



NOVEL TREND IN RESEARCH ON ANCIENT ROME: DEVELOPMENT PROCEDURES AND TOWN PLANNING LAWS OF THE ROMANS

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ABSTRACT: Researchers have virtually ignored the legal aspects of town planning in Roman times and we intend to approach the research from a contemporary conceptual and methodological framework, and, for this reason we have articulated the project around the following interdependent subjects, which are currently accepted as the components of Urban Development Law: spatial cohesion, town planning, housing and the environment. Therefore, it should be emphasized that Roman Urban Development Law distinctly evolved towards a social configuration thus providing the constant tension between private and public interests.

KEY WORDS: Town Planning Laws of The Romans, Spatial Cohesion, Town Planning, Housing, Environment.

RESUMEN: El aspecto jurídico del urbanismo romano ha sido tradicionalmente olvidado, por lo que es necesario abrir las investigaciones futuras hacia las materias interdependientes e integradoras del Derecho urbanístico: la ordenación territorial, el urbanismo, la vivienda y el medio ambiente, siempre desde esquemas conceptuales y metodológicos actuales, para constatar la marcada evolución del derecho de propiedad romano hacia una configuración de corte social que evidencia la tensión entre el interés privado y el interés público.

PALABRAS CLAVE: Derecho urbanístico, Ordenación territorial, Urbanismo, Vivienda, Medio ambiente.

Traditionally, different knowledge sectors have studied Ancient Rome's urban development procedures: Architecture, Engineering, Economics, Ancient History, Art History, etc. However, researchers have virtually ignored the legal aspects of town planning in Roman times, not only in Spain, but elsewhere¹.

The actual denomination Roman Urban Development Law (*Derecho Urbanístico Romano*, DUR as per English acronym), is neither mentioned in the authorized bibliography at all, nor in the publications that somewhat basically and at times

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superficially deal with the subject. This might possibly be due to the fact that Ancient Rome doctrine dared not take that step forward. There are powerful reasons for doing so, as we intend to demonstrate. In fact, as we shall disclose later on, one of our main objectives is to confirm the existence of a DUR which is extremely rich and varied, deeply valuable and of real significance nowadays. It confirms once and for all that this sector of the Ancient Roman public law rulings was autonomous, while being included in Roman Administrative Law (*Derecho Administrativo Romano*.)

Furthermore, we intend to approach research from a contemporary conceptual and methodological framework and, thus, we have articulated the project around the following interdependent subjects, which are currently accepted as the components of Urban Development Law (*Derecho Urbanístico*): Spatial Cohesion, Town Planning, Housing and the Environment. In essence, our intention is to approach the study of these divisions simultaneously, as they are intimately related despite maintaining their own specificity.

The regulations and evolution of the territorial organization of the Romans will be incorporated in the sphere of Spatial Cohesion, our priority being to confirm its adjustment to present day objectives of interregional balance, rational use of territory and improvement of the quality of life.

Under the heading Town Planning we shall research the town plans of this sector found in the sources consulted, and also the way in which urban planning was regulated, particularly when referring to Public Works.

Under the section Housing, we will include all the legislation on mansions (*domus*) and buildings of rented housing (*insulae*.)

Finally, under the heading Environment, our objective is to analyse all the rules which dealt with the care and conservation of natural and cultural aspects of the environment, understood in its widest sense.

All in all, we believe that the methodology proposed will facilitate a possible –and very necessary– transfer, through the normal channels, of the results obtained in the framework of this project to the present-day knowledge society.

Several important reasons for carrying out this study are justified briefly below.

In the first place, there are no studies on Ancient Roman Urban Development Law either in Spain or elsewhere, although some very valuable scientific contributions partially touching on certain aspects related to the legal regulation of Roman town planning do exist. Secondly, there is no systematic organization of the data, and therefore, it needs to be designed *ex novo*. Consequently, we are faced with another task of no lesser importance: organizing and systemizing Ancient Rome's legal-urban heritage from a present day legal perspective which will permit the transfer to our society of the results obtained. In fact, the DUR does not have the organic or systematic characteristics which one would expect to find today in any sector of legal knowledge. The rules, provisions and urban regulations of Rome are disperse, vague and are contained in extremely varied legal and extra-legal sources.

Furthermore, we must invalidate, or at least qualify, the traditionally accepted thesis which portrays the rights over land and buildings by owners in Rome as indisputable or hardly limited. This can be seen in many of current reference books on Urban Development Law which, when approaching the historical precedents of town planning, agree on the total and unlimited character of Roman private ownership. However, this statement is only partially true.

