

Novels Timeline

- 528 Justinian appoints a commission to compile the imperial enactments (*constitutiones*, or constitutions) of previous emperors. (*Constitutio haec quae necessario*).¹
- 529 Justinian promulgates the compilation (Code). (*Constitutio summa rei publicae*).²
- 530-- Justinian resolves a series of legal questions (*Quinquaginta decisiones*) and issues other new constitutions after the Code is published.
- 534 Justinian promulgates the second edition of the Code (*Codex repetitae praelectionis*) in his *Constitutio cordi nobis*,³ to incorporate and harmonize the new constitutions with those of the 1st edition, which it supersedes. (Only fragments of rubrics for the first edition survive.)
- 554 At the behest of Pope Vigilius, Justinian issues a pragmatic sanction (*Sanctio pragmatica pro petitione Vigilii*)⁴ to put into effect in the West new laws promulgated after the *Codex repetitae*. The sanction foresees official compilation of this new legislation (*novellae constitutiones, quae post nostri codicis confectionem latae sunt*) known in English as the Novels.⁵
- 556 Julianus, a law professor in Constantinople, creates the *Epitome Juliani*, a summary of 124 novels (or 122, as two are duplicates) from 535-555, for his Latin-speaking-students. The *E.J.* is a partially annotated Latin summary of the novels, most of which were officially issued in Greek. Because it is in Latin, the *Epitome Juliani* is the preferred source of the Novels in the West in the early Middle Ages (until about 1100), when another version is discovered there.

¹ "Concerning the Composition of a New Code" (Feb. 13, 528)--prefixed to the Code and its second edition.

² "Concerning the Confirmation of the Justinian Code" (April 7, 529)--also prefixed to the Code and its second edition.

³ "Concerning the Correction of the Justinian Code and the Second Edition thereof" (Nov. 16, 534)--prefixed to the second edition of the Code.

⁴ "That the Laws of the Emperor Shall be Extended into his Provinces" (August 13, 554)--added as Appendix 7 to Krueger and Mommsen's now-standard edition of the Code: Paul Krueger, Theodor Mommsen, Rudolf Schöell & Wilhelm Kroll, *Corpus Iuris Civilis*, vol. 2, *Codex Justinianus*, 11th ed., 1954.

⁵ The term *novella*, or Novels, was used as early as the 4th century B.C. for newer laws; e.g. the Novels of Theodosius. When used without additional qualification, however, "Novels" is now assumed to refer to the Novels of Justinian.

556? A collection of 134 novels issued between 535-556 is compiled around this time. Mostly a word-for-word, full-text translation of Greek novels, it also includes those few novels originally in Latin and the Latin versions of a few originally issued in both Latin and Greek. When discovered in Bologna, around 1100, it comes to be known as the *Authenticum*, because Irnerius and other Glossators deem it an official compilation made at Justinian's order. (It is also sometimes called the *versio vulgata*.)

575-

580 A collection of 168 novels (or 166, as most are in Greek but two are repeated as Latin versions) is created during the reign of Tiberius. Two manuscripts of this compilation discovered in the Middle Ages--the Venetian and the Florentine--form the basis of print editions during the Renaissance that are referred to as the Greek Collection of 168.

(Two Greek epitomes of the Novels, which did not prove influential for Roman law in the West, also are compiled around this time. The "Epitome of Athanasi," composed around 572, contains summaries of 153 novels found in the Greek Collection of 168. Unlike those of other collections, these are arranged entirely by subject. "The Epitome of Theodore" using the same novels included in Greek Collection of 168, is compiled between 575-600.

600-

800 *Juliani Epitome* manuscripts circulate in Europe. The *E.J.* is the main source of Roman law there until the *Authenticum* surfaces. Other parts of what come to be known as *Corpus Juris Civilis* are little known in the West.

892 The *Basilica* is published during reign of Byzantine Emperor Leo VI. Based on the Greek Collection of 168 novels, it includes extracts of many novels, along with parts of the Digest, Code, & Institutes, supplemented by *scholia* (interpretive notes). The *Basilica* is used later to help reconstruct the Novels.

1100s The *Authenticum* appears in Bologna and largely replaces the *Epitome Juliani*. Justinian's Digest, Institutes, Code, and Novels begin to be called *Corpus Juris Civilis* (body of the civil law) to differentiate them from the *Corpus Juris Canonici* (body of the canon, or Church, law). The *CIC* at that time is organized differently than today. Its units are: each of the three volumes of the Digest; the first 9 books of the Code; and, together as a fifth volume, the Institutes, the last 3 volumes of the Code (*Tres libri*), and the Novels in the form of the *Authenticum*. The latter was called *Volumen*, or *Volumen parvum* (insignificant volume--as compared with the other volumes of the *CIC*).

