

DIETER R. SIMON – DIETHER R. REINSCH, Ἡ Πείρα – Die Peira: Ein juristisches Lehrbuch des 11. Jahrhunderts aus Konstantinopel. Text, Übersetzung, Kommentar, Glossar (Forschungen zur byzantinischen Rechtsgeschichte. Neue Folge 4). Berlin: De Gruyter 2023. 2 volumes, 1245 pp. – ISBN 978-3-11-078629-3

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It is not an exaggeration to say that this publication has been eagerly awaited by many and will be welcomed by all as a major contribution to the history of Roman law, the social and economic history of the eleventh century, and the history of the Greek language. It is a monument to the industry, erudition and legal expertise of a whole generation of German and non-German scholars, collaborating in the ‘Göttinger Projekt’. Being the awe-inspiring monument it is, *aere perennius*, it is dedicated to the memory of those who sadly did not live to see the finished result of their strenuous efforts: LUDWIG BURGMANN, MARIE THERES FÖGEN, ANGELIKI LAIOU, NIKOS OIKONOMIDES, ANDREAS SCHMINCK, JOSEF SONDERKAMP, VIKTOR TIFTIXOGLU and GÜNTER WEISS. It is thanks to DIETER R. SIMON and DIETHER R. REINSCH that the critical edition of the *Peira*, long awaited and eagerly anticipated, is finally here.

The two-volume edition by SIMON and REINSCH (henceforth SR) offers text and translation on facing pages in volume 1 and an extensive commentary and a very useful glossary of legal terms (followed by indices, concordances, and bibliography) in volume 2. There is an ultra-short introduction in the first volume which leaves out most of the details one expects to find in an introduction: contextualizing information on the issues of what, by whom, when, for what purpose, and so forth. For all those questions, see the excellent study by DIETER R. SIMON, ‘Die Peira’, *Fontes Minores* 13 (2021) pp. 323–343.

Since the text of the *Peira* is almost incomprehensible without a thorough knowledge of Greek legalese and a proper understanding of Roman law, the translation and the commentary are very welcome indeed. To Byzantinists who complain that the translation is in German (and I know there are), I can only repeat what I said to one of my colleagues: well, then it’s time you learned the language. The translation is generally good. SR’s guiding principle throughout has been ‘Werktreue’: fidelity to the text, even if

this meant that the translation sometimes lacks in clarity. I have compared their translation of *Peira* 6.16 (vol. 1, pp. 31 and 33) to a recent one in English which is aimed at the general reader (DAPHNE PENNA – ROOS MEIJERING, *A Source Book on Byzantine Law: Illustrating Byzantine Law through the Sources*. Leiden 2022, pp. 169–170). As expected, both translations offer more or less the same legal information, but SR's is closer to the original and tends to avoid modern terms if they do not correspond exactly to the legal concepts of the Romans. Their translation of οἱ θρεπτοί as 'Ziehkinder' (foster children), however, is too literal; the English translation, on the other hand, is too free: 'domestic slaves'. What is meant here are slaves 'born in the house', i.e. the offspring of two enslaved human beings. Both translations ignore a crucial comma in the enumeration of slaves dear to their owner: 'wie ein Schreiber, ein höherer Verwalter' (SR), 'e.g. his secretary and his bookkeeper' (PENNA – MEIJERING); read οἷον νοτάριος, λογιστής, μειζότερος' and translate 'like a secretary, a bookkeeper, or a steward'. SR's interpretation of the notoriously difficult passage in which the author, a junior clerk, recalls Eustathios Romaios' reaction to a question he posed, is superior to all the translations known to me: 'indem er meine Frage akzeptierte' (ἀποδεξάμενος καὶ ἐμὲ τῆς ἐρωτήσεως).¹ SR's commentary constitutes a knowledgeable, reliable and comprehensive guide to the often puzzling text of the *Peira*. The *Peira* has understandably attracted the attention of many historians in the past, who, trying to make sense of it, equally understandably made mistakes. Now that we have a proper translation and a thorough commentary, there is no longer any excuse for such mistakes.

