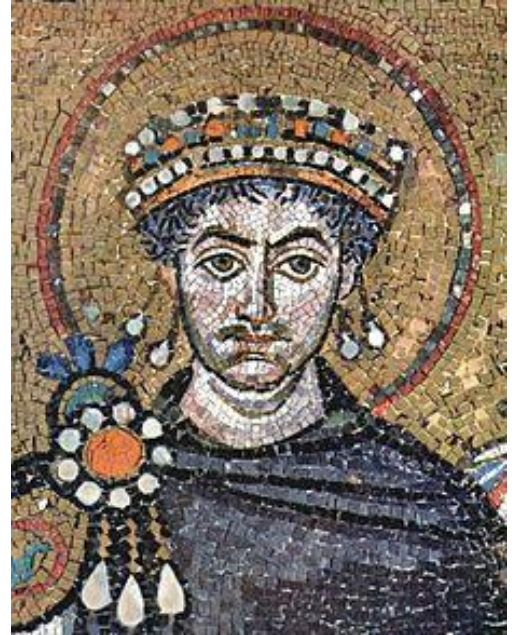


Name _____

JUSTINIAN'S CODE PRIMARY SOURCE ANALYSIS

Justinian was the greatest Emperor of the Byzantine Empire. The achievements of his reign are numerous. He rebuilt parts of the city. He built the church of the holy wisdom called the Hagia Sophia- a great monument to Architecture and religion. He attempted to re-conquer the western half of the old Roman Empire and succeeded at bringing parts of North Africa and Italy back to the Empire while he ruled. In addition, Justinian ordered a review and reform of the Roman law codes that had been around for more than 1000 years. This code of laws survived to this day and is the basis of all western law including many of the laws of the United States. Justinian was a very unusual man of his time. He married for love and gave political power to his wife Theodora. They ruled the Empire together. After Justinian's reign, there were other Empresses of the Byzantine Empire who ruled as well. Justinian's reign was impacted by a great plague which struck the city in 540. His wife Theodora died in 548. Justinian died in 565 about 60 years before the birth of Islam.



JUSTINIAN'S CODE OF LAWS

The code is divided into four parts: (1) **The Code of Justinian**, or **Codex**, is a compilation of imperial laws up till that point; (2) the **Digest** compiled the ideas of the great Roman judges of the past; (3) the **Institutes** is a law textbook for use at universities to train future lawyers and judges; and (4) the **Novellae**, which consisted of new laws that were passed after the year 534.

Below are some excerpts from the code of Justinian. After each excerpt answer the questions

I. Justice and Law

JUSTICE is the constant and perpetual wish to render everyone his due.

Jurisprudence is the knowledge of things divine and human; the science of the just and the unjust.

The maxims of law are these: to live honestly, to hurt no one, to give everyone his due.

1. Paraphrase the section above in your own words. What is justice?

The study of law is divided into two branches; that of public and that of private law. Public law regards the government of the Roman empire; private law, the interest of the individuals. We are now to treat of the latter, which is composed of three elements, and consists of precepts belonging to the natural law, to the law of nations, and to the civil law.

2. Explain in your own words the different categories of Roman law.

Compare the two quotes below to answer #3.

The law of nature is that law which nature teaches to all animals. For this law does not belong exclusively to the human race, but belongs to all animals, whether of the earth, the air, or the water. Hence comes the union of the male and female, which we term matrimony; hence the procreation and bringing up of children. We see, indeed, that all the other animals besides men are considered as having knowledge of this law. – *Justinian*

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights..." – *Thomas Jefferson in the Declaration of Independence discussing natural rights.*

3. The concept of natural rights/ laws is important to history. But the understanding of what it means to have natural rights changed over time. Explain in your own words what you feel is a "natural right".
4. The Code of Justinian has a different understanding of natural rights than Jefferson. What is the main difference between the two?

Civil law is thus distinguished from the law of nations. Every community governed by laws and customs uses partly its own law, partly laws common to all mankind. The law which a people makes for its own government belongs exclusively to that state and is called the civil law, as being the law of the particular state. But the law which natural reason appoints for all mankind obtains equally among all nations, because all nations make use of it. The people of Rome, then, are governed partly by their own laws, and partly by the laws which are common to all mankind. We will take notice of this distinction as occasion may arise.

5. What two kinds of laws govern Romans?

6. What is civil law?

All our law relates either to persons, or to things, or to actions. Let us first speak of persons; as it is of little purpose to know the law, if we do not know the persons for whose sake the law was made. The chief division in the rights of persons is this: men are all either free or slaves.

1. Freedom, from which men are said to be free, is the natural power of doing what we each please, unless prevented by force or by law.

2. Slavery is an institution of the law of nations, by which one man is made the property of another, contrary to natural right.

The things we take from our enemies become immediately ours by the law of nations, so that even freemen thus become our slaves; but if they afterwards escape from us, and return to their own people, they regain their former condition.

