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**IN RICORDO DI
VINCENZO GIUFFRÈ**

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Abstracts

a cura di Paola Santini

Francesco Arcaria, «D. 26.5.6 e 26.5.8: la *datio tutoris* del pretore e del governatore provinciale e l'*oratio Marci*» (p. 150-162)

Starting from the examination of D. 26.5.6 and 26.5.8, concerning the *datio tutoris* of the *praetor* and the provincial governor, it can be deduced that Ulpian enunciated principles commenting some provisions of an *oratio Marci* that had directly governed the tutelary process, regulating in particular the procedure for the appointment of the *tutor* in the provinces, but also that which takes place before the *praetor urbanus* and *tutelararis*, probably, without distinction to all the other judicial bodies in charge of the *datio tutoris*, such as the municipal magistrates, the *legati proconsulis*, the *praefectus Aegypti* and the *iuridicus Alexandriae*.

Parole chiave: *Datio tutoris*, *praetor*, *praeses provinciae*, *oratio Marci*.

* * *

Marco Auciello, «Romani-giganti e Romani-pigmei. Un 'Leitmotiv' dottrinario (vagamente stonato) e un piccolo bluff di Enrico Ferri» (p. 564-576)

The paper proposes a revaluation of the well-known metaphor – attributed by Enrico Ferri to Francesco Carrara, but without quoting any source – which depicts the Romans as giants in private law and as pygmies in criminal issues. The a. focuses on the original paper in which Carrara expressed the iconic metaphor and the context of the sentence (which appear to have been neglected by Ferri and by the subsequent authors), trying to demonstrate how its use had been partly distorted.

Parole chiave: Enrico Ferri, Francesco Carrara, (Roman) criminal law, giants and pygmies.
Enrico Ferri, Francesco Carrara, diritto penale (romano), giganti e pigmei.

* * *

Ferruccio Auletta, «Processo formulare e sicurezza giuridica» (p. 359-362)

Review article of Antonio Angelosanto, *Prevedibilità degli esiti giudiziali e ius controversum. Tecniche di 'calcolo' attraverso le formulae: tracce nel pensiero dei giuristi romani*, «Pubblicazioni del Dipartimento di Scienze Giuridiche. Università degli Studi di Roma 'La Sapienza', 164» (Napoli, Jovene, 2020) p. xviii, 166. – The a. moves on from the comment to a recent book focused on *per formulas* proceedings, which has framed

this classical topic in the new debate around predictability of the judicial rulings. Indeed, the thesis supported by the book shows that the structure as such of those proceedings can be currently re-read as the fundamental tool to constraint the judicial discretion in order to convey the final judgement against a stricter scale. To sum up, the book states that the final and binding result of these proceedings was highly expected and mostly determined by the *formulae* previously settled between the parties. Notwithstanding some disagreements, the a. of the review analyzes the path paved by the book to the goal and his findings are eventually supportive of the working hypothesis, at least where a parties' power of disposal of the proceedings and an increase of standardization of their acts are said as factors seriously causative of procedural reliability and certainty.

Parole chiave: *Per formulas* proceedings, discretion, predictability, certainty.
 Processo *per formulas*, discrezionalità, prevedibilità, sicurezza.

* * *

Raffaele Basile, «Colonie, agrimensori e dinamiche di gestione ecosistemica» (p. 279-288)

Review article of Ella Hermon, *La colonie romaine: espace, territoire, paysage. Les «Gromatici» entre histoire et droit pour la gestion des ressources naturelles*, «Collection 'Institut des Sciences et Techniques de l'Antiquité'» (Besançon, Presses universitaires de Franche-Comté, 2020) p. 494. – The essay traces the reconstructive iter of a monograph which is focused on the phenomenon of Roman colonization and – based on an original reading of the legal and gromatic sources – tries to compare the related territory to a so-called «integrated space».