The edition is a huge improvement on the previous one by ZACHARIÄ VON LINGENTHAL (reprinted by the ZEPOI). The *Peira* has come down to us in only one manuscript, Laur. 80.6 (Diktyon 16713), which offers a rather problematic text. Some of the problems are solved by comparing the *Peira* to its main source, the *Basilika*, and by looking at the indirect tradition (the 'new' scholia to the *Basilika*, Chomatianos, Harmenopoulos, etc.). It also helps that, in whatever language one is reading, legalese tends to be a formulaic sociolect with the same words and concepts repeated over and over. SR did a splendid job. However, precisely because the edition is so good and, therefore, not likely to be replaced by another one any time soon, it is a pity that it occasionally lacks precision. I checked the text of *Title* 6 (vol. 1,

1. In the rest of the sentence I would delete προσέχειν καὶ (p. 32, line 18), in which case there is no need to add words in the translation as SR (and PENNA – MEIJERING) do.

pp. 26–36) against the manuscript, fol. 488^r-491^v, and noted the following discrepancies: 26.5 δανεισάμενος τις (δανεισάμενός τις), 26.20 νικῶν τινὰ (νικῶν τινα), 26.23 γάρ ἐστιν (γάρ ἐστίν), 26.33 ὑπέστιν (ὑπεστιν), 30.31 καθεξῆς (καθ' ἐξῆς), 32.25 ἐνάγουσι (ἐνάγουσιν), 34.18 δούλων (δουλῶν), 36.18 κληρονόμοι (κληρονομήσω), and 36.19 ἐχόντων (ἔχοντες). The last three readings are scribal errors, but should have been mentioned in the critical apparatus. As for the first six, I fail to understand why SR did not simply follow the manuscript.

SR's editorial approach can best be described as conservative. They tend not to intervene unless the text is clearly wrong. They also acknowledge that our spelling conventions more often than not present a distorted image of the actual readings of Byzantine manuscripts. And they accept that even in a middle-register text such as the *Peira*, there may be occasional nods to the spoken language, such as double augments in compound verbs (42.17 ἐδιελύσατο), lack of augment (238.16 ἐπερωτήθη, 204.25 ἐγγέγραπτο), genitives in -η or -α (136.5 πανθεώτη, 574.5 Σκρίβα), changes in the paradigm of the thematic aorist (474.26 ἀφείλατο, 234.19 διήλθοσαν), adverbial endings in -α (16.18 προσωπικά), interchange of the subjunctive of the aorist and the future tense (*passim*) and the use of ἵνα + subjunctive or indicative instead of the infinitive (*passim*). The following readings are legitimate forms of Romaic and should not have been corrected: 238.8 συνεβιβάσθην (addition of ν in the third person singular), and 254.32 τὴν μανδάτιν (<actio mandati, the [i] ending reanalyzed as belonging to the first declension). At 46.34, τὰ ἡμισὺν ought to be corrected to the Koine form τὰ ἡμισυ rather than τὰ ἡμίση. At 30.7, SR rightly read πληρωμένου (passive perfect participle without reduplication), but at 56.15 they needlessly add the reduplication: <νε>νεμημένου.

As for the intricate problem of accentuation, SR generally adopt the readings of the manuscript. The indefinite pronoun τις/τι and the verbs εἰμί and φημί are rightly treated as orthotonic in many cases: e.g. 52.12 ἐπιβῆ τις, 52.17 παρακατάσχωσι τι, 250.10 περιουσίας ἔστιν. A good example of how the indefinite pronoun τις/τι is not always enclitic is 426.3 where we find τινὸς δόντος at the beginning of the sentence. As customary in Byzantine Greek, the combination of ἄλλο and τι takes a second accent: 494. ἄλλο τι – the same rule of enclisis appears to apply to 102.33 τοιάσδὲ τινας. In μὴδὲ, however, there is no enclisis, which is why the combination of μὴ and δὲ should be spelled as μὴ δὲ. The spelling ὄ τιπερ at 586.2 is erratic if not simply wrong. To have the Latin word 'fide' spelled with circumflex and acute in the same sentence is frankly absurd: 152.9 μαλαφῖδε and

152.10 βόναφίδε – what is more, a word cannot bear two accents unless in the case of enclisis, so the spelling βόναφίδε goes against the grammatical rules of Greek (at 380.12, however, ‘bona fide’ is grecized as βόνα φίδε). The spelling κᾶντε ... κᾶντε at 196.2-3 is odd in the extreme: cf. 574.18 κᾶντε ... κᾶντε.

