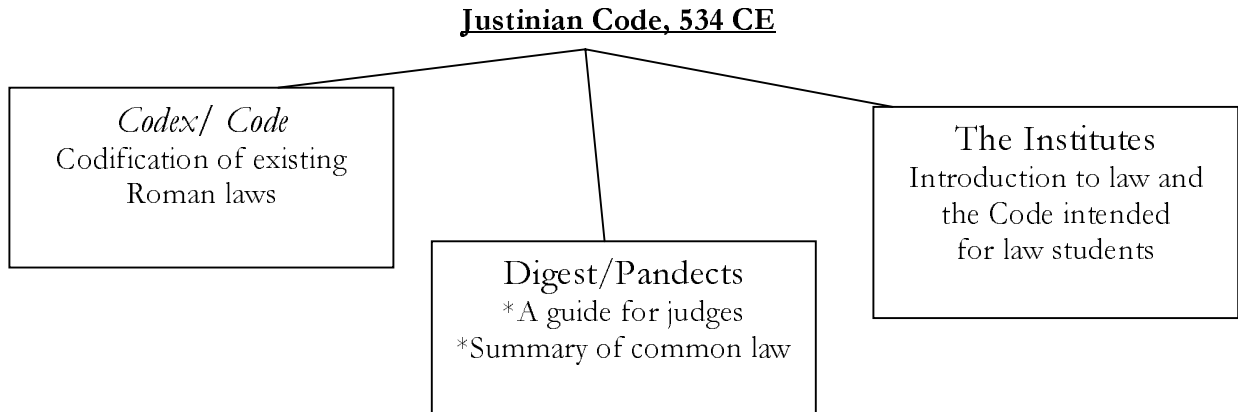


## Ancient Rome/Byzantine Empire What is the Justinian Code?<sup>1</sup>

*Corpus Iurus Civilis* or the Justinian Code, was the result of Emperor Justinian's desire that existing Roman law be collected into a simple and clear system of laws, or "code." Tribonian, a legal minister under Justinian, lead a group of scholars in a 14-month effort to codify existing Roman law. The result was the first Justinian Code, completed in 529. This code was later expanded to include Justinian's own laws, as well as two additional books on areas of the law. In 534, the Justinian Code, made up of the Code, the Digest, and the Institutes, was completed.



