ROMAN LAW IN THE MODERN WORLD

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SUMMARY: I. *The Character of Roman and Civil Law*. II. *The Presence of Roman Law today*. III. *A common feature*. IV. *Bibliography*.

There are *grosso modo* three legal systems in the world which cover a large portion of the world population: the Chinese, the common law and the civil law. The Chinese law is confined to China and so I shall leave it here aside. The common law system is an original product of the 11th century English judiciary system. Itinerant judges created a whole of judgments which were calibrated to each other in order to secure a stable system of the king's law over the entire country: the common law. These judgments were based on a restricted number of writs (orders to the sheriff to initiate a legal procedure), but in their turn the application of certain writs were extended to cover new cases. In this way certain themes were refined and refined in the course of time, by which nuclei of law came into existence, like in the writ of trespass, which from wrongful damage came to cover, in an adapted form, breach of contract. Statutes were issued, yet these too were drawn into the judiciary system. In the end a body of law exists, which, in essence, is a bundle of different topics (a *partitio*), each of which is carefully refined in a highly ingenious legal way of thinking, by judges. Due to the *stare decisis* rule (crystallised in the 19th century), old judgments are reinterpreted, on one hand to understand the *ratio decidendi* better, on the other hand to be able to distinguish and create so room for new developments. The common law was imposed on Wales and Ireland. One principle is that wherever in the world Englishmen settle, they take the common law with them and so there the English common law took hold of the colonies in America, to become the common law of the USA, of several Caribbean islands, of Guyana; of Canada; of Australia; partly of South Africa; and of some other present or former British colonies (they never thought of exporting Scots law).

The third legal system is the civil law system. It is Roman law, it is usually called *ius commune* where it concerns the Roman law not only as it was applied in Europe and the rest of the world from the 11th century onwards, but I prefer the English term civil law: Roman law as opposed to particular statutes of towns, customary law (and the canonical law). By a clever reasoning of Bartolus the importance of local and customary laws was reduced to be an exception. Even in France, where the king ordered the customary laws to be codified, Roman law changed it because civil lawyers used the civil law language to describe and organise it, by which they were romanised. Further, everywhere where the Roman Catholic Church was present, it applied a Roman-Canon system of litigation and in it Canon and Roman law. This Roman-Canon process law was also imitated in secular courts. Thus apart from England in Southern and Western Europe there was a common legal system, the *ius commune*, which consisted of a common process law, a common civil law, and local law in as far as applicable within these two determinators.

I. The Character of Roman and Civil Law

But what is the difference between the English common law and the civil law? The difference lie in the change in approach to the law of Rome as begun in the 1st century BC by people like Q. Mucius Scaevola. They began to organise the legal actions according to Stoic principles into categories, based on general concepts. One result was a basic introduction used since the 2nd century AD: the Institutes. Of several books we have but one completely, that of Gaius, but this book was used by Justinian for his Institutes, in 533. The Stoic philosophers, who carried on the tradition set by Aristotle, saw two ways of organising a whole of facts or rules: a *partitio* or a *divisio*. In a *partitio* one looks for bundles which have one or more common features. These form groups, which are each independent from each other. What cannot be included, remains a rest group. If new phenomena arise, they may form new groups. In this way one has an open system of *partes*. Certain groups have crystallised, like the land law, or law of trusts, or the undue influence in the law of wrongs. That is the way the English common law is organized.

The other way is the *divisio*. Here the whole is point of departure, it is assumed that it forms a whole outside of which there are no single facts. To create order the whole is divided up into categories and whatever there remains as rests, has to be fitted into the existing categories. In theory it could

be possible that a whole results in the same setup, except for the attribution of the rest group, but in practice the difference is great. This is because the point of departure, a whole outside of which there may not remain a rest, sets already the criteria according to which the whole will be divided. This system applied both to the substantial as to the procedural law, particularly since these two were in the law of the Romans connected through the actional system. But once the procedural law was freed from the forms of the actional system, through the extra-cognitional procedure with its open phrasing of claim and defense, the weight lay fully on the substantial law. Another effect of this was that where previously what we call a right was only there if an action was possible, now action was possible if there was a right, although the Roman did not phrase it like this.[1] The way the Roman jurists of the 1st and 2nd centuries achieved this was by distilling general principles out of individual cases, and applying these principles again on other cases. In that way they achieved to establish a coherent body of private law. Gaius' Institutes present a transitional phase of this systematisation. He divides the law into parts, subdivides it and so on, then discusses the general features of parts, presents a division of the obligations which was a great advance (even if it was not Gaius' idea), but we see him still stumble at the undue payment, which he cannot fit into the system. Likewise he has, in a later edition, a rest-category of *obligationes ex variis causis*. Justinian's Institutes present already a fully worked out system, while the contemporary jurists like Stephanus speak of general actions in a Platonic sense where we would speak of rights.

