Application, adaptation and rejection: the strategies of Roman jurists in responsa concerning Greek documents
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Propositions relating to the dissertation

APPLICATION, ADAPTION AND REJECTION

The strategies of Roman jurists in responsa concerning Greek documents
by Quintijn Mauer

1. In their treatment of legal questions based on Greek documents, the Roman jurists became more accepting and accommodating of Hellenistic legal norms over time.

2. Contact with Hellenistic legal cultures influenced Roman law in two ways at least. It altered Roman legal concepts and led to a broader application of Roman legal doctrine. The existence of ‘legal transplants’ of Hellenistic concepts cannot be firmly established.

3. Roman jurists were asked to give advice concerning controversies from the Roman East. This fact indicates that inhabitants of the Roman East valued authoritative decisions from the Roman West.

4. In the Justinianic Digest, the above average occurrence of responsa by Scaevola based on a Greek document does not indicate that Scaevola was specialized in cases from the Roman East.

5. Legal doctrine and legal practice are two sides of the same coin. For this reason, the collaboration of papyrologists and Romanists strengthens both disciplines.

6. A ‘bottom up’ approach to research is not achieved by the mere use of papyrological sources.

7. The palingenetical method is indispensable for understanding Roman legal fragments in context and highly recommendable for any dogmatic approach of Roman law.

8. Mommsen’s emendation of interpellatus for iuratus in Dig. 33.4.14 (Scaev. 15 Dig.) is not to be preferred over the original text (cf. the Spruit edition).

9. Every legal papyrologist should edit a papyrus once in a while.

10. Every debate in society profits from the Roman legal maxim audi et alteram partem.