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THE EMERGENCE OF ROMAN LEGAL SCIENCE

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ABSTRACT

The origins of Roman legal science date back to the later Republican era, when the pontifices greatly influenced the interpretation and administration of law. They were instrumental in shaping the law outlined in the Twelve Tables. In the second century BCE, secular jurists started to take over the roles of the pontiffs. The contributions of these jurists energetically fostered the rapid development of Roman private law. Their mastery lay in their ability to create a legal system that could be refashioned in accordance with changing social and political circumstances, through the successful integration of Roman material and Greek scientific methodologies. Their contributions enabled private law to attain greater independence from political authorities. Unlike their predecessors, who adhered to strict formalism and resisted alterations to the law's text, these Roman jurists embraced innovation. Their creativity in establishing a legal system capable of evolving with society's demands highlights a significant contribution of Roman legal science to Western culture. Mucius Scaevola and Servius Sulpicius Rufus are regarded as foundational figures in Roman legal science. They were a prime example of a new class of jurists who were to exert a powerful impact on Roman legal science in the following centuries. Classical jurists treated them with utmost respect, giving them due recognition for their contributions and innovative ideas. Their roles were indispensable in establishing the theoretical and philosophical foundations of the legal science that developed during their time.

Keywords: legal science, pontifical jurisprudence, Greek philosophy, Quintus Mucius Scaevola, Servius Sulpicius Rufus

INTRODUCTION

Roman law is not only one of the most renowned, advanced, and influential legal systems in history, but it is also the only system whose complete and uninterrupted history can be traced from its early and primitive origins to a refined and sophisticated level accomplished through the activities of a group of capable specialists. Between Quintus Mucius Scaevola, evoked by Pomponius as one of those "qui fundaverunt ius civile" (who have founded the civil law) and Aemilius Papinian, there was a span of over 300 years, during which state and society, Roman legal culture, and Roman law underwent dramatic transformations.

The Later Republican era was marked by turbulence and creativity, as well as by rapid economic development, social upheaval, political turmoil, and considerable skepticism towards traditional beliefs and practices. Emerging on the margins of the judicial structure was a category of professional lawyers known as jurisconsults. Their contribution was especially vital from a qualitative perspective: although they did not have direct authority to enact laws during the republican era, jurists greatly influenced the interpretation of sources of law, constructed general principles, and sought the most appropriate solutions for specific cases. Roman jurists formed an epistemic community whose activity influenced and shaped the evolution of Roman law. They identified themselves as the guardians of the central principles that underpinned private law. By the conclusion of the second century BCE, a considerable portion of private law consisted of legal opinions given by jurists, which offered insights into the application of customary and statutory rules, sometimes addressing hypothetical cases as well (Dawson, 1968, p. 116). The subsequent phase involved synthesizing these opinions; while the substance stayed Roman, the methodologies implemented were Greek in origin. According to some scholars, the jurists of the late Republic were the driving creative forces behind the evolution of Roman law (Schiller, 1978, p. 283). The classical lawyers refined the work initiated by their prominent predecessors of the Republican period.

THE EMERGENCE OF PONTIFICAL JURISPRUDENCE

The inception of Roman legal science can be attributed to the pontifices, a respected group of priests who were instrumental in shaping the law outlined in the Twelve Tables. As leaders of the community and creators of the Roman calendar, the pontifices had authority to oversee the rules that governed the relationship between the community and divine forces (ius sacrum), as well as to manage the specific formulas for interpersonal interactions among community members. Pontifices were considered guardians of written traditions and rituals. They were supposed to be familiar with all laws, formal actions, documents, court calendars, and previous legal opinions. Although Roman officials publicly unveiled the text of laws, interpreting the Twelve Tables and later laws was challenging, even for literate individuals. Roman citizens often asked the opinion of the pontiffs on applicable laws and litigation procedures. The pontiffs were the only ones with the specialized knowledge necessary to command the formalistic ius civile (Stein, 2007, p. 1). They gave practical expression to the Law of the Twelve Tables and later enactments, extending or restricting legal rules and introducing new ones under the guise of interpretation. This expertise was limited only to the members of the College of Pontifices and was transmitted through tradition and instruction. The early legal opinions of the college, which served as the basis of existing practice, were preserved in its archives and were available only to its members. Legal business was primarily limited to a select few, and pontifical jurisprudence was considered an occult science, serving as a powerful tool for the patricians—the class to which every member of the pontifices belonged—in their struggles against the plebeians (Stephenson, 1912, p. 278).