Parole chiave: Colonies, *riparia*, natural resources, «integrated space», «state-territory» concept.
 Colonie, *riparia*, risorse naturali, «spazio integrato», concetto di «stato-territorio».

* * *

Luigi Capogrossi Colognesi, «La dolcezza implacabile di Jean-Louis Ferrary» (p. 595-599)

Obituary of the late French historian Jean-Louis Ferrary, whose sensibility and cultural refinement is particularly underlined.

Parole chiave: Roman history, Storia della storiografia, Jean-Louis Ferrary.
 Storia romana, History of historiography, Jean-Louis Ferrary.

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Cosimo Cascione, «110 anni fa, in un seminario romanistico ...» (p. 581-582)

Review article of Oliviero Diliberto, *Togliatti, Gramsci, Pacchioni e le XII Tavole* (Roma-Bristol, «L'Erma» di Bretschneider, 2021) p. 28. – On the occasion of the centenary of the Italian Communist Party, Diliberto traces an intriguing story about the generation of its founders and a (little) Roman law problem.

Parole chiave: Roman law, Roman law scholarship, Italian Communist Party (Gramsci, Togliatti).
Diritto romano, tradizione romanistica, Partito Comunista Italiano (Gramsci, Togliatti).

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Cosimo Cascione, «*Liber non homo, sed homo liber*. Giacomo de Cristofaro (1942-2021)» (p. 624-625)

Obituary of the late Giacomo de Cristofaro, refined romanist of the Neapolitan school.

Parole chiave: Roman law, Roman law scholarship, Giacomo de Cristofaro.
Diritto romano, tradizione romanistica, Giacomo de Cristofaro.

* * *

Cosimo Cascione, «Tre papiri processuali» (p. 418-425)

Review article of Michele Pedone, *Apud acta. Studi sul processo romano alla luce della documentazione papirologica (IV-VI sec. d.C.)* (Torino, Giappichelli, 2020) p. viii, 85. – About three legal and historical themes studied through an interesting and new analysis of papyrological documents.

Parole chiave: Roman private process law, papyrology, legal documents.
Processo privato romano, papirologia, documenti giuridici.

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Cosimo Cascione, «Un riferimento (sbagliato) a Verre e l'uso del suo nome tra critica della Restaurazione borbonica e Rivoluzione napoletana» (p. 559-563)

On the misinterpretation of Verre's personality, with reference to legal history (and the prosopography of jurists) between the Neapolitan Revolution of 1799 and the age of the Restoration.

Parole chiave: Gaius Licinius Verres, G. Serra (a lawyer from Cosenza), legal culture in Naples in nineteenth-century.
Gaio Licinio Verre, G. Serra (avvocato cosentino), cultura giuridica dell'Ottocento napoletano.

* * *

Alessandro Corbino, «La misura integrale di Matteo Marrone» (p. 583-594)

Portrait of the scientific and human profile of the late authoritative Sicilian romanist Matteo Marrone.

Parole chiave: Roman law, Roman law scholarship, Matteo Marrone.
Diritto romano, tradizione romanistica, Matteo Marrone.

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Alessandro Corbino, «Raccontare il diritto romano. Il travagliato percorso della nostra manualistica» (p. 3-34)

The paper proposes a critical reflection on the assumptions (both academic and scientific) that have influenced – particularly in Italy and starting from the second part of the twentieth century – the drafting of Roman law manuals (with particular regard to the private law aspect), also in an attempt to understand the reasons why the cultural weight of the discipline has gradually weakened in legal formation. With an implicit invitation to a whole re-think of visions and attitudes. And with incidental incursions on multiple substantive issues, among which both the historical relativity of dogmas and the material reality that they intend to explain and the complex relations between the expository-systematic order useful for representing the observed legal reality and the political-cultural contexts in which it is formed have received specific attention from the a. Even the same general architecture may not be sufficient (see common adoption of the tripartite scheme '*personae-res-actiones*' in Gaius and Justinian) to give it specific attention. The 'internal' way of orientation matters much more. It makes a great difference if the a. follows a historicizing one (suggested by the consideration of a social order still close to the 'po-

litical' one) rather than an authoritative one (suggested by the takeover of an 'imperial' social order).

