The Corpus Juris Civilis

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The Corpus Juris Civilis

by
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College of William & Mary Law School
for Law Library of Louisiana and
Supreme Court of Louisiana Historical Society
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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 career as a teacher and judge gave him the opportunity to have a profound impact on the history of the Commonwealth and the United States.

- Biography 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.
What we’ll cover

- History and Components of the Corpus Juris Civilis
- Relevance of the Corpus Juris Civilis
- Researching the Corpus Juris Civilis
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 Codex commission
Concerning Trials
(De judiciis)

Bas. 7.6; D. 5.1.

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).
Codex

Liber
530: *Digest* commission
532: Nika (Victory) Riots

Theodora (500-548)
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.

"Appalling arrangement" --Alan Watson
BOOK TWO

2.1 THE CLASSIFICATION OF THINGS

After persons in the previous book, we turn to things. They are either in the category of private wealth or not. Things can be: everybody's by the law of nature; the state's; a corporation's; or nobody's. But most things belong to individuals, who acquire them in a variety of ways, described below. 1. The things which are naturally everybody's are: air, flowing water, the sea, and the sea-shore. So nobody can be stopped from going on to the sea-shore. But he must keep away from houses, monuments, and buildings. Unlike the sea, rights to those things are not determined by the law of all peoples. 2. Rivers and harbours are state property. So everybody shares the right to fish in them. 3. The sea-shore extends as far as the highest winter tide. 4. The law of all peoples allows public use of river banks, as of the rivers themselves: everybody is free to navigate rivers, and they can move their boats to the banks, as long as they do not hinder the movement of others.

of God. Under our pronouncement such things must not be alienated or charged except for redeeming prisoners. If anyone tries to make something sacred himself for his own purposes, it does not become sacred but remains secular. The ground on which a church has been built remains sacred even after the building comes down. That is in Papiam. 9. Anyone can make a site religious by deciding to bury a dead body on land which he owns. A co-owner of land which is not religious cannot use it as a burial place without his colleague's consent. With a shared tomb it is different: burial by one does not need the others' consent. Where someone has a usufruct in the land the law is that the owner cannot make it religious unless the usufructuary consents. The land of a third party may be used for burial if its owner consents; the site does become religious even if his approval is given after the burial. 10. Sanctified things, such as city walls,

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

**Novel 3.**

That the number of clergymen of the holy Great Church (at Constantinople) and of the other holy churches of this fortunate city shall be limited.

(Ut determinatus sit numerus clericorum sanctissimae magnae ecclesiae et certerarum sanctissimarum ecclesiarum felicissimae urbis.)

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

555 AD
Byzantine Empire in 717
Holy Roman Emperor Henry IV, Abbot of Cluny, and Matilda of Canossa

The medieval revival
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*
1985: English translation of *Digest*
ca. 1952: English translation of *Codex* and *Novels*

Justice Fred H. Blume
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 INSTITUTS 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, } ÉDITEURS.
APARIS,
CHEZ RONDONNEAU, AU DÉCOR DES LOTS.
AN 1806.

Germany

Das CORPUS JURIS CIVILIS
in’s Deutsche übersetzt
vom Vereine Rechtsgelahrter
und herausgegeben
von Dr. Carl Ed. OTTO, Dr. Bruno SCHILLING,
Professoren der Rechte an der Universität Leipzig,
und
Dr. Carl Friedrich Ferdinand SINTENIS,
aus Redactoren.

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

European influence
EUROPEAN INFLUENCE

Spain

CUERPO DEL DERECHO CIVIL ROMANO
A DOBLE TEXTO, TRADUCIDO AL CASTELLANO DEL LATINO
POR KRIEGEL, HERMANN Y OSENBRÜGGEN
CON LAS VARIANTES DE LAS PRINCIPALES EDICIONES ANTIGUAS Y MODERNAS Y CON NOTAS DE REFERENCIAS
POR D. ILDEFONSO L. GARCÍA DEL CORRAL
TERCERA PARTE
Revisado el texto latino por D. EDUARDO OSENBRÜGGEN
NOVELAS

Italy

CORPO DEL DIRITTO
CORRIGENDO DELLE NOTE
DIONISIO GOTO FREDRO, E DI C. E. FREIESLEBEN
FERROMONTANO
DELLA CRONOLOGIA DELLE LEGGI DI ROMA
CON LE VARIAZIONI DELLE LEGI E CON LE CONGIUNZIONI DELLE ESIGILI PER LOI
PRESENTATO DALL'AVV. GIOVANNI VIGNALI
DIGESTO
VOLUME PRIMO
NAPOLE
PRESO VINCENZO PREZIUTI EDITORE
1836

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; though he is not bound personally, he is bound because he holds a burdened thing.

