

APA presentation – These are my notes (I didn't use a written text)

Introduction:

- this will be a very different presentation
 - today I'm sharing an assignment that I find plays to the strengths of students with both very different learning goals and very different disciplines of study
- been teaching Roman law class for 10 years. – I am by training a social historian
- in my class (a third year course at UBC) I get a mix of classics students and others – maybe ½ take this course because they are considering a career in law.
- course consists of a midterm and final
- I wanted to include some sort of additional assignment
- feel it's not realistic to ask students to do a research paper for this course.
 - fragmentary nature of so much of the primary material
 - dealing with the time span of the primary material that we're left with required a deft hand that many undergraduates do not have in their very first law course
 - amount of modern scholarship that is in a language other than English (we need more!)
- so I inherited this assignment from my predecessor – Bill Dusing (now deceased)
- students seem to really enjoy it.
- i never thought to present it to a group such as this – I didn't keep copies of any of them – should have!

nature of assignment

- Students are given a biography of an individual (same one for everyone) Marcus
 - they are asked to assume the role of a legal expert and construct a will for Marcus, that not only fulfills all the legal requirements but that also enables Marcus' wishes (either stated in the assignment itself or made up by the students) to be met.
- [discuss content of assignment – write to me directly Leanne.bablitz@ubc.ca if you'd like a copy of the assignment]
- I ask that they heavily footnote the will
 - I ask for two kinds of information in the footnotes
 - 1) what information they are assuming or determining
 - so for example – they should state that they assume marcus' marriage is sine manu; they should state who are RC, who are not – and they can decide that differently (there is no right answer but the impact of such a decision must be dealt with appropriately)
 - 2) where they got their inspiration – ancient texts (eg will of Trimalchio in Petronius is excellent) books are good, but even references to other classes is fine
 - I provide them with copies of surviving ancient Roman wills – one upper class (Dasumius) and one other (Castor)
 - to help them to begin to see the contents of a will as something other than a series of rules that they have learned in class

marking criteria:

- I'm looking for various elements
 - 1) it must meet the basic legal criteria to be upheld in Roman law as a valid will
 - 2) an effort must be made to accommodate the special circumstances set out in the assignment

*if these two elements are met I will give the assignment a passing grade (something in the high 60s).

* To move up into the B/A range:

3) an effort has been made to add more specialised legal features – a codicil, fideicommissum, an usufructus, or other elements like loans, instructions for the tomb etc.

4) an effort has been made to be creative.

- the sky is the limit in this section

- I have had physical efforts made – not one out of wood yet (but scrolls with seals)

- I have had students find pictures of actual things in Rome (pots, sculpture) and will those to others.

problems:

- I have had very few problems with the assignment.

- my one problem - I had one student from an eastern European country who had studied Roman law in his earlier years - he felt that he knew all the material in the course before it even started. After the midterm he quit attending class. He provided me with a very minimal will, and argued that it was airtight legally. It was, but it failed to provide for the human element of the assignment. I failed the assignment.

- to allow for this, I now take class time (not a lot but a few minutes on multiple occasions) to make three points strongly

1) they must account for the personal relationships

2) they are to build up, be creative, add extra things in order to achieve a A grade.

3) part of the assignment is to demonstrate their control of the various tools available to them within the Law of Succession. eg. fideicommissa, etc.

- I've done the assignment with more detail and less detail in the situational sketch. I haven't had any clear indication which methodology is better.

outcomes:

- assignment meshes very nicely with the Casebooks in creating hypothetical situations

- the students enjoy it;

1) get to navigate in a far more immediate way (application) the detailed laws of succession

2) it plays to different strengths – law students can focus on legal aspects; classical studies students can focus on cultural aspects

2) they really get into the creative process of filling out the “life” in ways that are both historically accurate and that give them scope to deal with somewhat peripheral or unique circumstances in the law

- they like dealing with a mistress and hated in-laws

3) they appreciate the timelessness of an individual's personal world.

- everyone has issues in their own families – black sheep, hangers-on, greedy in-laws who want everything when a grandmother dies.

other ways this sort of assignment could be used:

- there are all sorts of other documents that students could be writing for a law course

1) diplomas

2) praetorian formulae

3) vadimonia

4) bills of sale

- could also move to the composition of forensic speeches – small ones!

- these sorts of assignments could be carried beyond the Roman law classroom as well into social history courses for example, though the legal aspects may be daunting if the course has not had that focus.

I provide the students with translations of these wills:

C. Pap. Lat. 221: **Will of Antonius Silvanus** (translation – my own – ask, and I'll send you a copy)

B.G.U. 1.326: **Will (and codicil) of Gaius Longinus Castor** (I have a translation prepared by James Keenan for a conference presentation – ask, and I'll send you a copy)

CIL VI, 10229=FIRA III, 48: **Will of 'Dasumius'**. Additional fragments of lines 1-19 in W. Eck. *ZPE* 30 (1978) 277ff. and E. Champlin *ZPE* 62 (1986) 253ff. (translation can be found in J.F. Gardner and T. Wiedemann's *The Roman Household: A Sourcebook* [Routledge, 1991] p. 133-139).

Valerie Hope's sourcebook *Death in Ancient Rome: A Sourcebook* (Routledge, 2007) includes sections of wills that discuss the erection of a monument only but she doesn't include any complete wills.

If the students request further secondary literature I also point them in the direction of E. Champlin's *Final Judgments: Duty and Emotion in Roman Wills, 200 BC – AD 250* (Berkeley, 1991) with its bibliography as the most extensive work in English on Roman wills.

Bibliography

will of Dasumius – *CIL VI*, 10229 and FIRA III, 48. Additional fragments of lines 1-19 in W. Eck *ZPE* 30 1978 277ff. and E. Champlin *ZPE* 62 1986 253ff.

will of Dasumius – J.F. Gardner and T. Wiedemann *The Roman Household: A Sourcebook* (Routledge, 1991) p. 133-139