Parole chiave: Synchrony, diachrony, Gaius, political/authoritative creation of law.
Sincronia, diacronia, Gaio, creazione politica/autoritativa del diritto.

* * *

Raffaele D'Alessio, «Il diritto di Gellio» (p. 56-63)

Review article of Jan Zabłocki, *Scripta Gelliana* (Warszawa, Wydawnictwo Naukowe Uniwersytetu Kardynała Stefana Wyszyńskiego, 2020) p. 280. – On a collection of Jan Zabłocki's fourteen essays, concerning some legal subjects addressed by Gellius in his *Noctes Atticae*, such as law of persons, law of succession, *delicta* and procedural issues. Gellius is supposed to refuse the legal approach to the controversial cases, by demonstrating a certain bent (perhaps inherited from Favorinus) to 'problematize' questions rather than find solutions.

Parole chiave: Aulus Gellius, *Noctes Atticae*, legal thought.
Aulo Gellio, *Notti Attiche*, pensiero giuridico.

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Rosario de Castro-Camero, «Notas sobre el uso común de las vías urbanas romanas y los recursos para su protección» (p. 175-196)

One of the most important legacies of Romanization was to provide us with an environment in which citizen coexistence could develop properly. For this, public places, and especially urban roads, played an essential role. Its common use and its function of connection between what is public and what is private determined its qualification and justified that, in some cases, the private domain could be limited. This study highlights how the main instruments that existed to protect the use of Roman streets, guaranteeing their good state of conservation and absence of obstacles, were resources of a private nature. Among them, injunctions and guarantees stand out. The former were revealed as a very effective response due to their immediacy, simple processing and popular legitimacy. The latter, specifically the *cautio damni infecti*, provided legal protection in situations that could eventually put the common use of the roads at risk.

Parole chiave: Roman urban roads, *usus communis*, *interdicta*, *cautio damni infecti*.
Vías urbanas romanas, *usus communis*, *interdicta*, *cautio damni infecti*.

* * *

Oliviero Diliberto, «Il ‘diritto di famiglia’ nelle XII Tavole» (p. 107-111)

Review article of Thomas A.J. McGinn, *Table IV of the XII Tables*, «Pubblicazioni del Consorzio Interuniversitario Gérard Boulvert» (Napoli, Jovene, 2018) p. xx, 117. – The essay analyses McGinn’s monograph on ‘family law’ as regulated in the fourth table of the decemviral ‘code’, examining the legislative verses it contains, with particular regard to the powers of the *pater* and the theories on the *familia romana* in the archaic age.

Parole chiave: *Lex duodecim tabularum*, *tabula quarta*, *paterfamilias*, *familia*.

* * *

Valeria Di Nisio, «I legati tessili, tra tecnica e diritto» (p. 163-173)

Review article of Francesca Scotti, *Lana, linum, purpura, versicoloria. I legati «tessili» fra diritto romano e archeologia*, «Università Cattolica del Sacro Cuore - Milano. Dipartimento di Scienze Giuridiche. Monografie e studi, 5» (Napoli, Jovene, 2020) p. xiv, 406. – The a. discusses the monograph focused on the interdisciplinary study of lemmas (*lana*, *in primis*) related to textile processing, offering a framework rich in literary, epigraphic, iconographic and archaeological stimuli.

Parole chiave: *Lana*, textile legates, Roman law.
Lana, legati tessili, diritto romano.