It is this way of thinking, this way of approaching law, which was taken up, continued and refined from the 9th century onwards at cathedral schools in the ecclesiastical curriculum and from the 11th century onwards at the universities of Europe on basis of Justinian's compilation and which spread through the professors and students all over Europe. It became part of the legal thinking, with the exception of England and the common law.[2] It also used the vernacular of Justinian's compilation, in the sense it had in that compilation. Everywhere the Institutes were used as primary book. Its updating got it through Arnold Vinnius, who not only applied views of Donellus, but also those of Grotius as set out in the latter's Inleiding. In the

[1] That did Vinnius, A., *In quatuor libros institutionum imperialium commentarius academicus et forensis*, Leiden, 1642, IV.6. See below.

[2] Roman law was and remained taught in Oxford and later Cambridge, but the Inns of Court, the only way to enter the profession, had their own training which did not include Roman law. For ecclesiastical courts is was of course required, as it was for the Admiralty Court. But these did not deal with the daily English law.

expanded edition of Heineccius Vinnius' commentary to Justinian's Institutes became the standard introduction in Northern Europe. Accepted by the Catholic Church with some minor changes it became also in Southern Europe and Latin America the standard introduction, often translated into Spanish.[3] In the early 19th century legal science got an enormous boost. In order to prepare for a codification for the German territories, Savigny advocated as best method the way the Roman jurists of the second century had worked to achieve out of the various parts of law a coherent system: distilling general principles and applying these to other cases. Once mastered, it should be applied to all the different laws of the German countries. But instead, it was applied to Justinian's law and adapted to the philosophical views of those days. As Pandektenwissenschaft (better known as Pandectism) it raised legal scholarship to new intellectual heights. The introduction of codifications did not change a little bit the holistic approach of legal science. They were essentially based on the systems of natural law, which again were based on the holistic approach, be it starting with philosophical foundations of society and morality. These parts, though in the earliest attempts to codification still tried, were soon left out (in France it led to endless fruitless discussions) and what was left, was basically the same holistic system of *divisio*. Next to that the legal vernacular was retained, which was even more important because the way one speaks and the words one uses defines the way one thinks. Thus, all modern civil law codifications are in essence neo-Roman or neo-civil law.

II. The Presence of Roman Law today

It is fine to know that our present civil law codifications are in essence neo-Roman law codifications, with doctrinal variations, often already existing in the Middle Ages, that we are in this respect neo-Romans.[4] But the knowledge of the past: has it still use for us as it is in the common law? This depends on how one wants to deal with the law. If one merely wants to apply rules as if a manual to repair a motor, the only thing one needs is a clearly-written text and sufficient brains to apply the instructions. That goes, by the way, for many cases in the common law: no time or inclination to go beyond a simple

[3] See Beck Varela, L., *Literatura jurídica y censura. Fortuna de Vinnius en España*, Valencia, Tirant lo Blanch, 2013.

[4] As with de development of the languages out of the Latin, as Spanish, Italian, French. Latin itself already shows a development from the archaic period till the Late Latin.

applying. But as happens sometimes, the motor has difficulties which surpass the cases comprised in the instructions. Thinking is now required, one must imagine how things work and distill out of the instructions a new instruction, this time of one's own making, to fix the motor. And that is exactly the same with law. As with the motor, it will not happen often, but it will happen. In that case all relevant instructions must be considered, the principles behind it must be considered and these principles lie in the former law too. Although not directly applicable, they are indispensable to understand the present instructions. In short, deep thinking is required.

