

The Digest Summa of the Anonymus and the Collectio Tripartita, or the Case of the Elusive Anonymi

'With a name like yours, you might be
any shape, almost'
(Lewis Carroll, *Through the Looking-
Glass*, ch. 6)

Byzantine legal literature is rich in its Anonymi. It has been customary to speak of the Digest Summa of the Anonymus, until it became clear that a commentary on that Summa had been written by another Anonymus. Therefore it has become necessary to distinguish the elder and the younger Anonymus, the latter also called, rather discouragingly, the Enantiophanes. Three recent papers and one textbook have dealt with these elusive Anonymi and managed to clear away many of the clouds of mist that surrounded them.¹ One of the authors, N. van der Wal, has silently added a third Anonymus - fortunately without calling him by that name - to whom I shall return later. The so-called Collectio Tripartita² is a link in the chain of arguments that have resulted in the present status quaestionis, which may be summed up briefly as follows.

Ca 550 at the latest the elder Anonymus wrote a summarizing commentary in Greek (the Summa) in the margins of a Latin Digest text. This Digest text was peculiar in that it had inscriptions only mentioning the names of the jurists. At some time, probably before 580, someone must have separated the Summa from the Latin text and furnished it with the names of the jurists who had contributed fragments to the Digest and therefore indirectly to the Summa; that person also numbered the fragments. Some of these fragments have been incorporated in the Collectio Tripartita. Ca 620 the younger

1. H.J. Scheltema, 'Das Kommentarverbot Justinians', TRG 45 (1977), pp. 306-331, esp. 308-315; N. van der Wal, 'Die Juristennamen in der Digestensumma des Anonymos', TRG 46 (1978), pp. 147-149; N. van der Wal, 'Wer war der Enantiophanes?', TRG 48 (1980), pp. 125-136; N. van der Wal/J.H.A. Lokin, *Historiae iuris graeco-romani delineatio*, Groningen 1985, § III-3.

2. Van der Wal/Lokin, *Delineatio*, § IV-2. The new edition that I have been preparing together with Prof. Van der Wal has given rise to the present paper. References to the text are by fragments in the forthcoming edition and to columns in Migne, PG 138, col. 1228-1249; see however also Appendix I, below, for some variant readings.

Anonymus/Enantiophanes composed the Nomocanon XIV titulorum; he is also the author of notes (paragraphai) on the Digest Summa of the elder Anonymus. The Summa of the elder Anonymus was to contribute the great majority of the Digest fragments to the Basilica text, while paragraphai of the younger Anonymus/Enantiophanes are to be found in the scholia on the Basilica. It is the purpose of this paper to check the status quaestionis as outlined here against the evidence of the Collectio Tripartita.

Names of jurists and numbers of fragments have always played a key role in the argumentation. Let us first examine the correspondence of these names and numbers in the Digest and in the most important sources in which fragments of the Summa Anonymi are to be found, viz. the Collectio Tripartita and the Basilica. The Collectio Tripartita is particularly valuable, as it introduces Digest fragments³ by book, title, digeston (lex) and, in 82 out of 93 cases, also the name of the jurist, thus enabling us to compare these names and numbers with the Digest. The Basilica text only has the names of the jurists, and even these not always; it has numbers in the best manuscripts, but these are more susceptible to corruption than names.⁴ For the moment I leave aside the Nomocanon XIV titulorum. There can be no doubt that it and the Collectio Tripartita have the Summa Anonymi as a common source. The Nomocanon has the same sort of inscriptions as the Collectio Tripartita, but it rarely mentions the names of the jurists; as to numbers, we do not possess an edition that is sufficiently reliable for a fruitful comparison⁵, and even then we should take serious corruption into account.

3. The fragments from the Institutes occurring in the same part of the Collectio Tripartita need not concern us here.

4. In theory, the Basilica preserve even the omission of Digest fragments from a series, not only by carefully numbering the series as, e.g. 1-2-4, but also by expressly noting that digeston 3 has been passed over; cf. Van der Wal/Lokin, *Delineatio*, § VII-1. This is only to be observed in the oldest and best manuscripts and has been left out in the Basilica editions: see the edition Scheltema/Van der Wal/Holwerda, vol. A I, p. XI. See also below, n. 11.

