Marcus Antistius Labeo and the Idea of Legal Literature[1]

Matthijs Wibier

Introduction

The contributions of Marcus Antistius Labeo to Roman law and Latin literature kept stirring the minds of elite Romans for generations. Active in the Augustan age, this jurist and scholar enjoyed rockstar status in legal circles well into late antiquity. The surviving fragments of the Roman jurists treat Labeo as a foundational figure, a point of departure for many of the legal discussions that played out over the course of the Principate. In addition, Labeo was also showered with admiration by encyclopaedic writers such as Festus and Aulus Gellius. The latter in particular was impressed by Labeo's wide learning and his facility for integrating law, philosophy, linguistics, and antiquarianism in tackling intellectual problems of any kind, including legal questions. For all these writers, Labeo was clearly an exceptional mind, but more than that, he symbolized a critical juncture in the evolution of intellectual traditions at the confluence of law and letters. While Gellius' work elevates Labeo as the embodiment and culmination of an almost extinct scholarly ideal type, the jurists cast him as the cornerstone of their specialist legal discipline.

This chapter explores Labeo's reception in the Early Empire, examining in particular how Labeo, in the hands of later authors, functioned as a vehicle to think through complex questions about the relationship between law, literary production, as well as politics. In other words, while the well-attested engagement with Labeo offers an opportunity to trace the influence of his work, my interest here is in how later writers use Labeo to make a point, to articulate their reflections on larger questions about law and literature. One of these questions is about the nature of law in relation to the literary. As the introduction to this volume discusses in detail, both law and literature constitute discursive space to think about the social world, and they are normative in the sense that they simultaneously reflect the social world that produced them and imagine what that world could or should be. If this means that both

[1] I would like to thank Erica Bexley and Ioannis Ziogas for bringing such wonderful participants together at the conference in Durham in September 2019. I am also grateful for their feedback and patience as we all had to deal with the impact of the COVID-19 pandemic on our lives. Due to limitations of space, I have kept referencing and engagement with the scholarship to a minimum. Translations are mine unless indicated otherwise.

law and literature are discourses invested with normativity, we may wonder to what extent society at any given place and time perceives them to overlap or be distinct —or more precisely, to what extent the legal is considered to form a discrete, technical discourse at some remove from other areas of literary production. For the Romans, the answer to this question is not straightforward. On the one hand, focusing specifically on the (unwritten) Roman constitution, Lowrie's chapter in this volume emphasizes that the constitution and its legal force were largely conjured up by texts that modern readers will probably consider literary rather than legal. While few legislative texts articulating constitutional law were in circulation, the Romans may have absorbed their sense of the constitution from a variety of other types of writing, including historiography and collections of *exempla*. This suggests that law and literature for the Romans were not as distinct and separate as they tend to be to modern Western eyes. On the other hand, we should also keep in mind, as Frier as has shown, that Roman private law saw the emergence of a specialist technical discourse in the Late Republic that was differentiated from wider textual realms in the "disciplining" hands of the jurists.[2] This in turn indicates that the relationship between law and literature in the first centuries BCE and CE was complex and multifaceted. The picture differs depending on where exactly we direct our gaze. We will see that Labeo and his work offered later authors a way to examine the issue and express their thinking.

A further key question about the nature of legal discourse concerns control of the law: if law is in some measure a distinguishable mode of formulating norms, we may wonder whether the authority to articulate those norms is also considered to fall to a distinct individual or group (or to distinct individuals or groups). In other words, who gets to articulate the law, in what way, and why? Once again, the Roman situation is complex, and especially the Early Empire is an important moment in the history of Roman law and literature. The emergence of the Principate marked a significant shift in the way power was held and exercised. Law was one of the areas that saw gradual but significant change. Legal authority was traditionally decentralized in the sense that the praetors, assemblies, senate, and jurists were all able to formulate statements of the law that carried especially great authority.[3] But the source record indicates that a succession of emperors made attempts to gain more control over legislative processes and the justice system. For example, in addition to

[2] Frier (1985); see also Harries (2006). Schiavone (2012) is an attempt in very broad strokes at placing the same development in the framework of the history of the entire Western legal tradition.

[3] See e.g. Cic. *Top.* 28, with the discussion of Harries (2002).

Augustus' introduction of a series of laws aiming to regulate many aspects of social life, Vespasian appears to have expanded the capacity of the imperial courts, and Hadrian seems to have issued substantially more rescripts than his predecessors while also ending the prerogative of praetors to draft their own edicts.[4] We will see in some detail below that Labeo's biographical tradition focuses on his defiance of Augustus and his clashes with him in the Senate. In the context of the seismic shocks to the political system and the protracted struggle over who got to formulate the law, the anecdotes about Labeo's behaviour obtain larger significance and invite the reader to reflect on the nature and ownership of law.

The Principate was a time of profound changes in the social fabric and cultural life of the Roman world.[5] When it comes more specifically to literature, there is a long tradition of studying the relations between the establishment of the Augustan regime and the production of poetry. While this discussion used to be framed in terms of "propaganda" for the new system, thinking has evolved to emphasize the complex dynamics and mutual dependencies between poets and power holders. Poetry, or indeed any form of literature, does not simply reflect or justify underlying realities, but by projecting a certain view of the world, it can be actively implicated in forming new realities. For example, Ziogas has shown in detail how Ovid's love poetry claims for itself a position of exceptional authority to define sexual behaviour in a way that self-consciously rivals the princeps' bid to regulate sexuality through his legislation. What is more, this idea of elegiac sovereignty can be shown to predate Augustus. This suggests that Roman poets propounded and amplified notions of supreme authority of the type that Augustus eventually appropriated to shore up his regime.[6] Ovid fits a wider trend in the Augustan Age of projecting the idea of a new era, an idea with an impressive ancient and modern reception. This wider discourse about the Principate as a new era, often explored by thinking about law, is another dimension to the context in which Labeo and his early readers found themselves. We will see below that the jurists usually find Labeo

[4] See e.g. *RGDA* 8; Suet. *Vesp.* 10; Crook (1955) 56-9 (on Hadrian). On the slow but steady rise of the emperor as supreme judge, see Tuori (2016).

[5] Sometimes called the Roman 'cultural revolution' (Habinek and Schiesaro 1997; Wallace-Hadrill 1997 and 2008). This "revolution" is often seen as embedded in a long-term historical process starting with Rome's imperialist expansion in the Mid Republic, with the Principate forming one (but an important) chapter.

