Name _____

PRIMARY SOURCE

In 533 the emperor Justinian had a team led by Tribonian write the Institutes, a short textbook for young law students. It was part of Justinian's Code and explained the basic rules of Roman law in four books. These passages come from an English translation by J. B. Moyle. The words "slaves" and "masters" are the translator's words; this pack says "enslaved people."

Justinian's Institutes

The words of the source	In plain English
Preface: Why the laws were written	
The imperial majesty should be armed with laws as well as glorified with arms, that there may be good government in times both of war and of peace.	An emperor needs good laws as well as a strong army, so that the land is well ruled in war and in peace.
Book 1, Title 1: Justice	
Justice is the set and constant purpose which gives to every man his due. … The precepts of the law are these: to live honestly, to injure no one, and to give every man his due.	Justice means always trying to give each person what he or she deserves. The law's three main rules are: live honestly, hurt no one, and give everyone what is owed to them.
Book 1, Title 8: A limit on masters	
But in the present day no one under our sway is permitted to indulge in excessive harshness towards his slaves, without some reason recognised by law … on proof of intolerable cruelty a master should be compelled to sell his slaves on fair terms … for the public interest requires that no one should make an evil use of his own property.	Today no one in our empire may be too harsh to the people he enslaves without a reason the law allows. If an owner is proved to be terribly cruel, he must be made to sell them at a fair price. It is good for everyone that no one misuses what he owns. (This rule came from an earlier emperor, Antoninus Pius, about 400 years before; Justinian kept it.)
Book 2, Title 1: Things that belong to everyone	
Thus, the following things are by natural law common to all—the air, running water, the sea, and consequently the seashore. No one therefore is forbidden access to the seashore, provided he abstains from injury to houses, monuments, and buildings generally.	By nature, some things belong to everyone: the air, flowing water, the sea, and so the seashore too. So no one may be kept off the seashore, as long as he does not damage houses, monuments or other buildings there.
Book 2, Title 1: A wild animal	
Wild animals, birds, and fish … as soon as they are caught by any one become at once the property of their captor … An animal thus caught by you is deemed your property so long as it is completely under your control; but so soon as it has escaped from your control, and recovered its natural liberty, it ceases to be yours, and belongs to the first person who subsequently catches it.	A wild animal, bird or fish belongs to whoever catches it, as soon as it is caught. It stays yours as long as you keep it under control. If it escapes and is free again, it is no longer yours, and it belongs to the next person who catches it.

The Institutes of Justinian, translated by J. B. Moyle, fifth edition (Oxford: Clarendon Press, 1913). Public domain. Text from Project Gutenberg eBook #5983: https://www.gutenberg.org/ebooks/5983 . Passages from the Preface (Imperatoriam majestatem), Book 1 Title 1 (opening and section 3), Book 1 Title 8 (section 2), Book 2 Title 1 (sections 1 and 12); "…" marks words left out.