COMMUNICATION AND PUBLICITY OF THE LAW IN ROME[1]

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Abstract: *In this article various ways and means of communication and publicity of the law (Roman roads, the Roman state post, rescripta and codification) are discussed in order to determine in how far it contributed towards the development of a shared law in the Roman Empire. My research led me to the conclusion that all of the above-mentioned forms of communication contributed largely towards a shared or communal law. Although the extension of the Roman legal system was not planned, local law in the various parts of the Roman Empire was influenced by Roman law. One may say that there was a slow dispersal of Roman law, that local law gradually mutated and that it was replaced to larger or smaller extent. This was a logical and natural extension flowing forth from historical events and legal development.*

Keywords**:** communication; publicity; codification; roads; *cursus publicus*; *rescripta*; imperial messengers; imperial legislation; imperial officials; "Romanisation"; Roman citizenship; local law; law schools.

1. Introduction

On his return from Rome to Gaul, Rutilius Claudius Namatianus[2] sang the praises of Rome in a poetical itinerary entitled *De reditu suo*: "Hear me, o magnificent queen of the *world subject to thy laws*, O Rome, … ."[3] One may now well ask how it came about that the "world" became subject to, or accepted, the law of Rome. Von Hagen, in his book entitled *The Roads that Led to Rome*, also states that Roman roads gave to the world a "shared law".[4] Per definition a "shared law" would be a legal system adhered to jointly by various peoples and countries.

In this paper I will discuss how it came about that the legal system of Rome came to be shared with her conquered peoples. In doing so I will discuss various means of communication in the Roman world: first, and most importantly, I will pay attention to the magnificent network of Roman roads; secondly, I will discuss the state post (*cursus publicus*); thirdly, I will concentrate on imperial legislation; and lastly codification will be considered. By means of the roads and postal system, Rome was able to communicate and circulate Roman law to the whole of the

Roman Empire. Emperors, governors, administrators, jurists, teachers and imperial messengers all travelled along these roads and by executing their duties, they carried Roman law to the furthest ends of the Empire.

2. Roman roads

Roads played an important role in the definition of both space and place: the phrase "*tota Italia*" implies a specific unity of geographical space that had been created from a disunited past or a fragmented space.[5] This change in the spatial structure was probably as important as that of granting citizenship to the population of Italy.[6] A united Italy constituted a means for the organisation of state power and the extension of Rome's control over the Italian city states.[7]

By building roads and founding new colonies, Rome distributed the Roman/ Latin population across the Italian peninsula, whilst simultaneously retaining a connection with them. The dispersed nature of Rome's territory meant that a system of communication was required between the magistrates in Rome and the citizens resident in the Italian city states. This was accomplished by building roads and establishing governmental centres. To a large extent Roman culture and social identification depended on the existence of a means of transport between places which then tended to become increasingly uniform in response to each other.[8] Without a road system to promote cohesiveness, the Roman world could have fragmented into a number of independent city states.

During the first two centuries of the Empire there were many good roads in Italy as well as in the various provinces of the Empire along which communications were carried. From the Forum, where the "Golden Milestone" recorded the distances between Rome and the main cities of the Empire, twenty paved roads led to every province.[9] During the time of Diocletian, Rome was administering 372 roads over approximately 85 000 kilometres.[10] They constituted strings of civilisation which linked the Empire[11] and secured ease and safety of communication. The roads were primarily built for strategic and political purposes,[12] but the emperors often converted existing trade routes into arteries of communication, thus unifying places that were naturally disunited. The road was a device of power that produced a distinctly Roman space across Europe and along the Mediterranean.[13]

Roman emperors largely governed over long distances. Those who stayed at home relied on the efficient operation of official channels,[14] whilst a travelling emperor functioned as a kind of moving capital within the Empire. Justice remained part of his functions when he visited the provinces where he could receive petitions in person.[15] After the first century, when imperial journeys, except within Italy, were relatively infrequent, the imperial court travelled progressively more. Advisers,

secretaries and assistants accompanied the emperor on his journeys to sustain the burden of his extensive communications with cities and individuals throughout the Empire.[16]

