

THE *CORPUS JURIS CIVILIS*

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for

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PARTS OF THE *CORPUS JURIS CIVILIS*

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| Justinian's Institutes (<i>I.</i> or <i>Inst.</i>) (Bluebook: J. INST.) | Textbook for first-year law students that also had binding legal effect. Based on <i>Gaius's Institutes</i> . (Released in 533) |
| Justinian's Digest (<i>D.</i> or <i>Dig.</i>) (Bluebook: DIG.) (often <i>ff.</i> in medieval references) | 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 (Released in 533) |
| Codex (<i>C.</i> or <i>Cod.</i>) (Bluebook: CODE JUST.) | Compilation of excerpts from imperial <i>constitutiones</i> (legislative pronouncements) dating back to Hadrian (AD 117-138) |
| Novels (<i>N.</i> or <i>Nov.</i>) (Bluebook: NOV.) | (a.k.a. <i>Novellae constitutiones</i>) Unofficial posthumous compilations of Justinian I's <i>constitutiones</i> |

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)

- l 15. § 3. de furtis

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

- l 15. § 3. D de furtis

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

- l 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; Ames Foundation, *Corpus Iuris Civilis Citation Form*,

<http://amesfoundation.law.harvard.edu/digital/CJCiv/CitationForm.shtml>

Medieval Format

(Which of Justinian's works you're using).(Title Name).l (for *lex*).(First word in law)

- ff.de furtis.l.creditorus

l.(First word in law).(Which of Justinian's works you're using).(Title Name)

- l.creditorus.ff.de furtis

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; Ames Foundation, *Corpus Iuris Civilis Citation Form*, <http://amesfoundation.law.harvard.edu/digital/CJCiv/CitationForm.shtml>

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*.
- 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.
- 1867:** Paul Krueger's *Iustiniani Institutiones* published.
- 1870:** Theodor Mommsen's *Digesta Iustiniani 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
- Available for free online at <http://www.constitution.org/sps/sps.htm> -- although there doesn't seem to be much information on the organization, the Constitution Society, that hosts the site, and it's a text transcription of Scott's book, not a PDF.
- Each volume its own Table of Contents; last volume has an Index covering all volumes.

Codex

Justice Fred H. Blume, *The Codex of Justinian* (New York: Cambridge Univ. Press, forthcoming July 2016).

- 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.

Novels

David J.D. Miller and Peter Sarris. English translation of the *Novellae* in print (New York: Cambridge Univ. Press, forthcoming).

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

Theodor Mommsen and Paul Krueger (eds.), Alan Watson (trans.), *The Digest of Justinian* (Philadelphia: Univ. of Pennsylvania Press, 1985).

- 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

Charles Henry Monro, *Digest of Justinian* (Cambridge: Univ. Press, 1904-1909)

- Partial translation of *Digest*
- Available on Hein Online and for free on the Internet Archive at <https://archive.org/details/digestjustinian00monrgoog> (Vol. I) and <https://archive.org/details/digestofjustinia02monruoft> (Vol. II)

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>

Thomas Collett Sandars, *The Institutes of Justinian: With English Introduction, Translation, and Notes*.

- 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>)

J.A.C. Thomas, *The Institutes of Justinian: Text, Translation, and Commentary* (Amsterdam: North-Holland Publishing Co., 1975).

- 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.
- Available for free online at the Internet Archive at <https://archive.org/details/corpusjuriscivil01krueuoft> (Vol. 1 – *Institutes* and *Digest*), <https://archive.org/details/corpusiuriscivil02krueuoft> (Vol. 2 – *Codex*), and <https://archive.org/details/corpusjuriscivil00krueuoft> (Vol. 3 -- *Novels*); and the Roman Law Library at <http://droitromain.upmf-grenoble.fr/>

READING LIST/BIBLIOGRAPHY

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