The research which since the 1940s has been done as part of the new edition of the Basilica - which was completed in 1988 with the publication of the last volume of the text - has made an important contribution towards increasing the knowledge of legal education in the sixth century.

It is the old scholia to the Basilica that provide information about the education as it was given at the faculties of law of Constantinople and Beirut. The old scholia are the remnants of writings of (among others) the antecessores, the professors at the above-mentioned faculties: these writings originated during the rule of Justinian. The old scholia were added to the text of the Basilica only much later, after the origin of the Basilica in the ninth century, possibly in the tenth century during the rule of Constantine VII Porphyrogenitus. The old scholia do not refer to the Basilica, but directly to Justinian's legislation.

One of the ways in which the old scholia originating from the educational writings can be recognized as such is the way in which these scholia, following the constitutio Omnem and the constitutio Tanta/Δέδωκεν quote the Digest i.e. according to the division of the Digest into Partes.

When the instruction by the antecessores disappeared, the tradition of referring to the Digest by means of the division into Partes also disappeared. In Justinian's days there had already developed a need for a concordance by means of which it could be determined what was to be understood by a Pars and which book of the Digest corresponded to which book of which Pars of the Digest. This need more or

1 Basilicorum libri LX. Series A. Volumen VIII. Textus libri LX, Groningh 1988, edited by H.J. Scheltema, D. Holwerda and N. van der Wal, who has been my teacher since the beginning of my investigation of the genesis of the Basilica, and to whom I dedicate this article.


3 Cf. Van der Wal/Lokin, Delineatio, 92. In a recent study, however, it has been stated that it was only towards the mid-eleventh century that at the faculty of law of Constantinople, under the supervision of the νομοψύλαξ John Xiphilinus, the old scholia, simultaneously with a large number of young scholia, were added to the text of the Basilica in the form of a catena-commentary: Schminck, Studien, 35, 48-52, 132.


5 Const. Omnem § 2 and § 3; const. Tanta/Δέδωκεν § 2 - § 8.

6 Scheltema, L'enseignement (n. 2 above), 62.
less remained after the disappearance of the instruction by the antecessores: for the writings of the antecessores containing references to the Digest by means of the division into Partes continued to be used.

Dr. M.Th. Fogen recently edited three treatises dealing with the division of the Digest into Partes. The first treatise (which was handed down as part of the Appendix of the Synopsis Basilicorum maior essentially originated in the days of Justinian and served as a concordance with the instruction by the antecessores.

Even after Justinian's days attention continued to be paid to the division of the Digest into Partes: the second treatise, edited by Dr. Fogen, is dated by her in the tenth or eleventh century. Finally, it was also in the eleventh century that the treatise Peri tis ton digesteon diaferoseos by Michael Psellus originated.

II The treatise in Cod. Paris. gr. 1384

Also after the eleventh century there are still a few isolated instances in which the Partes of the Digest are mentioned. One instance is to be found in Cod. Paris. gr. 1384 on f. 170v where a puzzling treatise has been handed down containing an enumeration of all legal sources (paraphrased as meri tov nomou in the treatise), including the Basilica. In the treatise there is at least one instance in which a Pars of the Digest is mentioned.

The treatise was first edited by Zachariä von Lingenthal, although without any critical apparatus. The text of the treatise is given below.

Siglum: P Cod. Paris. gr. 1384

"Eff meri eis tov nomou, proston meros tov nomou estin oi kudikes, eis de biblia ps. to deuterou uparchei ta digesata, oipher estin el-lympikos pandoektis, eixos ptnxiai d'.
5 to triton esti bibliai peri louidikis, hyoun peri krisew how xhow bibliai z' kai to y' tav z' touton bibliai xhee i[beta]' deltous, dia-

