


	<p>Списание ЕПОХИ Издание на Историческия факултет на ВТУ „Св. св. Кирил и Методий“</p> <p>Journal EPOCHI [EPOCHS] Edition of the Department of History of “St. Cyril and St. Methodius” University of Veliko Tarnovo</p>		<p>Том / Volume XXXI (2024). Книжка / Issue 1</p>
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DOI: 10.54664/CWVK2037

FROM ANTIQUITY TO POSTERITY: ANALYZING THE CORPUS IURIS CIVILIS AND ITS LASTING IMPACT ON ROMAN LAW

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Abstract: *This study explores the significance of the Corpus Iuris Civilis, a monumental Roman legal codification by Emperor Justinian. It aimed to blend ancient and contemporary legal systems, benefiting practitioners and scholars. The study covers post-classical Roman law, Ius and leges, and earlier legal collections integrated into the Corpus Iuris Civilis. It analyzes the Codex, Digesta, Institutiones, Novellae, Quinquaginta decisions, and Corpus Repetitae Praelectionis, with a focus on interpolations. The paper concludes by examining the lasting influence of the Corpus Iuris Civilis. The research methods employed include historical research, textual analysis, and comparative analysis to understand its impact on Roman law.*

Keywords: *Corpus Iuris Civilis; Roman law; Emperor Justinian; legal codification.*

1. Introduction

In the annals of legal history, a notable testament to the enduring evolution of legal thought and practice in the ancient world is the Corpus Iuris Civilis. Commissioned by Emperor Justinian, this monumental codification of Roman law transcends temporal and spatial boundaries, leaving an indelible mark on the legal landscape. Its intricate web of legal principles and profound implications has fascinated scholars for centuries.

This scientific work embarks on a quest to unveil the profound significance of the Corpus Iuris Civilis, tracing its origins, dissecting its components, and examining its legacy within the realm of Roman law. Embarked upon with a noble intent, the Corpus sought to remedy the schism that existed between the legal institutions of antiquity and the exigencies of Justinian’s contemporary world [Krüger, P. 1877, pp. 1–512].

In the process, it not only provided invaluable guidance to legal practitioners but also emerged as a lasting resource for generations of scholars. To comprehensively understand the extent and intricacies of Emperor Justinian’s legislation, our study initiates a succinct exploration of the legal landscape in post-classical Rome at the peak of its influence. This exploration unveils two pivotal components: Ius, which encompasses law, and leges, representing imperial constitutions [Stojčević, D. 1970, pp. 1–539]. Additionally, it unveils a survey of notable legal collections that preceded the Corpus Iuris Civilis,

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paving the way for a profound understanding of this seminal compilation. Our research continues with a detailed analysis of the key components comprising this codification. We delve into the intricacies of the Codex, the Digesta, the Institutiones, and the Novellae, while also examining the compendium of imperial constitutions known as the Quinquaginta decisions and the Corpus Repetitae Praelectionis [Corcoran, S. 2011, pp. 425–444]. This legal masterpiece not only endured the test of time but also bequeathed to us a treasure trove of resolved practical cases. Furthermore, the current study draws special attention to the concept of interpolations, a distinctive mechanism employed to modify the original texts within the codification [Romic, A. 1973, p. 279]. Such alterations reveal both the fluidity of the legal framework and the adaptability of the Corpus Iuris Civilis to changing circumstances. As we conclude this research, our focus shifts to the lasting significance and enduring influence of the Corpus Iuris Civilis, extending far beyond the epoch of its completion. Its legacy is not confined to the past but continues to resonate within modern legal systems and academic discourse.

In pursuit of a comprehensive understanding of this legal opus, our study employs a diverse array of research methods. Historical research breathes life into the legal framework of the time of the Corpus Iuris Civilis, textual analysis dissects its content and its associated collections, and comparative analysis traces the profound impact of this codification on subsequent legal developments. These methodologies collectively contribute to an enriched understanding of the Corpus Iuris Civilis and its indelible mark on the tapestry of Roman law.