After the huge territorial expansion of the Republic in the fourth and third centuries BC, the courts had to handle fairly complex legal situations. The pontifices used extensive interpretation to find solutions within the ius civile. They modified existing legal rules and created new ones to address emerging situations. An interesting example is the method they devised to release a son (filius familias) from his father's authority (Mousourakis, 2012, p. 17). The economic progress of Roman society and the new circumstances, coupled with new circumstances, facilitated a reduction in the absolute dependence of sons on their fathers. Until then, the pater familias had absolute authority over his wife, children, grandchildren, and other members of the family with whom he was agnatically related. He had exclusive property rights, including the right of ownership and the acquisition of property by family members under his control. With the changing economic and social conditions, this rigid family structure became unsuitable. A provision in the Twelve Tables was understood to safeguard a son from potential abuse of power by a father, enabling a father to hire out a son to another individual for payment, which granted the son freedom after completing the assigned task (Mousourakis, 2012, p. 18). After manumission, the son would once again come under his father's authority, and this process could occur again.

The pontifices laid the groundwork that enabled the further development of Roman legal science. They provided inquirers with adequate phrases for use in legal transactions and court litigation, and the pontifices taught them the specialized terminology that would achieve the intended results. The pontiffs in this way enabled officials and private citizens to adapt traditional formal acts and phrases to new circumstances, through alterations or supplements to the traditional words. The pontiffs also became responsible for interpretatio iuris, a knowledge-intensive activity. By the third century BCE, as the function of advising people about the law shifted from their control, the law had evolved into a highly intellectual and technical field, necessitating experts to carry on its development (Wolf, 1951, p. 95).

THE SECULARIZATION OF ROMAN JURISPRUDENCE

According to tradition, the end of the monopoly that the pontifices enjoyed in ancient Rome is associated with the actions of Cn. Flavius, who was secretary to Appius Claudius Caecus, a distinguished censor around 312 BCE Flavius is attributed with stealing and publishing a collection of legis actiones, known as the ius Flavianum, which his chief had written. It gained great public favor, and as a consequence of this popularity, he was elected tribune and later became curule aedile in 304 BCE. In this role, he made the calendar available in the forum, allowing citizens to easily access information on the days suitable for legal actions. While the potential publication of the calendar and processual formularies by Cn. Flavius cannot be negated; it cannot be considered a revolutionary change; on the contrary, it was a continuation of existing practices. In the early stages of the development of Roman law, a distinct field of public law existed primarily interpreted by jurists who were often public officials, such as magistrates and senators. This branch of legal science evolved through collective contributions across generations, without the presence of singularly notable figures (Jolowicz, 2008, p. 91).

Around 253 B.C, Tiberius Coruncanius, the first plebeian pontifex maximus, was the first to discuss legal cases in public and made pontifical advice accessible to Roman citizens (Schiller, 1978, p. 165). This made the legal interpretation more transparent and made it accessible to a larger portion of the Roman population. After the Punic Wars, the study and interpretation of Roman private law experienced remarkable progress, leading to the emergence of several eminent jurists. Many of them were also pontiffs, and they were

systematically engaged in analyzing legal rules, principles, and procedures. Sextus Aelius Paetus Catus, a distinguished jurist and consul in 198 BCE, around 200 BCE, published his work titled Tripertita. This book contained the content of the Twelve Tables, along with exegeses by pontiffs and secular jurists (Mantovani, 2024, p. 116). It also included a compilation of legal forms that were used in the procedures of legis actio. Tripertita is regarded as a centerpiece of early Roman legal literature because it represents a transition to a more scientific and methodical treatment of law. Marcus Cato the Younger, who died in 150 BCE, made a significant contribution to early legal literature with his text, Regula Juris. This work articulated general legal principles that derived from historical sources, and it marks one of the first attempts in Roman history to codify the pontifical jurisprudence in a structured literary form. It is often considered the outset of juristic literature (Mousourakis, 2007, p. 30).

