

CHANGES IN ROMAN LEGAL EDUCATION

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ABSTRACT

In general meaning legal education is the education of persons who intend to become legal professionals and it provides them to have their law degree and to use in some fields related to law such as politics, academic or business. The Roman legal education system was based on the Greek system and it was popular all the time since fathers expected to have their children educated to some extent, and a complete advanced education was expected of any Roman who wished to enter politics

We see that it was an informal, familial system of education in the early Republic but progressed to a tuition-based system during the late Republic and the Empire. At the beginning many of the private tutors in Rome were Greek slaves or freedmen. And the methodology of Roman education was used in its provinces with the extent of Rome's power in this time.

During the late Republic and later the Empire, the Roman educational system gradually changed and found its final form. Formal schools were established, which served paying students; very little that could be described as free public education existed.

This paper examines the evolution of Roman legal education with different aspects and focuses on how Roman legal education changed within different eras.

Key words: Roman law, legal education, law schools, periods, development of law.

INTRODUCTION

From its first establishment, Roman law has been in a secular form. As being a written, central and legislator law; it has not only regulated the rights, obligations and prohibitions but also established institutions. It can be referred to a complete system due to the fact that this institutionalism not only regulates interpersonal relations, also regulates competence and government agencies. At the same time, in direct proportion to the development of the Roman civilizations that had been spanning over 1000 years and the nature of the Roman law, professional lawyers, the legal-science heritage and the legal system that was built in a cumulative manner via these studies should be mentioned. Thus, Roman law formed the basis of modern legal system in which we live today (Keskin, 2014, p. 599).

The role of lawyers is very high in the qualification Roman law in the current legal system, especially in private law. Roman law that is accepted as valid between the years of BC 753 and AD 565 should be analyzed in different periods of the obligation taking into account the changes in the social and political spheres. However, in each period, lawyers cannot be said that they have made the same level of contribution to the development of law. Constantly changing and evolving nature of the law was encountered in a more pronounced way in Rome and the lawyers could not be expected to remain behind this change and development. It can be expressed as the basic duties undertaken by the Roman jurists at this point that not only to keep track of the changes and evolution of the law, but also had to contribute directly to the development of law studies. (At the same time, this could be counted as an expectation of the lawyers of the political body as well as social one.)

Training lawyers is at least as important as being a lawyer in Rome. However, in each semester in Rome, it is unthinkable that the legal education was given in the same way. Therefore, the legal education has been encountered in different ways in different periods (Crook, 1967, pp. 88-90). In this study, it is aimed to examine the outline of the different features of the legal education in Rome in different periods.

KINGDOM ERA

In ancient Roman times, the Roman lawyers would be considered as being capable of thinking, and individuals dedicated themselves to law and justice. Indeed, one of the areas where Rome was superior from the Kingdom Era until the Roman Empire is law. Law and legal education in Rome was accepted as part of life and an important way of thinking.

In Rome's oldest periods, law and religion were considered as two inseparable parts of a whole and the same people were authorized in these matters. In Rome's ancient times, it was known that, firstly, law and legal education were in the hands of clergy and were given by the specially authorized priests and monks (Karagöz, 2010, p. 1).

As a result of the gradual development of secularism, discrimination between law based on religion and secular law has gained prominence. According to Livy, though the request from Roman people to make the secular law written, these demands were hidden by priest jurists (Livy 4, 3, 9). Indeed, it was observed that priest jurists put forward the law by a number of the sacred ceremony and refrained their information from sharing by blessing them (Mineo, 2015, p. 361). Therefore, the expectation of concrete clarification of the law to ensure justice emerged; because, except among people in the superior class, in the law knowledge of the Roman people, serious lack was concerned prior to the Law of the Twelve Tables (Pharr, 1939, p. 258).

It can be said that people were dependent on the monks for the implementation of any legal rights or claims of the individuals in real terms. But, it was not considered that Patricius, as the superiors, were not totally ignorant about the law, because the priest jurists were also in the same class.

REPUBLIC ERA

It can be specified that a liberal education of law has been laid the foundation with Law of Twelve Tables. Despite this, after the publication of the Law of Twelve Tables, to protect their privileges, priests for a while continued to see themselves as guardians of the law (Umur, 1982, p. 223).