2. Postclassical Law: Leges and Ius

During the post-classical era of the Dominion period, a significant transformation in the exercise of legislative authority is discernible, particularly characterized by the overarching power vested in the ruler. This authority finds expression in the creation of legal norms, a prerogative directly wielded by the emperor. This legal framework engenders two distinct categories of legal instruments: leges edictales (or leges generales), encompassing general legal rules applicable throughout the dominion, and leges personales (or leges speciales), crafted to address specific issues, typically issued upon request from judges or civil servants. These imperial decrees, irrespective of their scope, universally bear the designation “lex” (law), and the corpus of law arising from these imperial edicts becomes known as “leges” [Stojčević, D. 1970, p. 42].

It is essential to acknowledge that this post-classical legal system significantly diverged from the classical legal tradition in both substance and form. The leges of this era departed from the classical norms of brevity, clarity, and precision in expression. Instead, they exhibited imprecise, verbose, protracted, and ornate language, often embellished with numerous titles and elaborate phrases [Stojčević, D. 1970, p. 42].

In contrast to this evolving legal framework, the classical law of the principate, encapsulated within the works of classical jurists, collectively referred to as “ius” or legal law, stood firm. These jurists’ writings retained their influence as a source of legal guidance, encompassing a comprehensive compilation of preceding legal sources, including customary law, statutes, edicts, senate decrees, and juristic responses. The lasting utility of these jurists’ works as a source of legal authority lay in their comprehensive nature, providing a convenient repository of legal knowledge [Šarac, M., Lučić, Z. 2006, p. 40].

However, rulers of the time sought to regulate the utilization of classic legal works as sources of law, leading to two notable instances of legal intervention. First, in the year 321, the enactment of the Cashier’s Law (*Lex Numeralis*) diminished the relevance of notes, commentaries, and glosses written by legal luminaries such as Paulus and Ulpian on the works of Papinian [Stojčević, D. 1970, p. 42]. Subsequently, in 426, the Law on Citation (*Lex Citationis*) was promulgated, designating the writings of the “senate of the dead” or “council of the dead,” including Papinianus, Paulus, Gaius, Ulpianus, and Modestinus, as primary sources of law. The same law accorded legal weight to the opinions of jurists cited in these works. These juristic opinions were organized hierarchically in the event of conflicting viewpoints, with the judge obliged to accord greater weight to the majority opinion. The judge exercised

discretion in rendering judgment only when consensus could not be reached, with Papinian's perspective ultimately serving as the final arbiter.

This intricate legal landscape, characterized by a dynamic interplay between the imperial edicts (*leges*) and the enduring legacy of classical juristic writings (*ius*), played a pivotal role in shaping the legal fabric of the Dominion period, with each source contributing to the ever-evolving tapestry of Roman law.

3. Legal Collections and Codifications before Justinian

To facilitate legal practice during the post-classical era, an array of legal collections comprising imperial constitutions (*leges*) and jurisprudential writings (*ius*) were curated, offering comprehensive sources for both legal practitioners and scholars. Predating the codification of Emperor Justinian, three significant collections of imperial constitutions emerged as pivotal references.

Primarily, during Diocletian's reign, two private collections surfaced as pivotal compendiums of imperial constitutions. The *Codex Gregorianus*, compiled around 291 AD, encompassed constitutions issued between the reigns of Hadrian and Diocletian. Shortly thereafter, the *Codex Hermogenianus* (circa 295 AD) emerged as an extension of the former, predominantly comprising rescripts issued during Diocletian's final years [Connolly, S. 2010, p. 39].

The inaugural official collection of imperial constitutions, the *Codex Theodosianus*, commissioned by Theodosius II in 438 AD, incorporated constitutions dating back to the era of Emperor Constantine. Unlike chronological organization, the *Codex Theodosianus* adopted a systematic arrangement akin to the *Digest*, categorizing laws thematically across its sixteen books [Stojčević, D. 1970, p. 42].

In addition to these collections of imperial constitutions, compilations dedicated solely to juridical law gained prominence. These compilations were often adaptations and amalgamations of excerpts derived from the foundational works of classical jurists. Notable examples include Ulpian's *Rules* and Paul's *Sentences*, which served as seminal sources of legal wisdom [Pugsley, D. 1973, p. 185].

