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The Corpus Juris Civilis

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by

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Wythepedia: The George Wythe Encyclopedia

Welcome to the George Wythe Encyclopedia, a project of The Wolf Law Library at the College of William & Mary's Marshall-Wythe School of Law in Williamsburg, Virginia. The encyclopedia provides historical and bibliographic information for the George Wythe Collection, The Wolf Law Library’s ongoing re-creation of Wythe’s Library, and is a compilation of material relating to the life of George Wythe, signer of the Declaration of Independence, chancellor for the Commonwealth of Virginia, and first professor of law in America.

The George Wythe Room

Explore the George Wythe Room, the Wolf Law Library’s recreation of George Wythe’s library. Pages for each title in the collection include information about the work and its author, evidence for why the library believes George Wythe owned each title, and descriptions and photos of the copy held at The Wolf Law Library.

You can also find entries for the various people who received Wythe books after Thomas Jefferson inherited them and learn more about the copies of Wythe books that survive to this day.

The George Wythe Encyclopedia

George Wythe is preeminent in the list of Virginia’s revolutionary founding fathers, and his life and careers as a teacher and judge gave him the opportunity to have a profound impact on the history of the Commonwealth and the United States.

- Biographical information for George Wythe.
- Samples of Wythe’s signature and handwriting.
- Details of Wythe’s cases.
- Accounts of Wythe’s death and the ensuing murder trial.
- Memorials to Wythe.
- Wythe’s letters and correspondence.
- The story of Wythe’s lost law lectures.
- Wythe ephemera.
- A bibliography of resources about Wythe.

Title page from William Blackstone’s Law Tracts, volume one, Oxford: Clarendon Press. 1762

Portrait of George Wythe in the Wolf Law Library’s Rare Book Room.
What we’ll cover

- History and Components of the Corpus Juris Civilis
- Relevance of the Corpus Juris Civilis
- Researching the Corpus Juris Civilis
Diocletian (r. 284-305)
Codex Gregorianus (ca. 291)
Codex Hermogenianus (295)

Theodosius II (r. 408-450)
Codex Theodosianus (438)

Previously…
Byzantine Empire in 500
Emperor Justinian I (r. 527-565)

“Arms and laws have always flourished by the reciprocal help of each other.”
528: Justinian appoints First Law Commission
3.1.1. Emperors Severus and Antoninus to Clemens.

The stipulation for interest is not destroyed by joinder of issues in an action. You may, therefore, sue a debtor for the interest of such time as was not included in the suit. Promulgated April 1 (205).
530: Second Law Commission

532: Nika (Victory) Riots
BOOK THIRTY-SEVEN

1

BONORUM POSSESSIONES

1 ULPIAN, Edict, book 39: Bonorum possessio, once granted, confers both the advantages and disadvantages relating to an inheritance as well as ownership of the things comprised among such bona; for all these are contingent on the grant of the bona.

Digest: Writings by jurists
I: Public
II-XLVII: Private
XLVIII: Criminal
XLIX: Appeals + Treasury
L: Municipal, specialties, definitions

“Appalling arrangement”
--Alan Watson

533: Digest/Pandects
First-year legal textbook

I: Persons
II: Things
III: Obligations
IV: Actions

533: Justinian’s Institutes
533: Reform of Byzantine legal education

First year: *Institutes*

Digest & Novels

Fifth year: *Codex*
The Novels (novellae constitutiones): Justinian’s constitutiones

534: Codex 2nd ed.
565: Justinian dies
Justinian’s Empire in 555

555 AD
Byzantine Empire in 717
The medieval revival

Holy Roman Emperor Henry IV, Abbot of Cluny, and Matilda of Canossa
Irnerius  

Accursius  

The Glossators
The Glossators
Codex
Volumen
Tres Libri Codicis
Authenticum
Libri Feudorum
Institutes

The Glossators
1583: Dionysius Gothofredus, *Corpus Juris Civilis*
1753: George Harris, *The Four Books of Justinian’s Institutions*
The 19th-century critical editions

Theodor Mommsen: 
*Digest* (1870)
Paul Krueger: 
*Institutes* (1867) and *Codex* (1877)
Rudolf Schöll & Wilhelm Kroll: *Novels* (1895)
1904: Partial English translation of *Digest*
1932: English translation of CJC

S.P. Scott
1985: English translation of Digest
ca. 1952: English translation of *Codex* and *Novels*
France

LES INSTITUTES
DE L'EMPEREUR JUSTININ,
TRADUITES en Français par M. HULOT, et suivies d'une Table
GÉNÉRALE des Titres du Digeste et des Institutes par ordre
alphabétique tant en français qu'en latin, avec renvoi au volume
et à la page de l'édition in 4°.