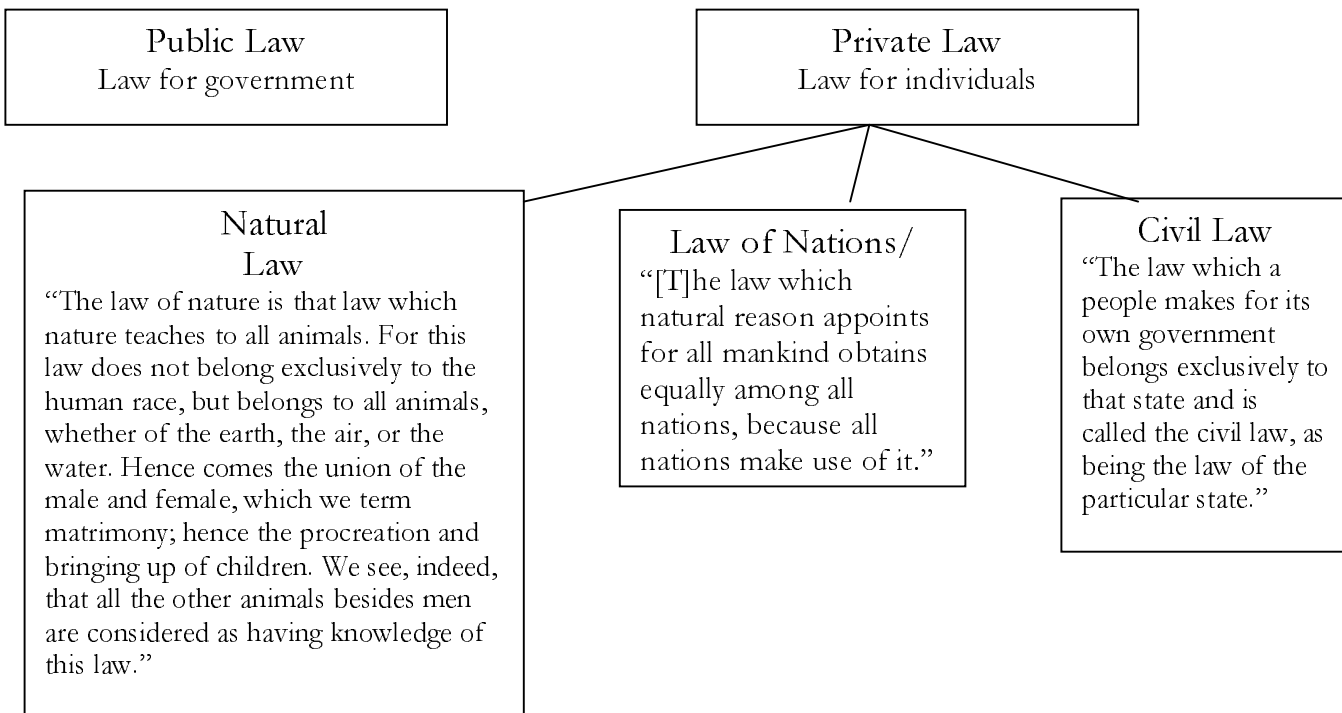
### Composition of Justinian Law *Based on "The Institutes"*

- Unwritten law: based on customs and usage
- Types of written law:
 

<i>leges</i> (sing., <i>lex</i> )	<i>sounds like</i>	<i>definition:</i>
<i>plebiscita</i>	legal	law
<i>senatusconsulta</i>	plebiscite	by vote of the people
<i>constitutiones</i> of emperors	senate, consult	decree of the ancient Roman senate
<i>edicta</i> of magistrates	constitution	edict of the Emperor (supreme power)
<i>responsa</i> of jurists	edict, magistrate	edict of the magistrates
	response, jurist	commentary by legal expert

<sup>1</sup> Adapted from Justinian Code, "The Institutes: Book I, Section I," *Medieval Legal History Sourcebook*, Last modified: March 4, 2001. <<http://www.fordham.edu/halsall/basis/535institutes.html>>; Linda Karen Miller, "Justinian as a Law Reformer," *The Byzantine Empire in the Age of Justinian: A Unit of Study for Grades 7-10*, National Center for History in the Schools, University of California, Los Angeles, 1997. pp. 35-45; and Edward Gibbon: *The Decline and Fall of the Roman Empire*, Volume IV. Chapter XLIV : Idea Of The Roman Jurisprudence. (*Ancient History Sourcebook:*) <<http://www.fordham.edu/halsall/ancient/gibbon-chap44.html>>

**Areas of Law**  
*Based on "The Institutes"*



**How do civil law, natural law, and the law of nations work together to create a legal system?**

“Civil law is thus distinguished from the law of nations. Every community governed by laws and customs uses partly its own law, partly laws common to all mankind. . . . The people of Rome, then, are governed partly by their own laws, and partly by the laws which are common to all mankind.”

“{N}ations have established certain laws, as occasion and the necessities of human life required. Wars arose, and in their train followed captivity and then slavery, which is contrary to the law of nature; for by that law all men are originally born free. Further, by the law of nations almost all contracts were at first introduced, as, for instance, buying and selling, letting and hiring, partnership, deposits, loans returnable in kind, and very many others.”

“The laws of nature, which all nations observe alike, being established by a divine providence, remain ever fixed and immutable. But the laws which every state has enacted, undergo frequent changes, either by the tacit consent of the people, or by a new law being subsequently passed.”