It is precisely this widespread opinion that has led to existing works on Roman town planning legal rulings being written from the perspective of *ius privatum*. However, we believe that the *ius publicum* aspect of this regulation should be

granted its proper status and be considered equal to the traditional aspect. In fact, in some historical stages of Roman Law (*Derecho Romano*), it should be considered predominant.

It is obvious that we should establish the rights to urban ownership have evolved from a liberal point of view to a social or more societal position as far as its function is concerned. In fact, while direct comparison is impossible because of the difference in era, Roman Urban Development Law, as in the case of present Urban Development Law, is the history of constant tension between private and public interests.

A final reason for undertaking this work is simply that research on Ancient Rome needs opening to other fields which are as yet been treated briefly and incompletely, and which almost always refer to Roman Public Law (*Derecho Público Romano*.) Furthermore, in the course of the Ibero-American Congress of Roman Law held in Toledo (Spain) in February 2008, the prestigious scholar of Ancient Rome, Professor Crifò, predicted in his speech on the future of research on Ancient Rome that the fundamental line of investigation would be Roman Administrative Law and its constitutive sectors. We take this to mean that this includes DUR. (The speech may be read in www.aidrom.com.) Nevertheless, it must be said that during the last decade in Spain, Professor Antonio Fernández de Buján, Chair of Roman Law at the Universidad Autónoma de Madrid and an irrefutable expert on the matter, has repeatedly made this statement.

Returning to the first point. No comprehensive project analysing the legal organisation of land use by the Romans has been carried out before. Doctrinal contributions dealing partially with the subject have existed since the 19th century, and include very valuable works but which only minimally address the question of Roman town planning and its legal regulation. In these interdisciplinary studies, town planning analysis is only looked at from different aspects of social knowledge and therefore neglects to interpret and expound the legal system concerning town planning².

Following the order proposed at the beginning, Spatial Cohesion would be the first thematic block to be researched. Actually, according to the European Charter on Spatial Planning dated 20 May, 1983 spatial cohesion can be defined as «the spatial expression of economic, social, cultural and environmental politics of the whole of society». In addition, the same document makes mention of its primordial objectives

² For an overview on Town Planning, we recommend the following works:

D. Serrigny, *Droit public et administratif romain*, Paris, 1862.

T. Mommsen, *Le Droit Public romain*, French translation, Girard, Paris 1894, reprint, 1984.

F. Castagnoli et al., "Topografia e urbanistica di Roma", *Storia di Roma* 22, Bologna, 1958.

A. García y Bellido, *Urbanística de las grandes ciudades del mundo antiguo*, Madrid, 1985.

J. Guillén, *Urbs Roma* 1, Salamanca, 1977.

A. Fernández de Buján, *Derecho Público Romano. Recepción, Jurisdicción y Arbitraje*, 10th ed., Madrid, 2007.

L. Homo, *La Roma imperial y el urbanismo en la Antigüedad*, Spanish Translation, Almoína, Mexico, 1956.

A. Pelletier, *L'Urbanisme romain sous l'Empire*, Paris, 1982.

G. A. Mansuelli, "La città romana nei primi secoli dell'impero. Tendenza dell'urbanistica", in ANRW 2, 12.1, 1982.

G. A. Mansuelli, "Città e architettura nella Roma Imperiale", in *Analecta Romana Instituti Danici*, Supplementa 10, Roma, 2004.

L. Spera, *Paesaggio suburbano di Roma dall'Antichità al Medioevo*, Roma, 1999.

L. Spera, *Urbanizzazione delle Campagne nell'Italia antica*, Roma, 2002.

D. G. Favro, *The urban image of Augustan Rome*, Cambridge, 1996.

L. Storoni Mazzolani, *L'idea de città nel mondo romano*, Firenze, 1994.

which include encouraging a balanced development between regions, responsible management of natural resources, protection of the environment, improvement of the quality of life - in short, the rational use of the territory.

To return to Roman Law, it must be said that significant research has been done on spatial cohesion and the basic units of organisation. Municipalities, colonies and provinces existing between I BC, when all Italy became part of State territory, and III AD when the last important territorial reorganisation took place, have been thoroughly investigated, although more as part of its general administrative organisation than from the specific objective we have in mind³.

Town Planning, the second subject, is closely related to spatial cohesion and public environmental responsibilities, although as we shall see, its range is more limited because it is directed solely towards the organisation of land use and building in the city. One of the cornerstones of modern town planning and the Urban Development Law that regulates this, as we are aware, is its strategy. Consequently, questions relating to town planning⁴ strategy must be approached under this heading as will be shown in our proposed work schemata, which includes everything related to city works and public buildings.