9 Fogen, 'Einteilung' (n. 7 above), 17/18.
10 Fogen, 'Einteilung' (n. 7 above), 23.
11 This treatise was edited by G. Weiβ, Oströmische Beamte im Spiegel der Schriften des Michael Psellus [Miscellanea Byzantina Monacensia 16], München 1973, 296-298.
12 Cf. the characterization of the treatise by Fogen, 'Einteilung' (n. 7 above), 18 n. 45: 'Eine sehr knappe und verwirrte Darstellung des gesamten überlieferten Rechts bis zum bibliai tou leontos'.
COMPREHENSIVE READING

The text, as it was rendered above, raises quite a number of questions that will not all be dealt with in this article. It is clear that in the treatise there are six legal sources (μέρη τοῦ νόμου), i.e. the Code in twelve βιβλία (ll. 1-2), the Digest in four πτυχία (ll. 3-4) and fifty βιβλία (ll. 10-11), the Novels (ll. 11-12), the Basilica in sixty τίτλοι (ll. 12-14), and the Institutes in four βιβλία (ll. 14-18). As a separate legal source the scriptor of the treatise mentions the Pars de iudiciis of the Digest (ll. 5-6). The information that this Pars contains seven books is substantially correct. However, what is meant by the information that the Digest consists of four πτυχία?

And what should one think of the remark that the Basilica consist of sixty títloj? And why is the Pars de iudiciis mentioned as a separate legal source?

The basic question that should be asked is on which particular source the scriptor of the treatise drew his knowledge concerning the legal sources. One problem in answering this question is the circumstance that the contents (and consequently the exemplar(s) as well) of Cod. Paris. gr. 1384 are of a very heterogeneous nature:14 the manuscript, for instance, contains a copy of the Prochiron, the Ecloga privata (with appendix), fragments from a different appendix of the Ecloga - including the Lex nautica Rhodiorum -, and fragments of the Ecloga ad Prochiron mutata.15 On the leaves preceding the leaf containing the treatise can be found copies of Eisagoge XIX, 5 (f.168r, under the heading Περὶ δευτερογομοιοῦντος γνωτὶ), the twentieth Novel of Leo VI the Wise (f.168v - 170r, under the heading Περὶ υποβόλων, and preceded by an extensive rubric16) and two verse inscriptions.17

A comparison of the treatise to the Synopsis legum by Michael Psellus18 reveals that there are strong similarities between these texts:

- ll. 9/10 of the treatise: τέταρτος τόπος ὅπι τῶν νομικῶν διγέστων. Synopsis legum l. 25: Τέταρτος τόπος πέφυκε τῶν νομικῶν διγέστων.
- l. 12 of the treatise: αἱ νεοραί συντάξεις. Synopsis legum l. 43: αἱ νεοραί συντάξεις.
- ll. 13/14 of the treatise: (τὸ πέμπτον δὲ ἐστὶ) τοῦ Λέοντος βιβλίου, τὸ πῶν ἔχον Ξ᾽ τίτλους. Synopsis legum ll. 44/45: τοῦ Λέοντος βιβλίου, | τὸ πῶν ἔξικουταβιβλίου πάντως τοὺς νόμους ἔχου.
- l. 15 of the treatise: ἡ καλουμένη ἱστιτούτα. Synopsis legum l. 54: ἡ κλήσις ἱστιτούτα.
- the scriptor of the treatise has used the term πτυχίον in l. 4. This term also appears in the Synopsis legum (ll. 10, 20).

The above-mentioned similarities between the Synopsis legum by Michael Psellus and our treatise are so extensive that they justify the supposition that the Synopsis legum was the ultimate source from which the scriptor of the treatise drew his

17 Zachariae, Fragmenta versionis (n. 13 above), 19 including n. 10.
knowledge concerning the legal sources. However, this supposition should be considered carefully: for one could be tempted to consider the treatise Περὶ τῆς τῶν διγέστων διαφέσεως, also written by Michael Psellus, to be the source of the treatise in Cod. Paris. gr. 1384, since there are similarities between these texts as well: e.g. the treatise Περὶ τῆς τῶν διγέστων διαφέσεως contains phrases like τοῦ νομικοῦ πτυχίου (l. 2), and τὸ δὲ δευτεροῦ εἰς ἑπτὰ βιβλία διεῖλοντο, ἢ δὴ [τὼν] δὲ ισοδύκις ἦτοι περὶ κρίσεως προσηγόρευται (ll. 16-17): these phrases could be connected with the phrases ἔχων πτυχία δ᾽. and τὸ τρίτου ἑστὶ βιβλίῳ περὶ ισοδύκης ἡγουν περὶ κρίσεως, ἔχου βιβλία ζ᾽ in the treatise in Cod. Paris. gr. 1384 (ll. 4 and 5/6 resp.).

