



مساهمة كلية الحقوق الرومانية في بيروت في تطوير القانون الروماني

The contribution of Beirut's Roman law school to the development of Roman law

الأستاذ الدكتور هيثم فضل الله، محامي في القانون وأستاذ في القانون الخاص، الجامعة اللبنانية، كلية الحقوق، الفرع الفرنسي -

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Abstract:

Roman law is the culmination of ten centuries of continual legal science creation. Indeed, nearly a millennium passed between the law of the twelve tables and Justinian's codifications. The importance of learning Roman law originates from its rediscovery in the Middle Ages, which restored civilization to the western world. It is worthwhile to mention that Beirut's law school was one of the Roman Empire's official schools. This begs the question of how Beirut's law school impacted Roman law, and therefore modern civilization. We discovered that Beirut's school provided legal science with three generations of great law professors who significantly contributed to the creation of Roman law through their works. The study suggests that law historians investigate the impact of pre-Islamic civilizations in the Arabian world on Roman law.

Keywords: Classical period, Codification, Justinian, Law professors, post-classical period.

المستخلص:

يعتبر القانون الروماني تنويجاً لعشرة قرون من الإبداع العلمي الحقوقي المستمر. لقد مر ما يقارب ألف عام بين قانون الألواح الاثني عشر وتدوينات جستنيان. وتتبع أهمية دراسة القانون الروماني في كونه قد أعاد الحضارة إلى العالم الغربي وذلك بعد

إعادة اكتشافه في العصور الوسطى. كما تجدر الإشارة إلى أن مدرسة بيروت للحقوق كانت إحدى المدارس الرسمية في الإمبراطورية الرومانية. وهذا ما يطرح التساؤل عن كيفية تأثير مدرسة بيروت الرومانية للحقوق على القانون الروماني، وبالتالي على الحضارة الحديثة. لقد وجدنا أن مدرسة بيروت قدمت ثلاثة أجيال من أساتذة القانون العظماء الذين ساهموا بشكل كبير من خلال أعمالهم في تكوين القانون الروماني. تقترح الدراسة أن يقوم مؤرخو القانون بالبحث في تأثير حضارات ما قبل الإسلام في العالم العربي على القانون الروماني.

الكلمات المفتاحية: الفترة الكلاسيكية، التقنين، جستنيان، أساتذة القانون، فترة ما بعد الكلاسيكية.

Introduction:

In general, the historical interest in studying Roman law stems from the fact that it is one of the ancient laws whose origins and development were known to jurists and historians; and its study demonstrates how law arises in a nation, and how it develops under the influence of various factors. One of these major factors is the contribution of other integrated civilizations to this progress through their sciences and cultures (owing to the Roman world's continual military expansion). Without a doubt, Phoenicia through Beirut and its

law school contributed significantly to the development of Roman law.

In this line, a time frame is essential to completely appreciate the topic of this research. Therefore, we shall show the various stages through which Roman law evolved. According to the effect of economic and social circumstances, Roman law went through three major stages, which are as follows: The law was attributed to the monarchs in the first stage of archaic law, which includes the periods of the royal era and the republican era. The law that was created during that time period was basic, and it grinded with strength and formality. One of the most important laws established during this time period is the Law of the twelve tables¹. Everyone accept that most pre-classical law was customary in nature; the Law of the twelve tables is merely a codification of such law, perhaps with a few legislative improvements².

Second, the scientific era (or classical law), which is regarded as the most important period of Roman law, as the law grew to a higher level of maturity, complexity, and richness. It is possible

that his period began around 130 BC with the enactment of the lex Aebutia and ended with the reign of Emperor Diocletian in AD 284³. In reference to the intellectuals and jurists who appeared during this stage, it has been dubbed the stage of scientific law. Greek philosophy left an imprint on Roman law through influencing the Romans' thinking in classifications of laws and providing solutions to legal problems⁴.

Third, there is the post-classical period of Roman law compilations, which lasts from 284 AD to 565 AD with the death of Emperor Justinian⁵, when the law deteriorated owing to the dominance of the military spirit and the rule of the principle of dictatorship, and the whim of the emperors became the law⁶. The Justinian collections are the most noteworthy example of this period. Indeed, Justinian brought classical law back to life after a 300-year hiatus. However, the Byzantine Empire dwindled after him, and law weakened in its now-reduced province⁷.

In this timeline, Beirut's law school can be dated back to the classical period. In fact, by the late second or early third century, Berytus' Roman

¹ Radin, M., "A glimpse of roman law", The classical journal, vol. 45, n. 2, 1949, pp. 71-79, p. 75.

² Schiller, A., "Custom in classical roman law", Virginia law review, vol. 24, n. 3, 1938, pp. 268-282, p. 275.

³ الندوي، آ، الحافظ، ه، تاريخ القانون، العاتك، ص. ١٢٤

⁴ Pascal, N., "The legacy of roman education", The classical journal, vol. 79, n. 4, 1984, pp. 351-355, p. 351.

⁵ Pringsheim, F., "The unique character of classical roman law", The journal of roman studies, vol. 34, parts 1 and 2, 1944, pp. 60-64, p. 60.

⁶ Collinet, P., Etudes historiques sur le droit de Justinien, t.1 - Le caractère oriental de l'œuvre législative de Justinien et les destinées des institutions classiques en occident, Paris, Sirey, 1912, p. 159.

⁷ Pringsheim, F., "The unique character of classical roman law", The journal of roman studies, vol. 34, parts 1 and 2, 1944, pp. 60-64, p. 64.

colonia had evolved into a center of study and education, famed for producing brilliant jurists¹. This law school was meant to become the most prestigious in the Roman world². Indeed, the school of law of Berytus, contemporary Beirut, is founded, at the very least, at the beginning of the third century or at the end of the second century³. Indeed, the date of foundation could be traced back to a less advanced period of the second century, thanks to the association between the formation of the school and the establishment of a deposit of laws in Beirut during this period⁴.

In this regard, the first law school was most likely established in the second century in Rome, followed by another in Beirut⁵. From the beginning, Beirut's status as a center for legal studies drew an international student from

different provinces twenty provinces ranging from Iberia to Armenia, Europe to Egypt⁶.

In the third century, understanding Latin was linked to understanding the legal science in Beirut, which had become an important foundation for legal education⁷. Berytus is effectively the only Oriental colony that fits the definition of a "little Rome"⁸.

In the fifth century, the *privilegium studii* of Beirut, to be recognized as an official school, a State-University, may have been granted to the

¹ Du Plessis, P., Ando, C., Tuori, K., Roman law and society, Oxford university press, 2016, p. 160.

² Chroust, A.-H., "Legal profession in ancient imperial Rome", Notre Dame law review, vol. 30, I. 4, 1955, pp. 521-616, p. 600.

³ Sherman, C., "The study of roman law in roman law schools", The Yale law journal, vol. 17, n. 17, 1908, pp. 499-5012, p. 503.

⁴ The establishment of the Beirut school of law could have been driven by the fact that Beirut was, from the High Empire, a place of deposit of imperial constitutions for the East. Indeed, according to COLLINET Beirut was the seat of a depot to which the constitutions of certain Eastern provinces were transmitted for display and storage; the establishment of this deposit would have occurred at least prior to the year 196, the date of the oldest of the constitutions appearing in the Gregorian Code, which was most likely composed in Beirut. Collinet, P., Histoire de l'école de droit de Beyrouth, Recueil Sirey, 1925, p. 19-20.