Beyond the domain of juridical law, several collections seamlessly integrated both *ius* and *leges* [Horvat, M. 1980, p. 32]. Among these compilations, the *Fragmenta Vaticana* stands out. Discovered within the Vatican library in 1821, it contains excerpts from the writings of renowned jurists such as Papinian, Ulpian, and Paul, alongside constitutions sourced from the Gregorian and Hermogenian codices. Furthermore, the *Collatio legum Mosaicarum et Romanarum* provided a comparative analysis of Mosaic legislation and Roman law, shedding light on the intersections of legal thought in diverse cultural contexts. Additionally, the *Syro-Roman law book*, employed in 4th- and 5th-century Syria, showcased a unique fusion of *ius* and *leges* in its legal content [Stojčević, D. 1970, p. 43]. Of paramount significance were the compendiums forged within the barbarian states, where the principle of personality governed legal applicability among Roman subjects. These compilations, encompassing both *ius* and *leges*, held profound importance. Notable examples include the *Lex Romana Visigothorum* from 506 AD, the *Lex Romana Burgundionum* (often referred to as "Papianus"), and the *Eastern Gothic Edictum Theoderici* [Lagerlund, H. 2010, pp. 220–226]. The latter, distinctive for its universal applicability to both Romans and Goths, epitomized the convergence of diverse legal traditions within a single legal framework. Collectively, these pre-Justinian legal collections served as invaluable reservoirs of legal knowledge, offering insights into the evolving legal landscape and the coalescence of diverse legal traditions during this transformative period.

4. Corpus Iuris Civilis

Justinian's monumental codification, the *Corpus Iuris Civilis*, came into existence during a period marked by a gradual resurgence of interest in the study of Roman law within the domain of legal education. Spanning nearly four decades, Justinian's reign was characterized by ambitious poli-

cies aimed at restoring the former grandeur of the Roman Empire. His reign witnessed the unification of the Empire, the establishment of ecclesiastical order, and the comprehensive codification of the entire corpus of positive Roman law, including antiquated legal enactments and constitutions that, at the time, held predominantly historical significance. Emperor Justinian, equipped not only with a determined vision but also with the requisite erudition and administrative experience, successfully realized an aspiration that had eluded the likes of Caesar and, later, Theodosius [**Radding, C., Ciaralli, A.** 2006, pp. 1–226].

Chancellor Tribonian played a crucial role in the meticulous compilation of this jurisprudential compendium, assisted by a cadre of esteemed legal scholars and professors of the era. Remarkably, the process of codification was executed with exceptional efficiency, culminating in its completion within an unprecedentedly brief timeframe, spanning from 528 to 534 [**Lagerlund, H.** 2010, pp. 220–226].

The collective term “Corpus Iuris Civilis,” as later termed by glossators, traditionally encompassed several integral components. These included the Codex Iustinianus, the Digesta (also known as Pandectae), the Institutiones, and the Novellae. Additionally, two supplementary elements should be mentioned: the Quinquaginta decisiones (Fifty decisions), and the Codex Iustinianus Repetitae Praelectionis (New Reading of Justinian’s Code). Together, these elements constituted an intricately structured legal framework, a testament to Justinian’s enduring legacy within the realm of jurisprudence and his indomitable commitment to the restoration and preservation of Roman law [**Schoell, R., Kroell, W.** 2014, pp. 1–300].

4.1. Codex Iustinianus

On 13 February 528, Emperor Justinian promulgated the constitution Haec quae necessario [**Romac, A.** 1973, pp. 129–131], marking a milestone in the codification of Roman law. With this constitution, Justinian established a formidable ten-member commission, which notably included Tribonian, the future director of the extensive codification endeavor. The primary mission entrusted to this commission was the condensation and harmonization of a vast array of imperial constitutions derived from antiquated codes such as the Codex Gregorianus, Codex Hermogenianus, and Codex Theodosianus, along with more recent legislative enactments [**Turpin, W.** 1987, pp. 620–630]. The commission’s directive was explicit: to eliminate all superfluous elements within the constraints of legal integrity, and to reconcile redundancies and contradictions wherever possible, with exceptions being allowed only when structural considerations precluded such revisions. Additionally, laws that had fallen into disuse due to non-application were to be scrutinized and incorporated where relevant [**Romac, A.** 1973, p. 129]. These mandates were meticulously catalogued and organized into appropriate titles, with provisions for future alterations and additions in response to evolving legal needs. Remarkably, the commission achieved the monumental task in slightly over a year, culminating in the formal declaration of the Codex Iustinianus on 7 April 529 as the foundational constitution governing the Summa rei publicae [**Romac, A.** 1973, pp. 131–133].