Under the third heading, Housing, we intend to show that this is another cornerstone of Roman Urban Development Law. Related to present day Urban Development Law, we are of the opinion that property controlled or regulated for

³ Summary of selected works:

F. Abbot and A. C. Johnson, *Municipal Administration in the Roman Empire*, Princeton, 1926.

C. H. Saumagne, *Le droit latin et les cités romaines sous l'Empire. Essais critiques*, Paris, 1965.

A. D'Ors, *Epigrafía jurídica de la España Romana*, Madrid, 1953.

E. Taddei, *Roma e suoi municipi*, Roma, 1972.

Several authors, *Atti del convegno internazionale sul tema: i diritti locali nelle provincie romane con particolare riguardo alle condizioni giuridiche del suolo*, Roma, 1974.

S. Mackie, *Local administration in roman Spain A.D. 14-212*, Oxford, 1983.

Several Authors, *Roma y las provincias. Realidad administrativa e ideología imperial*, Madrid, 1994.

L. Rodríguez Ennes, *Gallaecia: romanización y ordenación del territorio*, Madrid, 2004, Prologue by A. Fernández de Buján.

J. M. Alburquerque, "La administración provincial, colonial, municipal y la justicia en la Hispania romana" (*Provincial, colonial and local administration and the law in Roman Hispania*), 1, *Revista General de Derecho Romano*, 2006.

E. García Fernández, *El municipio romano*, Madrid, 2001.

J. F. Rodríguez Neila, *Sociedad y Administración local en la Bética romana*, Córdoba, 1981.

B. Salmieri et al., *Colonie romane nel mondo greco*, Roma, 2004.

G. Purpura, "La provincia romana d'Asia, i publicani e l'epigrafi di Efeso", in *IURA*, 53, 2002, pp. 177-198.

M. C. Parra, "La centuriatione e l'occupazione del territorio", in *Civiltà dei Romani. La città, il territorio, l'impero*, Milano, 1990, pp. 83-98.

⁴ Selection of existing works:

A. Guarini, *La finanza del popolo romano. Trattato storico-legale*, Napoli, 1841.

A. Choisy, *L'art de bâtir chez les Romains*, Paris, 1873.

E. De Ruggiero, *Lo Stato e le opere pubbliche in Roma antica*, Torino, 1925.

A. Chastagnol, *La préfecture urbaine a Rome sous le Bas-Empire*, Paris, 1960.

P. Lavedan and Hugueney, *Histoire de l'Urbanisme 1, Antiquité*, Paris, 1966.

Y. Janvier, *La Législation du Bas-Empire romain sur les édifices publics*, Aix en Provence, 1969.

R. De Fresquet, « Principes de l'expropriation pour cause d'utilité publique à Rome et à Constantinople jusqu'à l'époque de Justinien. Des limitations apportées par les lois au droit de propriété tant dans l'intérêt général que dans l'intérêt privé », dans *RHD* 6, 1860, pp. 97-132.

Some other recent works included in *Analecta Romana Istituti Danici, Supplementa 27*, ed. L'Erma:

– *Architettura e pianificazione urbana nell'Italia antica* (ed. Lorenzo Quilici et al.), Roma, 1997.

– *Urban space and urban conservation as an aesthetic problem. Lectures presented at the international conference, Rome 1997, 23-26 October, 2000*, edited by A. Algren-Ussing.

certain social needs deserves a special approach. Needless to say, housing, and the issues surrounding it, is intrinsically related to town planning and urban strategy. Furthermore, we know what is now understood by 'adequate housing', as laid down in the *Istanbul Declaration on Human Settlements* of 1996. Having adequate housing means «more than just a roof under which to shelter. It also means having privacy, adequate space, accessibility, proper security, right of occupancy, stable and durable structure, sufficient lighting, heating and ventilation, a basic infrastructure which includes water supply, drainage and sewage disposal, quality environment factors and health related issues, suitable location near work and basic services at a reasonable cost». All in all, from the Declaration one can conclude that housing alone is not sufficient and that human development must include adequate surroundings and a network of minimum basic public services.

Romans' town planning history and that of other ancient cities similarly built is rightly seen as the history of «a permanent struggle with the obstacles of limited space and a growing population on the one hand, and on the other, the imbalance between the needs of the population and the emperor's projects». Ancient Rome's growing population dwelt fundamentally in two different types of housing: noble mansions and buildings of rented housing, although lack of living space forced the use of other places as homes. In this section, we will analyse Roman rulings regulating owners' rights and duties related to their property⁵.

