

Monday, 14.02.2022, 16:15 - 18:00 CET

Tommaso Beggio (Università degli Studi di Trento, Italy)

...nam poenae servus est, non Caesaris. Some remarks on the so-called servi poenae.

Abstract:

The so-called servi poenae were slaves subjugated to their legal status as a consequence of a sentence that deprived convicts of their freedom and, at times, their lives (due to capital punishment). Servitus poenae (called "slavery of punishment" by W.W. Buckland, 1908), was not a punishment in itself, but rather a legal situation that led to a state of civil and juridical death, following the physical destruction of the sentenced person in a number of cases. Similarly, those already in slavery could become servi poenae after being sentenced to death. There are two main questions that arise from the sources concerning servi poenae. First, many scholars have affirmed that servi poenae were originally created after an imperial rescript of Antonius Pius, reported in three fragments from the Digest: D. 34.8.3pr.; D. 49.14.12; D. 29.2.25.3. Yet it is necessary to consider many other legal, epigraphic, and literary sources, like the letters of Pliny the Younger, to properly reconstruct the origins of penal slavery and understand when it first appeared. Second, servi poenae showed some similarities both with the servi fisci and slaves with no owner (the so-called servi nullius). This questions whether the legal regulations concerning penal slavery had somehow been inspired by the rules applied to these other, more ancient, types of slavery.

Bio:

Tommaso Beggio is Associate Professor at the Law Faculty at the University of Trento. After having achieved the Ph.D. in Diritto romano e cultura giuridica europea under the supervision of Prof. Dr. Valerio Marotta at the Law Faculty at the University of Pavia (2008-2011), he gained a four-year position as a post-doc researcher (2013-2017) in the ERC project Reinventing the Foundations of European Legal Culture, 1934-1964, directed by Professor Dr. Kaius Tuori, at the University of Helsinki. There he carried out research on Paul Koschaker and Roman law under the Nazi regime, and taught the courses Roman Law in European History, European Cultural Heritage and Law, Totalitarianism and Human Rights (together with Prof. Dr. Kaius Tuori and Dr. Jacob Giltaij). He also spent a 14 month-research stay at the University of Heidelberg in 2015-2016, where he carried out part of his investigation into Paul Koschaker and his other research on Roman criminal law at the Institut für geschichtliche Rechtswissenschaft (Romanistische Abteilung, directed by Prof. Dr. Christian Baldus). In Heidelberg he taught the course Einführung in das italienische Recht (in German).

In 2018 he won the programme for young scholars "Rita Levi Montalcini", connected to the so-called operation "brain buster" ("rientro dei cervelli") launched by the Italian Ministry of Education and University. Thanks to this programme, he obtained a job as a researcher (Ricercatore TdB) at the Law Faculty at the University of Trento (where he still works together with Prof. Dr. Massimo Miglietta). His research project on capital punishment and Roman criminal law in the provinces of the Roman Empire was funded for three years (September 2018-August 2021) by the "Rita Levi Montalcini" programme. In 2020 he achieved the title of Associate Professor and eventually obtained the chair for Diritto romano e diritti dell'Antichità at the University of Trento in September 2021, where he holds the courses Istituzioni di diritto romano, Diritto romano e fondamenti del diritto europeo, Storia del diritto romano, Diritto e processo penale nell'antica Roma and Roman Foundations of European Law. His main research fields are Roman public (and criminal) law, Roman criminal and civil procedure, legal epigraphy, historiography on Roman law (in particular, Paul Koschaker and the so-called "School" of Ludwig Mitteis, and the trend of the so-called Interpolationenforschung). He has published various articles on different topics, two monographs [Paul Koschaker (1879-1951). Rediscovering the Roman Foundations of European Legal Tradition, Heidelberg 2018, and Contributo allo studio della 'servitus poenae', Bari 2020] and two other volumes as a co-editor (Methodenfragen der Romanistik im Wandel. Paul Koschakers Vermächtnis 80 Jahre nach seiner Krisenschrift, Tübingen 2020, edited with Dr. Aleksander Grebieniow, and Crimini e pene nell'evoluzione politico-istituzionale dell'antica Roma. Atti del convegno internazionale di diritto romano. Trento 5-6 giugno 2019, 'Cattedra Giorgio Luraschi' - Centro di ricerca per lo studio e la diffusione del Diritto pubblico romano, Bari, in print, together with Prof. Dr. Massimo Miglietta and Dr. Dr. Filippo Bonin).