From this moment on, legal knowledge became accessible to all Roman citizens; the knowledge of law became accessible to all individuals, regardless of whether they were parties to a legal case or students of jus civile. The law began to gradually shift away from the exclusive authority of the pontifices and become an integral part of general Roman culture. Modern scholars claim that the secularization of Roman law was a very important transformative process. This shift clearly demonstrates that the law evolved from being managed by generalists to being governed by jurists— a crucial new class of secular experts. This transition defined the legal landscape and ensured that the law was handled with greater specialization and authority than ever before (Gordley, 2014, p. 6). This process of "secularization" in legal science diminished the pontiffs' leading role in legal matters, as they had for a long time provided clear and definitive solutions to citizens' inquiries and challenges. There was a transition from legal opinions issued by a public authority to their articulation by a broad spectrum of private jurists. This development gave rise to a new type of legal discourse referred to as ius controversum (Plisecka, 2009, p. 372). It included a specific approach to legal analysis, decision-making processes and the clarification of outcomes. The meaning of legal norms, their interpretation and practical application within ius controversum were not always articulated in conclusive terms, but they emerged from continuous discussions among jurists. Various ideas and interpretations at different times would be regarded as most convincing, with the remedies proposed by the most respected jurists being most authoritative (Colognesi, 2014, p. 129).

THE INFLUENCE OF GREEK PHILOSOPHY

In the aftermath of the Second Punic War, Roman legal science entered a transformative phase which Fritz Schulz had termed “the Hellenistic period of Roman jurisprudence” (Schulz, 1946, p. 38). This period was characterized by an impressive advancement of Roman legal thought, as well as a greater exposure to Greek intellectual traditions. Greek influence was felt throughout the history of Roman legal science. Still, it was during the last two centuries of the Roman Republic that a more profound encounter with Greek ideas started to develop. During this period, Roman jurists were required to assess and define their relationship with the evolving Greek spirit. To understand the correct impact of Greek philosophy on Roman legal science, one must analyze the elements of Greek thought that the Romans adopted, as well as those they adapted or rejected. This Greek intellectual wave arrived in Rome at a moment when Roman legal science was sufficiently developed to engage with Greek ideas without being overwhelmed. However, its youthful and vibrant nature made it open to being shaped and invigorated by the philosophical insights and methodologies that Greek philosophy offered. The convergence of these two key elements resulted in the emergence of a Roman

jurisprudence that reflected the structure and framework of Greek science (Giltaij, 2016, p. 191).

The majority of Roman jurists of the late Republic period were knowledgeable in Greek philosophy and were also greatly influenced by its rigorous intellectual traditions. From a young age, Romans from the senatorial class received educational instruction and comprehensive training in rhetoric. It encompassed diverse forms of speech, including political discourse, eulogies, and the intricacies of courtroom pleading. Teaching was frequently done by Greek rhetoricians, who were mainly focused on grammar, esthetics, logic, and presentation techniques (Chroust, 1955, p. 124). Within this educational context, Romans became familiar with the dialectical method in the form it was transmitted by philosophers like Plato. Through the use of this method, they learned how to define, differentiate, and classify juridical concepts into genera and species. They also learned to use the deductive method and, through it, create new legal concepts. This methodological reform constituted dramatic progress in legal thought and practice. Jurists focused on the daily application of existing rules as well as the creation of new legal forms. They began to analyze complex logical relationships among legal institutions, creating a cohesive set of theoretical concepts with which they could precisely define and classify legal norms and principles. This evolution marked a crucial step in the maturation of Roman jurisprudence, paving the way for a more systematic and sophisticated understanding of law that would influence future generations (Wolf, 1951, p. 100).