As regards the Environment, the environmental consequences of human activity – including land use procedures– are a major priority for the current Administrations, but concerns about the environment are certainly not new, as we intend to demonstrate in this research work. It should be stressed that section 45 of the Spanish Constitution is devoted specifically to this question and states, in the first place, that citizens have rights and duties to an adequate environment. Nevertheless, the Establishment's role is crucial to enhancing quality of life through rational use of natural resources with the support of the "essential community solidarity". This document does not intend to define, even in broad terms, the concept of Environment, although two irreconcilable tendencies of the doctrinal limits of this notion have been established: that which portrays the Environment in the widest sense (natural, cultural, surroundings –historic-artistic heritage–) and another strictly limited to natural resources. Present-day Administrative Law doctrine is prone to exclude the wide notion because it is in line with the spirit of two sections of the

⁵ Below, a sample of the most significant works on the subject:

U. Brasiello, *Corso di diritto romano. La estensione e le limitazioni della proprietà*, Milano, 1941.

P. Bonfante, *Corso di diritto romano 2. La proprietà 1*, Milano, 1958.

V. Scialoja, *Teoria della proprietà nel diritto romano 1*, Spoleto, 1933.

P. Garnsey, "Demolition of houses and the Law", in *Studies in Roman property*, Cambridge, 1976.

E. J. Phillips, "The Roman Law on the Demolition of Buildings", in *Latomus*, 32, 1973.

E. Levy, *West Roman Vulgar Law. The Law of Property*, Philadelphia, 1951.

L. Lusignani, "Le limitazioni della proprietà in diritto romano", in *il Filangieri*, 23, 1898.

A. M. Patault, « Réflexions sur les limitations au droit de propriété à Rome jusqu'à la fin de la République », dans *RHD* 55, 1977.

M. Sargenti, "Due senatoconsulti di politica edilizia nel primo secolo dell'impero e tecnica normativa", *Studi in onore di Sanfilippo*, 5, Milano, 1984.

W. Simshäuser, "Socialbindungen des Eigentums in römischen Bauwesen der späteren Kaiserzeit", *Sodalitas. Scritti in onore di Antonio Guarino* 4, Napoli, 1984, pp. 1,793-1,814.

C. Saliou, *Les Lois des bâtiments. Voisinage et habitat urbain dans l'Empire Romain. Recherches sur les rapports entre le droit et la construction privée du siècle d'Auguste au siècle de Justinien*, Beyrouth, 1994.

Spanish Constitution specifically devoted to historical-artistic heritage and town planning and housing⁶.

Considering Roman Law, we have decided to use as a starting point the aforementioned wider notion of Environment because it appears to be the one inferred in the written sources consulted, such as Vitruvius' Treatise *De Architectura*. These mention woods, gardens and parks⁷ and wide avenues down which to stroll; encouragement of social life in forums, *porticae* and baths. We should also give special mention to Ancient Rome's legal protection of the natural landscape, specially coast and country, and to material resources (mainly historical-artistic heritage), observed in the different legal sources which should be studied and analysed.

There is yet another important issue at stake, denounced in texts by ancient Latin writers: the over-exploitation of natural resources⁸. They openly condemned widespread insalubrious conditions, including noxious fumes and stale air, and any other activities detrimental to the natural growth of lush woodland or the breeding of livestock and fish farming.

This investigation should be approached in line with the arguments common to the historical-critical methodology framework, widely accepted as the theoretical basis of any research on Ancient Rome. Besides, the unique character of the subject of our investigation (a historical set of rules no longer in force) leads us to consider all sources available, both legal and extra-legal, which may contain any piece of information on the legal aspects of Rome's town planning. We will also outline the concept of Roman Urban Development Law from an inductive procedure from its inspiring principles and after exploring the subject areas that frame our investigation. We propose the following outline schedule for future research:

⁶ Vid. E. García Luque, "Los beneficios fiscales y el medio ambiente. Análisis de la deducción por inversiones en instalaciones medioambientales" (*Tax benefits and the Environment. Analysis of deductions on investment in Environmental Facilities*), en *Revista Valenciana de Hacienda Pública*, Palau 14, n.º 30, 1997, pp. 68-87; "Apuntes y breves propuestas sobre la fiscalidad ambiental en Andalucía" (*Notes and brief proposals on Environmental Taxes in Andalusia*), en *Revista Información Fiscal*, n.º 49, 2002, pp. 125-151; "La protección del medio ambiente en las empresas de economía social y su promoción fiscal: los primeros pasos de un incipiente régimen fiscal especial para las empresas socialmente responsables" (*Environmental Protection in Social Economy Companies and Progress on Taxes – entry-level of an incipient tax regime dedicated to socially sensitive companies*), 27 CIRIEC International Conference, Seville, September 2008.

⁷ On green areas in general, consult R. Rodríguez López, *El Huerto en la Roma antigua. Su problemática urbanística y agraria*, Madrid, 2008.

