



Arts & Humanities
Research Council

Duration: 0:12:17

AHRC podcast

Lost Roman law code discovered in London

Introduction: Welcome to the Arts and Humanities Research Council podcast.

Interviewer: Today we're visiting University College London, where I'm talking to Dr Simon Corcoran and Dr Benet Salway about Project Volterra.

Simon, first of all tell me a little bit about the project, which has been funded by the AHRC for the last five years I believe?

Dr Simon Corcoran: That's correct. In fact it's the second phase of a longer project. In the first project our main work was involved with setting up a database of Roman Imperial Legislation from the 2nd to the 5th Centuries AD. And we were successful in fulfilling that aim.

And then when it came to the second part of the project we decided to ask, being able to use this database and using other material as well, perhaps more intellectually coherent questions, and start to tell a longer story about the history of Roman law.

Our focus moved beyond, indeed, a lot of that earlier source material, out into the early Middle Ages, looking up towards, indeed, the 11th Century with the revival of Roman Law. And it was the afterlife of Roman Law in the period following the fall in particular of the Western Roman Empire, through the early Middle Ages to the Roman law revival that we wanted to ask questions about – about what people actually knew about Roman Law and how they tried to use it, and if they didn't use



it what else they were actually using.

And that was the second part of the bid which we got for the five years from the AHRC.

Interviewer:

And is this an area of research that's been looked at more by legal scholars in the past, rather than historians?

Dr Simon Corcoran:

It does tend to be that legal materials have very much been the preserve of specialist trained lawyers. In particular Roman Law, because it's past – part of a living tradition of law that feeds into the modern civilian tradition of most European countries.

It means that people trained to think like lawyers, as lawyers and indeed to practice as lawyers are also the people who've studied the ancient legal texts as well. And although many of them, of course, have had a great deal of skill in looking at it in a historical sense, they've tended to largely monopolise this as a specialism.

It's actually slightly more unusual for people who are historians to go and if you like trespass on to the area of these legal materials. Especially because they are very specialist and can be very tricky for historians to deal with. And many historians have tended to avoid them, preferring more conventional historical sources, or of course people interested in Literature tend to read more ornate literary sources and don't always necessarily rate the literary style of ancient legal writers particularly highly.

I think they may in some cases be misguided here. But nonetheless you do have these different academic specialisms. And one thing we've been doing is trying to bring our own skills as historians to deal with the legal materials. And perhaps



sometimes to ask different questions to those of the lawyers who previously had worked on them.

Interviewer:

And, with the materials that you used to set up the archive, were these materials from University Collections, materials from other international collections that hadn't actually been digitised before, or...

Dr Benet Salway:

It's a combination of previously published and edited texts, texts that existed in – only in printed form and not in any electronic form, so not easily searchable. And those – the vast bulk of the work there was simply putting into electronic form texts that already existed. But, alongside that, we are constantly updating with new finds that come from publication of sporadic finds in archives and archaeological finds particularly of inscriptions as well as papyri.

Interviewer:

And looking to the future for the project, obviously the AHRC funding will finish in the next 12 months, but what are you hoping the legacy will be? Are you...the database will obviously still be there but will you need further funding to actually keep it online, or... ?

Dr Benet Salway:

We have been using the sort of periodic British Academy Funding for maintaining databases already and hope to go on doing that to keep the database up to date. So with small, sort of grants, one off grants of sort of £5,000 etc. That's been enough to maintain the database and hopefully that provision will be there in the future, financial circumstances allowing, for us to carry on doing that, yes.



Interviewer: You recently came into possession of some Roman legal fragments on parchment, I believe. I just wondered what's the story behind those particular fragments?

Dr Benet Salway: Well these are in the possession of a private collector, who had come across them on the sort of dealers' market in London. Where they had been described in fact as being fragments of Greek., which might sound initially surprising given that we now know they're Latin. And you might think that that is a very fundamental mistake.

But, to the untrained eye, in the period that the script is from the Latin and Greek book hand, so the scripts used for writing reference works, for writing literary works, are very similar. And it's only...there are only a few if you like key diagnostic letters that tell you that this is Latin or this is Greek if you can't, of course, read the writing itself.

Also the other assumption about it was that, given it's age, that it was likely to be a work of scripture. That was the, sort of the automatic assumption. But...and the owner had been unable to identify the texts because he, for instance, had been working through and trying to match it, what he could read against scriptural works and come running up against a brick wall, as we now realise. Because in fact we now know it's a legal work.