A METZ,
Chez { BEHMER,
{ LAMORT,
À PARIS,
Chez RONDONNEAU, au dépôt des Lois.
AN 1806.

Germany

Das CORPUS JURIS CIVILIS
in's Deutsche übersetzt
von einem
VEREINE RECHTSGELEHRTER
und herausgegeben
von
Dr. Carl Ed. OTTO, Dr. Bruno SCHILLING,
Professoren der Rechte an der Universität Leipzig,
und
Dr. Carl Friedrich Ferdinand SVENTEN,
as Redactoren.

ERSTER BAND.
LEIPZIG, 1830.
VERLAG VON CARL FOCKE.

European influence
CUERPO
DEL
DERECHO CIVIL ROMANO
A DOBLE TEXTO, TRADUCIDO AL CASTELLANO DEL LATINO
PUBLICADO POR LOS HERMANOS
KRIEGEL, HERMANN Y OSENBURGGEN
CON LAS VARIANTE DE LAS PRINCIPALES EDICIONES ANTIGUAS Y MODERNAS Y CUÑ NUEVAS DE REFERENCIAS
POR
D. ILDEFONSO L. GARCÍA DEL CORRAL
Licenciado en Derecho Civil y Canónico y en Filosofía y Letras
y Abogado de los Ilustres Colegios de Barcelona y Madrid

TERCERA PARTE
Revisado el texto latino por D. EDUARDO OSENBURGGEN
NOVELAS

CORPO DEL DIRITTO
CORREZIONI DELLE NOTE
DI DIONISIO GOTAFORED, E DI C. E. FREIESLEBEN
AUTORES
FERROMONTANO
PER LA CONSISTENZA DELLE LEGGI E CON LA CONSISTENZA DELLE STESSA DELLE LEGGI
DIPINTO
DELLA CRONOLOGIA DELLE LEGGI DI ROMA
COMPOSTA DALLA MIGLIA DELLE FERRESI FEDERICO
CARACCI

PER CHE VALORI
DI SEI INDICI E CRONOLOGICI ED ALFABETICI

GIOVANNI VIGNALI

NAPOLI
PRESSO VINCENZO PREZUTI, EDITORE
1830

European Influence
and if the first donor, by force of the agreement between himself and his 
feoffee, enters and ejects the last feoffee, the latter, when he seeks restitution by the 
assise, will be barred by an exception based upon the agreement, though he is not 
bound by an agreement made between others,7 [for] though he is not bound 
[personally], he is bound because he holds a burdened thing.

7D. 2.14.27.4: 'ne conventio in alia re facta aut cum alia persona in alia re aliave persona 
noceat.'
“Secondly, Homonymiae, (as Justinian calleth them,) cases merely of iteration and repetition, are to be purged away…”

Sir Francis Bacon, A Proposition to His Majesty
“Let me therefore distinguish myself from (my colleagues) by the Study of the Civil Law, in its native languages, those of Greece and Rome.”

Diary of John Adams
By the roman civil law arbitrorum genera sunt duo, unum ejusmodi, ut sive aequum sit, sive iniquum, parere debeamus: quod observatur, cum ex promisso ad arbitrium itum est. Dig. lib. XVII. tit. LVI. I. 76. qualem autem sententiam dicat arbitrer, ad practorem non pertinere, Labeo ait, dummodo dicat quod ipsi videtur. Dig. lib. IV. tit. VIII.

Dawson v. Winslow, Wythe 114, 119 (1791)
“whoever will look. . .especially to the 118th Novel of Justinian. . .will be convinced that that is the fountain from which (Virginia’s law of descents and distributions has) flowed.

