

Language

XII Tables:

Poetry:

- Alliteration
- Rhythm
- Rhyme

Narrative:

- Conditional Statements
- Few Nominalizations

Simplicity:

- Short Sentences
- Few Qualifications
- Active and Imperative Verbs

Theodosian Code:

Prose:

(Little Alliteration, Rhythm, and Rhyme)

Abstraction:

- Indefinite Relative Clauses
- Many Nominalizations

Complexity:

- Long Sentences
- Many Qualifications
- Passive and Subjunctive Verbs

Causes

XII Tables

Poetry:

oral, therefore memorable,
and perhaps originally religious

Narrative:

oral, therefore memorable,
and perhaps presuming moral consensus;
also, simple society has less need for a technical legal language

Simplicity:

simple society makes do with simple laws;
also, oral, therefore memorable,
and perhaps originally religious

Theodosian Code

Prose:

written, therefore no need to be memorable

Complexity:

written, therefore susceptible to ever more precise and exhaustive
qualifications, as well as precedent

Abstraction:

complex society requires a technical legal language;
or, perhaps additionally, an imperial desire to obfuscate and
overwhelm, even to provoke awe

Linguistic Evidence: the XII Tables

Alliteration:

duplione damnum decidito (XII,3)
Si servus furtum faxsit, noxiamve noxit . . . (XII,2a)
Proletario [iam civi cui] quis volet vindex esto (I,4)
Si nox furtum factum sit (VIII,12)
causam coniciunto (I,7)
iure iudicatis (III,1)
aeterna auctoritas (III,7)
improbis intestabilisque (VIII,22)

Rhythm and Rhyme:

I,1

Si in ius vocat, ito.
 Ni it, antestamino.
 Igitur em capito.

VIII,2

Si membrum rupsit,
 ni cum eo pacto,
 talio esto.

X,2

Hoc plus ne facito.
 Rogum ascea ne polito.

Conditional Statements: 22 out of 43 complete sentences are conditionals, with protases beginning with "si" or "ni" and apodoses ending with an imperative; e.g., Si ius vocat, ito. Ni it, antestamino.

Few Nominalizations:

comitio (I,6: from *comeo*), *iniectio* (III,1), from *inicare*

Short Sentences: the length of the average sentence in the XII Tables is 8 words.

Few Qualifications: of our 43 complete sentences, only 8 have subordinate clauses (I,3, I,4, III,1, V,4, VII,7, VIII,16, X,9, XII,3). With these eight sentences, moreover, the subject and verb are never separated. And of them all, only the last two have an embedded subordinate clause.

Active and imperative verbs:

addicito, agito, antestamino, capito, coniciunto, dacito, dato, decidito, ducito, esto, facito, habento, iacito, ito, legito, muniunto, orato, peroranto, polito, radunto, secanto, solvito, sternito, subito, sunto, urito, vincito, vivito.

An Excerpt from the Theodosian Code:

De Praepositis Sacri Cubiculi (VI,8,1)

(IMPP.) HONORIVS ET THEODOSIVS AA. FLORENTIO P(RAEFECTO) V(RBI).

Qui sa(cri) cubiculi nostri fuere praepositi vel nunc esse (co)eperunt vel quos postea sors ad adscendendi huius (gr)adum fastigii devocarit, ea dignitate fungantur (qu)a sunt praediti, qui eminentissimam praetorianam (ve)l urbanam meruerint praefecturam aut certe mili(ta)rem magisteriam potestam, ita ut sit inter eos post (de)positas administrationes nulla discretio, sive nostrae (se)renitatis adoraturi admittuntur imperium sive (p)ro suo arbitrio sollemnes festivitates et coetus vel sal(u)tationes vel quaelibet alia officia frequentent ut in (se)dibus et consessu is eis ordo servetur quem ordo pro(ve)ctionis ostenderit, sub habitu ipsis videlicet consue(to, c)um manifeste decretum sit eum esse qui praeces(se)rit potioem, vel illum subsequi, quem recentius pro(bav)it examen.

Sed ut nos ad hanc promulgationem Ma(c)robi viri inl(ustris) merita provocarunt ita observationem quoque legis ab eius volumus sumere provectione auspiciam, ut, qui ante ipsum fuerunt, sub hac condicione praestituto honore laentur, ut non suae promotionis tempora ad legis usurpationem revolvant nec praeferri se postulent his, qui praetorianam sortiti sunt, sed perinde habeantur, ac si nunc coeperint, et in eodem ordine permanentes, in quo nunc eos liberalitas nostra constituit, provectionis viri inl(ustris) Macrobiani tempora metiantur, ut ex huius administrationis exordio, prout quisque proventus est vel fuerit provehendus suae locum vindicet dignitatis. DAT. VIII ID. NOV. CONST(ANTINO)P(OLI), HON(ORIO) XIII ET THEOD(OSIO) X AA> CONSS.

A Translation:

Whoever has been appointed officer of our sacred bedroom, or has now begun to be, or those whom destiny afterwards will have called to the rank of this lofty height, let them perform [it] with that dignity, by which they were appointed, they who would have deserved a most eminent praetorship, or an urban prefecture, or surely a powerful military office, so that there should be no distinction among them, after the discharge of their administration, whether they are admitted in order to worship the rule of our serenity, or they should frequent by their own choice solemn festivities and meetings, or greetings, or whatever other duty, so that this order should be preserved for them in seatings and assembly, that which the order of promotion reveals, according to the style clearly accustomed to them, when it is manifestly decreed that he who is more powerful should lead, or that he should follow whom consideration approved more recently.

But as the merits of Macrobius, an illustrious man, provoked us to this promulgation, thus also by the observation of his law we wish to cite the procedure for promotion so that whoever was before him, under this condition let them rejoice in the appointed honor, so that they don't roll back the times of their own promotion to the usurpation of the law, nor should they beg to be preferred to these who were selected for a praetorship, or urban prefecture, or military office after the promotion of those ones, but they should be held equally and if now they should begin, and are permanently in this order, in which now our liberality establishes them, let them estimate the times of the promotion of Macrobius, an illustrious man, so that from the beginning of this administration, inasmuch as each one was promoted or will have needed to be promoted, let him claim the place of his own dignity.

Linguistic Evidence: the Theodosian Code

Indefinite Relative Clauses: Neither sentence from this excerpt begins with the protasis of a conditional. Instead, one begins with an indefinite relative pronoun; the other begins with *sed*, and introduces details to qualify the first sentence, as well as an argument to bolster its injunction.

Nominalizations:

administratio, arbitrio, discretio, observatio, promotio, promulgatio, provectio, observatio, usurpatio

Long Sentences: The average length of our excerpted sentences is 96 words.

Many qualifications: The first sentence has seven subordinate clauses, the last of which has another embedded within it. The second sentence also has seven subordinate clauses, the first of which has another embedded within it, as do the second and the fifth. As for lists of near-synonyms, there are the lists of offices, occasions, and the exhaustive list of verb tenses at both the beginning and end.

Passive or Subjunctive Verbs:

fuere praepositi, fungantur, meruerint, admittuntur, frequentent, servetur,
laetentur, decretum sit, habeantur, vindicet

X,4

Mulieres genas ne radunto,
neve lessum funeris ergo habento.

XII,2a

Si servus
furtum faxsit
noxiamve noxit

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