5. For editions see Van der Wal/Lokin, *Delineatio*, § V-2. A new edition would be greatly welcomed.

According to the present status quaestionis, ca 580 the author of the *Collectio Tripartita* (yet another unofficial Anonymus)⁶ found the *Summa Anonymi* as a separate manuscript⁷ in which fragments were distinguished by the name of their author, a jurist whose name was written in Latin letters. It is further supposed that this manuscript contained many mistakes in the separation of the fragments. Most of these were occasioned by names and by the word IDEM, as these both could introduce a new fragment (being the abbreviated inscriptio, e.g. PAULUS ...; IDEM ...), as well as just the first word of a period in a fragment (e.g., PAULUS NOTAT ...; IDEM PONTIO RESCRIPSIT ...). Therefore the numbers assigned to the fragments in the *Summa* once it was a separate manuscript often were too high or too low by one or two. This, the theory maintains, is the reason why both the *Collectio Tripartita* and the *Basilica* text show names and numbers that diverge from the *Digest* text.⁸

Now if the *Summa Anonymi* in this somewhat disorderly state has been the basis of the *Digest* part of the *Collectio Tripartita* as well as of the *Basilica* text, one would expect these two to go together against the *codex Florentinus* of the *Digest* in case of divergences. Unless one would unnecessarily complicate the theory by supposing further anonymi also separating the *Summa Anonymi* from the *Digest* text and making independent mistakes, it seems logical to find the same mistakes in the *Collectio Tripartita* and in the *Basilica* text. If we compare the names and numbers of the *Collectio Tripartita* with those of the *Digest* and where possible check them with the *Basilica* for the names of the jurists,⁹ the following cases may be distinguished. (In fragments marked with an asterisk, I refer to Appendix I for corrections on Migne.)

6. E. Honigmann, 'Le concile de Constantinople de 394 et les auteurs du "Syntagma des XIV titres"', in: *Trois mémoires posthumes d'histoire et de géographie de l'Orient chrétien*, *Mémoires de l'Académie Royale de Belgique*, Cl. d. Lettres, LIV,6, Brussels 1961, pp. 1-83, esp. 57-64, attributes the authorship to Eutychius in a neat hypothesis that is impossible to prove.

7. Van der Wal, *Juristennamen*.

8. For examples, see Scheltema, *Kommentarverbot*, pp. 311-312.

9. The *Basilica* text may of course have omitted either the name of a jurist, or the whole fragment, or just have been lost.

a. Different name and number:

Fr.	PG	CollTrip	Dig.	BT
1 i.f.	1229,9	10 Pomp.	9 Ulp.	2126,7 Ulp. (in Paris. gr. 1349)
8*	1229,23	6 Ulp.	5 Gai.	1919,16 Gai.
14	1232,9	6 Paul.	5 Ulp.	725,13 Ulp.
16	1232,15	5 Paul.	4 Pomp.	-
75*	1244,13	7 Gai.	8 Ulp.	-
91	1248,9	2 Ulp.	3 Marcian.	Heimbach V,763-764

A related case is that of frr. 21 (1233,4), 42 (1236,42) and 72 (1244,1): in frr. 42 and 72 two digesta with different authors are collected in one fragment under one name; in fr. 21¹⁰ three digesta by, successively, Hermogenianus, Gaius and again Hermogenianus are gathered in one fragment under the authorship of Gaius. These three cases have in common that the corresponding successive leges in the Digest form one sentence. In fr. 42 the inscriptio records the number and name of the first digeston, in fr. 72 those of the second digeston, while in fr. 21 those of the middle one are mentioned. Why this should be so I do not know; in all three cases, however, the combination of name and number is the same as that in the Digest. Similarly, note that in all these cases there is only a difference between the combinations of name and number, but that these combinations as recorded in the *Collectio Tripartita* in themselves also exist in the Digest. E.g., there really is a digeston (10,2) 6 by Ulpian (fr. 8) and (16,3) 6 by Paul (fr. 14).

b. Different name, but same number:

15	1232,12	63 Pomp.	63 Ulp.	690,2 Ulp.
22*	1233,8	12 Marcian.	12 Marcell.	1743,1 Marcu (sic)

Digeston (17,2) 63 in fr. 15 has been ascribed to Pomponius by the *Collectio Tripartita*, to Ulpian by the *codex Florentinus* of the Digest, where the preceding lex 62 carries Pomponius' name. Fr. 22 does not really count in this respect; the confusion between Marcianus and Marcellus is easily explained if the name of Marcianus or Marcellus

10. Cf. fr. 77 (1244,19), a differently phrased summary without the name of the jurist.

had been abbreviated as MARC. The transmitted Basilica text does not help much, as it reads MARCU.

c. Same name, but different number:

4*	1229,16	60 Pomp.	61 Pomp.	640,1 Pomp.
27	1233,35	37 Scaeu.	38 Scaeu.	-
33	1236,11	31 Paul.	30 Paul.	-
84*	1245,8	17 Mod. Id.	15 Id. (=Mod.)	
				1687,6 Id.
97	1249,19	124 Paul.	122 Paul.	-

The numbers do not diverge much.