⁵ Tellegen- Couperus, O., A short history of roman law, Routledge, 1993, p. 133.

⁶ McNamee, K., "Another chapter in the history of Scholia", The classical quarterly, vol. 48, n. 1, 1998, pp. 269-288, p. 271.

⁷ Corcoran, S., "Roman law and the two languages in Justinian's empire", Bulletin of the Institute of the classical studies, vol. 60, 2017, pp. 96-116, p. 103.

⁸ Hošek, A.-R., Territoires et religions en contacts: la colonie romaine de Berytus, de sa fondation au IIIe siècle de notre ère, Thèse de doctorat, Ecole pratique des hautes études de Paris, 2012, p. 28.

school between 438 and 450 by the emperors Theodosius and Valentinian¹.

In the sixth century, the school at Berytus received imperial favor not only from Diocletian, but also from Justinian². Therefore, Beirut's law school was to continue and expand its success under Justinian. In fact, Justinian (Constitutio Omnem, §7) only left three formal schools: two in the "royal towns" of Constantinople and Rome, and one in Beirut. He suppressed the schools of Alexandria, Caesarea (of Palestine), and others; previously, he abolished the Athens' school³.

In this vein, the brilliance bestowed on Beirut by the worth of its school of law is publicly declared by Emperor Justinian in two of the Digest's Prefaces: The Constitution Omnem (the second preface) and the Tanta Constitution (the third preface), both dated December 16, 533⁴.

In addition, there is a unanimous acknowledgment that during the post-classical period (the Low-Empire, before et during the reign of Justinian) that Beirut's law school held

the first place regarding the teaching of law⁵. During this period, the East was undoubtedly a more important center for sciences than the West. In the East, the school of Beirut far more notorious than other component school such as Alexandria, Athens or even the capital Constantinople⁶. Beirut's law school rose to prominence, earning the honorific moniker "the mother of all laws" by Libanius, "the City of Laws" by Nonnus, and "the midwife of all laws" by Emperor Justinian⁷.

That being said, it is stated that all roads lead to Rome, and we can safely assume that all legal prestige emanates from Beirut. The modern reader may be wondering why he or she should read about the Roman Beirut school of law. Nonetheless, the real question is why it is taking us so long to examine this topic in depth. As a result, there are numerous reasons for us to investigate this subject. Nonetheless, we are intrigued by this subject for two main reasons.

The scarcity of resources on this topic is the first cause for interest. Indeed, historical legal studies

¹ Monier, R., "Etudes historiques sur le droit de Justinien, t. II; Histoire de l'Ecole de droit de Beyrouth by Paul Collinet", *Revue historique de droit français et étranger*, quatrième série, vol. 6, n. 2, 1927, pp. 312-319, p. 315.

² Tomkins, F., *The institutes of the roman law - Part I*, London, 1867, p. 108.

³ Collinet, P., *Etudes historiques sur le droit de Justinien, t.1 - Le caractère oriental de l'œuvre législative de Justinien et les destinées des institutions classiques en occident*, Paris, Sirey, 1912, p. 24.

⁴ Collinet, P., *Histoire de l'école de droit de Beyrouth*, Recueil Sirey, 1925, p. 53.

⁵ Monier, R., "Etudes historiques sur le droit de Justinien, t. II; Histoire de l'Ecole de droit de Beyrouth by Paul Collinet", *Revue historique de droit français et étranger*, quatrième série, vol. 6, n. 2, 1927, pp. 312-319, p. 312.

⁶ Collinet, P., *Histoire de l'école de droit de Beyrouth*, Recueil Sirey, 1925, p. 5.

⁷ Chroust, A.-H., "Legal profession in ancient imperial Rome", *Notre Dame law review*, vol. 30, I. 4, 1955, pp. 521-616, p. 607.

on the Beirut school of law are sparse and dispersed. Despite the fact that general studies on Roman law are many, one of the last thorough legal works on this topic was written in 1925 by Paul COLLINET in his famous "Histoire de l'école de droit de Beyrouth".

The second reason for interest in this topic is because the Beirut school of law and its professors had a significant impact on Roman law throughout its lengthy voyage during the period of Imperial Rome; the period during which law attained its golden age.

Furthermore, the effect of Beirut's law teachers is not restricted to this time period, owing to two factors. On the one hand, the works of these law professors affected some of the Germanic nations' constitutions (Visigoths and Burgundians). On the other hand, it is no secret that today's civil law codifications, both Romano-Germanic and Common-law (to a lesser extent), are influenced by Justinian's Corpus Juris Civilis, which in turn derives from the works of Beirut's law professors (as it is shown below in the paper).

Based on the foregoing, the essential question that we aim to answer here is, what are the legal contributions of the Roman Beirut's law school to Roman law?

We will attempt to answer this question by first discussing the contributions of Beirut's law school professors before Justinian's reign (1) and those contemporary to Justinian (2).

1. Contributions of Beirut's professors prior to Justinian:

1.1. Professors of the second and third centuries:

Various claims have been made that throughout the third century, the faculty featured legal luminaries such as Gaius, Ulpian, Papinian, Scaevola, Marcien, and Tryphoninus¹. Many of those renowned jurists, such as Paulus, Papinian, and Ulpian, served at the highest echelons of imperial administration².

1.1.1. Gaius:

Gaius (died after A.D. 180) flourished under the reigns of Hadrian, Antoninus Pius, Marcus Aurelius, and Commodus in the latter half of the second century.

Gaius is possibly the most well-known Roman jurist among moderns. His name is still a source of contention. Gaius' identity is unknown, as is his family name, because "Gaius" is merely a first name³. Gaius is thought to have been a Greek. Gaius is credited with establishing the foundations of Comparative Jurisprudence: he was the first to compare Roman law with that of other nations on specific topics of law. Gaius

¹ MacAdam, H., "Beirut's roman law school in its colonial, cultural context", *Aram*, vol. 13-14, 2001-2002, pp. 193-226, p. 209.

² Dari- Mattiacci, G., Kehoe, D., *Roman law and economics - Volume I: Institutions and organizations*, Oxford university press, 2020, p. 17.

³ Tomkins, F., *The institutes of the roman law - Part I*, London, 1867, p. 126.

published his famous Institutes, which set a precedent for all later law textbook authors¹.

Gaius published numerous commentaries in addition to the Institutes, which is a four-book work written about the year 61 that combines civil law and prehistoric law into a unique system². For example, he published a commentary on the provincial edict in thirty books, along with two books on the aedilician edict, a commentary on the urban edict in ten books, and a commentary on the Law of the twelve Tables (*lex duodecim tabularum*) in six books³. Some pieces of this commentary were incorporated in Justinian's Digest in the sixth century⁴.

Gaius had a remarkable ability for lucidity and a nice sense of proportion. Furthermore, as far as we can determine, he was more interested in classification and system than other Roman jurists⁵. Indeed, following Gaius, other authors

such as Marcianus and Ulpianus published legal textbooks that were divided in the same way⁶.

The discovery of Gaius, or more precisely his Institutes, in Verona in 1816 was crucial to the student of Roman law, as it was definitely the biggest literary resource discovered in the nineteenth century. This work has had a huge impact on the study of Roman law, particularly the fourth volume of the Institutes on the previously held beliefs on Roman Civil Process⁷. Gaius is the last scholar known as a Sabinian⁸.

