

How can a Code of laws be a source for historians? And, how can a coherent and elaborate system be deconstructed to discover its original components, now lost?

These are the basic questions that lie at the heart of this project.

Its aim is to provide the basis for a new understanding of the Theodosian Code, a 5th-century AD collection of laws which is one of the most important sources on the Later Roman Empire. In the millenary history of Rome, this was the first official collection of laws since the publication of the Laws of the Twelve Tables (5th century BC). Commissioned by the emperor Theodosius II, this Code included more than 3,000 imperial constitutions issued between 312 and 437 AD. Around 2,700 texts have come down to us, and these are not only a testimony on Roman jurisprudence in 4th and 5th centuries AD, but also an exceptional mine of information on the economy, society, and administration of the Roman Empire.

Despite the wealth of material, these documents can be a tricky guide for modern historians. The reason is the transformation underwent by material during the codification process. The commissioners in charge of composing the Code collected the imperial laws from different archives and collections. These officials extrapolated the legal core from each text, excluding any reference to the specific circumstances that had prompted their issuance. Finally, they incorporated the excerpts into a coherent system of law, the system of the Code.

This process deeply transformed the material and it affects our possibility to understand its original meaning. Through the perspective of the Code, the Roman administration appears as a system of coherent rules, imposed from the top down on the entire population of the empire. However, we know that these constitutions originally were the outcome of a constant dialogue between the central court and the different communities of the enormous empire. A dialogue in both directions and in which it was often the bottom-up impulse that stimulated imperial communications. How can we recover this dialogue from the Theodosian Code?

There is no chance of recovering the lost parts of the constitutions. However, there is another possibility that this project takes into consideration: to deconstruct the evidence offered by the Theodosian Code and restore its parts (the laws) to their original contexts of circulation and dissemination. This will provide a basis for assessing the original meaning of the rules included in the Code, making a reconsideration of the entire material possible. This would have a huge impact on the field of Roman studies, stimulating a new approach to the administrative system of the Later Empire. This result will be achieved through an investigation into the sources that were used for the composition of the Theodosian Code.

Because we don't have any external evidence on the topic, the investigation must be conducted 'from the inside', i.e., on the problematic data provided by the collection itself. This deconstructive analysis follows the rules of textual criticism: it focuses on variants, discrepancies, anomalies and their mutual relationship. However, the goal of the research is not the reconstruction from different manuscripts of a lost archetype. Rather the opposite, the goal is the recovering of the lost original sources from a single work, the Theodosian Code.

This is the key element for the research: laws in the Theodosian Code show some particular features, anomalies, mainly of formal nature, that were originally recorded in the sources used by the compilers. The compilers transformed the contents of imperial constitutions, but copied these anomalies from their sources into the Code. The collection of these anomalies, the analysis of their meaning and interrelationship, will make it possible to trace the sources of the Code, reconstruct their content and identify their provenance.

This research, which has never been attempted before, is the goal of this project. The expected results will be elaborated into a book manuscript. A scientific paper will be devoted to the analysis of modern historiography on the Theodosian Code.