However, there is a number of reasons why the suggestion that the treatise Περὶ τῆς τῶν διγέστων διαφέσεως might be the source of our text should be rejected: firstly, two lines from the Synopsis legum are quoted almost literally in our treatise;19 secondly, the treatise Περὶ τῆς τῶν διγέστων διαφέσεως only mentions the Justinian Code and (the seven Παρτές of) the Digest: our text mentions the Code, the Digest, the Pars de iudiciis, the Novels, the Basilica and the Institutes. This complete enumeration can be found in the Synopsis legum. Thirdly, the order in which the legal sources are listed in our text is identical to the order in the Synopsis legum. Thus there is sufficient ground for concluding that it was not the treatise Περὶ τῆς τῶν διγέστων διαφέσεως that was the source of our text, but the Synopsis legum,20 even though the method of working of the scriptor of our text can no longer be traced exactly.

The fact that the Synopsis legum can be identified as the ultimate source of the treatise in Cod. Paris. gr. 1384 implies that the Synopsis can also be used for the interpretation of our treatise: a number of difficulties in our text can be solved with the help of the Synopsis legum.

1 Pointed out above was the incongruity that the treatise first lists the Digest as having four πτυχία, whereas a few lines further down the number of books of the Digest appears to be fifty.

The Synopsis legum mentions the Digest in l. 14: υπάρχει δὲ τὰ διγέστα ἐλληνικῶς παυδέκτης. Subsequently, in l. 19 of the Synopsis the first Pars of the Digest, the Πρώτων, is referred to: τετράβιβλος δ᾽ ἡ σύνταξις κλήσις πρώτα τῶν πρῶτων. It is indeed possible that the scriptor of the treatise in Cod. Paris. gr. 1384 (as far as listing the legal sources was concerned), at reading the Synopsis legum, memorised its contents and, when he committed the treatise to writing it was due to

19 Li. 14 and 25 of the Synopsis: cf. the above-made comparison.
20 For a comparison of the treatise Περὶ τῆς τῶν διγέστων διαφέσεως to the Synopsis legum, see W. Wolska-Conus, 'L'ecole de droit et l'enseignement du droit à Byzance au XIe siècle: Xiphilin et Psellos', TM 7 (1979), 80-82.
self-dictation\textsuperscript{21} that he confused the ll. 14 and 19 of the Synopsis in such a way that he attributed four \textit{m\textsuperscript{uxi}ov} to the Digest: as a result of this process the \textit{scriptor} had \textit{άπαρχει δὲ τὰ δίγεστα ἐλληνικάς πανδέκτης τετράβιβλος} in mind, thereby skipping four lines of the Synopsis. The term \textit{πτυχίων} either echoes l. 10 of the Synopsis (\textit{πτυχίων δωδεκάβιβλον}) or the \textit{scriptor} anticipated l. 20 of the Synopsis (\textit{ἐπτάβιβλον πτυχίων}).