Even though Roman jurists had a comprehensive philosophical and rhetorical education, they often expressed a superficial interest in deep philosophical issues, which was the major concern of their Greek counterparts. In contrast to Greek philosophers, whose primary interest was defining concepts and analyzing the implications of those definitions, the focus of Roman jurists was on applying legal principles to specific cases, even without stating the reasoning behind their conclusions. This method might be disconcerting for those accustomed to the Greek philosophical tradition, where one is expected to lay out the logical progression from premise to conclusion (Gordley, 2014, p 12).

Debates among scholars continue regarding the extent and nature of Greek cultural influences on Roman law, particularly through the lenses of Greek philosophy, rhetoric, language theory, and grammar. Although the influences of Greek techniques of argumentation are reflected in the Roman grammatical and rhetorical handbooks, which are easily recognized, according to the majority of scholars, these influences are less pronounced in the creation of legal doctrines by Roman jurists. Instead, the foundation of Roman jurisprudence was predominantly constructed from case law — a pragmatic system that relied upon the analysis of actual decisions rather than abstract philosophical reasoning. Even when the approaches employed by Roman jurists might have involved instinctive or reflective assessments of competing interests, they had used several rational methods whose decision-making frameworks are still used today by contemporary legal thinkers. The genius of the Roman jurists was evident in their mastery of constructing a legal system that would respond to the changing social and political environment, and at the same time, have under control scientific methodologies stemming from Greece. This impressive achievement in the field of legal science deserves recognition from those interested in understanding one of the most significant contributions to Western culture (Schiller, 1978, p. 583).

Finally, the association of traditional Roman legal expertise and Greek ethos gave rise to something that was uniquely Roman —a science that no other people had developed before, namely the science of positive law. This outcome is seen as a important milestone in the history of Western legal traditions. It is also evidence of the Roman jurists' ability to innovate and create under the complex cultural and social conditions of their time. Their work has made a

lasting impact on modern legal thought, emphasizing the importance of making laws practical, applicable, and adaptable to effectively serve the society they govern (Gordley, p. 17).

THE JURISPRUDENCE IN THE LATER REPUBLICAN PERIOD

The Late Republican era is a time of turmoil and innovation, characterized by dramatic economic growth, social unrest, political instability, and general mistrust regarding traditional customs and beliefs (Frier, 1985, p. 270). Although Roman law continued to be refined during the classical period, as noted by Schulz, it was during the late Republic that the phenomenon he described as 'the heroic age of creative genius and daring pioneers emerged (Schulz, 1946, p. 99). During the last century BCE, Roman officials, legislative bodies, and the Senate gradually delegated many of their routine responsibilities regarding private law to jurists. These jurists were private individuals, but public officials sought their advice as they performed their duties. This period saw the emergence of a class of jurists who assumed a distinctive and influential role in Roman society, a position they maintained throughout the classical period (Gordley, p. 2). Information regarding the life and activities of older jurists is limited, with the most comprehensive records originating from the classical jurist Pomponius, dating back to around 130–140 AD (Robinson, 2013, p. 715).

By working within the established framework of civil procedure, the jurists successfully laid a new rational foundation for the law. Their influence led to the law gaining a degree of independence from the central political structures of Rome (Frier, 1985, p. 195). This period represents a decisive moment; there can hardly be found a time in Western legal history when the autonomy of the law was greater. Jurisconsults started to analyze and order the legal sources in a structured manner. Due to their activities, the intellectual depth and societal role of civil law were considerably enhanced, rendering this area of law unreachable to individuals who have not undergone specialized training (Mehmeti, 2020, p. 58). Frier characterized this process as the 'professionalization of law,' as it evolved into a distinctly autonomous field of study (Frier, 1985, p. 272). Furthermore, the contributions of Roman jurists were more focused on the area of private law and civil procedure, while public law did not attract the same level of interest.