⁸ Below, some works on the matter:

Several authors, *Sordis urbis. La eliminación de residuos en la ciudad romana*, Roma, 1999.

P. Cassetti and M. Fagiolo, *Roma. Il verde e la città: giardini e suazi verdi nella costruzione della forma urbana*, Roma, 2002.

P. Grimal, *Les jardins romains*, Paris, 1984.

B. Gauthiez, *Espace urbain. Vocabulaire et morphologie*, Paris, 2003.

L. Farrar, *Ancient roman gardens*, Sparkford, 2001; *Gardens of Italy and the Western Provinces of the Roman Empire*, Oxford, 1996.

C. Arena, *Il verde a Roma. Dall'hortus alla villa*, Roma, 1983.

V. Sirago, *Storia agraria romana*, Napoli, 1995.

L. Allodi and C. Snider, *Dal giardino dell'Eden al verde Della metrópoli. Dal giardino di ieri al ruolo del verde nelle città di oggi*, Milano, 1992.

N. Purcell, "The roman garden as a domestic building", in *Roman domestic buildings*, Exeter, 1996.

J. L. Zamora, *Precedentes romanos sobre el Derecho ambiental: la contaminación de aguas, canalización de las aguas fecales y la tala ilícita forestal*, Madrid, 2003.

1. Ancient Rome's urban development procedures: Overview. Recognition of Greek influences⁹.

2. Study and analysis of Roman Urban Development Law:

2.1. Spatial Cohesion: types and models of organization. Basic units. Development and evolution. Evaluation of adequacy to interregional balance objectives, rational use of territory and quality of life enhancement. Urban Development Law and spatial cohesion in Hispania, with special consideration of Roman Andalusia.

2.2. Town Planning. Spatial cohesion plans and guiding principles analysis. Cities: works and public buildings. Major public works, promotion and financing. Private works for public use. Plot building potential. Building and maintenance. High ranking management, technical and safekeeping staff.

2.3. Housing. Legislation on houses and buildings of rented housing. Urban issues and legal solutions. Regulations on distances, maximum height, preservation and stability. Measures against land speculation. Renting policies. Urban constraints: infringement and penalties.

2.4. The Environment. Urban planning and the environment. Natural surroundings and cultural environment. Protecting the environment. Preserving cultural habitats, particularly historical-artistic heritage.

3. Organization and systematization of the legal heritage of Ancient Rome relating to town planning. Proposal and design of a systematic organization of its contents.

4. Formulation of a concept. The concept of Roman Urban Development Law. Justification and informative criteria. Inclusion in the general framework of Roman legal rulings.

The proposed research project would enable the obtention of the following results:

— Advancement of research on Roman Public Law, in particular Roman Administrative Law. In fact the Roman doctrine itself accepts that Roman Public Law, and Roman Administrative Law in particular, have traditionally been forgotten or inadequately studied. As a result, we believe that the new lines of Roman investigation should not be dictated by researcher's or team's preferences but above all by the need to open new and unexplored channels.

— Consideration of DUR as a singular entity within Roman public law rulings. Indeed, we believe that, while including it in Roman Administrative Law, the category of DUR and its distinguishing features must be consolidated, once and for all, as an autonomous sector of Roman public law rulings. Furthermore, according to García de Enterría and Parejo Alfonso «town planning inevitably manifests itself through legal rulings which we can identify under the conventional name of Urban Development Law». Moreover, the Spanish Supreme Court (*Tribunal Supremo*) ruling of 10 May 1983 states «Urban Development Law is, in its entirety, an eminently public law, and is a prominent segment incorporated into Administrative Law where the Government plays the leading role on all levels and specifically in planning, while restricting the involvement of private individuals to that of mere collaborators».

— Encouragement of the doctrinal debate and development of stable communication and exchange channels in order to advance legal science.

The particular features of the research proposed require the involvement of various legal and some non-legal disciplines of which Roman Law is obviously the principal but we should not forget the Greek precedent in Ancient Rome's urban development procedures. Although cognizant of this precedent, research done has

⁹ For a general overview on the Law, *vid.* J. Palao, *El sistema jurídico ático clásico*, Madrid, 2007.

been scant and undervalued. It will be necessary to incorporate some studies on Greek philology into the research to aid analysis of the epigraphic sources which contain data on town planning regulations in the Greek *polis*¹⁰. It will also be very useful to have confirmation through the History of Law and Institutions (*Historia del Derecho y las Instituciones*) of the transmission, through history of Roman town planning rules in Spain and in other countries within the Ancient Rome's sphere of influence¹¹.