Emperors, and others, went to great lengths to publicise and advertise the law in order to strengthen the authority thereof. It has often been said that laws were in many cases repeated because previous enactments had been ineffective, ignored, forgotten or lost. However, it should be kept in mind that initially much of Roman law was issued not for purposes of social control, but for the regulation of legal relationships between Roman citizens and that it was up to the litigants to decide whether they wanted to make use of it.[17] Many laws were issued in response to approaches from provincials, either directly or through the offices of governors and prefects. This meant, first, that laws were requested in the expectation that they would assist the self-interest of the petitioner, and, second, that laws would be repeatedly asked for since enforcement was likely to prove more effective when backed by a recent law which could not be challenged on grounds of obsolescence or a new emperor.[18] Repetition of laws thus added strength to the law,[19] and emperors repeated laws because they understood the public need for reassurance. Citizens of the Empire wanted to know what the present state of the law was and found it reassuring to learn that there was a recent enactment relevant to their case, and that emperors had more than once reached the same decision.[20] Rescripts dating from the time of Caracalla, drew attention to the frequency of their repetition by the use of such *formulae* as "*saepe rescriptum est*"[21], "*iam pridem rescriptum/decretum est*"[22] or "*saepe constitutum est*"[23]. Reiteration was built into the rescript system, which provided responses to multiple individual queries, but it also extended to the more generalised formats of the edict and the official letter where the existence of numerous previous laws lent authority to new enactments. When the legislator made repetition explicit, it served as a way of advertising and sanctioning precedents, of confirming the validity of past laws while also affirming their continued validity in the resent.[24] Repetition of laws was therefore usually not occasioned by disobedience or the ignoring of previous legislation, but by a combination of factors which prove the opposite.

3. Roman post

It is obvious that the vastness of the Roman Empire necessitated extensive linkage and communication. Centralisation of government and jurisdiction required uninterrupted services between every province and its capital, and also with Rome. The governors were constantly corresponding with the emperors, as is shown by Pliny's correspondence as consular legate of Bythinia from A.D. 111 to A.D. 113.

Procurators and imperial officials in the provinces were continuously in communication with departments in Rome or with the emperor himself.[25] This was made possible by the road system and furthermore by the *cursus publicus* (imperial state post) which was established by Augustus. From Suetonius's discussion of the creation of the state post, it is clear that it served as a government information service in which safety counted more than speed.[26]

Although the main highways were used by various kinds of travellers, the chief administrative function these roads served was that of the imperial posting-service, and for this reason messengers employed by the *cursus publicus* received special treatment.

4. *Rescripta*

In a long letter addressed to Marcus Aurelius, Cornelius Fronto mentions among the duties and functions of emperors that they were to correct the injustices of the law and to send letters to all parts of the world.[27] The correspondence between the emperor and provincial governors, and in particular the developing pattern of governors regularly consulting the emperor by letter on judicial matters, was indeed an important element of the emperor's duties.

Two kinds of letters, namely *epistulae* (letters from officials and public bodies, issued by the office *ab epistulis*), and *libelli* (letters from private persons, issued by the office *a libellis*), were addressed to the emperor.[28] A *rescriptum* was technically an answer to a letter by which the advice of the emperor was sought, but the word soon came to be used for the Princeps' letter itself.[29] *Rescripta* were considered to be imperial constitutions.[30] These letters of the emperors to governors or private individuals, containing answers on legal issues,[31] constituted an important form of communication.

