

The *Peira* and the *Basilica*

1. Introduction

The *Peira* is a unique document in Byzantine legal literature. It is the only collection of court cases that has been handed down to us, and, as such, is one of very few examples of Byzantine law in action. The expectant reader who then eagerly turns the pages of the *Peira* will, inevitably, be a little disappointed. It is not so much a collection of court cases, as an attempt at a systematic textbook, based on the judgments and opinions of the 11th-century High Court judge Eustathios Rhomaios, to a considerable number of which references are made. Unfortunately it is not Eustathios himself who is speaking, but an unknown colleague, and it would, of course, be unfair to blame Eustathios for any defects in the way cases are presented. The resulting work, however, still gives a good impression of the kind of cases that came up in the High Court of Constantinople and of the decisions taken in such cases. At the same time it contains miscellaneous information and some interesting *obiter dicta*. Moreover, it provides information on how, in the 11th century, Eustathios — and his colleagues? — proceeded in reaching their decisions. In short, the *Peira* is unique in providing, at one remove, a look at what we would have preferred to have, namely the original notebooks of Eustathios.¹

This is not the place to study the precise relationship between the original writings of Eustathios and the *Peira*. The interested reader is referred to a valuable paper by Andreas Schminck.² Schminck studies four texts, the first of which is definitely by Eustathios and contains the original version of *Peira* 49.36 and 37. It provides an opportunity to contrast Eustathios' own words with the summary by the author of the *Peira*. Rather, I should like to take for granted the text of the *Peira* as we have it, and to concentrate on some aspects of its relationship with the normative sources, with an emphasis on the *Basilica*.

2. The *Peira* and the normative law

In the *Peira*, then, the *Basilica* are in no way regarded as an exclusive and exhaustive rendering of the *nomos*, “the (secular) law”. In a number of cases we find the

¹ Cf. Pieler 1978, 469; Van der Wal-Lokin 1985, 101; *ODB* s.v. *Peira* (D. Simon).

² Schminck 1979.

underlying Justinianic legislation in one of its Greek versions, even when that Justinianic passage had not been included in the *Basilica*. Indeed, it has been remarked that for Eustathios it was the Justinianic legislation which embodied the law, although of course that legislation could easily be consulted through the *Basilica*. In other words, this raises the question whether the *Basilica* had replaced the Justinianic Corpus, to which the answer has to be in the negative. In this Eustathios and the *Peira* are no exceptions, as may be demonstrated with other examples from the 11th century.³

Of course this does not mean that Eustathios did not take into account post-Justinianic Byzantine law, as witnessed by the occurrence, for example, of later imperial Novels. In addition to secular law, there are occasional references to canon law. The vast majority of references, though, is to the *Basilica*, a feature which may have to be attributed in part to the author of the *Peira*, if not to a later editor of the text.

In an earlier paper⁴ I had reason to speak about the way the *Peira* dealt with the normative sources, in other words, with Roman-Byzantine law. The occasion was the late Kazhdan's crusade in favour of a "new history of Byzantine law". Kazhdan had advanced *Peira* 75.3 as an example of the abrogation of Justinianic law, and therefore of "alteration and change" in Byzantine law rather than "traditionalism, imitativeness [and] stagnation". In my view, he had misunderstood the *Peira*. I stand by my words of 1998. It may suffice to quote part of section V of that paper:

"Here is one of Kazhdan's examples of a change in Byzantine law vis-à-vis the Justinianic position: 'It was D. Simon who drew attention to the statement of *Peira* 75.3 that refuted the old legislation (e.g., *Cod. Just.* 7:62.19); the old rule that made decisions of the praetorian prefect beyond appeal was abrogated' (p. 10). This suggests that a law explicitly stating that it was not permitted to appeal from a decision of the praetorian prefect, was no longer binding ('abrogated'). On the contrary: precisely because the law was still binding, a judge had to make a distinction in order to be able to say that it was in fact possible to appeal against a

³ E.g. the so-called *Meditatio de nudis pactis*; see Pieler 467; Van der Wal-Lokin 1985, 103; Stolte 2012.

