

Introduction to the Annotated Justinian Code, 2nd edition

It was about one year ago that the Annotated Justinian Code web site was launched. The response I have received from classicists, legal scholars, and historians has been very encouraging. In this edition I have sought to improve the site in several ways.

In regard to the Code itself, I have, first of all, added the few sections of text I inadvertently omitted from the first edition in the course of transcribing over 4,500 manuscript pages. Secondly, I have included many minor marginal notes that I consciously left out of the original edition due to time pressures. Many of these are simple question marks Justice Blume wrote in his manuscript beside a portion of the translation of which he remained unsure. Where he indicated such uncertainty, I also have added S. P. Scott's version of the passage for comparison, when such was available. (Since Scott worked from a different Latin source, his work does not include all of the laws in Justice Blume's translation.) Thirdly, I have corrected misspellings, formatting glitches, and citations problems.

In addition to making these improvements to the Code itself, I also revised other elements of the web site. Using information gained from additional research, I have supplemented both the article I wrote about Justice Blume's work (linked to from "History of the Annotated Justinian Code" on this site) and the introduction to his "The Code of Justinian and its Value" (linked to on the site under that title). I also filled-in and corrected the "References and Abbreviations in the AJC" section. As can be seen on the site's first page, the first edition remains available from a link there for reference.

Having tidied the Code, my plan now is to turn my attention to the Novels. I hope that by next year around this time I will have been able to rescan the novels and post them in PDF form, along with Justice Blume's notes and related information from his notebooks, such as a "sections affected table" showing which laws in the Code he judged to be amended by various Novels. I hope also to be able to write an introduction to the Novels for the non-expert explaining in some detail the torturous history of their transmission from Justinian's time to the 19th century when scholars created the authoritative Latin version Justice Blume used for his translation.

Timothy Kearley
January 2009

Introduction: Justice Fred H. Blume's Annotated Justinian Code

From about 1920 to 1952, Fred H. Blume, attorney and Wyoming Supreme Court Justice, worked alone in his spare time to produce a massive, annotated English translation of Justinian's Code. His hopes of seeing it published during his lifetime never came to fruition. Blume also translated Justinian's Novels into English during the same period, but they, too, remained unpublished. This web site is dedicated primarily to housing an edited, electronic version of Justice Blume's magnum opus--what he referred to as his ANNOTATED JUSTINIAN CODE. It also contains his translation of the Novels and other materials related to Justice Blume's Roman law work, but it does not attempt to be a portal for research on the Code or Roman law in general.

Fred H. Blume's long life has been ably chronicled elsewhere by Wyoming Supreme Court Justice Michael Golden. In addition, I have published a detailed account of the translation itself—how Blume developed the extensive library that supported his translation, his approach to translation, his collaboration with Professor Clyde Pharr on related projects, and the like.

Thus, for the purposes of this introduction to Justice Blume's translation, it will suffice to offer the reader the following chronology of important events concerning Fred H. Blume's life and work and a few comments about my treatment of the translation.

- 1875: Born Friedrich Heinrich Blume in Winzlar, Germany on Jan. 9.
- 1887: Immigrates to the U.S., by himself, to join his elder brother, Wilhelm.
- 1892: Settles in Audubon, Iowa where he works & completes high school.
- 1895: Enrolls at the State University of Iowa.
- 1898: Graduates, Phi Beta Kappa.
- 1899: Admitted to the practice of law in Iowa.
- 1905: Moves, with his wife, to practice law in Sheridan, Wyoming.
- 1907: Begins political career.
- 1912: Backs Theodore Roosevelt's Bull Moose party; when it fails, decides to retire from politics; begins reading history of Western civilization & building extensive library on the subject.
- 1919: Learns there is no English translation of Justinian's Code.
- 1920: Appears to have begun his Code translation.

¹ Michael Golden, *Journey to the Pole: The Life and Times of Fred H. Blume, Justice of the Wyoming Supreme Court*, 28 LAND & WATER LAW REVIEW 195 (1993) and 28 LAND & WATER LAW REVIEW 511 (1993).

Timothy Kearley, *Justice Fred Blume and the Translation of Justinian's Code*, 99 LAW LIB. J. 525 (2007).

- 1921: Appointed to Wyoming Supreme Court.
- 1923/24: Completes first draft of translation.
- 1929: Has revised version typed; teaches Roman law at Northwestern University Law School at the invitation of Dean John Wigmore.
- 1933: Receives letter from Clyde Pharr asking him to join Pharr's "Project for a Variorum Translation into English of the Entire Body of Roman Law," with Blume's translation of the Code to be used as the basis for the Project's version of that document.
- 1938: Addresses Riccobono Seminar on The Code of Justinian, and its Value.
- 1939: Ceases work on the Code translation as his hopes for publication fade.
- 1943: Pharr renews contact with Blume & revives scaled-down version of translation program to be called "The Corpus of Roman Law"; Blume re-reads Code translation & annotations, makes changes, & sends copy to Pharr; works with Pharr & others on Theodosian Code translation (for which Blume's own translation of Books XIV-XVI and part of Book X prove very helpful).
- 1951: Theodosian Code translation published by Princeton University Press as first volume in "The Corpus of Roman Law" series; Blume specially noted by Pharr in preface.
- 1952: Reviews Code translation again in anticipation it being the subject of the project's next publication.
- 1956: Accepts that his Code translation will not be published in his lifetime.
- 1963: Retires from the Court.
- 1971: Fred H. Blume dies on Sept. 26, at age 96.