Rescripta contained instructions on administrative or judicial matters. A rescript which dealt with judicial matters might settle a doubtful point of law by showing, or extending, the application of an existing principle to a new case.[32] It was the most powerful instrument of law-making wielded by the Princeps.[33] The definiteness of its form gave the opinion an authority which, once accepted by a successor, could not easily be questioned. Further, the immense area over which these letters of advice were sent, kept the emperor in touch with the whole provincial world and resulted in his being regarded by the provincials as the greatest and most authentic interpreter of the law.[34]

Roman citizens regarded rescripts as free legal advice.[35] It was in the citizen's interest to obtain a rescript, even on a well-known point of law, if he could so bring pressure to bear on a powerful opponent, or on a reluctant provincial governor

to grant him his right. By means of rescripts, which were consistent in style and content and took precedent into account, the government tried to maintain a uniform application of the law[36] and jurists treated rescripts as of high persuasive authority.[37]

From the second century onward the legal content of rescripta became more important for the development of private law. Judges were bound by *rescripts* and the decisions created a binding precedent for future decisions if the facts alleged were correct. If an emperor's decision in a particular case was confirmed and made public, it acquired a general, quasi-statutory validity (*legis vicem*) which was not limited to the duration of the life of the emperor who published it. He saw this as a serious responsibility, considering the legal position and consulting about the issue at hand.[38] Literary sources suggest that emperors spent a considerable amount of time answering petitions from private individuals, and papyri and inscriptions provide proof of this.[39]

5. Codes as means of communication

Imperial enactments increased in numbers, covering the whole range of law. At first it lacked any system of official compilation or distribution and because of difficulties of communication and imperfect methods of promulgation they were often not readily available.[40] The increasing complexity of imperial administration made the issuing and control of rescripts difficult. It was practically impossible to check their authenticity and it was hard to verify the use of a rescript in an analogous case.[41] Laws were routinely issued with the proviso that they were valid in as far as they were not *contra ius* and Roman judges had to consider whether or not rescripts cited in their courts conformed to existing law.[42] This created serious problems for legal practitioners, and one way to improve this situation was to clarify and strengthen the *ius* by codifying it.[43] Acceptance of rescripts as being general in practice, would have justified the collection as a "code" of rescripts from Hadrian to Diocletian by Gregorius in the 290s, and the continuation of the collection by Hermogenianus. Authoritative codes would have made it possible to respond to an opponent's rescript with an equally authoritative statement of *ius* and made legislation widely available in an accessible form.

The above-mentioned codes were not codes in the legal sense of the word: they were published privately and they were not granted the force of law. But, they brought some relief, disseminating knowledge of a large number of legal texts more widely than before.[44] Although private collections, they seem to have been accepted as authoritative and constituted the source from which later compilations derived earlier imperial legislation.[45] Two other codes, the *Codex Theodosianus* (A.D. 438) and the *Corpus Iuris Civilis*, were also conceived as, *inter alia*, a contribution

to the practice of the law courts[46] where its supreme authority was intended to result in shorter and simpler lawsuits.[47]

Since the main purpose of the codes was to facilitate practice in courts of law and to provide legal certainty, one may assume that they would have been distributed as widely as possible throughout the Roman Empire. The imperial roads and post would have been major vehicles of communication and publicity in such distribution and thus largely contributed to the facilitation and improvement of the practice of law.

6. Roman citizenship

During the late Republic and the Principate, the principle of the personal application of laws was still in vogue and only Roman citizens, wherever they resided, lived according to the Roman *ius civile*.[48] However, with the expansion of the Roman Empire the sphere of application of Roman law grew steadily and continuously, and in A.D. 212 Caracalla, with the *constitutio Antoniniana*, conferred the Roman *civitas* on almost the entire free population of the Empire.[49] Roman law was thus converted from the local law of one particular city community into the law of an empire.

