

## INDEX TITULORUM

### II

#### IPc, the partial index of the Basilica in cod. Paris. gr. 1349

1. IPc is a partial index titulorum of the Basilica, covering the books 45 up to and including 50. The index is transmitted in cod. Paris. gr. 1349, a Basilica manuscript dating from the eleventh century. The Parisinus hands down the index on the ff. 1<sup>r</sup> – 6<sup>v</sup> (pos. 1). The text of the index titulorum was written by the main scribe of the manuscript (viz. hand A), who *inter alia* also wrote B. 45 – B. 48 accompanied by scholia (pos. 2), and the Rhopai (pos. 4); finally, the Parisinus hands down the Index Reginae (pos. 7, written by hand B).<sup>1</sup> There are two other manuscripts handing down the index titulorum of B. 45 – B. 50. It concerns the codd. Ambros. D 474 inf. and Paris. gr. 1354. The Ambrosianus was written in 1556 by Camillo Zanetti; the index titulorum occurs on the ff. 1<sup>r</sup> – 5<sup>v</sup> (pos. 1).<sup>2</sup> The Parisinus 1354 dates from the year 1556 as well; this manuscript transmits the index, written by Manuel Probatares, on the ff. 281<sup>r</sup> – 285<sup>v</sup> (pos. 20).<sup>3</sup> As cod. Paris. gr. 1349 is the (direct) exemplar of both cod. Ambros. D 474 inf. and cod. Paris. gr. 1354,<sup>4</sup> the latter two manuscripts are to be looked upon as *codices eliminandi* with regard to the transmission of the text of IPc.

In IPc,<sup>5</sup> I stands for Index, whereas Pc is the siglum used by the editors of the Groningen edition of the Basilica in order to designate cod. Paris. gr. 1349.<sup>6</sup> The index is as yet unpublished. In what follows, IPc will be quoted after the lines of the new critical edition given below.

<sup>1</sup> For all this, cf. L. Burgmann/M.Th. Fögen/A. Schminck/D. Simon, *Repertorium der Handschriften des byzantinischen Rechts*. Teil I: Die Handschriften des weltlichen Rechts (Nr. 1 – 327), [Forschungen zur byzantinischen Rechtsgeschichte, Band 20], Frankfurt/M. 1995 (= RHBR, I), No. 162.

<sup>2</sup> On cod. Ambros. D 474 inf., cf. RHBR, I, No. 125.

<sup>3</sup> On cod. Paris. gr. 1354, cf. RHBR, I, No. 168.

<sup>4</sup> On this, cf. again RHBR, I, Nos. 162, 125 and 168 resp..

<sup>5</sup> On IPc in general, cf. e.g. C.W.E. Heimbach, *Basilicorum libri LX*. Vol. VI,1: Prolegomena, Lipsiae 1870 (repr. Amsterdam 1962), pp. 170–171 with n. 102; C.W.E. Heimbach, 'Griechisch-römisches Recht im Mittelalter und in der Neuzeit. Einleitung, I. Periode von 534–867, II. Periode von 867–1453', in: J.S. Ersch/J.G. Gruber, *Allgemeine Encyclopädie der Wissenschaften und Künste*, I. Section, 86. Theil, Leipzig 1868 (repr. Graz 1976), pp. 191–471 (347). It should be noted that Heimbach ignored IPc in the text volumes of his Basilica edition; cf. the critical apparatus in C.W.E. Heimbach, [ed.], *Basilicorum libri LX*. Tomus IV: libros XXXIX – XLVIII continens, Lipsiae 1846, pp. vi – viii, and in C.W.E. Heimbach, [ed.], *Basilicorum libri LX*. Tomus V: libros XLIX – LX continens, Lipsiae 1850, pp. ix – x..

<sup>6</sup> Cf. H.J. Scheltema/N. van der Wal, [edd.], *Basilicorum libri LX*, Series A Volumen VI: Textus librorum XLIII – LII, Groningen/'s-Gravenhage 1969, pp. v and xiii; H.J. Scheltema/D. Holwerda, [edd.], *Basilicorum Libri LX*, Series B Volumen VII: Scholia in libros XLII,2 – XLVIII, Groningen/'s-Gravenhage 1965 (repr. Groningen 2003), pp. vii and x. For the present article, I have consulted Pc on a microfilm which is kept in the Department of Legal History of Groningen University.

2. As has been stated above, the text of IPc has so far remained unpublished. But is this index titulorum truly worth a critical edition? Is IPc more than just a *πίναξ* of the Basilica in cod. Paris. gr. 1349?

As a matter of fact, it is. Long ago, Heimbach observed that regarding both its contents and its form, IPc resembles the index titulorum of the first nine books of the Basilica in cod. Coisl. gr. 151.<sup>7</sup> There is more to this, however. The index referred to by Heimbach is none other than ICb 2, thus designated because after the Index Coislinianus it is the second index titulorum of the Basilica handed down by the Coislinianus 151. In the prolegomena to its editio princeps, the general features of the latter index have been described as follows. In its original and purest form, ICb 2 was nothing more than a bare list of Corpus iuris source references. The index divided the text of B. 1 – B. 9 into titles and enumerated for each of these titles which provisions from Justinian's legislation – which were always accompanied by their respective rubrics – made up the text of those titles. Within each title, the index also mentioned Basilica chapters – always by using the phrase *κεφάλαιον* –: these chapters marked the beginning of a new series of fragments derived from one particular Digest title, of constitutions from one particular title from the Code, and of (parts from) particular Novels. The transmission of the text of the index through the centuries has caused fractures in this overall pattern: while ICb 2 provides full-scale information in some of its parts, it is defective in others. Sometimes, e.g., ICb 2 omits Corpus iuris source references altogether and merely lists Basilica title rubrics.<sup>8</sup>

IPc has retained the above overall pattern far better than ICb 2. The index in the Parisinus 1349 provides accurate information regarding the internal structure of the books 45 – 50 of the Basilica. IPc does so by listing the exact contents of every title of those Basilica books: for each title, the index contains full references to the Justinian legislation, consisting of Greek versions of Latin title rubrics from the Digest and the Code, and of original Greek rubrics of the Novels; in its turn, each of those rubrics is followed by a phrase mentioning the relevant book and title of the Digest or the Code, or the number of the Novel concerned.<sup>9</sup> With regard to the Basilica themselves, IPc does not hand down title rubrics, but only book numbers – each time accompanied by a note stating the total

<sup>7</sup> Cf. Heimbach, Prolegomena, pp. 170-171: 'Folii 1 – 6 continetur index (*πίναξ*) titulorum librorum XLV – L, qui cum indice titulorum librorum I – IX Basilicorum Codici Coisl. 151 praemisso ratione formae et argumenti convenit'; cf. also Heimbach, GRR, p. 347: 'Fol. 1 – 6 steht ein Verzeichniß der Titel der Bücher 45 – 50 der Basiliken, *πίναξ* überschrieben, dem Titelverzeichnis im Codex Coisl. 151 in Form und Inhalt sehr ähnlich'.

<sup>8</sup> For all this, cf. Th.E. van Bochove, 'Index titulorum. Merely Table of Contents or *Ἀρχὴ σὺν Θεῷ τῶν Βασιλικῶν*?', *SG VI* (1999), pp. 1-58 (13-14). The core of ICb 2 goes back to the later ninth century; cf. § 9 (pp. 14-15) of the latter article. On cod. Coisl. gr. 151, dating from the first half of the fourteenth century, cf. RHBR, I, No. 202. On the Index Coislinianus, cf. § 4.2 below.

<sup>9</sup> The numbers of the Novels in IPc are in accordance with the counting in the Collection of 168 Novels; cf. § 4.1 below. For a complete overview of all the provisions from the Justinian legislation occurring in IPc, cf. the Concordance concluding the edition of the text of IPc.

number of titles within the Basilica book concerned – , title numbers and chapter numbers. While referring to chapters, IPc systematically uses the phrase *κεφάλαιον*. The use of this term in order to denote Basilica chapters is not entirely self-evident, as in Byzantine legal sources such as the Basilica scholia *κεφάλαιον* does occur in direct references to the Justinian legislation. In these references, *κεφάλαιον* – the occurrence of which may, generally speaking, be a matter of transmission rather than deliberate choice – seems to allude to the subdivision of e.g. Digest titles into fragments or Codex titles into constitutions.<sup>10</sup> In the context of IPc, however, the term *κεφάλαιον* undoubtedly refers to a chapter from the Basilica. First, the uninterrupted rising sequence in the counting of *κεφάλαια* within any Basilica title in IPc makes this very clear. In B. 45,1, for instance, we come across the *κεφάλαιον* numbers  $\alpha'$ ,  $\iota'$ ,  $\iota\beta'$ ,  $\iota\gamma'$ ,  $\iota\delta'$ ,  $\kappa\zeta'$ ,  $\lambda\beta'$ ,  $\lambda\zeta'$ ,  $\mu'$ ,<sup>11</sup> and so on, in an uninterrupted rising sequence. If the term *κεφάλαιον* were used to denote e.g. Digest fragments, one might expect the chapter number  $\alpha'$  to occur more often, as in B. 45,1 the fragments from D. 38,6 commence with D. 38,6,1, those from D. 38,12 with D. 38,12,1, those from D. 38,16 with D. 38,16,1,<sup>12</sup> and so on. But the number  $\alpha'$  occurs only once. Clearly, IPc uses the term *κεφάλαιον* in the meaning of Basilica chapter, thus marking the beginning of a new series of text fragments originating from one and the same title from the Digest or the Code, or from one of Justinian's Novels. Second, IPc mentions only titles from the Digest and the Code, omitting references to individual fragments and constitutions. However, there is an exception to this. Constitutions from C. 6,62 occur on two locations in B. 45,1. At the first occurrence, it concerns only one constitution. In a note, IPc refers to this constitution by using the term *διάταξις*. The relevant part of the note reads:  $\beta\iota\beta. \zeta' \tau\omicron\upsilon \text{Κωδ. τιτ. ξβ'} \text{διατ. β' μόνη}$ .<sup>13</sup> Here, the term *διάταξις* is in contrast with the phrase *κεφάλαιον*. References to a subdivision of the text of the Novels occur more frequently in IPc. When mentioning this subdivision, the index uses the term *διαίρεσις*.<sup>14</sup> We come across this phrase – each time followed by numbers – in the lines 50 (Nov. 118), 74 (Nov. 117), 96 (Nov. 52), 98 (Nov. 162), 109 (Nov. 87), 222 (Nov. 78), 225 (Nov. 119), 317 (Nov. 18), and, finally, 340 (again Nov. 119). The occurrence of the terms

<sup>10</sup> Cf. e.g. BS 2810/4 (sch. Pc 1§ ad B. 48,1 rubr.):  $\beta\iota\beta. \tau\omicron\upsilon\upsilon \Delta\iota\gamma. \mu' \text{τιτ. } \alpha' \text{ κεφ. } \alpha'$  'Book 40 of the Digest, title 1, chapter 1'. On the use of the term *κεφάλαιον* in general, cf. H.J. Scheltema, 'Subseciva. III. Die Verweisungen bei den frühbyzantinischen Rechtsgelehrten', *TRG* 30 (1962), pp. 355-357 (356) (repr. in: N. van der Wal/J.H.A. Lokin/B.H. Stolte/R. Meijering, [collegerunt], *H.J. Scheltema Opera minora ad iuris historiam pertinentia*, Groningen 2004, pp. 116-118 (117)); cf. also B.H. Stolte, 'Further to understanding the marginal gloss of the corrector ordinarius in the codex Florentinus on fol. 439r', *TRG* 73 (2005), pp. 385-389 (386-387). On the use of the term *κεφάλαιον* in the source references in the Parisinus 1349, cf. Th.E. van Bochove, 'Scholia and Index titulorum. On the relation between the apparatus of scholia in cod. Paris. gr. 1349 and IPc', *SG VIII* (the present volume), § 4.2.

<sup>11</sup> IPc 3, 5, 7, 10, 12, 15, 18, 21 and 24 resp..

<sup>12</sup> Cf. BT 2071/5, 2073/20, 2074/8 resp..

<sup>13</sup> IPc 8-9. Transl.: 'book 6 of the Code, title 62, constitution 2 only'. In l. 29, IPc again alludes to C. 6,62.

<sup>14</sup> On the term *διαίρεσις*, cf. Th.E. van Bochove, 'ΔΙΑΙΡΕΣΙΣ. ICb 2 and the Incorporation of Justinian's Novels into the Text of the Basilica', *SG VII* (2001), pp. 45-89 (passim).

διάταξις and διαίρεσις – the former referring to the subdivision of Codex titles into constitutions, the latter to that of Novels into smaller text units – argues against the notion that IPc would use the phrase *κεφάλαιον* in order to allude to subdivisions of the text of the various parts of the Justinian legislation.<sup>15</sup>

3. With regard to the second above question – viz. the issue whether or not IPc is more than just a simple *πίναξ* of the Basilica in cod. Paris. gr. 1349 – it can be observed that there are considerable differences between the index on the one hand and the Basilica as transmitted by the Parisinus on the other.

3.1 The most important difference is, of course, the fact that IPc covers B. 45 up to and including B. 50, whereas Pc “merely” hands down B. 45 – B. 48, accompanied by scholia. This fact has already been known for a long time.<sup>16</sup> It remains uncertain how this combination of Basilica texts in the Parisinus 1349 came about. Pringsheim once argued that IPc originally did not belong to the text of the Basilica in Pc, but was copied from a prototype covering more.<sup>17</sup> That may very well be the case, but it is at present impossible to substantiate this claim. The same goes for Pringsheim’s suggestion that IPc might originate from a Basilica manuscript now lost, the so-called codex Ridolfi.<sup>18</sup> Ultimately, this suggestion cannot be verified. The most important thing, however, is that IPc covers more Basilica books than Pc hands down. This adds greatly to the value of IPc.

<sup>15</sup> On the occurrence of the phrase *κεφάλαιον* in IPc, cf. § 5.2, § 5.4 and § 5.6 below; cf. also Van Bochove, ‘Scholia and Index titulorum’, § 4.2.

<sup>16</sup> Cf. again RHBR, I, No. 162, pos. 1 and pos. 2; Heimbach, *Prolegomena*, p. 170 n. 102; cf. also J.A.B. Mortreuil, *Histoire du droit Byzantin ou du droit Romain dans l’empire d’Orient, depuis la mort de Justinien jusqu’à la prise de Constantinople en 1453*, II, Paris 1844 (repr. Osnabrück 1966), p. 199.

<sup>17</sup> Cf. F. Pringsheim, *Zum Plan einer neuen Ausgabe der Basiliken. Begründung ihrer Notwendigkeit und Gesichtspunkte für ihre Herstellung*, (Bericht an die Preußische Akademie der Wissenschaften vom Jahre 1937), [Deutsche Akademie der Wissenschaften zu Berlin. Institut für griechisch-römische Altertumskunde. Berliner byzantinistische Arbeiten, 7], Berlin 1956, p. 30: ‘Der Index ist umfassender als der Text (...); dies spricht dafür, daß er nicht ursprünglich zu diesem Texte gehört hat, sondern aus einem Index, der mehr umfaßte, abgeschrieben ist’.

<sup>18</sup> Cf. Pringsheim, *Zum Plan*, *ibid.*: ‘Auch dies spricht dafür, daß der Index nicht zum Text gehört, sondern anderswoher entnommen ist (vielleicht aus dem verlorenen Cod. Ridolfi (...))’. Originally, this manuscript was part of the library of Cardinal Nicolò Ridolfi. After the death of the Cardinal in 1550, it was acquired by Strozzi and eventually transported to France where it ended up in the library of Queen Catharine de Medici (1519-1589). In all probability, the manuscript contained the books 46 – 60 of the Basilica (text without scholia); it was used by Jacques Cujat (1522-1590) for his commentary on the final three books of the Code of Justinian (*Ad tres postremos Codicis Justiniani libros commentarii*, 1562). The manuscript was lost ca. 1571. For all this, cf. Mortreuil, *Histoire*, II, pp. 199-203 and 433-434; Heimbach, *Prolegomena*, pp. 171-172 and 177-180; H.J. Scheltema/N. van der Wal, [edd.], *Basilicorum Libri LX*, Series A Volumen VII: Textus librorum LIII – LIX, Groningen/s-Gravenhage 1974, pp. xviii – xix.

**3.2** A second major difference emerges from the respective numbers of title rubrics: IPc transmits 120 rubrics, while the text of the Basilica in Pc hands down 38. Is it possible to explain this numerical difference? Of course, part of the difference may be accounted for by the fact that IPc covers six Basilica books, whereas Pc hands down four, but this cannot entirely explain why IPc transmits thrice as many rubrics as the main text of Pc. The main reason for this is the fact that IPc contains Corpus iuris title rubrics. It has already been pointed out that the index provides an accurate description of the contents of each title of B. 45 – B. 50 by enumerating the constituent parts of those titles: source references to the Justinian legislation, each time preceded by Greek versions of title rubrics from the Digest and the Code and by original rubrics from the Novels. By way of contrast, the main text of Pc transmits Basilica title rubrics. Because of this, any comparison between the rubrics in IPc and those in the main text of Pc should be made with caution. Comparison is nevertheless possible. Sometimes, a Basilica title consists of only one Corpus iuris title: in such a case, a Greek version of the original Corpus iuris title rubric may function as the rubric of the Basilica title. It also happens that a Greek version of the rubric of the first title from the Digest or the Code – or the rubric of the first Novel – occurring in a Basilica title serves as the rubric of that Basilica title. And sometimes a Basilica title rubric is a composite entity consisting of a number of Greek versions of Corpus iuris rubrics.

Comparison between the rubrics in the main text of Pc and those in IPc is possible in altogether 45 instances: in B. 45 – B. 48, Pc transmits 38 Basilica title rubrics, seven of which are composite. In 22 cases, there is full textual agreement.<sup>19</sup> Minor divergencies occur in fifteen instances. These divergencies may consist of minor textual variants (three cases),<sup>20</sup> shorter or longer additions (ten cases),<sup>21</sup> or a combination of both (two cases).<sup>22</sup> Major divergencies occur in eight instances. In these cases, the rubrics – which will be

<sup>19</sup> B. 45,2 rubr.: BT 2089/3 (Pc, f. 23<sup>v</sup>) = IPc 32; B. 45,3 rubr.: BT 2097/3-4 (Pc, f. 30<sup>v</sup>) = IPc 47; B. 45,5 rubr.: BT 2114/3-4 (Pc, f. 47<sup>v</sup>) = IPc 62; B. 45,6 rubr.: BT 2115/3-4 (Pc, f. 48<sup>r</sup>) = IPc 69; B. 46,2 rubr.: BT 2121/3 (Pc, f. 52<sup>v</sup>) = IPc 81; B. 46,3 rubr.: BT 2124/3 (Pc, f. 55<sup>r</sup>) = IPc 84; B. 47,1 rubr.: BT 2127/4 (Pc, f. 57<sup>v</sup>) = IPc 88; B. 47,3 rubr.: BT 2148/3 (Pc, f. 77<sup>v</sup>) = IPc 104; B. 48,2 rubr.: BT 2162/3 (Pc, f. 91<sup>r</sup>) = IPc 116; B. 48,3 rubr.: BT 2166/3 (Pc, f. 95<sup>r</sup>) = IPc 121; B. 48,5 rubr.: BT 2198/3 (Pc, f. 134<sup>v</sup>) = IPc 131; B. 48,6 rubr.: BT 2211/3 (Pc, f. 151<sup>v</sup>) = IPc 136; B. 48,7 rubr.: BT 2213/3 and 4-5 (Pc, f. 152<sup>v</sup>) = IPc 139-140; B. 48,8 rubr.: BT 2219/3 (Pc, f. 159<sup>v</sup>) = IPc 146; B. 48,11 rubr.: BT 2231/3 (Pc, f. 173<sup>v</sup>) = IPc 159; B. 48,16 rubr.: BT 2245/3 (Pc, f. 186<sup>r</sup>) = IPc 184; B. 48,17 rubr.: BT 2247/3 (Pc, f. 187<sup>v</sup>) = IPc 187; B. 48,18 rubr.: BT 2248/3 (Pc, f. 188<sup>v</sup>) = IPc 190; B. 48,19 rubr.: BT 2249/3 (Pc, f. 189<sup>r</sup>) = IPc 193; B. 48,24 rubr.: BT 2263/3-4 (Pc, f. 203<sup>r</sup>; cf. BT 2263 app.) = IPc 212; B. 48,25 rubr.: BT 2264/3 (Pc, f. 203<sup>v</sup>) = IPc 218; B. 48,26 rubr.: BT 2266/3-4 (Pc, f. 204<sup>r</sup>) = IPc 221-222.

