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ABSTRACTS

MASSIMO BRUTTI

Le violenze politiche e il valore del passato.  
Un'ipotesi su Giulio Paolo

ABSTRACT

After the civil wars that followed the murder of *Commodus*, with the victory of *Septimius Severus* the dialogue between emperors and jurists reopened. But the crises continue. Papinian and Ulpian are overwhelmed by violence. Paul, not involved in the most dramatic events of these years, participates in the *consilia principis* of *Septimius* and *Alexander Severus*, and dedicates his efforts to the *studium iuris*. The essay puts forward a hypothesis: the choices and theoretical constructions of this jurist are guided by a conservative spirit. To the political instability he opposes the continuity of law, the value of the past, the intention to limit the discretion of imperial power.

PAROLE CHIAVE

Instabilità politica; violenza; Settimio Severo; Paolo; conservatorismo; valore del passato.

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PIETRO CERAMI

D. 12.4.16 (Cels. 3 *dig.*).  
Una controversa fattispecie negoziale

ABSTRACT

This essay is an exegesis of a problematic and disputed case from the *Digesta* of Celsus (D. 12.4.16), that focuses on the main issues of debate in Roman Law: the placement of the case in point in the original Celsus's work; the casuistic or dogmatic nature of the case in point; the '*ratio dubitandi*' and the '*ratio decidendi*' of Celsus; the relationship between the thought of Celsus and that of Aristo; the relationship between the '*fragmentum*' D. 12.4.16 and the '*fragmenta*' D. 19.5.2 and D. 13.6.13.2.

PAROLE CHIAVE

*ARS iuris; interpretatio; bonum et aequum; nova negotia; vulgaria actionum nomina.*

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PAOLO GARBARINO

'Sistema' e compilazione giustiniana

ABSTRACT

In his fundamental studies on the 'system' and 'structure' of law, Mario G. Losano repudiates the idea that the

concept of 'system' can be used to define the Justinian compilation. In this work, A. attempts to prove the contrary, by subjecting the compilation works, specifically the Institutes, the Digest and the Code, to an analysis aimed at showing that the requirements identified by Mario G. Losano are applicable to them, in order for there to be an 'internal system' and an 'external system', respectively.

PAROLE CHIAVE

Sistema; sistema interno; sistema esterno; compilazione giustiniana.

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MARIA ANTONIETTA LIGIOS  
CIL IV, 9591: riflessioni in materia di impresa  
di navigazione e di prassi commerciale marittima

ABSTRACT

The inscription, CIL IV, 9591, found on a small amphora discovered in Pompeii, attests to the use of containers for samples of goods in the maritime traffic of the ancient Mediterranean. The inscription provides information about the organisational structure of the shipping company that transported the goods and the methods used to advertise the *lex praepositionis* of the *magister navis*; it also testifies to the use of sample containers in private transport, as well as in the transportation of rations. Lastly, it may also be deduced that, as an alternative to monetary-based remuneration, maritime transportation contracts might also be based on payments consisting of a percentage of the cargo.

PAROLE CHIAVE

Anforetta campione; impresa di navigazione; contratti di trasporto marittimo.

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SALVATORE PULIATTI  
Profili della responsabilità dei funzionari in età tardoimperiale

ABSTRACT

This essay focuses on a particular form of criminal responsibility reserved for officials in the late Roman empire. This discipline was regarded as one of the most effective tools for raising the status of officials who generally enjoyed little esteem. The ethical foundations and the disciplinary nature of this legal discipline are analyzed. Special attention is paid to the criteria of imputation, which present profiles of objective responsibility, which are accompanied, at the end of the late empire, by a form of patrimonial responsibility. The penal discipline applied to officials reached a moment of particular harshness during the Justinian age, and then diminished as a result of the strengthening of the importance and role of the Byzantine bureaucratic apparatus.

PAROLE CHIAVE

Tardo Impero; responsabilità; funzionari; Giustiniano; burocrazia bizantina.

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AGATINA STEFANIA SCARCELLA  
Natura ed effetti dell'*adoptio servi*

#### ABSTRACT

The research starts from the questions raised in the doctrine regarding the configurability of the *adoptio servi* as a form of manumission or as an adoption. The overall reconsideration of the few testimonies we have made it possible to clarify the real interest, certainly not dogmatic, underlying the institution in the various socio-legal contexts in which it was used. A leading reason has emerged in the legal solutions adopted to oppose the *adoptio servi*: to prevent the use of it, in the absence of tools that limit its use, could lead to abuses. An attempt was also made to provide a contribution to a better understanding of the logic underlying the provisions issued and in particular those aimed at limiting the effectiveness of the *adoptio servi*.

#### PAROLE CHIAVE

*Adoptio servi*; manomissione; natura giuridica; efficacia.

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#### FERDINANDO ZUCCOTTI

Sul preteso valore di «*condemnatio*» piuttosto che di «*intentio*»  
della clausola formulare «*quidquid dare facere oportet*».  
Osservazioni sulla trattazione gaiana delle «*partes formularum*»

#### ABSTRACT

The definitions of the Gaius's Institutions of the *partes formularum*, in particular those of *intentio* and *demonstratio*, have aroused various perplexities in the doctrine, but in reality they do not seem to be rejected, especially if one takes into account the structural differences of the *ceptiones verborum* in the Edict of the praetor. The definition of *adiudicatio*, on the other hand, raises greater problems, as does the *condemnatio* of the formulas with the '*quod* – '*quidquid dare facere oportet eius condemnato*' –, which literally could be understood, contrary to the principle of the pecuniarity of the sentence, as a sort of condemnation in a specific form.

#### PAROLE CHIAVE

Istituzioni di Gaio; processo formulare; *partes formularum*; *intentio*; azioni con '*quod*' e *demonstratio*; *adiudicatio*; *condemnatio*

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#### FRANCESCO MUSUMECI

Sugli ἀπόλιδες menzionati in due frammenti dei *Digesta*

#### ABSTRACT

The author analyzes two fragments – D. 32.1.2 (Ulp. 1 *fidei comm.*) and D. 48.19.17.1 (Marcian. 1 *inst.*) – where reference is made to ἀπόλιδες and that in the past have been considered interpolated. He tries to prove that, on the contrary, these fragments must be considered genuine and that the suspicions of interpolation expressed by the scholars are completely without foundation, and explains the reasons that led *Ulpianus* and *Marcianus* to use this Greek word.

#### PAROLE CHIAVE

Interpolazione; *aqua et igni interdictio*; *deportatio*; ἀπόλιδες; *civitas*; *peregrini*

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STEFANIA PIETRINI

La legittimazione dei figli naturali per *subsequens matrimonium*  
in un provvedimento imperiale del V secolo

ABSTRACT

This paper addresses a number of issues relative to the relationship between Emperor Zeno's C. 5.27.5 and its Costantinian antecedent, both concerning the legitimization through marriage of natural sons born from *ingenuae* concubins. Among other problematics this work tries to explain why Costantin's *lex* didn't – seemingly – get compiled into the Theodosian code, while Zeno's law was received by the Justinian code. It is also probable that while the Constantinian law didn't forbid the natural fathers from asking the *adrogatio* of additional sons born afterwards (still out of wedlock) from *ingenuae* concubins, Zeno's legislation actively prevented such possibility.

PAROLE CHIAVE

Legittimazione dei figli naturali; susseguente matrimonio; concubine *ingenuae*.

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FRANCESCA TERRANOVA

A proposito di un testo di Arcadio Carisio  
in tema di *quaestio per tormenta de servis*  
(D. 48.18.10.2)

ABSTRACT

The A. wonders about the reasoning underlying the solution adopted by Arcadio Carisio in a passage that the Justinian compilers took from his *liber singularis de testibus* (D. 48.18.10.2).

PAROLE CHIAVE

*Quaestio (per tormenta) de servis*; Arcadio Carisio; testimonianza; *peculium* castrense