7 D. 2.14.27.4: ‘ne conventio in alia re facta aut cum alia persona in alia re aliave persona noceat.’

Bracton on the Laws and Customs of England
“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
“I am this Day about beginning Justinians Institutions with Arnold Vinnius’s Notes.”

Diary of John Adams
Dawson v. Winslow,
Wythe 114, 119 (1791)
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


Modern U.S. references
William C.C. Claiborne

Edward Livingston
Batiza: Code Napoleon: 709 provisions

Institutes: 27 provisions

Digest: 16 provisions

Civil Code of 1808
Corpus Juris Civilis

Batiza

Code Napoleon

Code of 1808

Pascal

Las Siete Partidas
Art. 1621. DONATIONS IN GENERAL

Children—Disinheritance—Grounds.—The just causes for which parents may disinherit their children are ten in number, to wit:
1. If the child has raised his or her hand to strike the parent, or if he or she has actually struck the parent; but a mere threat is not sufficient.
2. If the child has been guilty, towards a parent, of cruelty, of a crime or grievous injury.
3. If the child has attempted to take the life of either parent.
4. If the child has accused a parent of any capital crime, except, however, that of high treason.
5. If the child has refused sustenance to a parent, having means to afford it.
6. If the child has neglected to take care of a parent become insane.
7. If the child refused to ransom them, when detained in captivity.
8. If the child used any act of violence or coercion to hinder a parent from making a will.
9. If the child has refused to become security for a parent, having the means, in order to take him out of prison.
10. If the son or daughter, being a minor, marries without the consent of his or her parents.
Art. 1621. Children; causes for disinheritance by parents

A. A parent has just cause to disinherit a child if:

1. The child has raised his hand to strike a parent, or has actually struck a parent; but a mere threat is not sufficient.
2. The child has been guilty, towards a parent, of cruel treatment, crime, or grievous injury.
3. The child has attempted to take the life of a parent.
4. The child, without any reasonable basis, has accused a parent of committing a crime for which the law provides that the punishment could be life imprisonment or death.
5. The child has used any act of violence or coercion to hinder a parent from making a testament.

B. A parent has just cause to disinherit a child if:

1. If a child lays his hands upon his parents.
2. If a child is guilty of a grave and dishonorable wrong against them.
3. If a child has accused them in a criminal case not involving the emperor or the state.
4. If a child is a prisoner and associates with prisoners.
5. If a child attempts to plot against the life of the parents by poison or otherwise.
6. If a son has illicit relations with his stepmother or the father’s concubine.
7. If a child calumniates his parents and by information inflicts great damage on them.
8. If one of the aforesaid parents (ascendants) happens to be incarcerated and children who could inherit by intestacy from him or her, or one of them, when asked, refuse to become surety for him or her, in so far as able, either as to the person or as to a debt. But this shall apply only to male descendants.
"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

Law

Title

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 – archive.org
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: Diocletian. In Diocletian’s Palace, Split, Croatia, Hrvatska by User Alecconnell, Wikimedia Commons. [Link](https://commons.wikimedia.org/wiki/File:Diocletian_Bueste.JPG) (Licensed under CC BY-SA 3.0)

- Slide 4: Bust of Byzantine Emperor Theodosius II (reigned 408–450 AD) photo by Marie-Lan Nguyen. [Link](https://commons.wikimedia.org/wiki/File:Theodosius_II_Louvre_Ma1036.jpg) (Licensed under CC BY 2.5)

- Slide 5: Rome and its Empire: From the Founding of Rome to the Downfall of the Empire by The Map as History. [Link](http://www.the-map-as-history.com/demos/tome12/12_03_founding_of_rome_downfall_empire.php)


- 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). [Link](http://lawlibrary.wm.edu/wythepedia/index.php/File:RarebooksWithWytheDecisionsOfCases.jpg)

Pictures used (cont.)

- **Slide 10:** *Winner of a Roman chariot race* by unknown, Wikimedia Commons.
  

- **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.
  
  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.
  
  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.
  
  https://commons.wikimedia.org/wiki/File:ByzantineEmpire717%2Bextrainfo%2Bthemes.svg (Licensed under CC BY-SA 3.0)

- **Slide 17:** *Life of the Countess Matilda of Canossa* by unknown miniaturist, Italian (active 1160s).
  

- **Slide 18:** *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 19:** *Title page for D. Justiniani Institutionum Libri Quator, The Four Books of Justinian’s Institutions.*
  
  http://lawlibrary.wm.edu/wythepedia/index.php/File:DJustinianiInstitutionum1761.jpg

- **Slide 20:** *Theodor Mommsen in 1863* by Louis Jacoby.
  

With thanks to Michael Umberger for his help.