the political sense since I was raised.

The army became the real arbiter in the proclamation of the new emperor. Remember that the uncle of Justinian, just in the first, I told you that he became emperor because the military asked for him, so this is the point. So the politics is not so strong like in the first moment, so it's not the richest part of Rome that decides about the new emperor.

Another type of magistrate is the censor. The censor because he has to solve the problems of the delay in the census. What is the census? When you count your citizens inside your territory, so the Romans invented the census.

So every, initially, five years, you have to go to Rome, and you, that you are the chief of the family, you receive the pater familias, the powers of the pater familias, you have to declare the member of your family, yourself, your properties, and everything. If you decide don't go to the census, which is the sanction for you, death, like always. The sanction in Rome, more or less, is always death.

So if you don't go for the census, the sanction is the death, and your family will be deleted from the census, so the citizenship of the member of your family. We are mainly concerned, not only with the census, but also for the cura morum. So they add, censor, the task to the surveillance of illegal and collective behavior.

Remember that I told you if you decide to do something against the society, you decide to divorce without asking to your family and your friends, the censor arrived and sanctioned and punished you. So the behavior, the collective behavior, is now, they are in charge of the control of the behaviors of the population and of the citizens. Now, this is important about the capital, because before, remember the population were rich because they were landowners, the heir of the first family that founded Rome.

Now also the mobile capital is important, because with the commerce, the new rich are the merchants. They don't have any lands, they just have other type of properties, immobile properties, not the unmovable properties. The distinction between the rest, the things, the object for the law, started with another distinction connected to the

agriculture.

But now the distinction between movable and unmovable. Unmovable properties are the properties that are attached to the territory. The unmovable ones, they are not attached.

So a house is an unmovable property, mobile money and everything that normally concerns the commerce. Eddies, the other type of monastery, were entrusted with the maintenance of the roads, the temple, the public buildings, so they did everything that is connected with this. So now we pass to another presentation.

Remember the Justinian unification for operas, the most important one, the Digest, the Opundic, and the other three. Codex, novels, constitutions of emperors and institutions in manual, didactical manner. Roman life.

Now we have a knowledge about the government, the sources of law, the idea of the different origins of the sources of law and the evolution of the Roman law more or less. But what happened during the normal daily life of the Romans? That was the normal day in Rome. Are you guys able to see running these lights at all? Yes? Okay.

Roman citizens, Rome was noisy, a busy society, without any, also in one sense, justice or safety or security, more or less. The poet Marcia wrote, Before you get to life, we have the bakers. Then is the hammering of the artisans all day.

There is no peace or quiet in this city. You have to imagine a really huge city without strict rules about the normal daily life. So the average Roman day.

Here we have the, what is this? The theater. The theater, yes. Then here we have the workers inside the Roman market.

Here there is, yes, the court with the commerce and the courts. These are the parties of Rome. A seat of contrast.

Palace and crowded apartments. City market where men and women shopped. So something chaotic.

To be a citizen, it was an honor. During the Republic, only the citizens of Rome were citizens. So initially, the first moment of the Republic, you are a Roman citizen only if you live in Rome.

Not also outside the provinces and the other territories. Every five years, Roman men registered for the census. So the official count invented.

Here it's losing the property, sold in slavery, or killed. So I forgot to give you the other type of sanction. So you become a slave.

More or less you are dead because it was an unsure situation. Or you can lose

everything. Women, girls, slaves, and free slaves were not counted as citizens.

Never. So they are not properly Roman citizens. Because in order to be a Roman citizen, you need three elements that we will see.

And if you are not in that situation, you are not a citizen. Example of the Roman census, of course, no paper, nothing else. We have tables and tables, marble tables, or black tables about the census.

A lot of evidences about this. Roman Empire expanded and saw people behind city gain and citizenship. More and more.

When you are a citizen, you can be protected by the usury. But like now, like for example, if you are in Paris, you are a real French people instead of being in another city. So the real citizens were then, in the sense, were still the Roman citizens of Rome.

Like in other places. The Emperor Caracalla extended the Roman citizenship to all free peoples within the boundaries of the Roman Empire. Probably born in Gaul, so the former French, and with a Roman father and Syrian mother.

So for this reason, he had the idea of the extension of the citizenship. Because he proved on himself the differences between to be a citizen or not a citizen. But after this moment, everyone is a citizen if he is inside the people.