I shall give an example: theft, an age-old crime, already mentioned in Hammurabi's Code (§ 6-10) and in the Eight Commandment. It is defined as crime in many civil law codifications. The application of the *nulla poena sine praevia* lege principle requires that it is defined as clear as possible. That leads to other articles in which crimes are defined which are related to theft but still so different that they require a separate specification. As example I take the Mexican Código penal para el Distrito Federal, art. 220: "Al que con ánimo de dominio y sin consentimiento de quien legalmente pueda otorgarlo, se apodere de una cosa mueble ajena, se le impondrán: etc." —He who, with the intention to appropriate, and without the consent of whoever may legally dispose of it, seizes another person's moveable, will be punished: etc. And art. 221: "Se impondrán las mismas penas previstas en el artículo anterior, a quien sin consentimiento de la persona que legalmente pueda otorgarlo: I. Aproveche energía eléctrica o cualquier otro fluido; o II. Se apodere de cosa mueble propia, si ésta se encuentra en poder de otra persona por cualquier título legítimo". —The same penalties as set in the previous article are foreseen for whom who without the consent of whoever may legally dispose of it: I. profits from electricity or anything else fluid; or II. seizes his own moveable if this happens to be in the possession of another person by any legitimate title. And art. 222:

> Al que se apodere de una cosa ajena sin consentimiento del dueño o legitimo poseedor y acredite que dicho apoderamiento se ha realizado con ánimo de uso y no de dominio, se le impondrá de tres meses a un año de prisión o de treinta a noventa días multa. Como reparación del daño, pagará al ofendido el doble del alquiler, arrendamiento o interés de la cosa usada, conforme a los valores de mercado. —Whoever seizes another person's thing without the consent of the owner or legitimate possessor, and certify that said seizure has been carried out with intention to use and not to appropriate, will be punished with three months to one year of prison or a fine of thirty to ninety days. As repair of the damage, he will pay the injured party double the rent, lease or interest of the thing used, according to market values.

The three articles deal with different species of theft. Art. 220 requires asportation of a movable and intention to appropriate, art. 221 covers the "theft" of electricity and other intangible goods (which is not covered by 220 because that is restricted to tangible objects), art. 221 deals also with the retaking of one's property which somebody else has legitimately in his possession, and art. 222 deals with the use without consent of somebody else's property. In all four cases the common strain is that something is taken without allowance. We see here how the arrival of the modern criminal codes has restricted the ambit of this crime, due to the requirement of the Enlightment that crimes should be meticulously circumscribed. I shall return to this phenomenon, referring also to the French and German codifications.

In Roman law the term for theft was *furtum*, but it was a wider concept. A current definition was: D. 47.2.1.3 Paul. 39 ad Ed. *Furtum est contrectatio rei fraudulosa lucri faciendi gratia vel ipsius rei vel etiam usus eius possessionisve. quod lege naturali prohibitum est admittere*. —"Theft is a fraudulent interference [*contrectatio*] with a thing with a view to gain, whether by the thing itself or by the use or possession of it. This natural law proscribes". But there were four levels of fine. One was the double value of the thing stolen if the thief was caught red-handed (*furtum manifestum*), another the fourfold if he was found later on (and thus had stolen stealthily: *furtum non manifestum*). This led the focus on asportation: at which moment was a thief no longer caught red-handed? Thus interference was interpreted as an element of asportation, since you cannot take something away without apprehending it: no carrying away without interference. It defined the attempt to take away. In this sense the definition of D. 47.2.1.3 was read and used in the maelstrom of medieval Roman law, leading to variations in definition, and ending in the various codifications.[5]

Still, some texts in the Digest suggest that *furtum* might also be committed by merely interfering with the thing.[6] These were in later times explained

[5] See for a short survey Zimmermann, R., *The Roman Law of Obligations*, Cape Town, 1990, p. 943-947. Unfortunately he concentrates only on the shift from private delict to public crime and not the definition. He mentions the Constitutio Criminalis Carolina in which theft was much more narrowly defined (art. 157-169, 171 assume that *stehlen* is taking away; while art. 170 deals with acting with somebody else's deposited goods in a way, not according to good faith (*vngetrewlich*). However, the Constitutio assumes that the judge knows the basics of theft (*diebstall*).