[6] See Ziogas (2021), especially the introduction and chapter 6. For thoughtful approaches to Ovid and the Principate, see also Hardie (1997) and Barchiesi (1997).

a point of departure, someone at a turning point in legal history who was preceded by *ueteres* but who himself was usually not classed as such.[7]

Labeo's biographical tradition: politics, legislation, and the cultivation of *libertas*

A brief tour d'horizon of the surviving snippets of Labeo's biography is a convenient starting-point for our discussion for at least two reasons. On the one hand, the scenes give us some more background on Labeo while highlighting his ability to attract the interest and attention of those who wrote about him. On the other hand, more often than not the episodes bear on legal and legislative practice, set against the backdrop of the profound changes to the way politics and law functioned under Augustus.[8]

As already briefly mentioned, Labeo gained himself a reputation for his willingness to antagonize Augustus. One of the best-known incidents took place in the Senate and is recounted briefly by both Suetonius and Cassius Dio. Suetonius' *Life of Augustus* embeds the event as part of a series of short anecdotes about Senatorial debate under Augustus (*Div. Aug.* 54). We are told that Senators regularly interrupted Augustus, while he was speaking in the Senate, to indicate that they did not understand him or disagreed with him. We even hear that part of the Senate insisted on discussing the nature of the *res publica* (a term not further specified), and that these discussions more than once made Augustus run away in anger. This is the point where a brief altercation with Labeo is inserted:

> Antistius Labeo senatus lectione, cum uir uirum legeret, M. Lepidum hostem olim eius et tunc exsulantem legit interrogatusque ab eo an essent alii digniores, suum quemque iudicium habere respondit. nec ideo libertas aut contumacia fraudi cuiquam fuit.
>
> (Suet. *Div. Aug.* 54)

> For the selecting process of the Senate, when one man chose one other man, Marcus Antistius Labeo chose Marcus Lepidus, [Octavian]'s old enemy who was then living in exile, and when asked by him if there were other, worthier men, he responded that

[7] On this, see Mantovani (2017) as a starting-point.

[8] For a prosopographical study, though with a highly problematic evidential basis, see Bauman (1989) 25-55.

each person had his own considered opinion. And not, on that account, was *libertas* or defiance a cause of harm to anyone.

The context is the review of the Senate choreographed by Octavian and Agrippa in 18 BCE. In contrast to the other purges of the Senate, this review appears to have taken the form of limited self-selection by Senators themselves.[9] Labeo proposed Marcus Lepidus the triumvir, someone who had a complicated past with Octavian. In line with the immediately preceding anecdotes in Suetonius, this episode has a punch line that is couched in terms of the freedom to speak about political affairs as one wishes. The text makes the story reflect well on Augustus. The use of the term *libertas* in particular sets up a contrast with the accounts of Tiberius' intolerance of dissenting Senators and his attempts to extort their obedience through *maiestas* legislation and informers (e.g. Tac. *Ann.* 1.72-73; cf. Suet. *Tib.* 2). Suetonius has styled the altercation with Labeo in such a way as to bring out the *ciuilitas* that he seeks to praise in Octavian-Augustus starting from 51.1.[10]

In Suetonius' representation, Octavian showed restraint and knew his place in the political and legislative arenas. In comparison, the Octavian in Cassius Dio's account of the same incident is much more aggressive and vindictive (54.15.6-8). Octavian contends that by suggesting the name of Lepidus, Labeo has committed a transgression and needs to be punished (ἐπιωρκηκέναι ... καὶ τιμωρήσεσθαι). Labeo's response, too, suggests that the stakes are rather different. Instead of claiming that he should be free to think and decide as he pleases, his retort attacks Octavian by pointing out his inconsistent views regarding Lepidus: if he has let Lepidus keep the office of pontifex maximus, why would he not allow him to sit in the Senate? We are told that this was a nice save on Labeo's part (οὐκ ἀπὸ καιροῦ εἰπεῖν ἔδοξε). But the entire interaction suggests a dramatically larger power imbalance between Octavian and Labeo, and by extension the Senate. Dio's presentation appears to leave little room for *libertas* or any closely related idea of independent political activity. Rather, Octavian's presence in the political system is both overwhelming and overbearing.

Further assessments of Labeo in relation to political power can be found in the historian Tacitus, the jurist Pomponius, and in ancient scholarship on the poet Horace. In his list of notable deaths at the end of *Annals* book 3, Tacitus provides an obituary of the jurist Ateius Capito that includes a pithy *synkrisis* comparing Capito and Labeo. Other authors,

[9] On the procedure and the dating of this episode, see Pettinger (2019) 47-51.

[10] See Wallace-Hadrill (1982) for a classic discussion of *ciuilitas* and imperial virtue.

most notably Pomponius, treat the two as arch-rivals (*Ench. lib. sing.* = *Dig.* 1.2.2.47). Tacitus' presentation of the two jurists is constructed around their relation to the princeps: while Capito's *obsequium* garnered the applause of those in power (*dominantibus*), Labeo's *incorrupta libertas* provoked retaliation in the form of a blocked consulship (3.75). Labeo here functions once again as a shorthand for a configuration of the political system that constrains the manoeuvring space of the princeps. But where Suetonius focuses on politics in the Senate, Tacitus provides us with a miniature prompting his readers to think about the role of jurists in the formulation of law and about who ultimately controls that process. Tacitus emphasizes that Labeo's approach earned him widespread fame (*ob id fama celebratior*), thus nudging his readers towards taking this view very seriously.

Law is also a key area of contention between Labeo and Augustus in the ancient commentary on Horace ascribed to Pseudo-Acro.[11] The text of Horace's *Satire* 1.3.82 claims that its subject is 'madder than Labeo' (*Labeone insanior*). The notes of Porphyrio and Pseudo-Acro (the latter in two recensions) all offer some very basic background information about our jurist.[12] While both Porphyrio and the second recension of Pseudo-Acro connect Labeo with *libertas* and mention his defiance of Augustus,[13] the first recension provides a succinct characterization of Labeo as 'the jurist who used to carp at the statutes of Caesar Augustus' (*iuris peritus uituperabat leges Augusti Caesaris*, p.43.10 Keller). This last note casts the antagonism between Labeo and Augustus as focusing on specific pieces of legislative output. We are not given any more detail about the nature of Labeo's objections and their amplitude: were they merely directed against individual laws that he found unacceptable as laws, or should we take the note as raising a larger, more systemic critique of legal authority and the ownership of legal discourse? The answer is probably both. On the

[11] The commentator Helenius Acro was active around 200 CE. His commentary survives in two recensions dating not earlier than the fifth century. Information at Zetzel (2018) 149-50 (with warnings that the commentary has been much abridged and interpolated in late antiquity).