Thus the \textit{Synopsis legum} reveals the phrase \textit{ἐχων πτυχία δ'}, of the treatise to be a reference to the first \textit{Pars} of the Digest; moreover, as a result of his comprehensive reading and failing memory the \textit{scriptor} used the term \textit{πτυχίων} in a different meaning from the one used by Michael Psellus in the \textit{Synopsis}: in the treatise the term \textit{πτυχίων} is an equivalent of \textit{βιβλίων}, in the \textit{Synopsis legum} \textit{πτυχίων} means ‘volume’, ‘a total of books’.\textsuperscript{22}

However, it is quite possible that the \textit{scriptor} thought that the Digest contained four \textit{Partes}, the third of which was known as \textit{de iudiciis} (l. 5 of the treatise): he may have come to this misconception by confusing ll. 14 and 19 of the \textit{Synopsis legum}. In this case the \textit{scriptor} used the term \textit{πτυχίων} in the meaning of ‘complete unit of books’, i.e. in the same meaning as Psellus uses the term.\textsuperscript{23} What also contributed to the idea of the \textit{scriptor} that the Digest contained four \textit{Partes} is the circumstance that he mixed up two countings, i.e. his own counting of the legal sources (the six μέρη τοῦ νόμου), and the counting of the \textit{Partes} of the Digest in the \textit{Synopsis legum}.

The passage \textit{καὶ τὸ γ’ τῶν ζ’ τούτων βιβλίων ἔχει ἡμδέλτους, διωλομόμον τῶν περὶ χαριτικῶν πραγμάτων, τέταρτος τόπος δὲ τῶν νομικῶν διγέστων (II. 6-10 of the treatise) is more difficult to explain. If in this passage no emendations are made, and if this passage is not considered against the background of the \textit{Synopsis legum}, what should we then understand by \textit{γ’} (that is to say, if this is the correct reading, for \textit{γ’} is not certain palaeographically) τῶν ζ’ τούτων βιβλίων? How should we interpret ἡμδέλτους? And how should we explain περὶ χαριτικῶν πραγμάτων? Starting from the treatise itself, one could be tempted to look for the explanation of the complete passage in the third book of the \textit{Pars de iudiciis} of the Digest and to try and connect this book with both ἡμδέλτους and περὶ χαριτικῶν πραγμάτων. The third book of the \textit{Pars de iudiciis} (book seven of the Digest) deals

\begin{thebibliography}{23}
\bibitem{21} For this whole process which takes place during the making of a text, whereby an exemplar is used, cf. A. Dain, \textit{Les manuscrits [Collection d’études anciennes]}, Paris 1975\textsuperscript{3}, 40 ff.
\bibitem{22} The standard meaning of \textit{πτυχίων} is ‘little book’: E.A. Sophocles, \textit{Greek Lexicon of the Roman and Byzantine Periods}, Cambridge (Mass.)/Leipzig 1914, repr. Hildesheim/Zürich/New York 1983, 960. In the \textit{Synopsis legum} the Justinian Code is referred to as a \textit{πτυχίου δωδεκάβιβλον} (l. 10); the \textit{Pars de iudiciis} of the Digest consisting of seven books is known as \textit{ἐπτάβιβλον πτυχίων} (l. 20).
\bibitem{23} Also in the meaning ‘complete unit of books’ \textit{πτυχίων} is an equivalent of \textit{βιβλίων} in the treatise: l. 13 talks about τοῦ Λέωντος βιβλίων; this refers to the Basilica.
\end{thebibliography}
with the usufruct, ἱμβέλτος is a non-existing word, χωριτικός means ‘of country-folk’, ‘rustic’. Accordingly, an explanation of our passage that is connected with the right to usufruct of e.g. land is possible. The scriptor of the treatise - partly because of the fact that he mixed up the countings of the μέρη τοῦ νόμου and of the Partes of the Digest, and as a result of that thought that the Digest contained four Partes - possibly thought that the third book of the Pars de iudiciis (τὸ γ’ τῶν ζ’ τούτων βιβλίων), dealing with the right to usufruct of land (διαλομβάνον περὶ χωριτικῶν πραγμάτων), was the fourth Pars of the Digest (τέταρτος τόπος ὑπὸ τῶν νομικῶν διεύθυνσιν).