[6] D. 47.2.21 pr: …*sed et qui segetem luce secat et contrectat, eius quod secat manifestus et nec manifestus fur est*. —Again, if a man cut a crop by day and thereby wrongfully interfere [*contrectatio*] with it, he is both a manifest and a non manifest thief of what he has cut. D. 47.2.22.1. *Si eo consilio arca refracta sit, ut uniones puta tollerentur, hique furti faciendi causa contrectati sint, eorum tantummodo furtum factum videri: quod est verum. nam ceterae res, quae seponuntur, ut ad uniones perveniatur, non*

as exceptions or specialities. However, it is likely that originally *furtum* was already committed by interference, how short it be. Necessary was always that the owner did not consent, and that the thief might not assume that the owner consented.[7] Theophilus, a 6th century Byzantine lawyer who translated and commented Justinian's Institutes, was very close to this meaning when he defined *contrectatio* as "to behave like an owner in relation to the thing and to do to it things which are appropriate to an owner" (Institutes IV.1). This implies that somebody else is owner of the thing. Theophilus' definition may be turned around: *contrectatio* is the infringement in any way on the ownership of another. The essence is the exclusivity: it may not be infringed upon. That, indeed, may well have been the original essence of *furtum*, being any infringement upon the ownership (*dominium*) of somebody. It included already the touching of things without the owner's permission. Later —and perhaps because the Romans began to possess more than in the early frugal days of the Republic— the emphasis came to lie on material goods which were stolen, hence on the asportation, the carrying away, in combination with the necessity to define *furtum non manifestum* in this context. But Paul also mentioned as a case of theft the unallowed use of a thing.

That changed in the Middle Ages with the German customary laws, where theft was reduced to the carrying away of tangible goods, as in the Constitutio Criminalis Carolina of 1532. This was translated into later codifications, as in the French Code pénal of 1804, article 379: Quiconque a soustrait frauduleusement une chose qui ne lui appartient pas, est coupable de vol.[8] The Middle Age jurists complicated matters by trying to bring both the carrying away and the eating of somebody else's food or using of another's goods under the enrichment. The enrichment element was not alien since Paul had added this by his *lucri faciendi gratia*. That too was understand-

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furti faciendi causa contrectantur. —If a chest be broken into so that, say, pearls may be removed and they are handled [*contrectatio*] with theftuous intent, it is only of them that theft may be held to be committed; this is true. The remaining things, set aside to get at the pearls, are not tampered with for the purpose of their theft. D. 47.2.22. 2. *Qui lancem rasit, totius fur est et furti tenetur ad id, quod domini interest*. —A person, who smooths a platter, steals the whole of it and is liable in the action for theft for the owner's full interest. D. 47.2.67(66). 2. *Eum, qui mulionem dolo malo in ius vocasset, si interea mulae perissent, furti teneri veteres responderunt*. —The older jurists held that a man who, with wrongful intent, summoned a muleteer before the magistrate was guilty of theft, if the mules got lost.

[7] See Sirks, A. J. B. "Furtum and manus/potestas", *Tijdschrift voor Rechtsgeschiedenis*, 81, 2013, pp. 465-506.

[8] Now Code pénal of 2020 Article 311-1: "Le vol est la soustraction frauduleuse de la chose d'autrui". Article 311-2: "La soustraction frauduleuse d'énergie au préjudice d'autrui est assimilée au vol".

able in the context of carrying away, and the greater riches in Roman society of his days. The canonists of course took this on, since it implies theft as transgression of the Eight Commandment. And so we find this element still, e.g., in the Spanish Código penal, Artículo 234. 1. "El que, con ánimo de lucro, tomare las cosas muebles ajenas sin la voluntad de su dueño será castigado, como reo de hurto, con la pena de prisión de seis a dieciocho meses si la cuantía de lo sustraído excediese de 400 euros". —He who takes, with the aim to enrich himself, the moveables of another without its owner's will, will be punished as guilty of theft (hurto), etc.

