

DIACHRONIC ANALYSES OF TEACHING LEGAL DISCIPLINES IN ANCIENT ROME

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Abstract. Although it is generally accepted to consider that legal education appeared in the Middle Ages, its origins and wide geographical distribution are connected with the Roman Empire. It was during this period that classical legal education reached its peak and determined its influence on the further development of legal pedagogy. This article examines the historical context, specifically the history of legal pedagogy in ancient Rome, its further formation and development. In addition, in this article the methods and techniques used in the teaching of legal disciplines by Roman pedagogues are analyzed.

Keywords: pedagogy, education, law, Roman Empire, legal education, Roman law, legal school.

It is well known that Roman jurisprudence played a significant role in the development of the modern system of legal education in Europe. Moreover, in the historical legal literature, the question of the use of Roman legal concepts in the process of creating the first codes of bourgeois civil law was sufficiently studied. In confirmation of this, R. Jhering (2015) emphasizes that "the significance of Roman law for the new world is not that it was temporarily considered a source of law - this meaning was only temporarily, but in that it produced a complete internal upheaval, transformed our entire legal thinking. All new legislation is based on Roman law, both materially and formally; Roman law, like Christianity, and Greek and Roman literature and art, became a cultural element of the new world, the influence of which is by no means limited to those institutions that we borrowed from Roman law [7, 2-11].

With the development of legal science in ancient Rome, legal professions also began to emerge. In the III - I centuries BCE free legal advice was given most often by members of influential senatorial families who emerged as professional lawyers. The activities of lawyers were also of great importance. They defended their clients during the preliminary investigation and trial. Consequently, the development of the legal profession led to the emergence of legal education. In 254 BCE, the high priest Tiberius Coruncanius began to

explain the rules of law to everyone, that is, to give public consultations to those who have legal doubts. [4, 26]. We can connect with this the appearance of the first inclinations of legal teaching.

Period from the 1st century BCE to the 3rd century AD considered the rise of Roman legal science. Consequently, both research and teaching activities began to evolve at this time. In the 1st century AD, the famous Roman lawyer Sabinus opened the first private law school [2, 232]. In this school, number of lectures on law, different debates and other workshops were organized. The followers of Sabinus formed sabinians' school of Roman law, and Sabinus himself, along with some other well-known jurists, was given the right to officially interpret the laws. The experience of the school was successful, and till IV-V centuries AD, there were several special law schools with a 4-year term of study in the Roman Empire. During the reign of Justinian, the term of study increased to 5 years. Another famous legal school was the Proculians school. Its founder was Marcus Antisius Labeon, and his student Proculus was a prominent representative of this school. Unfortunately, due to differences in the directions of study, these two schools contradicted each other.

We can analyze the organization of the learning process in schools of law, which had no analogues either in the Greek or in the Hellenistic world, by the "Institutions" of Gaius. [9, 429].

The main difference of the Roman pedagogues from others was that they did not teach their students the theory of law, did not pay much attention to general concepts, did not discuss fundamental legal concepts. Instead, they immediately put practical questions before the students, plunging immediately into legal practice, into the content of specific litigation, asking how to solve them on the basis of known facts. Metaphorically speaking, jurisprudence was taught there in the same way as an apprentice learns a craft from his master. It is important to note that although legal consultants were trained in schools of law, but court speakers and advocates were trained in schools of rhetoric.

However, despite the practical nature of teaching, elements of theory appeared in jurisprudence over time. As the number of laws and the volume of legal practice increased, legal teachers began to consider some general concepts. Two stages were distinguished in legal education: *institutio* and *instructio* [5, 93].

Institutio was explanation to students of the basic principles of civil law in connection with reading sources, while *instructio* was practice by participating in the consultations of the patron. Sometimes all the training in both stages took place with the same teacher; sometimes a student, having passed the first stage with one, for further education, went to another. Legal education developed so much that even something like permanent schools began to appear. Moreover for this purpose, some of the lawyers were presented premises from the state - *stationes* or *auditoria jus publice docetium*. Students of the same teacher had common views as their teacher's, which were different from the views of students of another teacher, and thus, something like different law schools arose.

The main methodological techniques used by pedagogues in explaining law disciplines were systematization and cataloging, a well-thought-out sequence of logical analysis operations, and the derivation of general rules or regulations [10]. The use of such methods by the teacher shows the ability to prepare qualified jurists.

Regarding the educational materials, "The Institutions of Gaius" was one of the most important works, which was widely used in law schools, being the main textbook for students [6, 148]. Initially, "The Institutions", whose full title was "Gaii institutionum iuris civilis commentarii quattuor", was a year-long course of lectures on the main divisions of Roman civil law and the principles of the administration of justice [8, 27], which, after publication, became an elementary guide for students who began their studies in law schools.

As a result of studying various sources, we can conclude that the legal pedagogy of Ancient Rome is unique. In our opinion, this is the reason of how

Romans could create the jurisprudence that had great historical significance. We believe that the analyzed model of legal education deserves attention even today.

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