However, it is clear that our passage should be interpreted on the basis of the Synopsis legum, i.e. ll. 23 and 24; after all, the ll. 20-22 of the Synopsis - in which the Pars de iudiciis is referred to - form the basis for the ll. 5 and 6 of the treatise; l. 25 of the Synopsis is almost quoted literally in ll. 9/10 of our text. The ll. 23/24 of the Synopsis legum read: Τὸ τρίτου δὲ συνάθροισα καλεῖται δὲ δὲ ῥέβους, ὁ ὁκτάβιβλον τι σύνταγμα χωριτικῶν πραγμάτων.

The symbol which we interpret as γ’ is in Cod. Paris. gr. 1384 written as γ'ω' It is possible that in the manuscript the horizontal stroke which serves to indicate the ordinal number and which is normally written above the corresponding letter in this case merged with the accent and, as a result, ended up on the right-hand side above the γ. The symbol ’’ could be interpreted as a dihaeresis which the scriptor, more than once, writes above a i. The reading γ’ is confirmed by τὸ τρίτου in l. 23 of the Synopsis legum.

The phrase περὶ χωριτικῶν πραγμάτων in ll. 8/9 of the treatise can be explained on the basis of l. 24 of the Synopsis: this line works out the previous one (in which Psellus mentions the Pars de rebus of the Digest) in more detail: the Pars de rebus is a unit of eight books (ὀκτάβιβλον τι σύνταγμα), its contents (χωριτικῶν) dealing with the law of things, exhellenized by Psellus with the term πραγμάτων. A number of manuscripts of the Synopsis legum has the reading χωριτικῶν instead of χωριτικῶν: confusion of o and ω frequently occurs. Therefore it is very well possible that the scriptor of our treatise read χωριτικῶν in his exemplar. When he was writing the treatise, the scriptor, however, did not dictate to himself χωριτικῶν, but χωριτικῶν: for, as a result of iotacism η and i sound

24 LSJ9.
25 Informative for the way in which this could have happened is the scriptor's manner of rendering ν' in l. 11 of the treatise.
26 I owe the palaeographical interpretation of the symbol γ'ω' to my teacher Prof. Dr. D. Holwerda.
27 χωριτικός means 'able to contain': LSJ9 s.v.
BOCHOVE

identical with self-dictation - the third stage of the copying process.\(^29\) Subsequently, the *scriptor* must have thought that his exemplar dealt with the right to usufruct of land: this, too, could have induced him to mention book seven of the Digest - indicated by him as the third of the seven books of the *Pars de iudiciis* (τὸ γ’ τῶν ζ’ τούτων βιβλίων) and considered by him to be the τέταρτος τόπος of the Digest - separately in his treatise; inevitably he had to add διαλαμβάνου (περὶ) in order to make clear that book seven of the Digest deals with usufruct: after all, it was exactly because the *scriptor* thought that his exemplar dealt with the right to usufruct of land (περὶ χωριτικῶν πραγμάτων) that he was no longer able to see the correct meaning of χωρητικός. The superfluous τῶν in l. 8 of the treatise originated through progressive assimilation: the *scriptor* here anticipated χωριτικῶν πραγμάτων.

As a result of the comprehensive reading of the *scriptor* the original meaning of l. 24 of the *Synopsis legum* - the information that the *Pars de rebus* is a unit of eight books dealing with the law of things - has been lost completely, but it can be concluded that, considering l. 24 of the Synopsis, the treatise must refer to the *Pars de rebus* of the Digest.

What exactly is the meaning of ἡβδέλτος in l. 7 of the treatise? We know by now that ll. 6-10 of the treatise refer to the *Pars de rebus* of the Digest. Considering the fact the *scriptor*, in mentioning the different legal sources (except in the case of the Novels) indicates the number of books of the legal source concerned, it is to be expected that he does the same with the *Pars de rebus*. The numerical indication concerning the number of books of the *Pars de rebus* is created when ἡβδέλτος is emended into ἡ[β]’ δέλτος.\(^30\) The reading ἡ’ is confirmed by l. 24 of the *Synopsis legum*: δικαβιθλόν τι σύνταγμα. The phrase ἔχει ἡ[β]’ δέλτος now contains the substantially correct information that that which, considered against the background of the *Synopsis legum* should be interpreted as a reference to the *Pars de rebus* of the Digest, consists of eight δέλτα.