As has become the new normal in recent editions of Byzantine texts, SR follow the manuscript in spelling lexical collocations as one word: not only the conventional spellings ἐξίσου, ἀναμεταξὺ, οὐδόλως, etc., but also less common combinations such as ἐξορθοῦ, ‘directly’ (188.16, 268.17, 622.25) and ἐξαρχῆς, ‘from the beginning’ (*passim*) [once even as the head of a noun phrase: 344.32 ἐξαρχῆς τοῦ γάμου]. SR also follow the manuscript if it splits these very same collocations up into two separate words – so we have both διατοῦτο and διὰ τοῦτο on the same page (212.27 and 212.32). Further examples are: 10.4 μεταταῦτα but 11.1 μετὰ ταῦτα; 32.24 ἀναμέρος but 32.25 ἀνὰ μέρος; 366.9 ταμάλιστα but 42.5 τὰ μάλιστα; 72.10 τηναρχὴν but 82.28 τὴν ἀρχὴν; 236.23 ἐξανάγκης but 148.28 ἐξ ἀνάγκης; 354.1 προσανάγκης but 74.17 πρὸς ἀνάγκης; 192.25 ἐξαδιαθέτου but 204.30 ἐξ ἀδιαθέτου; 80.16 κατασειρὰν but 456.27 κατὰ σειρὰν; 80.16 κατακεφαλὴν but 438.5 κατὰ κεφαλὴν; 12.21 οὐδεμία but 12.5 οὐδὲ μία; 464.10 οὐδετέραν but 506.3 μὴδ’ ἕτερον (Zachariā has μηδέτερον). The spelling τοόλον at 50.23 (elsewhere always τὸ ὄλον) is bizarre. Personally I find these double spellings needlessly confusing. It raises the question: for whom are we editing? For the scribe of Laur. 80.6 or for modern readers? And if the latter, as I guess the obvious answer is, should editors not strive after consistency?

The same lack of consistency applies to other matters of spelling. On the one hand, SR adopt innovative spellings such as 256.8 ἐχρεοκόπησεν (instead of ἐχρεωκόπησεν), 56.1 ἐννεήκοντα (instead of ἐνενήκοντα), and perfect forms in (-)τέθηκα (*passim*, but 466.3 προστέθεικε). On the other hand, they ‘correct’ the equally innovative spellings 92.13 ἐπιμείνει to ἐπιμείνη, 174.13 φοβεῖ to φοβῆ, and 14.2 ἀφήθη to ἀφείθη. They delete the double consonant in 24.10 ἐπικρέμματα and reject the understandable spelling 100.8 ἐξάλειφέντων.

SR’s editorial choices are almost always correct. One could defend the predicative use of the neuter instead of the masculine/feminine in 10.1 ἦττον, 32.24 κρεῖττον, and 38.12 μεῖζον. The legislation of the Macedonian dynasty is indeed directed against the δυνατοί, but is that reason enough to

change 98.18 δυναστὰς to δυνατοὺς?² The same goes for 126.5 νόμῳ: the fact that the source text, the *Basilika*, reads νομίμῳ does not justify the editorial intervention. As regards verbal aspect, the reading 30.24 ἀμφέβαλλον is acceptable: no need to change it to ἀμφέβαλον. The manuscript reading 258.4 καὶ μετὰ τὴν νεαρὰν means ‘and then [check] the Novel’: SR’s correction καὶ κατὰ τὴν νεαρὰν, ‘and according to the Novel’, is unnecessary. The reading 266.20 κονδικτίτιον is closer to κονδικτίτζιον than to the suggested correction κονδικτίκιον. The manuscript reading 460.27 δι’ ὑπομάχης is corrupt, but SR’s emendation δι’ ὑπομάλης (read ὑπὸ μάλης) is not attested and goes against the prepositional usage of Greek: the combination of διὰ and ὑπὸ does not exist. The same goes for πρὸ and διὰ: the two do not go together and the manuscript reading 94.25 πρὸ διολίγου is therefore suspect – I would suggest to read πρὸ δὲ ὀλίγου. I noted only two typographical errors in the Greek: 408.20 ὑπερβαίουσαν (ὑπερβαίνουσαν) and 574.20 τριανκονταδύο (τριακονταδύο).

The philological minutiae I noted above are trivial matters and pale in significance next to the *magnum opus* of the Göttinger Projekt. The editors deserve all our praise for bringing the project to a happy and successful conclusion. Εὖγε!

Keywords

Byzantine legal texts, medieval Greek language

2. δυναστής is a later form for δυνάστης.