Extension of Roman citizenship threatened the existence of every other law in the Empire, including Greek law which still flourished in the East. However, this did not mean that in future only Roman law, either the *ius civile* or the *ius gentium*, would be applied.[50] It is difficult to determine to what extent the provincials had been "Romanised".[51] Apart from administrative organisation, the imperial government made almost no effort to impose uniformity by supplanting local languages, religions, customs, and even laws by those of Rome.[52] Rome did not attempt to make Roman law the law of the land in the Empire. In fact, she sometimes borrowed legal institutions from her more sophisticated Greek-speaking subjects.[53] In the provinces, especially the eastern part of the Empire, an uninterrupted legal tradition prevailed based on the pre-Roman legal system and consisting mainly of local elements.[54] Roman citizens and armies carried Roman law to these provinces where contact with local legal institutions, especially those of Hellenistic law in the eastern provinces, had an influence on it.[55]

Caracalla's grant of citizenship simplified judicial administration. It also expedited the process by means of which Roman law ultimately developed into the legal system of Justinian's codification which promoted unity in the Empire.[56] As early as the middle of the second century A.D., and especially after the end of it, so-called "Roman jurists" appeared in the provinces. They advised parties and judges and drew up documents according to Roman law. The imperial laws[57] of the third century A.D., and in particular the numerous surviving constitutions of

Diocletian, show that this was also the case in the Greek half of the Empire.[58] The emperors received questions which could in many cases only be understood by reference to the notions of the Greco-Hellenistic legal world of the East, and they urged the principles of Roman law and the decisions which Roman law provided upon these people. However, Roman law was probably only applied where the judges were actually familiar with it; and in the East this meant that it happened only in the Roman governor's court.[59]

Local law consequently continued to exist legally. But, by means of the way that the emperors had practiced and created the law, they had created a uniform law, thus emphasising their absolute power.[60] The imperial officials who were, like the emperor, acting *extra ordinem*, gradually became delegates of the emperor and thus officials of the imperial monarchy.[61] By the time of Diocletian, the Roman state was definitely established on a bureaucratic basis with a hierarchy of officials. The entire administration of the law was henceforth conducted *extra ordinem* in the name of the emperor.[62]

7. Conclusion

In conclusion, it needs to be mentioned that during the third and fourth centuries, the great commentaries were carefully studied and interpreted in the flourishing law schools, especially in Rome.[63] In the law schools of the Eastern Empire a fixed curriculum existed, consisting of a study of the imperial constitutions and classical literature.[64] But, jurists' law (*ius*) contained in classical literature and the imperial legislation (*leges*), which theoretically formed the books of the post-classical period, were not easily accessible, and even the commentaries were only available in a few places. Although publication of the codes probably improved the situation, historical studies based on sources found in the provinces indicate that local rules and customs remained prominent.[65] Tuori suggests that the purpose of the drafting and circulation of law books and legal manuals and the founding of law schools was to educate the administration and the new citizens about Roman law.[66]

Rome's written tradition supported an emphasis on centralised bureaucratic administration.[67] This caused Rome to become dependent on the army, territorial expansion and the law. According to Innis, the history of empires is determined to a large extent by their means of communication. In this article I have argued that certain means of communication relied on by the Romans contributed to dispersing Roman law to the furthest ends of the Empire, gradually introducing it into previously independent provinces. Further, private rescripts and imperial letters to the provincial governors as well as the publication of law codes and manuals also contributed to the extension of Roman law across the whole Empire.[68] There it slowly mutated

and replaced local legal principles and rules. This unplanned extension of the Roman legal system was a logical and natural extension flowing from historical events and legal development. A number of technological aspects (roads, postal system, written documents), in combination with the emperor executing his duties, were combined to communicate and publicise the law to all inhabitants of the Roman Empire. This, in the end, resulted in a common law shared – to a greater or lesser degree – in the Roman Empire.[69]

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[1] This article is based on a paper read at the 64th Session of the Société Internationale "Fernand de Visscher" pour l'Histoire des Droits de l'Antiquité on "Communication et Publicité dans l'Antiquité: Profiles, Juridiques, Sociaux, Économiques" (Barcelona, Spain, 28 September − 2 October 2010). An expanded article on the same topic entitled "A shared law" was published in 2010 (16-1) *Fundamina* 443-458.