The same may be said of modern Administrative, Financial and Tax Law (*Derecho Administrativo, Derecho Financiero y Tributario*). The investigation should be developed bearing in mind modern systematic criteria as there is no doubt it justifiably belongs within the scope of present-day studies of Administrative Law and, more precisely, within the scope of Urban Development Law¹². Then again, we are aware that Roman Town Planning has important legal-financial implications. Research of the rulings relating to public works and buildings, using exceptional criteria, is essential to analyse their financing and the organs of power issuing the budget allocations. For this reason, we believe it appropriate to research present-day legal-financial and tax rulings¹³.

We believe that the foregoing shows the need for multidisciplinary research and also the possibility of transferring the results to different fields of social studies such as History or Art History and even to certain technical fields such as Architecture. This feature, known as transversality, is positively valued in research projects that have been requested.

Relating to the field of Roman Law, we would like to highlight the following research work: B. Malavé, "Código Teodosiano 15,1 y la interdicción de obra nueva respecto a los edificios públicos" (*Teodosian Code 15,1 and interlocutory injunction against further construction of public buildings*), en *Cuadernos informativos de Derecho histórico público, procesal y de la navegación*, 19-20, 1996. *Legislación urbanística en la Roma imperial. A propósito de una Constitución de Zenón (Urban*

¹⁰ Professor Inés Calero specialises in translations into Spanish of inscriptions relating to some Greek cities. For instance, in the case of awarding land and houses to settlers in Kefalonia, Calero publishes: "Los órdenes sucesorios en Derecho griego. Un testimonio etolio (IG IX 1(2))" (*Order of succession or descent in Ancient Greek Law. An Aetolian Testimony*), in *Akten der Gesellschaft für Griechische und Hellenistische Rechtsgeschichte*, Köln, 2003. Her book *Las leyes de Gortina* was much acclaimed by the doctrine. Other research works dealing with Ancient Greek Law include *La capacidad jurídica de las mujeres griegas en la época helenística. La epigrafía como fuente*, Malaga, 2004.

¹¹ For example, we know that in Portugal until 1755, the year of the great earthquake which almost destroyed Lisbon, an extensive and detailed Byzantine ruling included in the Justinian Code (C. 8,10,12), known as the *Constitution of Zeno*, was still in force. This was precisely the subject of the congress "250 anos de legislação urbanística. Ordem e caos na formação e expansão da cidade portuguesa", held in the Lisbon Law Faculty in 2005 in which I was privileged to present the paper "La ley imperial de Zenón: un antecedente histórico singular" (*Zeno Imperial Law – a unique historical precedent*).

¹² Professor I. González Ríos, has published the following monographs: *El dominio público municipal. Régimen de utilización por los particulares y compañías prestadoras de servicios*, Granada, 2001; *Bienes de uso público municipal I. El sistema viario urbano*, Granada, 2002; *Bienes de uso público municipal II. El subsuelo, el vuelo y los espacios libres y zonas verdes*, Granada, 2002.

¹³ Y. García Calvente, "La protección del derecho a una vivienda digna a través del sistema tributario" (*Protection of the right to Decent Housing via the Tax System*), en *Estudios de Derecho Financiero y Tributario en Homenaje al Prof. Calvo Ortega*; "El nuevo régimen especial en el Impuesto de Sociedades de entidades destinadas al arrendamiento de viviendas" (*New special regime of Corporation Tax for companies engaged in Renting*), en *Consultor inmobiliario*, 46, 2004; "Fiscalidad de las cooperativas de vivienda" (*Taxation in Housing Cooperatives*), *Consultor inmobiliario*, 58, 2005; chapter on cooperatives in *Fiscalidad de las Entidades de Economía Social*, ed. Civitas, 2005.

