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 *άπò δικηγόρωv τῶν ύπάρχων,* 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 (in Pamphylia), was also ᾀπò *δικηγόρωv τῶν υπάρχων,* 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a culture as any one of his time ; but he was greedy of money, capable of selling justice for gain, and every day he repealed or enacted some law at the instance of people who purchased this from him according to their several needs.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 the 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 the 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 jurisprudentiæ Tribonianeæ sterilitas et legum patriarum excellentia exhibetur* ; and an answer to them in J. P. von Ludewig, *Vita Jus­tiniani et Theodoræ, nec non Triboniani.* (J. BR.)

TRIBUNE *(tribunus)* was a name assigned to officers of several different descriptions in the constitution of ancient Rome. The connexion of the word with *tribus,* “tribe,” is obvious. The original tribunes were no doubt the commanders of the several contingents of cavalry and infantry which were supplied to the Roman army by the early gentilician tribes,—the Ramnes, the Tities, and the Luceres. In the historical period the infantry in each legion were commanded by six tribunes, and the number six is probably to be traced to the doubling of the three tribes by the incorporation of the new elements which received the names of *Ramnes secundi, Tities secundi, Luceres secundi.* The *tribuni celerum* or commanders of the cavalry no longer existed in the later times of the republic, having died out with the decay of the genuine Roman cavalry.@@1 So long as the monarchy lasted these tribunes were doubtless nominated by the commander-in- chief, the king ; and the nomination passed over on the establishment of the republic to his successors, the consuls. But, as the army increased, the popular assembly insisted on having a voice in the appointments, and from 362 B.c. six tribunes were annually nominated by popular vote, while in 311 the number was raised to sixteen, and in 207 to twenty-four, at which figure it remained. The tribunes thus elected ranked as magistrates of the Roman people, and were designated *tribuni militum a populo,* while those who owed their office to the consuls bore the curious title of *tribuni rufuli.* The rights of the assembly passed on to the emperors, and “the military tribunes of Augustus” were still contrasted with those nominated in the camp by the actual commanders. The obscure designation *tribunus ærarius,* “ tribune of the treasury,” had also, in all prob­ability, a connexion with the early organization of the army. The officer thus designated was at any rate the paymaster of the troops, and the soldier who was defrauded of his pay was allowed to exact it from this tribune by a very summary process. There was still another and im­portant class of tribunes who owed their existence to the army. In the long struggle between the patrician and plebeian sections of the population, the first distinctions in the public service to which the plebeians forced their way were military, and the contest for admission to the consulate was in large part a contest for admission to the. supreme command of the national forces. In 445 b.c., the year in which mixed marriages of patricians and plebeians were for the first time permitted, power was given to the senate (then wholly patrician) of determining from year to year whether consuls or military tribunes with consular authority *(tribuni militares consulam potestate* or *imperio)* should be appointed. But, even when the senate decided in favour of electing tribunes, no election was valid without the express sanction of the senate superadded to the vote of the centuriate assembly. If it happened to be too in­vidious for the senate openly to cancel the election, it was possible for the patricians to obtain a decision from the sacred authorities to the effect that some religious practice had not been duly observed, and that in consequence the appointment was invalid. According to tradition, recourse was had to this device at the first election, a plebeian having been successful. Forty-five years elapsed after the creation of the office before any plebeian was permitted to fill it, and it was held by very few down to the time at which it was abolished (367 B.c.) and the plebeians were fully admitted to the consulate. The number of consular

@@@1 In the legends of the foundation of the republic Brutus is repre­sented as having exercised authority, when the king was banished, merely by virtue of holding the office of *tribunus celerum.*