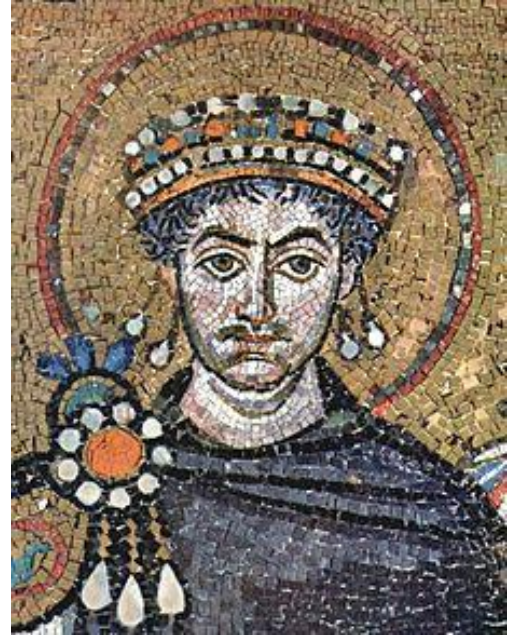
7. According to Roman law, why is slavery legal?

8. What is the difference between freemen and slaves?

9. Explain in your own words why the Code of Justinian is an important legacy for our own civilization. Please use at least one quote or paraphrase one section in your answer.

JUSTINIAN'S CODE PRIMARY SOURCE ANALYSIS

Justinian was the greatest Emperor of the Byzantine Empire. The achievements of his reign are numerous. He rebuilt parts of the city. He built the church of the holy wisdom called the Hagia Sophia- a great monument to Architecture and religion. He attempted to re-conquer the western half of the old Roman Empire and succeeded at bringing parts of North Africa and Italy back to the Empire while he ruled. In addition, Justinian ordered a review and reform of the Roman law codes that had been around for more than 1000 years. This code of laws survived to this day and is the basis of all western law including many of the laws of the United States. Justinian was a very unusual man of his time. He married for love and gave political power to his wife Theodora. They ruled the Empire together. After Justinian's reign, there were other Empresses of the Byzantine Empire who ruled as well. Justinian's reign was impacted by a great plague which struck the city in 540. His wife Theodora died in 548. Justinian died in 565 about 60 years before the birth of Islam.



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1. Paraphrase the section above in your own words. What is justice?

Open to student opinion provided they gain the key concepts of justice from the passage (honesty, not hurting anyone, etc).

The study of law is divided into two branches; that of public and that of private law. Public law regards the government of the Roman empire; private law, the interest of the individuals. We are now to treat of the latter, which is composed of three elements, and consists of precepts belonging to the natural law, to the law of nations, and to the civil law.

2. Explain in your own words the different categories of Roman law.

The 2 categories are public and private law. Public law deals with laws about the whole Empire, whereas private law deals with individuals.

Compare the two quotes below to answer #3.

The law of nature is that law which nature teaches to all animals. For this law does not belong exclusively to the human race, but belongs to all animals, whether of the earth, the air, or the water. Hence comes the union of the male and female, which we term matrimony; hence the procreation and bringing up of children. We see, indeed, that all the other animals besides men are considered as having knowledge of this law. – *Justinian*

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3. The concept of natural rights/ laws is important to history. But the understanding of what it means to have natural rights changed over time. Explain in your own words what you feel is a "natural right".

Open to student opinion and can vary depending on each student's idea of what makes a natural law.

4. The Code of Justinian has a different understanding of natural rights than Jefferson. What is the main difference between the two?

The main difference between the 2 is that Justinian's Code explains that nature teaches the law to all animals, whereas Jefferson believes that god granted natural rights to human beings.

Civil law is thus distinguished from the law of nations. Every community governed by laws and customs uses partly its own law, partly laws common to all mankind. The law which a people makes for its own government belongs exclusively to that state and is called the civil law, as being the law of the particular state. But the law which natural reason appoints for all mankind obtains equally among all nations, because all nations make use of it. The people of Rome, then, are governed partly by their own laws, and partly by the laws which are common to all mankind. We will take notice of this distinction as occasion may arise.

5. What two kinds of laws govern Romans?

Romans are governed by laws which apply to all nations and all mankind and civil law which applies just within the Roman Empire.

6. What is civil law?

Civil Law are the laws that people make as part of a particular state or country. These can vary from state to state.

All our law relates either to persons, or to things, or to actions. Let us first speak of persons; as it is of little purpose to know the law, if we do not know the persons for whose sake the law was made. The chief division in the rights of persons is this: men are all either free or slaves.

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7. According to Roman law, why is slavery legal?

Slavery is legal because slaves are taken from defeated enemies and all property of defeated enemies is taken immediately.

8. What is the difference between freemen and slaves?

Freedmen have the power to do what they please unless they are prevented by law. Slaves are the property of another person and have no rights unless they escape back to their own people.

9. Explain in your own words why the Code of Justinian is an important legacy for our own civilization. Please use at least one quote or paraphrase one section in your answer.

Open to student opinion provided they fully explain their answer and support it with an excerpt from one of the quotes above.