To Date and Not to Date: On the Date and Status of Byzantine Law Books by T. E. Van Bochove

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Van Bochove’s study is a response to Andreas Schmink’s work challenging Zachariä’s later ninth-century datings of various law books. Schmink envisages the surviving Basilica (a compression of Justinian’s Corpus Iuris Civilis) as an unofficial eleventh-century re-edition of an earlier Sixty Books of Leo VI (886–912) and re-dates the legal manual, the Prochiron, to 907 rather than to the reign of Basil (867–886), while fixing another, the Eisagoge, in 885/6. B. aims to re-attribute both manuals to Basil’s reign and the Basilica to Leo’s, elucidating the status and interrelationships of all three. B. attacks the problem by arguing from internal and external references, the dates of manuscripts and scholia. However, the organization by evidential problems rather than general issues leads to a certain repetitiveness (e.g. 102, cf. 126). B. shows the Prochiron — probably a product of the 870s (33) — certainly to predate 906, when both it and the Basilica are alluded to elsewhere (98). It was designed to replace but not repeal the existing Ecloge, considered unsuitable because produced by iconoclast emperors (79) and explicitly abrogated in the decree prefacing the Photian-inspired Eisagoge, which B. dates, maintaining its authorship by Basil, Leo, and Alexander (879–886), soon after the Constantinopolitan council of 879–80 (115). Both manuals refer already to ‘purifications’ of Justinian’s laws by Basil, neither tallying in terms of books or volumes with the Basilica, apparently known to contemporaries as τὸ πλάττος (150), which, B. argues, Leo published simultaneously with his Novel Collection to create (including Basil’s legislation) an all-embracing corpus of law; thus imitating Justinian but bettering him by the additional regulation of customary law (213–17). Whether or not one believes B.’s reconstruction of Leo’s programme here, the pre-907 dates he establishes for all these works seem hard to challenge.