Prior to the Augustan period, Roman jurists fulfilled their responsibilities as private citizens, without formal endorsement or support from state authorities. Their influence stemmed from their expertise, proficiency, and, importantly, the level of respect they garnered within the community as a whole (Mehmeti, 2020, p. 58). The high social status of jurists stemmed from their affiliation with the senatorial grouping, and it provided them with economic independence (Mousourakis, 2007, p. 110). The majority of them belonged to the senatorial elite; however, not all senators automatically qualified as jurists. Some outstanding individuals became eminent jurists, although they never had senatorial rank. During the later years of the Republic, a considerable number of jurisconsults arose from less privileged backgrounds, most of whom came from the equestrian class. Many jurists did not have origins in Rome but in municipalities across the Apennine Peninsula. There are various explanations that justify the decline of the status of jurists during the late Republic: first, the legal profession because of the chaotic political conditions was increasingly undervalued and this enabled those dealing this oratory and rhetoric to use them as safer paths for achieving political success; second, because aristocracy was seriously weakened from civil wars and morally weakened, legal scholarship became a stronghold of equestrian class (Mehmeti, 2020, p. 58). These developments contributed to the decline in the attractiveness of studying law for younger members of the upper classes. Consequently, individuals from lower classes began to enter the

legal profession in large numbers, for whom even modest incomes from a legal career were a welcome prospect (Frier, 1985, p. 255).

Cicero emphasizes that a jurist should possess three essential skills in legal matters: agere, cavere, and respondere. Agere, which means "to act," involved the capacity of jurists to assist parties in litigation with procedural issues and the use of legal remedies to initiate a lawsuit. A characteristic of archaic Roman law was that the plaintiff's claim had to conform to the set of legally obligatory forms of action. Before the second century BCE, the procedures governing the initiation of legal actions were excessively rigid, and juristic intervention was limited. Following this, a more flexible system emerged, allowing for the direct involvement of jurists in refining the plaintiff's statement of claim. Jurists rarely pleaded in court; that role was typically filled by orators. Cavere, which translates as "to take precautions," refers to the process of preparing legal documents—including contracts and wills—to safeguard individuals' interests and reduce possible risks (Mousourakis, 2012, p.). 31). The creation of written legal forms was a major contribution to the evolution of legal reasoning and terminology. For many centuries, jurists' work in creating legal forms perfected Roman legal terminology (Tellegen-Couperus, 1993, p. 60). Respondere, or "to answer," involved providing counsel or opinions on legal issues. It was common practice among Romans that when they made important decisions, they should seek the advice of knowledgeable and wise persons. Jurists provided responsa to Roman citizens involved in litigation or other legal transactions, as well as to public officials such as magistrates and judges, who were responsible for deciding specific legal cases. The form of responsa was casuistic: they provided a comprehensive restatement of the facts related to the case to clarify the specific legal matter. By referencing a broader range of past legal principles and personal experiences, the jurist reached a decision that often only indirectly referenced the underlying principle or rule. It is noteworthy to mention that the casuistic format of responsa led to considerable differences in opinion among jurists on various issues. In many instances, individual jurists adopted opposing perspectives. Lots of these controversies endured for decades and centuries to come (Mousourakis, 2015, pp. 56-57).

Roman jurists carefully interpreted clauses of the Twelve Tables and subsequent legislation, filling the lacunae of the legal system and successfully infused archaic rulings with novel meanings, making them suitable for different situations. While the old formalism rejected any amendments to the letter of the law, Roman jurists aimed to innovate by expanding the significance of language within existing legal rules, looking beyond its literal meaning (Mehmeti, 2020, p. 57). Roman republican jurists introduced radical innovations across nearly every area of law, establishing new rules and procedures based on their prestige. However, not all opinions and solutions held equal value or influence. A jurist's views generally had more influence and popularity than those of another due to their underlying quality and authority (Schiavone, 2022, pp. 9-12). To achieve recognition as a prominent jurist, one had to gain legitimacy within this exclusive group. The more effective a legal procedure proved to be, the more likely it was that other solutions proposed by that jurist would be adopted, often without clear explanations of the underlying rationale (Colognesi, 2014, p. 131).