[12] Not all modern commentators agree that the Labeo mentioned by Horace should be identified with Marcus Antistius Labeo the jurist. See e.g. Courtney (2013) 84, tracing the name to Lucilius and suggesting identification with C. Atinius Labeo (tribune of the plebs 131 BCE).

[13] Note that Porphyrio qualifies the term *libertas* with *in qua natus erat* ('in which he was born'). This might at first glance simply refer to the period before the Principate (Labeo's father died at Philippi in 42 BCE). However, if we consider that the Roman biographical imagination tended to conceive of individuals as part of families, often assigning character traits to whole family lines, the characterization of Labeo's father as a key conspirator against Caesar and a fighter on the side of the liberators gives Labeo a strong anti-authoritarian pedigree. On Pacuvius Labeo, see Plut. *Brut.* 12, 51; App. *BC* 4.135.

one hand, a juristic fragment of the Severan jurist Ulpian cites Labeo's negative assessment of the Augustan *Lex Iulia et Papia* in terms of its legal quality:[14]

> de uiro heredeque eius lex tantum loquitur. de socero successoribusque soceri nihil in lege scriptum est. et hoc Labeo quasi omissum adnotat. in quibus igitur casibus lex deficit, non erit nec utilis actio danda.
>
> (Ulp. *Ad legem Papiam et Iuliam* 7 = *Dig.* 24.3.64.9)

> This law only speaks about the husband and his heir. About the father-in-law and his legal successors nothing has been written in the law. And Labeo comments that this had been, as it were, neglected. Hence in these cases the law is defective, and an *actio utilis* will not even be given.

The passage tells us that Labeo pointed out a deficiency in the law, a flaw in the design that left in-laws with nothing, not even a legal remedy. Given that Augustus may have outlived Labeo, Labeo must have expressed his criticism not long after the law had come into force, and Ulpian's agreement suggests that it had stood the test time and no meaningful remedies had been introduced. The important thing to note for our purposes is that Labeo apparently criticized the law for its formulation and effects. In Ulpian's depiction, Labeo accepted that the law was indeed law, and he did not challenge Augustus' prerogative to introduce (or orchestrate the introduction of) laws that were binding. If we return to Pseudo-Acro's note about Labeo and the Augustan legislation, this point obviously fits well. But we should also observe that Pseudo-Acro claims that Labeo attacked Augustus' laws (*leges*) in the plural. Together with the imperfect *uituperabat*, this suggests that the note is channelling a wider and more fundamental critique of Augustus' legislative activities. Rather than finding fault with some of the specific laws introduced by Augustus, Labeo's opposition emerges as systematic, and perhaps principled. The note in Pseudo-Acro is thus another invitation for readers to reflect on larger questions about the nature of law and legal discourse.

The anecdotal snippets reviewed above are the surviving remnants of what must have been a much wider fascination with Labeo's role in public life. In spite of the scarcity of material, it is nonetheless clear that the episodes share an interest in exploring Labeo's

[14] Discussion about legal details at Nörr (1974) 104-105. Eck (2019) discusses wider ('popular') resistance against Augustus' legislative initiatives.

position in relation to that of Augustus. While not every single one of them makes an explicit connection with questions of law, we have seen that the scenes encourage reading them as emblematic of larger structural changes to politics and law that played out under the Principate and that were still alive for writers such as Tacitus. In addition to repeatedly bringing up the notion of *libertas*, they stimulate readers to think about the struggle over the delineation of legal authority and the nature and ownership of legal discourse.

Aulus Gellius: Labeo, law, and the ideal of the polymath

The passage from Ulpian quoted above offered a first glimpse of Labeo as a writer and the authority of his work as a major point of reference for later authors. In contrast to the biographical side of Labeo's legacy, we are much better informed about the reception of his written work. The work of Aulus Gellius in particular is a testimony to the interest in Labeo in elite literary circles beyond the confines of the juristic class. Gellius' work is therefore not merely an important source for Labeonic fragments; but with its sustained agenda of protreptic towards a life of letters and learning, it also provides an opportunity to capture a Roman perspective on the value of a figure such as Labeo and his expertise in and beyond law. We will see that Gellius' engagement with Labeo raises fundamental questions about law and legal discourse, especially in relation to wider forms of literary production.

Labeo was clearly a fascinating figure for Gellius. To be sure, Gellius does not neglect to include an anecdote that fits nicely with Labeo's confrontational style and his association with *libertas* that we have just seen. Purportedly quoting a letter of Capito, the text tells us that Labeo was possessed by 'some intense and senseless *libertas*' (*libertas quaedam nimia atque uecors*, 13.12) and, even under Augustus, would not consider anything as legally binding unless it was commanded by the Roman *antiquitates*.[15] We then hear that Labeo ignored a summons by the tribunes of the plebs, claiming that they had the power to arrest but not to summon him. Gellius quotes a passage from Varro in addition, which explains the legal details and which Gellius uses to offer gentle criticism of Labeo's over-confident obstinacy.

[15] Note that, if we accept the letter as genuine, Labeo was already branded as a lover of *libertas* between Augustus' death (*divo*) and Capito's in 22 CE.

The entire scene provides a thumbnail sketch of Gellius' approach to intellectual life.[16] The chapters of his *Attic Nights* tend to be predicated on a question that has arisen and to which no easy answer exists.[17] The dramatized quest for an answer often involves discussions with intellectual authorities and the consultation of books. A recurrent theme is the exposure of authorities, often in public performances, by repeated questioning. Solace generally comes from unexpected corners. This might happen in the form of less narrow-minded, more widely read, and certainly less pretentious intellectuals chipping in, or it happens by pulling out and reading aloud a learned book. The scene in which Labeo refused to be summoned by the tribunes is an illustration of this setup. For Gellius, Labeo's views are worthy of serious consideration, as we will see, because of Labeo's status as a scholar and the intellectual value that Gellius has attached to his writings. But this does not mean that Labeo is always right. In searching for a solution, Gellius offers a close reading of Varro's *Antiquities* that then allows him to unpick Labeo's standpoint. Yet the gentleness of the criticism at the end of the chapter suggests that Labeo has not fallen off his pedestal.[18]