If one compares the names to which the various fragments have been attributed, it is striking that the Digest goes with the Basilica against the *Collectio Tripartita* in case of divergences. This is the more notable, as the Basilica text and the *Collectio Tripartita* have, as has been said, the *Summa Anonymi* as their common source. Not too much weight should be attached to divergences in numbers alone, as they are a later invention in any case¹¹.

Let us now turn to the textual correspondence between the Digest fragments of the *Collectio Tripartita* and those in the Basilica text. The way in which the author of the *Collectio Tripartita* has used the *Summa Anonymi* was by no means mechanical. He selected relevant passages with the purpose of collecting rules on res sacrae et sanctae, omitting all that was not related to his subject. Where necessary he rewrote the summaries of the elder Anonymus, but in a way that betrays the vocabulary and syntax of his example. In a number of cases, however, the wording of these fragments is clearly different from that in the Basilica,¹² as is shown below in Appendix

11. As is shown by the absence of numbers from the codex Florentinus of the Digest. Cf. Mommsen's praefatio of his editio maior, pp. X-XI. The numeration in Mommsen's edition is based on the counting of inscriptions: each inscriptio indicates the beginning of a new digeston. The Byzantines have proceeded in the same way. Miscounting and corruption will have done their part. Divergent numbers should be accompanied by additional evidence to have any significance for the tradition of the Digest text.

12. There is no law that the text of the Basilica is always the *Summa Anonymi*, but there is a difference of style between a summa and an index. It should be possible to detect fragments in the *Collectio Tripartita* and the Basilica where the or a summa is followed

II by the synoptic presentation of fr. 6, 30-32, 35, 38 and 39 of the *Collectio Tripartita* and their *Basilica* parallels.

Fr. 32 is more similar to a scholion on Bas. 48,5,5 than to its text; comparing this scholion BS 2895,5 with D. 40,7,4 pr. one finds it to be a rather close and full translation of the Digest text. Apparently the author of the *Collectio Tripartita* has drawn on an index rather than on the *Summa Anonymi*. As this Digest text occurs in a book on which the antecessores did not lecture, the index is probably the one by Dorotheus. One might object that the *Anonymus*, apart from the Latin Digest text, also used the index of Dorotheus¹³ and that therefore fr. 32 of the *Collectio Tripartita* might still stem from the *Summa Anonymi*, but in that case the *Basilica* text cannot have been taken from that *Summa* as well, although the occurrence of the abbreviated inscriptio PAULU seems to point in that direction. Similar problems confront us when comparing the fragments from Digest books XXIX and XLIII with the corresponding *Basilica* fragments, all in book LVIII. Cf., e.g., *CollTrip* fr. 31 with BT 2682,18. The phrasing of fr. 31 closely resembles that of fr. 6, of which no close *Basilica* parallel is available and no reconstruction has proved to be possible. Now the text of fr. 6 fits in with that of BT 2626,17-18, a reconstructed fragment immediately preceding the lost parallel of our fr. 6. This lends plausibility to the view that, on the one hand, fr. 31 and Bas. 58,13,17,4 have been borrowed from different sources, but that for Bas. LVIII on the other hand, the *Summa Anonymi* must have been used as well: it is precisely the succinct wording in Bas. 58,1,14 rest. that is characteristic for a *summa*. Uncharacteristic for a *summa* again is BT 2687,5, while its parallel *CollTrip* fr. 38 is much more concise. One could imagine the author of the *CollTrip* adapting the *Summa Anonymi* from different sources. It is difficult, however, to reconcile this view with the many passages that closely follow the *Summa Anonymi* - that is, if one is allowed to draw that conclusion from the *Basilica* parallels -; nor does it fit in well with the mechanical way in which the author has proceeded in the first and third part of the *Collectio Tripartita*.

no longer.

