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JUSTINIAN I 483 - 565

The Emperor Justinian is renowned for the great codification of Roman law that was carried out during his reign. The Code of Justinian preserved the product of Rome's creative genius in jurisprudence, and it later formed the basis for the development of the law in many European countries. Probably no other code of laws has had so enduring an impact on the world.

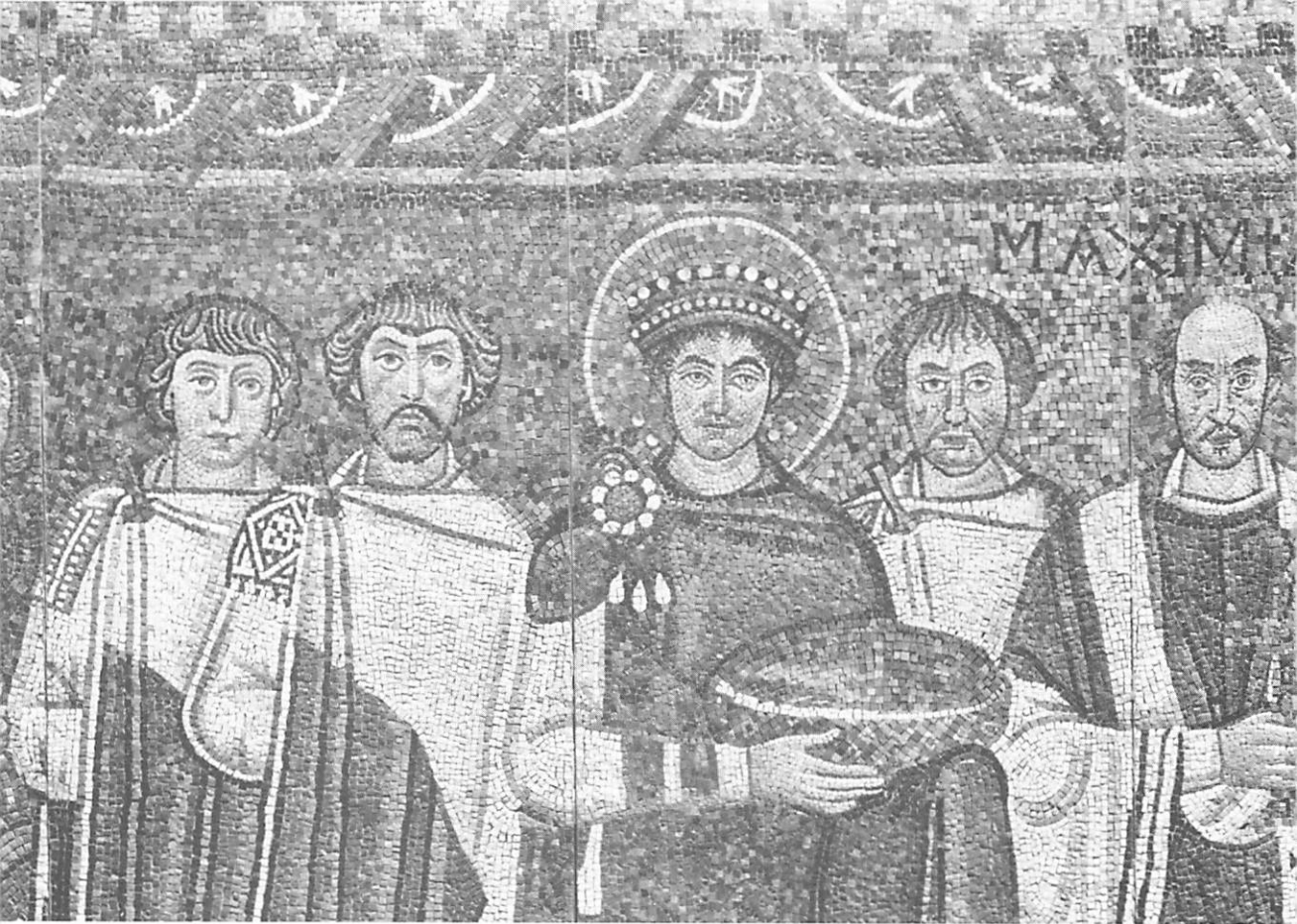
Justinian was born about 483, in Tauresium, in present-day Yugoslavia. He was the nephew of Justin I, a nearly illiterate Thracian peasant who had worked his way up through the army to become the ruler of the Eastern Roman Empire. Justinian, although likewise of peasant origin, received a good education and, with his uncle's help, advanced rapidly. In 527, Justin, who was childless, made Justinian co-emperor with him. Later that year Justin died, and from then until his own death in 565, Justinian was sole emperor.