The *ánimo de lucro tomare* is different from the *ánimo de dominio apodere* in the Mexican Código penal of the D. F., it might comprise the stealing to sell, but on the other hand one might consider that as behaving as its owner. With such definitions cases like tapping electricity or copying a key prove to be difficult: the first is not a moveable, the copying is not asportation. Here Theophilus' definition might help. From the perspective of behaving as if owner, which is wider, it includes using a thing without the owner's or entitled person's approval, and then joyriding and copying a key are included. As to unallowed use, it would make the Mexican Código penal of the D. F. art. 222 superfluous except for the penalty, which reminds of the double value fine of the Roman *furtum manifestum*.[9] Yes, even the tapping of electricity may be seen as behaving as if the owner or person, entitled to the delivery of electricity.[10] That would dispense with the need to overcome the restriction to tangible things and by that with the Mexican Código penal of the D. F. art. 221 I, and similar sections in other codes like the French Code pénal of 2020 Article 311-2, which assimilates it to theft (but perhaps better: which assimilates electricity to a tangible good).[11] I could continue with examples of how theft has developed into an array of theft-related crimes, due to the need to specify circumstances to circumscribe the crime narrowly, but I hope the few examples suffice. Many of these variations are made to

[9] Making superfluous Código Penal (of Spain), Artículo 236. 1. "Será castigado con multa de tres a doce meses el que, siendo dueño de una cosa mueble o actuando con el consentimiento de éste, la sustrajere de quien la tenga legítimamente en su poder, con perjuicio del mismo o de un tercero".

[10] In South-Africa this behaviour was until 2012 no theft because the authorities kept to the Roman-Dutch interpretation of tangible objects: S v Ndebele 2012 1 SACR 245 (GSJ). In the Netherlands the hump was taken in 1923 by interpreting art. 310 Sr as protecting assets; electricity was an asset since one could have power over it by turning the switch. Thus tapping it was stealing (HR 23 mei 1921, NJ 1921/564).

[11] Code pénal of 2020 Article 311-1: "Le vol est la soustraction frauduleuse de la chose d'autrui". Article 311-2: "La soustraction frauduleuse d'énergie au préjudice d'autrui est assimilée au vol".

impose a higher penalty, on account of aggravating circumstances and not because the nature is different: e.g., theft by breaking in, theft under threat of death (robbing), theft by a group of persons, theft of horses, theft during the night. Theft by breaking in was already in Hammurabi's Code an aggravating circumstance (§ 21),[12] theft in the night justified in Rome killing the thief on the spot. Poaching is also theft but often less punishable. But there are also differentiations, such as joyriding where the good is not appropriated. A separate article is required, such as for joyriding.[13] In Roman law it was *furtum usus*, theft of use.

But do we need to specify so intensively? In the German Criminal code there is the crime of Untreue (Art. 266 Strafgesetzbuch), "dishonesty" or, as translated, embezzlement.[14] It comprises any behaviour regarding somebody else's property, which has been put into one's care, which is contrary to good faith. As such it comes close to *furtum* by a depositee (whose refusal to return already established theft) and malfeasance of mandate. That was the case with Joseph Ackermann who as member of the Board of directors of Mannesmann gave his fiat to a bonus for the managers, although there was no provision made for such a bonus. The Supreme Court decided that he had acted contrary to his mandate from the shareholders who owned the money (since the bonus was not costs nor provided for in any employee contract) and so against the good faith of

[12] Codex Hammurabi § 21 prescribes that the man who pierces a wall to enter a house, will be killed and buried on the very spot where he did this (on the outside of the house). It most likely concerns the intention to steal since it is placed between §§ 6-10 and § 25 which deal with theft.

[13] In th Dutch Criminal Code theft is made punishable by art. 310; joyriding in art. 11 of the Wegenverkeerswet (Statute on road traffic). Before they charged theft of petrol: the clever joyrider tanked first before abandoning the used vehicle.

[14] Strafgesetzbuch Art. 266. "1) Wer die ihm durch Gesetz, behördlichen Auftrag oder Rechtsgeschäft eingeräumte Befugnis, über fremdes Vermögen zu verfügen oder einen anderen zu verpflichten, mißbraucht oder die ihm kraft Gesetzes, behördlichen Auftrags, Rechtsgeschäfts oder eines Treueverhältnisses obliegende Pflicht, fremde Vermögensinteressen wahrzunehmen, verletzt und dadurch dem, dessen Vermögensinteressen er zu betreuen hat, Nachteil zufügt, wird mit Freiheitsstrafe bis zu fünf Jahren oder mit Geldstrafe bestraft". —1) Whoever abuses the power conferred on them by law, by commission of an authority or legal transaction to dispose of the assets of another or to make binding agreements for another, or whoever breaches their duty to safeguard the pecuniary interests of another which are incumbent upon them by reason of law, by commission of an authority, legal transaction or fiduciary relationship, and thereby adversely affects the person whose pecuniary interests they were responsible for, incurs a penalty of imprisonment for a term not exceeding five years or a fine (aviable on: *https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p2464*, translation provided by Prof. Dr. Michael Bohlander. Translation completely revised and regularly updated by Ute Reusch).