13. For examples, see Scheltema, *Kommentarverbot*, pp. 314-315.

From what has been seen so far, it appears that the author of the *Collectio Tripartita* occasionally deviated from his example, the *Summa Anonymi*, to a greater extent than has been generally assumed. It also appears, however, - and this is a fact impossible to reconcile with the present status quaestionis and therefore the more serious problem - that he found the *Summa Anonymi* in a different state from the one in which it has reached the *Basilica*. One cannot imagine names of jurists spontaneously being corrupted into names of the jurists who happen to have written the next or previous fragment and finding the correct number as well.

I now have to return to the *Nomocanon XIV titulorum*. It is closely related to the *Collectio Tripartita*, not only because both collections draw on the *Summa Anonymi*, but above all because, insofar as they contain the same Digest fragments, these are textually identical, except that the *Nomocanon* usually omits the names of the jurists. This textual agreement cannot be explained by assuming that one is dependent on the other in this respect: If I am not mistaken, numerous fragments occur in the one that are omitted in the other and vice versa.¹⁴ One is left with the possibility of a common ancestor or even a common author of the *Collectio Tripartita* and the *Nomocanon XIV titulorum*.

Van der Wal has demonstrated convincingly¹⁵ that one and the same author, viz. the younger Anonymus/Enantiophanes, composed the *Nomocanon XIV titulorum* and the scholia on the *Basilica* that can be attributed to Anonymus/Enantiophanes. The attractive hypothesis that this same person had already compiled the *Collectio Tripartita* at an earlier date is at first sight improbable,¹⁶ as his treatment of the Novels is so much different in all cases concerned. First he would then have taken over the first three titles of the *Epitome Athanasii* for the third part of the *Collectio Tripartita*. Next he would have

14. Lack of a modern edition with apparatus fontium prevents me from giving accurate numbers.

15. Enantiophanes.

16. Chronologically it is at least possible, as the dates usually proposed for the *Collectio Tripartita* (ca 580) and for the *Nomocanon XIV titulorum* (between 612-619) do not preclude their having been written by the same author.

compiled the Nomocanon XIV titulorum, keeping to Athanasius' numbers, but quoting summaries from a different source.¹⁷ Finally, when quoting Novels in his commentary (paragraphai) on the Summa Anonymi, he would refer to them by numbers different from those of Athanasius, numbers apparently of the collection that he had also used in the Nomocanon¹⁸ - as far as I can see, we do not know whether he wrote the Nomocanon before, after or at the same time as the paragraphai on the Summa Anonymi.¹⁹ In short, in the hypothesis of a common authorship of the Nomocanon XIV titulorum and the Collectio Tripartita, one would have to assume that the younger Anonymus/Enantiophanes for some reason used two different collections of summarized Novels: the Epitome Athanasii and the collection as used in the Nomocanon and his paragraphai.

Would this really be an unsurmountable objection? Suppose the hypothesis of common authorship to be correct, we are left with the more serious problem that, on the one hand, the Collectio Tripartita and the Nomocanon XIV titulorum and, on the other, the Basilica text used the Summa Anonymi in a different form. Might this not be explained by the fact that the younger Anonymus/Enantiophanes used the Summa Anonymi while they were still written in the margin of a Latin Digest text, that it was he who selected relevant fragments for the Collectio Tripartita and later for the Nomocanon XIV titulorum, partially the same and also some other ones, that he rewrote them

17. This is less improbable than it seems: see K.E. Zachariä von Lingenthal, 'Ueber den Verfasser und die Quellen des (pseudo-photianischen) Nomocanon in XIV Titeln', Mémoires de l'Académie impériale des sciences de St.-Petersbourg, 7e série, XXXII,16, St Petersburg 1885, pp. 4-23 (=Kleine Schriften zur römischen und byzantinischen Rechtsgeschichte II, Leipzig 1973, pp. 148-167), esp. p. 5-6.