* * *

Nunzia Donadio, «Retorica e diritto criminale nell’oratoria ciceroniana» (p. 443-500)

The purpose of this paper is to show, for some hypotheses, within what limits the references to the death penalty, torture and corporal punishment in the orations of Cicero had instrumental value with respect to the specific needs of the defense or the prosecution (of praise or invective). Reading these references in the context of the defensive and accusatory strategies of the individual speeches and disentangled from the elements aimed at *animus permovere* helps in fact to grasp in its proper dimension the testimony offered by the orator on these issues, highlighting limitations (more or less important) of Cicero’s forensic and deliberative oratory as a source of knowledge of various aspects of criminal repression in the Roman world during the republican crisis.

Parole chiave: Ciceronian oratory, death penalty, corporal punishment,

provincial governor, *iura libertatis et civitatis, provocatio ad populum*, Roman citizenship.
 Oratoria ciceroniana, pena di morte, pena corporale, governatore provinciale, *iura libertatis et civitatis, provocatio ad populum*, cittadinanza romana.

* * *

Giovanni Finazzi, «D. 41.2.6.1 (Ulp. 70 *ad ed.*) e l'occupazione clandestina dei beni immobili incustoditi nella riflessione dei *prudentes II*» (p. 197-242)

To overcome the apparent opposition between D. 41.2.6.1 and D. 41.2.3.5, have been followed two different ways: on one side, it has been supposed that the trespasser immediately acquired the possession of the real estate, which at the same time was lost by the previous *possessor*; on the other side, has been supposed that the trespasser had just the naked possession until he fended off the *possessor* or until this later gave up to get back in the real estate. Considering that the first conjecture is not consistent with the last part of frg. 6.1, the second solution is more likely, as attested by some Paul's texts and by the Celsus' opinions that we read in D. 41.2.18.3-4. Nevertheless, since in the *exceptio vitiosae possessionis* the expression *clam possidere* meant a real possession, like those *vi possidere* and *precario possidere*, when Labeo used the first in frg. 6.1, he probably intended the possession that the clandestine occupant would own if the previous *possessor* gave up to get back in the real estate, in opposition to the violent possession owned by the trespasser as a consequence of the non *admissio* of the previous *possessor*.

Parole chiave: Clandestine occupation, clandestine possession, detention, real estate.
 Occupazione clandestina, possesso clandestino, detenzione, beni immobili.

* * *

Annarosa Gallo, «*Historikós e vir bonus*: Guido Clemente» (p. 602-609)

The paper aims to describe the academic and scientific profile of the late Guido Clemente (1942-2021), Professor of Roman history at the University of Florence.

Parole chiave: Roman history, historiography, Guido Clemente.
 Storia romana, storiografia, Guido Clemente.

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Richard Gamauf, «*Dispensator*: Sozialprofil eines Sklavenberufes in den *Satyrica* und römischen Juristentexten» (p. 112-142)

Dispensatores had a leading function in the financial administration of rich Roman households. Legal sources document these slaves receiving payments, disbursing money on their masters' behalf, and being expected to closely follow their orders. *Dispensatores* were élite slaves with access to money. They had other slaves (*servi vicarii*) at their disposal. Therefore, such slaves were often acceptable as partners for free women. This paper explores their social role based on information from Petronius's *Satyrica* and Roman jurists' writings in the *Digesta*. Jurists show *dispensatores* interacting with persons outside of the master's household; the *Satyrica*, however, shed some light on their role within a *domus*. These different sources allow studying (from both sides) the appointment of *dispensatores*, their various relationships with free women (including the master's wife), their perception in public, and the measures taken to secure their loyalty. Further discussed is how slaves in higher ranks participated in keeping a *familia servorum* under control.

Parole chiave: *Dispensator*, slaves control, *Satyrica*, *peculium*.
Dispensator, Kontrolle von Sklaven, *Satyrica*, *peculium*.

