

## THE ROMAN INSTITUTIONAL TREATISES: VOCABULARY CHARTS (CATEGORIES)

[§ numbers are to GI., unless otherwise noted]

### Introduction

ius-§1					
ius civile			ius gentium		
iura populi romani-§2					
lex-§3	plebiscitum-§3	SC-§4	constitutio-§5	edictum-§6	responsa prudentium-§7
omne ius-§8					
ad personas-bk. 1.9 to 200		ad res-bks. 2 and 3		ad actiones-bk 4	
positio studii iuris-JI. 1.1.4					
publicum ius		privatum ius			
		praecepta naturalia	praecepta gentium		praecepta civilia

J.I. 1.1.4: The study of law consists of two branches, law public, and law private. The former relates to the welfare of the Roman State; the latter to the advantage of the individual citizen. Of private law then we may say that it is of threefold origin, being collected from the precepts of nature, from those of the law of nations, or from those of the civil law of Rome.

Cf. D.1.1.1.1-2 (Ulpian, Institutes, bk. 1):

When a man means to give his attention to law (*ius*), he ought first to know when the term *ius* is derived. Now *ius* is so called from *iustitia*; in fact according to the nice definition of Celsus, *ius* is the art of what is good and fair. 1. Of this art we may deservedly be called the priests; we cherish justice and profess the knowledge of what is good and fair; we separate what is fair from what is unfair; we discriminate between what is allowed and what is forbidden; we desire to make men good, not by putting them in fear of penalties, but also by appealing to them through rewards, proceeding, if I am not mistaken, on a real and not a pretended philosophy. 2. Of this subject there are two departments, public law and private law. Public law is that which regards the constitution of the Roman state, private law looks at the interest of individuals; as a matter of fact, some things are beneficial from the point of view of the state, and some with reference to private persons. Public law is concerned with sacred rites, with priests, with public officers. Private law has a threefold division, it is deduced partly from the rules of natural law, partly from those of the *ius gentium*, partly from those of civil law.

C. H. Monro trans. (modified), vol. 1, p. 3 (1909).

J.I. 1.2pr: The law of nature is that which she has taught all animals; a law not peculiar to the human race, but shared by all living creatures, whether denizens of the air, the dry land, or the sea. Hence comes the union of male and female, which we call marriage; hence the procreation and rearing of children, for this is a law by the knowledge of which we see even the lower animals are distinguished.