18. Van der Wal, Enantiophanes, esp. pp. 130 sqq.

19. To complicate things, numbers of yet another collection of Novels (again not the Collectio CLXVIII Novellarum) have been transmitted in the Epitome Athanasii and the Collectio Tripartita in references of the type: 'title ...constitution ...' (numbers of Athanasius) 'which is ...' (number in this other collection). These numbers need not stem from the author of the Collectio Tripartita, as Scheltema (Kommentarverbot, p. 319) suggests; as they also occur in the Epitome Athanasii, it is more probable that they go back to Athanasius; even more probable, however, that they have been interpolated.

where necessary, and furnished them with inscriptions of the type described above? It would explain the 'independent mistakes' and the similarity of the treatment of Digest fragments in the Collectio Tripartita and the Nomocanon XIV titulorum, and at the same time leave open the possibility of a separate and different Summa Anonymi that was to find its way to the Basilica text.

Further studies on and a reliable edition of the Nomocanon XIV titulorum might shed some light on the transmission of the Summa Anonymi. The evidence of the Collectio Tripartita shows that its three phases (apparatus in the margins of the Digest - separate work - the same work with annotations of the younger Anonymi/Enantiophanes) as outlined by Scheltema²⁰ are yet more complicated than Van der Wal²¹ supposed. It would be a relief if the story of its transmission could do with less anonymi.

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Appendix I: Some corrections of the inscriptions in Migne,

PG 138, col. 1228-1249

Fr.	Migne	<u>pro</u>	<u>lege</u>
4	1229,16	ς'	β'
8	1229,23	δ'	ς'
22	1233,8	ιδ'	ι'
75	1244,13	ξ'	ζ'
84	1245,8	κλ'	κζ'
		Mod.	Mod. Id.

20. Kommentarverbot.

21. Juristennamen.

Appendix II:

Some fragments from the Digest part of the Collectio Tripartita, their text according to the forthcoming edition, and their parallel texts in the Basilica

Fr. 6 (1229,20)

Βιβ. η' τιτ. α' DIG. ιδ'. PAULU. SACRU τόπου παρεντιθεμένου καὶ τὸ ITER ἐμποδίζεται· δουλεία γὰρ διὰ τοιούτου τόπου οὐ συνίσταται.

Bas. 58,1,14,2 (BT 2626,17) = D. 8,1,14,2

Τόπου ἢ ὁδοῦ δημοσίας παρεντιθεμένης ἡ δουλεία συνίσταται
...

Fr. 30 (1236,1)

Τιτ. γ' DIG. α'. ULPIANU. Χώρα τῇ AQUAE PLUVIAE ARCENTAE κατὰ τοῦ στρέφαντος τὸ ὕδωρ καὶ βλάφαντος τὸν ἀλλότριον ἀγρόν, καὶ ἐν ἱερῷ τόπῳ τίκεται τὸ ὕδωρ.

Bas. 58,13,1,17-18 (BT 2677,21) = D. 39,3,1,17-18

Αὕτη ἡ ἀγωγὴ χώραν ἔχει βλαπτομένων ἀγρῶν, οὐ μὴν ὅτε οἰκηματα ἢ πόλις βλάπτεται· ἀλλὰ κινεῖται ἡ περὶ δουλείας ἀντιθετικὴ τῆς ἀρνήσεως ἀγωγὴ γενικωτέρα οὔσα ὥς πανταχοῦ κινουμένη. Ἀδιάφορον, πόθεν τὸ ὕδωρ τίκεται· εἴτε γὰρ ἐν δημοσίῳ ἢ ἱερῷ τικτόμενον διὰ τόπου σου παρήει καὶ ποιήσας ἔργον ἀποστρέψης αὐτὸ εἰς τὸν ἐμὸν ἀγρόν, κατέχη.

Fr. 31 (1236,5)

DIG. ιζ'. PAULU. SACRU τόπου παρεντιθεμένου δουλεία οὐ συνίσταται.

Bas. 58,13,17,4 (BT 2682,18) = D. 39,3,17,3

... εἰ δὲ κεῖται μεταξὺ ἡμῶν τόπος ἱερὸς ἢ εἰς ταφὴν ἢ ἄγιος, οὐ δύναται συστήναι δουλεία.

Fr. 32 (1236,7)

Βιβ. μ' τιτ. ζ' DIG. δ'. PAULU. Ἐὰν ὁ κληρονόμος REIPUBLICAE CAUSA ἄπεστιν, ἥ περιμένει αὐτὸν ὁ STATULIBER, ἥ ἀποτίθεται τὰ νομίσματα ἐσφραγισμένα ἐν ναῷ καὶ εὐθέως ἐλευθεροῦται.

Bas. 48,5,5 pr. (BT 2201,1) = D. 40,7,4 pr.