* * *

Ella Hermon, «Réflexions sur *alvei veteres* des fleuves pour la gestion post-catastrophe des inondations» (p. 243-278)

Focusing on post-disaster management in the framework of a model of flood risk management, the present study highlights the prospective and retrospective approaches of Roman jurists and land surveyors to managing vulnerability through building resilience facing flood disasters, despite their distinct classifications of the *condiciones agrorum*. Taking up once again the analysis of the well-known passages of lawyers and surveyors in the light of their confrontation and according to a comparative analysis of the gromatical tradition, we attempt here to highlight their respective weight in the construction of a common model of resilient flood risk management focused on the post-disaster management in line with the paradigm of the *alveus vetus*. Accordingly, recognizing the elements of fluvial morphology as characterizing areas exposed to flood risk and having as a change factor the *alveus fluminis*, leads to structuring by stages the contraposed juridical profiles – *inundatio* and *alvei mutatio* – by the jurists and the identification by the land surveyors of the land categories in the *ager limitatus* with *finitio more arcifinio* as a consequence of the lack of a limit between the riverbed and the neighboring territory. The political and economic contexts created other concepts – *ius alluvionis* and *ius subsecivorum*, applied a prohibitory agrarian norm – *de ripa munienda* – and the ethical principle – *ne alterius damnum quicquam facere* – in order

to modulate the anticipatory and preventive concepts of the river and public land paradigm. This resulted in a polysemy of forms of *alvei veteres* with a status fluctuating between public and private, whereas the *alveus vetus Populi Romani* as territorial limit and the planning of the 'free space for the river' were passed on from generation to generation by the *Gromatici* as management principles conceived of from retrospective and prospective views of flood disaster management.

Parole chiave: Roman flood risk management, *ager occupatorius vel arcifinius*, *alvei mutatio*, *alvei veteres*, *ius alluvionis*, *ius subsecivorum*, *limites*.

Gestion du risque d'inondation dans la Rome antique, *ager occupatorius vel arcifinius*, *alvei mutatio*, *alvei veteres*, *ius alluvionis*, *ius subsecivorum*, *limites*.

* * *

David Kremer, «Les *Institutiones* d'Ulpian. Premier manuel de droit romain» (p. 64-87)

This study aims to show that the *Institutiones* of Ulpian, completed between 213 and 214 CE, was not an elementary manual of Roman law but a manual of Roman law of a new kind. In the immediately subsequent context of the Antonine Constitution, these *Institutiones* were fully part of an ecumenical momentum necessary for the construction of a universal legal community. To their readers, recent Roman citizens, the *Institutiones* of Ulpian gave the essential and necessary feeling of having always belonged to Romanity without there being a before and after 212 CE.

Parole chiave: Domitius Ulpianus, *Institutionum libri II*, *constitutio Antoniniana*.

Domitius Ulpianus, *Institutionum libri II*, *constitutio Antoniniana*.

* * *

Alberto Lucarelli, «Modelli liberal-democratici» (p. 577-579)

Review article of Alessandro Corbino, *La Democrazia divenuta problema. Città, cittadini e governo nelle pratiche del nostro tempo* (Roma, Eurlink, 2020) p. 112. – Review article of Alessandro Corbino's book on the broad theme of democracy (ancient and modern).

Parole chiave: Ancient and modern democracy, liberal-democratic models, history of constitutional law.

Democrazia antica e moderna, modelli liberal-democratici, storia del diritto costituzionale.

* * *

Gianpiero Mancinetti, «Autotutela e recesso per le spese nel contratto principale di mandato» (p. 312-358)

The essay seeks to investigate the reason for remedies granted by republican jurisprudence for expenses in the main mandate contract which is linked by the parties to another contract. The literature has only highlighted the responsibility for those occurring in the breach of the assignment not attributable to the agent and in the final report. On the contrary, has emerged the relevance of those that would only integrate damage as not reimbursable by the principal. The jurisprudence originally in this circumstance allows the agent who cannot reevaluate the expenses after the start of the execution of a new assignment for the same construction to withdraw from the contract, only by way of self-protection. Subsequently it makes the effects more compelling by expanding their scope. In fact, Labeo, if the *prohibitio* of the principal for the continuation of the construction fixed at a certain sum of money has been violated, enables the latter to bring the action of the connected contract against the agent. Which happens in order to be returned only the advance payment and yet still available to the builder who cannot compute it in the construction made up to that moment.