<sup>20</sup> B. 48,4 rubr.: BT 2179/3 (Pc, f. 109<sup>v</sup>) ≠ IPc 128; B. 48,9 rubr.: BT 2227/3 (Pc, f. 169<sup>r</sup>) ≠ IPc 149; B. 48,14 rubr.: BT 2240/3-4 (Pc, f. 180<sup>r</sup>) ≠ IPc 172.

<sup>21</sup> B. 45,4 rubr.: BT 2104/3 (Pc, f. 36<sup>v</sup>) ≠ IPc 55; B. 46,1 rubr.: BT 2117/4-5 (Pc, f. 49<sup>v</sup>) ≠ IPc 78; B. 47,2 rubr.: BT 2146/3 (Pc, f. 75<sup>v</sup>) ≠ IPc 101; B. 48,1 rubr.: BT 2158/4 (Pc, f. 87<sup>r</sup>) ≠ IPc 113; B. 48,5 rubr.: BT 2198/3-4 (Pc, f. 134<sup>r</sup>) ≠ IPc 133; B. 48,7 rubr.: BT 2213/3-4 (Pc, f. 152<sup>v</sup>) ≠ IPc 142; B. 48,10 rubr.: BT 2228/3 (Pc, f. 170<sup>r</sup>) ≠ IPc 154; B. 48,13 rubr.: BT 2236/3-4 (Pc, f. 176<sup>v</sup>) ≠ IPc 169; B. 48,14 rubr.: BT 2240/4 (Pc, f. 180<sup>r</sup>) ≠ IPc 177; B. 48,21 rubr.: BT 2258/3 (Pc, f. 198<sup>r</sup>) ≠ IPc 200.

<sup>22</sup> B. 45,1 rubr.: BT 2071/4 (Pc, f. 7<sup>r</sup>) ≠ IPc 4; B. 48,3 rubr.: BT 2166/4 (Pc, f. 95<sup>r</sup>) ≠ IPc 124.

quoted in full – show limited textual correspondence; however, they are related as regards contents:

- (1) B. 45,3 rubr.: BT 2097/4-5 (Pc, f. 30<sup>v</sup>) καὶ ὅτι ἴσως κληρονομοῦσιν οἱ ἐξ ἀρρενογονίας καὶ θηλυγονίας συγγενεῖς ↔ IPc 49-50 <διάταξις> ἀναιροῦσα τὰ ἀδυνατικά καὶ τὰ κογνατικά <δίκαια> καὶ τυποῦσα τὰς ἐξ ἀδιαθέτου κλήσεις.<sup>23</sup>
- (2) B. 48,12 rubr.: BT 2234/3-4 (Pc, f. 175<sup>v</sup>) περὶ συμπαιγνίας ἀπελεγχομένης καὶ περὶ τῶν ἐν ἐκκλησίᾳ ἐλευθεροῦντων ↔ IPc 165 ὅτε κατὰ συμπαιγνίαν τοῦ δεσπότη ἐλεύθερος ὁ δοῦλος κριθῇ καὶ τοῦτο ὑποδειχθῇ.<sup>24</sup>
- (3) B. 48,15 rubr.: BT 2243/3 (Pc, f. 185<sup>r</sup>) περὶ δούλου ἐνεχυροδοσίας ἀπελευθερώσεως ↔ IPc 180 περὶ προικιμαίων δούλων τῶν ὑποκειμένων εἰς ἐνέχυρον, εἰ ἐλευθεροῦνται.<sup>25</sup>
- (4) B. 48,20 rubr.: BT 2251/3 (Pc, f. 191<sup>r</sup>) περὶ ἐλευθέρου πράγματος ↔ IPc 196 περὶ τρόπων ἐλευθερίας καὶ εὐγενείας καὶ περὶ καταστατικῶν ὑποθέσεων.<sup>26</sup>
- (5) B. 48,22 rubr.: BT 2259/3 (Pc, f. 200<sup>r</sup>) περὶ τάξεως διαγνώσεων ↔ IPc 204 περὶ τοῦ εἰ συνεμπέσῃ τῷ καταστατικῷ καὶ ἔτερον ζητήμα· ποῖον δεῖ πρῶτον κριθῆναι.<sup>27</sup>
- (6) B. 48,23 rubr.: BT 2262/3 (Pc, f. 202<sup>v</sup>) περὶ συνδυασμοῦ ἀναφανέντος ↔ IPc 208 περὶ τοῦ συμφθορέντος τῇ δεσποίνῃ οἰκέτου καὶ περὶ ἀπελευθέρων.<sup>28</sup>
- (7) B. 48,24 rubr.: BT 2263/4 (Pc, f. 203<sup>r</sup>) (καὶ) περὶ πεκουλίου τοῦ ἐλευθερίας ἀξιοθέντος ↔ IPc 215 περὶ πεκουλίων οἰκετῶν καὶ ἐλευθερωθέντων.<sup>29</sup>
- (8) B. 48,26 rubr.: BT 2266/4-5 (Pc, f. 204<sup>r</sup>) (καὶ) περὶ τῶν ἐξ ἐλευθέρας καὶ ἀναπογράφου τιτομένων ↔ IPc 227 περὶ τῆς μεριζομένης γονῆς τῶν γεωργῶν.<sup>30</sup>

**3.3** A third and final – rather striking – difference between IPc and the text of the Basilica as handed down by cod. Paris. gr. 1349 occurs in B. 48,26. The Parisinus transmits this Basilica title on the ff. 204<sup>r</sup> – 206<sup>v</sup>.<sup>31</sup> The text of the title consists of text units stemming

<sup>23</sup> Transl: ‘cognate relatives of male descent and of female descent shall inherit equally’ (BT), ‘constitution abolishing (the difference between) the agnatic and the cognatic rights, and regulating the intestate successions’ (IPc).

<sup>24</sup> Transl: ‘exposure of collusion and those who manumit in church’ (BT), ‘when a slave is judged free in collusion with his master, and this is discovered’ (IPc).

<sup>25</sup> Transl: ‘manumission of a slave given in pledge’ (BT), ‘dotal slaves on whom is established a (non-possessory) pledge: if they are manumitted’ (IPc).

<sup>26</sup> Transl: ‘lawsuit concerning freedom’ (BT), ‘modes of freedom and of being freeborn, and lawsuits concerning personal status’ (IPc).

<sup>27</sup> Transl: ‘order of judicial inquiries’ (BT), ‘if a second judicial inquiry coincides with the one concerning personal status, which case must be decided first’ (IPc).

<sup>28</sup> Transl: ‘collusion coming to light’ (BT), ‘the slave who has had sexual intercourse with his mistress, and on freed-men’ (IPc).

<sup>29</sup> Transl: ‘(and) the property of him who has deserved freedom’ (BT), ‘property owned by slaves and by freedmen’ (IPc).

<sup>30</sup> Transl: ‘(and) those who are born from a free woman and an adscripticius (serf)’ (BT), ‘division of the offspring of coloni (serfs)’ (IPc).

<sup>31</sup> The text of B. 48,26 is also handed down by cod. Paris. gr. 1357 (Pd), the Collection of 168 Novels (Nov.), and partly by the Synopsis Basilicorum Major (Syn.); cf. BT 2266 – 2269 app. crit. and app. test., and Scheltema/Van der Wal, *Basilicorum libri LX*, A VI, pp. ix, xi and xiii. Pc and Pd transmit

from three different Novels: B. 48,26,1 is derived from Nov. 78 cc. 1 and 2, B. 48,26,2 originates from Nov. 119 c. 2, while Nov. 162 cc. 2 §1, and 3 underlie B. 48,26,3.<sup>32</sup> This state of affairs is explicitly confirmed by three scholia in Pc: in the right margin of f. 204<sup>r</sup> we read *νεαρχά οη' διατ. α'*, in the left margin of f. 205<sup>v</sup> *νεαρχά ριθ' κεφ. γ'*, and, finally, in the left margin of the same folio *νεαρχά ρξβ' διατ. β' θεμ. β'*.<sup>33</sup> These three scholia are written right beside the Basilica chapters to which they pertain: they can be characterized as regular source references denoting the origin of the texts concerned. Thus, it would seem certain that Nov. 162 is a constituent part of the text of B. 48,26. However, IPc does not list Nov. 162 as one of the sources underlying the text of B. 48,26. For this title, the index does refer to the Novv. 78 and 119,<sup>34</sup> but immediately after these references IPc continues with the note *κεφάλαιον γ'· περι τῆς μεριζομένης γονῆς τῶν γεωργῶν νε. ρνς' ἢ ὅλη νεαρχά*.<sup>35</sup> Instead of Nov. 162, then, IPc clearly regards Nov. 156 as the source underlying the final chapter of B. 48,26, thus opposing the main text of the Basilica title in Pc, including its scholia.<sup>36</sup>

**3.4** The above differences clearly demonstrate that IPc is not a simple *πίναξ* of the Basilica in cod. Paris. gr. 1349: evidently, the index is not based on the main text of the Basilica in Pc. The differences also argue against the notion that the Basilica text in Pc and IPc, or rather – as Pc dates from the eleventh century – their ultimate exemplars, were originally written by one and the same scribe. If this had been the case, one might have expected close correspondence rather than the above considerable differences. What remains is a third and final possibility: the ultimate exemplars of IPc and the Basilica in Pc were probably written independently from one another, viz. by different scribes. Thus, it would seem possible that the ultimate exemplar of IPc originated prior to the ultimate exemplar of the Basilica in Pc. Be that as it may, a critical edition of IPc itself is well

the text of B. 48,26 directly, whereas Nov. is the source underlying the Basilica title; on the latter issue, cf. the main text. Syn. E XV,14 is an indirect testimony for the text of B. 48,26,2. On Pd, dating from the sixteenth century, cf. RHBR, I, No. 171.

<sup>32</sup> Cf. BT 2266/6, 2267/27 and 2268/5.

<sup>33</sup> BS 3019/4 (sch. Pc 1\* ad B. 48,26 rubr.), transl.: 'Novel 78, constitution 1'; BS 3019/20 (sch. Pc 2\* ad B. 48,26,2 = Nov. 119 c. 2), transl.: 'Novel 119, chapter 3'; BS 3020/3 (sch. Pc 2\* ad B. 48,26,3 = Nov. 162 cc. 2§1. 3), transl.: 'Novel 162, constitution 2, paragraph 2', resp.. The phrase *διατ.* occurring in the first and third scholion is perhaps to be read as *διατάξεις*; cf. BS 3019 app. ad l. 4 *διατ.* and BS 3020 app. ad l. 3 *διατ.*.

<sup>34</sup> Cf. IPc 220-225.

<sup>35</sup> IPc 226-227. Transl.: 'chapter 3: division of the offspring of coloni (serfs); Novel 156, the entire Novel'. It should be noted that IPc does mention Nov. 162 in l. 98, as constituent part of B. 47,1.

<sup>36</sup> Nov. 156 and Nov. 162 c. 2§1 and c. 3 deal with the same subject matter, viz. the partition of the offspring of *coloni adscripticii* (serfs); cf. SK 733/1-16 and 748/15-749/11 (for SK, see the following note); cf. also N. van der Wal, *Manuale Novellarum Justiniani. Aperçu systématique du contenu des Nouvelles de Justinien*, Groningue 1998<sup>2</sup>, Nos. 407 and 408. At present, we can only guess at the cause why the Basilica text itself hands down Nov. 162 whereas IPc refers to Nov. 156. On the Novv. 156 and 162, cf. also § 4.2 (1) below.

justified, if only for the large quantity of Greek versions of Corpus iuris title rubrics in this index titulorum of the Basilica.

4. Is it possible to be more specific as to when the ultimate exemplar of IPc was written? Sadly, IPc does not yield direct evidence with regard to its dating. There is, however, enough circumstantial evidence which allows us to postulate a date for the ultimate exemplar of IPc in the later ninth century.

4.1 The first set of evidence can be derived from references to the Novels in IPc. The Novels of Justinian have mainly come down to us in the form of the Collection of 168 Novels, and are accessible in the standard edition of that Collection prepared by Schöll and Kroll.<sup>37</sup> The text of the Novels has mainly been transmitted by two manuscripts, viz. the codd. Marc. gr. 179 and Laurent. plut. 80.4.<sup>38</sup> In its presentation of the text of the Collection, L strongly deviates from M: in the Laurentianus, the text has been altered by the omission of complete Novels and of minor text portions, by modifications and by transpositions of passages from one Novel to another. All omissions, modifications and transpositions taken together show, that the text of the Collection has undergone some sort of systematic update, aiming at the elimination of useless repetitions and of passages containing rules abrogated by more recent Novels. Apparently, the author of the text version represented by L wanted to produce a compilation of Novels that exclusively contained valid rules of law. The text version of the Collection in the Laurentianus constitutes a separate recension, in what follows to be designated as recension L.<sup>39</sup>

Recension L of the Collection of 168 Novels underlies the Novel part of IPc:<sup>40</sup> the index provides solid evidence to that effect.

(1) The first piece of evidence can be found in the reference to Nov. 118, which occurs in B. 45,3. The relevant passage reads: κεφάλαιον η' <διάταξις> ἀναιρουῦσα τὰ ἀδυνατικά καὶ τὰ κογνατικά <δίκαια> καὶ τυποῦσα τὰς ἐξ ἀδιαθέτου κλήσεις· νε. ριη' διαίρεσις α', β',

<sup>37</sup> R. Schöll/G. Kroll, [edd.], *Novellae*, [Corpus iuris civilis (editio stereotypa secunda), III], Berlin 1899 (many reprints). In what follows, this edition will be referred to as SK. The Novels will be quoted after page and line.

<sup>38</sup> On the Marcianus (= M), dating from the end of the twelfth / beginning of the thirteenth centuries, cf. RHBR, I, No. 296; SK, pp. viii-x. On the Laurentianus (= L), dating from the second half of the thirteenth century, cf. RHBR, I, No. 67; SK, p. x. For a complete listing of all manuscripts handing down (parts of) Novels, cf. RHBR, I, pp. 408-409.

<sup>39</sup> For all this, cf. Van Bochove, 'Incorporation of Justinian's Novels', pp. 56 and 76; on recension L of the Collection of 168 Novels in general, cf. N. van der Wal, 'La version florentine de la Collection des 168 Novelles', *TRG* 49 (1981), pp. 149-158. For all the relevant details, cf. pp. 150-151 (omission of complete Novels; a list of the omitted minor passages occurs in p. 150 n. 4), pp. 151-152 (transposition of passages from one Novel to another), and p. 152 (modifications).

<sup>40</sup> It goes without saying that the scribe of Pc cannot have drawn directly on L with regard to the Novel part of both IPc and the main text of the Basilica in Pc, as L dates from the second half of the thirteenth century, whereas Pc was written in the eleventh.



γ', δ', ε', ς', ζ', η'.<sup>41</sup> The Greek rubric of Nov. 118 exists in a number of versions. In the Breviary of Justinian's Novels compiled by the lawyer Theodore of Hermoupolis we read: *περὶ ἰσότητος ἀγνατικῶν καὶ cognaticῶν δικαίων*.<sup>42</sup> In the Syntagma of Justinian's Novels compiled by Athanasios Scholastikos of Emesa, the rubric reads: *ἡ διάταξις ἀναιροῦσα τὰ ἀδγνατικά <δίκαια> καὶ τυποῦσα τὰς ἐξ ἀδιαθέτου κλήσεις*.<sup>43</sup> In the Collection of 168 Novels itself, the rubric reads: *διάταξις ἀναιροῦσα τὰ adgnaticὰ δίκαια καὶ τυποῦσα τὰς ἐξ ἀδιαθέτου κλήσεις*.<sup>44</sup> The latter two rubrics correspond nearly completely with the rubric of Nov. 118 in IPc, with one very important exception: in its version of the rubric, IPc hands down the phrase *καὶ τὰ κογνατικά*, whereas these words are lacking in both Athanasios and the Collection. Consultation of the critical apparatus of Nov. 118 rubr. in SK shows that the phrase *καὶ τὰ κογνατικά* does occur as a variant reading in cod. Laurent. plut. 80.4, and only there.<sup>45</sup> In view of this, it would seem quite certain that the rubric of Nov. 118 in recension L of the Collection of 168 Novels underlies the rubric of Nov. 118 in IPc. It is true that the version of the rubric in the Breviary contains the phrase *cognaticῶν δικαίων*, but otherwise Theodore's rubric deviates too much from its counterpart in IPc.

(2) The second piece of evidence can be obtained from the reference to Nov. 164, which occurs in B. 45,3 as well. In IPc, we read: *κεφάλαιον θ'· περὶ κληρονόμων* νε. ρξδ' ἡ ὅλη νεαρά.<sup>46</sup> In the Collection of 168 Novels itself, the rubric of Nov. 164 reads: *περὶ κληρονομιῶν*.<sup>47</sup> Reading the critical apparatus pertaining to this rubric shows that the phrase *κληρονόμων* is handed down by index L and by manuscript 1.<sup>48</sup> Index L is a *πίναξ* of the rubrics of the Novels, transmitted in the Laurentianus on the ff. 1<sup>r</sup> – 2<sup>v</sup>, directly preceding the text of the Novels. The beginning of the index is lacking: it commences in

<sup>41</sup> IPc 48-50. Transl.: 'chapter 8: constitution abolishing (the difference between) the agnatic and the cognatic rights, and regulating the intestate successions; Novel 118, sections 1, 2, 3, 4, 5, 6, 7, 8'.

<sup>42</sup> Theod. 118 rubr. (ed. C.E. Zachariae, *Ἀνέκδοτα*, Leipzig 1843 (repr. Aalen 1969), p. 117. Transl.: 'Equality of agnatic and cognatic rights'. Cf. also SK 567 app. ad l. 2 rubr.. On Theodore Scholastikos of Hermoupolis – second half of the sixth century –, and on his work in general, cf. Van Bochove, 'Incorporation of Justinian's Novels', pp. 63-64 with further references.

<sup>43</sup> Athan. 9,10 rubr. (ed. D. Simon/Sp. Troianos, [edd.], *Das Novellensyntagma des Athanasios von Emesa*, [Forschungen zur byzantinischen Rechtsgeschichte, Band 16], Frankfurt/M. 1989, p. 286/13-14). Transl.: 'the constitution abolishing the agnatic rights, and regulating the intestate successions'. Cf. also SK 567 app. ad ll. 2-5. On Athanasios of Emesa – second half of the sixth century –, and on his work in general, cf. Van Bochove, 'Incorporation of Justinian's Novels', pp. 48-49 with further references.

<sup>44</sup> Nov. 118 rubr. (SK 567/2-5). Transl.: 'constitution abolishing the agnatic rights, and regulating the intestate successions'.

<sup>45</sup> Cf. SK 567 app. ad l. 3 adgnaticā: ἀδγνατικά (ἀγνατικά ind.) Ath. adgnaticā (aonaticā ind.) καὶ cognaticā L'.

<sup>46</sup> IPc 51-52. Transl.: 'chapter 9: heirs; Novel 164, the entire Novel'.

<sup>47</sup> Nov. 164 rubr. (SK 751/16). Transl.: 'inheritances'. Ultimately, this rubric stems from Theodore's Breviary; cf. SK 751 app. ad l. 16; cf. also Theod. 164 rubr. (ed. Zachariae, *Ἀνέκδοτα*, p. 164). After the rubric, Theodore continues: *Ἰουστίνου καὶ Τιβερτίου* '(Novel) of (the emperors) Justin and Tiberius'.

<sup>48</sup> Cf. SK 751 app. ad l. 16: *περὶ κληρονομιῶν (...)] περὶ κληρονόμων* l, ind. L'.

the middle of the text of the rubric of Nov. 52.<sup>49</sup> The siglum I was used by SK in order to designate cod. Bonon. bibl. commun. B. IV. 67. This manuscript, the present day cod. Bonon. B 1419, is a direct copy of the Laurentianus 80.4, and was written *ca.* 1505. For their edition of the second half of Nov. 163 and the Novv. 164 – 167, Schöll and Kroll had to rely on this copy of Laurentianus, as the final part of L itself – viz. the quires κε' and κς', among others containing the just mentioned text portion – was lost during the years 1542 – 1544. In 1952, the two quires of the Laurentianus were found again: in that year, the first sixteen leaves of cod. Leid. Periz. F. 35 were positively identified as the missing final part of L.<sup>50</sup> In the case at hand – the rubric of Nov. 164 –, we can be quite certain of the transmission of the phrase κληρονόμων in both I and the Laurentianus/ Perizonianus: Holwerda's comparison of the text in I with that in its direct exemplar gives no reason to doubt this conclusion.<sup>51</sup> Even more important than the issue of the variant readings κληρονόμων / κληρονομίων is the mere reference to Nov. 164 in IPc. For, from the apparatus testimoniorum in SK it appears that this Novel has only been handed down by I / L: cod. Marc. gr. 179 omits this Novel altogether.<sup>52</sup> The reference to Nov. 164 can be regarded as a clear indication that recension L of the Collection of 168 Novels underlies the Novel part of IPc.