Law in Imperial Rome. Speaking of the Constitution of Zeno), Malaga, 2000; “Régimen jurídico del Urbanismo en Derecho Romano” (*Urban Legal System in Roman Law*), en *Portalderecho. Programa de Derecho Romano*, at www.iustel.com, 2002; “La prohibición de legar materiales unidos a los edificios y Partidas 6,9,13” (*Prohibition to bequeath materials attached to buildings and Seven Parties 6,9,13*), *Actas del IV congreso iberoamericano de Derecho Romano*, 2, Vigo, 1998; “Las contribuciones forzosas de los particulares a las obras públicas” (*Individuals’ obligatory contribution to public Works*), en *Revista General de Derecho Romano*, 4, at www.iustel.com, 2005; *Régimen jurídico financiero de las obras públicas en el Derecho Romano Tardío: los modelos privado y público de financiación (Legal and Financial System of public Works in Late Roman Law: Private and Public Financial Models)*, Dykinson, Madrid, 2007; “El problema de las construcciones privadas parasitarias y abusivas: su regulación y represión en el Bajo Imperio Romano” (*The issue of private parasitic and abusive constructions: control and constraint during the Decline of the Roman Empire*), published by *Studi Urbinati*, 74, Urbino, 2007; A. Fernández de Buján. His book *Derecho Público Romano (Roman Public Law)*, 576 pp., Civitas, Madrid, 12 editions: 1996, 1997, 1998, 1999, 2000, 2002, 2003, 2004, reprinted in 2004, 2005, 2006, 2007 and 2008. He has also directed the publication *Derecho Administrativo Histórico (Historical Administrative Law)*, Santiago de Compostela, 2005, and contributed with his own work on pages 119 to 155. We would like to mention some of his most significant writings on spatial cohesion and town planning, which include the following articles: “De la Iberia Griega a la Hispania romana” (*From Greek Iberia to Roman Hispania*), in *Homenaje a Díez Picazo*, Madrid, 2004 and “La administración provincial romana” (*Roman Province*), en IURA, Nápoles, 2004, or the foreword to L. Rodríguez-Ennes, *Gallaecia: romanización y organización del territorio (Gallaecia: romanization and territorial organization)*; J. M. Alburquerque, “A propósito de la protección o defensa del uso colectivo de las cosas de dominio público: especial referencia al interdicto *ne quid in loco publico fiat*” (*A propos of protection or defense of collective usage of public assets: special reference to the provisional order granting possession or retention of disputed property ne quid in loco publico fiat*), en *Problemática del Derecho Romano ante la implantación de los nuevos planes de estudio*, Jaén, 1999; “A propósito de las providencias administrativas urgentes: los interdictos en Derecho Romano” (*A propos of Urgent Administrative Orders: Provision Orders in Roman Law*), en *Derecho y Opinión*, Córdoba, 1995-96; *La protección o defensa del uso colectivo de las cosas de dominio público: Especial referencia a los interdictos de publicis locis (loca, itinere, viae, flumina, ripae)* (*Protection or defense of collective use of public assets: especial reference to the provisional order granting possession or retention of disputed property publicis locis (loca, itinere, viae, flumina, ripae)*), Dykinson, Madrid, 2002; “Una reciente aproximación al Derecho Público Romano” (*A recent rapprochement to Roman Public Law*), en *Revista de Estudios Jurídicos de la Facultad de Ciencias Jurídicas y Sociales*, Jaén, 1998; “Consideraciones en materia de protección vial: El interdicto *ne quid in via publica itinereve publico fiat, quo ea via idve iter deterius sit fiat* (D.43.8.2.20)” (*Considerations on road safety: provisional order ne quid in via publica itinereve publico fiat, quo ea via idve iter deterius sit fiat*), en *Derecho y Opinión*, 6, Córdoba, 1998; “Algunas observaciones sobre la influencia de la experiencia administrativa romana en el actual sistema jurídico español” (*Comments on the influence of the Roman administrative experience in the current Spanish Law System*), *Iuris Tantum*, 10, México, 1999; “Experiencia administrativa romana: algunas manifestaciones del poder de los magistrados romanos con relación al uso público de los bienes de dominio

