THE CORPUS JURIS CIVILIS

by

Fred Dingedly
Senior Reference Librarian
College of William & Mary Law School

for

Law Library of Louisiana and
Supreme Court of Louisiana Historical Society
New Orleans, LA – November 12, 2015
# PARTS OF THE CORPUS JURIS CIVILIS

<table>
<thead>
<tr>
<th>Source</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justinian’s Institutes <em>(I. or Inst.)</em> <em>(Bluebook: J. INST.)</em></td>
<td>Textbook for first-year law students that also had binding legal effect. Based on Gaius’s Institutes. <em>(Released in 533)</em></td>
</tr>
<tr>
<td>Justinian’s Digest <em>(D. or Dig.)</em> <em>(Bluebook: DIG.)</em></td>
<td>Compilation of excerpted writings of jurists (people who taught law, gave legal opinions, advised parties and judges on the law and drafted legal instruments) dating from the late Roman Republic to early third century AD <em>(Released in 533)</em></td>
</tr>
<tr>
<td>Codex <em>(C. or Cod.)</em> <em>(Bluebook: CODE JUST.)</em></td>
<td>Compilation of excerpts from imperial <em>constitutio</em>nes (legislative pronouncements) dating back to Hadrian (AD 117-138)</td>
</tr>
<tr>
<td>Novels <em>(N. or Nov.)</em> <em>(Bluebook: NOV.)</em></td>
<td><em>(a.k.a. Novellae constitutiones)</em> Unofficial posthumous compilations of Justinian I’s <em>constitutio</em>nes</td>
</tr>
</tbody>
</table>

# CITING THE CORPUS JURIS CIVILIS

What a cite to Justinian’s Digest, Book XLVII, Title II, Law 15, Section 3 would look like in:

**Present Day**

*(Abbreviation for part of the CJC) (Book #).(Title #).(Law #).(Paragraph/Section #)*

- D 47.2.15.3

**Older Formats**

l (for lex) (law #). (Paragraph/Section #). (Title of Paragraph/Section)

- 1 15. § 3. de furtis

l (for lex) (law #). (Paragraph/Section #). (Part of CJC) (Title of Paragraph/Section)

- 1 15. § 3. D de furtis

l (for lex) (law #). (Paragraph/Section #). (Part of CJC) (Title of Paragraph/Section), ((Book #).(Title #))

- 1 15. § 3. D de furtis, (47.2)

**Source for cite formats:** Stephen L. Sass, ”Research in Roman Law; a Guide to the Sources and Their English Translations”, 56 LAW LIB. J. 210, 232-33 (1963); Bluebook Rule T2.34
BLUEBOOK TWISTS

The *Bluebook* adds a couple of extra requirements when citing to parts of the *Corpus Juris Civilis* (see Rule T2.34):

If you cite to the *Digest* or to the *Code*, you should also indicate the original source of the section.

- So, for the *Digest*, list the author of the original law, along with the title of the author’s work and the book number:
  - DIG. 9.2.23 (Ulpian, Ad Edictum 18).
- For the *Code*, list the emperor and year of the edict:
  - CODE JUST. 2.45.3 (Diocletian & Maximian 290/293).

If you cite to the *Novels*, you should include the year of the *constitution*:

- Nov. 15.1 (535).

---

**Source for cite formats**: Stephen L. Sass, "Research in Roman Law; a Guide to the Sources and Their English Translations", 56 LAW LIB. J. 210, 232-33 (1963);
*Bluebook* Rule T2.34
TIMELINE

AD 528: Justinian appoints commission to compile and harmonize enactments of previous emperors

529: First edition of Justinian Codex effective.

533: Justinian’s Institutes and Justinian’s Digest released.

534: Second edition of Justinian Codex effective, superseding the first. Versions of the Codex extant in modern times are from this edition.

565: Justinian dies. His Novels were compiled and released after his death. (More detailed Novels timeline at http://www.uwyo.edu/lawlib/blume-justinian/_files/docs/ajcnovels2/novels2-new-pdf/novels%20timeline_replacement.pdf)

Mid-11th c.: Beginning of the Roman law revival in Europe. Glossators (scholars) at University of Bologna’s law school spend next ~200 years adding glossae (commentaries applying the law to the Middle Ages) to the parts of the Corpus Juris Civilis.

1265: Alfonso X of Castile finishes writing Las Siete Partidas.

1348: Alfonso XI of Castile promulgates Las Siete Partidas.

1583: Dionysius Gothofredus (Godefroy) produces Corpus iuris civilis in IIII partes distinctum, the first edition to use the title Corpus iuris civilis and to divide the CJC into the four parts (Institutes, Code, Digest, Novels) we know today. Gothofredus’s edition was part of the beginning of the movement towards publishing the CJC as it was originally, minus the edits and additions the medieval glossators made.

1753: George Harris’s The Four Books of Justinian’s Institutions, the first English translation of Justinian’s Institutes, published.

1804: Code Napoleon (French Civil Code) approved.

1808: A Digest of the Civil Laws now in Force in the Territory of Orleans (the Civil Code of 1808, a.k.a. "The Digest") approved.

1867: Paul Krueger’s Iustiniani Institutiones published.

1870: Theodor Mommsen’s Digesta Justiniani Augusti published.
1877: Paul Krueger’s *Codex Iustinianus* published.

1895: Rudolf Schöll and Wilhelm Kroll’s *Novellae* published.

1904: Charles Henry Monro’s *Digest* published.

1932: S.P. Scott’s *The Civil Law* published.