☞ Davis v. Rowe,
27 Va. (6 Rand.) 355, 370 (1828)

Virginia Statute of Descents and Distributions, 1785
"As a scientific, constructive legal work, there has been nothing to compare with [the Restatements], not even the work of framing the Napoleonic Code, since under the direction of Justinian, the Roman law was given systematic expression."
--ALI President George W. Wickersham
The principle which underlies the equal footing doctrine and the strong presumption of state ownership is that navigable waters uniquely implicate sovereign interests. The principle arises from ancient doctrines. See, e.g., Institutes of Justinian, Lib. II, Tit. I, § 2 (T. Cooper transl. 2d ed. 1841) (“Rivers and ports are public; hence the right of fishing in a port, or in rivers are in common”). The special treatment

_Idaho v. Coeur d’Alene_


Modern U.S. references
Researching the CJC

"Classification was not a strength of Roman jurisprudence. It was a methodology that the Romans borrowed enthusiastically from the Greeks, but in which they generally proved to be relatively inept."

CJC research

- Secondary Sources
  - Borkowski’s Textbook on Roman Law
  - Cambridge Companion to Roman Law
  - Justinian’s Institutes
  - Thomas or Sandars translation
CJC Cite format (Edward Gibbon)

D 47.2.15.3

- Part of CJC
- Book
- Title
- Law
- Paragraph/Section

Older cites may only give Law+paragraph/section number
Bluebook Style (Rule T2.34)

- CODE JUST. 2.45.3 (Diocletian & Maximian 290/293).
- DIG. 9.2.23 (Ulpian, Ad Edictum 18).
- J. INST. 2.23.1.
- NOV. 15.1 (535)
Online sources – Blume’s Code and Novels (U. of Wyoming)
Online Sources – Watson’s Digest translation (Penn Press)
Online sources -- Hein
Tables of Contents

- Almost always present in print-first editions
- Often English+Latin
- Sometimes just English
Indexes

- Not in Monro’s or Watson’s *Digest*
- Other print-first parts of *CJC* have them
Pictures used

- Slide 4: *Bust of Byzantine Emperor Theodosius II (reigned 408–450 AD)* photo by Marie-Lan Nguyen. https://commons.wikimedia.org/wiki/File:Theodosius_II_Louvre_Ma1036.jpg (Licensed under CC BY 2.5)
- Slide 9: *Selected Virginia legal titles including Daniel Call’s copy of George Wythe’s Decisions of Cases in Virginia by the High Court of Chancery (1795).* http://lawlibrary.wm.edu/wythepedia/index.php/File:RarebooksWithWytheDecisionsOfCases.jpg
Pictures used (cont.)

- Slide 10: The Imperial District of Byzantine Constantinople, by Wikimedia Commons user Cplakidas. [Link](https://commons.wikimedia.org/wiki/File:Constantinople_imperial_district.png) (Public Domain)
- Slide 10: Theodora. Detail from the 6th-century mosaic “Empress Theodora and Her Court” in the Basilica of San Vitale in Ravenna photo by The Yorck Project. [Link](https://commons.wikimedia.org/wiki/File:Meister_von_San_Vitale_in_Ravenna_008.jpg) (Public Domain)
- Slide 15: The Eastern Roman Empire (red) and its vassals (pink) in 555 AD during the reign of Justinian I by user Tataryn77, Wikimedia Commons. [Link](https://commons.wikimedia.org/wiki/File:Justinian555AD.png) (Licensed under CC BY-SA 3.0)
- Slide 16: Byzantine Empire in 717 A.D. by users Amonixinator and Hoodinski, Wikimedia Commons. [Link](https://commons.wikimedia.org/wiki/File:ByzantineEmpire717%2Bextrainfo%2Bthemes.svg) (Licensed under CC BY-SA 3.0)
- Slide 18: Accursius, glossator (ca. 1182 – ca. 1260) from Yale Law Library. [Link](https://www.flickr.com/photos/29570076@N06/3799354450) (Licensed under CC By 2.0)
- Slide 18: Picture of Irnerius from [Link](http://progressivegeographies.com/2010/10/22/irnerius/)
Slide 21: *Half-title from volume one of Corpus Juris Civilis. From William & Mary Law Library, user Lktesar.* (Licensed under CC BY-NC-SA 3.0) http://lawlibrary.wm.edu/wythepedia/index.php/File:CorpusJurisCivilis1663v1HalfTitle.jpg


Slide 28: *Professor Alan Watson by user Soloviev1, Wikimedia Commons.* https://commons.wikimedia.org/wiki/File:Alan_watson_scholar.jpg (Public Domain)


*With thanks to Michael Umberger for his help.*