(3) The third piece of evidence is to be found in the reference to Nov. 36, which occurs in B. 45,6. In IPc, the relevant passage reads: κεφάλαιον β'· περὶ τῶν ἐν Ἀφρικῇ διαδόχων· νε. λς' ἢ ἕλη νεαρά.<sup>53</sup> Nov. 36 was originally issued in Latin. Consultation of the apparatus testimoniorum pertaining to this Novel in SK shows that the Marcianus omits Nov. 36 altogether, whereas the Laurentianus hands down the Greek version of Theodore. The same version also ended up in the text of the Basilica.<sup>54</sup> The way in which this came about is in short as follows. The Latin Novel 36 – promulgated by Justinian in the year 535 – did indeed belong to the original Collection of 168 Novels. At a moment which can no longer be specified, it was substituted by its Greek summary from Theodore's Breviary.<sup>55</sup> But this

<sup>49</sup> Cf. SK, p. x; RHBR, I, No. 67, pos. 1.

<sup>50</sup> For all this, cf. SK, p. x; K.A. de Meyier, 'Découverte de la dernière partie du manuscrit florentin des Nouvelles de Justinien', *Scriptorium* 6 (1952), pp. 89-91; D. Simon, 'Handschriftenstudien zur byzantinischen Rechtsgeschichte', *BZ* 71 (1978), pp. 332-348 (337-338); Van der Wal, 'La version florentine', p. 149 n. 3; D. Holwerda, 'Zum neuentdeckten Schlussteil der Florentiner Novellenhandschrift', *SG IV* (1990), pp. 99-104; RHBR, I, Nos. 67, 41 and 95 resp..

<sup>51</sup> Cf. Holwerda, 'Zum neuentdeckten Schlussteil', p. 100.

<sup>52</sup> Cf. SK 751 app. test.: 'Nov. CLXIV (...) Graece tantum extat in I; (...)'; cf. also SK 749 app. test.. On the absence of Nov. 164 in M, and its presence in I / L, cf. finally P. Noailles, *Les collections de nouvelles de l'empereur Justinien*. II: La collection grecque des 168 nouvelles, Paris 1914, pp. 45, 121 and 147.

<sup>53</sup> IPc 70-71. Transl.: 'chapter 2: successors in Africa; Novel 36, the entire Novel'.

<sup>54</sup> Cf. SK 243 app. test.: 'Nov. XXXVI (...) Latine tantum extat. – Epit. Theod. 36 (inde L et B. 45,6,2 (= BT 2115/19-24)), (...)'; cf. also Noailles, *Les collections*, II, pp. 30-31 and 117-118.

<sup>55</sup> On the omission of Latin Novels from the Collection of 168 Novels, and their substitution by Greek summaries (Theodore or Athanasios) in general, cf. for instance Van der Wal, 'La version florentine', p. 149; P. Noailles, *Les collections de nouvelles de l'empereur Justinien*. I: Origine et formation sous

only happened in an ancestor of cod. Laurent. plut. 80.4, viz. the copy of recension L of the Collection of 168 Novels underlying the Novel part of the text of the Basilica. From this copy of recension L, Theod. 36 was incorporated into the text of the Basilica as B. 45,6,2.<sup>56</sup> The same copy of recension L must also have underlain the Novel part of the ultimate exemplar of IPc, as the rubric of Theod. 36 is identical with its counterpart in IPc. In Theodore's Breviary, we read: Νεαρχὸς λς'. Περι τῶν ἐν Ἀφρική διαδόχων.<sup>57</sup>

Recension L of the Collection of 168 Novels was already in existence in the later ninth century. Apart from featuring in the text of the Basilica, the most important characteristic of this recension – viz. the transposition of passages from one Novel to another – can also be observed in the text of both the Prochiron and the Eisagoge.<sup>58</sup> Moreover, recension L has left its traces in ICb 2 as well.<sup>59</sup> The Prochiron and the Eisagoge date from the reign of emperor Basil the Macedonian (867-886): the former law book was issued between 870 and 879, whereas the latter must have been promulgated in the period between 3 March 880 and the summer of 883, probably in the beginning of the period.<sup>60</sup> Finally, the core of the text of ICb 2 precedes Nov. Leon. 78 which was issued between 886 and 899.<sup>61</sup> Recension L predates these three sources. In view of the above, the fact that recension L also underlies the Novel part of IPc may very well indicate an early date for the ultimate exemplar of IPc. However, it goes without saying that the use of recension L in IPc cannot be regarded as conclusive evidence.

Justinien, [Thèse pour le doctorat soutenue devant la Faculté de Droit de Bordeaux], Paris 1912, pp. 124, 179 and 182; N. van der Wal/J.H.A. Lokin, *Historiae iuris graeco-romani delineatio. Les sources du droit byzantin de 300 à 1453*, Groningen 1985, pp. 58-59.

<sup>56</sup> For all this, cf. Van Bochove, 'Incorporation of Justinian's Novels', pp. 81-83 (especially 82-83).

<sup>57</sup> Theod. 36 rubr. (ed. Zachariae, Ἀνέκδοτα, p. 50). Transl.: 'Novel 36. Successors in Africa'. Cf. also SK 243 app. ad l. 18 rubr..

<sup>58</sup> On recension L in the text of the Basilica, and in those of the Prochiron and the Eisagoge, cf. Van der Wal, 'La version florentine', pp. 151, and 153-155; cf. also Van Bochove, 'Incorporation of Justinian's Novels', pp. 76-78.

<sup>59</sup> On recension L underlying the Novel part of ICb 2, cf. Van Bochove, 'Incorporation of Justinian's Novels', pp. 78-80.

<sup>60</sup> On the dates of the Prochiron and the Eisagoge, cf. Th.E. van Bochove, *To Date and Not to Date. On the Date and Status of Byzantine Law Books*, Groningen 1996, pp. 7-81 and 223, *contra* A. Schminck, *Studien zu mittelbyzantinischen Rechtsbüchern*, [Forschungen zur byzantinischen Rechtsgeschichte, Band 13], Frankfurt/M. 1986, pp. 14-15, 62-107 *passim*, and 132, and *pace* A. Schminck, review of Van Bochove, *To Date and Not to Date*, in: *JÖB* 48 (1998), pp. 350-354. Cf. most recently the very detailed discussion of the above mentioned dates and all related problems in the highly stimulating study of J. Signes Codofier/F.J. Andrés Santos, *La Introducción al Derecho (Eisagoge) del Patriarca Focio*, [Nueva Roma. Bibliotheca Graeca et Latina Aevi Posterioris, 28], Madrid 2007, pp. 160-164, 189-267 and 270-274.

<sup>61</sup> On the date of ICb 2, cf. again Van Bochove, 'Index titulorum', pp. 14-15. Recently, Prof. Troianos has published a new edition of the Novels of Leo; cf. Σπ. Τρωϊάνος, *Οι Νεαρχές Λέοντος Α' του Σοφού. Προλεγόμενα, κείμενο, απόδοση στη νεοελληνική, ευρετήρια και επίμετρο, Εκδόσεις Ηρόδοτος, Αθήνα 2007*.

**4.2** The second set of evidence permitting a dating of the ultimate exemplar of IPc to the later ninth century can be derived from the relation between IPc and the Index Coislinianus. The Index Coislinianus, also designated as ICb, is an index titulorum covering the complete text of the Basilica. ICb divides the text of the Basilica into 60 books and the books again into titles. The titles are provided with rubrics. ICb also renders information with regard to the contents of many individual titles by listing their constituent parts: for these titles, the index contains source references – accompanied by rubrics – to the legislation of Justinian. The Index Coislinianus derives its name from the manuscript in which it has been handed down, viz. cod. Coisl. gr. 151.<sup>62</sup> ICb has not been published separately, but can be consulted indirectly via two editions of the Basilica. With regard to the coverage of the first sixteen books of the Basilica, we still have to consult Heimbach's edition. Heimbach had each volume of his edition begin with an index titulorum: each index covered all titles of the Basilica books contained in the main text of the relevant volume. In his critical notes to each index, Heimbach noted variant readings transmitted by the Index Coislinianus, including source references.<sup>63</sup> From B. 17 onwards, the index was used by Scheltema and Van der Wal in establishing the text of the title rubrics of the Basilica: they incorporated variant readings contained in ICb, again including the source references to the legislation of Justinian, into their critical apparatus.<sup>64</sup> In the present article, both Basilica editions will be used in order to quote from ICb.<sup>65</sup>

<sup>62</sup> Cod. Coisl. gr. 151 (siglum Cb) transmits ICb on the ff. 1<sup>r</sup> – 18<sup>r</sup>; cf. RHBR, I, No. 202 (pos. 1). Apart from ICb, the Coislinianus also hands down ICb 2 (cf. § 2 with n. 8 above) and B. 1 – B. 9 (pos. 2). On the Index Coislinianus in general, cf. Van Bochove, 'Index Titulorum', pp. 1-13 *passim*, with further references in n. 6.

<sup>63</sup> Cf. C.W.E. Heimbach, [ed.], *Basilicorum libri LX*, I, Lipsiae 1833, pp. xv – xx (ICb covering B. 1 – B. 12); C.W.E. Heimbach, [ed.], *Basilicorum libri LX*, II, Lipsiae 1840, pp. xiii – xiv (ICb covering B. 13 – B. 16). Heimbach's Basilica edition – though long superseded by the edition of Scheltema, Holwerda and Van der Wal – is becoming gradually accessible in PDF format on the internet. So far, the first two volumes and the two supplements – C.E. Zachariae a Lingenthal, [ed.], *Supplementum editionis Basilicorum Heimbachianae, libros XV – XVIII Basilicorum cum scholiis antiquis integros nec non librum XIX Basilicorum novis auxiliis restitutum continens*, Lipsiae 1846; E.C. Ferrini/J. Mercati, [edd.], *Basilicorum libri LX, Volumen VII. Editionis Basilicorum Heimbachianae supplementum alterum. Reliquias librorum ineditorum ex libro rescripto Ambrosiano*, Lipsiae 1897 – can be consulted directly via <http://www.ledonline.it/rivistadirittoromano>; on Heimbach's edition on the internet, cf. B.H. Stolte, 'Balancing Byzantine Law', *FM XI* (2005), pp. 57-75 (62). On Heimbach's dealings with ICb (and ICb 2), cf. finally Van Bochove, 'Index titulorum', p. 4 n. 15 and pp. 6-7.

<sup>64</sup> Cf. H.J. Scheltema/N. van der Wal, [edd.], *Basilicorum Libri LX. Series A Volumen III: Textus librorum XVII – XXV*, Groningen/'s-Gravenhage 1960, p. x and BT 847. The use of the siglum ICb in order to denote the Index Coislinianus originates from Scheltema and Van der Wal. It should be noted that both the A series – comprising the Basilica text – and the B series – comprising the scholia – of the Groningen edition (viz. BT and BS resp.) have now been incorporated into the Canon of Greek Authors and Works (No. 5065) of the Thesaurus Linguae Graecae databank at Irvine and can be consulted via <http://www.tlg.uci.edu>; cf. Stolte, 'Balancing Byzantine Law', p. 62 n. 18.

<sup>65</sup> The Index Coislinianus will be quoted after book and title of the Basilica, preceded by the siglum ICb and followed by a reference to the relevant page and line with accompanying apparatus criticus of BT,

ICb and IPc show – of course – a good deal of correspondence in their overall character, but sometimes this correspondence is truly striking. In what follows, a number of salient examples will be discussed.

(1) In B. 48,26, ICb reads: τίτλος κς΄· ὥστε τοὺς ἀπελευθέρους τοῦ λοιποῦ μὴ δεῖσθαι δικαίου χρυσῶν δακτυλίων καὶ παλιγγενεσίας καὶ περὶ τῶν ἐξ ἐλευθέρου καὶ ἐναπογράφου τικτομένων· νεαρὰ οἷα διατ. α΄ καὶ νεαρὰ ριθ΄ διαίρεσις β΄ καὶ νεαρὰ ρνς΄.<sup>66</sup> This passage consists of a title rubric and three source references. The rubric is completely identical with its counterpart in BT, and, as such, offers no peculiarities, contrary to the source references. According to ICb, the text of B. 48,26 is composed of text units from the Novv. 78, 119 and 156. However, in the Basilica text itself, and in the scholia we come across Nov. 162 instead of Nov. 156;<sup>67</sup> thus, ICb opposes both BT and BS. In its reference to Nov. 156 as one of the sources underlying the text of B. 48,26, ICb concurs with IPc.<sup>68</sup>

(2) The rubric of B. 50,11 reads: περὶ παραγραφῆς μακροῦ χρόνου δέκα ἢ εἴκοσι ἐτῶν.<sup>69</sup> The passage from ICb pertaining to this Basilica title reads: τίτλος ια΄· περὶ γραφῆς (leg. παραγραφῆς) χρόνου μακροῦ δέκα ἢ εἴκοσιν ἐτῶν· νεαρὰ ιη΄ διατ. (leg. διαίρεσις) ιδ΄ περὶ νομῆς μεταθέσεως ἀπὸ τοῦ ἀρνούμενου ἢ τοῦ ἐλεγχθέντος.<sup>70</sup> With regard to B. 50,11, IPc contains the following passage: τίτλος ια΄, κεφάλαιον α΄· περὶ παραγραφῆς μακροῦ χρόνου δέκα ἢ εἴκοσιν ἐτῶν· βιβ. ζ΄ τοῦ Κωδ. τιτ. λγ΄. Κεφάλαιον ιγ΄· περὶ νομῆς μεταθέσεως ἀπὸ τοῦ ἀρνούμενου ἢ τοῦ ἐλεγχθέντος· νε. ιη΄ διαίρεσις ιδ΄.<sup>71</sup> ICb and IPc are the only sources to contain the reference to Nov. 18 section 14, and the rubric pertaining to this specific section.

(3) The third example of striking correspondence between ICb and IPc occurs in B. 50,13. The rubric of this Basilica title reads: περὶ τετραετίας παραγραφῆς καὶ περὶ πράγματος

or to the relevant note, page and volume of Heimbach's Basilica edition. For convenience's sake, these references will be accompanied by the exact location of the quotation concerned in cod. Coisl. gr. 151 (the siglum Cb, followed by folio and line number).

<sup>66</sup> ICb B. 48,26 (BT 2266/2-5 with app. ad l. 3 ὥστε; Cb, f. 11<sup>v</sup>, ll. 16-18). Transl.: 'title 26: in the future freedmen shall not need the right of gold rings and of natalium restitutio (grant of privileges of a free-born), and those who are born from a free woman and an adscripticius (serf). Novel 78 constitution 1, and Novel 119 section 2, and Novel 156'.

<sup>67</sup> Cf. again BT 2268/5-2269/11, and BS 3020/3 (sch. Pc 2\* ad B. 48,26,3 = Nov. 162 cc. 2§1. 3).

<sup>68</sup> Cf. § 3.3 with the notes 31-36 above.

<sup>69</sup> B. 50,11 rubr. (BT 2369/3). Transl.: 'prescription of long time, comprising ten or twenty years'. The text of this rubric has been transmitted by Pd (= cod. Paris. gr. 1357; cf. n. 31 above), A (= Florilegium Ambrosianum) and Tip. (= Tipucitus). There are some minor variant readings; cf. BT 2369 app. ad l. 3. On the testimonies, cf. Scheltema/Van der Wal, *Basilicorum libri LX*, A VI, pp. v-x.

<sup>70</sup> ICb B. 50,11 (BT 2369/2-3 with app. ad l. 3 παραγραφῆς; Cb, f. 12<sup>r</sup>, ll. 5-7). Transl.: 'title 11: prescription of long time, comprising ten or twenty years; Novel 18, constitution (section) 14: transfer of possession from the person who denies or who is convicted'.

<sup>71</sup> IPc 313-317. Transl.: 'title 11, chapter 1: prescription of long time, comprising ten or twenty years; book 7 of the Code, title 33. Chapter 13: transfer of possession from the person who denies or who is convicted; Novel 18, section 14'.

δεσποτικοῦ ἢ ἐκδίκησις τοῦ χρόνου τῆς παραγραφῆς μὴ παρακινήθῃτω.<sup>72</sup> This rubric is syntactically imperfect: in the second part of the text, we encounter *περὶ* combined with a full size main clause – ἢ ἐκδίκησις ... μὴ παρακινήθῃτω –, instead of a participle in the genitive. Moreover, τοῦ χρόνου is not without problems, either. The testimonies hand down *περὶ*: the words *καὶ περὶ πράγματος δεσποτικοῦ* occur in Pd, A, Tip. and Vat.<sup>73</sup> Τοῦ χρόνου is transmitted by Pd, A (?) and Vat.<sup>74</sup> The testimonies reveal two attempts at mending the faulty rubric of B. 50,13. Tip. omits the phrase ἢ ἐκδίκησις – παρακινήθῃτω altogether,<sup>75</sup> thus producing a rubric that is syntactically correct, but rather vague as regards contents: *περὶ τετραετίας παραγραφῆς καὶ περὶ πράγματος δεσποτικοῦ*. The Vaticanus 2075 reads *παρακινήσεις*, whereas Pd and A transmit *παρακινήθῃτω*.<sup>76</sup> In this way, the Vaticanus renders a rubric which would seem correct, viz. *περὶ τετραετίας παραγραφῆς καὶ περὶ πράγματος δεσποτικοῦ ἢ ἐκδίκησις τοῦ χρόνου τῆς παραγραφῆς μὴ παρακινήσεις*. However, in this rubric it is the phrase ἢ ἐκδίκησις that causes trouble: one would expect τῆς ἐκδικήσεως as the corollary of *παρακινήσεις*. We have to turn to ICb and IPc in order to find out what is really wrong with the text of the rubric of B. 50,13. The passage from ICb pertaining to B. 50,13 reads: τίτλος ιγ'· *περὶ τετραετίας παραγραφῆς καὶ περὶ φύσκου πιπράσκοντος κινήτᾳ ἢ ἀκίνητᾳ τοῦ πράγματος τοῦ δεσποτικοῦ οἴκου ἢ ἐκδίκησις τῷ χρόνῳ τῆς παραγραφῆς μὴ παρακινήθῃτω*.<sup>77</sup> In their critical apparatus pertaining to B. 50,13 rubr., the editors of BT qualified the relevant part of this passage from ICb – *καὶ περὶ φύσκου ... τοῦ δεσποτικοῦ οἴκου* – as *melius*, i.e. better than the text of the rubric as presented by the other testimonies. Scheltema and Van der Wal based this judgement presumably on the fact that the passage presented by ICb is syntactically correct. To be more precise, ICb allows the conclusion that B. 50,13 rubr. lacks a phrase, viz. (*περὶ*) *φύσκου πιπράσκοντος κινήτᾳ ἢ ἀκίνητᾳ τοῦ (πράγματος) τοῦ (δεσποτικοῦ) οἴκου*. This phrase is crucial, for it contains the transition from a *περὶ* c. gen. construction to a full size main clause. The punctuation mark (semicolon) after *ἀκίνητᾳ* is given with good reason, for cod. Coisl. gr. 151 itself has a distinguishing sign at this very spot: in Cb

<sup>72</sup> B. 50,13 rubr. (BT 2374/3-4). Transl.: ‘prescription of four years, and the claim to a thing belonging to the private property of the emperor shall not be disturbed by the term of the prescription’. This translation presents too flattering a picture with regard to B. 50,13 rubr., for it suggests that the rubric is syntactically correct. However, that is not the case; cf. the main text.

<sup>73</sup> Vat. = cod. Vatic. gr. 2075, dating from the end of the tenth / beginning of the eleventh centuries; cf. RHBR, I, No. 249, and Scheltema/Van der Wal, *Basilicorum libri LX*, A VI, p. vii. The Vaticanus reads *δεσποτείας* in stead of *δεσποτικοῦ*. For the other testimonies, cf. n. 69 above.

<sup>74</sup> For all this, cf. BT 2374 app. ad l. 3 *καὶ* – *δεσποτικοῦ*, and app. ad l. 4 τοῦ χρόνου.

<sup>75</sup> Cf. BT 2374 app. ad l. 3 ἢ ἐκδίκησις κτλ.

<sup>76</sup> Cf. BT 2374 app. ad l. 4 *παρακινήθῃτω*. It should be noted that Pd reads *κινήθειτων* in the index titulorum preceding the main text of the Basilica in the manuscript. This index titulorum is IPd; cf. Scheltema/Van der Wal, *Basilicorum libri LX*, A VI, p. vi.