Even though the holy words had the validity of the legal process in term of priest jurist, the slightest slip of the tongue or a word error could result in the loss of a lawsuit. In this system, because the demands of the correction of ordinary errors were not taken into account, he lost lawsuits and could not be opened again for sure. But, under constant and unbearable pressure from the needs of daily life, a necessary development in terms of the practice of law and law theory has occurred. In time, plebeians have become eligible for economic, social, legal and political areas. Meanwhile, when issues such as fair and equitable trial in front of the court and equality before the law gained importance, they have become increasingly knowledgeable about some basic legal forms or patterns afterwards.

Towards end of the BC 4th Century, Gnaeus Flavius, the son of one of freed people, had become Appius Claudius Caecus's private secretariat. Gnaeus secretly had the studies related to legal proceedings patterns and trial calendars carefully prepared by Appius and indicated in *Ius civile* and also published them. What is known about Appius is that he was responsible for making them printed, but it was used by Gnaeus (Pharr, 1939, p. 259).

After making this study printed, a person had knowledge about on which days he would open the trial, which legal patterns could be used and which ceremony would take place. After that, the number of young people who were avid to learn in Rome was seen to be increasing. They also were interested in procedural law together with the printed studies of legal cases dies and trial days in addition to the rules of substantial law that faced primarily in the Law of Twelve Tables (Pharr, 1939, p. 259).

Another decisive step was taken by the first plebeian-origin Pontifex Maximus and Tiberius Coruncanius, the first law teacher especially in the area of the old era Roman public law in the year BC 280 (Dig. 1,2,35 and 38). Tiberius, the law instructor and also jurist consult, was only one legal educator to tackle the next period of the Roman law. However, his contributions to the area of law and its effects were very important. In his period, The Romans were the first to have a class of people who spent their days thinking about legal problems, and this is why their law became so "precise, detailed, and technical." (Crook, 1967, p. 88). After that, jurist consults, considering the public interest, gave free consultancy to investigators of the legal issues and gave free education to anyone willing to learn (Pharr, 1939, p. 260).

However, it should be noted that the removal of the legal activities of the priests has revealed the need to train the people who are more numerous and ability to solve the legal issues in the field law. The needs of the emerging changes in the legal field parallel to changes in the social and political fields could only be met depending on the training of affordable lawyers.

As seen, while there was little or no theoretical approach to law in this term, law enforcement was important on individual cases. Roman law, in almost every period, has maintained the connection to meet the social needs practically. But it was not permitted to intervene with the business life of Rome through the law.

It can be specified that those who provided an important contribution to the development of Roman law in time were the priest jurists, the lawyers' board and legal experts, respectively. These provided to shape the law with the contributions they gave more than the Magistrates did, to make Roman law science more effective with the information given about the law and to be recognized in today's world. Meanwhile, ahead of this development, it should be stated that this was a starting point for the preparation of the written law in line with the needs and demands of the little people on social class distinctions.

IMPERIAL ERA

When it comes to the first imperial era, with new measures and practices in the administrative area, it has seen rapid development in the theoretical and practical training of law (Jones, 1964, pp. 512-513). It has been prevented to be direct jurist consult without a permit from the emperor in Augustus era. In this term that emperor held the law in his monopoly, authorized individuals and people from the upper classes could be jurist consult (Dig. 1, 2, 49). However, in Tiberius period, though being from the lower class, the authorization of a lawyer named Massurius Sabinus as jurist consult indicated that this rule was not applied. We do not have detailed information about Sabinus Massurius's life and how he obtained this right, but it is known that towards the end of his life he got eques and he was the authorized one as jurist consult by Tiberius under the first senator (Pharr, 1939, p. 261).

From the Augustan period, in the period until the first half of BC 3rd century. the two law schools contributing to the development of jurisprudence were observed. There were two great jurists who have opposing views at the administration of these law schools; Marcus Antistius Labeo and C. Ateius Capito. Rivalry that emerged because of these two great contrasting opinions they had, also continued between Massurius Sabinus who was Capito's student and Proculus who was Labeo's student and this rivalry continued vigorously in the politics field (Karagöz, 2010, pp. 17-18). Law schools were not entitled with the names of its founders. The Proculianus was used to call for those were included in Labeo's school, while the other was known as the Sabinianus who belonged to the Capito's school (Umur, 1982, pp. 231-232).

There were no tangible sources to put difference between the two law schools in a precise manner. Although they were regarded as law school, it was notable for more scientific disputes, not with legal training. However, we do not have information on the basis of scientific dispute between the two law schools, too. Among them, there was no satisfactory justification of those who argue that there was difference of the principles and methods. The presence of different opinions between the two law schools in the resolution of the legal case was not generally sufficient to divide the scientific law. On the contrary, the discussion of the different legal interpretations and opinions in legal event has contributed significantly to the development of the science of law (Umur, 1982, pp. 231-232).