público” (*The Roman Administrative Experience: some examples on the power of magistrati according to public usage of public assets*), en *El poder estatal y local: Problemas jurídicos. Rusia-España*, Univ.Voronézh-Rusia, 2000; “Las orillas de los ríos públicos en Derecho Romano: tratamiento interdictal y jurisprudencial (D. 43,12,1,5)” (*Public River Banks in Roman Law – an approach based on Provisional Orders and Precedents*), en *Derecho y Opinión*, 9, 2001; “Publicidad de los ríos en Derecho Romano. Perspectiva interdictal y criterios jurisprudenciales (D. 43,12,1)” (*Public Rivers in Roman Law. An approach based on Provisional Orders and Precedents*), en *Revista Jurídica de la Universidad Autónoma de Madrid (RJUAM)*, 7, 2002; “El cauce y las orillas de los ríos públicos en Derecho Romano. Visión interdictal y jurisprudencial (D. 43,12,1,7 y D. 43,12,1,5 y D. 43.12.1.5)” (*River Beds and River Banks in Public Rivers. An overview based on Provisional Orders and Precedents*), en *Anuario da Facultade de Dereito da Universidade da Coruña* 7, 2003; “Protección de bienes de dominio público: Experiencia administrativa romana” (*Public Asset Protection – the Administrative experience in Ancient Rome*), en *Derecho Administrativo Histórico*, 1, Santiago, 2005; “Notas acerca de la *utilitas publica*” (*Comments on the common good –utilitas publica*), *Revista General de Derecho Romano*, 5, www.iustel.com, 2005; Ponte, *Régimen jurídico de las vías públicas en Derecho Romano (Legal System of Public Roman Roads in Roman Law)*, Dykinson, Madrid, 2007; “La defensa de las vías públicas romanas. Interdictos especiales para la protección del disfrute de vías públicas” (*Defense of Public Roman Roads. Special Provisional Orders to Protect Use of Public Roads*), en *Revista General de Derecho Romano*, 9, www.iustel.com, 2007; “Normas romanas y vías públicas” (*Roman Norms and Public Roads*), en *Xornadas e Seminarios: Derecho Administrativo Histórico*, 1, Escola Galega de Administración Pública, 2005; “La búsqueda de la seguridad y el orden en las calles de Roma” (*A Search for Security and Order in the Streets of Ancient Rome*), en *Anuario da Facultade de Dereito da Universidade da Coruña*, 9, 2005; “Guardianes y custodios de las calzadas romanas: el *curator viarum*” (*Roman Road Guardians and Safekeepers – the curator viarum*), en *Personalidad y capacidad jurídicas* Córdoba, 2005; “La financiación de las *viae publicae* romanas” (*Financing of Roman viae publicae*), en *Anuario da Facultade de Dereito da Universidade da Coruña*, 8, 2004; “Caracterización de las vías públicas romanas: estructura, construcción y accesorios de una calzada” (*Roman Public Road Features – Structure, Construction and Accessories of a Roman Road*), en *Revista General de Derecho Romano*, 3, www.iustel.com, 2004; “Los agentes constructores de las vías romanas de carácter público. El recurso a la *locatio-conductio* para adjudicar los trabajos de alzamiento” (*Roman Public Road Builders. Resorting to locatio-conductio to award a contract for public services and maintenance*), en *Revista General de Derecho Romano*, 2, www.iustel.com, 2004; C. Jiménez Salcedo, “Algunas reflexiones sobre urbanismo en Derecho Romano”, en *Iuris Tantum (Reflection on Town Planning in Roman Law)*, en *Revista de la Facultad de Derecho*, Universidad Anahuac-Mexico, 2001; also available at *Revista General de Derecho Romano*, www.iustel.com, 2007; “Algunas observaciones a propósito de la responsabilidad por daños causados por ruina de edificios” (*Comments on Liability resulting from Damages caused by Collapsing Buildings*), en *Iuris Tantum*, dated 2004, aforementioned; E. Pendón, *Régimen jurídico de la prestación de servicios en Derecho Romano (Legal System concerning Rendering of Services in Roman Law)*, Dykinson, Madrid, 2002. Further works worth mentioning by the same author: “Afectación y titularidad del dominio público en Roma” (*Ownership and holding of Title of Public Domains in Ancient Rome*), in the

book *Problemática del Derecho Romano ante la implantación de los nuevos planes de estudio*, Jaén, 1999; “Consideraciones sobre la naturaleza jurídica de algunos tipos de aguas” (*Considerations on the Legal Nature of certain kinds of Water*), en *El Derecho de Familia y los derechos reales en la romanística española* Huelva, 2000; M. Salazar, *Evolución histórico-jurídica del condominio en el Derecho Romano (Historical and Legal Evolution of Common Ownership in Roman Law)* Jaén, 2003, in which relationships between neighbours are looked into on the grounds of co-ownership, including the issue of dividing walls. It also studies the evolution of *refectiones aedificiorum* in Justinian Law overcoming the traditional prohibition to undertake necessary refurbishments on the buildings or dividing walls without co-owners’ consent; “Análisis de la copropiedad romana a través de las acciones divisorias” (*Analysis of Co-ownership in Ancient Rome through Dividing Actions*), in *Modelli teorici e metodologici nella storia del diritto privato* Napoli, 2003; R. Rodríguez López, *Las obligaciones indemnizatorias en el Derecho Público Romano (Obligation to Compensate in Roman Public Law)* Almería, 1996; the following chapters: “Política urbanística en la Novela IIII de Mayoriano” (*Urban Policy in Majorian, Novel IIII*), en *Problemática del Derecho Romano ante la implantación de los nuevos planes de estudio (Questions posed on Roman Law by the Introduction of the new Curriculum)*, Jaen, 1999; *La responsabilidad por daños en bienes públicos: Indemninati reipublicae satisfacere debere (Damages Liability on Public Assets – Indemninati reipublicae satisfacere debere)*, en *La responsabilidad Civil. De Roma al Derecho moderno*, Burgos, 2001; the article “Problemática urbanística y agraria del huerto (C. III-II AC)” (*Urban and Agricultural Issues relating to Orchards (C. III-II BC)*), *Revista General de Derecho Romano*, 9, www.iustel.com, 2007.

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