<sup>77</sup> ICb B. 50,13 (BT 2374/2-4 with app. ad l. 3 *καὶ* – *δεσποτικοῦ*, ad l. 4 τοῦ χρόνου, and ad l. 4 *παρακινήθῃτω*; Cb, f. 12<sup>v</sup>, ll. 9-12). Transl.: ‘title 13: prescription of four years, and the fisc selling movables or immovables; the claim to a thing belonging to the imperial house shall not be disturbed by the term of the prescription’.

f. 12<sup>r</sup> l. 11, τοῦ πράγματος is preceded by a plus sign (+), clearly marking the beginning of a new (part of the) sentence. Moreover, ICb reads τῷ χρόνῳ instead of τοῦ χρόνου. The state of affairs presented by ICb is fully confirmed and elaborated by IPc. The passage from the latter index titulorum pertaining to B. 50,13 reads: τίτλος γ', κεφάλαιον α'· περὶ τετραετίας παραγραφῆς καὶ περὶ φίσκου πιπράσκοντος κινήτᾳ ἢ αὐτοκίνητᾳ· βιβ. ζ' τοῦ Κωδ. τιτ. λζ'. Κεφάλαιον δ'· πράγματος τοῦ δεσποτικοῦ οἴκου ἢ ἐκδίκησις τῷ χρόνῳ τῆς παραγραφῆς μὴ παρακινήθῃτω· βιβ. ζ' τοῦ Κωδ. τιτ. λη'.<sup>78</sup> Just like ICb, IPc hands down the words that are missing from the rubric of B. 50,13.<sup>79</sup> But there is more to this: after αὐτοκίνητα, IPc contains a source reference indicating that the phrase περὶ τετραετίας παραγραφῆς καὶ περὶ φίσκου πιπράσκοντος κινήτᾳ ἢ αὐτοκίνητα is a Greek version of the rubric of C. 7,37.<sup>80</sup> In the final part of the passage pertaining to B. 50,13, IPc hands down a second source reference demonstrating that the phrase πράγματος τοῦ δεσποτικοῦ οἴκου ἢ ἐκδίκησις τῷ χρόνῳ τῆς παραγραφῆς μὴ παρακινήθῃτω is a Greek rendering of the rubric of C. 7,38.<sup>81</sup> In this phrase, IPc reads τῷ χρόνῳ, once more corroborating ICb. In the case at hand, ICb and IPc – while strongly opposing the rubric of B. 50,13 – are clearly closely related, although IPc is more precise than ICb because of the fact that it mentions Basilica chapters – κεφάλαια – and contains source references.

(4) The fourth and final example occurs in B. 50,15. The rubric of this Basilica title reads: περὶ ἐνιαυσιαίας ὑπεξαίρεσως τοῦ Ἰταλικοῦ συναλλάγματος ἀναιρουμένης καὶ περὶ διαφόρων χρόνων καὶ ὑπεξαίρεσεων καὶ παραγραφῶν καὶ τῶν διακοπῶν αὐτῶν.<sup>82</sup> This

<sup>78</sup> IPc 323-329. Transl.: 'title 13, chapter 1: prescription of four years, and the fisc selling movables or things moving by themselves; book 7 of the Code, title 37. Chapter 4: the claim to a thing belonging to the imperial house shall not be disturbed by the term of the prescription; book 7 of the Code, title 38'.

<sup>79</sup> The only textual difference is that ICb reads ἀκίνητα, whereas IPc reads αὐτοκίνητα.

<sup>80</sup> Cf. C. 7,37 rubr.: *De quadriennii praescriptione* 'prescription of four years'. The Greek version of this rubric is more extensive than its Latin original. The phrase περὶ φίσκου πιπράσκοντος κινήτᾳ ἢ ἀκίνητα / αὐτοκίνητα may well be inspired by a passage from the Greek version of C. 7,37,2; cf. BT 2374/13-15: Πάντας, οἵτινες οἰαδήποτε <πράγματα κινήτᾳ ἢ ἀκίνητα ἢ αὐτοκίνητα ἢ ἐν ἀγωγᾷς ἢ οἰωδήποτε> δικαίῳ συνιστάμενα ἐκ τῶν θειοτάτων θησαυρῶν ἡγόρασαν, (...). The editors of BT have supplemented the words πράγματα ... οἰωδήποτε on the basis of the Code; cf. app. ad loc; C. 7,37,2: *Omnes, qui quascumque res mobiles vel immobiles seu se moventes vel in actionibus aut quocumque iure constitutas a sacratissimo aulario comparaverint, (...)*. The loss of the words πράγματα ... οἰωδήποτε in Pd is probably due to a *saut du même au même*.

<sup>81</sup> Cf. C. 7,38 rubr.: *Ne rei dominicae vel templorum vindictio temporis exceptione submoveatur* 'the claim to private property of the emperor or to property of temples shall not be warded off by the prescription of time'. The Greek version of this rubric in ICb and IPc lacks a rendering of *vel templorum*. The phrase τοῦ χρόνου in B. 50,13 rubr. may be the result of too literal a translation of *temporis* in the rubric of C. 7,38.

<sup>82</sup> B. 50,15 rubr. (BT 2387/3-5). Transl.: 'abrogation of the one-year's exception of the contract made in Italy, and various periods of time, and exceptions and prescriptions and their interruptions'. This rubric is transmitted by Pd, A, Tip., and Vat. There are some minor variant readings which need not to be discussed in detail; cf. BT 2387 app. ad l. 4 καὶ ὑπεξαίρεσεων καὶ παραγραφῶν, and ad l. 4 ὑπεξαίρεσεων.



rubric is an accurate Greek rendering of the rubric of C. 7,40.<sup>83</sup> With regard to B. 50,15, the Index Coislinianus hands down the following passage: τίτλος ιε΄ περὶ διαφόρων χρόνων καὶ ὅπως δύναται τις ἰντερρπτευσιν ἢ ἀπόντος τοῦ ἀντιδίκου ἢ δυνατοῦ ὄντος ἢ ἵνφαντος ἢ μαινομένου καὶ μὴ ἔχοντος κηδεμόνα καὶ περὶ ἐνιαυσιαίας ὑπεξαίρεσεως.<sup>84</sup> This passage strongly deviates from the rubric of B. 50,15, but it is nearly identical with the relevant passage in IPc. Regarding B. 50,15, the latter index titulorum reads: τίτλος ιε΄, κεφάλαιον α΄ περὶ διαφόρων χρόνων ὅπως δύναται τις ἰντερρπτευσιν ἀπόντος τοῦ ἀντιδίκου ἢ δυνατοῦ ὄντος ἢ ἵνφαντος ἢ μαινομένου καὶ μὴ ἔχοντος κηδεμόνα· βιβ. ζ΄ τοῦ Κωδ. τιτ. μ΄.<sup>85</sup> Contrary to ICb, IPc mentions a Basilica chapter and transmits a source reference. On the other hand, ICb contains the phrase καὶ περὶ ἐνιαυσιαίας ὑπεξαίρεσεως, i.e. the first words of the rubric of B. 50,15. IPc omits this phrase. Otherwise, the passages in the two indices titulorum concur completely.<sup>86</sup> Thus, ICb and IPc oppose the rubric of B. 50,15 as handed down by Pd, A, Tip. and Vat.

The above may suffice to demonstrate the existence of a strong link between ICb and IPc. And through this link, ICb provides us with yet another indication for a dating of the ultimate exemplar of IPc to the later ninth century. For, the core of the Index Coislinianus itself can be dated to that particular period. In the passage concerning B. 2,6, ICb reads: βιβ. α΄ τοῦ Κωδ. τιτ. ις΄ περὶ συγκλήτου δόγματος.<sup>87</sup> Thus, ICb regards C. 1,16 – dealing with decrees of the senate – as constituent part of B. 2,6. However, the text of the Basilica itself omits this Codex title, because of the fact that emperor Leo the Wise deprived senatorial decrees of their legal force. Leo did so in Nov. Leon. 78. This Novel is to be regarded as the terminus ante quem for the dating of the ultimate original of ICb. Nov.

<sup>83</sup> Cf. C. 7,40 rubr.: *De annali exceptione Italici contractus tollenda et de diversis temporibus et exceptionibus et praescriptionibus et interruptionibus earum*. Transl.: ‘abrogation of the one-year’s exception of the contract made in Italy, and various periods of time, and exceptions and prescriptions and their interruptions’.

<sup>84</sup> ICb B. 50,15 (BT 2387/2 and app. ad l. 3 περὶ; Cb, f. 12<sup>r</sup>, ll. 19-21). Transl.: ‘title 15: various periods of time, and how someone is capable of interrupting (these) when the opponent in the trial is absent, or when he is a powerful man, or a child, or insane, and does not have a guardian; the one-year’s exception’.

<sup>85</sup> IPc 341-344. Transl.: ‘title 15, chapter 1: various periods of time; how someone is capable of interrupting (these) when the opponent in the trial is absent, or when he is a powerful man, or a child, or insane, and does not have a guardian; book 7 of the Code, title 40’.

<sup>86</sup> With regard to its contents, the phrase ὅπως δύναται τις ἰντερρπτευσιν ἀπόντος τοῦ ἀντιδίκου ἢ δυνατοῦ ὄντος ἢ ἵνφαντος ἢ μαινομένου καὶ μὴ ἔχοντος κηδεμόνα would seem to be inspired by a passage in the Greek version of C. 7,40,2; cf. BT 2387/14-17: (...) ἢ διὰ τὴν ἀπουσίαν τοῦ νεμομένου ἢ διὰ τὴν ἡλικίαν ἢ διὰ τὴν μανίαν ἢ διὰ τὴν δυναστείαν, (...) διαρρήγνυσιν τὸν χρόνον (...). However, the phrase in ICb and IPc shows a good deal more textual correspondence with the original Latin constitution; cf. C. 7,40,2 pr.: (...), *absente suo adversario qui rem detinet, vel infantia vel furore laborante, et neminem tutorem vel curatorem habente, vel in magna potestate constituto, (...) interruptionem temporis facere*: (...).

<sup>87</sup> ICb B. 2,6 (Heimbach, *Basilicorum libri LX*, I, p. xvi not. i; Cb, f. 1<sup>v</sup> l. 24). Transl.: ‘Book 1 of the Code, title 16: decree of the senate’. In the right margin, Cb adds: *κεφ. κα΄* ‘chapter 21’ (= B. 2,6,21).



Leon. 78 was issued between 886 and 899. The core of ICb predates that period.<sup>88</sup> It goes without saying that this date can only be regarded as circumstantial evidence for a dating of the ultimate exemplar of IPc.

5. The text of IPc as given below, then, constitutes the editio princeps of this partial index titulorum of the Basilica.<sup>89</sup>

5.1 In § 2 above, attention has been drawn to the fact that regarding both its contents and its form, IPc resembles ICb 2 – or, rather, the ultimate original of the latter index titulorum. It has also been observed that IPc has retained its original character far better than ICb 2.<sup>90</sup> In those parts of the resp. texts where comparison is possible, the two indices titulorum concur in that they contain Corpus iuris source references. However, these source references are not structured in the same way. Whereas in IPc the Corpus iuris rubrics precede the phrases mentioning the relevant book and title of the Digest or the Code, or the number of the relevant Novel, it is the other way round in ICb 2: here, the rubrics follow those phrases. Despite this difference, the texts of the two indices have ultimately been dealt with in the same way: the Greek as it has been transmitted in the manuscripts – cod. Coisl. gr. 151 for ICb 2, and cod. Paris. gr. 1349 for IPc – has been left untouched as much as possible.

Even though the edition of the text of IPc<sup>91</sup> is founded on the same basic principle as that of ICb 2, there are marked differences. First, the text of IPc has been provided with an apparatus testimoniorum,<sup>92</sup> whereas the text of ICb 2 lacks one. The reason for this is the fact that the Coislinianus 151 exclusively hands down the text of B. 1 – B. 9: the text of ICb 2 stands alone in that the main text of the first nine books of the Basilica in the Coislinianus is void of any scholia or source references which might correspond with the Corpus iuris source references in the text of the index titulorum. By way of contrast, the Parisinus 1349 abounds in scholia containing Corpus iuris source references which somehow correspond with the source references in the text of IPc:<sup>93</sup> it is in particular these scholia in Pc that justify the addition of an apparatus of testimonies to the text of this index titulorum. Second, the editions of IPc and ICb 2 fundamentally differ in their resp. overall layout. This is caused, if not by completely different external appearances of the

<sup>88</sup> For the details of all this, cf. again Van Bochove, 'Index titulorum', pp. 14-15 with the notes 58-67; in the latter article, it is the date of ICb 2 that is dealt with, but the reasoning behind the date of ICb 2 applies to ICb as well.

<sup>89</sup> I am greatly indebted to my close colleague and friend Roos Meijering for her help in establishing the text, the apparatus criticus and the translation of IPc.

<sup>90</sup> Cf. § 2 with the notes 7 – 9 above.

<sup>91</sup> On the text of IPc, cf. § 5.4 below.

<sup>92</sup> On the apparatus of testimonies of IPc, cf. § 5.5 below.

<sup>93</sup> On this issue, cf. Van Bochove, 'Scholia and Index titulorum', in particular § 4.

indices titulorum in the manuscripts,<sup>94</sup> then by the use of different word processing programmes for the compilation of the Greek texts of the indices. For the compilation of the text of ICb 2, I have used a MS-DOS based word processing programme, viz. NotaBene version 4.5. This programme rendered it impossible to create a critical apparatus at the bottom of the page – directly below the Greek text –, because the programme was unable to generate footnotes while columns were worked with. For this reason, the critical apparatus accompanying the text of ICb 2 had to be assigned a column of its own, on the page facing the text of the index.<sup>95</sup> For the compilation of the text of IPc, I have used the Windows based word processing programme Word XP. This programme allowed the creation of both an apparatus of testimonies and an apparatus criticus<sup>96</sup> at the bottom of the page, directly below the Greek text of IPc.

The above may suffice to account for the differences between the ultimate printed version of the critical edition of IPc and that of ICb 2.

**5.2** The external appearance of IPc in cod. Paris. gr. 1349<sup>97</sup> can briefly be described as follows. The text of the index has been written by the main scribe of Pc, on the ff. 1<sup>r</sup> – 6<sup>v</sup>. Every leaf, either recto or verso, contains 29, 30 or 31 lines of text, with the exception of f. 6<sup>v</sup>: on this leaf, there are only ten lines. After an ornamental border marking the end of the text of IPc, the lower half of the leaf has been left blank. Marginal notes do not occur. It is rather pointless to try to establish an average number of characters per line: some lines contain 40 to 50 or even more, others less than twenty or even ten.

The main scribe of Pc has written the entries mentioning the numbers of the Basilica books, always followed by a phrase stating the number of titles contained in the relevant Basilica book, in the centre of the leaves.<sup>98</sup> The same applies to the Basilica title indications: for every Basilica book covered by IPc, the scribe has written τίτλος α', τίτλος β', and so on, in the centre of the leaves.<sup>99</sup> Regarding the phrases containing the Corpus

<sup>94</sup> On the external appearance of IPc in the Parisinus 1349, cf. § 5.2 below. The external appearance of ICb 2 is illustrated by the facsimile of the upper part of f. 19<sup>v</sup> of cod. Coisl. gr. 151, accompanying the edition of ICb 2; cf. Van Bochove, 'Index titulorum', p. 20.

<sup>95</sup> Cf. Van Bochove, 'Index titulorum', p. 18.

<sup>96</sup> On the critical apparatus of IPc, cf. § 5.6 below.

<sup>97</sup> On Pc (and on its scribes) in general, cf. § 1 with note 1 above. For a description of the general features of IPc itself, cf. again § 2 above.

<sup>98</sup> There are six of these entries; cf. IPc 1 (B. 45: Βιβλίον με' τῶν Βασιλικῶν ἔχει τίτλους ς'); IPc 75 (B. 46: Βιβλίον μς' τῶν Βασιλικῶν ἔχει τίτλους τρεῖς); IPc 85 (B. 47: Βιβλίον μζ' τῶν Βασιλικῶν ἔχει τίτλους τερεῖς); IPc 110 (B. 48: Βιβλίον μη' τῶν Βασιλικῶν ἔχει τίτλους κς'); IPc 228 (B. 49: Βιβλίον μθ' τῶν Βασιλικῶν ἔχει τίτλους ς'); and, finally, IPc 261 (B. 50: Βιβλίον ν' τῶν Βασιλικῶν ἔχει τίτλους ις').

<sup>99</sup> For the title indications in B. 45, cf. IPc 2, 30, 45, 53, 60 and 67; for the title indications in B. 46, cf. IPc 76, 79 and 82; for the title indications in B. 47, cf. IPc 86, 99 and 102; for the title indications in B. 48, cf. IPc 111, 114, 119, 126, 129, 134, 137, 144, 147, 152, 157, 163, 167, 170, 178, 182, 185, 188, 191, 194, 198, 202, 206, 210, 216 and 219; for the title indications in B. 49, cf. IPc 229, 234, 242, 247,

iuris rubrics and the references to the books and titles of the Digest and the Code and the numbers of the Novels, the scribe has proceeded in a different way. For, in these phrases, the text of IPc has been divided into columns – at the appropriate locations interrupted by the above mentioned entries containing the numbers of the Basilica books, and by the Basilica title indications. In the first column, the scribe has written the Greek versions of the title rubrics from the Digest and the Code, and the original Greek rubrics of the Novels. Quite often, the text of a rubric consists of more than one line; in this case, the first line juts out to the left considerably. As a rule, the sign :~ marks the end of the text of the rubrics. In the second column, the scribe has listed the notes mentioning the relevant books and titles of the Digest and the Code, and the relevant numbers of the Novels, always corresponding with the rubrics in the first column. The references to the Digest, the Code and the Novels are followed by the abbreviation *κεφ.* standing for *κεφάλαιον*, accompanied by a number, and again concluded by the sign :~. At first sight, the term *κεφάλαιον* would seem to allude to the resp. subdivisions of the titles from the Digest and the Code into fragments and constitutions, and the subdivision of the text of the Novels into smaller text units. This impression is further strengthened by the systematic use of the sign :~ following the abbreviation *κεφ.*: this sign seems to confirm that in IPc *κεφάλαιον* is invariably and inextricably part of the references to the Corpus iuris. However, it has already been pointed out that in IPc the term *κεφάλαιον* is systematically used to denote Basilica chapters.<sup>100</sup>

Is it possible to explain the above? It may originally have been the intention of the compilers of the (ultimate) exemplar of IPc to write the term *κεφάλαιον* in a separate, third column. In the prototype of IPc, the distinction between the columns two and three may have been visible, but this is by no means certain. The scribe of the prototype of IPc may have failed to understand the original intention of the compilers of the index titulorum. In IPc itself, the distinction has disappeared: the two columns are completely fused together. The main scribe of Pc may simply have copied the text of the index as he found it in his direct exemplar, viz. with the columns two and three fused together; or he himself may have been unaware of the fact that he ought to have distinguished between the two columns. In the latter case, the scribe no longer understood the distinction between the term *κεφάλαιον* denoting a Basilica chapter on the one hand and the references to the various parts of the Justinian legislation on the other.

**5.3** The text of IPc as edited below is preceded by a Conspectus siglorum et abbreviaturarum. This survey presents a concise summary of all abbreviations, signs and brackets used in both the apparatus of testimonies and the critical apparatus. The use of

252 and 255; finally, for the title indications in B. 50, cf. IPc 262, 266, 272, 281, 287, 292, 297, 300, 305, 308, 313, 318, 323, 330, 341 and 345.

<sup>100</sup> On this, cf. § 2 with the notes 10-15 above.

sigla, abbreviations and brackets is in accordance with that in the apparatus testimoniorum and the apparatus criticus accompanying the text of the Basilica.<sup>101</sup>

**5.4** Regarding the edition of the text of IPC, the following can be observed. In § 2 above, a description has been given of the general features of IPC. The text of IPC as handed down by cod. Paris. gr. 1349 has preserved these general features remarkably well: the structure of the text of the index in the manuscript reflects the general character of IPC very clearly. It should, however, be observed that in the critical edition of the text of IPC as given below no attempt has been made to present an accurate reproduction of the structure of the index in the manuscript.<sup>102</sup> Interventions in the Greek as transmitted by Pc have been restricted to an absolute minimum. Nevertheless, two major interventions proved necessary.

The first intervention concerns the term *κεφάλαιον*. In § 5.2 above, attention has been drawn to the fact that in Pc this term always follows the references to the Digest, the Code and the Novels, and that, therefore, *κεφάλαιον* would seem to allude to the resp. subdivisions of the titles from the Digest and the Code into fragments and constitutions, and the subdivision of the text of the Novels into smaller text units. However, it has also been pointed out that the term *κεφάλαιον* always denotes a Basilica chapter.<sup>103</sup> For this reason, *κεφάλαιον* has systematically been detached from its original context and been assigned a line of its own in the critical edition of the text of IPC. Even though this intervention can certainly be regarded as a major one, it has *suo loco* not been accounted for in the critical apparatus.<sup>104</sup> *Κεφάλαιον* occurs so frequently in IPC,<sup>105</sup> that the detachment from its original context is to be considered as a standard intervention. One general justification covering all occurrences of this intervention, may here suffice.