1.1.2. Quintus Cervidius Scaevola

Quintus Cervidius Scaevola (died after A.D. 193) was Emperor Marcus Aurelius' chief legal adviser. Scaevola was born in Greece. He used the casuistic technique of presenting Roman law, expounding it through solutions to real legal

¹ Sherman, C., Roman law in the modern world, vol. 1, History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law, Boston, U.S.A., The Boston book company, 1917, p.75-76.

² Girard, P., Droit romain, 5e éd. Revue et augmentée, Arthur Rousseau, Paris, 1911, p. 67.

³ Bell, W., De Plessis, P., Roman law before the twelve tables, Edinburgh university press Ltd, 2020, p. 52.

⁴ Tellegen- Couperus, O., A short history of roman law, Routledge, 1993, p. 21.

⁵ Jolowicz, H., Nicholas, B., A historical introduction to the study of the roman law, 3rd ed., Cambridge university press, 1972, p. 890. See also, Deming, W., "Paul, Gaius, and the 'law of persons': the conceptualization of roman law in the early classical period", The classical quarterly, vol. 51, n. 1, 2001, pp. 218-230, p. 221.

⁶ Tellegen- Couperus, O., A short history of roman law, Routledge, 1993, p. 100.

⁷ Tomkins, F., The institutes of the roman law - Part I, London, 1867, p. 129.

⁸ The Sabinian school of jurisprudence was founded by Labeo, is a theoretical school adopting lines of juristic thoughts and doctrine. See, Chroust, A., "Legal education in ancient Rome", Journal of legal education, vol. 7, n. 3, 1955, pp. 509-529, p. 517.

problems¹. Among Scaevola's students were the future Emperor Septimius Severus, the famous Paulus, and Papinianus, the finest of Roman jurists. Papinianus frequently refers to his master in terms that convey the utmost regard and honor. Scaevola, Paulus, and Ulpianus are mentioned as the three best Roman jurists by Modestinus, the last of the great jurists².

Scaevola wrote the *Digesta* in forty volumes, *Quaestiones* in twenty books, *Responsa*³ in six books, *Regulae* in four books, *De quaestione familiae*, and *Quaestiones publice tractatae*. Scaevola contributed significantly to Justinian's *Digest*, which includes 306 extracts and 61 citations from him⁴.

1.1.3. Aemilius papinianus:

Aemilius papinianus is the most famous name in the history of Roman law. More precisely, he is considered to be the greatest of Roman jurists

(died A.D. 212). Successive emperors referred to him as Pius, and no other jurist has achieved the same level of esteem from posterity⁵. He came to Rome from the East, maybe from the Syrian province. Papinianus most likely taught law at Berytus⁶.

Papinianus was a student of the eminent jurist Scaevola, and he studied under him at the same time as the future Emperor Severus. By marriage, Papinianus became an intimate friend of Severus, who appointed him *magister libellorum* (master of petitions, whose duty it was to compose the Imperial rescripts), and *praetorian prefect praefectus praetorio*⁷ (the emperor's chief advisor) in A.D. 203. The praetorian prefects wielded not only significant military power, but also the highest criminal and civil jurisdiction, second only to the emperor.

Papinianus' court was a remarkable tribunal, for among his assistant judges were the famed jurists

¹ Sherman, C., *Roman law in the modern world*, vol. 1, *History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law*, Boston, U.S.A., The Boston book company, 1917, p.91.

² Tomkins, F., *The institutes of the roman law - Part I*, London, 1867, p. 133.

³ The experts answers to wide range of legal issues and concerns.

⁴ Sherman, C., *Roman law in the modern world*, vol. 1, *History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law*, Boston, U.S.A., The Boston book company, 1917, p.91.

⁵ Tomkins, F., *The institutes of the roman law - Part I*, London, 1867, p. 133.

⁶ Sherman, C., *Roman law in the modern world*, vol. 1, *History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law*, Boston, U.S.A., The Boston book company, 1917, p.84.

⁷ "Some of the prominent juirists (Papinian, Ulpian, Paul) were preafecti praetorio... the preafectus praetorio were the highest governmental officials and the chief advisers of the emperors in military and civil matters". See, Berger, A., *Encyclopedic Dictionary of Roman Law*, *Transactions of the American Philosophical Society*, vol. 43, n. 2, 1953, pp. 333- 809, p. 643.

Ulpianus and Paulus. During Severus' rule, this court visited the island of Britain.

When Severus died in A.D. 211, Papinianus was in York (England). Before his death, Severus commended his two sons, Caracalla and Geta, to Papinianus. In 212, Papinianus was murdered by Caracalla's command for declining the creation of a rationale for the assassination of the latter's brother and co-regent Geta¹.

Papinianus' most noteworthy writings were the 37 books of *Quaestiones* and the 19 books of *Responsa*². They comprise not just *Responsa* but also decisions made in the emperor's and prefects' *auditoria*³. Justinian's *Digest* extensively relies on Papinianus, with 601 extracts and 153 citations from the "prince of jurisconsults." Scaevola's casuistic methods were adopted by Papinianus⁴.

Emperors Theodosius II and Valentinian III decided in the fifth century that the opinion of Papinianus should be authoritative over all other jurists in contested legal issues. Indeed, Valentinian III appointed him as president of the *Collegium* for the famous "Law of citations". In

this sense, his viewpoint tilted the balance if the authorities on both sides were equal in number.

Furthermore, in honor of Papinianus, Justinian decided in the sixth century that third-year legal students be dubbed *Papinianistae*⁵.

1.1.4. Julius Paulus :

Julius Paulus (died after A.D. 222) was a student of the renowned jurist Scaevola. Paulus was the classmate of the jurist Ulpianus, and he served as an associate judge in the court of the praetorian prefect⁶ while the great jurist Papinianus was a prefect. Later, emperors Caracalla or Elagabalus and Alexander Severus appointed Paulus as praetorian prefect. It is unknown whether Paulus met the same fate as Ulpianus⁷.

Paulus had written seventy works. He was one of the most meticulous Roman legal authors. For instance, Paulus' *Responsa* are largely collected from practice and organized by facts, legal issues,

¹ Girard, P., *Droit romain*, 5e éd. Revue et augmentée, Arthur Rousseau, Paris, 1911, p. 64.

² Papinianus' *Responsa* addressed practical problems.

³ Jolowicz, H., Nicholas, B., *A historical introduction to the study of the roman law*, 3rd ed., Cambridge university press, 1972, p. 891.

⁴ Sherman, C., *Roman law in the modern world*, vol. 1, *History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law*, Boston, U.S.A., The Boston book company, 1917, p.86.

⁵ Tomkins, F., *The institutes of the roman law - Part I*, London, 1867, p. 135.

⁶ With the exception of the Emperor in Council, it is the highest court of the Empire.

⁷ Sherman, C., *Roman law in the modern world*, vol. 1, *History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law*, Boston, U.S.A., The Boston book company, 1917, p. 87.

and possible answers¹. Paulus is one of the most prolific writer of Justinian's Digest, he is responsible for more than a sixth of Justinian's Digest. He supplied it with 2081 extracts, the most of any Roman jurist, with the exception of Ulpianus².