Although the original compilation of revised and augmented imperial constitutions predating Justinian has not survived the annals of time, valuable insights into its character and content are gleaned from an ancient papyrus fragment. This fragment, published in 1922 as part of the 15th volume of Hunt’s esteemed collection, the Oxyrhynchos Papyri [**Horvat, M.** 1943, p. 180], provides an insight into the early form of the Codex Iustinianus. Notable distinctions emerge when comparing this fragment to its later counterpart, the Codex Repetitae Praelectionis from 534 [**Corcoran, S.** 2011, pp. 425–444]. Additionally, it unveils provisions from the Law on Citations (*Lex Citationis*) that did not find their place in the subsequent codex. This divergence in content reflects the evolution of legal practices, with later resolutions regarding the use of legal elements being addressed in the Digests and Institutions.

4.2. *Quinquaginta Decisiones (Fifty Decisions)*

Before undertaking the challenging task of assembling and codifying jurisprudence (*ius*), Emperor Justinian implemented a series of constitutional enactments with a dual objective. Firstly, these enactments aimed to reconcile contradictions inherent within the extant works of Roman jurists, and secondly, to adapt the legal corpus to the exigencies of the contemporary era. These significant legislative measures, collectively known as the *Quinquaginta* decisions, were consolidated into a comprehensive collection by the close of 530 [Staničić, G. 1989, p. 253]. Unfortunately, the original composition of this collection has not endured the passage of time.

In scholarly discourse, a contentious debate surrounds the inception of Justinian's intentions regarding the compilation of jurisprudence in conjunction with the existing collection of imperial constitutions. The crux of this debate revolves around whether Justinian initially envisaged the creation of an official compendium of legal law or whether he formulated the blueprint for the *Digest* at a later juncture in time [Horvat, M. 1943, pp. 180–181]. Following the discovery of the aforementioned fragment within Hunt's collection, the prevailing consensus leans towards the latter perspective. This perspective posits that, in light of the *Codex Iustinianus* already encompassing the provisions of the *Lex Citationis*, Justinian likely conceived the idea of assembling the *Digest* subsequent to the initial codification of jurisprudence [Krüger, P. 1877, pp. 1–512]. Consequently, in the absence of an initial intention to orchestrate a comprehensive collection of juridical law, the *Lex Citationis* was retained in the inaugural codex, and the *Quinquaginta* decisions assumed a similar role, serving as temporary solutions to the complexities surrounding the utilization of legal works. However, it is imperative to note that an opposing viewpoint endures, postulating that Justinian's inclusion of the *Lex Citationis* in the initial codex was not indicative of a lack of intent to compile a comprehensive collection of legal law. Instead, proponents of this viewpoint contend that the preservation of the *Lex Citationis* was necessitated by the imperative to expeditiously address the practicalities of referencing legal works within the legal system [Stanojević, O. 1972, p. 291].

In essence, the *Quinquaginta* decisions emerged as a pivotal juncture in the historical evolution of Justinian's codification efforts, emblematic of the intricate deliberations and considerations that underpinned the development of Roman jurisprudence during this transformative period.

4.3. *Digesta or Pandectae*

Following the successful completion of the inaugural code, Emperor Justinian undertook the formidable and exacting task of codifying the entire body of jurisprudence [Romac, A. 1973, p. 103]. On 15 December 530, the constitution *Deo auctore* was promulgated, instructing Tribonian to lead a commission comprising sixteen collaborators, all of whom would labour under his guidance [Romac, A. 1987, pp. 103–107]. Their collective mission was to compile a compendium known as the *Digesta* or *Pandectae*. Within this mandate, the compilers were afforded the latitude to revise pre-existing legal works, with a stipulation that any content introduced into this collection would be regarded as authoritative, even if it diverged from the content of earlier juristic works. Furthermore, the commission was tasked with the elimination of all redundancies and contradictions while retaining all elements deemed practical and instructional. Additionally, it was expressly directed that laws that had lapsed into disuse due to non-application should not be incorporated into this compilation, reinforcing the notion that the *Digesta* or *Pandectae* was intended to preserve and reflect long-standing legal practices and common law [Romac, A. 1973, p. 107].