The second major intervention concerns four passages which do not fit in with the general character of IPC as outlined in § 2. Because of this, these passages have been relegated to the critical apparatus, and have *suo loco* been accounted for.<sup>106</sup>

<sup>101</sup> Cf. e.g. Scheltema/Van der Wal, *Basilicorum libri LX*, A VI, pp. v-vi, ix-x (Conspectus operum ex quibus testimonia laudantur), xi (Abbreviaturae), xii (Uncini, signa) and, finally, xiii (Sigla codicum manuscriptorum).

<sup>102</sup> E.g., the phrases containing the Corpus iuris rubrics and the references to the books and titles of the Digest and the Code and the numbers of the Novels, have not been rendered in columns.

<sup>103</sup> Cf. § 5.2 with note 100 above.

<sup>104</sup> On this, cf. also § 5.6 below.

<sup>105</sup> It occurs no less than 119 times, viz. in the following lines: IPC 3, 5, 7, 10, 12, 15, 18, 21, 24, 26, 28, 31, 33, 35, 37, 39, 42, 46, 48, 51, 54, 57, 61, 64, 68, 70, 72, 77, 80, 83, 87, 89, 91, 94 (suppl.), 97, 100, 103, 105, 107, 112, 115, 117, 120, 123, 127, 130, 132, 135, 138, 141, 145, 148, 150, 153, 155, 158, 160, 164, 168, 171, 174, 176, 179, 183, 186, 189, 192, 195, 199, 203, 207, 211, 214, 217, 220, 223, 226, 230, 232, 235, 237, 239, 243, 245, 248, 250, 253, 256, 259, 263, 267, 269, 273, 275, 277, 279, 282, 284, 288, 290, 293, 295, 298, 301, 303, 306, 309, 311, 314, 316, 319, 321, 324, 327, 331, 334, 338, 342, and, finally, 346.

<sup>106</sup> For a specification of the four passages relegated to the apparatus criticus, cf. § 5.6 with the notes 116-119 below.

**5.5** The edition of IPc has also been provided with an apparatus testimoniorum, directly below the text of the index. This apparatus requires some explanation.

First, for every Basilica chapter mentioned in IPc, the apparatus contains an enumeration of references to the Justinian legislation indicating the origin of the text of the Basilica chapter concerned. The apparatus of testimonies numbers the Basilica chapters in accordance with their counting in IPc. Very often, this counting does not tally with the counting of chapters in the Basilica text. Where the chapter numbers in IPc deviate from those in the text of the Basilica, the latter numbers have always been added between brackets. Thus, the apparatus of testimonies commences its lemmata with notes like B. 45,1,36 (40 in BT): in this note, 36 is the number of the Basilica chapter in IPc, whereas 40 is the number of the same chapter in the text of the Basilica.<sup>107</sup>

Second, the Corpus iuris source references that have been adopted into the apparatus testimoniorum originate from the Florilegium Ambrosianum (A), the Index Coislinianus (ICb), cod. Paris. gr. 1357 (Pd), and the scholia (BS) in cod. Paris. gr. 1349 (Pc).<sup>108</sup> The editors of the text of the Basilica have incorporated the source references occurring in A, ICb and Pd into the critical apparatus of BT: for this reason, the apparatus of testimonies of IPc enumerates these source references by mentioning their exact location in the critical apparatus of BT. The source references occurring in the scholia in Pc are obviously alluded to by their location in BS. For instance, the text of B. 46,3 consists of the elder Anonymos's Greek version of D. 1,8. The lemma in the apparatus of testimonies of IPc pertaining to the first chapter of this Basilica title reads in full: 'BS 2744/5 | BT 2124 app. ad l. 3 περὶ (Pd et A) | BT 2124 app. ad l. 3 αὐτῶν (ICb) II'.<sup>109</sup> In this lemma, the note BS 2744/5 means that the relevant source reference occurring in the scholia in Pc can be found in the Groningen edition of the Basilica scholia, quoted after page and line: BS 2744/5 (sch. Pc 2§ ad B. 46,3 rubr.) Βιβ. α' τῶν Διγ. τιτ. η' κεφ. α'. The note BT 2124 app. ad l. 3 περὶ (Pd et A) indicates that the source references occurring in cod. Paris. gr. 1357 – βιβλίον α' τῶν Διγ. τιτ. η' – and in the Florilegium Ambrosianum – βιβ. α' τοῦ Κοδ. (leg. τῶν Διγ.) τιτ. η' – can both be found in the critical apparatus accompanying the Groningen edition of the text of the Basilica (again quoted after page and line), in the present case the apparatus pertaining to the word περὶ in the third line of the main text of page 2124. *Mutatis mutandis*, the same goes for the note BT 2124 app. ad l. 3 αὐτῶν (ICb): this note means that the relevant source reference occurring in the Index Coislinianus – βιβ. α' τῶν Διγ. τιτ. η' – can be found in the critical apparatus pertaining to the word αὐτῶν in the third line of the main text of page 2124.

Third, the lemmata in the apparatus of testimonies alluding to source references occurring in the Index Coislinianus have quite often been provided with the addition *pars notae*, always put between brackets. This addition indicates that the relevant source

<sup>107</sup> Cf. IPc app. test. ad B. 45,1,36.

<sup>108</sup> On the use of sigla in IPc, cf. the Conspectus siglorum et abbreviaturarum.

<sup>109</sup> IPc app. test. ad B. 46,3,1.

reference is part of a larger note. This note is quoted in full in the critical apparatus belonging to the page and line of BT referred to in the relevant lemma of the apparatus of testimonies of IPc. For instance, the text of the first chapter of B. 45,3 originates from D. 38,10. The Index Coislinianus hands down a source reference pertaining to this Basilica chapter – viz. βιβ. λη' τῶν Διγ. τιτ. ι' –, but this source reference is embedded in a larger passage which also contains the source reference belonging to B. 45,3,9 = Nov. 164. The passage in ICb is quoted in its entirety in the critical apparatus pertaining to the word συγγενεῖς in line 5 of the main text of page 2097 of BT: 'post συγγενεῖς ICb addit βιβ. λη' τῶν Διγ. τιτ. ι'· νεαρά ρξδ' περι κληρονόμων ἢ ὅλη νεαρά· τυποῦσα τὰς ἐξ ἀδιαθέτου κλήσεις αὐτῶν καὶ ὁ ἀνὴρ δευτερογαμῆσι (sic)'.<sup>110</sup> This is the information to be derived from the final part of the lemma of the apparatus of testimonies pertaining to B. 45,3,1: '(...) BT 2097 app. ad l. 5 συγγενεῖς (ICb) (pars notae) II'.<sup>111</sup>

Fourth, there is a number of cases in which a passage from ICb incorporated into the apparatus testimoniorum of IPc, has evoked some comment. In these cases, the comment has been added to the relevant lemma in the apparatus of testimonies.<sup>112</sup>

Fifth, with regard to the compilation of the apparatus of testimonies, both Pc and Pd have systematically been consulted on microfilm. This consultation resulted in the finding that a limited number of source references handed down by Pc and Pd does not occur in BS or has been omitted from the critical apparatus of BT. These source references have been adopted into the apparatus of testimonies of IPc in their entirety, accompanied by the relevant folio numbers of Pc and Pd.<sup>113</sup>

**5.6** The text of IPc is, of course, also accompanied by an apparatus criticus, always to be found directly below the apparatus of testimonies.

The critical apparatus of IPc is modest as regards its dimensions. This is partly due to the fact that the first major intervention in the text of IPc – viz. the detachment of κεφάλαιον from its original context, and the assignation of this term to a line of its own in the edition of the text of the index titulorum<sup>114</sup> – has not been accounted for in the critical apparatus.

A second reason why the critical apparatus is not very extensive, is the fact that IPc has retained its original character remarkably well,<sup>115</sup> which has made it possible to restrict interventions in the text of the index titulorum to an absolute minimum. Nevertheless, there are some interventions worth mentioning separately: it concerns a few passages which have been relegated from the text of IPc, because they do not fit in with the general

<sup>110</sup> BT 2097 app. ad l. 5 συγγενεῖς.

<sup>111</sup> IPc app. test. ad B. 45,3,1.

<sup>112</sup> Cf. IPc app. test. ad B. 45,6,1; ad B. 46 juncto B. 46,1,1; ad B. 46,2,1.

<sup>113</sup> Cf. IPc app. test. ad B. 46,1,1; ad B. 46,2,1; ad B. 48,5,2; ad B. 48,14,4; ad B. 49,1,1; and, finally, ad B. 50,1,1.

<sup>114</sup> On this intervention, cf. § 5.4 with the notes 103-105 above.

<sup>115</sup> On this, cf. again § 5.4 with note 102 above.

character of the index. These passages – which may be the comments of a reader – must be regarded as “Fremdkörper” that are alien to the original text of IPc, but that somehow ended up in that text. The first passage is a suggestion for further reading in the Institutes of Justinian: ἀνάγν. Ἰνστιτ. γ’ τιτ. γ’.<sup>116</sup> The second passage is a note presenting a brief description of the contents of Justinian’s Novel 118: ἐν ταύτῃ τῇ νεαροῦ σαφῶς καὶ λεπτῶς διαλαμβάνει περὶ τῶν ἐξ ἀδιαθέτου κληρονομιῶν.<sup>117</sup> The third passage is a straightforward duplication of a sentence from the text of IPc: ὅπως καὶ παρὰ τίνος διακατέχεται τι βιβ. ἡ τοῦ Κωδ. τιτ. ζ’ μόνος.<sup>118</sup> The fourth and final passage is a scholion containing a direct reference to the text of the Basilica, viz. B. 29,1,116: περὶ τριῶν ἐνιαυτῶν καὶ δέκα καὶ εἴκοσι καὶ τριάκοντα καὶ τεσσαράκοντα ἀντικειμένων ταῖς γυναιξὶν ἐπὶ τῇ ἀπαιτήσῃ τῆς προικὸς ἀνάγνωθι βιβ. κθ’ τῶν βασιλικῶν βιβλίων τιτ. α’ κεφ. ρις’ καὶ τὸ τέλος.<sup>119</sup> Further interventions in the text of IPc have been dictated by grammatical or syntactical reasons, or have been inspired by the absence of a sensible meaning of the Greek as transmitted by Pc. Interventions like the ones just mentioned have *suo loco* been accounted for in the critical apparatus.

The third and final reason for the limited size of the critical apparatus of IPc is, of course, the fact that the text of the index titulorum has ultimately been handed down in only one manuscript: regarding the transmission of the text, Pc is in the end to be looked upon as *codex unicus*.<sup>120</sup> The critical apparatus of IPc does not contain variant readings occurring in other manuscripts.

**5.7** The edition of IPc has also been provided with a translation. This translation is to be found on the pages facing the text of the index titulorum. The line numbers of the translation correspond with those of the Greek text of IPc.

**5.8** The edition of IPc concludes with a concordance. This concordance lists all titles from the Basilica, the Code and the Digest, and all Novels covered by IPc, and refers to their respective locations in the text of the index titulorum by enumerating their line numbers.

<sup>116</sup> IPc app. crit. ad l. 17 κληρονομίας. Transl.: ‘read book 3 of the Institutes, title 3’.

<sup>117</sup> IPc app. crit. ad l. 50 κλήσεις. Transl.: ‘in the present Novel, (the emperor) clearly and subtly deals with intestate inheritances’.

<sup>118</sup> IPc app. crit. ad l. 280 τιτ. ζ’. Transl.: ‘how and by whom a thing is held in possession; book 8 of the Code, title 6 only’.

<sup>119</sup> IPc app. crit. ad l. 335 τριακονταετηρίδος. Transl.: ‘periods of three, ten, twenty, thirty and forty years opposed to women in the claim of the dowry; read book 29 of the imperial books (= the Basilica), title 1 chapter 116 and the end’.

<sup>120</sup> On this issue, cf. § 1 above.

VAN BOCHOVE



### Conspectus siglorum et abbreviaturarum

in apparatu critico:

- Pc = codex Parisinus graecus 1349 (ff. 1<sup>r</sup> – 6<sup>v</sup>)
- D = Digesta Iustiniani
- Nov. = Novella(e) Iustiniani (in Collectione CLXVIII Novellarum, edd. R. Schöll – G. Kroll (SK); L = huius Collectionis codex Laurentianus plut. 80, 4)
- Theod. = Theodori Hermopolitani Breviarium Novellarum (ed. C.E. Zachariae, Ἀνέκδοτα, Lipsiae 1843, editio altera lucis ope expressa Aalen 1969)

in apparatu testimoniorum:

- A = Florilegium Ambrosianum (codex Ambrosianus F 106 sup. rescriptus)
- ICb = Index titulorum omnium Basilicorum quem continet codex Coislinianus 151
- Pc = codex Parisinus graecus 1349
- Pd = codex Parisinus graecus 1357
- BS = Basilicorum scholia (editionis Groninganae, series B)
- BT = Basilicorum textus (editionis Groninganae, series A)

### Uncini, signa

- < > : his uncinis saepsi quae verba a codice ms. absunt
- [ ] : his uncinis saepsi quae verba, cum mea opinione in codice ms. adsint vel adfuerint, legi tamen nequeunt
- \*\* : stellulis indicantur litterae, quae legi quidem nequeunt, quarum tamen numerus satis constat.

## Βιβλίον με' τῶν Βασιλικῶν ἔχει τίτλους ζ'

### Τίτλος α'

#### Κεφάλαιον α'

Περὶ τῶν ἐξ ἀδιαθέτου κληρονομούντων· βιβ. λη' τῶν Διγ. τιτ. ζ'.

5

#### Κεφάλαιον ι'

Ὅπως τὰ τῆς στρατιωτικῆς περιουσίας λαμβάνει διαδοχὴν· βιβ. λη' τῶν Διγ. τιτ. ιβ'.

#### Κεφάλαιον ιβ'

Περὶ στρατιώτου ἀδιαθέτου καὶ χωρὶς κληρονόμων ἢ συγγενῶν τελευτῶντος· βιβ. ζ' τοῦ Κωδ. τιτ. ξβ' διατ. β' μόνη.

10

#### Κεφάλαιον ιγ'

Διὰ ποίους τρόπους κωλύεται τις αἰτεῖν διακατοχὴν· βιβ. λη' τῶν Διγ. τιτ. ιγ'.

#### Κεφάλαιον ιδ'

Ὅπως κληρονομοῦσιν οἱ κατιόντες τοὺς ἀνιόντας καὶ περὶ ἐξ ἀδιαθέτου κληρονομίας· βιβ. λη' τῶν Διγ. τιτ. ις'.

15

#### Κεφάλαιον ις'

Περὶ δόγματος Τερτυλλιανείου καὶ Ὁρφίτου ὅπως κληρονομοῦσιν οἱ ἀνιόντες τοὺς κατιόντας καὶ ἔμπαλιν καὶ περὶ ἀδιαθέτου κληρονομίας· βιβ. λη' τῶν Διγ. τιτ. ιζ'.

#### Κεφάλαιον λβ'

20

Ὅπως οἱ ἀνιόντες κληρονομοῦσι τοὺς κατιόντας, καὶ μάλιστα μητέρες ἤτοι δόγμα Τερτυλλιανείον· βιβ. ζ' τοῦ Κωδ. τιτ. νς'.

---

#### Testimonia:

**B. 45** (j<sup>o</sup> **B. 45,1,1**): BT 2071 app. ad l. 2 βιβλίον κτέ. (ICb) || **B. 45,1,1**: BS 2642/4 || **B. 45,1,10**: BT 2073 app. ad l. 20 (Pc) || **B. 45,1,12**: BS 2649/4 (in hoc scholio Pc scr. βιβ. ε', pro quo leg. βιβ. ζ') || **B. 45,1,13**: BS 2649/17 || **B. 45,1,14**: BS 2653/4 | BT 2074 app. ad l. 8 (A) || **B. 45,1,26** (27 in BT): BS 2664/5 | BT 2078 app. ad l. 12 (A) || **B. 45,1,32** (36 in BT): BS 2669/23 | BT 2083 app. ad l. 1 (A) ||

---

16 ὀρφίτου] leg. ὀρφυτιανείου | 17 ἀδιαθέτου] leg. ἐξ ἀδιαθέτου | κληρονομίας] ἀνάγν. ἰνστιτ. γ' τιτ. γ' add. Pc | ιζ'] ις' Pc | 19 τοὺς] τὰς Pc | μητέρες] μητέρας Pc |

**Book 45 of the Basilica contains 6 titles**

**Title 1**

**Chapter 1**

Those who inherit by intestate succession; book 38 of the Digest, title 6.

5

**Chapter 10**

How the estate of soldiers is inherited; book 38 of the Digest, title 12.

**Chapter 12**

Soldiers dying intestate and without heirs or relatives; book 6 of the Code, title 62, constitution 2 only.

10

**Chapter 13**

Under what circumstances someone is prevented from demanding possession of the estate; book 38 of the Digest, title 13.

**Chapter 14**

How descendants inherit from ascendants, and on intestate succession; book 38 of the Digest, title 16.

15

**Chapter 26**

Senatusconsultum Tertullianum and Orphitianum: how ascendants inherit from descendants and vice versa, and on intestate succession; book 38 of the Digest, title 17.

**Chapter 32**

20 How ascendants, and in particular mothers, inherit from descendants, or Senatusconsultum Tertullianum; book 6 of the Code, title 56.

**Κεφάλαιον λς'**

Περὶ δόγματος Ὀρφιτιανείου ὅπως οἱ κατιόντες διαδέχονται τοὺς ἀνιόντας· βιβ. ς' τοῦ Κωδ. τιτ. νζ'.

**Κεφάλαιον μ'**

25 Περὶ τῶν ἐκ πλαγίου νομίμων κληρονόμων· βιβ. ς' τοῦ Κωδ. τιτ. νθ'.

**Κεφάλαιον μς'**

Κοινὰ περὶ διαδοχῶν διαφόρων προσώπων· βιβ. ς' τοῦ Κωδ. τιτ. νθ'.

**Κεφάλαιον ν\***

Περὶ κληρονομίας εὐτελῶν, στρατιωτῶν, ναυκλήρων, τεχνιτῶν· βιβ. ς' τοῦ Κωδ. τιτ. ξβ'.

30 **Τίτλος β'**

**Κεφάλαιον α'**

Ἀγωγή ἣν ὁ νόμος τοῖς συγγενέσι δίδωσιν· βιβ. λη' τῶν Διγ. τιτ. ζ'.

**Κεφάλαιον ς'**

Ἀγωγή ἐξ ἧς οἱ συγγενεῖς γινώσκονται· βιβ. λ[η' τῶν Διγ.] τιτ. η'.

35 **Κεφάλαιον ιε'**

Ὅπως οἱ κατιόντες διαδέχονται τὴν τῶν γονέων περιουσίαν· βιβ. ς' τοῦ Κωδ. τιτ. νε'.

**Κεφάλαιον λγ'**

Περὶ διακατοχῆς πραγμάτων· βιβ. λη' τῶν Διγ. τιτ. θ'.

**Κεφάλαιον λε'**

40 Ἵνα ἐκ νόμων καὶ δόγματος συγλήτου ἢ τῶν πραγμάτων νομὴ διδῶται· βιβ. λη' τῶν Διγ. τιτ. ιδ'.

---

**Testimonia:**

**B. 45,1,36** (40 in BT): BS 2672/24 || **B. 45,1,40** (44 in BT): BS 2674/33 || **B. 45,1,46** (49 in BT): BS 2677/19 || **B. 45,1,5\*** (56 in BT): BS 2679/12 || **B. 45,2,1**: BS 2680/5 | BT 2089 app. ad l. 3 ἀγωγή (A) et δίδωσι (ICb) || **B. 45,2,6**: BS 2684/28 || **B. 45,2,15**: BS 2688/11 || **B. 45,2,33** (25 in BT): BS 2694/11 || **B. 45,2,35** (27 in BT): BS 2695/23 ||

---

27 διαδοχῶν| διαδόχων Pc l

**Chapter 36**

Senatusconsultum Orphitianum: how descendants inherit from ascendants; book 6 of the Code, title 57.

**Chapter 40**

25 Collateral legal heirs; book 6 of the Code, title 58.

**Chapter 46**

General rules concerning the right of succession of various persons; book 6 of the Code, title 59.

**Chapter 5\***

The inheritance of subordinate officials, soldiers, shipowners and craftsmen; book 6 of the Code, title 62.

30

**Title 2**

**Chapter 1**

Action which the law gives to relatives; book 38 of the Digest, title 7.

**Chapter 6**

Action on the basis of which the cognate relatives are recognized; book 38 of the Digest, title 8.

35

**Chapter 15**

How descendants succeed to the estate of their parents; book 6 of the Code, title 55.