PROMINENT JURISTS OF EARLY ROMAN LEGAL SCIENCE

QUINTUS MUCIUS SCAEVOLA

Quintus Mucius Scaevola was born in 140 B.C and is distinguished from other famous family members by his title pontifex. His ancestry can be traced back to at least Q. Mucius Scaevola, who served as praetor in 215 BCE. This indicates his family's high reputation even at that early date. Mucius advanced through various political offices. He was appointed

quaestor in 110 BCE, served as tribune in 106 BCE, became praetor in 98 BCE, and assumed the office of consul around 95 BCE. In 94 BCE, he received the appointment of viceroy of Asia, and later he attained the position of Pontifex Maximus. During his political career, he was a colleague of L. Licinius Crassus and frequently challenged him as counsel, particularly in the notable case of Curius vs. Coponius (Schiller, 1978, p. 313). When Mucius was governor in Asia, he incited opposition from the Roman equestrian order, and his legate was wrongfully found guilty of bribery. Following his tragic death in 82 BCE, he was praised by the Senate as "a model governor". Mucius Scaevola represents the pinnacle and conclusion of pontifical jurisprudence, as no members of the pontifical body after him were recognized as prominent jurists (Domingo, 2018, pp. 65-66). Cicero provides numerous references to Mucius' remarkable reputation as an orator, particularly in relation to the famous causa Curiana. It is often said that Mucius favored the formalistic characteristics of early Roman law because he supported 'strict law' over 'equity' and gave more importance to 'text' than to 'intention.' Although it may be an overgeneralization, this assessment is mostly based on the opinion he expressed in the Curian case, in which he served as counsel for the defendant. Cicero expressed the view that Mucius Scaveola "was too brief in his speeches, too objective and unemotional; too much of a lawyer to be an outstanding orator" (Schiller, 1978, p. 313).

The most important work of the republican era was undoubtedly Mucius Scaevola's "Libri iuris civilis". This text, representing the systematic application of the dialectical inquiry pioneered by Mucius, represented the inaugural dialectical system of law on a grand scale and remained fundamental for a long time. Commentaries on it were authored by Gaius and Pomponius as late as the second century, and it may have continued to be studied into the third century. However, after that, it faded from prominence; the compilers of the Digest were not familiar with it; otherwise, Tribonian's classicism would likely have compelled him to preserve at least some fragments. We have only a short fragment of the original text and, for the remainder, a collection of references. It is indeed lamentable that fate has preserved a work as relatively inconsequential as Cicero's De legibus while allowing the book that laid the foundations not only of Roman but also of European jurisprudence to vanish (Schiller, 1978, p. 314). Although the comprehensive details of this work are lost, the general structure can still be partially reconstructed. Four citations that reference the book indicate that testamentary provisions were addressed in book 1, legacies in book 2, societas in book 14, and furtum in book 16. For additional details, in the absence of Gaius' commentary, we must rely on Pomponius', which was based on the Mucian order (Schulz, 1946, p. 94).

Mucius Scaevola is acknowledged as the first to categorize law into various types: 'ius civile primus constituit generatim (Digesta D.1.2.2.41)'. This does not mean that he created a comprehensive and systematic organization of law, which the Romans never fully achieved. Rather, it implies that he used the same terminology and preferred to distinguish between different types (genera) of legal relationships. For instance, he identified five types of guardianship (Gaius, Institutiones 1.188) and at least three types of possession (Digesta, D.41.2.3.23). His tendency to define and make distinctions on key legal concepts makes Mucius Scaevola one of the major representatives of the emerging 'dialectical' approach. During the famous inheritance case of M. Curius, he was in favor of the traditional Roman principle of literal accuracy in opposition to rhetorical arguments rooted in the concept of equity (Kunkel, 1973, p. 96).