It is probably fair to say Gellius treats Labeo very seriously whenever he makes an appearance in the *Attic Nights*. Chapter 13.10, which contains the most extensive eulogy of Labeo, gives an indication as to why Gellius was so interested in him:

> Labeo Antistius iuris quidem ciuilis disciplinam principali studio exercuit et consulentibus de iure publice responsitauit; ceterarum quoque bonarum artium non expers fuit et in grammaticam sese atque dialecticam litterasque antiquiores altioresque penetrauerat Latinarumque uocum origines rationesque percalluerat, eaque praecipue scientia ad enodandos plerosque iuris laqueos utebatur. sunt adeo libri post mortem eius editi, qui Posteriores inscribuntur, quorum librorum tres continui, tricesimus octauus et tricesimus nonus et quadragesimus, pleni sunt id genus rerum ad enarrandam et inlustrandam linguam Latinam conducentium.
>
> (Gell. 13.10)

[16] On this, see Howley (2013), specifically about Gellius and the jurists. For general studies on Gellius' intellectual outlook, see Holford-Strevens (2003), Keulen (2008), Gunderson (2009), and Howley (2018). Cf. also Nörr (1976).

[17] On the ways in which Gellius sets up his chapters, see Howley (2018) 7-14.

[18] The immediately following chapter, 13.13, features the same question in a rather different dramatization.

> Antistius Labeo devoted himself with the foremost zeal to the study of the civil law and he formulated opinions 'publicly' about the law to those who consulted him; but he was also not destitute of the other good arts and he had immersed himself in the study of grammar and in dialectic and the lofty literature of the olden days and he was steeped in the origins and the explanation of Latin words, and he used that knowledge in particular to untie many knots in the law. There are indeed books that were put in circulation after his death, which are entitled *Posteriores*, of which three consecutive books, the 38th, 39th, and 40th, are filled with matters of that kind useful for explaining and elucidating the Latin language.[19]

Gellius praises Labeo here for his wide learning: while his scholarly contributions in the legal sphere are foregrounded, he was profoundly knowledgeable in language, logic, and literature. What made him such a good legal scholar, we hear, is that he exploited all these various branches of learning in solving legal questions.[20] The opening sentence indicates that he was advising people who came to him with legal queries. But he also produced many writings. We should probably understand the work mentioned in the final sentence as containing at least in part a stock of opinions of the type mentioned, perhaps supplemented with views and discussions of a more hypothetical and academic character. The *Posteriores* contained plenty of legal opinions that were appreciated by later jurists: Gaius' *Institutes* as well as excerpts throughout the *Digest* cite this work of Labeo dozens of times.[21]

An example of where Gellius finds Labeo's acumen helpful is chapter 4.2, where the question has arisen as to the difference between *morbus* and *uitium* in a slave's physical body. The distinction has immediate legal application, so we are told, since it occurs in the edict of the curule aediles. Gellius explores a variety of views, starting out from Caelius

[19] The first half of the translation is adapted from Wibier (2016) 120.

[20] Although not essential to my argument, Gellius' formulation *de iure <u>publice</u> responsitauit* has raised questions about the nature of Labeo's activity: did he merely offer *responsa* 'in a public place' or did he possess the so-called *ius respondendi* (*ex auctoritate principis*)? The latter is only known from Pomponius (*Ench. l.s.* = *Dig.* 1.2.2.47), but its details and existence remain an unsolvable problem (see Tuori (2004)). Given Pomponius' claim that Masurius Sabinus was its first holder, and given Labeo's open criticism of Augustus and his laws, it is not straightforward to suggest that Labeo received this *ius respondendi*, not even as a backhanded way to co-opt his authority (see Novkirishka-Stoyanova (2015)).

[21] See Lenel (1889) vol. 1, coll. 534-6 (for Labeo's *Posteriores*); coll. 299-315 (for Iavolenus' *Ex Posterioribus Labeonis libri X*). For further discussion, see below.

Sabinus' commentary on the edict but hastening to add that this jurist is merely quoting Labeo. Throughout the rest of the chapter, Labeo serves as the main interlocutor, whose definitions and distinctions are considered carefully. One of his points is that not every defect is a defect that makes a significant difference to the condition of a slave, using the example of a missing tooth. Towards the end of the chapter, Gellius considers that earlier jurists appeared to have converged on definitions of the terms, namely that defects are chronic and diseases ebb and flow, only to add the warning that accepting their view would go 'against the view of Labeo that I have just discussed' (*contra Labeonis quam supra dixi sententiam*, 4.2.14). Here, it seems, Labeo is placed as a counterweight against an entire corpus of pre-existing legal writing, bringing out his authority. Gellius caps the chapter with a quotation from Masurius Sabinus (fl. under Tiberius). We are not told explicitly how his definitions relate to the preceding discussion, thus inviting reflection on the part of the reader. But his claim that disease and defect can only be properly assessed in relation to how incapacitating they are for the individual in question appears to start out from Labeo rather than the other jurists. Labeo is inserted here as a critical link in the history of Roman jurisprudence. His conceptual innovation is what seems to have made the difference, even though later jurists such as Masurius Sabinus and Caelius Sabinus refined the notions.

While a question about the aedilician edict can have legal import for the present, Gellius is often led to Labeo on questions of legal antiquarianism or pontifical law.[22] One example is a question 'on the taking of a Vestal Virgin' (*de uirgine capienda*) by the pontifex maximus (1.12). We hear that Labeo has written in most detail about this. Setting out from Labeo, the discussion leads us via Ateius Capito, the text of a *lex Papia*, Fabius Pictor, Sulla's autobiography, and Cato back to Labeo, this time his commentary on the Twelve Tables. The chapter begins and ends—comes full circle—with Labeo. Chapter 5.27 treats the different types of *comitia* primarily by engaging with a work of the legal scholar Laelius Felix, who in turn cites Labeo as a source for antiquarian information. In 6.15, Labeo's commentary on the Twelve Tables serves as a source for listing examples of *acria et seuera iudicia* of Republican lawyers, for which Gellius and his projected readership held a certain fascination.[23] In all these cases, Gellius is not pursuing questions with a direct bearing on an acute legal problem in the author's present. Rather, the legal scholarship of Labeo (and several others) serves him in his attempts to elucidate matters pertaining to the Roman past,

[22] This is also the main attraction of Labeo for Festus.

