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LÖWENKLAU GESELLSCHAFT E. V. FRANKFURT AM MAIN

Fontes Minores VIII

Lexica Iuridica Byzantina

ediderunt

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LÖWENKLAU GESELLSCHAFT E. V. FRANKFURT AM MAIN.

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ABKÜRZUNGSVERZEICHNIS

- B. Basilica, edd. H. J. Scheltema, N. van der Wal, D. Holwerda, Groningen 1953–1988
- Blast. Synt. Matthaios Blastares, Σύνταγμα κατὰ στοιχείον, Rh.–P. VI
- BS Basilikenscholien
- BT Basilikentext
- C. Codex Iustinianus, ed. P. Krüger (= CIC vol. II)
- CGL Corpus Glossariorum Latinorum, edd. G. Loewe/G. Goetz, vol. I–VII, Leipzig 1888–1923, Ndr. Amsterdam 1965
- CIC Corpus Iuris Civilis
- Coll. trip. Collectio tripartita, PG 138, 1077–1336
- D. Digesta, ed. Th. Mommsen (= CIC vol. I)
- Eis. Epanagoge [Eisagoge], ed. Zachariae von Lingenthal = Zepos, IGR II, 229 ff.
- Epit. Epitome legum, ed. Zachariae von Lingenthal = Zepos, IGR IV, 261 ff.
- I./Inst. Iustiniani Institutiones, ed. P. Krüger (= CIC vol. I)
- FHG Fragmenta Historicorum Graecorum, edd. C. und Th. Müller, vol. I–IV, Paris 1885
- FM Fontes Minores, hrsg. von D. Simon, Frankfurt am Main 1976 ff.
- H. Hexabiblos, ed. G. E. Heimbach, Const. Harmenopuli Manuale Legum sive Hexabiblos ..., Leipzig 1851, Ndr. Aalen 1969
- HA Hexabiblos aucta (vgl. FM VII, 1986, 259–333)
- Kahane, Abendl. H. und R. Kahane, Abendland und Byzanz. III: Literatur und Sprache, in: Reallexikon der Byzantinistik, hrsg. von P. Wirth, Reihe A, Bd. I, col. 227–640
- Labbé Charles Labbé, Veteres glossae verborum iuris quae passim in Basilicis reperiuntur, Paris 1606; zit. nach der erweiterten Ausgabe von A. Schulting, in: Thesaurus Iuris Romani, ed. E. Otto, vol. III, Basel 1744, Sp. 1697–1820
- LexHA Das Lexikon zur Hexabiblos aucta (unten Abhandlung II)
- N. Novellae, edd. R. Schöll und G. Kroll (= CIC vol. III)
- Nomoc. XIV titt. Nomocanon XIV titulorum, Rh.–P. I

VIII

Abkürzungsverzeichnis

- NomN Νόμος Ῥοδίων ναυτικός. The Rhodian Sea Law, ed. W. Ashburner, Oxford 1909, Ndr. Aalen 1976
- NomS Νόμος στρατιωτικός, ed. W. Ashburner = Zepos, IGR II, 73-79
- PG *Patrologia graeca*, ed. J.-P. Migne
- Pr. Prochiron, ed. Zachariae von Lingenthal = Zepos, IGR II, 107 ff.
- PrA Prochiron auctum, ed. Zachariae von Lingenthal = Zepos, IGR VII, 1 ff.
- Ps., Syn. Michael Psellos, „Synopsis legum“, ed. G. Weiß, in: FM II, 1977, 147-214
- Ps., Tr. Michael Psellos, „Juristische Traktate“, ed. G. Weiß, Oströmische Beamte im Spiegel der Schriften des Michael Psellos (*Miscellanea Byz. Monacensia* 16), München 1973, 283-302
- Rh.-P. G. A. Rhalles und M. Potles, Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων, vol. I-VI, Athen 1852-1859, Ndr. Athen 1966
- Rhom. ag. Ῥωμαϊκαὶ ἀγωγαὶ (unten Abhandlung I)
- Rhop. Αἱ Ῥοπαί, ed. F. Sitzia, Neapel 1984
- SBM *Synopsis Basilicorum (maior)*, ed. Zachariae von Lingenthal = Zepos, IGR V
- SMin. *Synopsis minor*, ed. Zachariae von Lingenthal = Zepos, IGR VI, 319 ff.
- Th./Theoph. *Institutionum graeca paraphrasis Theophilo Antecessori vulgo tributa*, ed. E. C. Ferrini, vol. I, II, Berlin 1884, 1887, Ndr. Aalen 1967
- Tipuc. Μ. Κριτοῦ τοῦ Πατζῆ Τηπούκειτος sive librorum LX Basilicorum summarium, ed. C. Ferrini, I. Mercati u.a. (*Studi e Testi* 25, 51, 107, 179, 193), Rom 1914-1957
- TR *Tijdschrift voor Rechtsgeschiedenis*
- Zachariae, IGR C. E. Zachariae von Lingenthal, *Jus Graeco-Romanum*, vol. I-VII, Leipzig 1856-1884
- Zepos, IGR J. und P. Zepos, *Jus graecoromanum*, vol. I-VIII, Athen 1931, Ndr. Aalen 1962