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[2] The author of *De Reditu Suo.* He was of Gallo-Roman extraction and held the offices of *magister officiorum* (A.D. 412) and *praefectus urbi* (A.D. 414). See also Pliny the Elder, declaring that "Roman power has given the world unity. All must recognise the services she has made to men, by improving their contacts and making it easier for them to enjoy in common the benefits of peace" (*Historia Naturalis* 14.2).

[3] My italics.

[4] See V.W. Von Hagen *The Roads that Led to Rome* Weidenfeld & Nicholson, London (1967) p. 13. *Cf*. also Polybius *The Histories* 3.58-59; Strabo 5.3.8.

[5] R. Laurence *The Roads of Roman Italy. Mobility and Cultural Change* Routledge, London (1999) p. 162.

[6] The Social War (91-87 B.C.) was waged by Rome's Italian allies against her predominance. Rome finally gained a victory by granting citizenship to the enemy.

[7] Laurence (*supra* n. 5) p. 177.

[8] *Idem* p. 199.

[9] In 20 B.C., Augustus was appointed commissioner for all roads in the neighbourhood of Rome and as such set up the Golden Milestone: see Dio Cassius 54.8.4.

[10] See Von Hagen (*supra* n. 4) at p. 8 stating that "Rome became a mobile civilisation and the mistress of the world because of her systematic control of world space through her roads".

[11] Cf L. Friedländer *Roman Life and Manners under the Early Empire* Vol. 1 George Routledge & Sons Limited, London (*s d*) at p. 270: "This elaborate network of roads increased public security, made agriculture more secure, facilitated touring and commerce, eased the working of the administrature, made settlements possible, and quickened the spread of culture."

[12] See H.S. Jones *Companion to Roman History* Clarendon Press, Oxford (1912) at p. 40: "[T]hey were, as it were, the meshes of a net in which the subject-countries were held by the central government."

[13] Laurence (*supra* n. 5) p. 199. See also K. Tuori "Legal pluralism and the Roman empires" in J.W. Cairns & P. du Plessis (eds.) *Beyond Dogmatics. Law and Society in the Roman World* Edinburgh University Press, Edinburgh (2007) p. 40.

[14] J. Harries *Law and Empire in Late Antiquity* Cambridge University Press, Cambridge (1999) p. 88.

[15] F. Millar *The Emperor in the Roman World (31 BC-AD 337)* Duckworth, London (1977) p. 529.

[16] *Idem* ch. 3 and 5 *passim*.

[17] Harries (*supra* n. 14) p. 80.

[18] *Idem* pp. 82-81, and note (at 83) that in A.D. 440 Valentinian stated that it was worse to disobey a recent law because a new or recent constitution was more effective than an old one.

[19] *Idem* p. 86.

[20] *Idem* p. 86.

[21] *Eg*., *Codex* 1.54.2 (228); *Codex* 2.43.3 (244).

[22] *Eg*., *Codex* 5.51.5 (Gordian); *Codex* 7.64.7 (285).

[23] *Eg*., *Codex* 4.44.3 (Martian).

[24] Harries (*supra* n. 14) p. 86.

[25] Friedländer (*supra* n. 11) p. 299.

[26] *Augustus* 49.3. See also R. Chevallier *Roman Roads* University of California Press, Berkeley (1976) p. 181-182.

[27] Fronto *Ad M Antonium de Eloquentia* 2.7.

[28] *Cf.* W.W. Buckland *A Text-book of Roman Law from Augustus to Justinian* University Press, Cambridge (1963) pp. 18-19; H.F. Jolowicz *Historical Introduction to the Study of Roman Law* University Press, Cambridge (1954) pp. 378-379; W. Kunkel (trl. by J.M. Kelly) *An Introduction to Roman Legal and Constitutional History* Clarendon Press, Oxford (1975) pp. 128-129.

[29] A.H.J. Greenidge "Historical Introduction" in *Gai Institutiones or Institutes of Roman Law by Gaius* Clarendon Press, Oxford (1925) p. xlvii.