~1952: Justice Fred H. Blume finishes work on his translation of the Justinian *Codex* and *Novels*. Blume’s work was not officially published then, but is now available online.

1985: Alan Watson’s *The Digest of Justinian* published.

2016: Justice Blume’s translation of *The Codex of Justinian* to be published.
WHERE TO FIND THE CORPUS JURIS CIVILIS

In English

Complete CJC

S.P. Scott, *The Civil Law.*

- Only English translation of the complete *Corpus Juris Civilis.*
- Regarded as an amazing effort for one person. Many Roman law scholars, however, do not consider it reliable due to Scott’s choice of source material and his preference for readability over accuracy (e.g., replacing Roman legal terms with not-quite-equivalent English ones instead of leaving the Roman term untranslated and adding a footnote explaining it)
- Available on Hein Online (and for free online at the Constitution Society’s website at http://www.constitution.org/sps/sps.htm -- although that website does not seem to have been updated in a while)
- Each volume its own Table of Contents; last volume has an Index covering all volumes.

Codex


- Print version of Justice Blume’s translation of the *Codex*, including background information on the translation, a glossary, and annotations. Will include parallel Latin and Greek text.

Codex and Novels

Justice Fred H. Blume, *Annotated Justinian Code* and *Justinian Novels.*

- Based on the Krueger *Codex* and Schöll *Novels.*
- Available for free on the University of Wyoming Law Library’s website at http://www.uwyo.edu/lawlib/blume-justinian/
Digest


- Considered the authoritative English translation of Justinian’s Digest
- English translation and original language on facing pages
- Searchable “limited preview” available through Google Books at [https://books.google.com/books/p/pennpress?q=bibliogroup:%22The+Digest+of+Justinian%22&hl=EN&source=gbs_metadata_r&cad=2](https://books.google.com/books/p/pennpress?q=bibliogroup:%22The+Digest+of+Justinian%22&hl=EN&source=gbs_metadata_r&cad=2)


- Partial translation of Digest

Institutes

There are several English translations of Justinian’s Institutes. These are some of the more-well-regarded translations (two older ones available for free online and two newer ones still print-only):

J.B. Moyle, *The Institutes of Justinian: Translated into English with an Index.*

- Last edition was the Fifth (1913)
- Fifth Edition available on Hein Online
- Has Index and English Table of Contents
- Fourth Edition (1906) available for free on Internet Archive at [https://archive.org/details/institutesjusti00moylgoog](https://archive.org/details/institutesjusti00moylgoog)


- Last new edition was the Ninth Revised and Corrected Edition (1898), but numerous reprints were made afterwards. These reprints were given “impression” numbers (e.g., Fifteenth Impression 1922).
Try to use Sixth Edition (1878) or later; these were based on a more recent version of the original-language text.

One of the reprints (probably the Fifteenth Impression, dated 1922 and 1970) is available on Hein Online

Latin and English text run in side-by-side columns

Includes commentaries on sections with references to other parts of CJC as well as a thorough introductory chapter discussing Roman private law and the history of Roman law

Includes Index, but no TOC.

Numerous editions available for free on Internet Archive (Fifteenth Impression at https://archive.org/details/institutesofjus00sanduoft)


- Adds helpful commentary, including citations to relevant sections of the other parts of the Corpus Juris Civilis.
- Conveniently runs English and Latin text in side-by-side columns, including TOC
- Has useful Index and list of abbreviations
- Not currently available online, but many libraries have it

Peter Birks & Grant McLeod, Justinian’s Institutes (Ithica, NY: Cornell Univ. Press, 1987).

- Most recent English translation of the Institutes and the only one still being published; not available for free online, but paperback edition is affordable (under $30)
- Birks tried to translate the Institutes into modern English
- Latin and English text, including Table of Contents, run alongside each other in side-by-side pages
- Includes Index and Glossary
- Doesn’t have extensive commentary as in Thomas’s translation, but has a good introductory chapter on the CJC’s history and the Institutes’ impact on modern law
**In original Latin and Greek**

**Complete CJC**

Paul Krueger, Theodor Mommsen, Rudolf Schöll, and Wilhelm Kroll (eds.), *Corpus Iuris Civilis*.

- A compilation of Mommsen’s *Digest*, Krueger’s *Codex* and *Institutes*, and Schöll and Kroll’s *Novels*. Considered the authoritative version of the CJC in its original languages.

READING LIST/BIBLIOGRAPHY

On the Corpus Juris Civilis


Paul J. Du Plessis, Borkowski’s Textbook on Roman Law (4th ed. 2010)


Timothy G. Kearley, "Justice Fred Blume and the Translation of Justinian’s Code", 99 LAW LIB. J. 525


Theodore F.T. Plucknett, A Concise History of the Common Law (5th ed. 1956)


Peter Stein, "The Attraction of the Civil Law in Post-Revolutionary America", 52 VA. L. REV. 403 (1966)

Alan Watson, "The Importance of 'Nutshells', 42 AM. J. OF COMPARATIVE L. 1 (1994)


On the Louisiana Civil Code


Robert A. Pascal, "Sources of the Digest of 1808: A Reply to Professor Batiza", 46 TUL. L. REV. 603 (1972)


A.N. Yiannopoulos, "The Civil Codes of Louisiana”, 1 CIV. L. COMMENT. 1 (2008), at http://www.law.tulane.edu/uploadedFiles/Institutes_and_Centers/Eason_Weinmann/v01i01-Yiannopoulos(1).pdf