The term δέλτος means ‘writing tablet’, ‘any writing’.\(^31\) Dionysius of Halicarnassus uses the term δέλτος in the technical sense of ‘table’ in the expression ‘law of the twelve tables’.\(^32\) It is in this meaning that δέλτος is also used in the Basilica.\(^33\) In the passage of the *Synopsis legum* that formed the basis for our treatise (ll. 8-54) the term δέλτος does not occur, but in l. 89 of the *Synopsis Psellus*...

---

29 Many errors in manuscripts, iotacistic ones, too, originated during the stage of (silent) self-dictation. Cf. the example of A. Dain, *Les manuscrits* (n. 21 above), 45: ἐρίσις instead of αἰρήσις.
30 I owe this textual emendation to Prof. Holwerda.
31 LSJ \(^9\), s.v.
32 D.H. II, 27: ... ἐν τῇ τετάρτῃ τῶν λεγομένων δώδεκα δέλτων, διὰ ἀνέθεσον ἐν ἀγορᾷ.
33 BT 16, 7-9 (B. II, 1, 7) Παπιανός. Εἰσήκθη δὲ ἢ ἀπὸ τοῦ διδακτήτου ἢ τῶν τοῦ δήμου δογμάτων ἢ τῶν τῆς συγκλήτου θεσπισμάτων ἢ βασιλικῶν δογμάτων ἢ τῆς αὐθεντίας τῶν σοφῶν.
does mention the law of the twelve tables. Consequently it is quite possible that the *scriptor* of our treatise was familiar with the term δέλτος via the *Synopsis legum*, and that, during the process of writing down that part of the treatise in which the *Pars de rebus* of the Digest is referred to, l. 89 of the *Synopsis* played tricks on our *scriptor*.

The ν in Zachariás's reading ἵνδελτος cannot be explained palaeographically. However, Cod. Paris. gr. 1384 reads ἵβδελτος instead of ἵνδελτος. This reading confirms the assumption that the *scriptor* was reminded of l. 89 of the *Synopsis legum* during the writing of the text of the treatise. The combination ἵδελτος in l. 7 of the treatise could have originated as follows: the *scriptor*, writing about what should be interpreted as a reference to the *Pars de rebus* of the Digest, and intending to write η' βιβλια, silently dictated to himself η during the third stage of the copying process, but, having in mind l. 89 of the *Synopsis*, continued writing δέλτος as if he had dictated to himself ι and as if he was writing δωδεκάδελτος (represented as β δέλτος): here, too, the *scriptor* mixed up η and ι as a result of iotacism. Moreover, the *scriptor* apparently did not quite know what δέλτος means: as a result of his failing to understand the semantics of δέλτος he used this term as an equivalent of βιβλια.

After the above discussion the following can be remarked as regards the ll. 6-10 of the treatise: as a result of a combination of factors, the *scriptor* of the treatise completely misunderstood his exemplar. Firstly, he confused his own counting of the legal sources (the μέρη τοῦ νόμου) with the counting of the *Partes* of the Digest in the *Synopsis legum* by Michael Psellus. Secondly, he twice made a iotacistic error: in the first case (χωρητικῶν/χωρητικῶν) this error resulted in the *scriptor* losing sight of the original meaning of l. 24 of the *Synopsis* and reaching a completely different interpretation of this line (i.e. taking the line to refer to the right to usufruct of land in stead of to the law of things); in the second case (ἵδελτος) the iotacistic error, in connection with the fact that the *scriptor* combined the wrong lines of the *Synopsis* in his mind, has resulted in totally ignoring the numerical indication concerning the number of books of the *Pars de rebus* of the Digest in l. 24 of the *Synopsis*.