[30] "Constitutions" was the generic name for legislative enactments by Roman emperors which were issued in different forms: *edicta*, *decreta*, *rescripta* and *mandata*: see Gaius 1.5; *D* 1.4.1, Ulpian *libro primo institutionum*.

[31] The emperor's judicial decisions might be on first instance or on appeal; they were not necessarily made in formal surroundings: see Pliny *Epistolae* 6.31; F. Millar "Emperors at work" 1967 (57) *J of Roman Studies* pp. 9-19; O.F. Robinson *The Sources of Roman Law. Problems and Methods for Ancient Historians* Routledge, London (1997) pp. 35-36.

[32] Greenidge (*supra* n. 29) p. xlvii.

[33] They were not primarily designed for legislative acts: it was only gradually and incidentally that some of them served this purpose, and they became important only after the suppression of the reform through the praetor's Edict. Sometimes a rescript definitely stated that it was laying down a new rule for future cases, but often it did not: see W.W. Buckland *A Manual of Roman Private Law* University Press, Cambridge (1939) p. 13. Of all the forms in which the population of the Empire could address the Emperor and receive responses from him, by far the most fully attested is the presentation of *libelli* on legal matters and the promulgation of subscriptions in answer to them.

[34] Greenidge (*supra* n. 29) p. xlviii.

[35] *D*. 1.2.2.49, Pomponius *libro singulari enchiridii*. See, too, T. Honoré *Emperors and Lawyers* Duckworth, London (1981) p. 26.

[36] *Idem* pp. 32-33.

[37] See, *eg*., *D.* 5.3.7*pr.*, Ulpianus *libro quarto decimo ad edictum*.

[38] *Cf. D.* 37.14.17, Ulpianus *libro undecimo ad legem Iuliam et Papiam*.

[39] The evidence of the *Codex*, the *Digest* and minor legal collections has now substantially been supplemented by papyri: see Turpin "Imperial subscriptions and the administration of justice" 1991 (81) *J of Roman Studies* 101; Millar (*supra* n. 15) 537.

[40] Buckland (*supra* n. 33) pp. 20-21. The difficulty of access to such documents, or doubt as to their general application, perhaps appears in Gaius 2.221: "quae sententia dicitur diui Hadriani constitutione confirmata esse."

[41] In A.D. 398 the Emperor and his advisers in Constantinople declared that rescripts sent in response to legal queries would in future only apply to those cases for which they have been issued: see *Codex Theodosianus* 1.2.11 (Dec. 398).

[42] Turpin "The purpose of the Roman law codes" 1987 *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* (Romanistische Abteilung) p. 627.

[43] *Idem* p. 628.

[44] See S. Corcoran *The Empire of the Tetrarchs. Imperial Pronouncements and Government AD 284-324* Clarendon Press, Oxford (1996) p. 294.

[45] Buckland (*supra* n. 33) p. 21. See also Harries ("Roman law codes and the Roman legal tradition" in Cairns & Du Plessis (eds.) *Beyond Dogmatics. Law and Society in the Roman World* Edinburgh University Press, Edinburgh (2007) pp. 88-89) who confirms that a law code must carry authority to be effective, but then states that "authority" is an "elusive" concept. Although these two "codes" were not official publications, the *Codex Hermogenianus* was published repeatedly and "continued" long afterward because it was a recognised point of reference.

[46] Theodosius II published this code in A.D. 438. It contained imperial legislation only from the time of Constantine. *Cf.* also Turpin (*supra* n. 42) p. 620.

[47] *C Haec* 3: "Haec igitur ad vestram notitiam ferre properavimus, ut sciatis quanta nos diuturna super rerum communi utilitate cura sollicitet, studentes certas et indubitatas, et in unum codicem collectas esse de caetero constitutiones: ut ex eo tantummodo sub felici nostro nomine nuncupando Codice, recitatio constitutionum in omnibus ad citiores litium decisiones fiat iudiciis."

[48] Kunkel (*supra* n. 28) p. 77.

