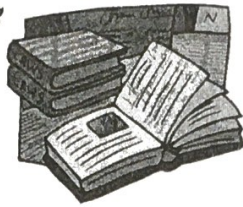


Justinian Code

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Justinian Code

•The Justinian Code was the name given to the compilation, or *codification*, of all Roman laws as directed by Emperor Justinian.
•A committee of ten men was ordered to review more than 1,600 books of Roman laws and re-organize and simplify the law. The result was 4 volumes with just over 4,000 laws.



Notable aspects of Justinian's Code

•The code made clear that there was no separation of Church and State. Orthodoxy was the state religion, and anyone who did not embrace it was not considered a citizen.

•There were distinctively anti-Semitic laws, forbidding Jews from holding public office or testifying against Christians.



•Slaves were in the power of their masters, and had no property rights. But masters could not simply abuse or kill their slaves without legal ramifications.

•The code specifies the exact requirements for marriage. (Cousins are allowed to marry, but brothers and sisters, even step-brothers and step-sisters, are not.)

•The code also details property rights. For the most part, *finders keepers* – as long as the property was discovered on neutral ground. The other determinant to ownership was *land*. Whoever owned the land, also owned the structures on the land. So if someone build a house on your land, you would be deemed the owner of the house!

Four Volumes of the Code

•Volume One: *Codex Justinianus*

-This was the bulk of the legal code. It simplified and re-organized all previous Roman law codes, and included recently passed Justinian laws.

-These laws defined both public and private law on issues of: citizenship, marriage rights, rights of inheritance, slavery, property ownership as well as criminal acts and punishments.

•Volume Two: *Digesta*

-This was a collection of legal rulings and opinions – interpretations of the law. It might be most similar to a collection of legal rulings and briefs by the Supreme Court.

•Volume Three: *Institutiones*

-This was a textbook that would be used and studied primarily by law students. It had four books, and the last book was an instruction manual for jurors.

•Volume Four: *Novellae*

-This volume was for new laws passed after the completion of the Code in 534.

Impact

•The Code had limited influence over western Europe, at least initially. The split between east and west was dramatic, but eventually, during the Middle Ages, Byzantine learning began to make its way into Italy where the code was taught in Medieval universities.

•The Justinian Code also had a significant impact on the Islamic areas of the Middle East, as it influenced the development of Muslim law in the Shar'ia.



Global History
Justinian Code

Name _____

1. What was the Justinian Code?

4. What are the code's laws regarding religion?

2. How big was the committee? How many laws did they review? Result?

5. What are the code's laws regarding slavery?

3. List & Explain the four parts of the Justinian Code.

6. Code's laws regarding property ownership & land?

1.	
2.	
3.	
4.	

7. Impact of the code:

a. Europe --

b. Middle East --

Justinian Code vs. Modern Law

SUBJECT	JUSTINIAN CODE	AMERICAN LAW
Women's Rights	All women could own property, make contracts and wills, and bring lawsuits.	All women can own property, make contracts and wills, and bring lawsuits. Laws generally do not recognize any gender differences.
Robbery	Robbery was not a crime. The victim could sue the robber for up to four times the value of the stolen property.	Robbery is a crime and is punishable by a fine and/or prison sentence.
Failure to Pay Debts	People who were owed money had to sue the debtor in order to gain back their money.	People who are owed money have to sue the debtor in order to gain back their money.
Murder	Murder was punishable by banishment [being exiled].	Murder is a crime and is punishable by a prison sentence or being put to death.
Inheritance	Wives did not directly inherit property from their husbands. It had to be provided for in a will. Children received equal amounts of the father's estate.	Standard law allows wives and children to divide an estate. Other provisions can be provided for in a will.

Answer the following questions ON A SEPARATE PIECE OF PAPER WITH YOUR NAME AND PERIOD ON IT.

1. To what extent are the rights of women similar under the Justinian code and American law?
2. What is the difference in the treatment of robbery between the two legal systems?
3. Under which law could women benefit most from an inheritance? Why?
4. Which American law has remain essentially unchanged since the Code of Justinian?
5. Which legal system is 'softer' on the crime of murder?

JUSTINIAN CODE WORKSHEET

In 528 CE, Emperor Justinian began a review of the old Roman laws. There were at least 10,000 Roman laws that governed life in the empire. Justinian chose ten experts to review 1,600 books full of Roman law and create a simpler legal code. These men were able to create the Justinian Code with just over 4,000 laws.

Book I, Of Person -- VIII. Slaves

Slaves are in the power of masters, a power derived from the law of nations: for among all nations it may be remarked that masters have the power of life and death over their slaves, and that everything acquired by the slave is acquired for the master. But at the present day none of our subjects may use unrestrained violence towards their slaves, except for a reason recognized by law.

Book II, Of Things - I. Division of Things

If the wheat of [another person's] is mixed with yours, when this takes place by mutual consent, the mixed heap belongs to you in common because each body, that is, each grain, which before was the property of one or other of you, has by your mutual consent been made your common property; but, if the intermixture were accidental, or made by [the other person] without your consent, the mixed wheat does not then belong to you both in common; because the grains still remain distinct, and retain their proper substance. The wheat in such a case no more becomes common to you both, than a flock would be, if the sheep [of another person] were mixed with yours; but, if either of you keep the whole quantity of mixed wheat, the other has a real **action** [a legal case] for the amount of wheat belonging to him, but it is in the **province** [responsibility] of the judge to estimate the quality of the wheat belonging to each.

Book II, Of Things - II. Theft

Suppose someone opens or breaks into something too heavy to be moved. He is not **liable** [responsible] to an action of theft for the whole thing but only for those things which he actually stole, because he cannot take the whole. Similarly, if anyone opens a case of things which he cannot carry away in order to meddle with the contents and he does meddle with them then even though he could manage to take away several of the individual things, he is only a thief of the particular things he takes and not of the whole if he cannot carry away the whole lot, case and all. However, if he was capable of carrying away the whole container we say that he is a thief of the whole lot, whether or not he opened it to take away the contents... .

NAME: _____ PER. _____

1. What does the first document tell you about slavery in the Byzantine Empire? How do you think slaves were treated? What rights did slaves have?
2. Review the law on the division of things. Under this law, what happens if someone takes your property without your permission? How do you think this law helped the government maintain order?
3. Review the law on theft. What is the basic principle? Do we have a similar approach to theft in the United States? Explain your answer.
4. Why was it important for the extensive Byzantine Empire to have a detailed legal code?