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HERAUSGEGEBEN VON
W. KAISER, M. SCHERMAIER, G. THÜR,
G. KÖBLER, P. OESTMANN, J. RÜCKERT,
H.-J. BECKER, H. DE WALL, A. THIER

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Mitteilungen

A lost law-code rediscovered?
The Fragmenta Londiniensia Anteiustiniana

The Fragmenta Londiniensia Anteiustiniana (the London fragments) comprise 17 parchment fragments (some themselves almost split in two) recovered from a binding, although no information survives as to when, where or from what type of manuscript or printed book they were removed. All the fragments are small, ranging approximately between 15 and 45 mm in width and between 15 and 45 mm in height, and most bear writing on both sides in an elegant bookhand. As the text that they bear was believed to be legal in content, in November 2009 the Volterra team took temporary custody of the fragments, by kind permission of their owner, with a view to us conducting a proper scholarly examination and publishing any results as appropriate.

Although not all the fragments are legible on both sides, the words and part-words that have so far been identified are all consistent with this being a late Roman legal work in codex form. The script is a small, clear uncial, but with some distinct letter forms and a wide variety of abbreviations. There are similarities to the famous sixth-century Codex Florentinus of the Digest (Codices Latini Antiquiores III, 295), but the closest matches are probably the Leiden Pauli Sententiae (CLA X, 1577) and the Antinoopolis Georgics (P. Ant. I, 29; CLA Suppl. 1708), both usually dated as early as the fourth century. We have therefore suggested a provisional dating for the London fragments of AD 400-500, but this may change as our research progresses. Further, there are several interlinear annotations and marks, but, apart from some corrections and Greek numeration, these have proved hard to read. Deciphering them should provide the key to discovering how, and over what period, the manuscript may have been used.

The key diagnostic features of the fragments are a rubricated title, one or possibly two complete and a further five partial headings to imperial constitutions, and as many as six partial subscripts. Four emperors are explicitly attested: Antoninus (i.e. Caracalla), Gordian III, Philip and his son Philip (as Caesar). The names of four addressees of rescripts are recoverable. However, only one date can be reconstructed in full with reasonable certainty (30 May 244), plus one other consular year (239 and probably 245). The title, preceded by the rubric sign, R, is written in a different script from the rest of the fragments, being in rustic capitals, and reads: 'PRESCR...' This should be the opening of a title on some form of prescription, perhaps *praescriptio longi temporis*, or *praescriptio rei iudicatae*.

In three cases a subscript is immediately followed on the next line by a heading, and in two of these the heading is outset into the margin. Together with the presence of the title rubric also followed by a heading, all this suggests that we are dealing with a work

that consisted primarily or even solely of series of imperial constitutions arranged under titles. Indeed, the constitutions may have been placed in chronological order.

Searching for key words and letter combinations in the Volterra database has turned up three matches between the London fragments and the Justinian Code, all from the same title: CJ VII,62,3 (Gordian), 4 (Philip and his son) and 7 (Diocletian and the tetrarchs). This has also helped in identifying or confirming three joins between pairs of fragments. However, whereas two of the Justinian texts are adjacent, the first parallel text in the fragments is followed by a previously unattested constitution of Gordian, while the second is similarly preceded by another of Philip, suggesting that the London fragments come from a much fuller work.

The third-century material in the Justinian Code derives exclusively from two earlier codes of imperial constitutions compiled in the 290s, the Codex Gregorianus and Codex Hermogenianus, for neither of which are there direct manuscript witnesses. Such evidence as survives suggests that the Gregorian Code contained constitutions from Hadrian down to c.291, while the Hermogenian comprised principally rescripts of 293–4. A priori, therefore, we would assume that CJ VII,62,3–4 came from the Gregorian Code and VII,62,7 from the Hermogenian. However, each code appears to have contained material from the 290s that does not fit any neat chronological divide between them. Since there is no evidence that the sequences of the two codes were integrated before the creation of the first edition of the Justinian Code (528–9), the simplest solution to identifying the presence of these constitutions together in the London fragments is to suppose that the Gregorian Code contained some First Tetrarchy rescripts.

Our initial assessment, therefore, is that we have here a late Roman legal work, comprising solely imperial rescripts of third-century emperors chronologically arranged under thematic titles. It is possible that this is a legal miscellany drawing on both the Gregorian and Hermogenian Codes (like the *Consultatio veteris cuiusdam iurisconsulti*), or even part of the poorly attested first edition of the Justinian Code. However, we believe that the most plausible and straightforward interpretation of the evidence so far extracted is that the London fragments, while meagre, are nonetheless the sole surviving manuscript remains of the otherwise lost Gregorian Code.

News of the progress of the research on the fragments can be followed on the *Projet Volterra* web-site: <http://www.ucl.ac.uk/history2/volterra>. A preliminary report, including an edition of part of the text, is to be published in *Roman Legal Tradition* 6, 2010. The formal *editio princeps* with full illustrations will be included in the *Projet Volterra II* volume, planned for publication in 2011.

London

S. Corcoran/B. Salway

Todesnachrichten

Am 28. Januar 2009 verstarb in Bonn Herr Prof. Dr. Dr. h.c. Werner Flume. Ebenfalls im vergangenen Jahr verstarben am 11. Juni in Rom Herr Prof. Dr. Dr. h.c.mult. Mario Talamanca und am 29. Oktober in Madrid Herr Prof. Dr. Pablo Fuenteseca Díaz. Nachrufe sind für den nächsten Band vorgesehen.