Romans believed in the rule of law. Roman law was strictly bad and I told you a lot of that type of sanctions. But the crime and the illegal act were so common.

Rich men tried to hide their wealth because it was dangerous, like in some countries. And the application of the law was not so equal. To be rich or not, it was a really different situation in order to survive.

The handouts of the Rome helped the poor part of the population, not the majority of the population, to survive. Handouts, bread, and some other type of help, not really money. Children used to live not to live alone and to pass the 10 years old.

That you can find really luxury villas in Rome or outside. Because if you are rich, you can have everything. Musicians, dancers, parties, you can eat every type of animals.

Also exotic animals like lions and other types of ostriches or whatever you want. In fact, this is a description of a normal party inside a rich villa in Rome. They used to eat completely standing, not standing, I don't know, that was possible.

This is a Roman villa. Normally inside the villa, the family, in the sense that we used to define a family, for five, but a normal family in Rome, the members of the family were 15, 16. If we include also the slaves, 100 and more.

So for this reason, Roman villas are really huge. Another way to live is the poor, the insula. So the definition of insula, the translation of insula is island.

Because the buildings in which the poor people used to live were then structured in this way, like an island. But they didn't have running water, toilets, kitchen and everything. They used the way to throw the waste from the windows during the night, as I told you.

Romans, they had public toilets, public thermal places that helped the population also to be more healthy. So they provided, as I mentioned, also this type of places. Religion was important.

Do you remember the link between the sacra, so the juridical side and the religious side? So it was important also during the daily life of everyone in Rome. They believed in the control of their life from the gods. They wanted to offer to the gods everything in order to achieve the peace of the day of the gods.

Was religion syndically from the point of view of the rich and the poor? Yes, at least until the appearance of the Christian religion. Because that is the point in which they distinguished. Because the Christian religion said all the poor will be the new rich in the second life.

If you are the last one, you will be the first one during the second life after death. So the Christian religion was really attractive for the majority of the population because that is the reason why. The same for every Roman.

They used to go to the temples. The temples were public buildings for everyone. Normally, the rich family had also some small temples inside the villas.

But they used to go to the main one because they were so huge, like you can see in Athens or in other places. So they used to go in that place. Yes, no differences about the religion.

The religion is the drag of the civilization defined for this reason. Because everyone is living in front of the gods. Because the gods don't care for the humans but also for the gods of the Romans.

The poor needed wet to survive. The emperors provided rain and shoals. The idea of bread and circuses, it was the way in which you can prevent the civil war and the revolution.

And the population that want to revolt to the other. Often the circuses were violent. So fighting between animals and humans, between only animals, between only humans.

As you can see inside the movies, it was quite normal. The chariot races and everything. Also the public execution of the criminals.

The idea was to give a show and also in order to prevent the idea to do something illegal. But it doesn't work like also now. Gladiators with the different type of weapons and arms.

And the famous phrase of high Caesar. Who we are about to die, salute you. Of the gladiators before the show and before their probably death.

They had the possibility to hope for freedom like for the slaves. Because the gladiators normally are slaves. You can decide to become a gladiator also if you are a free man.

You decide to put yourself in the same state of a slave. Also for that you can choose it. But normally you have to be completely desperate for peace.

Circus Maximus. 200,000 spectators. The chariot race.

Now there is also, I don't know if Netflix or another, which other platform, a new series about the chariot races. And the other type of creations of the public bath. Not only for the wealthy Romans.

Normally in this case the wealthy Romans had the bath inside the house. But the public bath was for free for everyone. This we will see during the presentation.

So we look to the... Now I put this inside the Roman life. I don't want to be Roman. I show you now the new presentation about the law of people.

Who is a subject of law? Every person who has rights and liberties. And which type of person? Legal person. So? Legal person.

So? Legal person. Yes. So we have different types of subject of law.

In Rome and now the same because the category of the subject of law started in Rome and we maintain the same distinction. Law of person. What is this? Also now the debate of rules concerning with the legal position of the human person, persona, in the making, comprising the rights, capacities and duties.

We don't have the same rights, capacities and duties during our life and above all in Rome in this world. So we can distinguish between physical and juridical person. So a subject of law is a person, physical person, like the normal individuals and juridical person, recognized without any other distinction with the same position of the physical one.

Who in law has the capacity to realize rights and duties? The subject of law is fundamental for every laws, every legal system because without the precise idea of the subject of law it's quite difficult to define who are or what are the rules about that. Not in every moment of the history of the human beings we can find the same subject of law. So in civil legal relations citizens and physical person and state organs are juridical

persons, so a very good distinction.

