

The Code of Justinian, and its value. (1)

Its historical significance and legal value

(1) Is the term "Justinian Code" permissible? Usage, of course, is what will ultimately determine that. Jelowicz in his "Historical Introduction of the Roman Law" avoids the term, using "Justinian's." He also uses the term "pre-Justinianean" interpolations, seemingly following the Italian writers in this respect. The terms *codex Gregorianus*, *Hermogenianus*, *Theodosianus*, are commonly respectively referred to by writers in English as the Gregorian, Hermogenian and Theodosian Code. Buckland, *Textbook* (2nd Ed.) 37; Ames, *Roman Civil Law*, 1, 87; Hunter, *Roman Law* (1903) pp. 85, 86; Radin, *Roman Law* (27) p. 88; Sherman, *Roman Law* (1st Ed.) 108; Gibson, *Hist. Roman Empire*, c. 44. Why not for *Codex Justinianus* the term Justinian Code? R. De Tracy Gould in his translation of *Pandecten* by Gouldsmit (1873) uses, on page 23, the term "Justinian collection," and on page 28 the term "Justinian compilation." Sherman on *Roman Law* (1st Ed.) volume 1, page 109, uses the term "ante-Justinian Codes." Prof. Radin uses the term "Justinian Code" in 3 *Studi Bonfante*, 154, 157, 160.

I N D E X.

1. General Survey - pp. 1-19.
2. Alleviation of Debtors Shown by Code, pp. 20-26.
3. Personal Character of Rights and Obligations Shown by Code, pp. 27-31.
4. Stipulation and Pact Illustrated in Code, pp. 32-36
5. Number of Lawyers - pp. 37-41.
6. Archaistic Tendency of Justinian - pp. 42-59
7. Eastern Influence on Roman Law - pp. 60-76
8. APPENDIX A - Procedure as Illustrated in Code - pp. 77-88
9. APPENDIX B - Pledges, Mortgages and Liens as Illustrated by Code - pp. 89-102.