⁴ Stolte 1998, 264-279.

sentence by the praetorian prefect (Ἐπαρχος). For this purpose he resorted to historical interpretation: the eparchos of the Basilica was the prefect giving judgment ‘with axes and swords’ (i.e., the insignia of the Roman praetor) ‘according to ancient custom’. This type of prefect no longer exists and therefore we are not now bound by this law. The fact that this justification was needed proves that the law had not been abrogated: the primacy of the law was saved.”⁵

The wider context of Kahzdan’s misunderstanding is the role attributed to the normative, written law by the *Peira* — and by implication the judges of the High Court of Constantinople of the 11th century, if not Byzantine judges in general. Dieter Simon’s influential pamphlet on ‘How the law was found in the Byzantine imperial court’⁶ has painted a picture of “totale Kasuistik” and “fehlende Dogmatik”, which then seems to have been taken by others to mean that in Byzantium the normative law was unimportant. I beg to differ, and so, though in a different sense, I am sure does Simon.

This is not to argue that the Byzantines’ view of the role of the normative, written law and especially of the Justinianic Corpus was the same as our modern view of, say, the *Code civil*. Nor would I for one moment maintain that Byzantine law never developed, or changed. Especially I would not like to suggest that the Byzantines’ understanding of Justinianic Roman law remained the same from the sixth century until 1453.

The Justinianic formulation of Roman law, however, stubbornly refused to die, even after the compilation of the *Basilica*. An example is *Peira* 49.19, which states a rule and then proceeds to quote the law/*nomos* (“for the law says: etc.”) from which the stated rule would follow, without explicitly referring to book, title and chapter. As noted by Zachariä, the reference to the *nomos* clearly is to *D.* 23.2.57.1,⁷ which contains a rescript of Marcus Aurelius and Lucius Verus that is quoted in an almost literal translation. This fragment does not reappear in the *Basilica*⁸ and is evidence of

⁵ Stolte 1998, 274.

⁶ Simon 1973. See also Simon 1986, which does not essentially change the picture.

⁷ *JGR* IV, 202, n.3. In Mommsen’s edition it is § 57a.

⁸ In his critical apparatus of the ed. maior I,665,11, Mommsen refers not to the *Peira* but to *Rhopai* 42.1 (*JGR* III, 335). In the *Praefatio*, Mommsen gives the reasons why he relied, in addition to the *Basilica*, above all on the *Rhopai* and the *Epitome iuris* (p. xxxxiiii).

the fact that, in the 11th century, the *Basilica* had not superseded all previous sources. This example may be supported by a number of references in the *Peira* to the *Institutes*, *Digest* and *Code*, some of which have been extended with references to their place in the *Basilica*. It is not clear to what extent this is to be attributed to a later revision of the *Peira*, or simply to the *fata* of the text in transmission. In any case these *fata* have not been kind to the text, as a glance at the only complete manuscript will confirm.⁹

3. *The Peira and the Basilica: more than a philological problem*

In the previous section the emphasis has lain on the *Peira*'s use of the normative law, and it has been pointed out that for the author of the *Peira* the law consisted of more than just the *Basilica*. However, where the *Peira* quotes the *Basilica*, these quotations are of great value for the textual tradition of the *Basilica*, since several of its sixty books have been lost altogether and few of the books, of which we actually do have manuscripts, have been transmitted in more than one or two codices.

Where no manuscript of the *Basilica* has reached our times, we must rely on indirect witnesses in order to restore the text.¹⁰ Among them the *Peira* is a rich source, as will be obvious to anyone who cares to take a glance at the *apparatus testimoniorum* in the *Basilica* edition, or to consult the *Index locorum qui ex Basilicis in Πεπραχταυ λαυδανταυ* in the *Peira* edition.

Obviously the value of the *Peira* for this purpose depends, among other things, on the quality of its transmitted text. Unfortunately, the *Peira* has been preserved in just one, fairly late (15th century) and rather poor manuscript, the Florentine *Laurentianus* LXXX,6. Whatever the state of that text, however, a quotation from the *Basilica* is of course proof that the passage quoted was included in the *Basilica*.

Sometimes the opposite is explicitly attested: occasionally we learn from the *Peira* that something is not in the *Basilica*, which in theory may also help to reconstruct a lost passage of the *Basilica*, albeit in a negative way. Of course this information implies that the author of the *Peira* drew on another source for what he had not found in the *Basilica*.

⁹ See below, in the next section.

¹⁰ Van der Wal 1989.