Parole chiave: Non-reimbursable expenses that integrate damage, self-protection, withdrawal, *lex dicta* of the principal.
Spese non rimborsabili che integrano un danno, autotutela, recesso, *lex dicta* del mandante.

* * *

Carla Masi Doria, «Di nuovo schiavi?» (p. 143-149)

Review article of Dario Annunziata, '*Sedula servitutis*'. *Sulla 'revocatio in servitutum' in Costantino*, «Constitutiones, 1» (Napoli, Jovene, 2020) p. x, 106. – The a. presents and analyzes the new monograph of Dario Annunziata on the 're-enslavement' in Roman law, which focuses in particular the laws of emperor Costantine. The topic continues to maintain both light and shade, despite recent studies, and to fascinate fans of *status personarum* issues.

Parole chiave: *Servitus*, *revocatio in servitutum*, Costantine's constitutions.
Servitus, *revocatio in servitutum*, costituzioni di Costantino.

* * *

Carla Masi Doria, «Il *pauper disertus* e l'*actio ingrati*. Ideologia e diritto in una declamazione pseudoquintiliana» (p. 35-55)

In the context of the renewed interest in the *minores* pseudo-Quintilian declamations, a literary genre fundamental to understand the 'Bild-

ung' of the Roman élite, which can bear good fruits, also for the knowledge of the legal practice of the early principality, the a. analyzes declamation 333, entitled (according to the custom of attributing to each *declamatio* an epigraph representative of the content) *Pauper impensis divitis disertus*: a poor man who becomes an excellent *orator* at the expense of a rich man. The rich/poor relationship is a widespread theme in Greek and Latin declamatory literature, based on social tensions known from the everyday reality of all times, which develops above all from envy. Indeed, in the declamation under consideration here, this characterisation is not explicit and the economic position of the two protagonists apparently serves solely to justify the *beneficium* of the rich in favour of the poor, which is the starting point of the story. The title, in fact, represents only one aspect of the issue debated in the text, indeed, the premise. In the narrative plot, the case arises from a criminal law trial (already played out, but fundamental to the understanding of the plot) and then seems to develop into a (rather mysterious) *actio ingrati*.

Parole chiave: Roman declamations, criminal trial, *actio ingrati*.
Declamazioni romane, processo criminale, *actio ingrati*.

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Rosaria Mazzola, «Imperatori, oro, *militia*: sanzioni auree nella tarda antichità» (p. 512-529)

Review article of Giorgia Maragno, 'Punire e sorvegliare'. *Sanzioni in oro imperatori burocrazia*, «Dipartimento di Giurisprudenza dell'Università degli Studi di Ferrara, 22» (Napoli, Jovene, 2020) p. xii, 691. – The a. discusses the recent monograph written by G. Maragno, which aims to investigate gold sanctions in late antiquity. From the age of Constantine, a general principle of criminal responsibility of imperial officials was gradually affirmed, leading to the creation of new types of offences, which were also the result of the intrinsic weakness of the state organization. The emperors tried to resolve this situation with an intense regulatory activity and an increase in penalties. In this context, golden sanctions become the main means by which the emperors can punish and supervise the members of the *militia*.

Parole chiave: Oro, *multa/poena*, *militia*.
Gold, *multa/poena*, *militia*.

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Francesco Musumeci, «*Lex Aquilia ex capite tertio* e lesione fisica del *liber homo bona fide serviens*» (p. 289-311)

The sources do not give us direct testimony about the possibility for the apparent owner to obtain, through an instrument that could be con-

nected to the *lex Aquilia*, compensation for pecuniary damage suffered as a result of the physical injury inflicted *iniuria* to the *liber homo bona fide serviens* he kept with him. The analysis carried out by the a. aims to show that, however, from some fragments of the *Digesta* it is possible to draw clues that allow us to reconstruct what solution to this problem may have been adopted by jurists.

