



Built by Emperor Justinian in Constantinople in A.D. 537, the Hagia Sophia is considered one of the greatest buildings in history. Originally a church, it was transformed into a mosque when Muslims conquered the city. Today, it is a museum in Istanbul, Turkey.

Justinian's Code

A man named Justin was born in the eastern half of the Roman Empire about A.D. 450, about two decades before the western half fell. Justin was poor, uneducated, and never learned how to read. But he was hardworking and ambitious. As a young man, he moved to Constantinople, the capital of the eastern half of the Roman Empire. He joined the imperial guard, and over the years, slowly rose to be its leader.

He had no children, but adopted and raised his nephew, who later took the name Justinian. He provided Justinian with the best education available.

In 518, the emperor died. Turmoil erupted over who would succeed the emperor. After much palace infighting, a new emperor was named: the 68-year-old Justin. His unlikely rise to emperor was probably due to the scheming of his politically astute nephew.

Justinian was 36 when Justin came to power. He helped Justin rule, and when Justin died seven years later, Justinian became emperor.

Justinian intended to restore the Roman Empire. To achieve this, he focused on two goals. One was to reconquer Rome from the German tribes that had overrun it. The other goal was to restore Roman law.

Justinian was a keen judge of men. He appointed able generals, and these generals led the military to victories. Under Justinian, the provinces of Italy, Spain, and North Africa returned to the empire. But they did not remain in the empire for long. Shortly after Justinian's death, the provinces were lost.

Justinian's more lasting contribution was his attempt to restore Roman law. By Justinian's day, the law was a jumble. It consisted of a mass of edicts from praetors and emperors, commentaries from jurists, resolutions from the Senate, and other sources of law. The great mass of laws

was confusing and even contradictory. Other emperors had tried and failed to make sense of it.

Justinian appointed Tribonian, a successful lawyer, to head committees to restore Roman law. He was to remove what was outdated, contradictory, repetitious, or unnecessary. He was to create a single coherent system of Roman law.

Tribonian was not a popular figure in Constantinople. He was devoted to classical Roman civilization, and rumors in the capital said that he was not a Christian. He was also said to be corrupt, taking bribes in his imperial office. When Justinian's wars grew unpopular, rioting broke out in the capital. The mob demanded that Tribonian leave office, and Justinian removed him, but only briefly.

When Justinian's troops put down the revolt, Tribonian came back to head the committees. The committees relied greatly on the work of law schools in Beirut and Constantinople. These schools made a practice of studying the classical traditions of Roman law. In a period of six years, the committees created three works. These three works are known as the *Corpus Juris Civilis* (the body of civil law). They consist of:

1. **The Code.** It included 4,562 imperial decrees made from A.D. 117 to 534. The decrees were categorized by subject and listed chronologically under each subject. The committee excluded many decrees. Justinian reigned until 565 and made new decrees. His decrees were added to the Code and are known as the Novels (new laws).
2. **The Digests, or Pandects.** This included the writings of jurists. The committee went through 3 million lines of text and condensed them to 150,000 lines (making 50 books). The committee excluded 95 percent of the writings that it read. The Digests are about one and a half times the size of the Bible.
3. **The Institutes.** This was an introductory text on Roman law. Much of it comes directly from Gaius' *Institutes*. The only major difference is

that it also discusses developments in Roman law that took place after Gaius' death.

Justinian gave all three works the force of law. He ordered that these works replaced all existing Roman law.

Like Justinian's conquests of the Western empire, his law did not last long after his death. This code was for another time and was not practical for the Byzantine Empire.

Justinian's great project seemed to accomplish nothing. But he had preserved some of the vast literature of the Roman law.

About A.D. 1100, Justinian's Code was rediscovered. The work was seen as a treasure from a golden age. Scholars wrote about it. With the invention of the printing press in the 1400s, writings on Roman law started spreading throughout Europe.

In modern times, Roman law became the basis for much of the French civil law (Napoleonic Code). The French civil law, in turn, influenced other Western European law codes and other countries such as Spain, Egypt, and Japan.

In the Western world, most law is based on one of two great systems—the common law of England and the civil law of France. Even countries not following the French system are indebted to the Rome for creating many legal concepts, principles, and rights that govern the lives of their citizens today.

For Discussion

1. How did Justinian get to be emperor?
2. What were Justinian's goals? Did he succeed? Explain.
3. What problems did restoring Roman law pose? How was the *Corpus Juris Civilis* created? What did it consist of? What has its influence been?