

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?