In the administrative legal relations we have other psychological subject of law because we have also officials, the citizens and we recognize these legal structures following some detailed characteristics. State order in law, only free person were considered subject of law. So if you are a physical person this is not enough in order to be a subject of law.

Fellow law distinguish between subject of law according to the social state. So it's not enough to be a physical person in order to be a subject of law. In the socialist country all citizens are equal and subject of law are the same.

Even in bourgeois law they declare equal but de facto, in fact, this is not the same. So natural person, human beings from the birth to the death. In Rome it was a necessary deitality.

Legal person, companies, enterprises, whatever. Now in order to be a natural person is necessary deitality. When you become a natural person, at the birth, but the deitality is necessary.

If you were born already dead, so no. If you were alive, no. Deitality in Rome it was not necessary.

It depends on the situation. Now, yes. So we have to born alive, the police say.

So also the succession expectation for Rome started after deconception. So you can be an heir after deconception. Are you curious? Yes.

But if you, yes, you have the possibility, you are potentially, you have the freedom to be. But if you don't born alive, you are not. Now, in Rome it was not the same.

So the deitality was not so necessary. It depends on the moment of the history of Rome. Now, yes, the deitality is necessary for every legal system.

A free-born person acquired legal capacity at the moment of the birth. So in order to be and to have a legal position in all Rome, we have to look to these three characteristics. To be free or slave, to be a Roman citizen or not, the position inside the family.

Only mixing these characteristics you can be a legal person or a legal subject in Rome. Which is the difference between the legal capacity and other capacities? When you have the legal capacity, what do you have? And when do you acquire now, let's say, the legal capacity? Now, what do you need in Rome? What do you need in Rome? What do you need in Rome? The legal capacity. Okay.

Do you agree? What is the legal capacity? What does it mean? Knowing the responsibility of your rights. To be responsible of something, to be liable of something, the possibility

to act. In Rome, a free-born person acquired the legal capacity at the moment of the birth.

And now, no. If you were born in a good family, you were entitled to the same rights. Only if you are and if you pertain to which family you have the legal capacity.

And if you are a female. Citizens were considered to be only male. So women did not have any legal capacity.

We don't acquire. We are not legal persons. We are not legal subjects.

We, like women. Yes, there is a paterfamilia that can decide. So the position in the family is not just an element without any meaning.

So, in reality, now we acquire the legal capacity at the moment of the birth. Also now. Because there is another capacity.

So the first capacity is the legal capacity. The capacity that you talk about is the capacity to act. We have to distinguish two typologies of capacity.

This distinction started in Rome, but it still works also now. So, the rights are confirmed if the baby is born alive. This is the second step.

During the ancient time, vitality was necessary. But when we had the evolution of Rome, so in 100 or 200 years later, after the foundation of Rome, in reality, the idea was that the baby was not yet born. Nasciturus.

Yes, true. He had his right recognized. But confirmed.

So you have some rights. But your rights are confirmed after the birth, if you are born alive. Like now.

And you acquire the legal capacity. It's not the full legal ability and capacity. It's just something else.

This one. Capacity to be holders of rights and duties. So we acquire the legal capacity if we are born alive.

And is the possibility, capability, capacity to be holders of rights and duties. When you acquire the capacity to act at the major age. 18, 21, it depends on the state, on the rules of the state.

But this is the same. The capacity to act is the ability to put in place legally relevant activities. So you are holders of rights and duties.

And sometimes in some rights you can act but through your parents or tutor or creator. Another guardian for the women. So the legal capacity we have at the birth.

But the capacity to act only after a determined moment. In Rome, 11 years old for the women. And 13, 14.

But the women had never the possibility to be completely detached from creator and tutor. So we had the legal capacity. And we had also the capacity to act.

But not the full capacity to act. We needed another intervention in order to put in place legally relevant activities. But you need not only the major age.

Also the mental and physical maturation. For example, if you have biases, psychological biases, you can never acquire the capacity to act. You need tutor, creator, it depends on the type of bias.

And if you are furious, prodigal, it is still in this way. Like in Rome. Slavery.

So we saw that three factors counted at the time in order to be a legal person in the full sense. Free man or a slave. So to be a slave, Justinian defined the slavery an institution of *ius genitium*.