this contract.[15] That is correct, but one might also argue that he behaved as if owner of the money, though not being so nor being mandated, and that by acting in this way, he infringed on the exclusive right of the shareholders, which would constitute *furtum*. This would have been easier to construe juridically. Another section, 1004 of the German Civil Code,[16] comes close to the idea behind *furtum* but excludes asportation (since that is covered by section 311 of the Criminal Code). However, in this case only a civil law remedy is possible. It is often used for the infringement on immovables.

III. A common feature

Reflecting on these cases, is it not that they all share something in common?[17] Appropriating a good without the consent of who is exclusively entitled to it: Is it not infringing on his right? Using a bike without the owner's consent: is it not infringement on his right? Copying a key without the owner's consent: is it not the owner's privilege to decide whether he wants to have a spare key? Is it not what Theophilus defined as the crime of theft? Might it be something to introduce an article which penalises the infringement on the free disposition of the owner or of whom is exclusively entitled to a thing? Or at least to have such an article as *ultimum remedium* if no other existing article fits the misdemeanor? Does this not fit precisely the greater protection of the privacy of individuals, which, actually, also wards off infringements on what is considered to be exclusively one's own sphere?

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[15] The litigation ran from 2000 till 2006. BGH 21 December 2005, (AZ: 3 StR 470/04); the final judgment is aviable on: *http://www.kostenlose-urteile.de/LG-Duesseldorf__Mannesmann-Verfahren-gegen-Millionen-Auflagen-vorlaeufig-eingestellt.news3425.htm*.

[16] BGB Art. 1004: "Beseitigungs- und Unterlassungsanspruch. 1) Wird das Eigentum in anderer Weise als durch Entziehung oder Vorenthaltung des Besitzes beeinträchtigt, so kann der Eigentümer von dem Störer die Beseitigung der Beeinträchtigung verlangen. Sind weitere Beeinträchtigungen zu besorgen, so kann der Eigentümer auf Unterlassung klagen. 2) Der Anspruch ist ausgeschlossen, wenn der Eigentümer zur Duldung verpflichtet ist". —Claim for removal and injunction. 1) If the ownership is interfered with by means other than removal or retention of possession, the owner may require the disturber to remove the interference. If further interferences are to be feared, the owner may seek a prohibitory injunction. 2) The claim is excluded if the owner is obliged to tolerate the interference.

[17] I apologise for not mentioning more examples but that would lead to an extensive comparative study of the many criminal codifications on theft. For the purpose of this contribution it suffices, in my opinion, with the taken examples. It implies without saying no criticism of these codifications

The developments in the various jurisdictions of the civil law have led, under the reign of the *nulla poena* rule, to narrow definitions of theft and the necessity to define related misbehaviours as new and separate delicts. In the best case they are grouped together in a title. It is easy to lose track, if one were interested in common traits. In such cases it is useful to return so to speak on the track trodden in time and follow the development in retrospective. It may lead to reflect on its underlying concepts and may lead to a redefinition which better adjust modern ideas. Legal history is not about establishing a chronicle of events, it is about constructing a "Geschehen", a taking place, which results in the perfectum of this verb: "Geschichte": what took place. But that "Geschichte" is never final. It is the momentarily result of the quest for an answer by us, from our point of view, and it is momentarily because as result it reshapes the quest for an answer which in its turn leads to an adjusted answer, etc. What remains, and what is the really important thing, is that in this circular movement it deepens our understanding and insight. Legal history is thinking deeper.

It is of course not sensible to apply D. 47.2.1.3 in modern courts, just as it will not do to apply the Constitutio Criminalis Carolina or any other old regulation. Each period and place requires its own formulation. Our time, in the jurisdictions of neo-Roman law, require modern formulations of our heritage, adapted to the circumstances and reigning discourse, while some continuity is necessary. But in using them, in reflecting upon the effectiveness of them, in looking for improvement, it always pays, if it is not simply necessary, to reflect on the origins of our legal rules and to consider the Roman law. It broadens our view and it deepens our analysis of present-day dispositions.

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