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TRIBONIAN, the famous jurist and minister of Justinian, was born in Pamphylia in the latter part of the 5th century. Adopting the profession of an advocate, he came to Constantinople and practised in the prefectural courts there, reaching such eminence as to attract the notice of the emperor Justinian, who appointed him in 528 one of the ten commissioners directed to prepare the first *Codex* of imperial constitutions. In the edict creating this commission (known as *Hacc quae*) Tribonian is named sixth, and is called "virum magnificum, magesteria dignitate inter agentes decoratum" (see Hacc quae and Summa reipublicae, prefixed to the Codex.) When the commission of sixteen lawyers was created in 530 for the far more laborious and difficult duty of compiling a collection of extracts from the writings of the great jurists of the earlier empire, Tribonian was made president and no doubt general director of this board. He had already been raised to the office of quaestor, which at that time was a sort of ministry of law and justice, its holder being the assessor of the emperor and his organ for judicial purposes, something like the English lord chancellor of the later middle ages. The instructions given to these sixteen commissioners may be found in the constitution *Deo auctore* (Cod. i. 17, 1), and the method in which the work was dealt with in the constitution *Tanta* (Cod. i. 17, 2), great praise being awarded to Tribonian, who is therein called exquaestor and ex-consul, and also as magister officiorum. This last constitution was issued in December 533, when the *Digest* was promulgated as a law-book. During the progress of the work, in January 532, there broke out in Constantinople a disturbance in the hippodrome, which speedily turned to a terrible insurrection, that which goes in history by the name of Nika, the watchword of the insurgents. Tribonian was accused of having prostituted his office for the purposes of gain, and the mob searched for him to put him to death (Procop. *Pers.* i. 24-26). Justinian, yielding for the moment, removed him from office, and appointed a certain Basilides in his place. After the suppression of the insurrection the work of codification was resumed. A little earlier than the publication of the *Digest*, or *Pandects*, there had been published another but much smaller law-book, the *Institutes*, prepared under Justinian's order by Tribonian, with Theophilus and Dorotheus, professors of law (see Preface to Institutes). About the same time the emperor placed Tribonian at the head of a fourth commission, consisting of himself as chief and four others—Dorotheus, professor at Beyrut, and three practising advocates, who were directed to revise and re-edit the first *Codex* of imperial constitutions. The new *Codex* was published in November 534 (see constitution *Cordi nobis* prefixed to the *Codex*). With it Tribonian's work of codification was completed. Be he remained Justinian's chief legal minister. He was reinstated as quaestor some time after 534 (Procop. *Pers*. i. 25; Anecd. 20) and seems to have held the office as long as he lived. He was evidently the prime mover in the various changes effected in the law by the novels of Justinian (*Novellae constitutiones*), which became much less frequent and less important after death had removed the great jurist. The date of his death has been variously assigned to 545, 546 and 547. Procopius says (*Anecd*. 20) that, although he left a son and many grandchildren, Justinian confiscated part of the inheritance.

The above facts, which are all that we know about Tribonian, rest on the authority of his contemporary Procopius and of the various imperial constitutions already cited. There are, however, two articles in the *Lexicon* of Suidas under the name "Tribonianos." They appear to be different articles, purporting to refer to different persons, and have been generally so received by the editors of Suidas and by modern legal historians. Some authorities, however, as for instance Gibbon, have supposed them to refer to the same person. The first article is unquestionably meant for the jurist. It is based on Procopius, whose very words are to some extent copied, and indeed it adds nothing to what the latter tells us, except the statement that Tribonian was the son of Macedonianus, was *******, and was a heathen and atheist, wholly averse to the Christian faith. The second article says that the Tribonian to whom it refers was of Side (Pamphylia), was also *******, was a man of learning and wrote various books, among which are mentioned certain astronomical treatises, a dialogue On Happiness, and two addresses to Justinian. None of these books relate to law; and the better opinion seems to be that there were two Tribonians, apparently contemporaries, though possibly some of the attributes of the jurist have been, by a mistake of the compilers or transcribers of the *Lexicon* of Suidas, extended to the man of letters of the same name.

The character which Procopius gives to the jurist, even if touched by personal spite, is entitled to some credence, because it is contained in the Histories and not in the scandalous and secret Anecdota. It is as follows: "Tribonian was a man of great natural powers, and had attained as high a culture as any one of his time; but he was greedy of money, capable of selling justice for gain, and every day he repealed or enacted some law at the instance of people who purchased this from him according to their several needs.... He was pleasant in manner and generally agreeable, and able by the abundance of his accomplishments to cast into shade his faults of avarice" (*Pers.* i. 24, 25). In the *Anecdota* Procopius adds as an illustration of Justinian's vanity the story that he took in good faith an observation made to him by Tribonian, while sitting as assessor, that he (Tribonian) greatly feared that the emperor might some day, on account of his piety, be suddenly carried up into heaven. This agrees with the character for flattery which the minister seems to have enjoyed. The charge of heathenism we find in Suidas is probable enough; that is to say, Tribonian may well have been a crypto-pagan, like many other eminent courtiers and litterateurs of the time (including Procopius himself), a person who, while professing Christianity, was at least indifferent to its dogmas and rites, cherishing a sentimental recollection of the older and more glorious days of the empire.

In modern times Tribonian has been, as the master workman of Justinian's codification and legislation, charged with three offences—bad Latinity, a defective arrangement of the legal matter in the *Code* and *Digest*, and a too free handling of the extracts from older jurists included in the latter compilation. The first of these charges cannot be denied; but it is hard to see why a lawyer of the 6th century, himself born in a Greek-speaking part of the empire, should be expected to write Latin as pure as that of the age of Cicero, or even of the age of Gaius and the Antonines. To the second charge also a plea of guilty must be entered. The *Code* and *Digest* are badly arranged according to our notions of scientific arrangement. These, however, are modern notions. The ancients generally cared but little for

what we call a philosophic distribution of topics, and Tribonian seems to have merely followed the order of the Perpetual Edict which custom had already established, and from which custom would perhaps have refused to permit him to depart. He may more fairly be blamed for not having arranged the extracts in each title of the *Digest* according to some rational principle; for this would have been easy, and would have spared much trouble to students and practitioners ever since. As to the third complaint, that the compilers of the *Digest* altered the extracts they collected, cutting out and inserting words and sentences at their own pleasure, this was a process absolutely necessary according to the instructions given them, which were to prepare a compilation representing the existing law, and to be used for the actual administration of justice in the tribunals. The so-called Emblemata (insertions) of Tribonian were therefore indispensable, though, of course, we cannot say whether they were always made in the best way. Upon the whole subject of the codification and legislation in which Tribonian bore a part, see JUSTINIAN.

Tribonian, from the little we know of him, would seem to have been a remarkable man, and in the front rank of the great ones of his time. There is nothing to show that he was a profound and philosophical jurist, like Papinian or Ulpian. But he was an energetic, clear-headed man, of great practical force and skill, cultivated, accomplished, agreeable, flexible, possibly unscrupulous, just the sort of person whom a restless despot like Justinian finds useful. His interest in legal learning is proved by the fact that he had collected a vast legal library, which the compilers of the *Digest* found valuable (see const. *Tanta*).

The usual criticisms on Tribonian may be found in the *Anti-Tribonianus* (1567) of Francis Hotman, the aim of which is shown by its alternative title, *Sive discursus in quo jurisprudentiae Tribonianeae sterilitas et legum patriarum excellentia exhibetur*; and an answer to them in J.P. von Ludewig, *Vita Justiniani et Theodorae, nec non Triboniani*. (J. BR.)

Note: asteriks (*) signals Greek text