[23] See also Gell. 4.20; cf. 11.18.6, 20.1.

ranging from public law to old-time morality. Labeo's work turns out to be a very good resource for that. Occasionally, we even find Gellius turning to Labeo for information beyond the legal. The same chapter 13.10, from which we have seen the eulogy above, proceeds to consider Labeo's thought on the etymology of the Latin word for sister (*soror*), which is then paired with Nigidius Figulus' etymology for brother (*frater*). Labeo's explanation of *soror* through *seorsum* ('outside') clearly serves as a mnemotechnic for a piece of legal basic doctrine: '[a sister] is so called, because she is born, as it were, "outside" and she is removed from that house in which she was born and moves over into another household' (*appellata est, quod quasi seorsum nascitur separaturque ab ea domo in qua nata est et in aliam familiam transgreditur,* 13.10.3). Despite encapsulating a piece of legal knowledge, however, Gellius appears to be preoccupied primarily with Labeo's virtuoso lexical analysis, just as he is with Nigidius' explication of *frater* as *fere alter* ('more or less another [copy of oneself]'). The criteria of praise for both are their ingenuity (*lepide atque argute reperta* 13.10.3; *non minus arguto subtilique* 13.10.4). In sum, Labeo the legal scholar in his commentary on the Praetorian Edict produced something for more general intellectual consumption. This, then, adds a second dimension to Gellius' interest in Labeo (and by extension to other jurists and their texts as well). Not only does Labeo command authority because of his wide learning and the ways in which he deploys his vast knowledge in analysing and solving legal questions, but his discussions of legal problems, and the thought that has gone into them, are also so rich and full of astute insights that they are worth reading by intellectuals far beyond the narrow confines of jurisprudence.

Gellius offers an ideal of encyclopaedic learning for the elite Roman reader, which includes at a fundamental level familiarity with legal knowledge and writing.[24] How much there is at stake in his own days emerges from several vignettes in which jurists are drawn, at times disastrously, into intellectual discussions for which legal expertise might provide essential input. A well-known case is that of chapter 16.10, where a recitation of Ennius' *Annales* gives rise to a debate over the meaning of the word *proletarius*. All eyes turn towards an unnamed expert in the *ius ciuile,* who refuses to engage by arguing that this is a matter for grammarians, not jurists. Gellius, who appears as a dramatic character in this scene, reprimands him by pointing out that Ennius borrowed the term from the Twelve Tables and the question may hence very well be directed to a lawyer. Clearly caught out for his ignorance, the jurist in question denies rather aggressively that he has any business with

[24] Howley (2013).

matters of outdated law. After saying that the *antiquitas* of the Twelve Tables has long been put to bed by the *lex Aebutia* (*consopita*, 16.10.8), he quickly extracts himself from what is about to become a harsh public shaming. Gellius' question is eventually solved by a poet who happens to walk by. The jurist comes off very poorly in this scene. He evidently does not live up to the expectations that Gellius has of jurists. Even though the much-admired Labeo may be a larger-than-life figure in Gellius' work, this jurist is not even able to explain the meaning of a term in the Twelve Tables. The scene thus sets up a paradox problematizing the boundaries between law and literature: whereas the poet's familiarity with literature has equipped him to tackle any hermeneutical question, including legal ones, the lawyer's narrowly specialized legal expertise does not even enable him to solve what is arguably a legal problem.

The jurist Sextus Caecilius, who Gellius presents as a contemporary as well, clearly fits Gellius' ideal much better. This emerges in particular from the long legal discussion in *Attic Nights* 20.1. This chapter stages a debate between Caecilius and the philosopher-orator Favorinus about the value of the Twelve Tables for their second-century present. Favorinus attacks several provisions in the Twelve Tables as harsh (e.g. *talio*), incomprehensible (e.g. the *quaestio lance et licio*), or as punishable by a ludicrously light penalty (e.g. a fine of 25 *asses* for *iniuria*). In the case of this last provision, Favorinus cites Labeo's commentary on the Twelve Tables in order to make the point that the Twelve Tables have not had any meaningful bearing on the life of Romans for a long time. Labeo in his commentary brought up the case of a certain Lucius Veratius, who was in the habit of beating random people in the face on his walks around Rome and asked the slave accompanying him to hand them the trivial sum of 25 *asses* on the spot. In response, Caecilius claims at two points that Favorinus is reading the ancient statutes in an unproductive way:[25]

> (5) "obscuritates," inquit Sex. Caecilius, "non adsignemus culpae scribentium, sed inscitiae non adsequentium, quamquam hi quoque ipsi, qui quae scripta sunt minus percipiunt culpa uacant. nam longa aetas uerba atque mores ueteres oblitterauit, quibus uerbis moribusque sententia legum conprehensa est. (...)
>
> (22) nec ideo contemnas legum istarum antiquitates, quod plerisque ipse iam populus Romanus uti desiuerit. non enim profecto ignoras legum oportunitates et medellas pro

[25] The translation of the two passages is Rolfe's in the Loeb edition.

> temporum moribus et pro rerum publicarum generibus ac pro utilitatum praesentium rationibus proque uitiorum quibus medendum est feruoribus mutari atque flecti neque uno statu consistere, quin, ut facies caeli et maris, ita rerum atque fortunae tempestatibus uarientur."
>
> 'The obscurities', Sextus Caecilius said, 'let us not ascribe them to the fault of those who wrote them, but to the ignorance of those who do not understand them, although also those are free from blame who grasp less well what has been written. For a long stretch of time has consigned words and old customs to oblivion; and through those words and customs the meaning of the law is understood. (...)
>
> For you surely are not unaware that according to the manners of the times, the conditions of governments, considerations of immediate utility, and the vehemence of the vices which are to be remedied, the advantages and remedies offered by the laws are often changed and modified, and do not remain in the same condition; on the contrary, like the face of heaven and the sea, they vary according to the seasons of circumstances and of fortune'.