Do you remember what is *ius genitium*? Law people. So the law, we share the same type of legal principles as human beings. The population, in general, what do you think? Is the slavery an institution of *ius genitium*? Why not? Yes or no? Slavery, it was the same for every population.

So the Norwegian population didn't use to take slaves. How about existence before they used *genitium*? Ah, so it's *ius naturale*. So before they used *genitium*, so they used the laws created by the humans, there is only the natural law.

So the law, the rules of the living creatures in general. So slavery is a natural law, rule, or institute? No. Have you ever seen lions that used to put in slavery another lion or another animal? No.

A plant with another plant? I never. But before the Romans, also the other states, government, population used to put in slavery the conquered population. It was normal.

So Justinian defined it in a proper way. It was not a news of the Romans. It was something that was in use at the time of the ancient period, the ancient time, not only the ancient time, also after this period.

When man is subject to the dominion, *dominus*, dominate during the empire, so dominion is the owner under the property of another. Normally the idea that a human is born free and becomes slavery. In which way? War.

The war is the normal type of source of slavery. Actually, the difference between slavery involving in other population, because also if you look to the Indians, Indians I mean the Indians in America, they used to put in slavery the other tribes of Indians or the white

people that arise in order to conquer America. They used to do.

But the only distinction between the Romans and the other that in Rome you had the possibility to hope for the freedom. In Rome, Romans gave the possibility to hope for freedom, to become free, a free man, a liberated people. There are also some public slaves, the worst type of slave to be a public slave when you are obliged to do horrible things.

So there is also not only private slaves but also public slaves but they are not so much. Since the late Republic, they needed protections. So only some rights, not so much rights probably is not the correct word, were granted to the slaves.

Under Justinian, after at the end of the experience of the Roman history, Justinian gave the possibility to the slave to be protected against the castigation of the dominoes of the owner. Probably, do you remember the wife of Justinian? She influenced a lot also the rules and the legislation of Justinian. Probably she was a little bit more sensible about slavery but it's normal.

If you work in a society in which slaves are normals, you don't understand which is the point. They are an instrument, important part of the Roman society. The economy of Rome was based on the slavery.

Not all the Romans accepted the slavery but the idea to make a revolution or something else in order to guarantee a right also to the slave, it was completely impossible. Any ethnic group could be a slave. Also the ethnic group that are better in one sense in comparison to the Romans like the Greeks.

The Greek society were more evolved in this cultural sense in comparison to the Romans but they were put in slavery as well. The Romans used them in order to teach or to do something else but also the other population. You can decide to sell yourself into slavery.

So if you are dead, if you have any other type of problem, you can decide to sell yourself into slavery. Why to do it? What do you think? If you are dead, why? You are dead and you remain with her dead instead of to be a slave. To be a slave is a better option if we consider the possibility to be killed in the dead.

Normally if you are dead, you can be killed. The sanction of the dead is not the death at least for the dead but you do it for your family because in this case your family can be without any problem or connected to the dead or because you want to become a gladiator for example, something that you can desire or normally they don't do it. Sometimes it happened but it was not so common.

Slaves could be married but the marriage was not valid so not recognized. So they can decide to marry but without any sense for the rights, for the Roman law but they can do

it as a possibility. If a child born from a slave of course is part of the ownership of the owner of the slave.

I already told you that slaves could vote for freedom. This is the normal pose of a slave with this lace, this necklace. It was the way in which they recognized the slaves.

Could arise in number, yes? You mentioned about coupling slaves before? Yes. And how does that work and furthermore is the state owns the slaves? Yes, the state owns slaves. So they were used for example in order to collect trash in the city or to clean some places, the market after the commerce.

For this reason it was not so a good situation because when you are inside a family at least the family gives you food, provides for you because you are an ownership. So you are like a dog. You are normally treated not so bad because you are a property and it is better to maintain in a better way your property.

So when you are a public slave no one cares about you. So they used simply until the death and they lived alone. So it was not good.

Why public and not private one? Because no one wants you and no one buy you. So you remain a property of the state or you are. If there was a merchant of slaves and after two or three times that you are not being sold.

So, okay, public slaves. They were used by the state. And if the rich people buy the slaves, where does the money go? Who sells the slaves to the state? Normally there were merchants of slaves.

And if they are, or after war the military used to give to the state and they are used for the finance of the state, for the finance of the state. So it depends. Because you have the possibility to cover slaves.

