

The Novels of Justinian

A Complete Annotated English Translation

The Novels comprise a series of laws issued in the sixth century by the famous Emperor Justinian (r. 527–565), along with a number of measures issued by his immediate successors on the throne of Constantinople. They reveal the evolution of Roman law at the end of Antiquity and how imperial law was transmitted to both the Byzantine East and Latin West in the early Middle Ages. Crucially, the texts cast fascinating light on how litigants of all social backgrounds sought to appropriate the law and turn it to their advantage, as well as on topics ranging from the changing status of women to the persecution of homosexuals, and from the spread of heresy to the economic impact of the first known outbreak of bubonic plague. This work represents the first English translation of the Novels based on the original Greek, and comes with an extensive historical and legal commentary.

David J.D. Miller was educated in Classics and Theology and taught Latin and Greek at Bristol Grammar School (where he was Head of Classics for twenty-one years) and at the University of Bristol. His previously published translations include the first-ever English versions of Eusebius' *Gospel Problems and Solutions* (2011) and (with Richard Goodrich) of Jerome's *Commentary on Ecclesiastes* (2012).

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Papyrus with *prôtokollon*: see Novel 44

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Volume 1

DAVID J.D. MILLER

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Translator's Preface

David J.D. Miller

These *novellae constitutiones*, or 'new laws', were collected and published, at Mommsen's instigation, as *Corpus Iuris Civilis* (abbreviated as *C.I.C.*) Vol. III, by R. Schoell and W. Kroll (abbreviated as S/K in this volume). Their collection comprises 168 listed as Novels, 13 as Edicts, and an Appendix of nine. Most of them were first written in Greek. These are usually accompanied by a near-contemporary Latin version, collectively known as the *Authenticum* (sometimes abbreviated as 'Auth.');

a small minority survives in Latin only. Those extant in only one of the languages are so marked in the heading.

W.S. Thurman's edition of *The Thirteen Edicts of Justinian* contains his own translations of that part; for the rest, this is the first translation into English to have been made directly from the Greek text of *C.I.C.* III.

After the first draft of a novel, reference has often been made, as a way of helping to detect oversights in the draft, to Blume's version, which was made mainly from the Latin translation provided by S/K; grateful thanks are due to Timothy Kearley, custodian of the Blume archive at the University of Wyoming, for editing Blume's typescript and making it publicly available at www.uwyo.edu/lawlib/blume-justinian/ajc-edition-2/novels/index.html. In the so-called 'Thirteen Edicts', such reference has also been made to Thurman's edition. In addition to the standard dictionaries, constant reference has been made to two lexicographical monographs by I. Avotins: *On the Greek of the Code of Justinian* and *On the Greek of the Novels of Justinian*.

The text translated is that printed in S/K, except where it has been found necessary to supplement or emend it, in order to make coherent sense; such places are marked with an asterisked note immediately below that paragraph. Many of these emendations were suggested already in S/K's *apparatus criticus* ('app. crit.' in those notes), but some contribute to a new understanding of the text. Pointed brackets < . . . > in this translation, if not asterisked, indicate an addition merely for the sake of clarity. Minor changes that do not affect the sense, such as the very few misprints, are unmarked. Where S/K used pointed brackets to enclose their own conjectural supplements in the italic headings and datelines, these supplements have mainly

been omitted, on the supposition that the original draughtsmen were by no means always consistent in their wording; but where S/K used such brackets to supply words evidently missing in the text itself, these words are included in the translation, bracketlessly. Similarly, where they used square brackets [. . .] to enclose words wrongly included in the text, these words and brackets have been silently omitted. S/K's headings PREAMBLE and CONCLUSION were all absent from the original text. The use of capital initials for titles indicates that they denote specific ranks: thus, in rising order of status, Most Distinguished represents λαμπρότατος or *clarissimus*, with Admirable for περιβλεπτός or *spectabilis* and Most Illustrious for ἐνδοξότατος, *illustris* or *illustrissimus*.

The translation aims to convey as much as possible of the old-fashioned and mainly formal, but sometimes strikingly personal, style of the original, even at the cost of retaining all its verbosity and as much as was thought tolerable of its sentence-structure, which is very elaborate,* and at times syntactically inconsistent. As part of that aim, the word with the literal meaning 'divine' is left as such, despite its understood purport as 'imperial', in order to maintain the emperor's identification of himself and his government as chosen to represent God on earth. Other words with imperial connotations include 'Sovereign' for the literal 'king', 'sovereign' for 'royal', 'sovereignty' for 'royalty', and 'Sovereignty' for what amounts to 'The Imperial Government'.

The italicised dating at the foot of each Novel was always written in Latin, and so, sometimes, were sums of money such as *triginta librae auri*, embedded in the Greek text; these have been translated into English without comment, except where a note indicates their use for a particular reason. Otherwise, Latin words used in the Greek text itself (whether written in Latin letters or Greek ones, or a mixture) are almost always left as Latin in the translation, in italics; every such word is explained in the Commentary, at least once in each Novel. Exceptions to that are the few, such as *praetor*, which slither elusively between being Latin words in a Greek text ('*praetor*') and words commonly naturalised as English ('praetor').

Most grateful thanks are due, first of all, to Peter Sarris, for his expert help over the technical terms of Roman law and Byzantine institutions, without which it would have been impossible even to contemplate undertaking this translation. In addition, the following Professors have been generous with information on particular passages: Robert Fowler, on a Greek phrase; Simon Goldhill, on synagogue practice; Doug Lee, on

* For an example, compare the two versions printed of Novel 37, Preamble paragraph 1.xx

armaments; John Melville-Jones, on coinage; Peter Parsons, on papyri; and John Wilkes, on geography. Their help is gratefully acknowledged, as is that of Professors Em. Gillian Clark, who had suggested the project originally and who helped it on its way, and Jane Gardner, who read the whole translation with critical care and made numerous valuable suggestions; of Michael Sharp of Cambridge University Press and Damien McManus of Bristol University Library, who both did everything possible to smooth the path; and of Rodney Morant and Caroline McClelland, who generously undertook to read the proofs. Thanks are also due to the friends on whose knowledge I have made many calls: Julian Chapman, Julian Cooke and Rodney Morant, on terms of English law, and Christopher Francis, on ecclesiastical matters. Nobly, my wife Ida not only tolerated my years of abstraction, but read the translation through twice, in successive drafts, helping to get rid of numerous misprints, infelicities, and obscurities.

Despite the help of all those I have named, work spread over eight years must still contain inconsistencies and slips; I would be glad to be notified of them.

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