Caecilius argues that a lack of proper understanding in the present does not imply that the laws were not beneficial in the past and that they have nothing useful to offer to the present. Rather, by placing them in their historical context, we might appreciate what the laws aimed to do, and this may benefit our own legal thinking. The discussion takes up many more pages, but in the end all present appear to agree that Caecilius made an excellent point. Even the ever-critical Favorinus seems to be content, as is indicated by his hugging of Caecilius at the very end of the chapter. Once again, I suggest, we can see how Gellius is promoting his ideal of the legal scholar, and once more it becomes clear that for Gellius law, legal scholarship, and writing on law are part of a much wider world of knowledge. Only by considering law in the context of Roman cultural history in a broad sense can we properly appreciate its significance and value. In the rest of the *Attic Nights*, Labeo appears to serve as an embodiment of this ideal. His role in this chapter might at first sight seem somewhat paradoxical, as he comes across as a stubborn and narrow-minded jurist in the hands of Favorinus. But the point may be precisely that: Favorinus' handling of Labeo's commentary tells us something about the challenges narrow-minded jurists face when reading him. Labeo's writings contain invaluable intellectual work, but that does not mean that his readers

do not need to be competent as well. Proper engagement with Labeo presupposes an intellectual outlook and literary cultured-ness much like that of Caecilius and, by extension, Labeo himself. This is key to the protreptic agenda and the intellectual work envisioned by Gellius for his readers.

The two conflicts over what to do with the Twelve Tables hint at the existence of a different type of jurist, one who is little concerned with the legal tradition and with possessing the right expertise to solve legal questions authoritatively. Gellius' ideal type, embodied by a scholar active a century and half earlier, faces competition from a newer trend of intellectual lightweights but has not yet been completely displaced by them in Gellius' days—or so Gellius wants us to believe. Moreover, Gellius' claim that Labeo in his work was oriented strongly towards *antiquitates* and *mores maiorum* fortifies the impression of a traditional scholar who found himself engulfed by the Principate. But the contrast between Labeo's broad intellectual outlook and the narrow-minded (and stiff-necked) lawyers points to different and changing conceptions of law, and the nature of legal discourse, as well. For Gellius and his Labeo, law is closely connected to other forms of literary production and scholarship. Labeo's contributions to law were so exceptional because of his vast learning, and because he kept in dialogue with an entire universe of letters and learning. On the other hand, the jurists of Gellius' day are presented as retreating ever further within the confines of a technical-legal here and now. They are inward looking, and they avoid debate except among themselves. For Gellius, the tendency of increased specialization is not necessarily a blessing. While the specialists have Labeo's work to rely on, Gellius suggests that they are very poor readers. When read with the right kind of education, however, Labeo has so much to offer, also to those whose interests lie beyond the law.

Labeo's reception among the jurists and the emergence of a juristic canon

Labeo was an equally exceptional mind for the jurists of the first centuries CE. In line with what we have seen for Gellius' *Attic Nights*, the jurists turn to Labeo's work as a source for valuable ideas on many occasions. But other than Gellius' nostalgic admiration for Labeo as an all-round intellectual and author, the jurists focus more narrowly on his conceptual contributions to the law, often treating him as a point of departure for their discussions. The juristic texts have of course been transmitted mostly in fragmented state, which allows for a less granular analysis than in the case of Gellius. Yet the *Institutes* of Gaius, which feature Labeo repeatedly, have survived largely complete and provide a valuable insight.

The *Institutes* are an introductory textbook of Roman private law that is almost exactly contemporary to Gellius. The text provides a discussion of the major institutions of Roman law, and it often includes a succinct description of the historical development of specific pieces of legal doctrine. In doing so, Gaius usually sets out from the Laws of the Twelve Tables and traces changes up to his present. An example is his discussion of theft at book 3.183-209. Without mentioning the Twelve Tables explicitly yet, Gaius begins his discussion by debating how many types of theft there should be distinguished (*furtorum genera*, 3.183). He reviews the position of Servius Sulpicius Rufus (consul 51 BCE) and Masurius Sabinus, who claimed that there are four types, namely 'manifest, non-manifest, found through a search, and theft by planting' (*manifestum, nec manifestum, conceptum et oblatum*, 3.183). No immediate assessment is given, but Gaius follows on with Labeo's view that there are only two types of theft (manifest and non-manifest). This is said to be 'certainly more correct' (*sane uerius*). Gaius then takes some time to discuss the meaning and characteristics of these various types of theft before moving on to the subject of penalties for theft at 3.189. We should note that Gaius begins his discussion of the penalty for each type of theft with the penalty provided by the Twelve Tables, which indicates clearly that the types of theft already discussed also occurred in this codification. For manifest theft, we hear that the Twelve Tables set capital punishment but that the praetor in his edict changed this to fourfold damages. Thus, even though the provision in the Twelve Tables had been supplanted by legal innovations made long before Gaius wrote, the *Institutes* nonetheless find it important to mention the development of the law of theft from the earliest beginnings up to their present. What is more, we are told in a short sentence that Labeo had a part in the development of the law, and Gaius offers brief (and rare) praise of his contribution by means of two adverbs (*sane uerius*).

Several cases can be added in which Labeo played a defining role in the development of the law current in Gaius' days. In Gaius' treatment of the law of sale, we hear that for an agreement to qualify as a sale (and not barter) the exchange needs to have a price (3.139). Moreover, Gaius adds, the price needs to be fixed (*certum*). If the parties agree that the price will be set later, for example after a valuation, the agreement does not constitute a sale. This point, we hear, was established by Labeo, and it was accepted by the later jurist Cassius Longinus as well. We also hear that Ofilius and Proculus thought an un-set price might still amount to a sale (3.140). Gaius does not add any further comment, but his introductory statement about fixed prices indicates that Labeo established the doctrine here. Along the same lines, Labeo seems to have settled the point that in the case of legal action concerning

two jointly bought slaves two formulas, one concerning each slave, might be used, since 'it is correct that the person who bought two slaves also bought each slave individually' (*quia uerum est eum qui duos emerit singulos quoque emisse*, 4.59).

In the cases just discussed, Labeo emerges as a crucial chapter in the history of Roman private law, not unlike what we have seen for Gellius. While on the topic of theft he made a valuable contribution, narrowing down earlier debates about the nature and types of theft, the discussion continued and crystallized further until it reached the status quo of Gaius' days. In the case of the law of sale and the law of actions, Labeo established the doctrine that was still current in Gaius' time. While Labeo in this way undoubtedly formed the endpoint of long existing discussions, Gaius suppresses this perspective here and frames Labeo instead as the founder of contemporary practice.

