

DAPHNE PENNA – ROOS MEIJERING (eds), *A sourcebook on Byzantine law. Illustrating Byzantine law through the sources (Medieval Law and Its Practice 34)*. Leiden – Boston: Brill 2022. 208 S. – ISBN 978-90-04-51470-6

• ZACHARY CHITWOOD, Johannes Gutenberg-Universität Mainz  
(zchitwoo@uni-mainz.de)

This new sourcebook on Byzantine law, like much of the legal texts it treats, grew out of the classroom. The University of Groningen in the Netherlands is one of the few places on Earth, and in fact the only place outside of Greece, where Byzantine law is actually offered as a stand-alone course. It is there that for decades a seminar dedicated to Byzantine law has been held, taught to aspiring lawyers and jurists. Groningen can in this respect call upon a longstanding tradition of scholarship on Byzantine legal scholarship, first inaugurated by Herman Jan Scheltema (1906–1981), the driving force behind the new edition of the *Basilika*.<sup>1</sup> One of the editors of the current volume, ROOS MEIJERING, taught this course alone for many years (1990–2007/2008), and more recently offered it in tandem with DAPHNE PENNA until the time of her retirement (2007/2008–2017).

This background information is important when examining this new sourcebook on Byzantine law, because it explains two aspects of the work that immediately strike the reader: its didactic character and its “law-school” approach to Byzantine law. The book is organized into five chapters, which treat Byzantine secular law chronologically (beginning with Roman law before Justinian and extending until the fall of Constantinople in 1453), followed by a sixth chapter giving a brief overview of Byzantine canon law. Each chapter gives an overview of the major developments in Byzantine legal literature in each period. The explanatory material is interspersed by select passages from legal texts, which present both the original Greek or Latin text as well as translations into English. Given that many of these legal passages are difficult to translate, the translations are both accurate and clear, an achievement which testifies to the decades of experience accumulated by the two editors in working with these texts. Following each

1. For an overview of the “Groningen School of Byzantine Law”, see: <https://www.rug.nl/rechten/organisatie/vakgroepen/arw-rgs/rgs/groninger-school-voor-byzantijns-recht?lang=en>.

chapter, and sometimes individual sections within each chapter, is a select bibliography.

The level of explanations offered in the work are not beyond the capacity of undergraduates, while even Byzantinists familiar with Byzantine law will find many interesting details. Although PENNA and MEIJERING intended their sourcebook as an introduction for students rather than an exhaustive study for specialists, their explanations of important features of Byzantine law like the addition of “new” scholia to the *Basilika* (pp. 152–161) or the so-called *summae* (pp. 73–78), which were highly-abbreviated summaries of passages of the *Digest* or *Codex Justinianus* that were highly popular with Byzantine lawyers, rank among the best overviews of these topics in the scholarship more generally.

In addition to the character of the work, a second important aspect of the sourcebook, which is likewise indebted to the authors’ background and the way Byzantine law is taught at the Groningen School of Byzantine Law, is the type of legal sources discussed and translated. With few exceptions, the reader is presented with Byzantine law from the perspective of the emperor (as legislator), jurist and teacher. Although there are many discussions in this literature about what must have been cases derived from actual legal practice at some point in the past, much of this Byzantine legal scholarship consists of jurists from much later periods explicating and commenting upon legal texts that already been “codified,” as it were, at the time of Justinian I (r. 527–565).

Thus, although a jurist living in the tenth century writing scholia to the *Basilika* might have given his discussion of Justinianic passages a contemporaneous flavor by including details of his own day in examining sixth-century passages, there are only a few passages in this sourcebook that include cases of Byzantine law in the post-Justinianic period (such as the two cases from the eleventh-century *Peira* on pp. 169–171 and from the works of Archbishop Demetrios Chomatenos on pp. 180–182). This is not for a lack of material: there are around 1,100 legal documents from the medieval period from the archives of the monasteries of Mount Athos, as well as the rich legal material transmitted from the Register of the Patriarchate of Constantinople from the fourteenth and early fifteenth century. Although the legal intricacies of Athonite monastic acts and cases judged before the synod of the Patriarchate of Constantinople are not documents that PENNA and MEIJERING have extensively worked with and thus understandably not the focus of attention of the sourcebook, presenting a few

more instances from these corpora would have given the reader a fuller picture of how Byzantine law worked in practice, and in particular how the rich didactic legacy of the *antecessores* was employed by litigants and lawyers.

This is, however, only a very minor desideratum: in summation, the sourcebook on Byzantine law by PENNA and MEIJERING fills a huge gap as an accessible introduction to Byzantine legal literature, supplemented by concise and accurate translations of source texts into English. The authors are to be congratulated on a major achievement: with this sourcebook, aspiring instructors might be tempted to add their own institutions to the select list of universities where Byzantine law is taught.

**Keywords**

Byzantine law; sourcebook