Parole chiave: *Liber homo bona fide serviens*, physical injury, *iniuria*, *interpretatio* of the *lex Aquilia*, *actio legis Aquiliae utilis*.
Liber homo bona fide serviens, lesione fisica, *iniuria*, *interpretatio* della *lex Aquilia*, *actio legis Aquiliae utilis*.

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Giovanni Papa, «*Advocati, qui ... laborantium spem vitam et posteros defendunt*» (p. 426-441)

Review article of *Tecniche e strategie difensive nel processo civile tra storia e attualità*, a cura di Nunzia Donadio, Arturo Maniaci, «Collana del Dipartimento di Diritto privato e Storia del diritto. Università degli Studi di Milano. Facoltà di Giurisprudenza. Studi di diritto privato, 167» (Milano, Giuffrè-Francis Lefebvre, 2020) p. 350. – The essay – examining the monograph which is focused on the role of attorneys in classical Roman law, in the middle ages, in the modern age and in the contemporary age – discusses its content and deepens, in an autonomous way, the attitude of legal practice in the late antique age.

Parole chiave: Civil trial, lawyers, defensive strategies.
 Processo civile, avvocati, strategie difensive.

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Umberto Pappalardo, «Mario Torelli (1937-2020)» (p. 600-601)

Obituary of the late archaeologist Mario Torelli, deep connoisseur of the ancient world and in particular of the Etruscan civilization.

Parole chiave: Roman law, archaeological studies, Mario Torelli.
 Diritto romano, studi archeologici, Mario Torelli.

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Xesús Pérez López, «Para una historia de la jurisdicción voluntaria» (p. 409-417)

Review article of Paola Pasquino, '*Sed voluntariam*'. *Ricerche in tema di iurisdictio*, «Studi e testi di Koinonía, 7» (Napoli, Satura, 2020) p. 336.

– The article evaluates the remarkable contribution of the book to the research on the distinction between *iurisdictio contentiosa* and *iurisdictio voluntaria* as it stands on D. 1.16.2 pr. (Marcian. 1 *inst.*), which furthers also our knowledge about the construction of general categories around the concepts of *iurisdictio* and *imperium* attempted in some of the extant fragments of the main jurists of late classical Roman law.

Parole chiave: *Iurisdictio contentiosa*, *iurisdictio voluntaria*, *iurisdictio*, Marcianus.

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Federico Pergami, «Sulla politica monetaria dell'imperatore Diocleziano» (p. 88-105)

Review article of Maria Vittoria Bramante, '*Statutum de rebus venalibus*'. *Contributo allo studio dell'edictum de pretiis di Diocleziano*, «Diritto, Politica, Civiltà, 2» (Napoli, Satura, 2019) p. xii, 560. – The essay deals with M. Vittoria Bramante's book, concerning emperor Diocletian's *edictum de pretiis*. The law, issued in 301 a.C., fixes maximum prices of goods, so to prevent inflation, abusive profits and the exploitation of buyers. Many articles were enumerated and their violation was punished by penalties and, in the most serious case, by *capitale supplicium*. Within the framework of Diocletian's reforms, the *edictum de pretiis* tended to oppose financial crisis, but was later canceled by imperial constitutions of the fourth and fifth centuries.

Parole chiave: Diocletian, *edictum de pretiis rerum venalium*, financial and economic reform.
Diocleziano, *edictum de pretiis rerum venalium*, riforma economica e finanziaria.