1.1.5. Domitius Ulpianus:

Domitius Ulpianus (died A.D. 282) was born in Syria to a Tyrian family. Ulpianus was most likely a law professor at Berytus at one point. After relocating to Rome, Ulpianus collaborated with the jurist Paulus to become an associate judge of Papinianus, the finest Roman jurist, and then praetorian prefect. Ulpianus held prominent positions of State under Emperor Alexander Severus, and in A.D. 222 was appointed praetorian prefect, the office second highest to the Emperor. Six years later, while pursuing reforms

— most likely to subordinate the military to civil authority — Ulpian was killed in a riot of troops against him³.

Despite Ulpianus political carrier, the volume of his literature was enormous. Ulpianus appears to have planned to rule over the entire area of law in his works⁴. He published on both civil and praetorian law, as well as textbooks and commentaries⁵.

Ulpianus wrote a total of twenty-three works. His most famous work is his eighty-three-volume Commentary on the Edicts⁶. Ulpianus is the most prolific writer to Justinian's Digest, which contains 2464 passages from Ulpianus. For this reason, he is the most often referenced lawyer in the Pandects (the second title given to the Digest)⁷ with his name appearing on nearly every page⁸. Consequently, the thoroughness and clarity

¹ Chroust, A., "Legal education in ancient Rome", *Journal of legal education*, vol. 7, n. 4, 1955, pp. 509-529, p. 523.

² Sherman, C., *Roman law in the modern world*, vol. 1, *History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law*, Boston, U.S.A., The Boston book company, 1917, p. 88.

³ Sherman, C., *Roman law in the modern world*, vol. 1, *History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law*, Boston, U.S.A., The Boston book company, 1917, p.93.

⁴ Dari-Mattiacci, G., Kehoe, D., *Roman law and economics - Volume I: Institutions and organizations*, Oxford university press, 2020, p. 257.

⁵ Tomkins, F., *The institutes of the roman law - Part I*, London, 1867, p. 138.

⁶ Every year, the Praetor declared in his program Edictum what precedents he would follow throughout his tenure of office. See, Riccobono, S., Nathan, E., "Outlines of the evolution of Roman law", *University of Pennsylvania law review*, vol. 74, n.1, 1925, pp. 1-19, p. 2.

⁷ Berger, A., *Encyclopedic Dictionary of Roman Law*, *Transactions of the American Philosophical Society*, vol. 43, n. 2, 1953, pp. 333- 809, p. 617.

⁸ Tomkins, F., *The institutes of the roman law - Part I*, London, 1867, p. 138.

of Ulpianus' work prompted the editors of Justinian's Digest to use him more than any other writer, with snippets from his writings accounting for around one-third of the entire compilation¹.

Moreover, the so-called Vatican Fragments "Fragmenta Vaticana", discovered in the Vatican library in 1821, are arguably the most important post-classical collection of juristic literature. This master piece includes quotations from the writings of the late second and early third century jurists Papinianus, Paulus, and Ulpianus. It even contains imperial rescripts from AD 205 to 372, taken from the Codex Gregorianus (AD 291) and Codex Hermogenianus (AD 295). The texts are organized by subject, with each title preceded by a notation giving the name of the jurist whose book the contents were drawn from or, if the document is a rescript, the name of the emperor who issued it².

It is worth mentioning that two significant Eastern works have lasted in respect to this jurist: the Syrio-Roman book³ of law and the Scholia Sinaitica⁴. More importantly, the Scholia Sinaitica was a compilation of excerpts from a Greek commentary on Ulpianus' libri ad Sabinum

which was written at Beirut's law school and used for education⁵.

In addition, two other works from the same time period should be mentioned: the Pauli Sententiae and the Ulpiani Epitome. The Ulpiani Epitome was most likely a condensed version of Ulpianus' work Liber singularis regularum (Rules of Law in One Book). It was undoubtedly utilized by practitioners, like the Pauli Sententiae, and was written in the late third or early fourth century.

Ulpianus is frequently regarded as being with Papinianus and Paulus, one of the three most important Roman legal consults⁶. Moreover, Modestinus places Ulpianus in the coryphaei "leaders" alongside Scaevola and Papinianus, and he is one of the key authorities in the "Law of citations" of Theodosius II and Valentinian III⁷.

1.1.6. Aelius Marcianus:

Aelius Marcianus (died after A.D. 217) was a very skilled jurist. He penned several significant works, such as De appellationibus (on Appeals), Rules, and Publica (Criminal Procedure); De delatoribus (on Informers); Hypothec; remarks on Papinianus' De adulteriis; and Institutiones in

¹ Jolowicz, H., Nicholas, B., A historical introduction to the study of the roman law, 3rd ed., Cambridge universtiy press, 1972, p. 892.

² Girard, P., Droit romain, 5e éd. Revue et augmentée, Arthur Rousseau, Paris, 1911, p. 75.

³ The Syrio-Roman book of law was written in Greek by an unknown author in the late fifth century and was used as a textbook for students at Beirut's law school.

⁴ Schiller, A., "Sources and Influences of the Roman Law, III-VI Centuries A. D.", Georgetown Law Journal, vol. 21, no. 2, 1933, pp. 147-160, p. 149.

⁵ McNamee, K., "Another chapter in the history of Scholia", The classical quarterly, vol. 48, n. 1, 1998, pp. 269-288, p. 274.

⁶ Girard, P., Droit romain, 5e éd. Revue et augmentée, Arthur Rousseau, Paris, 1911, p. 65.

⁷ Girard, P., Droit romain, 5e éd. Revue et augmentée, Arthur Rousseau, Paris, 1911, p. 73.

sixteen books. Marcianus expanded on Gaius' Institutes design in his Institutes, but in greater detail and with the addition of Public Law. The Institutes of Marcianus were used by Tribonian and his colleagues in the sixth century to write Justinian's Institutes. Therefore, Marcianus was a major contributor to Justinian's Digest, which contains 283 excerpts from his works¹.

1.1.7. Claudius Tryphoninus:

Claudius Tryphoninus (died after A.D. 213) sat in the Council of some Emperor, most likely Severus, alongside the jurist Papinianus. Tryphoninus appears to have been a student of the eminent jurist Scaevola, for whom he made notes in his Digesta. The Digest of Justinian contains eighty passages from Tryphoninus' Disputationes, which was written in twenty-one books².

1.2. The peak of the Beirut's law school (circa 410-420):

1.2.1. The School of Ecumenical Masters:

The analysis of classical authorities, especially in Beirut's law school, created a new form of theoretical legal science in the fifth century AD,

in contrast to the largely practical and case-based legal science of previous times³.

Indeed, everyone agrees that the most brilliant age of the Beirut's law school was defined by the presence of a group of academics who formed a "new school". This school is referred to as the School of "Ecumenical Masters" or the School of "Universal Doctors".

These masters are frequently quoted and praised by sixth-century jurists whose testimonies appear in the Scholia of the Basilica⁴. The "Basilica" is a vast tenth-century summation of Justinian's codification, complete with Scholia. Indeed, around the year 900, the Macedonian Emperor Leo issued a new evaluation of Justinian's work in sixty books under the title "Basilica," which supplanted Justinian's Corpus Juris Civilis in the Eastern Empire. However, Justinian's collection laid the foundation and formed a substantial part of the Basilica, so that Justinian's Corpus Juris Civilis exerted a significant effect on Eastern Empire law until its downfall⁵.

The Basilica displays the names of these masters: Cyrillus (the elder), Domninus, Demosthenes, Eudoxius, Patricius, to which should be added

¹ Sherman, C., Roman law in the modern world, vol. 1, History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law, Boston, U.S.A., The Boston book company, 1917, p.82.