Remarkably, the *Digesta* or *Pandectae* was completed at an astonishing pace, and on 16 December 533, it was officially promulgated through the constitution of *Tanta* [Romac, A. 1973, pp. 114–130], subsequently coming into effect on 30 December the same year. Notably, the *Digesta* or *Pandectae* constitute the most substantial and vital segment of Justinian's codification, holding paramount historical significance as a legal monument of extraordinary magnitude [Horvat, M. 1980, p. 34].

The compilers of the Digest drew upon the works of 39 jurists in the creation of this comprehensive compendium. The most prominent sources were the writings of the esteemed jurists constituting the “senate of the dead,” with Ulpian contributing to over 40% of the content, followed by Paul (17%) and Papinian (6%) [Šarac, M., Lučić, Z. 2006, p. 43]. Additionally, the works of republican jurists, including Scevola, Varus, and Gallus, were consulted, along with the writings of Gaius.

The structure of the Digesta is highly organized, comprising fifty books. Each book, with the exception of the 30th, 31st, and 32nd one, which share the common title “de legatis et fideicommissis,” is subdivided into titles, each denoted by a heading (rubricae) that encapsulates its content. Titles, in turn, are composed of passages (fragmenta or leges), with more extensive passages further subdivided into introductions (principium) and paragraphs. Each paragraph bears the name of the jurist and the title of the work from which it is sourced (inscriptio) [Arumäus & Förster, n.d.].

The accepted citation system for the Digest entails the use of the letter “D,” followed by the respective numbers for the book, title, fragment, and, where applicable, paragraph.

In its entirety, the Digesta or Pandectae encompass 432 titles, featuring a total of 9,142 fragments. According to Justinian’s own account, the compilation of the Digest entailed the extraction of content from 2,000 (more precisely, 1,625) books, considering “books” here as divisions within individual works rather than independent publications, amounting to three million lines of text. However, the Digest ultimately comprises a more concise 150,000 lines [Horvat, M. 1980, p. 34].

Notably, the meticulous transcription of passages, coupled with a mandate for the use of full and unambiguous textual representations devoid of cryptic abbreviations, led to a partial reconstruction of the works of classical Roman jurists that had been consulted during the Digest’s compilation. This reconstruction assumes particular importance given the scarcity of surviving original classical legal literature in the modern era.

In the 19th century, the German legal historian Friedrich Bluhme conducted a comprehensive study of the methods and procedures employed by the compilers responsible for crafting the Digest [Bluhme, F. 1820, pp. 1–68]. His analysis unveiled the existence of a classification system into what he termed “masses.” These masses comprised distinct groups of fragments, including the Sabine mass, focused on civil law and centred around comments on Sabine’s system of civil law (Libri ad Sabinum); the edictal mass, dealing with part-time law and featuring commentaries on the edict (Libri ad Edictum); and the Papinian mass, constituted by excerpts from practical literature, frequently commencing with Papinian’s Responsa and Quaestiones. Occasionally, a fourth group, denoted the post-Papinian mass or appendix, was also recognized [Honoré, T. 2008, p. 1].

Bluhme’s investigations further revealed that, within the commission responsible for the compilation of the Digest, three subcommittees emerged, each assuming responsibility for excerpting specific works. These subcommittees subsequently convened in a collective assembly, determining the sequencing of the compiled excerpts for each title [Stein, P. 2007, p. 44]. At these plenary sessions, the material was organized within the framework of the codex system, structured similar to the praetorian edict. Consequently, each title was spearheaded by the group that had contributed the greatest number of passages pertaining to the subject matter in question. Instances also arose where passages from one group were incorporated into another if it better suited their contextual relationship. In cases where deemed expedient and beneficial, a fourth category, quite possibly prepared by a specialized subcommittee, was appended to the compilation [Romac, A. 1987, p. 61].

The Digests, a monumental compilation of Roman jurisprudence, have been preserved in a multitude of manuscripts, each offering valuable insights into this legal corpus. Among these manuscripts, the most renowned and exceptionally well-preserved is the Florentine manuscript, which has been housed in Florence since 1406. Its historical journey includes an earlier location in Pisa, where it was known as the “littera Pisana” [Campopiano, M. 2009, p. 64]. This manuscript is traditionally ascribed to the 6th or 7th century, underscoring its antiquity and historical significance. Notably, the Florentine manuscript comprises the entirety of the Digests and is organized into two distinct volumes, encapsulating the extensive content of this legal compendium [Włodkiewicz, W. 1990, pp. 503–505].