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Juan Carlos Prado Rodríguez, «El restablecimiento de la *aequitas* patrimonial como objetivo intrínseco de la *actio Publiciana*» (p. 387-408)

After considering the original role of *actio Publiciana*, the present study evidences the intrinsic objective that this action pursued and identified in the re-establishment of the patrimonial *aequitas* in the field of domain transfer. Indeed, the reason why the *praetor* introduced this processual instrument would be to consider as unequal that one who acquired a *res* in good faith without the prescribed solemnity and was stripped of it, is not in a condition to recover it, thus, suffering a patrimonial detriment. In this way, through recourse to the *fictio tempus usucapionis* it is possible to overcome the *ius strictum* by virtue of the equitable criterion by the *ius*

honorarium, when the *Publiciana* was exhibited in the role of the civil *rei vindicatio*.

Parole chiave: *Actio Publiciana*, *fictio tempus usucapionis*, *bona fides*, *aequitas*.

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Margherita Salvatore, Mariantonietta Paladini, «Ricordo di Enrico Flores» (p. 610-615)

These pages represent a way of leaving a memory of prof. Enrico Flores, recently disappeared. Some aspects of his personality and of his scientific profile are here described by two of his pupils.

Parole chiave: Latin literature, history of classical scholarship, Enrico Flores.
Letteratura latina, tradizione della storia della classicità, Enrico Flores.

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Roberto Scevola, «L'enigma del 'dardanariato' e una discussione parlamentare d'altri tempi» (p. 530-557)

During a debate in the House of Deputies of the Kingdom of Italy in the summer of 1920, on the subject of provisions relating to trade and against excessive price increases, the 'mysterious' case of the *Dardanariatus* and its regulation in classical Roman law was mentioned. After analysing the problems concerning the disputed origin of the term, the relevant sources are monitored (especially, Ulp. 8 *de off. proc.* D. 47.11.6 pr.-2 and Paul. 1 *sent.* D. 48.19.37) in order to identify the punishable conducts committed by the *dardanarii* exactly to endanger the food supply and the corresponding system of penalties, which is connoted by clear distinctions between *humiliores* and *honestiores*. Namely, the question arises whether the offences attributed to the *dardanarii* were merely aggravating circumstances of the *crimen annonae* of Augustan origin or an independent *crimen extraordinarium*, whose introduction does not seem to be much earlier than the time when Ulpian reported it.

Parole chiave: Roman criminal law, food supply system, dardanary, severian legal science.
Diritto criminale romano, annona, dardanariato, giurisprudenza severiana.

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Armando Torrent, «Concurrencia y paralelismos entre la *actio legis Aquiliae*, la *actio ex locato*, y la *actio iniuriarum*» (p. 363-386)

The a. continues his studies on the *lex Aquilia* assuming in this case a processual point of view and describes the perimeter of the *lex Aquilia* with respect to the *actio ex locato* and the *actio iniuriarum*.

Parole chiave: *Actio legis Aquiliae*, *actio ex locato*, *actio iniuriarum*.

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Fabiana Tuccillo, «*Catilinari parricidae rei publicae*» (p. 501-511)

This paper, starting from a passage from Cato's speech in the Senate reported by Sallust in his *De coniuratione Catilinae*, takes into consideration some comparative notes between *patria*, and the figure of the *pater*. *Pater patriae* is attested in literature from the late republic to indicate a person who performed acts in defence of the *civitas*. What is pointed out is the political and rhetorical value of the use of *parricidium* and *parricidae* in the fights of the later republican phase, and therefore against the Catilinarians too.

Parole chiave: *Parricidium*, *Catilina*, *patria*.

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Jakub Urbanik, «Pronto, Professore, come sta? – Grazie, vivo ancora!» (p. 616-623)

Obituary of the late Witold Wołodkiewicz, renowned Polish romanist and peculiar friend of this journal, Professor of Roman law at the University of Warsaw.

Parole chiave: Roman law, Roman law scholarship in Poland and Europe, Witold Wołodkiewicz.
Diritto romano, tradizione romanistica in Polonia e in Europa, Witold Wołodkiewicz.

[a cura di PAOLA SANTINI]