² Sherman, C., Roman law in the modern world, vol. 1, History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law, Boston, U.S.A., The Boston book company, 1917, p.93.

³ Chroust, A., "Legal education in ancient Rome" Journal of legal education, vol. 7, n. 1, 1955, pp. 509-529, p. 528.

⁴ Collinet, P., Histoire de l'école de droit de Beyrouth, Recueil Sirey, 1925, p. 126.

⁵ Alburn, C., "Corpus Juris Civilis: A historical romance", American bar association journal, vol. 45, n. 6, 1959, pp. 562-565, 639-642, p. 564.

those of Leontius and Ambichus, and possibly more¹. Indeed, all of these masters taught at Berytus during the fifth century. As previously said, following generations of lawyers and jurists refer to these men with reverence and awe as "ecumenical teachers," "famous teachers," or "the great men of old"².

The activity of the masters of Beirut was primarily centered on the comment in the form of Scholia on ancient texts. Unlike the paraphrase, this type of work includes the complete maintenance of commented text, pure original text, or text that has previously been enriched with glosses that may have snuck in before the comment. The scholiast's approach consists in explaining the text with observations that, whether written in margins, line spacing, or even on different sheets (as in Scholia sinaitica), stay distinct from the text: these remarks constitute the "Scholia"³.

It has been proved that these teachers wrote a wide range of publications. These writings were concerned with assisting rookie practitioners in acquiring a solid grasp and understanding of the material provided by the traditional Roman jurists, rather than inventing new legal ideas. They were likewise interested with adapting classical elements to their own periods' demands and conditions⁴.

Having stated that, near the end of the fifth century, with the total bureaucratization of senior jurists, the writing of legal literature came to an end. The Roman Empire was more concerned with issuing imperial rescripts and other formal legal matters. Changes and developments in the law could now be found in the rescripts, and it is difficult to deny that the majority of them were the work of jurists rather than the emperor.

In this regard, if an issue came before a court with the opinions of Papinianus, Paulus, Gaius, Ulpianus, and Modestinus all on one side and an imperial rescript on the other, the latter would win.

In addition, the Law of Citations (AD 426) addressed a very different subject: If no rescript pertinent to a case could be found, juristic literature was considered valuable. However, the traditional difficulty of deciding which jurist had the higher authority remained. Therefore, the Law of Citations does not grant future jurists' opinions power, but rather develops a rating of former jurists for future instances.

According to this Law, Modestinus, Paulus, Ulpianus, and Papinianus are the last of the great classical jurists⁵. In this line, Modestinus is

¹ McNamee, K., "Another chapter in the history of Scholia", *The classical quarterly*, vol. 48, n. 1, 1998, pp. 269-288, p. 271.

² Chroust, A.-H., "Legal profession in ancient imperial Rome", *Notre Dame law review*, vol. 30, I. 4, 1955, pp. 521-616, p. 617.

³ Collinet, P., *Histoire de l'école de droit de Beyrouth*, Recueil Sirey, 1925, p. 273.

⁴ Mousourakis, G., *Roman law and the origins of civil law traditions*, Springer, 2015, p. 90.

⁵ Watson, A., *The spirit of roman law*, The university of Georgia press, 1995, p. 153.

sometimes called the last of the classical jurists¹.

1.2.2. The Ecumenical Masters:

1.2.2.1. Cyrillus:

Cyrillus is considered as the dean of the new school, or more precisely its creator. The popular belief is undoubtedly derived from what Thaleleus qualifies him as "magnus et communis orbis terrarum magister Cyrillus"². Based on this title that is beautifully demonstrated by Thaleleus, we can undoubtedly understand that Cyrillus was in fact the founder of the School of "ecumenical masters"³.

1.2.2.2. Patricius:

Patricius could be considered as the grand master. He is the teacher of the sixth century jurists. The third Preface of the Digest, Tanta Constitution, §91, declared in 533, in the clearest terms, the durability of Patricius' reputation, because he is the only beirutian master of the fifth century who is cited alongside Eudoxius and Leontius. Patricius, for his part, is truly praised as an excellent head of the School in his personal capacity and for his own qualifications⁴.

There is not a single allusion, in the numerous Scholia exposing Patricius' viewpoints, to a work of his that touches on the works of classical jurists. This twofold observation leads us to believe that Patricius spent his entire life to the

interpretation and commentary of imperial rules and constitutions.

The Byzantines reveal that Patricius read all three Gregorian, Hermogenian, and Theodosian Codes, as well as the "extravagant" constitutions and that he evaluated personally. Consequently, the domain of his activity was so wide.

1.2.2.3. Eudoxius:

Eudoxius would be from the generation that came before the previous generation of "Ecumenical professors." The Digest's third Preface affirms this by claiming that he was the father of Leontius.

Eudoxius' works included the interpretation of constitutions found in the Gregorian and Hermogenian Codes, as well as the explanation of a classical work, Ulpian's libro IX de officio proconsulis (a practical guide for province governors during the Severus period)⁵.

1.2.2.4. Leontius:

Leontius is the most well-known of this group of professors. The Tanta Constitution §9, highlighting its remarkable excellence, gives us the clear information that he was the son of Eudoxius and the father of Anatolius, the Digest commissioner. In fact, the Justinian law, De Confirmatione Digestorum (December 16, 533), "the confirmation of the Digest" by the Constitution Tanta, cites Anatolius, professor of Beirut, son of Leontius and grandson of Eudoxius,

¹ Girard, P., Droit romain, 5e éd. revue et augmentée, Arthur Rousseau, Paris, 1911, p. 65.

² It means in the English language: "the great and common master of the world Cyrille".

³ Collinet, P., Histoire de l'école de droit de Beyrouth, Recueil Sirey, 1925, p. 132.

⁴ Collinet, P., Histoire de l'école de droit de Beyrouth, Recueil Sirey, 1925, p. 134.

⁵ Collinet, P., Histoire de l'école de droit de Beyrouth, Recueil Sirey, 1925, p. 278.

both famous for their high learning, among the commissioners charged with drafting the Digest. Leontius' legal expertise earned him the title *vir legum peritissimus*, "a man exceptionally skilled at law"¹.

Leontius was Prefect of the Praetorium of the East under Anastasius (491-518). Indeed, the Tanta Constitution § 9, states that he was Prefect of the Praetorium, *ex praefecto praetorio*².

Later, Leontius served as a commissioner on the first Justinian Code in 528. The first Preface to this Code, *De Novo Codice Componendo* (13 February 528), which is replicated at the beginning of the second Code, designates him as follows: "(elegimus)... LEONTIUM virum sublimissimum magistrum militum ex praefecto praetorio consularern atque patricium"³. As a result, he was appointed 528 *magister militum*, or master of the militias, which would be the pinnacle of his career.

1.2.2.5. Amblichus and Masurius Sabinus:

First, Amblichus had commented on Ulpian's *lib. XXVI ad Edictum*, which is also known as his *liber I ad edictum of rebus creditis*. He was probably a colleague of Leontius.

Second, Sabinus would have been a professor in Beirut at the end of the fifth century. He would have written not only remarks on Ulpian's *Libri ad Sabinum*, but also commentaries on Ulpian's *Libri ad Edictum*⁴.