Interviewer: So using the Volterra database, were you able to date the fragments?

Dr Benet Salway: Well we were able to identify overlaps between texts that we've got here and texts that are otherwise known. And this told us that this was a work which – parts of which survived to be reused in a later work, the Justinian Code, that came out in the middle of the...well the third decade of the 6th Century. But that



this didn't precisely match it. There was more material here than in the Justinian Code.

So this wasn't the Justinian Code, but it was something that had been used by the compilers of the Justinian Code. And because some of the parts here have dates in, we knew that, of the source materials that we assume are behind the Justinian Code, this ought to be the one known as the Codex Gregorianus, which otherwise does not survive in its original form.

Interviewer: And the fragments themselves would've been part of pages within a book, so A5 or slightly bigger than A5 parchment that would be used as what, as a living legal document?

Dr Benet Salway: Yes, as a reference work to aid those who were perhaps consulted on law, have a problem, a legal question and want to know what past imperial rulings have been on a particular question. And we know from the structure of the Codes that copied this later, and also from these surviving fragments, that it's organised into thematic chapters. So you could flick through to a chapter heading, characteristically beginning de (about) something or other. And then followed down within that chapter - the precedents, if you like - are the pronouncements from the Emperors organised chronologically.

So you could, at a glance, see, if you like, development of Imperial thinking on a particular question.

Interviewer: And questions where the answers would be handwritten in. So this is quite a democratic document as well in that questions would have gone to, legal questions would've gone to the Emperor for reviv-...?



Dr Benet Salway: For judgement.

Interviewer: For judgement, okay.

Dr Benet Salway: And what we've got here are not the original questions, but in a sense we can reconstruct those. What we've got here are the answers, because what people are interested in is not what private petitioners, individuals might have said but what the Emperor, who is a source of law, has said in response.

And so those answers get privileged, a privileged position and lawyers could then leap upon those answers and argue perhaps in Court or in answer to someone wanting legal advice, paying big money to a lawyer no doubt, to say "The Emperor has said this in the past. You can use this in your case."

Dr Simon Corcoran: In fact the most famous user of the Gregorian Code that we believe these fragments to come from was actually Saint Augustine of Hippo in the early 5th Century AD, who found a text in there from in fact a pre-Christian Emperor which he put into one of his tracts on marriage and adultery. So it wasn't only legal specialists who might consult such a work.

Interviewer: And for the project as a whole, obviously it's lovely to be able to get your hands on this private collection. Are you hoping that as people become aware of this collection, these fragments, that perhaps other collectors may come forward with their own. Would that be something that you'd welcome?



Dr Benet Salway: Certainly. Well we hope that sort of highlighting this particular case will heighten people's awareness of the possibilities of survival of this kind of material. Because these particular fragments have survived as binding material within a book. Quite when it was cut up and used in that way, perhaps in say the 15th or 16th Century, we're not quite sure.

But there are a lot of, still a lot of surviving books of that period with original bindings on. And when they come to be conserved, not that I'm advocating they should be broken open, it is our hope that people pay attention to the, otherwise maybe very – not very prepossessing scraps of material like this that have been used to pack out binding, yes.

Interviewer: And for the project as a whole, obviously you're coming into the final year of the project at the moment. But is there anything in particular you would hope people would take away as the legacy of the project itself?

Dr Benet Salway: Well certainly one of the things that we are quite keen that people should pick up from our work is that there is a sort of history of Roman Law and its development, and its continuing use beyond the life of the Roman Empire and before the great legal revival of the 11th Century. Because this tends to be seen as a black hole between the great legal compilations by Justinian in the 6th Century and then the rediscovery if you like or the return to the study of those Justinianic works in Italy in the 11th Century.

But what we've done is focussed on materials that were produced and also the study of materials that were - existed from an earlier time in that, if you like, legal dark age. And that's what we hope to have done, is thrown some light on that legal dark age.



Arts & Humanities
Research Council

Interviewer: That's lovely. Thank you both very much for your time today.

Dr Simon Corcoran: Thank you.

Dr Benet Salway: Thank you.

Ends: Thank you for listening to the Arts and Humanities Research Council Podcast. To find out more please go to www.ahrc.ac.uk.

END AUDIO