It is crucial to note that Labeo is not simply the conceptual starting-point of later legal doctrine, but that he is also a foundation stone of the canon of legal authorities that Gaius cites.[26] These authorities are all writers of texts on private law, and many of the names we find in Gaius also populate the works of other jurists, including the long excerpt from Pomponius' *Encheiridion* on the history of jurisprudence in Rome (*Dig.* 1.2.2). Here, we should keep in mind that the formation of canons plays a fundamental role in the emergence and development of intellectual traditions. Rather than being a neutral process, the listing of authorities that are somehow "worth citing" is a highly selective endeavour that almost invariably has a rhetorical function: this type of list is often used by authors to create or recreate (in their own image) a tradition and to shore up their own authority by inscribing themselves in that tradition. At the same time, we should note that the selection process is not free and unconstrained. In order for a canonical list to do its persuasive work effectively, it will need to find common ground with readers' beliefs, and it will need to appeal to widely held notions about what and/or who counts as an authority. Thus, while their precise make-up may differ from one author to the next, canons tend to be characterized by a stable, steadily perpetuated set of names that forms the core of the intellectual discipline in question. If this is indeed a fair assessment, the presence of a set of canonical legal authors in the work of Gaius and other lawyers is a strong indication that they saw themselves as working in a specifically legal-juristic tradition of writing. Moreover, the absence of any references to authors on Roman customs and traditions who do not focus strictly on the institutions of private law

[26] Examples of debates in which Labeo was less decisive though still worth citing (according to Gaius) at *Inst.* 1.135, 1.188, 2.230.

suggests that the jurists considered law an exclusive, specialist, technical discourse separate from wider normative and/or literary discourse.[27] For Gaius, Labeo is a crucial figure at the base of this specialist discourse;[28] Gellius, on the other hand, is interested in Labeo and the wider world of literature.

Gaius provides us with a view of the place of Labeo's work in Roman legal history. This view is echoed to some extent in the work of other jurists, most notably in Pomponius' survey of jurists. In the passage in which Pomponius offers a *synkrisis* of Labeo and Capito, Labeo's legal work is characterized in terms of 'making a great many innovations' (*plurima innouare*, *Ench. l.s. = Dig.* 1.2.2.47). More explicitly than Gaius ever articulates it, Pomponius states that Labeo broke new ground in his legal work. But it is also interesting to see that Pomponius does not specify in any way what the innovations entailed. Rather, he seems primarily concerned with pitting the two rivals as forward looking and tradition-oriented archetypes. If we want to get a better impression of how Labeo was used in legal argumentation and the development of legal doctrine, and to what extent Gaius' approach is representative for the larger juristic world, we will have to scour the more fragmentary material.

A convenient first port of call is the passage of Ulpian on the Augustan legislation that we have seen above. In this excerpt, Ulpian uses Labeo as an authority on Augustus' law and as an authority on whom he can build his own critique. In more general terms, engaging with Labeo as a starting-point for doctrinal discussions is something we encounter with considerable regularity in Ulpian, Paul, and several other jurists. We should also note that these jurists on occasion cite Republican authorities predating Labeo, but these cases are in fact quite rare. Lenel's *Palingenesia* contains 392 (indirect) fragments of Labeo from juristic sources, of which 214 are from Ulpian and 99 from Paul.[29] The fragments make it abundantly clear that Ulpian based his commentary on the Praetorian Edict on that of Labeo, as he often opens his lemmas with the words *Labeo scribit.* In comparison, the Republican jurists Quintus Mucius Scaevola and Servius Sulpicius Rufus, to take two authoritative examples, have 56 and 97 fragments in Lenel, of which respectively 47 and 83 are citations in imperial

[27] Striking absences are Varro and Ateius Capito.

[28] For Servius Sulpicius Rufus, see Harries (2016); for Masurius Sabinus, see Mantovani (2017).

[29] While reporting a much higher number of Labeonic fragments, the proportions in Bremer (1898) are roughly the same. The higher number is due primarily to Bremer's editorial choice to separate excerpts from the *Digest* (and others sources) into several fragments where meaningful.

jurists. Considering all this, we have good reason to agree with Pomponius that Labeo set the stage for future jurisprudence.[30]

Conclusions

I hope to have shown in this chapter that Labeo's legacy offered authors at various points under the Principate the opportunity to explore big-picture questions about the nature of law, literary production, and political power. While Labeo's rich reception profile may seem to take us in various directions, many of the engagements discussed above ultimately revolve around the nature and ownership of legal discourse.

The two most extensive surviving interactions with Labeo, those of Gellius and Gaius (the latter as a representative of the jurists), both communicate that by their time jurisprudence had grown into a discrete technical discourse. Both also place Labeo at a critical juncture in legal and literary history. In his intellectual protreptic for the literary elite, Gellius presents Labeo as a link between an older world of law and letters, in which law was integral to the study of Roman culture, history, and morals;[31] as opposed to the modern world populated by more narrowly focused, technical jurists who may not even know much about the Twelve Tables. Labeo was firmly grounded in this older world. But by introducing conceptual innovations informed by his wide learning, he changed Roman civil law in an irreversible way. The jurists similarly cast Labeo as a patriarch of their discursive space inhabited by canonical legal authorities. In the light of the rise of a juristic canon, it is striking that Gellius recommends reading Labeo but not contemporary legal works. For Gellius, Labeo's work is worth reading for its perceptive insights and its general knowledge that are valuable also beyond the narrow confines of the law. On the other hand, it appears that contemporary works were mostly not the kind of reading that Gellius would suggest, presumably since he considers them as technical and narrow-minded as the average jurists who wrote them. Gellius' relative silence, then, can also be taken to point to the existence of

[30] It is important to keep in mind that Labeo was not the only jurist credited with a foundational role. Based on an extensive analysis of whom the jurists tend to designate as *uetus/ueteres*, Mantovani (2017) points out that Masurius Sabinus is the earliest jurist never considered *uetus*, indicating his foundational role for imperial jurisprudence.

[31] Cf. Zetzel (2018) 57-8.

legal literature of a technical and specialist character. We should also note that Gellius' agenda of encouraging his readers to take law seriously suggests that even the writings of Labeo and other jurists were increasingly the preserve of specialists, avoided by a more general readership. But according to Gellius, Labeo was clearly worth wresting from the experts and reclaiming for a wider readership of *litterati*.

If these texts invite us to think about the nature and evolution of legal discourse, Labeo's biographical tradition in turn draws attention to the question as to who is or should be in control of the law. The episodes that we have encountered above all feature a confrontation between Labeo and Augustus that raise the question about the authority to formulate the law in a context of large structural changes to how power, including the power to set binding norms, were held. In most of the surviving scenes, Labeo comes across as a staunch defender against the assertiveness and encroachments of the princeps. The interest of authors such as Suetonius, Tacitus, and Pomponius indicates that these issues played out over a long time and were still very much alive in the Antonine Age.