In addition to the Florentine manuscript, a substantial number of manuscripts are classified as “vulgate manuscripts,” recognized for their significance in the educational domain, particularly within the Bologna school of law, known as the “*littera Bononiensis*” [Stein, P. 1986, p. 297]. These vulgate manuscripts, in contrast to the comprehensive Florentine counterpart, encompass only one-third of the Digests each. These thirds bear distinct names and correspond to specific sections of the legal compilation: *Digestum vetus*: it encompasses content up to D. 24, 3, 1, representing a substantial portion of the earlier material within the Digests; *Infortiatum*: it extends from the beginning to the conclusion of the 38th book, providing insight into a significant portion of the legal compendium; *Digestum novum*: this final section encapsulates the remaining content of the Digests, spanning from the end of *Infortiatum* to the conclusion of the compilation [Horvat, M. 1943, p. 185].

These distinct sections within the vulgate manuscripts offer a segmented perspective on the Digests, facilitating focused examination and study of specific legal topics and content. Each section contributes to our understanding of the historical development and evolution of Roman jurisprudence, serving as invaluable resources for scholars and legal enthusiasts alike.

4.4. *Institutiones*

In anticipation of publishing the Digest, Emperor Justinian entrusted Tribonian with the task of preparing an educational textbook and a primer on Roman law, specifically designed for beginners. To aid in this endeavour, professors Theophilus and Dorotheus, both esteemed members of the Digest drafting committee, were enlisted. These educational materials, collectively known as the “*Institutiones*,” were formally promulgated through the constitution of *Imperitioriam ministate* on 21 November 533. Despite their primary intended function as instructional aids, the *Institutiones* were granted the status of a legal code and, in a synchronized implementation with the Digest, became legally effective on 30 December 533 [Romic, A. 1973, pp. 100–103].

The structure and content of the *Institutiones* draw inspiration from the renowned tripartite system introduced in Gaius’s work of the same name, which encompassed the categories of “*personae*” (persons), “*res*” (things), and “*actiones*” (actions). Moreover, a shared characteristic is their division into four distinct books, further organized into titles (98 in total), with larger titles containing individual paragraphs. The *Institutiones* cover an extensive array of legal areas, including status, family law, real property law, obligations, inheritance law, as well as civil and criminal procedural matters. Beyond the influence of Gaius’s *Institutiones*, the compilation incorporates insights from a multitude of legal sources, including the works of Florentinus, Marcianus, and Ulpianus, alongside Gaius’s “*Res quotidianae*” and Ulpianus’s “*Regulae*” [Nicholas, B. 2015]. Notably, passages drawn from these various works are not explicitly demarcated within the text.

Prominent among the extant manuscripts preserving the *Institutiones* are the Bamberg and Turin manuscripts [Radding, C., Ciaralli, A. 2006, p. 67], with several other copies bearing testament to their enduring legacy. However, it is worth noting that none of these surviving manuscripts predate the 9th century, underscoring the ongoing historical interest and scholarly engagement with the foundational principles of Roman law as elucidated in the *Institutiones*.

4.5. *Codex Repetitae Praelectionis*

Following the publication of the initial codex, Emperor Justinian initiated a notable effort by issuing fifty new constitutions with the overarching objective of resolving inconsistencies and contradictions within preceding constitutions and legal jurisprudence. This collection of fifty constitutions was amalgamated into the previously referenced *Quinquaginta* decisions. Concurrently, Justinian deemed it necessary to revise and enhance the text of the initial codex. The outcome of these efforts materialized in the year 534 as the “*Codex Iustinianus repetitae praelectionis*” [Corcoran, S. 2011, pp. 425–444]. This compilation gained added impetus from the distinct characteristic of the *Digesta*, which primarily featured juridical law. Within this Codex, the constituent constitutions are organized chronolog-

ically, encompassing a span extending from the era of Hadrian to Justinian himself. In the manuscript tradition, glossaries provided further elucidation by categorizing these constitutions into “principium” (the beginning) and “paragraphs” [Corcoran, S. 2011, pp. 425–444].