These notes by no means cover every aspect of the relationship between the *Peira* and the *Basilica*. There is, for example, the question of the quality of the *Peira* as a witness of the *Basilica* text, which can be assessed from cases where a passage has been preserved in both works. For this to be feasible, we would prefer to have a new edition of the *Peira*. Its future editor might perhaps even profit from the availability of a better edition of the *Basilica* than Zachariä had at his disposal. A further complication is that we cannot exclude the possibility that divergent versions of the *Basilica* coexisted.¹¹ It may well be that in the end the editors of both texts, for lack of further information, will often be in a position to do no more than note the differences.

Even if we had a perfect edition of the *Peira*, we would still need to establish what sort of a manuscript of the *Basilica* was used by the *Peira*'s author or Eustathios. References to the *Basilica* might shed light on this question, and perhaps even on the state of the *Basilica* text in the 11th century.

Finally, if a perfect edition of the *Peira* were available – which would be ideal – the hard work would only just have begun. In the following two sections I shall deal with two chapters from the *Peira*, both found by just browsing, which go some way to illustrate the numerous problems which are raised by the *Peira*.¹² As we shall see, they are by no means only philological.

4. *Peira* 67.1

Peira 67.1 (JGR IV, 251) is one of several texts which show how Justinian survived outside and after the *Basilica*. It is a text that, to my knowledge, has never been studied in detail. The case is presented as follows (in my own translation):

“A man with a son drew up a will in which he named the son as heir. After the death of the son that man did not alter his will, but while his wife was expecting a child, he died as well, leaving this first will. As to the will, there was some doubt whether it legally had been ‘broken’, since no mention had been made of the

¹¹ See the painstaking work of Th.E. van Bochove on the *Indices Basilicorum* (most recently: Van Bochove 2010). In the case of book I a divergent version has in fact been transmitted in *ms Coislinianus* 151, which still awaits a modern critical edition. In the meantime we have to rely on vol. I of Heimbach's edition.

¹² In the meantime another chapter has been studied by Boudewijn Sirks, who deals with the subject of section 2 of this paper: Sirks 2010.

[posthumous] son he has left. It was decided that the will had become invalid as far as the institutions [of heirs] are concerned. The legacies, *fideicommissa* and manumissions, however, are valid. At this statement ‘as far as the institutions [of heirs] are concerned’ a scholion has been written in the margin, and this scholion has been taken from ‘De iudiciis’. As to the [institution of] souls, the law does not in so many words say that these are valid or invalid, but that on this subject the laws know other rules, too. For in the old days it was customary for the dead to leave money, for example for a hippodrome of Thessaloniki to be laid out, or a bath to be built or some entertainment for the people to be organized. With the advent of Christianity all this has been abolished, and the care of the soul has taken a greater place than that of the bodies. For that reason Justinian, who, in the purge of the laws, wished to define (φυλάξαι) the meaning of the words — as the times often change some customs and make others prevail — stated what had been determined by the laws, clarifying [the position of] alms left for the benefit of the soul (ψυχικά).”

This text is the first of three in the title “On [the problem of] a will’s becoming invalid and on children’s not having been mentioned [in a will]”. Whereas the second and third chapters of this title are found regularly in the secondary literature, the first seems to have been passed over, just as much as the children in the rubric. Zachariä gave no references in the footnotes. In the following lines I will try to provide some context for *Peira* 67.1.

The case is simple enough. The testator must have mentioned his son by name in such a way that, when that son died, no account was taken of the possibility of another (posthumous) child; nor, apparently, had he explicitly disinherited such heirs. Originally a will without a valid *institutio heredis* or valid disinheritance was itself invalid, thereby rendering the other provisions of the will null and void, too. The posthumous child could invoke the nullity of the will and claim the inheritance *ab intestato*. None of this is particularly noteworthy, and the case would probably never have been included for that reason alone. But in addition to the posthumous child, there is also to be considered the position of the other beneficiaries under that “first will”, a curious indication, as the father had not made a new one. In this case it is most probable that the mother or another relative claimed the inheritance on behalf of

the posthumous child. In the light of the rest of the text it is also highly probable that one of these other parties, *e.g.* a legatee, claimed the benefit he would have received if the will had been valid. The outcome, we learn, was that the will was judged to be invalid ‘as far as the institutions [of heirs] are concerned’, but that the other provisions remained in force. Before we look at the remaining part of the text, first we should consider the law which is referred to here.

