

*Alan Watson: Law Making in the Later Roman Republic.* Oxford, Clarendon Press 1974. XII, 211 p. £ 5.25.

In his four previous volumes on the substantive law during the last two centuries of the Roman Republic, Prof. Watson has concentrated on the substance of the real law (The Law of Obligations, 1965; The Law of Property, 1965; The Law of Persons, 1967; The Law of Succession, 1971). The present book is a more historical and a more general interpretation about how, where, and by whom the private law was shaped and reshaped. The author also gives us a systematic picture of the sources of the law and the case law.

Watson takes as his starting points the following generally approved views: *leges* were authoritative in theory and in practice; *edicta* were all-powerful in practice but in theory could not change the law; *senatusconsulta* had a profound influence on the conduct of magistrates; jurists and their writings had no official standing.

The results of the study are as follows: The political assemblies (*comitia centuriata* and *concilium plebis*) had a limited and minimal influence on the development of the private law. *Senatusconsulta* cannot be considered the element which shaped the law during the Republic. During the late Republic there were only a few *leges* affecting the private law, but in contrast to this there were a great number of *edicta*, which was the most important factor in improving the law. In this respect the author stands in opposition to Schulz. Watson emphasizes the importance of the urban praetor. Though the Jurists mostly remain in the background there can be no doubt that it was they who really were responsible for the new court remedies and for the Edict itself. The Jurists in this period, as in later times too, showed how they themselves interpreted the law and how they felt the law should be interpreted. Watson illustrates the position of the XII Tables through the sentences of Cicero. The author emphasizes that by the end of the Republic the importance of the XII Tables in the totality of the private law was much reduced. The principles of the private law were now gathered from the Edicts. Gradually the Jurists began to interpret the XII Tables with more freedom. According to Watson the attitude towards the XII Tables was very complex.

Quintus Mucius Scaevola's book "Ius civile" has been given an extra chapter which also includes an analysis of its structure.

In Watson's opinion Greek influence on the development of the Roman law was inconsiderable during the late Republic.

A short note on the wrapper of the book promises the reader many conclusions which may appear radical, but are in fact based firmly on the textual evidence and supported by full argument. — With his new book Prof. Watson has strengthened his standing as a recognized authority in his field of study. *Päivi Setälä*

**Atti del convegno internazionale sul tema: I diritti locali nelle province romane con particolare riguardo alle condizioni giuridiche del suolo.** Accademia nazionale dei Lincei. Problemi attuali di scienza e di cultura, quaderno 194. Roma 1974. 382 p.