The novel codex is delineated into twelve books, each of which is subdivided into titles. The initial book addresses matters of ecclesiastical and public law, while books two through eight, mirroring the format of a praetorian edict, are dedicated to the exposition of private law. The ninth book is dedicated to criminal law and to the procedures governing criminal cases, whereas the concluding three books encompass financial and administrative law. Additionally, certain constitutions within the codex include an “inscriptio” denoting the name of the emperor and the title he held, followed by a “subscriptio” providing the date of issuance. Constitutions whose origins remain unattributed are distinctly marked with designations such as “sine die et consule,” “Augustis,” or “Caesaribus consolibus” [Corcoran, S. 2011, pp. 425–444].

Despite their relatively limited number and somewhat diminished quality compared to the manuscripts of the Digest, the manuscripts preserving Justinian’s codex of the new reading have experienced commendable preservation. The more comprehensive manuscripts of this codex predominantly date from the 12th century, although a notably early manuscript hailing from Perugia in the 7th century, known as the “Summa perusina,” has been meticulously preserved [Chrysos, E. 2002, pp. 33–38]. The consistent preservation of manuscripts underscores the enduring scholarly interest and significance attributed to the content within Justinian’s codex of the new reading.

4.6. *Novellae*

After the comprehensive task of codification, Emperor Justinian continued to issue approximately 150 new constitutions during the subsequent three decades of his reign. The primary objective behind this prolific legislative activity was the adjustment of existing legal norms to accommodate the evolving jurisprudential insights derived from everyday legal practice. These adaptations carried considerable weight, especially in the realm of family and inheritance law, where significant reforms were introduced. These newly enacted legal provisions came to be known as “Novellae,” signifying their status as novel or new laws and constitutions [Kearley, T. G. 2010, p. 377].

It is noteworthy that these *Novellae* were never formally integrated into an official codified collection but instead found their place within specific private compilations, such as the “*Epitome Iuliani*” [Kaiser, W. 2008, pp. 300–346] and the “*Authenticum*” [Wallinga, T. 2009, pp. 43–59]. The absence of an official codification of these *Novellae* can be attributed to several factors. Firstly, the passing of Tribonian, the influential figure who had overseen the codification efforts, around the year 546 left a notable void in the leadership required for such an undertaking. Additionally, the subsequent lack of a successor deemed capable of assuming the pivotal role in the codification of law further contributed to the informal and decentralized preservation of these new legal provisions.

This historical context highlights the dynamic evolution of Roman law during Emperor Justinian’s reign. It is marked by the initial monumental codification and subsequent legislative adjustments, all geared towards ensuring the legal system remained adaptable to the changing needs and practices of the time. The *Novellae*, although not formally codified, represent a dynamic facet of this legal evolution and continue to be a subject of scholarly inquiry and examination within the field of Roman law.

5. *Interpolations*

The comprehensive nature of Justinian’s codification, aiming to consolidate a wide array of pre-existing legal acts and constitutions, some of which had origins dating back several centuries, inherently necessitated a process of adaptation to meet the contemporary demands of the time. Emperor Justinian himself underscored this adaptative approach in the *Tanta Constitution*, wherein the compilers were explicitly granted the authority to address ambiguities, augment or condense redundant or incomplete elements, and, in instances of divergent legal opinions, exercise discretion in selecting the

most suitable course of action. This process of deliberate modifications to the incorporated texts is what we refer to as “interpolations” or “*emblemata Triboniani*” [Romac, A. 1973, p. 121].

The adaptation of classical legal institutions to align with the evolving societal and legal landscape occasionally led to the replacement of established norms with novel ones. A notable instance of such transformation involved the substitution of the formal procedure of ownership transfer known as “*mancipatio*” with a more informal method termed “*traditio*” [Romac, A. 1973, p. 121].

A pivotal approach employed in identifying interpolations is the comparative analysis of texts, involving a meticulous examination of variances between the content within the Digest and the original texts from which specific portions were drawn. This method is particularly potent when the original texts remain preserved in their authentic form. Historical considerations and other criteria have collectively given rise to a comprehensive interpolationist methodology, extensively utilized in the early 20th century [Horvat, M. 1943, p. 192]. This methodology serves the dual purpose of detecting interpolations and, at times, casting doubt on the authenticity or classicality of specific text segments. Interpolations can occasionally be discerned through deviations in style, manifesting as an imperative or authoritative tone that diverges from the typical legal discourse. Additionally, philological criteria are sometimes applied, as it is presumed that the compilers possessed their own distinctive style of the Latin language, one that may exhibit deviations from the language employed by classical jurists.