Mucius Sceveola differed from older jurists in that he did not restrict his analysis to individual cases or specific legal questions. Rather, he devoted considerable efforts to achieve a higher level of abstraction, introducing greater definition and categorization. In his groundbreaking work on the ius civile, he gathered related legal phenomena and principles

under broad categories. He made further distinctions of the various forms these general categories might take. For example, he outlined the common characteristics of concepts such as possession and guardianship and subsequently analyzed their specific manifestations within the legal framework (Mousourakis, 2012, p. 34).

Furthermore, he might have authored a work that contained concise definitional statements, where he pointed to the conclusive factual moment that led to a particular legal consequence or judgment. Unlike his predecessors, who often provided examples to clarify the meaning of a term, Scaevola introduced a more comprehensive approach. His work represented a significant advancement, as it presented a system of law conceived as a logically interconnected whole, in contrast to the collections of precedents and isolated legal rules typically seen at the time (Mousourakis, 2007, pp. 63-64). It must be pointed out that, similarly to other famous jurists of this era, he was under the influence of Stoic philosophy as well.

The majority of contemporary scholars of Roman law have favorable views with regard to Scaevola's contributions to the advancement of Roman legal scholarship. Fritz Schulz commends Scaevola for his dialectical method, noting that it was "truly the fire of Prometheus" for Roman jurisprudence. Peter Stein describes Mucius as "the earliest jurist to provide clear evidence of the influence of the Greek methods ..." Frier recognizes Scaevola as “the innovator of the hypothetical case” and calls him "the father of Roman legal science and of the Western legal tradition." Frier argues that Scaevola is "undeniably the earliest jurist to have a significant impact on the juristic tradition of Rome and his intensity marked a quantum leap in legal science" (Tuori, 2004, p. 243).

SERVIUS SULPICIUS RUFUS

Servius Sulpicius Rufus is recognized as a central figure in shaping legal scholarships at the end of the Republic. He embodied a new class of jurists that would have a lasting impact on Roman law for the next three centuries. Servius was born in 106 or 105 BC into a Patrician family that had lost its past political importance. His grandfather might have been a member of the Senate, but he lacked any high reputation; his father was an ordinary equestrian. Servius 's trajectory reflects the confluence of aristocratic heritage and the shifting dynamics of Roman governance. Servius adopted the toga virilis at the age of sixteen and embarked on a legal education that was rather informal for the period. He studied rhetoric with Cicero, and later he pursued legal education with Lucius Balbus, who had been a student of Quintus Mucius Scaevola. After completing his preliminary legal training around 78 BCE, he traveled to Rhodes alongside Cicero to deepen his knowledge in rhetoric and philosophy. While he stayed there, Servius cultivated a passionate interest in the study of philosophy, which would remain his lifelong intellectual pursuit. Although he became a qualified rhetorician, Cicero considered his oratory skills inferior. Following his return to Rome, Servius established legal practice and rapidly earned a reputation as a well-known jurist. One of the most important cases he handled in his career was the prosecution of L. Licinius Murena in his role as legal counsel. Cicero, who represented Murena on allegations of electoral misconduct around 61 BCE, would highlight Servius's growing prominence by noting the latter's pivotal contribution as one of the initial accusers alongside Cato. The interplay between Servius and Cicero, particularly Cicero's dismissive remarks regarding Servius's legal acumen during Murena's defense, should not be misconstrued as personal animosity. Rather, these comments were employed as a rhetorical strategy to demonstrate that detailed legal expertise was less important during the second phase of the formulary procedure, which was used before lay judges. This dynamic reflects broader tensions in the Roman legal tradition and the evolving role of jurists within it.

Servius, in numerous ways, epitomizes the typical Republican jurist. Similar to Cicero, his legal education was informal; however, he chose to concentrate on the intellectual study of law rather than its practical aspects. This decision profoundly influenced the evolution of the legal profession within later Roman law. As evidenced by his involvement in the Murena case, Servius worked as a legal practitioner, but this was not the standard route for jurists of his era. Additionally, as illustrated by his career, Servius had a strong inclination towards Greek philosophy. Cicero's assertion that he was the founding father of legal dialectics was somewhat exaggerated. Although Servius sometimes disagreed with Mucius, there were no major methodological differences between the two jurists. Instead, Servius made genuine progress on the pathway established by Q. Mucius, especially in the dialectical analysis of legal material (Kunkel, 1973, p. 97).