The combination of these factors caused the *scriptor* to confuse the *Pars de rebus* of the Digest with book seven of the Digest and, partly influenced by the phrase το

34 *Synopsis legum* 87-90: Ποιτικοῦ δὲ νόμιμου, τοπικῶν καὶ χρεώδες, δὲ πάλιν τριμερές ἐστιν τούτου γὰρ τοῦ νομίμου | ἕστιν δὲ δωδεκάδελτος τῶν δώδεκα λογίων, τὰ βασιλέων δόγματος, οἱ νόμοι τῶν πρακτικῶν. This passage ultimately goes back to the Basilica-passage that was quoted above in n. 33.

35 It is even possible that the *scriptor* considered the law of the twelve tables to be a legal source.

36 Dr B.H. Stolte and Dr Roos Meijering drew my attention to this reading; they both gave me their views on many other points as well for that matter. I gratefully used their advice.

37 A further clue might be the circumstance, that l. 88 of the *Synopsis* starts with δ πάλιν τριμερές ἐστι. C.f. l. 6/7 of the treatise: καὶ τὸ γ’... ἔχει.
In the ll. 11 and 12 of the treatise the scriptor mentions the fourth legal source in his enumeration, i.e. the Novels. It is somewhat surprising that the scriptor uses the terminology νεοφαί συντάξευς: for the Novels are normally referred to as νεοφαί (μετά τῶν Κώδικα) διατάξεις. In the line of the Synopsis legum forming the basis for the ll. 11/12 of the treatise, however, we also come across συντάξεις: Πρὸς τούτοις μέρος πέφυκεν αἱ νεοφαί συντάξεις (l. 43). Consequently, there is no reason for emending ll. 11/12 of the treatise.

In the ll. 12-14 the scriptor mentions the fifth legal source, i.e. the Basilica, referred to by him as τὸ Λέοντος βιβλίον. It is remarkable that the scriptor has the Basilica consist of sixty titles (instead of sixty books). As far as the ll. 12-14 of the treatise are concerned, the scriptor drew from the ll. 44/45 of the Synopsis legum: Εἶτα συνοπτικῶτατον τοῦ Λέοντος βιβλίου, ἵνα τῶν ἐξηκοντάβιβλων πάντας τοὺς νόμους ἔχων. A number of manuscripts of the Synopsis legum has the variant ἐξηκοντάτιτλον instead of ἐξηκοντάβιβλον. It is therefore quite possible that the scriptor of the treatise had an exemplar in front of him in which this textual variant also occurred. The reading ἐξηκοντάτιτλον explains the puzzling fact that in the treatise the Basilica consist of sixty titles.

In II. 14-18 of the treatise the scriptor mentions the Institutes as the last legal source. In the II. 16/17 the Institutes are considered (among other things) to be: πυλίς ἀπάντων τῶν νόμων. Cod. Paris. gr. 1384 and Zachariā, however, give the text πυλῆς ἀπάντων τῶν νόμων. The line of the Synopsis legum forming the basis of this phrase is I. 50: "Εστι καὶ μέρος ἔτερον οἰον πυλίς τῶν νόμων. In the manuscript tradition of the Synopsis there are no textual variants concerning πυλίς.

38 Van der Wal/Lokin, Delineatio (n. 3 above), 37.
This is the reason why in the text of the treatise as it was represented above πόλης has been corrected into πολις. In this case, too, the scripotor may have confused η and ε as a result of self-dictation.

IV Conclusion

By identifying the Synopsis legum by Michael Psellus as the ultimate source from which the scripotor of the treatise drew his knowledge as regards the legal sources, it has proved possible to solve a number of difficulties in the text of the treatise (and its interpretation).

The treatise was written shortly after the mid-twelfth century: Cod. Paris. gr. 1384 can be dated in the year 1166. The Synopsis legum by Michael Psellus, as a didactic poem intended for the legal education of the future emperor Michael VII Ducas (emperor from 1071-1078), was written some time before the year 1070. Thus the treatise in Cod. Paris. gr. 1384 is an early testimony for the way in which the Synopsis legum left its marks in the legal literature of the later Byzantine period.

THOMAS ERNST VAN BOCHOVE

41 Cf. Weiβ, ‘Synopsis legum’ (n. 18 above), 147.