But after war it was not so common. But some military used to sell slaves if they were not their slaves. They used to do and the merchant used to resell them in another market.

I have a question. After the slave became, obtained freedom, he also became a full citizen meaning that he had the... The freedman, so the liberated slave never acquired the full citizenship. Also... The children, yes.

They can hope for the, to become citizen. The freedman, no. Never.

Slavery could arise in a number of ways. Birth from a slave woman. After war, the majority of the... You have to think that.

To put you in a state of slavery is an act of mercy for the Romans. It's not a cruel solution. It's an act of mercy because the alternative is the death.

If you are an enemy and I concur you, the normal consequence is the death. So if I put you in a slavery, I make you an act of mercy. Also for this reason it was not so... Don't accept it by the population.

Because they say, okay, you are still alive instead of to be made to death. So better to be a slave than to be, to die. I don't know.

If you read the Roman sources, I'm not sure about that. As a punishment, teeth cut while stealing. Do you remember that during the night for the twelve tables you can kill the teeth? But during the day, no.

But during the day you become a slave. So this punishment is not so different in one sense. Could not contract or move from a marriage.

Had limited contractual capacity. So you are an object. You are not a subject of law.

You are an object because you are property of someone else that you can contract. Yes, it's something difficult to explain. But they have some possibility.

Like now, I ask you something. You are the owner of a bar, of a place like this. And in your bar enter a five years old or ten years old, ten years old young boy.

Asking you for some candies. We are talking about two euros or three euros of candy. Do you sell him candies or not? Yes.

Is it valid the contract? Because it's a contract of sale. No. No, why not? Because he has no legal capacity.

No, the legal capacity he has. The capacity to have. He has the capacity to have.

So he is not able to put in place a valid contract. But in fact we do. And we permit.

And we don't go against. Or we need the permit of the parent asking. Do you have the permit? Let me know the permit.

No, you do it. The same, the same. So limited contractual capacity for this reason.

Because they had the possibility to contract also if they are not subject of law. And they are not for subject of law. This is the idea in this sense.

A master could be rendered liable for the death of his slave. Liability we will see is connected of course with your position. If you are subject of law you can be liable for the law, for the rules.

You can be liable of illegal act in general. Who is liable for a child? The parents. The same.

The legal responsibility is on your parent if you are minor age. It depends on your age. The same the slave.

They are objects. So if a dog attacks a person, the owner of the dog has to refund and compensate the damages of the dog. The same.

Freedom for many. Normally the masters use it to free some slave after the death. So inside the will they put the possibility or the will to free the slave or some slave.

A gift for exceptional service. For example a slave that saves the life of a child or a filius familias, the son of the family. So you give like a gift.

But they can also buy it. The point is you are an object. You don't have any legal position in this sense.

You are not a subject of law but you can contract. So if you are a gladiator, for example, the rich people use it to give them some money as a present. Gladiators were used also for sexual activities and they use it to give them some money also for this.

In this sense. So they acquired some small or big patrimony through all these possibilities. With this they earn this small amount and with this small amount they have the possibility to go in front of the owner or the master asking to be free.

Once a slave became a free man, was there any chance of becoming a Roman citizen after that or entering into a tribe? For the liberated slave, as your colleague asked me, no. For the person, for the free man, no. For the family and the future children, yes, there is a possibility.

Do you remember the tribes? Was entering into that purely chaotic? No. It's a strange type of position to be a slave because during the time also the rights possibility of the slaves changed but normally they are not considered. Think, you are a slave.

Everyone knows that you were a slave before. The possibility, the social type of behavior towards you is not really the same as you are a normal one in the same place as before. So normally it's a strange moment.

It's more a moral and social type of behavior idea than a legal one. So they didn't permit also for this reason. So for example, you want to become magistrate.

You are now, you are free, you are a normal person, you can try to become magistrate. But no one will choose you. We don't have any evidences of a free man, of an ex-slave that had a possibility to become, not citizen because this was a rule, but become something important in an important position.

Once a slave was free, yes. Yes, my question is if a slave, if an enslaved person asked their master for the right of purchasing their freedom, was there any legal obligation for

the master to attend to such a proposition? No. No, absolutely not.

No. So they can hope for this. They used to be.

Romans gave the possibility to acquire the freedom to these slaves. It's a really good idea and strategy because if you give the hope to someone for sure their behavior will be better in comparison to the other slaves. For example, the African one.

