

Introduction: *The Code of Justinian, and its Value*

*The Code of Justinian, and its Value*<sup>1</sup> is a lengthy (102 pages, including appendices) paper written by Justice Fred H. Blume for the May 1938 meeting of the Riccobono Seminar of Roman Law. He read part of it at that meeting, but until now the paper has not been presented or published in its entirety.

This invitation to present a paper before the Seminar in 1938 reflects Justice Blume's growing recognition at that time among Roman law scholars in the United States. In addition to having made presentations on Roman law to Wyoming Bar Association meetings in 1922 and 1930<sup>2</sup>, Blume had published an article on Roman law in the 1931 *TULANE LAW REVIEW*<sup>3</sup> and a review of Sherman's *EPITOME OF ROMAN LAW* in a 1938 issue of the *ABA JOURNAL*.<sup>4</sup> Blume had been using Roman law concepts in his Wyoming Supreme Court decisions for many years<sup>5</sup>, and his knowledge of Roman law was well enough known as early as 1929 for Dean John Wigmore to invite him to teach a nine-week summer course on that subject at the Northwestern University School of Law.<sup>6</sup>

Thus, it was not surprising that Justice Blume was asked to join the distinguished list of scholars who lectured at the Riccobono Seminar. The Seminar, based at the Catholic University of America, began its activities in 1934 and apparently functioned until 1957.<sup>7</sup> Lecturers at the Seminar included Roscoe Dorsey, Fritz Schultz, A.A. Schiller, Hans Julius Wolff, and Dean Wigmore.<sup>8</sup> Justice Blume wrote of his presentation:

There were present at the meeting the three greatest law writers of America, Professor Beale, Professor Williston, and Col. Wigmore, and a number of

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<sup>1</sup> In the manuscript, Justice Blume penciled-in beneath the typed title "its historical significance and legal value," apparently having had second thoughts about the descriptive value of his original title.

<sup>2</sup> Fred H. Blume, *The Roman Lawyer* 1922 WYO. BAR ASS'N. REP. 40 and Fred H. Blume, *Human Rights and Property Rights and other Facts in the History of Private Law*, 1930 WYO. St. BAR ASS'N. REP. 67 (also published in modified form as Fred H. Blume, *Human Rights and Property Rights*, 64 U.S. L. REV. 581 (1930)).

<sup>3</sup> Fred H. Blume, *Legitimation under the Roman Law*, 5 TULANE L. REV. 256 (1931).

<sup>4</sup> Fred H. Blume, *Epitome of the Roman Law*, 24 A.B.A. J. 660 (1938) (reviewing Charles Phineas Sherman, *EPITOME OF ROMAN LAW* (1937)).

<sup>5</sup> For a discussion of Blume's use of Roman law in his court opinions, see Harold Evjen, *Rome on the Range: Roman law and Justice Blume of Wyoming*, ZEITSCHRIFT DER SAVIGNY-STIFTUNG FUER RECHTSGESCHICHTE (ROMANISTISCHE ABTEILUNG) 213 (1984).

<sup>6</sup> For a discussion of Blume's relationship with Wigmore and the later's invitation to teach at Northwestern, see Michael Golden, *Journey for the Pole: The Life and Times of Fred H. Blume, Justice of the Wyoming Supreme Court* (pt. 2), 28 LAND & WATER L. REV. 511 at 515-518 (1993).

<sup>7</sup> For a brief history of the Seminar, see Salvo Randazzo, *Roman Legal Tradition and American Law: The Riccobono Seminar of Roman Law in Washington*, 1 ROMAN LEGAL TRADITION 123 (2002).

<sup>8</sup> *Id.* at 134-140. Blume's address is noted at 138.

Justices of the Supreme Court of the United States. The occasion was the celebration of the fiftieth anniversary of teaching by Professors Williston and Beale.<sup>9</sup>

We are happy to be able to publish this survey by Justice Blume some 70 years after he presented it to the distinguished audience present in Washington, D.C. that day in May.

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<sup>9</sup> Timothy Kearley, *Justice Fred Blume and the Translation of Justinian's Code*, 99 LAW LIB. J. 525, 550 n.165 (2007).