The text on which the decision was ultimately based is Justinian’s constitution of 542, *Nov.* 115 c. 3 § 15 (*NT* 543.22-534.7).¹³ The Novel deals with various subjects, as is also apparent from its heading in the *Collectio CLXVIII Novellarum*. Its third chapter deals with “grounds, for parents, of justified ingratitude towards their children”, chapter four with the opposite, for children *vis-à-vis* their parents. As will become clear, this “grounds for justified ingratitude” is legal shorthand for reasons recognized by the law as constituting ingratitude and therefore as justifying disinheritance. The Novel lists the ways in which this ingratitude may show itself and which are recognized by the law as such grounds; in other words, Justinian draws up an exhaustive catalogue of grounds which allow disinheritance, as stated explicitly in *Nov.* 115.3 pr. (*NT* 537.1-9). In § 15 a conclusion is drawn, which is cited in our chapter of the *Peira*.

Justinian ruled that a testator was not permitted to pass over or disinherit a child, unless that child could be shown to have been ungrateful towards the testator. We may note that the heirs, *i.e.* the persons actually instituted in the will, bear the onus of proving that the children who had been passed over or disinherited were ungrateful. Thus it seems that a child who claimed his inheritance against the last will of a parent needed only to state his claim.¹⁴ If that child were successful, the testator would be held to have died intestate and the succession would be *ab intestato*, but the will would stand insofar as the other provisions were concerned.¹⁵

It is not clear whether Eustathios or the compiler of the *Peira* drew on Novel 115 directly or indirectly. Here we are back at the theme of the relationship between the *Peira* and the *Basilica*. Although book xxxv of the *Basilica* which contained this Novel has been lost, the editors were able to reconstruct large parts of its text, above all through the *Synopsis maior Basilicorum*. In this compilation, passages from the

¹³ Van der Wal 1998, nos. 949, 957 and esp. 967.

¹⁴ See also the note by Theodore of Hermopolis (*Nov.* 115.6).

¹⁵ See Kaser 1975, 520-521 with literature.

Basilica have been reshuffled, to distribute them over a number of keywords which are arranged alphabetically. Thus this passage was put under the A of ἀχαριστία, ingratitude; the theme was ingratitude as a reason for justifiable disinheritance. The *Synopsis* did not include § 15 in full: it stopped at NT 543.35 and continued again at 544.6.¹⁶ For that reason Scheltema c.s. did not restore more than the quotation in the *Synopsis*. Indeed, although the dots in the edition suggest that after ὑπομένειν (*Bas.* 35.8.41=BT 1586.9 [NT 543.35]) the *Basilica* contained additional text which could not be substantiated from other sources, the apparatus criticus *ad loc.* warns that “after ὑπομένειν perhaps nothing is lacking”.

This close look at what has and what has not been included in the *Basilica* is of more than philological interest. The *Peira* explicitly states that “It was decided that the will had become invalid as far as the institutions [of heirs] are concerned. The legacies, *fideicommissa* and manumissions, however, are valid.” It is this second part about the legacies *etc.* that is missing in the *Synopsis* and therefore also in the restoration of the *Basilica* text, but that is present in the Novel itself and in the *Peira*. Further, we may note that we do not have any *scholia*, since these presuppose a transmission of a manuscript containing *scholia*: generally speaking, no manuscript means no *scholia*, either.¹⁷

It is impossible to reach a definitive conclusion on the basis of these data. The *Peira* may or may not have drawn on the *Basilica*. It is here that we must turn to the curious citation of a *scholion* ἔξωθεν, “outside”, that refers to *De iudiciis*. The text of the *Peira* suggests that the words ῥήγνυται κατὰ τὰς ἐνστάσεις, “as far as the institutions [of heirs] are concerned” are a literal quotation and that “outside”, in the margin (?), a *scholion* had been written (προσγεγραμμένον) which stemmed from the *pars De iudiciis*, *i.e.* the second part of the *Digest* consisting of books v-xi. The words ῥήγνυται κατὰ τὰς ἐνστάσεις are not found in the *Basilica* or in their *scholia*. Although the state of the transmitted *Basilica* text with its *lacunae* does not permit us to be certain, I am inclined to think that the author of the *Peira* is quoting from the *hypomnemata* of Eustathios, and that the *scholion* referring to *De iudiciis* was written in the margin of such a notebook.

¹⁶ Zachariä's edition in *JGR* V, 21.