So if you can hope for you and hope for your family and your future children, for sure your behavior will be better than if you don't have anything to hope for. So normally they permitted for this reason also. If you know that you can be free, if you do something really good for your master, your behavior toward the master and family of the master will be the best behavior that you can have in order to have this possibility.

Now they don't have the same, you have to think, to a slave like a chair, like a dog, like a normal ownership now. So you are the owner, you can do whatever you want, you don't have any duties towards a laptop, towards a chair, you don't have duties. Your dog, in the legal sense, doesn't have any rights towards you.

They say. So no. But for example, this is a tombstone of a freed woman.

So the freed men and women had the possibility to have a tombstone. It was an honor and it was something very important for the Romans normally. Now, no, but in the past also here to have a particular tomb, the rich family used to have the family tomb and so on.

So think they had the possibility also to have a tombstone after to be freed and to defend. How to become a freed man? In the legal sense, if we look to the legal side, the owner, the master has to do a particular legal act. That is called manumitio.

So it's the formal liberation of a slave. *Justa ac legitima*. *Justa*, correct, right, and *legitima*, legitimate.

So we have three forms of manumitio that are the *uscivile* form of manumitio. So, *Vindicta*, *censo* e *testamento*. Only with this type of manumitio, liberate a slave, were Roman citizens in the sense not full Roman citizens.

Roman citizens, limited Roman citizens and the children in the future, they had the possibility to become full Roman citizens. They can't be voted, they can't vote inside the assembly, so this is a limited type of Roman citizenship. But only with these three typologies, because we have also other typologies of manumitio, but these are recognized by the *uscivile*, by the first customs.

*Vindicta*, *censo* e *testamento*. *Vindicta* is the name of a small piece of wood utilized in order to touch the ex-slave. And pronouncing some solemn word, the ex-slave was free

in front of a magistrate.

You have to go with the slave in front of a magistrate, take this piece of wood, touch the slave, and after that. Censo, from census. So the owner, the master decides to write you inside this census.

Testamento, the liberation happened through testamentary disposition by the slave's master. So inside the wood. Inside the wood, after my death, these slaves, tizios, gaios, tempranos, they will be free.

Only these three forms. There are informal ways also to free the slaves that are manumitio inter amicus, between friends. You are between some friends and you decide to say to your friends, ok, Sico will be free from tomorrow.

That is informal. The other two ways are more formal. So these three, no.

Ter episculum, you write a letter in which you quote that these slaves will be free, and so. Termesam, you are in a place in which you are eating with your friends and what else, and probably because you are drunk, you affirm that some slaves will be free. And it's valid.

Not in order to become Roman citizens in the sense of liberti, libertini. It's a particular state of the Roman citizenship, not a full one, called libertini or liberti. But you are free.

You are not recognizing this and so you are free. You are free, completely free. And a freedman didn't have limited citizenship.

They could not ascend to the senator and look at the town after having been a slave in the social circles. So they are not. But the children of the freedmen had citizenship.

And for this reason, they will be not limited about the right that they can achieve. No, initially the praetor, but after that, every magistrate. It's not a particular task of a magistrate, in particular like Adil or someone else.

Every magistrate can be the witness of this act. The point is, a magistrate is an official, is a public person that is able to be the witness of this act. Not a particular magistrate.

No. Normally, the praetor is that one that is in charge of the legal aspect. Because the other one, the chance of the other one, the streets or the morality of the society.

But no. Normally, freedmen became clients of the owners. Do you remember that I told you that one of the limits of the assembly of the tribes in the republican period was that normally they were clients of the senator.

So they are dependent from them. The same for the freedmen. So it's still part of the family.

It's still under the control of the paterfamilias. We will see exactly what is the paterfamilia. So the chief of the family that we will see in a day.

They were really grateful to the master for the freedom, of course. So they had some duties. If an ex-slave doesn't accomplish the duties that normally are expected by the ex-owner, the freedom can be revoked.

So you have to be a good client. You have to do these things because you can become a slave again. For example, moral support, political support, some other action of this type.

So you remain under the control and under the influence of your ex-owner in this sense. So it's better to go away from the place in which you live. The owner probably doesn't permit you and in case will revoke your freedom.

So you have to be a client. You can be a client also if you are a plebeian in front of the patricians because your family works for him, for them, and so on. This is the sense of to be a client.

So dependent in some way. We will start with the woman citizenship and the characteristics of the Roma citizens.