Period beginning with Sabinus is the beginning of a new era in the development of law and legal education. Due to the experience of poverty, Sabinus is known as the first jurist that gave legal education in exchange for fee. It is seen that since his era, legal education has become more systematic, the development of the theory of law in law school has made progress. Sabinus was the founder of the most famous one among law schools and therefore it was known as schola or secta Sabinianorum (Karagöz, 2010, p. 19). This law school has maintained its existence for hundreds of years. Sabinus doctrine was taken into consideration in written works in law area. Its effects on the law are seen with the adoption of his thoughts by the lawyers came after him. It can be said that Sabinus school had an effect on at least one-third part of Digesta, one of the parts of Corpus Juris Civilis that is the most important work of codification of Roman law, published 500 years after its establishment (Pharr, 1939, p. 261).

After Sabinus, individually many law professors have come forward. However, it is known to begin with the establishment of law schools in the 2nd century and beyond. These schools were founded first in Rome and then in Athens, Beirut, Alexandria, Carthage, Caesarea in Palestine, Antioch, and Constantinople (Pharr, 1939, p. 261).

The most famous one of these schools were in Beirut. Strangely, this law school has been effective in the last imperial development of legal theory and philosophy, because, Roman Empire during this period was influenced by Eastern culture in the field of law, as in many areas. The establishment of the law school in Beirut with the need for jurists, since the city was chosen to serve as a repository for Roman imperial edicts concerning the eastern provinces (Cameron, 2000, p. 254).

About 500 years before the publication of the Corpus Juris Civilis, in 39 BC, there was a compilation prepared by Alfenus Varus, the jurists consult (Hazel, 2001, p. 9). While this study is quite voluminous collection, it can easily be referenced by students and is utilized in law teaching. This study is much broader than the similar four compilation prepared by the jurist consults and legal experts appeared in the first two hundred years of the Roman Empire. In the era of Emperor Theodosius, it was possible to encounter emperor decree made with pedagogical

purposes. He also emphasized the legal field as Justinian (Pharr, 1939, p. 263).

Lawyers believe that codification works published in Justinian period was sufficient, because the study also included important works in the legal area from past to present. This is also valid for the work named Basilica prepared by Theodosius codex and philosopher Leo.

It was not known whether there were conditions set by the state in the subject of giving lecture as legal experts during the first empire. However, the emperor has assumed the responsibility for legal education as well as in all fields in accordance with the formation autocracy completely in time and the fully formed totalitarian form of government and population. In this period, certain quotas for the emperor to be law instructor, law students and lawyers have been introduced.

Until the year 533 AD, while private schools and public schools were lasting their existence, the schools in which legal education was given were removed during the Justinian period. Besides, in his time, all of the law schools except in Beirut, Rome and Constantinople have also been uninvolvement (Cameron, 2000, pp. 253-254). In the period of Different Emperors, various privileges were granted to the law instructors. For example, they were not be assigned in heavy and hence tiring public service, as they were exempted from all kinds of taxes (Dig., Const." Omnem"7). Student fees and conditions required for admission to law schools began to be predetermined by the state from the Diocletian era. Legal education firstly was given for four years and then it began to be given continuously for five years (Jolowicz, 1932, p. 479).

CONCLUSIONS

Romans assumed that a powerful empire management from administrative, political and legal aspects had to have a solid foundation. In order to have a solid foundation of an empire in the legal aspects, lawyers, and in the meantime, the legal education has been given a huge importance in Rome. In the period of the Empire period from ancient times, Roman jurist was the one who has a certain reputation in the community, came from a wealthy family, could rise to high positions in government, could get the law improved for public interest with his deliberations and with other activities and did not accept fees in return for these.

Roman law does not confront us as a rest behind the social development. It may be specified that it continuously keep up with changes and developments according to the situations of the period. In parallel to the law in different periods in different ways, legal education appears to be in different ways and different times.

From the Kingdom Era to the Empire Period, in the first place of the transformation of education in the field of law, training lawyers in a freer media and in the light of more open rules in the secular legal system together with the decline of religious influence has come. At the same time, it is seen that the importance given to the legal education in the sense of administrative means also appears to increase further the imperial period. Making legal education more systematic has also been mentioned again in the coming period.

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