PAULU. Ἀπόντος διὰ πρᾶγμα δημόσιον τοῦ κληρονόμου ἡ ὑποστρέφονται διδοὺς ἐλευθεροῦται ἡ παρατιθέσθω εἰς ἄγιον οἶκον ἐσφραγισμένον τὸ χρυσίον καὶ ἐλευθεροῦται.

Sch. ad h.l. ἀπόντος (BS 2895,5)

Ἐὰν ὁ μὲν κληρονόμος ἄπεστι REIPUBLICAE CAUSA, ὁ δὲ οἰκέτης ὁ κελευσθεὶς αὐτῷ παρασχεῖν καὶ ἐλευθερωθῆναι ἔχει ἐν χερσὶ τὰ νομίσματα, ἡ περιμένειν χρὴ τὸν κληρονόμον, ἕως ἂν ἐπανέλθῃ, ἡ ἀποτίθεσθαι ἐν ναῷ τὰ νομίσματα ἐσφραγισμένα· τούτου γὰρ γινομένου εὐθέως ἀρμόζει ἡ ἐλευθερία.

Fr. 35 (1236,16)

Βιβ. μγ' τιτ. α' DIG. α'. ULPIANU. Καὶ περὶ SACRON κινούνται INTERDICTA, ὥστε μηδὲν γενέσθαι κατὰ ἱεροῦ τόπου, ἡ ὥστε τὸ γενόμενον ἀποκαταστῆναι, ὡς ὁ PAULO DIG. β'.

Bas. 58,14,1,2;2,1 (BT 2685,5; 2686,2) = D. 43,1,1; eod. 2,1

Τὰ νόμιμα παραγγέλματα ἡ περὶ θεῶν πραγμάτων, οἷον τόπων ἱερῶν ἡ μνημείων, ἡ περὶ ἀνθρωπίνων ἀρμόζουσιν ...

Τὰ νόμιμα παραγγέλματα ἀρμόζουσιν <ἡ ἀνθρώπων χάριν> ἡ διὰ θεῶν δίκαιον, ὥσπερ ἵνα μηδὲν γένηται ἐν ἱερῷ τόπῳ ἡ καὶ γένηται, ἵνα ἀποκαταστῇ, καὶ περὶ τοῦ εἰσκομίσαι νεκρὸν ἡ κτεῖσαι τάφον· ἀνθρώπων δὲ χάριν ἡ διὰ τὸ δημοσίῳ ὁδῷ χρῆσθαι καὶ τῷ δημοσίῳ ποταμῷ καὶ ὥστε μηδὲν γενέσθαι ἐν ὁδῷ δημοσίῳ ...

Fr. 38 (1236,28)

Τιτ. ς' DIG. α'. ULPIANU. Οὐκ ἔξεστι τι ποιεῖν ἢ ἐμβάλλειν ἱερῷ τόπῳ, ὅπερ ἀμορφίαν καὶ οὐ κόσμον αὐτῷ φέρει. Οὐκ ἀνήκει δὲ τὸ INTERDICTON πρὸς τὰ SACRARIA. Ἡ δὲ φυλακὴ τῶν ἱερῶν τοῖς προεστῶσιν αὐτῶν ἐπιτέτραπται.

Bas. 58,15,1 (BT 2687,5 rest.) = D. 43,6,1

Λέγει ὁ πραιτωρ· "ἐν ἱερῷ τόπῳ ἢ ποιεῖν ἢ εἰσπέμπειν τι κωλύω". Τοῦτο περὶ ἱεροῦ τόπου, οὐ περὶ βεβήλου ἀρμόζει, οὐ διὰ τὸ κοσμεῖσθαι αὐτὸν, ἀλλὰ διὰ τὸ μὴ βλάπτεσθαι. Ἡ δὲ φροντίς τῶν ἱερῶν τόπων τοῖς φροντίζουσιν αὐτῶν ἀνήκει.

Fr. 39 (1236,33)

Τιτ. η' DIG. β'. ULPIANU. Οὐκ ἔξεστι κατὰ τόπου ἱεροῦ κτιζεῖν, ἀλλὰ καὶ τὸ κτισθὲν καταλύεται.

Bas. 58,8,5,19 (BT 2648,21 rest.) = D. 43,8,2,19

Εἰ δὲ ὁ τόπος ἱερὸς ᾗ καὶ κτισθῇ, ἀποκαθίσταται.