1.2.2.6. Domninus and Demosthenes:

On the one hand, Domninus interpreted the Gregorian Codex and the Theodosian Code constitutions. On the other hand, the only references to Demosthenes' work would imply that he exclusively commented on the Gregorian Code.

2. The law school's professors' contemporaries of Justinian (sixth century):

2.1. Justinian's codification: The Corpus Juris Civilis:

Classical legal science was resurrected in specifically at Beirut and Constantinople law schools, and it was at these institutions that Justinian's legal code was created⁵.

The study of classical writings resulted in a distinct scientific jurisprudence that served as the foundation for Emperor Justinian's vast codification of Roman law⁶.

¹ MacAdam, H., "Beirut's roman law school in its colonial, cultural context", *Aram*, vol. 13-14, 2001-2002, pp. 193-226, p. 211.

² Collinet, P., *Histoire de l'école de droit de Beyrouth*, Recueil Sirey, 1925, p. 149.

³ It means in the English language: "(we have chosen)... Leontius, a most lofty master of the soldiers, a consular officer and a patrician prefect".

⁴ Girard, P., *Droit romain*, 5e éd. revue et augmentée, Arthur Rousseau, Paris, 1911, p. 65.

⁵ Tellegen- Couperus, O., *A short history of roman law*, Routledge, 1993, p. 134.

⁶ Mousourakis, G., *The historical and institutional context of roman law*, Routledge, 2016, p. 407.

Indeed, Beirut and its law school were both involved in the sixth-century Justinian codification and revision of Roman texts. Beirut's position is appropriate given that it symbolizes a setting where intellectual and artistic movements flourished in the fifth and sixth centuries¹.

It is important to stress at this point that Justinian's Corpus juris civilis is comparable to the law of the Twelve Tables. These two legal monuments, one at the beginning and one at the end of a lengthy road covered by Roman law, witnessed the enormous developments that occurred during the distance between them. On the one hand, the Law of the twelve tables is filled with the ancient spirit, and on the other, the Corpus Juris Civilis, which contains the key elements of modern society's law. Said differently, "roman law began with a code, the Twelve Tables, and ended with a code, the Corpus Juris Civilis"²; "and throughout this long period the law was changing, sometimes rapidly, sometimes slowly, but always changing"³.

As a result, in the sixth century, the old world's Roman law came to an end with a collection, Justinian's Corpus Juris Civilis⁴, the patriarch of all Codes of law, which is possibly the most significant Roman gift to civilization⁵. The Corpus juris civilis was created in a brief period of time. This was aided by forming a committee for each specific project. In addition, emphasis was placed on laws that were of practical value. Furthermore, individuals on whom Justinian relied had a significant role in hastening the formation of these collections, particularly the jurist Tribonian and his law professor assistants⁶.

The Corpus Civilis, promulgated by imperial decree in AD 529, is divided into four sections⁷.

2.1.1. The Digest:

The major section of the Corpus, the "Digest" (or Pandects) which is roughly equivalent to a common law digest of cases, actual or hypothetical, discussed by jurists three centuries earlier and brought up to date.

¹ Collinet, P., Etudes historiques sur le droit de Justinien, t.1 - Le caractère oriental de l'œuvre législative de Justinien et les destinées des institutions classiques en occident, Paris, Sirey, 1912, p. 24.

² Planck, J., "The survival of roman law", American bar association journal, vol. 51, n. 3, 1965, pp. 259-261, p. 259.

³ De Zulueta, "A text-book of roman law", The Cambridge law journal, vol. 1, n. 2, 1922, pp. 166-176, p. 167.

⁴ Body (Code) of Civil Law.

⁵ Alburn, C., "Corpus Juris Civilis: A historical romance", American bar association journal, vol. 45, n. 6, 1959, pp. 562-565, 639-642, p. 562.

⁶ فتاوي، ص.، تاريخ القوانين، مكتبة دار الثقافة للنشر والتوزيع، ١٩٩٨، ص. ١٢٨.

⁷ Radin, M., "Fundamental concepts of the roman law", California law review, vol. 13, n. 3, 1925, pp. 207-228, p. 227.

Following the Fifty Decisions "quingenta decisiones", Justinian issued the "Constitutio Deo Auctore" on December 15, 530, in which he directed Tribonian¹ to form a committee of sixteen members to set up the Digest. The goal was to gather, examine, and summarize the complete body of Roman law found in the writings of the classical jurists. Tribonian chose one senior imperial official, Constantinus; two professors from Constantinople's law school (Theophilus and Cratinus); two illustrious professors from Beirut's law school (Dorotheus and Anatolius); and eleven prominent jurists. Over a ten-year period, the committee was tasked with preparing an anthology of classical jurists' writings².

Major contributions were made by Dorotheus and Anatolius, who taught at the Beirut's law school. These professors were able to elevate the levels of legal study and give the instruments for the planned legal reform to become a reality due to their increased understanding of the functioning of classical law³.

The Digest is an anthology of excerpts from legal writing from the republican period to the third century A.D.. It is almost one and a half times the mass of the Bible, but according to Justinian, it

reflects only one twentieth of the information with which its compilers commenced⁴.

Therefore, the Digest is a compilation of passages from the writings of classical jurists that have been assembled, with permitted amendments, into a codification of "just" or jurist-made law known as the Digest⁵. The masses of work to be compiled in the Digest have been compiled according to the method of the Beirut's law school⁶.

2.1.2. The Codex:

The "Codex" is a collection of decisions, some legislative and others interpretative, attributed to earlier emperors and to Justinian himself. In other words, the Code is a compilation of statute law from the Gregorian, Hermogenian, and Theodosian Codes, as well as other subsequent imperial statutory provisions.

It is worthwhile to mention that a jurist named Gregorius produced a collection of Imperial statutes (constitutiones) from Hadrian to Diocletian, maybe around A.D. 295. The Codex Gregorianus would have been written in Beirut. It is believed that Gregorius was a professor at

¹ Tribonian, probably educated at the law school of Beirut, was a man of outstanding abilities and held the most distinguished positions in the imperial administration, such as being Minister of Justice.

² Tellegen- Couperus, O., A short history of roman law, Routledge, 1993, p. 142.

³ Mousourakis, G., Roman law and the origins of civil law traditions, Springer, 2015, p. 199.

⁴ Padovani, A., Stein, P., A treatise of legal philosophy and general jurisprudence, vol. 7 - The jurists' philosophy of law from Rome to the seventeenth century, Springer, 2007, p. 4.

⁵ Alburn, C., "Corpus Juris Civilis: A historical romance", American bar association journal, vol. 45, n. 6, 1959, pp. 562-565, 639-642, p. 563.

⁶ Zenati-Castaing, F., Le savoir des lois - Essai sur les droits romanistes, 1ed, Dalloz, 2021, p. 146.

Berytus' law school at the time¹. In addition, the Codex Hermogenianus, if it was elaborated in Beirut by Hermogenian, is not necessarily the work of a professor².

These pre-Justinian codes aided in the preservation of Roman law in a manner suitable for understanding in the fourth, fifth, and sixth centuries³.

2.1.3. The Institutes:

The "Institutes" is a historical and theoretical model textbook on Roman law for beginning students⁴. In fact, concurrent with the publishing of the Institutes and Digest in 533, a legislation revising legal education was enacted, which is only preserved in the Florentinus manuscript⁵. Teaching was henceforth to be limited to the law schools of Constantinople and Beirut⁶.