Justice Blume bequeathed his extensive library and his translation manuscripts to the University of Wyoming. Thus it was that I became acquainted with the Justice's life and work upon becoming Director of the University of Wyoming, College of Law Library in 1993. While the scope of his achievement was immediately apparent to me, its scholarly significance was not, because I knew that S.P. Scott had already published English translation of Justinian's Code. However, I was not aware that Scott had failed to use the best Latin edition as his source, and I did not know that Scott's translation had been less than enthusiastically received by experts in the field.

When I realized that Blume's translation was based on the authoritative Latin edition by Mommsen and Krueger and had been well regarded by Professor Pharr, I understood that making it widely available would be an important contribution to scholarship. I thought the work would be an excellent candidate for publication on the internet: its length makes it prohibitively expensive to publish without a massive subsidy (which is what prevented it from being printed years ago), but it seemed as if for relatively little cost it could be scanned and published with relative ease and speed as a web document. I was wrong in this assumption.

Justice Blume's many penciled changes, his cut-and-paste revisions, and other physical aspects of his lengthy manuscript rendered it a poor subject for scanning. (We did scan

and post his translations of the Novels, as they did not suffer from these problems.) Experts advised me that the resulting errors would take more time to edit than it would take to completely re-type the manuscript. My hope of using voice recognition software to input the data was likewise dashed by the high error rate and slow input speed I encountered on account of Latin words and Blume's many esoteric references. Hence, it was not until I was granted a sabbatical leave for the spring of 2005 that I began the process of typing the manuscript as a Word document, interpreting Justice Blume's handwritten corrections as I went (using the German translation that aided him, as well as his own annotated Latin edition to guess what he intended by some of his less intelligible cramped insertions), and filling in his sometimes cryptic citations. Now, nearly three years later, Justice Blume's decades-long labor of love is available in electronic form.

In reproducing Justice Blume's work, I have tried to make as few changes as possible. As can be seen by looking at the [image of one of his manuscript pages](#), I have kept his manuscript's format, with minor exceptions. His writing I have left nearly unaltered. In the course of writing 4,521 pages it is inevitable that one will write some sentences that can stand editing, and there certainly are some here. But this is Justice Blume's work, not mine, and I did not presume to change it in any significant respect. I did correct misspellings that my spellchecker noted, and I sometimes changed punctuation where that would aid comprehension. Blume did not type the manuscript himself, so I attributed these occasional lapses to his assistants and felt justified in making these minor changes.

The most significant changes I made were in citation form. Justice Blume made it clear in his correspondence with Clyde Pharr that he was writing for American lawyers. Some of his citations are in a form that modern American lawyers would recognize instantly, while others are not. Also, in the course of the three plus decades of his work, Blume was not wholly consistent in how he cited material. Therefore, I standardized his references in something of a hybrid fashion, with an eye to the Bluebook form familiar to modern American lawyers. (The Bluebook: A Uniform System of Citation (18th ed. 2005.) I explain these changes and discuss his references in my introduction to the section of this site entitled [References and Abbreviations in the AJC](#). In that section, I have given full references to the works Blume cites in his annotations and footnotes in a less than complete fashion. However, I have not "cite checked." That is, I did not look up his every reference to ascertain that it was correct; I decided life was too short for such an endeavor. I did pursue any citations that looked especially odd, and this resulted in my making some corrections.

I know there are omissions, inconsistencies and mistakes in the work I have done. For instance, while I believe I have noted all of the significant comments Justice Blume penciled in to his typed manuscript, I started to omit many of his question marks and other minor notations when I began to despair of ever completing the work. I am fairly sure also that in trying to standardize his references, I have not always succeeded and may have added variations. And some names and Latin words probably are misspelled. Now that I have made this edition available, I intended to begin the long process of going over it again to correct its flaws. Like Justice Blume, who was open to informed criticism of his work, I welcome suggestions from readers as to how it might be improved.

I also should note here that the use Blume long had wanted to be made of his work is at last in progress. Justice Blume worked with Professor Pharr for many years in the hope that his single-handed Code translation would be used as the basis for a definitive, collaborative English translation in Pharr's "Corpus of the Roman Law" series (in which only two documents were ever produced). Recently, Professor Bruce Frier of the University of Michigan organized a group of experts to do exactly this. Using the electronic files I supplied them of Blume's work, this distinguished panel is producing a collective English translation of the Code. This will indeed be a fitting conclusion to Justice Blume's heroic effort.

Finally, I would be remiss if I did not thank Mr. Fred P. Blume, Justice Blume's nephew and literary executor for his gracious permission and encouragement to publish his uncle's work in this way. In addition, I want express my appreciation to the University of Wyoming for granting me sabbatical leave to get a solid start on this work, to the American Association of Law Libraries and the Aspen Law & Business Publishing Company for the grant that enabled me to hire an assistant to help me continue the work after my sabbatical ended, and to Tawnya Plumb and Edward Havugimana for their extensive and invaluable work on this web site.

Timothy Kearley
Director of the Law Library &
Professor of Law
University of Wyoming