

Roman Empire. It has arisen not only from price policy proposals but to a certain degree, it has been based on facts of the Empire market⁶. In contrast with the above-mentioned sources, there were also narrative sources and inscriptions which were of lesser importance in the period under discussion.

Justinian not only referred to the idea of state-controlled price levels initiated by Diocletian but also defined the limited conditions of real property sale by private parties. If a person taking part in a transaction got a lower price than its real value and, because of it, he suffered a loss, i.e. *laesio enormis*, he could claim back the difference resulting from the surcharge or dissolution of the contract. However, Justinian's attempt, like Diocletian's or Valentinian's order regarding the legislative price decrease of wine, turned out very quickly to be a dead legislative act⁷.

Though attempts undertaken by subsequent emperors to establish state prices for certain goods are corroborated by several sources, this fact does not mean that the state prices were separated from their real structure value, which was in force in the market in this period. As the law casuistry of the late Empire states, a law was then being applied which decreed that a price had to be real, namely, it had to be of a certain economic value. Because of this, transactions made for a symbolic payment were not commonly accepted as *emptio venditio* but were regarded rather as classic *largitio*⁸. This is not synonymous with keeping *iustum pretium* in the purchase-sale transactions. The notion of a fair price only appeared in its developed form in the canonic law. Several juristic commentaries leave no doubts as far as that fact is concerned and acknowledge the privilege of the seller and buyer to sell or get goods at prices different from those actually prevailing on the market. The best evidence for that conditions convenient for the use of all regional differences were created, is the quotation from *Digesta*: "Quemadmodum in emendo et vendendo naturaliter concessum est quod pluris sit minoris emere, quod minoris sit pluris vendere et ita invicem se circumscribere, ita in locationibus quoque et conductionibus iuris est". Only resorting to deceit, i.e., *dolus*, was considered both by *Digesta* and later by *Justinian's Code* not to be admissible⁹.

⁶ See M. Giaccherio, *L'illusoria imposizione del giusto prezzo nell'editto calmiere di Diocleziano*, Rend. Lincei 8 ser., XIX 1964, p. 95 ff.; S. Mrozek, *Sila nabyweza denarów i złota w edykcje Dioklecjana* (Purchasing Power of Denarii and Gold in Diocletian's Edict), Antiquitas VIII 1979, p. 87 f.

⁷ *Cod. Iust.* IV 44,2 and 8. On the subject of state intervention see C. Spinosi, *Dispositions juridiques*, Rev. d'hist. écon. et soc. XXXIX 1963, p. 52; S. Lancel, *Populus Thabarbaritanus et les gymnasia de Quintus Flavius Lappianus*, Libyca VI 1958, p. 143 f. Regulation of wine, oil and grain prices is referred to *Dig.* XII 1,22, XIX 1,3.

⁸ Gaius, *Inst.* III 139.

⁹ *Dig.* XIX 2,22,3. See also *Dig.* IV 4,16,4.