¹⁷ To complicate things, the *Synopsis* has been transmitted with a *scholion* on this passage (*JGR* V, 121, c), which however concerns a difference between the positions of *heredes sui* and *extranei*, and therefore falls outside the subject of *Peira* 67.1.

Wherever the *scholion* was written, it referred to *De iudiciis*. So far, I have been unable to find in that *pars* a text which could be connected with this statement about the nullity of the institutions of heirs. If I am right in thinking that the *scholion* was written in a manuscript of Eustathios, it may have been a reference to a commentary on the *pars De iudiciis* in which something similar was discussed, but this is, of course, mere speculation.

The remaining part of *Peira* 67.1 is also somewhat puzzling. It is possible that the author of the *Peira* quotes the contents of the *scholion verbatim*, or at least summarizes them. If so, there is still the problem of how these lines relate to the preceding part of this chapter. Perhaps one of the other provisions of the will, which was upheld as a result of the decision, was a legacy to ψυχᾶί, “souls”, which would give rise to the question of how to execute a legacy to “souls”. In other words, we are now taken from the main problem, the possible nullity of the will, to a point that could only arise once that preliminary question had been answered. As so often, we are not particularly well served with information provided by the author of the *Peira*, who seems to have made a mental leap.

I am unable to decide where the contents of the *scholion* stop and the author of the *Peira* continues. One might think of εἴρηται (l. 12), χώραν (l. 16) and even the last word of the chapter, ψυχικᾶ (l. 20). In the last-mentioned case, the lines referring to Justinian’s wish to preserve the meaning of words would not stem from the author of the *Peira*, but from the unknown scholiast. In either case, lines 16-20 leave us with a problem.

In these last few lines clearly the *Digest* title *De verborum significatione* is meant, either in *D.* 50.16 or in *Bas.* 2.2. If we take the words of the *Peira* at face value, it comes as a surprise to see Justinian’s codification referred to as an ἀνακάθαρσις τῶν νόμων, a “purge of the laws”, a term normally found in connection with the genesis of the *Basilica*, not with Justinian. On the contrary, it is Justinian’s legislation that is subjected to a purge in the operation that preceded the *Basilica*.¹⁸ One possible explanation would be that the Novels were seen as a “purge of the codification”, a view not attested elsewhere, as far as I can see, and ill-fitting in this context too. In any case, Justinian — thus our text — who had earlier shown his concern for a clear

¹⁸ For a general discussion see Pieler 1989.

definition of words, had also clarified ψυχικά. In what way he did so, however, remains rather obscure.

To sum up, there are abundant references to the law, but they are not easy to decode.

5. *Peira* 8.25

By way of an example of the wide-ranging questions that are sometimes raised by a chapter of the *Peira*, here is *Peira* 8.25. First the text of *Peira* 8.25:

“‘Without delay’ means [within] three days, and that is found in book 7 [read: 60, of the *Basilica*], about ‘repulsion of violence without delay’. The three days have not been stated in the *Basilica*, but in the second book of the full text of the *Code*, title 9 chapter 3 it is written literally as follows, that ‘without delay means three days’”.

The text is concerned with the meaning of παραχρήμα, the Greek for *confestim*, and the legal term *ex continenti*. The rubric of title 8 of the *Peira* is Περὶ χρόνων καὶ δεσποτείας, “On times and *dominium*”, and ch. 25 refers to *Bas.* 60.17.9.¹⁹ This passage goes back to *D.* 43.16.3.9, the title on the *interdictum de vi et de vi armata*, stating that we may rightfully repel with arms an armed attack, provided we do this forthwith (*confestim*), not after a time (*ex intervallo*). The *Basilica* text uses παραχρήμα here, and the question apparently is - after how long a delay may we still invoke the right to defend ourselves with arms against an armed attack? The *Basilica* text (*BT* 2875.2) does not define παραχρήμα, and for that explanation the author of the *Peira* draws on the full text of *C.* 2.9.3.²⁰

The explanation raises questions. The *Digest* text is concerned with the distinction between rightful and proportionate self-defence, on the one hand, and revenge, on the other. A reasonable explanation of this text would seem to be that *confestim* means ‘immediately, on the spot’. *C.* 2.9.3 has an entirely different context, the law of

¹⁹ Following Zachariä’s conjecture: he identifies the passage in question as *Bas.* 60.17.9, assuming a probable confusion of the numbers ζ’ (7) and ξ’ (60). See *JGR* IV, 36, n.3.