**Chapter 33**

Possession of an estate; book 38 of the Digest, title 9.

**Chapter 35**

40 Possession of the estate must be granted on the basis of laws and senatorial decree; book 38 of the Digest, title 14.

**Κεφάλαιον λς'**

Περὶ τάξεως τῶν ἐξ ἀδιαθέτου κληρονομούντων ἢ περὶ διακατοχῶν· βιβ. λη' τῶν Διγ. τιτ. ιε'.

45

**Τίτλος γ'**

**Κεφάλαιον α'**

Περὶ βαθμῶν συγγενῶν, ἀγχιστῶν καὶ τῶν ὀνομασιῶν αὐτῶν· βιβ. λη' τῶν Διγ. τιτ. ι'.

**Κεφάλαιον η'**

50

<Διάταξις> ἀναιροῦσα τὰ ἀδγονατικά καὶ τὰ κογονατικά <δίκαια> καὶ τυποῦσα τὰς ἐξ ἀδιαθέτου κλήσεις· νε. ριη' διαίρεσις α', β', γ', δ', ε', ς', ζ', η'.

**Κεφάλαιον θ'**

Περὶ κληρονόμων· νε. ρξδ' ἢ ὅλη νεαρά.

**Τίτλος δ'**

**Κεφάλαιον α'**

55

Περὶ ὑπάρξεων μητρικῶν καὶ χρήσεως αὐτῶν καὶ ὃ ἀνήρ δευτερογαμήση· βιβ. ς' τοῦ Κωδ. τιτ. ξ'.

**Κεφάλαιον ε'**

Ποία οἱ ὑπεξούσιοι προσπορίζουσι τῷ πατρὶ καὶ περὶ τῶν μητρῶν κερδῶν καὶ τῶν ἄλλων ἀπροσπορίστων ἐπὶ λεπτῷ· βιβ. ς' τοῦ Κωδ. τιτ. ξα'.

---

**Testimonia:**

**B. 45,2,36** (28 in BT): BS 2695/32 || **B. 45,3,1**: BS 2700/4 | BT 2097 app. ad l. 5 συγγενεῖς (ICb) (pars notae) || **B. 45,3,8**: BS 2706/13 || **B. 45,3,9**: BS 2706/19 | BT 2097 app. ad l. 5 συγγενεῖς (ICb) (pars notae) || **B. 45,4,1**: BS 2707/5 | BT 2104 app. ad l. 3 μητρικῶν (ICb) ||

---

49 <διάταξις> et <δίκαια>] διάταξις et δίκαια suppl. e textu Nov.; cf. SK 567/2-3 et app. ad loc. | 50 κλήσεις] ἐν ταύτῃ τῇ νεαρχῇ σαφῶς καὶ λεπτῶς διαλαμβάνει περὶ τῶν ἐξ ἀδιαθέτου κληρονομιῶν add. Pc | 52 ἢ ὅλη νεαρά] ἢ ὅλη νεαρά post κληρονόμων (52) pon. Pc | 59 ἐπὶ λεπτῷ] ἐπιλεπτῷ Pc |

**Chapter 36**

In which order people inherit by intestate succession, or on possession of estates; book 38 of the Digest, title 15.

45

**Title 3**

**Chapter 1**

Degrees of consanguinity, relations by marriage and their designations; book 38 of the Digest, title 10.

**Chapter 8**

50

Constitution abolishing (the difference between) the agnatic and the cognatic rights, and regulating the intestate successions; Novel 118, sections 1, 2, 3, 4, 5, 6, 7, 8.

**Chapter 9**

Heirs; Novel 164, the entire Novel.

**Title 4**

**Chapter 1**

55

Maternal property and its usufruct by the husband, even if he marries a second time; book 6 of the Code, title 60.

**Chapter 5**

What those under paternal authority acquire for their pater familias; detailed discussion on the profits gained via the mother's relatives and on the other profits not acquired from the property of the pater familias; book 6 of the Code, title 61.

60

## Τίτλος ε΄

## Κεφάλαιον α΄

[Α]γωγή δι' ἧς ὁ ἀνὴρ ἢ ἡ γυνὴ συγγενῶν μὴ ὄντων κληρονομοῦσιν ἀλλήλους· βιβ. λη' τῶν Διγ. τιτ. ια'.

65

## Κεφάλαιον β΄

Ἐὶς ἀπορίᾳ ἀνιόντων ἢ τῶν ἄλλων νομίμων συγγενῶν ὁ ἀνὴρ καὶ ἡ γυνὴ ἀλλήλους κληρονομοῦσιν· βιβ. ζ' τοῦ Κωδ. τιτ. ιη'.

## Τίτλος ζ΄

## Κεφάλαιον α΄

Περὶ Ἀρμενίων ὥστε καὶ αὐτοὺς ἐν πᾶσι τοῖς Ῥωμαίων ἀκολουθεῖν νόμοις· νε. κα'.

70

## Κεφάλαιον β΄

Περὶ τῶν ἐν Ἀφρικῇ διαδόχων· νε. λς' ἢ ὅλη νεαρά.

## Κεφάλαιον δ΄

Ἐὶς καὶ οἱ τῆς ἐλευθέρως ἀπροιόντου παῖδες πρὸς ἣν γαμικὴ ἦν διάθεσις ὡς γνήσιοι κληρονομοῦσι τοῦ πατρός· νε. ριζ' διαίρεσις ζ'.

## Testimonia:

**B. 45,5,1:** BS 2724/5 | BT 2114 app. ad l. 3 ἀγωγή (A) et ad l. 4 ἀλλήλους (ICb) || **B. 45,5,2:** BS 2725/24 | BT 2114 app. ad l. 11 c. 2 (A) | BT 2115 app. ad l. 4 νόμοις (ICb) (pars notae) || **B. 45,6,1:** BS 2726/6 | fortasse BT 2115 app. ad l. 4 νόμοις (ICb) (pars notae). Editores Basilicorum scribunt: 'ICb ins. (...) νεαρά (leg. κερ.?) ρμα''. Pro quo fortasse leg. νεαρά κα'; ICb scripsisse videtur νε. ρκα': ρ forsitan e abb. νερ. sumpta || **B. 45,6,2:** BS 2726/9 | BT 2115 app. ad l. 4 νόμοις (ICb) (pars notae) || **B. 45,6,4** (3 in BT): BS 2726/16 | BT 2115 app. ad l. 3 περὶ (A) | BT 2115 app. ad l. 4 νόμοις (ICb) (pars notae) ||

71 διαδόχων] διαδόχων Theod. 36 rubr. (et in indice et in ipso textu) (cf. SK 244 app. ad l. 18), διαδοχῶν Pc | ἢ ὅλη νεαρά] ἢ ὅλη νεαρά post διαδοχῶν· (71) pon. Pc |



60

**Title 5**

**Chapter 1**

Action on the basis of which husband or wife inherit from one another when there are no relatives; book 38 of the Digest, title 11.

**Chapter 2**

65

Husband and wife inherit from one another in the absence of ascendants or the other legitimate relatives; book 6 of the Code, title 18.

**Title 6**

**Chapter 1**

The Armenians: they, too, must obey the laws of the Romans in everything; Novel 21.

70

**Chapter 2**

Successors in Africa; Novel 36, the entire Novel.

**Chapter 4**

Also the children of a free woman married without dowry, towards whom marital affection existed, inherit from their father as legitimate (offspring); Novel 117, section 6.

75

## Βιβλίον μς' τῶν Βασιλικῶν ἔχει τίτλους τρεῖς

## Τίτλος α'

## Κεφάλαιον α'

Περὶ καταστάσεως ἀνθρώπων· βιβ. α' τῶν Διγ. τιτ. ε'.

## Τίτλος β'

80

## Κεφάλαιον α'

Περὶ καταστάσεως ἐναλλαγῆς· βιβ. δ' τῶν Διγ. τιτ. ε'.

## Τίτλος γ'

## Κεφάλαιον α'

Περὶ διαιρέσεως πραγμάτων καὶ ποιότητος αὐτῶν· βιβ. α' τῶν Διγ. τιτ. η'.

**Testimonia:**

**B. 46 (J<sup>o</sup> B. 46,1,1):** BT 2117 app. ad l. 2 βιβλίον κτέ. (ICb) (ceterum ad marg. Index Coislinianus add. ἔχει τίτλους γ'· τίτλος α' (quod pertinet ad notam Βιβ. μς' τῶν Βασιλικῶν; om. BT app.)) || **B. 46,1,1:** Pc f. 49<sup>v</sup>; hic codex noster in ipso textu post τίτλος α' (BT 2117/3) scrib.: Βιβ. α' τῶν Διγ. τιτ. ε' κερ. β' (quod om. BS; pro κερ. β' fortasse leg. κερ. γ') | BT 2117 app. ad l. 6 c. 1 (Pd) || **B. 46,2,1:** Pc f. 52<sup>v</sup>; hic codex noster in ipso textu post τίτλος β' (BT 2121/2) scrib.: Βιβ. δ' τῶν Διγ. τιτ. ε' κερ. β' (quod om. BS) | BT 2121 app. ad l. 3 περὶ (Pd) | BT 2121 app. ad l. 3 ἐναλλαγῆς (ICb). Editores Basilicorum scribunt: 'Post ἐναλλαγῆς ICb ins. βιβ. μῆ' τῶν Διγ. τιτ. κς' (leg. κγ'?) κερ. α'; quod post rubricam B. 60,68 collocandum erat'. Nescio quid haec nota ad rubricam B. 46,2 in Indice Coisliniano velit; expectes βιβ. δ' τῶν Διγ. τιτ. ε' κερ. β' || **B. 46,3,1:** BS 2744/5 | BT 2124 app. ad l. 3 περὶ (Pd) et (A) | BT 2124 app. ad l. 3 αὐτῶν (ICb) ||

81 βιβ. δ'] δ' post Διγ. (81) pon. Pc |

IPc

75

**Book 46 of the Basilica contains 3 titles**

**Title 1**

**Chapter 1**

Personal status of human beings; book 1 of the Digest, title 5.

**Title 2**

**Chapter 1**

Change of personal status; book 4 of the Digest, title 5.

80

**Title 3**

**Chapter 1**

Division of things and their quality; book 1 of the Digest, title 8.

85

## Βιβλίον μζ' τῶν Βασιλικῶν ἔχει τίτλους τρεῖς

&lt;Τίτλος α'&gt;

Κεφάλαιον α'

Περὶ δωρεῶν τῶν ἐν ζωῇ· βιβ. λθ' τῶν Διγ. τιτ. ε'.

90

Κεφάλαιον λς'

Περὶ δωρεῶν νομοθεσίαι διάφοροι· βιβ. η' τοῦ Κωδ. τιτ. νγ'.

Κεφάλαιον \*\*

Περὶ τῶν ὑπὸ ὄρον καὶ ὑπὸ αἵρεσιν καὶ ὑπὸ χρόνον καὶ ἀποκατάστασιν δωρεῶν· βιβ. η' τοῦ Κωδ. τιτ. νδ'.

&lt;Κεφάλαιον ..&gt;

95

Περὶ τοῦ τὴν παρὰ ἰδιώτου πρὸς βασιλέα γενομένην δωρεάν μὴ δεῖσθαι πράξεως ὑπομνημάτων· νε. νβ' διαίρεσις β'.

Κεφάλαιον ξς'

Περὶ δωρεῶν συνοικούντων ἰσχυουσῶν· νε. ρξβ' διαίρεσις α'.

Τίτλος β'

100

Κεφάλαιον α'

Περὶ ἀνατροπῆς δωρεῶν καὶ ἰσχύος· βιβ. η' τοῦ Κωδ. τιτ. νε'.

**Testimonia:**

**B. 47** (j<sup>o</sup> **B. 47,1,1**): BT 2127 app. ad l. 2 βιβλίον κτέ. (ICb) || **B. 47,1,1**: BS 2750/5 | BT 2127 app. ad l. 4 περὶ (Pd et A) || **B. 47,1,36** (35 in BT): BS 2768/26 | BT 2136 app. ad l. 1 c. 35 (Pd) || **B. 47,1,\*\*** (70 in BT): BS 2783/14 | BT 2143 app. ad l. 9 c. 70 (Pd) || **B. 47,1, <..>** (75 in BT): BS 2785/5 | BT 2144 app. ad l. 5 c. 75 (Pd) || **B. 47,1,66** (76 in BT): BS 2785/11 | BT 2127 app. ad l. 4 ζωῇ (ICb) (pars notae) | BT 2144 app. ad l. 20 c. 76 (Pd) || **B. 47,2,1**: BS 2786/4 | BT 2146 app. ad l. 3 περὶ (Pd) et ad l. 3 δωρεῶν (ICb) ||

89 κεφάλαιον λς'] post κεφ. λς' Pc add. καὶ ξδ': nescio quid velint | 96 ὑπομνημάτων] ὑπόμνησιν Pc | διαίρεσις] κεφ. Pc | 97 κεφάλαιον ξς'] fortasse leg. κεφ. ος'

85

**Book 47 of the Basilica contains 3 titles**

**<Title 1>**

**Chapter 1**

Donations between the living; book 39 of the Digest, title 5.

**Chapter 36**

90

Various rules on donations; book 8 of the Code, title 53.

**Chapter \*\***

Donations made under imposed burden, under condition, and subject to a time limit and restitution; book 8 of the Code, title 54.

**<Chapter ..>**

95

The donation made by a private individual to an emperor does not need to be entered into the records; Novel 52, section 2.

**Chapter 66**

Donations between married persons are valid; Novel 162, section 1.

**Title 2**

100

**Chapter 1**

Annulment of donations, and (their) validity; book 8 of the Code, title 55.

VAN BOCHOVE

Τίτλος γ'

Κεφάλαιον α'

Περὶ τῶν μετὰ θάνατον δωρεῶν· βιβ. λθ' τῶν Διγ. τιτ. ς'.

105

Κεφάλαιον ββ'

Περὶ τῶν θανάτου αἰτίας δωρεῶν· βιβ. η' τοῦ Κωδ. τιτ. νς'.

Κεφάλαιον με'

Ὅτι <αἱ θανάτου αἰτίαι δωρεαῖ> λεγέσθαι ἐοίκασι καὶ ἔξεστιν αὐτάς ἀνακαλεῖσθαι ἥτοι ἀνατρέπειν νε. πζ' διαίρεσις α' καὶ β'.

---

**Testimonia:**

**B. 47,3,1:** BS 2790/5 | BT 2148 app. ad l. 3 περὶ (Pd) et ad l. 3 δωρεῶν (ICb) || **B. 47,3,42** (45 in BT): BS 2807/29 | BT 2156 app. ad l. 14 c. 45 (Pd) || **B. 47,3,45** (49 in BT): BS 2809/27 | BT 2157 app. ad l. 7 c. 49 (Pd) ||

---

108 <αἱ θανάτου αἰτίαι δωρεαῖ>] αἱ θανάτου αἰτίαι δωρεαῖ suppl. ad sensum, e textu Nov. (L); cf. SK 423/23-29 et app. ad l. 25 μόρις καῦσα |

IPc

**Title 3**

**Chapter 1**

Donations after death; book 39 of the Digest, title 6.

105

**Chapter 42**

Donations in contemplation of death; book 8 of the Code, title 56.

**Chapter 45**

<Donations in contemplation of death> resemble legacies; it is permitted to revoke, i.e. to annul them; Novel 87, sections 1 and 2.

110 Βιβλίον μὴ τῶν Βασιλικῶν ἔχει τίτλους κς΄

Τίτλος α΄

Κεφάλαιον α΄

Περὶ ἐλευθεριῶν οἰκετῶν· βιβ. μ΄ τῶν Διγ. τιτ. α΄.

Τίτλος β΄

115 Κεφάλαιον α΄

Περὶ τῆς τῶν ἐλευθερωθέντων ἐκδικήσεως· βιβ. μ΄ τῶν Διγ. τιτ. β΄.

Κεφάλαιον ιη΄

Περὶ ἐκδικήσεως ἐλευθερίας ἐν συνεδρίῳ ἐπιδοθείσης· βιβ. ζ΄ τοῦ Κωδ. τιτ. α΄.

Τίτλος γ΄

120 Κεφάλαιον α΄

Περὶ ἐλευθεριῶν δούλων τῶν εἰς σύστασιν οἷς ἀνήκουσιν ἐπιτιθεμένων· βιβ. μ΄ τῶν Διγ. τιτ. γ΄.

Κεφάλαιον γ΄

Περὶ τῶν ἐν διαθήκῃ ἐλευθερουμένων οἰκετῶν· βιβ. μ΄ τῶν Διγ. τιτ. δ΄.

125 Περὶ τῆς ἐν διαθήκῃς ἐλευθερίας· βιβ. ζ΄ τοῦ Κωδ. τιτ. β΄ διατ. δ΄

---

**Testimonia:**

**B. 48** (j<sup>o</sup> **B. 48,1,1**): BT 2158 app. ad l. 2 βιβλίον κτέ. (ICb) || **B. 48,1,1**: BS 2810/4 | BT 2158 app. ad l. 5 c. 1 (Pd) || **B. 48,2,1**: BS 2818/4 | BT 2162 app. ad l. 3 περὶ (Pd) et ad l. 3 ἐκδικήσεως (ICb) || **B. 48,2,18** (23 in BT): BS 2824/27 || **B. 48,3,1**: BS 2826/4 | BT 2166 app. ad l. 3 περὶ (Pd) et ad l. 4 διαθήκη (ICb) || **B. 48,3,3**: BS 2826/19 || **B. 48,3,?** (c. 62 in BT): BS 2844/19 | BT 2176 app. ad l. 4 c. 62 (Pd) ||

---

125 διατ. δ΄] κερφ. δ΄ Pc I



110

**Book 48 of the Basilica contains 26 titles**

**Title 1**

**Chapter 1**

Manumissions of slaves; book 40 of the Digest, title 1.

**Title 2**

115

**Chapter 1**

The claim of those who have been released; book 40 of the Digest, title 2.

**Chapter 18**

Claim to freedom granted in the presence of a council; book 7 of the Code, title 1.

**Title 3**

120

**Chapter 1**

Manumissions of slaves imposed on the corporation to which they belong; book 40 of the Digest, title 3.

**Chapter 3**

Slaves manumitted in a will; book 40 of the Digest, title 4.

125

Testamentary manumission; book 7 of the Code, title 2, constitution 4.

Τίτλος δ΄

Κεφάλαιον α΄

Περὶ τῶν διὰ μέσου προσώπου καταλειφθέντων ἐλευθερωθῆναι· βιβ. μ΄ τῶν Διγ. τιτ. ε΄.

Τίτλος ε΄

Κεφάλαιον α΄

Περὶ ἀφαιρέσεως ἐλευθερίας· βιβ. μ΄ τῶν Διγ. τιτ. ζ΄.

Κεφάλαιον β΄

Περὶ τῶν ὑπὸ ἡμέραν ἢ ὑπὸ ἀΐρεσιν ἐλευθερουμένων· βιβ. μ΄ τῶν Διγ. τιτ. ζ΄.

Τίτλος ς΄

Κεφάλαιον α΄

Οἵτινες ἄνευ ἐλευθερίας εἰς ἐλευθερίαν μετέρχονται· βιβ. μ΄ τῶν Διγ. τιτ. η΄.

Τίτλος ζ΄

Κεφάλαιον α΄

Τίνες καὶ παρὰ τίνων <ἐλευθερούμενοι> ἐλεύθεροι οὐ γίνονται καὶ εἰς τὸν νόμον τοῦ Ἀελίου Σεντίου· βιβ. μ΄ τῶν Διγ. τιτ. θ΄.

Κεφάλαιον λδ΄

Οἱ ἐλευθερώσαι μὴ δυνάμενοι καὶ μὴ εἰς βλάβην τῶν δανειστῶν ἐλευθερούμενοι· βιβ. ζ΄ τοῦ Κωδ. τιτ. ια΄.

---

**Testimonia:**

**B. 48,4,1:** BS 2851/4 | BT 2179 app. ad l. 3 περὶ (Pd) et ad l. 3 ἐλευθερωθῆναι (ICb) || **B. 48,5,1:** BS 2889/4 | BT 2198 app. ad l. 3 περὶ (Pd) et ad l. 4 ἐλευθερουμένων (ICb) (pars notae) || **B. 48,5,2:** BS 2889/8 | BT 2198 app. ad l. 4 ἐλευθερουμένων (ICb; pars notae) | Pd, f. 163<sup>v</sup> ad marg. βιβ. μ΄ τιτ. ζ΄ (om. BT app.) || **B. 48,6,1:** BS 2916/4 | BT 2211 app. ad l. 3 μετέρχονται (ICb) et ad l. 4 c. 1 (Pd) || **B. 48,7,1:** BS 2919/4 | BT 2213 app. ad l. 5 Σεντίου (ICb et Pd) || **B. 48,7,34** (33 in BT): BS 2929/14 ||

---

128 διὰ μέσου] διαμέσου Pc | 139 <ἐλευθερούμενοι>] ἐλευθερούμενοι om. Pc; suppl. e D. 40,9 rubr. *manumissi* |

IPc

**Title 4**

**Chapter 1**

Those to whom it is bequeathed to be manumitted through an intermediary; book 40 of the Digest, title 5.