In particular, Justinian supervised the creation of a new legal handbook for use in law schools in 533. The work was assigned to a three-person panel composed of Tribonian and two of the four professors involved in the Digest's creation (Theophilus and Cratinus from Constantinople and Dorotheus and Anatolius from Beirut). It appears that the Beirut school's work was more focused on the language than the Constantinople teachers⁷.

The commissioners were directed to create a book that mirrored the law of the moment, removing any obsolete material and including any required references to previous law.

The final work, Institutiones or Elementa, was approved on November 21, 533, and became an imperial statute on December 30, 533, together with the Digest⁸.

¹ Sherman, C., Roman law in the modern world, vol. 1, History of roman law and its descent into English, French, German, Italian, Spanish, and other modern law, Boston, U.S.A., The Boston book company, 1917, p.107. See also, Coleman-Norton, P., "Gaius Julius Caesar and roman law", The classical weekly, vol. 50, n. 2, 1956, pp. 24-26, p. 26.

² Du Plessis, P., New frontiers - Law and society in the roman law, Edinburgh university press, 2013, p. 76.

³ Planck, J., "The survival of roman law", American bar association journal, vol. 51, n. 3, 1965, pp. 259-261, p. 259.

⁴ Berman, H., "The origins of western legal science", Harvard law review, vol. 90, n. 5, 1977, pp. 894-943, p. 904.

⁵ The Florentinus manuscript is a Digest manuscript.

⁶ Corcoran, S., "Roman law and the two languages in Justinian's empire", Bulletin of the Institute of the classical studies, vol. 60, 2017, pp. 96-116, p. 100.

⁷ Honoré, A., "Word frequencies and the study of roman law", The Cambridge law journal, vol. 30, n. 2, 1972, pp. 280-293, p. 289.

⁸ Mousourakis, G., Roman law and the origins of civil law traditions, Springer, 2015, p. 206.

The compilers of Justinian's Institutes mainly depended on Gaius' Institutes which accounts almost two-thirds of the overall work. Furthermore, they depended on Gaius' *Res cottidianae* "Everyday matters", fundamental works by jurists such as Ulpianus, Paulus, Marcianus, and Florentinus; imperial constitutions; as well as any relevant portions of the Digest.

Gaius' division of the subject matter into three parts was preserved in Justinian's Institutes, namely the law of persons, the law of property, and the law of actions. It also duplicated his work's four-book division¹.

2.1.4. The Novels of Justinian:

Commentaries on the Digest were prohibited by Justinian, and all contentious issues were sent to the Emperor for resolution. Doctrine prohibited not only comments to the Digest, but also interpretative notes to specific texts, and many scholars extended the prohibition to the Code and Justinian's Institutes².

Consequently, in the final year of Justinian's reign, new interpretations by the Emperor, dubbed "Novels", were collected and published in a single volume³.

2.2. The professors of the Beirut's law school:

Justinian's contemporaries are more frequently acknowledged in works of Roman law than their predecessors of the fifth century, although being inferior in science. This distinction in treatment is simple to explain. It is because, until today, Romanists have given more attention to the texts of Justinian's codification than to the Scholia of the Basilicas.

The names of the masters who indisputably taught at the Beirut's law school during Justinian's reign are only three: Dorotheus and Anatolius, whose ties to the School of Beirut are proved by Justinian's constitutions placed at the head of the Digest or Code; and Julianus, whose teaching in Beirut is documented in the Anthology⁴.

2.2.1. Dorotheus:

Dorotheus is one of the *Viri illustres*, & antecessores "Illustrious Professors" discussed in the *Omnem Constitution* (December 16, 533). The *Tanta Constitution* §9, also mentions that he was a professor in Beirut, which validates Dorotheus' inclusion among the Digest commissioners⁵.

Justinian's Institutes were drafted by a commission of three members: Tribonian, Dorotheus, and Theophilus, with the effort likely divided evenly between Theophilus and Dorotheus, while Tribonian reserved the

¹ Mousourakis, G., *Roman law and the origins of civil law traditions*, Springer, 2015, p. 207.

² Berger, A., "The emperor Justinian's ban upon commentaries to the Digest", *Bulletin of the Polish institute of arts and sciences in America*, vol. 3, n. 3/4, 1945, pp. 655-696, p. 656.

³ Alburn, C., "Corpus Juris Civilis: A historical romance", *American bar association journal*, vol. 45, n. 6, 1959, pp. 562-565, 639-642, p. 564.

⁴ Collinet, P., *Histoire de l'école de droit de Beyrouth*, Recueil Sirey, 1925, p. 186.

⁵ Collinet, P., *Histoire de l'école de droit de Beyrouth*, Recueil Sirey, 1925, p. 187.

presidency¹. In general, Dorotheus was a contributor to the Digest, the Institutes, and the second Code.

Indeed, Cordi Constitution (November 16, 534), §2 lists Dorotheus among the editors of the second Code. Dorotheus had not taken part in the first Code. Leontius represented Beirut in the commission at the time, while Theophilus represented Constantinople. Dorotheus is the author of an Index to the Digest composed after 542².

2.2.2. Anatolius:

Anatolius also figures among the Viri illustres, & antecessores to whom the Omnem Constitution is addressed. Furthermore, Tanta Constitution, §9, includes him among the editors of the Digest. Anatolius was Leontius' son and Eudoxius' grandson³. Anatolius was one of the Digest's commissioners and creator of the most concise Index to the Code. Anatolius of Berytus' legal studies are well-known due to his later illustrious career as praetorian prefect under Constans⁴.

2.2.3. Julianus:

Following those professors mentioned in legal sources, there is one mentioned in the Anthology.

Julianus, the "light of jurisprudence," shone in both Rome and Beirut.

Julianus lived in Beirut and would have been Stephanus' student. Julianus became a professor in Beirut before becoming Julianus of Byzantium's antecessor "Professor of law"⁵. Indeed, Julianus, the abbreviator and translator of the Novels, flourished under the emperors Justin II, Tiberius II and Maurice and was a professor at Beirut and Constantinople. He became famous for these Epitome Novellarum which took his name, Epitome Iuliani, and which he published in 555 in Constantinople, while the Beirut's law school was destroyed in 551, therefore he most likely acquired a chair in the capital right after Beirut's disaster⁶.

2.3. The post-Justinian period: A continuous legacy of Beirut's law school:

The finest Roman law school was that of Beirut, and it affected the continued development of legal theory, as Roman law was significantly orientalized in the later Empire⁷. The precise time span of Beirut's law school is unknown, although it seems to have ceased about the turn of the sixth century, following the city-destroying

¹ Girard, P., Droit romain, 5e éd. revue et augmentée, Arthur Rousseau, Paris, 1911, p. 81.

² Collinet, P., Histoire de l'école de droit de Beyrouth, Recueil Sirey, 1925, p. 188.

³ Collinet, P., Histoire de l'école de droit de Beyrouth, Recueil Sirey, 1925, p. 189.

⁴ Du Plessis, P., Ando, C., Tuori, K., Roman law and society, Oxford university press, 2016, p. 160.

⁵ Cunningham, J., Law, rhetoric, and science: historical narratives in roman law, Phd thesis, University of Glasgow, 2018, p. 11.

⁶ Bouchaud, C., Recherches historiques sur la police des romains, Langlois, Paris, An VIII, p. 187.