²⁰ The reference is to τὸ πλάτος τῶν Κωδικῶν, which ususally indicates the *kata poda*-translation of the *Code* by Thalelaeus.

procedure. Someone has not objected against a sentence openly and ‘immediately, that is, within three days’ (*ex continenti, id est triduo*).

It is true that the term of three days is not mentioned in the *Basilica* text, neither in *Bas.* 60.17.9 nor in the passage going back to *C.* 2.9.3, *i.e.* *Bas.* 8.1.42 (*BT* 413.6): *Bas.* 8.1.42 summarizes *C.* 2.9.3, and in the process the *id est triduo* has been omitted in the summary, which only gives παραχρήμα as the equivalent of *ex continenti*. Therefore we may believe the author of the *Peira* when he says that he has drawn on the full text of the *Code*. Interestingly, however, the interpretation of three days does occur in the *scholia* on the *Basilica* at both places.

On *Bas.* 8.1.42 we have two series of *scholia*, in a manuscript from Leiden (*Voss. Gr. Fol.* 19) and in one from Paris (*Par. gr.* 1352), and in both the explanation of the three days is to be found (*BS* 90.13 and 94.10 and 14). As is to be expected, the *antecessor* Thalelaeus is invoked, although without quoting his *kata poda* translation *verbatim*.

Bas. 60.17 has been transmitted in just one manuscript, *Par. gr.* 1350, dated to the 12th century. Among the copious *scholia* there is one that goes into our problem (*sch.* 13 *ad Bas.* 60.17.9=*BS* 3505.7). The scholiast turns out to be familiar with the interpretation of παραχρήμα as ‘within three days’ and its origin, but only to reject it! In his own words:

“Should we here understand παραχρήμα as ‘within three days’, as the *paragraphe* of Thalelaeus in the 43rd chapter of the first title of the second book [of the *Code* says], or as the equivalent of εὐθύς (immediately) and insofar as there is a violent expulsion? In my view the three days do not apply here, but the παραχρήμα stands for εὐθύς and in proportion to the expulsion. That becomes clear from the fact that the *Basilica* use the word εὐθύς: ‘immediately (εὐθύς), not however after a certain interval (διωρία)’. The argument is clear. ...”

Another *scholion* (*sch.* 14 *ad loc.*=*BS* 3505.16) expatiates on the theme: not after a short interval, because that would seem a second violence. A third *scholion* (*sch.* 17 *ad loc.*=*BS* 3505.19) refers to yet another explanation of παραχρήμα, namely as ‘within two hours’, again only to reject it, for

“the *Basilica* do not have [μετὰ] δωορία [‘a time-span of two hours’]²¹, but διωορία, which means after a time.”

From the example of *Peira* 8.25, again found by just browsing, we may infer that the author — like Eustathios himself? — was prepared to accept the explanation of παραχρημα as ‘within three days’ without further questioning. As to his manuscript of the *Basilica*, he probably had a codex which did not contain *scholia* such as in *Par. gr.* 1350. This need not have anything to do with the 12th-century date of the manuscript, of course. True, if the date is correct, that would make it younger than the *Peira*, but that does not prove anything about its exemplar, nor about the moment these *scholia* were first written. Perhaps we should just note that the jurist whose opinion is reported in these *scholia* on *Bas.* 60.17.9 shows a healthy scepticism, in stark contrast to the attitude of the author of the *Peira* at 8.25.

6. Epilogue

If anything transpires from the discussion of these two chapters from the *Peira*, it is its inaccessibility. The nature of the work, the quality of the case-reporting, the references to the normative law: they all pose considerable problems which have to be confronted before the historian will be able to exploit this source to the full. For a start, a systematic comparison of the *Peira* with the *scholia* on the *Basilica* would probably yield interesting results.

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²¹ The word δωορία only exists, as far as I know, in the imagination of the author whose opinion we find here rejected, but it testifies perhaps to a certain bewilderment on his part and a desperate attempt to find an alternative for the ‘three days’.

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Abbreviations

BT=Basilicorum Textus, BS=Basilicorum Scholia: both edd. Scheltema-Holwerda-Van der Wal, quoted after page and line.

JGR=Jus Graecoromanum: edd. Zepi (based on Zachariä), volume and page.

NT=Novellarum Textus: ed. Schöll-Kroll, page and line.

ODB=Oxford Dictionary of Byzantium edd. A. Kazhdan *et al.*