**Title 5**

130

**Chapter 1**

Withdrawal of freedom; book 40 of the Digest, title 6.

**Chapter 2**

Those who are manumitted under suspensive period of time or under suspensive condition; book 40 of the Digest, title 7.

**Title 6**

135

**Chapter 1**

Those who gain freedom without manumission; book 40 of the Digest, title 8.

**Title 7**

**Chapter 1**

140

Those (manumitted) and by whom (they are manumitted), who do not become free; and on the lex Aelia Sentia; book 40 of the Digest, title 9.

**Chapter 34**

Those who cannot manumit, and prohibition to be manumitted to the damage of the creditors; book 7 of the Code, title 11.

Τίτλος η'

145

Κεφάλαιον α'

Περὶ ἐλευθεριῶν αἰτίας· βιβ. μ' τῶν Διγ. τιτ. ιβ'.

Τίτλος θ'

Κεφάλαιον α'

Οἷς πρὸς ἐλευθερίαν ἀναβοᾷν οὐκ ἔξεστιν· βιβ. μ' τῶν Διγ. τιτ. ιγ'.

150

Κεφάλαιον β'

Ἐκ ποίων τρόπων οἰκείται ἐλευθερίας ἀπολαύουσιν· βιβ. ζ' τοῦ Κωδ. τιτ. ιη'.

Τίτλος ι'

Κεφάλαιον α'

Ἐὰν εὐγενῆς ἢ ἀπελεύθερος εἶναι λέγῃται· βιβ. μ' τῶν Διγ. τιτ. ιδ'.

155

Κεφάλαιον ζ'

Περὶ ἐλευθερωθέντος παρὰ τινος καὶ λέγοντος ἑαυτὸν εὐγενῆ· βιβ. ζ' τοῦ Κωδ. τιτ. ιδ'.

Τίτλος ια'

Κεφάλαιον α'

Περὶ καταστάσεως τῶν τελευτησάντων μετὰ πενταετίαν μὴ ζητεῖν· βιβ. μ' τῶν Διγ. τιτ. ιε'.

160

Κεφάλαιον ς'

Περὶ καταστατικῶν δικαστηρίων καὶ ἐντὸς ὅσου χρόνου τὰ περὶ τῆς τύχης ζητεῖται· βιβ. ζ' τοῦ Κωδ. τιτ. κα'.

---

**Testimonia:**

**B. 48,8,1:** BS 2931/4 | BT 2219 app. ad l. 3 περὶ (Pd) et αἰτίας (ICb) || **B. 48,9,1:** BS 2938/4 | BT 2227 app. ad l. 3 (ICb) et ad l. 4 c. 1 (Pd) || **B. 48,9,2:** BS 2938/30 | BT 2227 app. ad l. 7 c. 2 (Pd) || **B. 48,10,1:** BS 2941/4 | BT 2228 app. ad l. 3 ἐὰν (Pd et ICb) || **B. 48,10,7:** BS 2942/33 | BT 2229 app. ad l. 5 c. 7 (Pd) || **B. 48,11,1:** BS 2949/4 | BT 2231 app. ad l. 3 περὶ (Pd) et ζητεῖν (ICb) || **B. 48,11,6** (5 in BT): BS 2951/19 | BT 2232 app. ad l. 4 c. 4 (Pd) ||

---

156 παρὰ τινος] παράτινος Pc I

IPc

**Title 8**

145

**Chapter 1**

Lawsuit concerning freedom; book 40 of the Digest, title 12.

**Title 9**

**Chapter 1**

Those who are not allowed to assert liberty; book 40 of the Digest, title 13.

150

**Chapter 2**

In what ways slaves profit from being released; book 7 of the Code, title 18.

**Title 10**

**Chapter 1**

If one claims to be freeborn or freedman; book 40 of the Digest, title 14.

155

**Chapter 7**

He who has been manumitted by someone, and claims himself to be freeborn; book 7 of the Code, title 14.

**Title 11**

**Chapter 1**

After a period of five years no judicial inquiry into the status of deceased; book 40 of the Digest, title 15.

160

**Chapter 6**

Trials concerning personal status and within what period of time the issue regarding status is judicially investigated; book 7 of the Code, title 21.

Τίτλος ιβ΄

Κεφάλαιον α΄

- 165 Ὅτε κατὰ συμπαιγνίαν τοῦ δεσπότητος ἐλεύθερος ὁ δοῦλος κριθῇ καὶ τοῦτο ὑποδειχθῇ·  
βιβ. μ΄ τῶν Διγ. τιτ. ις΄.

Τίτλος ιγ΄

Κεφάλαιον α΄

Περὶ τῶν πίστει καταλιμπανομένων ἐλευθεριῶν· βιβ. ζ΄ τοῦ Κωδ. τιτ. δ΄.

170

Τίτλος ιδ΄

Κεφάλαιον α΄

Περὶ τοῦ πάντα τὸν καθ' οἶκον τρέπον ἐλευθερούμενον Ῥωμαῖον εἶναι· βιβ. ζ΄ τοῦ Κωδ.  
τιτ. ς΄.

Κεφάλαιον β΄

- 175 Περὶ ἐλευθερουμένων ἐν ἐκκλησίᾳ δούλων· βιβ. α΄ τοῦ Κωδ. τιτ. ιγ΄.

Κεφάλαιον δ΄

Περὶ ἐλευθερίας κοινῶν δούλων· βιβ. ζ΄ τοῦ Κωδ. τιτ. ζ΄.

Τίτλος ιε΄

Κεφάλαιον α΄

- 180 Περὶ προικιμαίων δούλων τῶν ὑποκειμένων εἰς ἐνέχυρον, εἰ ἐλευθεροῦνται· βιβ. ζ΄ τοῦ  
Κωδ. τιτ. η΄.

---

**Testimonia:**

**B. 48,12,1:** BS 2954/4 | BT 2234 app. ad l. 4 ἐλευθερούντων (ICb) et ad l. 5 c. 1 (Pd) || **B. 48,13,1:** BS 2956/4 | BT 2236 app. ad l. 4 δούλων (ICb) et ad l. 5 c. 1 (Pd) || **B. 48,14,1:** BS 2964/4 | BT 2240 app. ad l. 3 περὶ (ICb) (pars notae) || **B. 48,14,2:** BT 2240 app. ad l. 3 περὶ (Pd) et (ICb) (pars notae) || **B. 48,14,4:** BS 2971/18 | Pd, f. 181<sup>v</sup> ad marg. βιβ. ζ΄ τοῦ Κωδ. τιτ. ζ΄ (om. BT app.) | BT 2240 app. ad l. 3 περὶ (ICb) (pars notae) || **B. 48,15,1:** BS 2973/4 | BT 2243 app. ad l. 3 ἀπελευθερώσεως ((ICb) et ad l. 4 c. 1 (Pd) ||

---

175 ἐκκλησίᾳ] ἐκκλησία Pc |

IPc

**Title 12**

**Chapter 1**

165 When a slave is judged free in collusion with his master, and this is discovered; book 40 of the Digest, title 16.

**Title 13**

**Chapter 1**

Manumissions through fideicommissa (informal requests); book 7 of the Code, title 4.

170

**Title 14**

**Chapter 1**

Everyone manumitted in whatever manner shall be a Roman citizen; book 7 of the Code, title 6.

**Chapter 2**

175 Slaves manumitted in Church; book 1 of the Code, title 13.

**Chapter 4**

Manumission of slaves held in joint ownership; book 7 of the Code, title 7.

**Title 15**

**Chapter 1**

180 Dotal slaves on whom is established a (non-possessory) pledge: if they are manumitted; book 7 of the Code, title 8.

Τίτλος ις'

Κεφάλαιον α'

Περὶ τῶν μὴ παρὰ δεσπότην ἐλευθερουμένων βιβ. ζ' τοῦ Κωδ. τιτ. ι'.

185

Τίτλος ιζ'

Κεφάλαιον α'

Περὶ τῶν μὴ δυναμένων ἐλευθεροῦσθαι βιβ. ζ' τοῦ Κωδ. τιτ. ιβ'.

Τίτλος ιη'

Κεφάλαιον α'

190 Ὑπὲρ ὧν αἰτιῶν οἱ δοῦλοι ἔπαθλον λαμβάνουσι τὴν ἐλευθερίαν βιβ. ζ' τοῦ Κωδ. τιτ. ιγ'.

Τίτλος ιθ'

Κεφάλαιον α'

Κοινὰ περὶ ἐλευθεριῶν βιβ. ζ' τοῦ Κωδ. τιτ. ιε'.

Τίτλος κ'

195

Κεφάλαιον α'

Περὶ τρόπων ἐλευθερίας καὶ εὐγενείας καὶ περὶ καταστατικῶν ὑποθέσεων βιβ. ζ' τοῦ Κωδ. τιτ. ις'.

Τίτλος κα'

Κεφάλαιον α'

200 Περὶ ἐλευθέρου δοθέντος ὑπὲρ δούλου δικάσασθαι ἢ περὶ τῶν εἰς ἐλευθερίαν ἀναβοώντων βιβ. ζ' τοῦ Κωδ. τιτ. ιζ'.

---

**Testimonia:**

**B. 48,16,1:** BS 2976/4 | BT 2245 app. ad 1. 3 ἐλευθερουμένων (ICb) et (Pd) || **B. 48,17,1:** BS 2979/4 | BT 2247 app. ad 1. 3 ἐλευθεροῦσθαι (ICb) et (Pd) || **B. 48,18,1:** BS 2981/4 | BT 2248 app. ad 1. 3 ἐλευθερίαν (ICb) et (Pd) || **B. 48,19,1:** BS 2983/4 | BT 2249 app. ad 1. 3 ἐλευθεριῶν (ICb) et (Pd) || **B. 48,20,1:** BS 2988/4 | BT 2251 app. ad 1. 3 πράγματος (ICb) et (Pd) || **B. 48,21,1:** BS 3006/4 | BT 2258 app. ad 1. 3 δικάσασθαι (ICb) et (Pd) ||



IPc

**Title 16**

**Chapter 1**

Those who are manumitted by a non-owner; book 7 of the Code, title 10.

185

**Title 17**

**Chapter 1**

Those who cannot be manumitted; book 7 of the Code, title 12.

**Title 18**

**Chapter 1**

190

For what reasons slaves receive freedom as a reward; book 7 of the Code, title 13.

**Title 19**

**Chapter 1**

General rules concerning manumissions; book 7 of the Code, title 15.

**Title 20**

195

**Chapter 1**

Modes of freedom and of being freeborn, and lawsuits concerning personal status; book 7 of the Code, title 16.

**Title 21**

**Chapter 1**

200

A free man given in order to litigate on behalf of a slave, or those who proclaim (assert) liberty; book 7 of the Code, title 17.

Τίτλος κβ΄

Κεφάλαιον α΄

205 Περί τοῦ εἰ συνεμπέσῃ τῷ καταστατικῷ καὶ ἕτερον ζήτημα· ποῖον δεῖ πρῶτον κριθῆναι·  
βιβ. ζ΄ τοῦ Κωδ. τιτ. ιθ΄.

Τίτλος κγ΄

Κεφάλαιον α΄

210 Περί τοῦ συμφυθαρέντος τῇ δεσποίνῃ οἰκέτου καὶ περὶ ἀπελευθέρων· βιβ. ζ΄ τοῦ Κωδ. τιτ.  
κ΄.

Τίτλος κδ΄

Κεφάλαιον α΄

215 Περί μακροῦ χρόνου παραγραφῆς ἣτις ὑπὲρ ἐλευθερίας ἀντιτίθεται· βιβ. ζ΄ τοῦ Κωδ. τιτ.  
κβ΄.

Κεφάλαιον β΄

215 Περί πεκουλίων οἰκετῶν καὶ ἐλευθερωθέντων· βιβ. ζ΄ τοῦ Κωδ. τιτ. κγ΄.

Τίτλος κε΄

Κεφάλαιον α΄

Περί γυναικὸς εὐγενοῦς ἐρασθείσης δούλου <ῆ> ἐναπογράφου· βιβ. ζ΄ τοῦ Κωδ. τιτ. κδ΄.

---

**Testimonia:**

**B. 48,22,1:** BS 3009/4 | BT 2259 app. ad l. 3 διαγνώσεων (ICb) et (Pd) || **B. 48,23,1:** BS 3014/4 | BT 2262 app. ad l. 3 ἀναφανέντος (ICb) et (Pd) || **B. 48,24,1:** BS 3016/4 | BT 2263 app. ad l. 4 ἀξιωθέντος (ICb) et (Pd) || **B. 48,24,2** (4 in BT): BS 3017/27 | BT 2263 app. ad l. 13 c. 4 (Pd) || **B. 48,25,1:** BS 3018/4 | BT 2264 app. ad l. 3 ἐναπογράφου (ICb) (pars notae) et (Pd) ||

---

218 ἢ suppl. e B. 48,25 rubr. (BT 2264/3) et B. 48,25,1 (BT 2265/3, 7 et 9) |

IPc

**Title 22**

**Chapter 1**

205 If a second judicial inquiry coincides with the one concerning personal status, which case must be decided first; book 7 of the Code, title 19.

**Title 23**

**Chapter 1**

210 The slave who has had sexual intercourse with his mistress, and on freedmen; book 7 of the Code, title 20.

**Title 24**

**Chapter 1**

215 Prescription of long time, which is opposed in defence of freedom; book 7 of the Code, title 22.

**Chapter 2**

215 Property owned by slaves and by freedmen; book 7 of the Code, title 23.

**Title 25**

**Chapter 1**

A freeborn woman in love with a slave or an adscripticius (serf); book 7 of the Code, title 24.

Τίτλος κς'

220

Κεφάλαιον α'

Ὡστε τοὺς ἀπελευθέρους τοῦ λοιποῦ μὴ δεῖσθαι δικαίου χρυσῶν δακτυλίων καὶ  
παλινγενεσίας· νε. οἷ' διαίρεσις α', β'.

225

Κεφάλαιον β'

Περὶ τοῦ δύνασθαι τοὺς νέους καθ' ὃν καιρὸν διατίθενται καὶ οἰκέτας ἐλευθεροῦν· νε. ριθ'  
διαίρεσις β'.

Κεφάλαιον γ'

Περὶ τῆς μεριζομένης γονῆς τῶν γεωργῶν· νε. ρνς' ἢ ὅλη νεαρά.

---

**Testimonia:**

**B. 48,26,1:** BS 3019/4 | BT 2266 app. ad l. 3 ὥστε (ICb) (pars notae) et ad l. 6 c. 1 (Pd) || **B. 48,26,2:** BS 3019/20 | BT 2266 app. ad l. 3 ὥστε (ICb) (pars notae) || **B. 48,26,3:** BS 3020/3 | BT 2266 app. ad l. 3 ὥστε (ICb) (pars notae) ||

---

224 καθ' ὃν] καθὸν Pc | 227 ἢ ὅλη νεαρά] ἢ ὅλη νεαρά post γεωργῶν (227) pon. Pc |

IPc

**Title 26**

220

**Chapter 1**

In the future freedmen shall not need the right of gold rings and of natalium restitutio (grant of privileges of a free-born); Novel 78, sections 1, 2.

**Chapter 2**

225

At the moment they draw up a will, minors can also manumit slaves; Novel 119, section 2.

**Chapter 3**

Division of the offspring of coloni (serfs); Novel 156, the entire Novel.

Βιβλίον μθ' τῶν Βασιλικῶν ἔχει τίτλους ς'

Τίτλος α'

230

Κεφάλαιον α'

Περὶ δικαίου πατρῶνων· βιβ. λζ' τῶν Διγ. τιτ. ιδ'.

Κεφάλαιον β'

Περὶ ἀπελευθέρων καὶ δικαίου πατρῶνων· βιβ. ς' τοῦ Κωδ. τιτ. δ'.

Τίτλος β'

235

Κεφάλαιον α'

Περὶ τῆς ὀφειλομένης τοῖς γονεῦσι καὶ πάτρωσιν ὑποταγῆς· βιβ. λζ' τῶν Διγ. τιτ. ιε'.

Κεφάλαιον ι'

Περὶ τιμῆς καὶ ὑπηρεσιῶν πάτρωσι παρεχομένων· βιβ. ς' τοῦ Κωδ. τιτ. ς'.

Κεφάλαιον ιζ'

240

Ἐκ ποίων αἰτιῶν ἀναδουλοῦνται οἱ ἀπελευθεροὶ καὶ οἱ παῖδες αὐτῶν· βιβ. ς' τοῦ Κωδ. τιτ. ζ'.

Τίτλος γ'

Κεφάλαιον α'

Περὶ ὑπηρεσίας ἀπελευθέρων· βιβ. λη' τῶν Διγ. τιτ. α'.

245

Κεφάλαιον ν'

Περὶ ἐργασιῶν ἀπελευθέρων· βιβ. ς' τοῦ Κωδ. τιτ. γ'.

Τίτλος δ'

Κεφάλαιον α'

Περὶ διακατοχῆς ἀπελευθέρων· βιβ. λη' τῶν Διγ. τιτ. β'.

---

**Testimonia:**

**B. 49** (j<sup>o</sup> **B. 49,1,1**): BT 2270 app. ad l. 2 βιβλίον κτέ (ICb) || **B. 49,1,1**: Pd, f. 192<sup>v</sup> ad marg. βιβ. λζ' τιτ. ιδ' (om. BT app.) || **B. 49,1,2** (25 in BT): BT 2274 app. ad l. 3 c. 25 (Pd) || **B. 49,2,1**: BT 2282 app. ad l. 3 ὑποταγῆς (ICb) || **B. 49,3,1**: BT 2285 app. ad l. 3 ἀπελευθέρων (ICb) || **B. 49,4,1**: BT 2296 app. ad l. 3 ἀπελευθέρων (ICb) ||

IPc

**Book 49 of the Basilica contains 6 titles**

**Title 1**

230

**Chapter 1**

The right of patrons; book 37 of the Digest, title 14.

**Chapter 2**

Freedmen and the right of patrons; book 6 of the Code, title 4.

**Title 2**

235

**Chapter 1**

The obedience owed to parents and patrons; book 37 of the Digest, title 15.

**Chapter 10**

Honour and services rendered to patrons; book 6 of the Code, title 6.

**Chapter 17**

240

On what grounds freedmen and their children are reduced to slavery again; book 6 of the Code, title 7.

**Title 3**

**Chapter 1**

Service rendered by freedmen; book 38 of the Digest, title 1.

245

**Chapter 50**

Tasks performed by freedmen; book 6 of the Code, title 3.

**Title 4**

**Chapter 1**

Possession of the estate of freedmen; book 38 of the Digest, title 2.

250

**Κεφάλαιον να΄**

Περὶ ἀπελευθέρου ομάδος ἡγουν πόλεως· βιβ. λη΄ τῶν Διγ. τιτ. γ΄.

**Τίτλος ε΄**

**Κεφάλαιον α΄**

Περὶ τοῦ ἐπιγινώσκεισθαι τοὺς ἀπελευθέρους· βιβ. λη΄ τῶν Διγ. τιτ. δ΄.

255

**Τίτλος ς΄**

**Κεφάλαιον α΄**

Περὶ τοῦ μὴ ἐξεῖναι τοῖς ἀπελευθέροις τὰς ἰδίας περιουσίας μειοῦν εἰς βλάβην τῶν πατρῶνων· βιβ. λη΄ τῶν Διγ. τιτ. ε΄.

**Κεφάλαιον ιδ΄**

260

Ἐὰν εἰς βλάβην τοῦ πάτρωνος ἐκποιήσις γένηται· βιβ. ς΄ τοῦ Κωδ. τιτ. ε΄.

---

**Testimonia:**

**B. 49,5,1:** BT 2310 app. ad l. 3 ἀπελευθέρους (ICb) || **B. 49,6,1:** BT 2313 app. ad l. 4 πατρῶνων (ICb) ||

---

254 βιβ.] ante βιβ. Pc in ras scribit περὶ τοῦ ἐπ l



IPc

250

**Chapter 51**

Freedman belonging to a community or city; book 38 of the Digest, title 3.

**Title 5**

**Chapter 1**

Freedmen being adjudicated; book 38 of the Digest, title 4.

255

**Title 6**

**Chapter 1**

Freedmen are not allowed to reduce their own estate to the damage of their patrons; book 38 of the Digest, title 5.

260

**Chapter 14**

When an alienation is made to the damage of the patron; book 6 of the Code, title 5.