[49] See Grant *History of Rome* Weidenfeld & Nicholson, London (1996) p. 291 who states that the main purpose of this legislative measure was to increase the numbers of those people who had to pay the indirect dues on inheritance and the emancipation of slaves since only Roman citizens were liable for these taxes. The ostensible aim of the *Constitutio* was to increase the numbers of worshippers for the Roman gods, who would then favour the Roman people more.

[50] Kunkel (*supra* n. 28) p. 78.

[51] "Romanisation … is the umbrella term for complex and centuries-long phenomena of cultura exchange that created a diverse but recognisably similar Mediterranean world by AD 250": Meyer "Diplomatics, law and Romanisation in the documents from the Judaean Desert" in Cairns & Du Plessis (eds) *Beyond Dogmatics. Law and Society in the Roman World* p. 53. According to the author ancient legal documents and their physical forms can shed light on this process. After having discussed some documents found in the Judaean desert (p. 54ff.), she concludes that there was an enormous amount of room within its frame for personal choice of documentary form, of the law followed, and of court (at pp. 81-82). This provides a model of how voluntary Romanisation worked.

[52] W.G. Sinnigen & A.E.R. Boak *A History of Rome to A.D. 565* Macmillan, New York (1977) p. 350.

[53] J.A. Crook *Law and Life of Rome* Thames & Hudson, London (1967) p. 29. He further states (at pp. 283-284) that most of our evidence in this regard comes from Egypt and that the effect of the *Constitutio Antoniniana* is rather controversial. *Cf.* also Jolowicz (*supra* n. 28) pp. 357-358; Tuori (*supra* n. 13) pp. 41-43.

[54] Kunkel (*supra* n. 28) p. 78.

[55] N. Lewis & M. Reinhold *Roman Civilization. Selected Readings* Vol. II *The Empire* Columbia University Press, New York (1990) p. 498.

[56] *Idem* pp. 498-499. See also Sherwin-White *The Roman Citizenship* Clarendon Press, Oxford (1973) p. 168: "... and the extension of the citizenship becomes the sign of the Empire within one abiding system of law."

[57] These laws are predominantly "rescripts", that is legal opinions given by the Emperors in concrete cases in answer to inquiries of private persons or of officials or judges in those areas.

[58] Kunkel (*supra* n. 28) pp. 78-79.

[59] *Idem* p. 79.

[60] R. Sohm *The Institutes. A Textbook of the History and System of Roman Private Law*(trl. by J.C. Ledlie) Clarendon Press, Oxford (1935) pp. 110-111.

[61] *Idem* p. 111.

[62] *Ibid.*

[63] Kunkel (*supra* n. 28) p. 147.

[64] *Idem* p. 152.

[65] *Cf* Tuori (*supra* n. 13) p. 39.

[66] *Idem* p. 47.

[67] H.A. Innis *Empire and Communications* University of Toronto Press, Toronto (1972) p. 107.

[68] *Cf.* Corcoran (*supra* n. 44): "The tetrarchic emperors remained highly approachable and the system served even those of traditional low status in the ancient world, such as women and slaves" (at p. 293) and " Governors could now undertake the task of administration and justice in their smaller provinces with the codes clutched in one hand and a sheaf of imperial letters, both solicited and unsolicited, in the other" (at p. 295).

[69] Innes (*supra* n. 67) pp. 85-115 *passim*. See also Tuori (*supra* n. 13) p. 51 with reference to Stolte ("The impact of Roman law in Egypt and the Near East in the third century AD: The documentary evidence. Some considerations in the margins of the Euphrates Papyri (P Euphr)" in De Blois *Administration, Prosopography and Appointment Policies in the Roman Empire: Proceedings of the First Workshop of the International Network Impact of Empire (Roman Empire, c 27 BC-AD 406)* (2001) p. 167, pp. 176-178) saying that Roman law was never consciously introduced and that Roman elements of law coexisted with local law. The understanding of Roman law and it application varied with time and place. It is also difficult to determine what was actually Roman law and what was merely an attempt to conclude an agreement under local law whilst considering Roman law.