Finally, this may also go some way towards explaining why, across the panorama of his reception, Labeo and his lifetime are presented as a turning point in legal history, which resonates clearly with the assessments of the Augustan age as opening a new era that we find across the literary spectrum. The civil wars and the emergence of the princeps were an enormous shock to the system, creating waves that rippled out over many decades. Labeo was there at a crucial moment and aggressively negotiated the position of jurists within the new balance of power. The Augustan age was, and was memorialized as a time of profound changes, also to the legal landscape. Labeo, who may have been the first jurist to devote himself full-time to law and allegedly wrote 400 books (Pomp. *Ench. l.s.* = *Dig.* 1.2.2.47), saw a chance to make a massive contribution. And despite the clashes and the drama, Augustus may have been content to let Labeo do his thing to some extent,[32] perhaps in order not to come across as too tyrannical.[33] Later authors, as we have seen, remembered Labeo not

[32] While I agree with Pettinger (2019) that the antagonism between Labeo and Augustus does not preclude that the two found each other useful for pushing their own ideas and agendas, I am sceptical about his suggestion that Labeo was a key mastermind behind the purge of the Senate of 18 BCE simply on the basis of a sense of nostalgia for a Senate of Republican size (pp. 55, 58).

[33] It is interesting to note that the legal "revolution" continued under Tiberius on a rather different model, at least in the version of Pomponius. By promoting Masurius Sabinus to the rank of Equestrian and by granting him the *ius respondendi*. Tiberius appears to have moved to claim greater control of legal discourse.

simply as a great scholar but as an author after whom literature and legal literature would never be the same again.

BIBLIOGRAPHY

Barchiesi, A. (1997). *The Poet and the Prince. Ovid and Augustan Discourse.* Berkeley: University of California Press

Bauman, R. (1989). *Lawyers and Politics in the Early Roman Empire: A Study of Relations between the Roman Jurists and the Emperors from Augustus to Hadrian*. Munich

Bremer, F.P. (1898). *Iurisprudentiae antehadrianae quae supersunt*. vol 2.1. Leipzig

Courtney, E. (2013). 'The Two Books of Satires'. In: H.-C. Günther (ed.). *Brill's Companion to Horace*. Leiden, pp. 63-168

Crook, J. (1955). *Consilium Principis*. Cambridge

Eck, W. (2019) 'At Magnus Caesar, and Yet!'. In: K. Morrell, J. Osgood, and K. Welch (eds.). *The Alternative Augustan Age*. Oxford, pp. 78-95

Frier, B. (1985). *The Rise of the Roman Jurists: Studies in Cicero's Pro Caecina*. Princeton.

Gunderson, E. (2009). *Nox Philologiae: Aulus Gellius and the Fantasy of the Roman Library.* Madison, WI

Hardie, P. (1997). 'Questions of Authority. The Invention of Tradition in Ovid's Metamorphoses 15'. In: T. Habinek and A. Schiesaro (eds.). *The Roman Cultural Revolution*. Cambridge, pp. 182-198

Harries, J. (2002). ‘Cicero and the Defining of the Ius Civile’. In: G. Clark and T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford, pp. 51-68

Harries, J. (2006). *Cicero and the Jurists. From Citizens’ Law to the Lawful State.* London

Harries, J. (2016). ‘Servius, Cicero, and the *Res Publica* of Justinian’. In: P. du Plessis (ed.). *Cicero Law: Rethinking Roman Law of the Late Republic.* Edinburgh, pp. 123-141

Holford-Strevens, L. (2003). *Aulus Gellius. An Antonine Scholar and his Achievement*. Rev. ed. Oxford

Howley, J. (2013). ‘Why read the jurists? Aulus Gellius on reading across disciplines’. In: P. du Plessis (ed.). *New Frontiers. Law and Society in the Roman World*. Edinburgh, pp. 9-20

Howley, J. (2018). *Aulus Gellius and Roman Reading Culture. Text, Presence, and Imperial Knowledge in the* Noctes Atticae. Cambridge

Keulen, W. (2008). *Gellius the Satirist: Roman Cultural Authority in Attic Nights.* Leiden

Mantovani, D. (2017). ‘Quando i giuristi diventarono ‘veteres’. Augusto e Sabino, i tempi del potere e i tempi della giurisprudenza’. In: S. Rocchi and C. Mussini (eds.). *Imagines Antiquitatis. Representations, Concepts, Receptions of the Past in Roman Antiquity and the Early Italian Renaissance*. Berlin, pp. 249-303

Nörr, D. (1974). *Rechtskritik in der römischen Antike*. Munich

Nörr, D. (1976). ‘Der Jurist im Kreis der Intellektuellen: Mitspieler oder Außenseiter?’. In: D. Medicus and H.H. Seiler (eds.). *Festschrift Max Kaser*. Munich, pp. 57-90.

Novkirishka-Stoyanova, M. (2015). ‘Ius publice respondendi ex auctoritate principis’. *Ius Romanum* 55: 55-82.

Pettinger, A. (2019). ‘Rebuilding Romulus’ Senate. The *Lectio Senatus* of 18 BCE’. In: K. Morrell, J. Osgood, and K. Welch (eds.). *The Alternative Augustan Age.* Oxford. 46-62.

Schiavone, A. (2012). *The Invention of Law in the West*. Cambridge, MA, Harvard

Tuori, K. (2004). ‘The ius respondendi and the Freedom of Roman Jurisprudence’. *Revue Internationale des droits de l’Antiquité* (51), pp. 295-337

Tuori, K. (2016). *The Emperor of Law. The Emergence of Roman Imperial Adjudication*. Oxford

Wallace-Hadrill, A. (1982). ‘Civilis Princeps: between citizen and king’. *Journal of Roman Studies* (72), pp. 32-48

Wallace-Hadrill, A. (1997). ‘*mutatio morum*: the idea of a cultural revolution’. In: T. Habinek and A. Schiesaro (eds.). *The Roman Cultural Revolution*. Cambridge, pp. 3-22

Wibier, M. (2016). ‘Cicero’s Reception in the Juristic Tradition of the Early Empire’. In: P. du Plessis (ed.). *Cicero’s Law. Cicero's Law: Rethinking Roman Law of the Late Republic.* Edinburgh, pp. 100-122

Zetzel, J.E.G. (2018). *Critics, Compilers, and Commentators*. Oxford-New York

Ziogas, I. (2021). *Law and Love in Ovid: Courting Justice in the Age of Augustus.* Oxford