Βιβλίον ν' τῶν Βασιλικῶν ἔχει τίτλους ις'

Τίτλος α'

Κεφάλαιον α'

265 Περί τῆς ἐκ διαφόρων τρόπων συνισταμένης κυριότητος διὰ χρονίας νομῆς ἢ περὶ φυσικῶν κτήσεων· βιβ. μα' τῶν Διγ. τιτ. α'.

Τίτλος β'

Κεφάλαιον α'

Περί νομῆς καὶ δεσποτείας καὶ τίνες ἡμῖν νομὴν προσπορίζουσιν· βιβ. μα' τῶν Διγ. τιτ. β'.

Κεφάλαιον νγ'

270 Περί τῆς διὰ χρήσεως δεσποτείας καὶ περὶ τῶν προσπορίζόντων νομῆν· βιβ. ζ' τοῦ Κωδ. τιτ. λβ'.

Τίτλος γ'

Κεφάλαιον α'

Περί καταχρήσεως <καὶ> νομῶν· βιβ. μα' τῶν Διγ. τιτ. γ'.

275

Κεφάλαιον ν'

Περί τοῦ περὶ βίας ἰντερδίκτου καὶ τῶν κατὰ βίαν τι ποιούντων· βιβ. η' τοῦ Κωδ. τιτ. δ'.

Κεφάλαιον ξβ'

Ἐὰν κατὰ βίαν ἢ ἄλλῳ τρόπῳ τῶν ἀπόντων ἀνατραπῇ ἡ νομὴ· βιβ. η' τοῦ Κωδ. τιτ. ε'.

Κεφάλαιον ξδ'

280 Ὅπως τι καὶ παρὰ τίνος διακατέχεται· βιβ. η' τοῦ Κωδ. τιτ. ζ'.

---

**Testimonia:**

**B. 50 (j° B. 50,1,1):** BT 2318 app. ad l. 2 βιβλίον κτέ (ICb) || **B. 50,1,1:** Pd, f. 221<sup>r</sup> ad marg. βιβ. μα' τιτ. α' (om. BT app.) || **B. 50,2,1:** BT 2331 app. ad l. 3 διακατοχῆς (ICb) || **B. 50,3,1:** BT 2343 app. ad l. 3 νομῶν (ICb) ||

---

261 τίτλους] τιτ. τιτ. Pc | 274 περὶ καταχρήσεως <καὶ> νομῶν] περὶ καταχρήσεως νόμων (i.e. de usurpatione legum) Pc; corr. e B. 50,3 rubr. (BT 2343/3) | 276 τι] τί Pc | 280 τι] τί Pc | τιτ. ζ'] post τιτ. ζ' Pc in ipso textu pergit ὅπως καὶ παρὰ τίνος διακατέχεται τι· βιβ. η' τοῦ Κωδ. τιτ. ζ' μόνος |

**Book 50 of the Basilica contains 16 titles**

**Title 1**

**Chapter 1**

265 Ownership originating in various ways through long-term possession, or natural possession; book 41 of the Digest, title 1.

**Title 2**

**Chapter 1**

Possession and ownership and who acquire possession for us; book 41 of the Digest, title 2.

**Chapter 53**

270 Ownership through use and those who acquire possession; book 7 of the Code, title 32.

**Title 3**

**Chapter 1**

Usurpation and possessions; book 41 of the Digest, title 3.

275

**Chapter 50**

The interdict on force and those who do something with force; book 8 of the Code, title 4.

**Chapter 62**

If the possession of absentees is disturbed by force or in another way; book 8 of the Code, title 5.

**Chapter 64**

280 How and by whom a thing is held in possession; book 8 of the Code, title 6.

Τίτλος δ΄

Κεφάλαιον α΄

Περὶ ἀνταγοραστοῦ ἡγουν περὶ οὐσουκαπίονος· βιβ. μα΄ τῶν Διγ. τιτ. δ΄.

Κεφάλαιον ιε΄

285 Περὶ τῆς διὰ χρήσεως δεσποτείας τῶν ἐξ ἀγορασίας ἢ διαλύσεως· βιβ. ζ΄ τοῦ Κωδ. τιτ. κς΄.

Τίτλος ε΄

Κεφάλαιον α΄

Περὶ οὐσουκαπίονος κληρονομίας· βιβ. μα΄ τῶν Διγ. τιτ. ε΄.

290

Κεφάλαιον ε΄

Περὶ τῆς διὰ χρήσεως δεσποτείας κληρονομίας· βιβ. ζ΄ τοῦ Κωδ. τιτ. κθ΄.

Τίτλος ς΄

Κεφάλαιον α΄

Περὶ οὐσουκαπίονος δωρεᾶς· βιβ. μα΄ τῶν Διγ. τιτ. ς΄.

295

Κεφάλαιον ζ΄

Περὶ οὐσουκαπίονος δωρεῶν· βιβ. ζ΄ τοῦ Κωδ. τιτ. κή΄.

Τίτλος ζ΄

Κεφάλαιον α΄

Περὶ τῶν ἐγκαταλειμμένων ἡγουν ἀδεσπότην· βιβ. μα΄ τῶν Διγ. τιτ. ζ΄.

300

Τίτλος η΄

Κεφάλαιον α΄

Περὶ νομῆς προικός· βιβ. μα΄ τῶν Διγ. τιτ. θ΄.

Κεφάλαιον δ΄

Περὶ οὐσουκαπίονος προικός· βιβ. ζ΄ τοῦ Κωδ. τιτ. κη΄.

---

**Testimonia:**

**B. 50,4,1:** BT 2355 app. ad l. 3 ἀνταγοραστοῦ (ICb) || **B. 50,8,1:** BT 2366 app. ad l. 3 περὶ (Pd) ||

IPc

**Title 4**

**Chapter 1**

As a purchaser, i.e. usucapion; book 41 of the Digest, title 4.

**Chapter 15**

285      Ownership through use on the grounds of purchase or compromise; book 7 of the Code, title 26.

**Title 5**

**Chapter 1**

Usucapion (on the ground) of inheritance; book 41 of the Digest, title 5.

290

**Chapter 5**

Ownership through use (on the ground) of inheritance; book 7 of the Code, title 29.

**Title 6**

**Chapter 1**

Usucapion (on the ground) of donation; book 41 of the Digest, title 6.

295

**Chapter 7**

Usucapion (on the ground) of donations; book 7 of the Code, title 27.

**Title 7**

**Chapter 1**

Things abandoned or without owner; book 41 of the Digest, title 7.

300

**Title 8**

**Chapter 1**

Possession of dowry; book 41 of the Digest, title 9.

**Chapter 4**

Usucapion (on the ground) of dowry; book 7 of the Code, title 28.

305

**Τίτλος θ'**

**Κεφάλαιον α'**

Περὶ τῶν ὡς ἰδίῳ λογιζομένων εἰ δεσπόζονται διὰ χρονίας νομῆς· βιβ. μα' τῶν Διγ. τιτ. ι'.

**Τίτλος ι'**

**Κεφάλαιον α'**

310

Περὶ τῆς διὰ χρονίας νομῆς δεσποτείας· βιβ. ζ' τοῦ Κωδ. τιτ. λ'.

**Κεφάλαιον δ'**

Περὶ χρόνων οὐσουκαπίονος τριῶν ἢ δέκα ἢ εἴκοσιν ἐνιαυτῶν· βιβ. ζ' τοῦ Κωδ. τιτ. λα'.

**Τίτλος ια'**

**Κεφάλαιον α'**

315

Περὶ παραγραφῆς μακροῦ χρόνου δέκα ἢ εἴκοσιν ἐτῶν· βιβ. ζ' τοῦ Κωδ. τιτ. λγ'.

**Κεφάλαιον ιγ'**

Περὶ νομῆς μεταθέσεως ἀπὸ τοῦ ἀρνούμενου ἢ τοῦ ἐλεγχθέντος· νε. ιη' διαίρεσις ιδ'.

**Τίτλος ιβ'**

**Κεφάλαιον α'**

320

Ἐν αἷς αἰτίαις παραχωρεῖται τοῦ μακροῦ χρόνου ἢ παραγραφῆ· βιβ. ζ' τοῦ Κωδ. τιτ. λδ'.

**Κεφάλαιον β'**

Οἷς οὐκ ἀντίκειται ἡ τοῦ μακροῦ χρόνου παραγραφῆ· βιβ. ζ' τοῦ Κωδ. τιτ. λε'.

---

**Testimonia:**

**B. 50,9,1:** BT 2367 app. ad l. 4 c. 1 (Pd) || **B. 50,10,1:** BT 2368 app. ad l. 3 περὶ (A) et ad l. 4 c. 1 (Pd) || **B. 50,10,4:** BT 2368 app. ad l. 9 c. 3 (Pd) || **B. 50,11,13:** BT 2369 app. ad l. 3 ἐτῶν (ICb) || **B. 50,12,2** (6 in BT): BT 2373 app. ad l. 1 c. 6 (Pd) ||

---

317 ἢ τοῦ] εἴτα Pc I

305

**Title 9**

**Chapter 1**

Whether things that are considered as one's own, are acquired through long-term possession; book 41 of the Digest, title 10.

**Title 10**

**Chapter 1**

310

Ownership through long-term possession; book 7 of the Code, title 30.

**Chapter 4**

Periods of usucapion, comprising three or ten or twenty years; book 7 of the Code, title 31.

**Title 11**

**Chapter 1**

315

Prescription of long time, comprising ten or twenty years; book 7 of the Code, title 33.

**Chapter 13**

Transfer of possession from the person who denies or who is convicted; Novel 18, section 14.

**Title 12**

**Chapter 1**

320

In which cases the prescription of long time is relinquished; book 7 of the Code, title 34.

**Chapter 2**

Against whom the prescription of long time is not opposed; book 7 of the Code, title 35.

Τίτλος ιγ'

Κεφάλαιον α'

325 Περί τετραετίας παραγραφῆς καὶ περὶ φίσκου πιπράσκοντος κινήτα ἢ αὐτοκίνητα· βιβ. ζ' τοῦ Κωδ. τιτ. λζ'.

Κεφάλαιον δ'

Πράγματος τοῦ δεσποτικοῦ οἴκου ἢ ἐκδίκησις τῷ χρόνῳ τῆς παραγραφῆς μὴ παρακινήθῃτω· βιβ. ζ' τοῦ Κωδ. τιτ. λη'.

330

Τίτλος ιδ'

Κεφάλαιον α'

Περί χρονίας παραγραφῆς κατὰ τῶν δανειστῶν ἐκδικούντων τὰ ἐνέχυρα ἀπὸ ἐξωτικῶν· βιβ. ζ' τοῦ Κωδ. τιτ. λς'.

Κεφάλαιον γ'

335 Περί χρονίας παραγραφῆς καὶ τῆς τριακονταετηρίδος καὶ τεσσαρακονταετηρίδος καὶ ποῖαι τῶν ἀγωγῶν τοῦτ' ὅτ' ὁ χρόν' σβέννυνται καὶ ποῖαι οὐ παύονται καὶ περὶ ὑποθηκαρίας ἀγωγῆς· βιβ. ζ' τοῦ Κωδ. τιτ. λθ'.

Κεφάλαιον ια'

340 Περί τοῦ ἀγοράσαντος παρὰ τοῦ μαλαφίδει νομέως ὅτε διὰ χρονίας νομῆς δεσπόζει· νε. ριθ' διαίρεσις ζ'.

---

**Testimonia:**

**B. 50,13,1:** BT 2374 app. ad l. 5 c. 1 (Pd) || **B. 50,14,1:** BT 2379 app. ad l. 5 c. 1 (Pd) || **B. 50,14,3:** BT 2379 app. ad l. 3 κατὰ (ICb) (pars notae) | BT 2379 app. ad l. 14 c. 3 (Pd) || **B. 50,14,11:** BT 2379 app. ad l. 3 κατὰ (ICb) (pars notae) ||

---

325 ἢ αὐτοκίνητα] fortasse leg. ἢ ἀκίνητα ἢ αὐτοκίνητα | 335 τριακονταετηρίδος] Περί τριῶν ἐνιαυτῶν καὶ δέκα καὶ εἴκοσι καὶ τριάκοντα καὶ τεσσαράκοντα ἀντικειμένων ταῖς γυναιξίν ἐπὶ τῇ ἀπαιτήσῃ τῆς προικὸς· ἀνάγνωθι βιβ. κθ' τῶν βασιλικῶν βιβλίων τιτ. α' κεφ. ρις' καὶ τὸ τέλος in ipso textu (post ὑποθηκαρίας ἀγωγῆς (337)) add. Pc |



IPc

### **Title 13**

#### **Chapter 1**

325 Prescription of four years, and the fisc selling movables or things moving by themselves;  
book 7 of the Code, title 37.

#### **Chapter 4**

The claim to a thing belonging to the imperial house shall not be disturbed by the term of  
the prescription; book 7 of the Code, title 38.

330

### **Title 14**

#### **Chapter 1**

Long-term prescription against the creditors claiming the pledges from strangers; book 7  
of the Code, title 36.

#### **Chapter 3**

335 Long-term prescription and the periods of thirty and forty years, and which actions are  
cancelled by that period of time and which do not come to an end; hypothecary action;  
book 7 of the Code title 39.

#### **Chapter 11**

340 He who has bought from a possessor in bad faith, when he owns through long-term  
possession; Novel 119, section 7.

VAN BOCHOVE

**Τίτλος ιε΄**

**Κεφάλαιον α΄**

Περὶ διαφορῶν χρόνων· ὅπως δύναται τις interrupteivin ἀπόντος τοῦ ἀντιδίκου ἢ δυνατοῦ ὄντος ἢ Ἰνφαντος ἢ μαινομένου καὶ μὴ ἔχοντος κηδεμόνα· βιβ. ζ΄ τοῦ Κωδ. τιτ. μ΄.

345

**Τίτλος ις΄**

**Κεφάλαιον α΄**

Περὶ προσκλύσεων καὶ ἀλσῶν καὶ νομῶν εἰς ἐτέρους ὄρους μετατιθεμένων· βιβ. ζ΄ τοῦ Κωδ. τιτ. μα΄.

---

343 interrupteivin] iherupteivin Pc l

IPc

**Title 15**

**Chapter 1**

Various periods of time: how someone is capable of interrupting (these) when the opponent in the trial is absent, or when he is a powerful man, or a child, or insane, and does not have a guardian; book 7 of the Code, title 40.

345

**Title 16**

**Chapter 1**

Alluvial deposits and groves and pastures transferred to new boundaries; book 7 of the Code, title 41.

# VAN BOCHOVE

## Concordance

B. 45,1	IPc 2-29	B. 48,26	IPc 219-227
B. 45,2	IPc 30-44	B. 49,1	IPc 229-233
B. 45,3	IPc 45-52	B. 49,2	IPc 234-241
B. 45,4	IPc 53-59	B. 49,3	IPc 242-246
B. 45,5	IPc 60-66	B. 49,4	IPc 247-251
B. 45,6	IPc 67-74	B. 49,5	IPc 252-254
B. 46,1	IPc 76-78	B. 49,6	IPc 255-260
B. 46,2	IPc 79-81	B. 50,1	IPc 262-265
B. 46,3	IPc 82-84	B. 50,2	IPc 266-271
B. 47,1	IPc 86-98	B. 50,3	IPc 272-280
B. 47,2	IPc 99-101	B. 50,4	IPc 281-286
B. 47,3	IPc 102-109	B. 50,5	IPc 287-291
B. 48,1	IPc 111-113	B. 50,6	IPc 292-296
B. 48,2	IPc 114-118	B. 50,7	IPc 297-299
B. 48,3	IPc 119-125	B. 50,8	IPc 300-304
B. 48,4	IPc 126-128	B. 50,9	IPc 305-307
B. 48,5	IPc 129-133	B. 50,10	IPc 308-312
B. 48,6	IPc 134-136	B. 50,11	IPc 313-317
B. 48,7	IPc 137-143	B. 50,12	IPc 318-322
B. 48,8	IPc 144-146	B. 50,13	IPc 323-329
B. 48,9	IPc 147-151	B. 50,14	IPc 330-340
B. 48,10	IPc 152-156	B. 50,15	IPc 341-344
B. 48,11	IPc 157-162	B. 50,16	IPc 345-348
B. 48,12	IPc 163-166		
B. 48,13	IPc 167-169	C. 1,13	IPc 175
B. 48,14	IPc 170-177	C. 6,3	IPc 246
B. 48,15	IPc 178-181	C. 6,4	IPc 233
B. 48,16	IPc 182-184	C. 6,5	IPc 260
B. 48,17	IPc 185-187	C. 6,6	IPc 238
B. 48,18	IPc 188-190	C. 6,7	IPc 240-241
B. 48,19	IPc 191-193	C. 6,18	IPc 65-66
B. 48,20	IPc 194-197	C. 6,55	IPc 36
B. 48,21	IPc 198-201	C. 6,56	IPc 19-20
B. 48,22	IPc 202-205	C. 6,57	IPc 22-23
B. 48,23	IPc 206-209	C. 6,58	IPc 25
B. 48,24	IPc 210-215	C. 6,59	IPc 27
B. 48,25	IPc 216-218	C. 6,60	IPc 55-56

# IPc

C. 6,61	IPc 58-59	C. 7,40	IPc 343-344
C. 6,62	IPc 29	C. 7,41	IPc 347-348
C. 6,62,2	IPc 8-9	C. 8,4	IPc 276
C. 7,1	IPc 118	C. 8,5	IPc 278
C. 7,2,4	IPc 125	C. 8,6	IPc 280
C. 7,4	IPc 169	C. 8,53	IPc 90
C. 7,6	IPc 172-173	C. 8,54	IPc 92-93
C. 7,7	IPc 177	C. 8,55	IPc 101
C. 7,8	IPc 180-181	C. 8,56	IPc 106
C. 7,10	IPc 184		
C. 7,11	IPc 142-143	D. 1,5	IPc 78
C. 7,12	IPc 187	D. 1,8	IPc 84
C. 7,13	IPc 190	D. 4,5	IPc 81
C. 7,14	IPc 156	D. 37,14	IPc 231
C. 7,15	IPc 193	D. 37,15	IPc 236
C. 7,16	IPc 196-197	D. 38,1	IPc 244
C. 7,17	IPc 200-201	D. 38,2	IPc 249
C. 7,18	IPc 151	D. 38,3	IPc 251
C. 7,19	IPc 204-205	D. 38,4	IPc 254
C. 7,20	IPc 208-209	D. 38,5	IPc 257-258
C. 7,21	IPc 161-162	D. 38,6	IPc 4
C. 7,22	IPc 212-213	D. 38,7	IPc 32
C. 7,23	IPc 215	D. 38,8	IPc 34
C. 7,24	IPc 218	D. 38,9	IPc 38
C. 7,26	IPc 285-286	D. 38,10	IPc 47
C. 7,27	IPc 296	D. 38,11	IPc 62-63
C. 7,28	IPc 304	D. 38,12	IPc 6
C. 7,29	IPc 291	D. 38,13	IPc 11
C. 7,30	IPc 310	D. 38,14	IPc 40-41
C. 7,31	IPc 312	D. 38,15	IPc 43-44
C. 7,32	IPc 270-271	D. 38,16	IPc 13-14
C. 7,33	IPc 315	D. 38,17	IPc 16-17
C. 7,34	IPc 320	D. 39,5	IPc 88
C. 7,35	IPc 322	D. 39,6	IPc 104
C. 7,36	IPc 332-333	D. 40,1	IPc 113
C. 7,37	IPc 325-326	D. 40,2	IPc 116
C. 7,38	IPc 328-329	D. 40,3	IPc 121-122
C. 7,39	IPc 335-337	D. 40,4	IPc 124

VAN BOCHOVE

D. 40,5	IPc 128	D. 41,7	IPc 299
D. 40,6	IPc 131	D. 41,9	IPc 302
D. 40,7	IPc 133	D. 41,10	IPc 307
D. 40,8	IPc 136		
D. 40,9	IPc 139-140	Nov. 18	IPc 317
D. 40,12	IPc 146	Nov. 21	IPc 69
D. 40,13	IPc 149	Nov. 36	IPc 71
D. 40,14	IPc 154	Nov. 52	IPc 95-96
D. 40,15	IPc 159	Nov. 78	IPc 221-222
D. 40,16	IPc 165-166	Nov. 87	IPc 108-109
D. 41,1	IPc 264-265	Nov. 117	IPc 73-74
D. 41,2	IPc 268	Nov. 118	IPc 49-50
D. 41,3	IPc 274	Nov. 119	IPc 224-225, 339-340
D. 41,4	IPc 283	Nov. 156	IPc 227
D. 41,5	IPc 289	Nov. 162	IPc 98
D. 41,6	IPc 294	Nov. 164	IPc 52

University of Groningen

Th.E. van Bochove