- 1200s The Venetian manuscript (*Codex Marcianus*)⁶ of the 168 novel Greek Collection is created around this time. Its last 3 laws are decrees of the praetorian prefect, 4 are novels of Justin II, and 2 are given twice. Also included, as an appendix, are 13 *edicta*, or edicts, some of which repeat novels in the main collection.
- 1300s The Florentine manuscript (*Codex Laurentianus*),⁷ also based on the 168 novel Greek Collection, but of lower quality, is drafted in 14th century.
- 1476 The first print edition of *Novels*⁸ is published in Rome with the *Tres Libri* of the Code and the Institutes; the novels are based on the *Authenticum*.
- 1531 Gregorius Holoander compiles the first book consisting only of the Novels—as taken from the *Bolognese* copy of the *Codex Laurentianus*.⁹
- 1558 Henry Scrimgeour creates an edition of the Novels based on the *Palatino-Vaticanus* copy of the Venetian manuscript.¹⁰
- 1571 Antonius Contius constructs an influential edition of the Novels using both the *Authenticum* and 168 novel Greek Collection texts.¹¹
- 1834 A German translation of the Novels, by Freiesleben and Schneider, is published as part of Carl Eduard Otto, Bruno Schilling & Carl Friedrich Sintenis's edition of the *Corpus Juris Civilis*.¹² It is based mainly on the Greek Collection but also uses the *Authenticum*, the *Epitome Juliani*, and the *Basilica*.

⁶ So called because it was housed in the library of St. Mark's in Venice. An early 16th century copy of this manuscript in the Vatican is referred to as the *Palatino-Vaticanus*.

⁷ Called the *Laurentianus* because it belongs to the Laurentian library in Florence. Lodovico Bolognini made copy of the Florentine manuscript in the early 16th century that is referred to as the *Bolognese* manuscript or *Bononiensis*.

⁸ VOLUMEN PARVUM.

⁹ NOVELLARUM CONSTITUTIONEM JUSTINIANE QUAE EXSTANT UT EXSTANT VOLUMEN.

¹⁰ IMPP. IUSTINIANI, IUSTINI, LEONIS NOVELLAE CONSTITUTIONES. Muirhead, HISTORICAL INTRODUCTION TO THE PRIVATE LAW OF ROME 410 (1899) dates it 1557, and Wenger, DIE QUELLEN DES RÖMISCHEN RECHTS 678 (1953) gives 1556, but WorldCat bibliographic records show only 1558.

¹¹ CODICIS D.N. JUSTINIANI...

¹² DAS CORPUS JURIS CIVILIS (1831-39). Justice Blume used this as an adjunct in his English translation of the Code and Novels.

- 1840 Eduard Osenbrüggen's version of the Novels, based on both the Venetian and Florentine manuscripts of the Greek Collection, is published in the Kriegel brothers' edition of the *CJC*.¹³
- 1851 Gustav Ernst Heimbach publishes his critical edition of the *Authenticum*.¹⁴
- 1873 A critical edition of the *Epitome Juliani* is issued by Gustav Hänel.¹⁵
- 1881 Karl Eduard Zachariae von Lingenthal's critical edition of the Novels¹⁶ re-establishes many of their subscriptions.
- 1895 The Novels by Rudolf Schöell (completed by Wilhem Kroll), based on Greek collection of 168 and supplemented by the other versions and critical studies, is issued as volume 3 of Paul Krüger, Theodor Mommsen, Schoell, & Kroll's classic 3 volume *editio stereotypa* of the *CIC*.¹⁷ This version is accepted by scholars as the standard edition.

¹³ NOVELLAE ET RELIQUAE, part of Kriegel et al., CORPUS JURIS CIVILES (1840-43). Scott used a later edition of the Kriegel *CIC* (1872) for his translation in THE CIVIL LAW (1932, repr. 1973).

¹⁴ AUTHENTICUM NOVELLARUM CONSTITUTIONUM IUSTINIANI VERSIO VULGATA (1846-1851).

¹⁵ IULIANI EITOME LATINA NOVELLARUM IUSTINIANI.

¹⁶ IMPERATORIS IUSTINIANI PERETUI AUGUSTI NOVELLAE QUAE VOCUNTUR.

¹⁷ CORPUS IURIS CIVILIS (1877-1895). This is the version Justice Blume employed in creating his translations of the Code and Novels. It has gone through several editions and reprintings, the most recent being 1993-2000.