Contents

PREFACE vii

PART ONE. THE TRADITION AND THE HISTORY

1. Roman Law and the Modern West 3
2. History Rediscovered 19
3. The Jurists in Rome 31

PART TWO. THE BIRTH OF A TECHNIQUE

4. Origins 45
5. Kings, Priests, Wise Men 64
6. Rituals and Prescriptions 74
7. The Model of Statutory Law 85
8. The *Logos* of the Republic 105

PART THREE. SCIENCE, FORMS, DOMINION

I. PRESERVATION AND CHANGE IN THE AGE OF CONQUEST 131
9. *Ius civile* and the Praetors: The Idea of Fairness 133
10. Orality and Writing 154

II. THE BUILDING OF LEGAL SCIENCE: FROM QUINTUS MUCIUS TO SERVIUS AND CICERO 175
11. The Quest for Order 177

12. The New Paradigm: Abstraction and Formalism 196
13. An Aristocratic Theology 226
14. A Separate Reason: Entities, Rules, Cases 245
15. Politics and Destiny 270
16. Legitimacy and Power: The Doctrine of Natural Law 285

PART FOUR. IN THE HEART OF THE EMPIRE

I. THE COMPROMISE AND THE ALLIANCE: FROM LABEO TO GAIUS AND POMPONIUS 309
17. Hermeneutics and the Politics of Law 311
18. The Definition of Characteristics 338
19. Jurists and Emperors 367

II. THE GOVERNMENT: ULPIAN 391
20. The Great Systematization 393
21. The Custodians of Law 416
22. Equality Ancient and Modern 449

Abbreviations 463
Notes 465
General Index 585
Index of Sources 607