In modern scholarship on Justinian’s codification, there has been a growing suspicion that certain legal works might have undergone alterations even before their inclusion in Justinian’s compilation. These modifications may have been introduced through interlinear or marginal glosses. Consequently, contemporary criticism has focused on covering such glosses and pre-Justinian interpolations, employing specialized criteria encompassing linguistic analysis, historical context, logical consistency, and other pertinent factors in this investigative endeavour [Horvat, M. 1943, p. 195]. This multifaceted approach to the detection of interpolations enhances our understanding of the nuanced evolution of Roman legal texts within the corpus of Justinian’s codification.

6. Significance of Justinian’s Legislation

Justinian’s “*Corpus Iuris Civilis*” holds a unique and unparalleled significance in legal history [Romac, A. 1973, p. 64]. Unlike the principle of “*lex posteriori derogat legi priori*,” which grants precedence to later laws over earlier ones, this corpus treats the “*Digesta*,” “*Institutiones*,” and “*Codex*” with equal legal importance, irrespective of the chronological disparities in their promulgation. Coinciding with the publication of Justinian’s codification, there was a simultaneous imperative for the reform of legal education. The *Omnem* Constitution of 16 December 533, addressed to legal scholars, comprehensively regulated this matter [Horvat, M. 1943, p. 189]. This constitutional decree extended the duration of legal studies from four to five years and introduced a novel system for the study of legal science. The entire process of codification was executed within an exceptionally condensed time frame, reflecting Justinian’s remarkable efforts to preserve the quintessence of Roman legal thought for posterity. Significantly, the “*Digesta*” had a particularly influential impact within the realm of received (pandect) law, primarily due to their substantial focus on private law matters [Horvat, M. 1943, p. 59]. However, Justinian’s monumental work initially elicited relatively limited resonance upon its publication. A significant factor contributing to this muted response was the composition of the text in Latin, rendering it incomprehensible to the Greek-speaking Byzantine jurists. In response to this linguistic divide, Theophilus translated the “*Institutiones*” into Greek, titled “*Paraphrase*.” Additionally, an abridged official selection in Greek from the 8th century, known as the “*Ecloga*,” emerged. In the early 10th century, Emperor Leo the Wise initiated the production of the “*Corpus Iuris Civilis*” in Greek, commonly referred to as the “*Basilica*” [Lagerlund, H. 2010, pp. 220–226]. This version featured extensive notes termed “*Scholia*,” predominantly comprising comments made by Justinian’s contemporaries. Among the various condensed renditions of the “*Basilica*” that were disseminated, the “*Hexabiblos*” (Six Books) compilation, originating in 1345, attained particular prominence. It re-

mained the foundational source of law in Greece until 1946, thereby demonstrating the enduring legacy and relevance of Justinian's legal legacy.

7. Conclusion

Justinian's codification is an invaluable historical treasure, providing a comprehensive insight into the intricate world of Roman law. Its importance extends beyond its era of publication, enabling a meticulous examination of Roman legal principles that resonate from antiquity to contemporary times. This monumental work not only encapsulates the legal framework of its time but also grants access to a multitude of earlier legal sources. The incorporation of these antecedent materials into the compilation has indirectly made them available for scholarly exploration and scrutiny.

Furthermore, this monumental endeavour has left a noteworthy legacy in the form of the "interpolation" methodology. The concept of interpolations, a systematic approach to purposefully altering legal works within the codification, continues to captivate scholars and contemplative minds. It serves as a beacon, illuminating the evolutionary path of legal thought during this transformative era, revealing the nuanced adaptations and metamorphoses that shaped the fabric of jurisprudence.

Whether propelled by favourable historical circumstances or driven by the extraordinary efforts dedicated to the restoration of the Roman Empire's grandeur, Justinian's *Corpus Iuris Civilis* stands as a testament to his achievement. It represents the realization of a long-standing aspiration shared by his predecessors: the consolidation of the entire corpus of existing law into a singular, authoritative collection. Simultaneously, it fulfilled the vital role of serving as an instructive and comprehensive textbook for aspiring legal scholars and practitioners, cementing its enduring significance and multifaceted influence within the realm of Roman law.

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