

BYZANTINE LEGAL CULTURE AND THE ROMAN LEGAL TRADITION, 867–1056

This social history of Byzantine law offers an introduction to one of the world's richest yet hitherto understudied legal traditions. In the first study of its kind, Chitwood explores and reinterprets the seminal legal-historical events of the Byzantine Empire under the Macedonian dynasty, including the re-appropriation and refashioning of the Justinianic legal corpus and the founding of a law school in Constantinople. During this last phase of Byzantine secular law, momentous changes in law and legal culture were underway: the patronage of the elite was reflected in the legal system; theological terms from Orthodox Christianity entered the vocabulary of Byzantine jurisprudence; and private legal collections of uncertain origins began to circulate in manuscripts alongside official redactions of Justinianic law. By using the heuristic device of exploring legal culture, this book examines the interplay in law between the Roman political heritage, Orthodox Christianity and Hellenic culture.

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Zachary Chitwood

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*In Loving Memory of My Father, Gregory Bryant Chitwood
(1954–2010)*

Cesare fui e son Iustiniano
che, per voler del primo amor ch'ì sento,
d'entro le leggi trassi il troppo e 'l vano.

I was Caesar and am Justinian
Who, by the will of the first love which I feel,
Removed the superfluous and vain from the law.
Dante, *Paradiso*, Canto VI, lines 10–12

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Note on Naming, Translation and Transliteration

The spelling of names in this study follows that of the *Oxford Dictionary of Byzantium*. Transliteration from Medieval Greek to the Roman alphabet is done according to the method prescribed by the Library of Congress. As in the *Oxford Dictionary of Byzantium*, names with a well-established anglicization are presented in their anglicized rather than transliterated form, so Constantine instead of Kōnstantinos, John instead of Iōhannēs, etc. In the interest of readability I completely avoid diacritical marks in the text (no ē for the letter eta, ō for omega, etc.). Given that in the Middle Byzantine administration as well as in Middle Byzantine law there were a great many terms borrowed from Latin, at some points in this study it has proved simpler to use the original Latin term rather than the Greek equivalent, not least of all because these Hellenisms often varied considerably, as the bilingual Greek–Latin lexica from the period demonstrate.

By and large I have attempted to keep quotations in Greek and other ancient and medieval languages confined to footnotes. All Greek words in the main text are transliterated for the benefit of the non-specialist. All translations in the text are my own unless otherwise noted.

For the bibliography I have transliterated Modern Greek and Russian names according to the Library of Congress system while keeping the titles of such authors' work in the original language.

Abbreviations

The use of abbreviations in this work conforms for the most part to their forms found in the *ODB*, vol. I, pp. xix–xlvi. Abbreviations for journals are where possible those used in *L'année philologique*.

APF	<i>Archiv für Papyrusforschung und verwandte Gebiete</i>
BMGS	<i>Byzantine and Modern Greek Studies</i>
ByzF	<i>Byzantinische Forschungen</i>
ByzSlav	<i>Byzantinoslavica</i>
ByzZ	<i>Byzantinische Zeitschrift</i>
CArch	<i>Cahiers archéologiques</i>
CFHB	<i>Corpus fontium historiae byzantinae</i>
CSHB	<i>Corpus scriptorum historiae byzantinae</i>
DOP	<i>Dumbarton Oaks Papers</i>
EEBS	ΕΠΕΤΗΡΙΣ ΕΤΑΙΡΕΙΑΣ ΒΥΖΑΝΤΙΝΩΝ ΣΠΟΥΔΩΝ
FM	<i>Fontes Minores</i>
GRBS	<i>Greek, Roman and Byzantine Studies</i>
JEH	<i>Journal of Ecclesiastical History</i>
JGR	<i>Jus graecoromanum</i>
JHS	<i>The Journal of Hellenic Studies</i>
JÖByz	<i>Jahrbuch der österreichischen Byzantinistik</i>
MGH	<i>Monumenta Germaniae historica</i>
NG	<i>Nomos Georgikos</i>
NM	<i>Nomos Mosaikos</i>
NN	<i>Nomos Nautikos</i>
NS	<i>Nomos Stratiotikos</i>
Nov.	<i>Novels of Justinian. CIC</i> , vol. III
Peira	<i>JGR</i> , vol. 4, pp. 11–260. A reprint of <i>Jus graeco-romanum</i> , ed. Karl Eduard Zachariä von Lingenthal, 5 vols. (Leipzig: T. O. Weigel, 1856–69, vol. I (1856).
PG	<i>Patrologia Graeca</i>

- Pitra* *Iuris ecclesiastici graecorum historia et monumenta iussu Pii IX. Pont. Max.*, ed. I. B. Pitra. Rome: Typis Collegii urbani, 1864–8.
- PmbZ* Ralph-Johannes Lilie *et al.* (eds), *Prosopographie der mittelbyzantinischen Zeit*. (8 vols.) Berlin, 1998–2013.
- REByz* *Revue des études byzantines*
- RHBR* *Repertorium der Handschriften des byzantinischen Rechts*. Forschungen zur byzantinischen Rechtsgeschichte 20, 28. Teil 1. Die Handschriften des weltlichen Rechts (Nr. 1–327) / von Ludwig Burgmann, Marie Theres Fögen, Andreas Schminck, Dieter Simon; Teil 2. Die Handschriften des kirchlichen Rechts I (Nr. 328–427) / von Andreas Schminck und Dorotei Getov; mit Unterstützung mehrerer Fachkollegen. Frankfurt: Löwenklau – Gesellschaft e.V. Frankfurt Am Main, 1995–2011.
- Rh.-P.* Σύνταγμα των θείων και ιερών κανόνων [...], ed. G. A. Rhalles and M. Potles. (6 vols.) Athens, 1852–9.
- RJ* *Rechtshistorisches Journal*
- SG* *Subseciva Groningana*
- TIB* *Tabula Imperii byzantini*, ed. H. Hunger. Vienna, 1976–.
- Tijdschrift* *Tijdschrift voor rechtsgeschiedenis*
- TM* *Travaux et mémoires/Centre de recherche d'histoire et civilisation de Byzance*
- ZRVI* *Zbornik Radova Vizantološkog Instituta*
- ZRG* *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung*