

Roman law: the art of the fair and good?

Publicly displayed edicts

Laws, decrees and edicts from the Senate or the emperor were often displayed publicly in inscriptions or wallpaintings, many of which are still known to us for this reason.

Source 1: The twelve tables

Livy *History of Rome* 3.57.10

priusquam urbe egrederentur, leges decemvirales, quibus tabulis duodecim est nomen, in aes incisas in publico proposuerunt.

Before they left the city, they [the consuls] had the decemviral laws, which we call the Twelve Tables, engraved on bronze, and set them up in a public place.

The Twelve Tables were the cornerstone of the Roman legal system; written in the 5th century BC, they embodied the Roman legal code.

Source 2: Public notices in clear letters

Ulpian *Digest* 14.3.11.3 (translation Samuel P. Scott)

proscribere palam sic accipimus claris litteris, unde de plano recte legi possit, ante tabernam scilicet vel ante eum locum in quo negotiatio exercetur, non in loco remoto, sed in evidenti. litteris utrum graecis an latinis? puto secundum loci condicionem, ne quis causari possit ignorantiam litterarum. certe si quis dicat ignorasse se litteras vel non observasse quod propositum erat, cum multi legerent cumque palam esset propositum, non audietur.

To give public notice we understand to mean that it shall be made in plain letters, so as to be easily read from the ground; that is to say, in front of the shop or place where the business is carried on, not in a retired place, but in one which is conspicuous. Shall the notice be in Greek or in Latin letters? I am of the opinion that this depends upon the character of the place, so that no one can plead ignorance of the letters. It is certain that if anyone alleges that he is unable to read, or did not observe the notice, as many persons can read, and the notice was conspicuously posted, he will not be heard.

What reasons does Ulpian give for displaying notices publicly?

How does he propose ensuring that all members of the public take note of legislation?

Source 3: Notice against dumping waste - ancient & modern



'Marcus Alficius Paulus, aedile, (declares): anyone who wants to throw excrement in this place is warned that it is not allowed. If someone shall denounce this action, freeborn will pay a fine of [...] denarii, and slaves will be punished by [...] lashes.'

Edict against dumping waste next to a water tower. Herculaneum.



Considering the sources above:

Why do you think we display laws publicly?

Is it as a deterrent, a reminder, or as a way of ensuring no one can plead ignorance?

Are there any differences in the ways we use signs to the ancient Romans?

Further reading:

On the Twelve Tables: <http://www.historyguide.org/ancient/12tables.html>