⁷ Pharr, C., "Roman legal education", The classical journal, vol. 34, n. 5, 1939, pp. 257-270, p. 262.

earthquakes¹. Despite that, it is generally known that the study of Roman law as a legal discipline did not end with the Islamic expansions. Thus, in the sixth century A.D., there were still two great Law schools in Beirut and Alexandria, which had been left intact for almost a century following the Islamic expansions².

Nonetheless, the effect of Beirut's law school did not end there, and is not restricted, either spatially or temporally, to the borders and the timeline of the Roman Empire. Indeed, the impact of this law school's professors' work can be felt across time and space. To support this point, we will provide a few relevant examples of the direct or indirect influence of the works of Beirut's law professors on legal science up to the present day.

First, after the fall of the Western Roman Empire, the *Breviarum Alaricianum* of Alaric II, King of the Visigoths in Spain, was the most significant of the Germanic rules. This was published in 506. This Code governed the rights of the Visigothic king's Roman subjects. It became Western Europe's most extensively utilized source of Roman law. It was based principally on Gaius' *Institutes*, and to a lesser extent on Paulus and Papinianus³.

The Visigoth realm covered by the *Breviarium* encompassed the profoundly Romanized Mediterranean region of southern France, the old Roman province of Gallia Narbonensis. Following the Frankish conquest of this territory, the law of the *Breviarium* persisted in use amongst "Romans" in line with the then-established rule of personal (rather than territorial) applicability of law⁴. In A.D. 517, King Sigismund issued his *Lex Romana Burgundiorum*, which was heavily based on Alaric's Code and established Burgundian law⁵.

Then, during the Middle Ages, the first Christian university appeared in the twelfth century. A famous law school, the mother of all modern colleges, arose at Bologna. The legal books of Justinian, which are based on the legal works of Beirut's law professors, and had been lost for five centuries, were resurrected in the shape of a single copy discovered in Amalfi (this city was a part of the Eastern Empire, Byzantium, which covered southern Italy)⁶.

Northern Italy quickly saw the establishment of new universities, primarily for law students. The University of Paris was founded next, followed by Oxford and Cambridge. German universities

¹ Mousourakis, G., *Roman law and the origins of civil law traditions*, Springer, 2015, p. 219.

² Ion, T., "Roman law and Mohammeden jurisprudence: I", *Michigan law review*, vol. 6, n. 1, 1907, pp. 44-52, p. 49.

³ Girard, P., *Droit romain*, 5e éd. revue et augmentée, Arthur Rousseau, Paris, 1911, p. 73.

⁴ Turpin, C. "The reception of roman law", *Irish jurist*, vol. 3, n. 1, 1968, pp. 162-174, p. 163.

⁵ Alburn, C., "Corpus Juris Civilis: A historical romance", *American bar association journal*, vol. 45, n. 6, 1959, pp. 562-565, 639-642, p. 564.

⁶ Berman, H., "The origins of western legal science", *Harvard law review*, vol. 90, n. 5, 1977, pp. 894-943, p. 899.

came in last. These universities were granted charters of privilege by Popes and Emperors.

More than any other factor, the acceptance of Roman law as a form of universal or common law restored civilization to Europe. As a result, we can once again see the unseen hand of Beirut's law professors at work in the creation of European culture.

Later, in the nineteenth century, the Code of Napoleon was the first great code of contemporary Roman law since Justinian's Corpus Juris Civilis in the sixth century. The Code of Napoleon is Roman law that has been tailored to the lives and times of the French people. All other nations and States around the world have adopted, adapted, or studied the French Code in order to better their legal systems¹.

As a result, we can confidently assert that Beirut's law professors contributed, indirectly or tacitly, to the emergence of contemporary civil codes throughout the world.

Conclusions:

A knowledge of Roman law is essential for the legal scholar, philosophic jurist, and scholarly lawyer who wants to study the origins and development of legal science and institutions, as well as to get a thorough comprehension of the general and fundamental principles of jurisprudence, because Roman law was the

science of law that we name jurisprudence for centuries².

Truth to be told, the works of Beirut's law professors contributed significantly to the development of this Roman legal science. Indeed, Beirut, as a "Mother of Laws," did not stop giving the world's civilization with first-rate Masters of law during the span of four centuries.

More specifically, Beirut gave birth to three notable generations of highly regarded jurists:

First, in the second and third centuries, we have the generation of Coryphaei "Leaders" who are honored in the "Law of Citations" during the second and third centuries. The works of these luminaries provided the Corpus Juris Civilis with its essential components.

Second, in the fifth century, we discover the "Ecumenical masters," who worked extensively on commentary and annotations, adapting classical works to the needs of their day.

Third, during Justinian's reign, we find a generation of commissioners who worked on the construction of Justinian's Corpus Juris Civilis.

Ihering noted that "three times Rome has dictated laws to the world...First through unity of State when Romans were at the height of power. Secondly, through the unity of church after the fall of the Roman Empire. Thirdly, through the unity

¹ Planck, J., "The survival of roman law", American bar association journal, vol. 51, n. 3, 1965, pp. 259-261, p. 261. See also, Whittuck, E., "Roman law in the modern world", Journal of comparative legislation and international law, vol. 2, n. 1, 1920, pp. 104-109, p. 107.

² Coleman-Norton, P. "Why study roman law?", Journal of legal education, vol. 2, n. 4, 1950, pp. 473-477, p. 473.

of law, reception of Roman law of Middle Ages"¹. And it was this last reign that was the most peaceful and far-reaching². Without a doubt, the Roman Beirut school and its law teachers have left indelible imprints on this still-lasting legal science, receiving the most prestigious title "Berytus Nutrix Legum" (Beirut Mother of Laws).

As a result, this study comes to emphasize the historical and legal importance of the Beirut school, and from that perspective, it is an invitation to jurists, particularly in Lebanon and the Arab world, to learn about their predecessor's merit in Roman law, which is the wellspring of current laws³. Furthermore, it is an appeal to law historians to investigate the impact of pre-Islamic civilizations in the Arabian world on Roman law, such as the Pharaonic, Assyrian, and Babylonian civilizations. In fact, a group of professors led by REVILLOUT, believe that most of what they thought was created by the Romans was actually taken from Easterners such as the Phoenicians, Egyptians and Chaldeans⁴. Indeed, When the Romans conquered the East, they found the Easterners' rich legal culture, realized how superior it was to the primitive law of the Twelve Tables, and determined to replicate it⁵.

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¹ Sriram, K., "Roman impact on Common law: legend or legacy?", Student bar review, vol. 16, 2004, pp. 25-45, p. 44.

² يكن، ز.، القانون الروماني والشريعة الإسلامية، دار يكن للنشر، ١٩٧٥، ص. 5.

³ الدواليبي، م.، الوجيز في الحقوق الرومانية، ط. ٤، مكتبة الشرق ومطبعتها، ١٩٦١، ص. ٢٠.

⁴ Revillout, E., Les origines égyptiennes du droit civil romain, Librairie Paul Geuthner, Paris, 1912, p. 21 et s.

⁵ Revillout, E., Les obligations en droit Egyptien - Comparé aux autres droits de l'antiquité, Ernest Leroux, Paris, 1886, p. IX. See also, Gaudemet, J., "Méthode historique et droit romain", Revue historique de droit français et étranger, Quatrième série, vol. 24, 1946-1947, pp. 68-95, p. 90-93.

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