In 476, just seven years before Justinian's birth, the Western Roman Empire had finally succumbed to the onslaught of the barbarian Germanic tribes, and only the Eastern Roman Empire, with its capital in Constantinople, remained intact. Justinian was determined to reconquer the lost lands of the West and to restore the Roman Empire, and the better part of his energy while emperor was devoted to this end. In this project he was partly successful, since he did manage to recapture Italy, North Africa, and part of Spain from the barbarians.

However, Justinian's place on this list depends not so much on his military feats as upon his role in the codification of Roman law. As early as 528, the year after he took office, Justinian set up a commission to produce a code of imperial laws. Their work was first published in 529, then revised, and enacted into statute in 534. At the same time, all prior edicts and statutes not included in the code were repealed. This *Codex* became the first portion of the *Corpus Juris Civilis*. The second portion, called the *Pandects*, or the *Digest*, was a summary of the views of prominent Roman legal writers. That, too, was authoritative. The third part, the *Institutes*, was basically a text or handbook for law students. Finally, those laws passed by Justinian after the adoption of the *Codex* were brought together into the *Novellae*, which was published after Justinian's death.

Of course Justinian himself, busy as he was with his various wars and administrative duties, could not personally draft the *Corpus Juris Civilis*. The codification which Justinian ordered was actually carried out by a group of legal scholars under the supervision of the great lawyer and legal expert Tribonian.

Justinian, an exceedingly energetic man, also devoted a good deal of effort to administrative reforms, including a partly successful campaign against governmental corruption. He stimulated trade and industry, and engaged in a large public building program. Under him, many fortresses, monasteries, and churches (including the famous Hagia Sophia in Constantinople) were built or reconstructed. This building program and his wars resulted in a large increase in taxes, and considerable discontent.



A Byzantine mosaic at the Church of San Vitale at Ravenna depicts the Emperor Justinian.

The Metropolitan Museum of Art. Fletcher Fund, 1925

In 532, there was a rebellion (the Nika riots) which nearly cost him his throne. After he suppressed that rebellion Justinian's throne was generally secure. Still, at his death in 565, there was considerable popular rejoicing.

Justinian was greatly aided by his very able wife, Theodora, and a few words about her seem appropriate. Theodora was born about 500. In her youth, she was an actress and courtesan, and gave birth to an illegitimate child. She was in her twenties when she met Justinian and became his mistress. They were married in 525, just two years before he assumed the imperial throne. Justinian recognized his wife's outstanding capabilities, and she became his principal advisor and was entrusted with various

diplomatic duties. She had a considerable influence upon his legislation, including some laws passed to improve the rights and status of women. Her death in 548 (of cancer) was a grave loss to Justinian, although the remaining seventeen years of his reign were reasonably successful. Theodora, who was beautiful as well as brilliant, was the subject of many works of art.

Justinian's placement on this list is primarily due to the importance of the *Corpus Juris Civilis*, which constituted an authoritative restatement of Roman law. As such, it was important in the Byzantine Empire for centuries. In the West, it was largely forgotten for about five hundred years. About 1100, however, the study of Roman law was revived, particularly in the Italian universities. During the late Middle Ages, the *Corpus Juris Civilis* became the principal basis of the developing legal systems of Continental Europe. Countries where this occurred are said to have civil-law systems, as opposed to the common-law systems that generally prevail in English-speaking countries. The *Corpus Juris Civilis* was not adopted *in toto* anywhere. However, parts of it were incorporated into the civil law, and throughout much of Europe, it became the basis for legal study, training, and discourse. Since many non-European countries eventually adopted parts of the civil law, the influence of the *Corpus Juris Civilis* has been remarkably wide.

Despite this, it would be a mistake to overestimate the importance of the Justinian Code. There were other important influences on the development of civil law besides the *Corpus Juris Civilis*. For example, the laws concerning contracts derived more from the practice of merchants and the decisions of merchants' courts than from Roman law. Germanic law and Church law also influenced the civil law. In the modern era, of course, European laws and legal systems have all been extensively revised. Today, the substantive law in most civil law countries bears relatively little resemblance to the Code of Justinian.