The writings of Servius were not incorporated in the text of the Digest of Justinian. However, this omission does not lessen their intellectual importance when compared to the works of Gaius or Ulpian. The authors of the Digest were directed to rely exclusively on the writings of classical jurists who had the authority to give official legal responses (ius publice respondendi), and thus widely omitted the contributions of Republican jurists. Nevertheless, even though Servius's works are not directly visible in the Digest, numerous authors cite him as the origin of particular legal opinions concepts, such as the doctrine of remissio mercedis, permitting rent reductions when an act of God makes property unusable (Digesta D.19.2.15.2). These indirect references indicate that classical jurists held Servius in high esteem, recognizing his works for their valuable insights and creativity. (Du Plessis, 2009, p).

Servius was renowned both as an educator and a practising lawyer, with around ten later jurists acknowledging him as their teacher. Servius made significant contributions to the development of the theoretical and philosophical foundations for much of the formulary procedure that emerged during his time. Two legal formulas bear his name: the first pertains to an action by fiction for obtaining a judgment-debtor's property, while the second involves an in rem action concerning a pledge (Schiller, 1978, p. 317).

Servius's influence on later jurists was nearly as enduring as that of Mucius Scaevola. One of his students, A. Ofilius, engaged with the edict in comprehensive work. Henceforth, the ius honorarium evolved into a legal framework within the private Roman law that held importance equal to that of the ius civile. Ofilius and the other students of Servius belonged to a generation of jurists who marked a transition from republican jurisprudence to the classical period of Roman legal science, as their contributions extended beyond the Republic and into Augustus's Principate (Kunkel, 1973, p. 97).

CONCLUSION

The history of Roman legal science began with the pontifices, a group of priests who played an important role in the further development of the legal framework of Roman law, which had been established earlier by the Twelve Tables. Initially, the pontifices held a monopoly on legal knowledge, which they preserved and transmitted through tradition and teaching. According to tradition, the pontiffs' complete domination over the interpretation of law came to an end in 304 BC with the publication of a collection of leges actiones by Gnaeus Flavius. After the Punic Wars, the study and interpretation of Roman private law underwent significant progress, leading to the emergence of several esteemed jurists. From this moment forth, the knowledge of law was within reach of all individuals, irrespective of their participation in legal disputes or their status as students of the ius civile. The second century BCE signaled a transformative phase of the development of Roman legal science, often referred

to as the Hellenistic period, because it underwent significant influence from Greek intellectual traditions. While Greek influence permeated Roman legal history, it became particularly pronounced during the final two centuries of the Roman Republic. To integrate Greek concepts, Roman jurists developed a new, more coherent framework for law. This synthesis of Roman legal principles and Greek philosophical thought gave rise to a distinct realm: the science of positive law.

In the late Republican period, a new cadre of jurists emerged, exercising considerable influence within Roman society — a power that persisted throughout the classical era. Although these jurists continued to operate within the framework of traditional ius civile, they went further and succeeded in creating a new rational foundation for the law. Their contributions allowed private law to gain greater autonomy from political authorities. Contrary to their predecessors, who firmly adhered to strict formalism and resisted changes to the text of the law, the late Republican jurists pursued innovation through creative interpretations of the meaning of existing legal rules and embraced novel solutions that went beyond the literal text. They introduced wide-ranging reforms in various legal domains and developed new rules and procedures based on their unimpeachable authority. Q. Mucius Scaevola and Servius S. Rufus achieved prominence as the first legal scholars to arrange the material of ius civile systematically. They embodied the new juristic class that profoundly influenced Roman law for the subsequent three centuries. Classical jurists treated them with utmost respect, giving them due recognition for their contributions and innovative ideas. Being influenced by Stoic philosophy, their role was instrumental to the creation of the theoretical and philosophical foundations of the legal thought that developed during their era.

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