EINLEITUNG

Byzantinische Juristen waren mit dem zu manchen Zeiten latenten, zu anderen Zeiten akuten Problem konfrontiert, ein ursprünglich lateinisch geschriebenes und römisch gedachtes Recht verstehen und hantieren zu müssen. Als Hilfsmittel dienten ihnen zweisprachige Lexika, welche teils knappe lateinisch-griechische Wortgleichungen, teils elaborierte Explikationen der Grundbegriffe des römischen Rechts enthielten. Diese Lexika erfreuten sich bei den Byzantinern, wie die Vielzahl der Typen sowie der Kompilationen, Versionen, Variationen und Abschriften bezeugt, großer Beliebtheit.

Nur geringes Gefallen fand hingegen die rechtshistorische Forschung an den Lexika. Sie können, so scheint es, mit ihren kargen Informationen über Recht die Interessen von Juristen nur mäßig befriedigen, die Depraviertheit ihrer Sprache verdrießt zudem die Philologen, und die verwickelten Überlieferungs- und Verwandtschaftsverhältnisse machen Editoren das Leben schwer. So unerquicklich diese Eigenheiten der Literaturgattung auch sein mögen, so deutlich spiegeln sie doch die spezifischen Schwierigkeiten wider, welche die Umsetzung des römischen Rechts in byzantinisches bereitete. Die Lexika sind verlässliche Zeugen für die Stationen dieses Prozesses, welcher durch die Tiefen des baren Unverständnisses von Wörtern und Materie, aber auch auf die Höhen subtiler Quellenkenntnis führte. Sie dokumentieren die Unbeholfenheit im Umgang mit der lateinischen Rechtssprache ebenso wie den unermüdlischen Eifer, mit dem der Aneignungsprozeß vorangetrieben wurde.

Im vorliegenden Band werden vier größere Rechtslexika publiziert. Sie waren bisher teils nur aus flüchtigen Hinweisen auf ihre Existenz, teils – doch eher schemenhaft – aus Labbé's Ausgabe der „*Veteres glossae*“ bekannt. Erstes Anliegen war daher, die Texte in kritischen Editionen zugänglich zu machen. Ihre Präsentation in einem Band ermöglicht darüber hinaus, jene Charakteristika in Form und Inhalt aufzuzeigen, welche sie zu einer Literaturgattung verbinden.

Abhandlung I enthält das umfangreichste byzantinische Werk über die römischen *actiones*, *interdicta*, *leges* und *senatusconsulta*. Es war zunächst alphabetisch angelegt, wurde dann aber zu einem „systematischen Lehrbuch“ des römischen Rechts ausgebaut.

Abhandlung II bietet ein alphabetisches Lexikon, dessen Einträge aus verschiedenen Rechtsquellen, darunter auch einem Werk über die Aktionen, zusammengetragen wurden. Das Lexikon erweist sich als „Wort- und Sachregi-

ster" zur Hexabiblos aucta, deren anonymen Kompilator es den Lesern seines Werks zum besseren Verständnis der lateinischen Begriffe an die Hand gab.

Aus welchen Quellen die in Abhandlung I und II edierten Kommentare zu den römischen Aktionen schöpften, zu welchem Zweck und in welcher Zeit sie entstanden, diesen Fragen widmet sich Abhandlung III. Damit wird die Literaturgattung in einen bestimmten rechtskulturellen Kontext, nämlich die Zeit der Makedonischen Kodifikation, eingeordnet.

Größere Verbreitung als die Lexika mit ausführlichen Explikationen – wie sie in Abhandlung I und II enthalten sind – hatten die knappen bilinguen Glossare. Deren mit einer überlieferungsgeschichtlichen Studie (Fontes Minores II, 87 ff.) und der Edition der Lexika „ἀδετ“ (Fontes Minores VI, 19 ff.) und „ἀκτωρ“ (Subseciva Groningana 4, 66 ff.) begonnene Aufarbeitung wird nun in Abhandlung IV mit der Publikation des Lexikons „ἀύσηθ“ fortgesetzt.

Abhandlung V präsentiert das Lexikon „μαγκίπιουν“, welches im 16. Jahrhundert unter dem Namen „Graecus legum interpres“ zirkulierte. Obwohl es uns nur in einer einzigen, von dem Humanisten Bonifacius Amerbach geschriebenen Abschrift überliefert ist und obwohl es mit seinen teilweise singulären Glossen eine sehr exponierte Stellung innerhalb der Literaturgattung einnimmt, handelt es sich auch bei diesem Lexikon um ein originär byzantinisches Produkt.

Die Edition mehrerer Rechtslexika in einem Sammelband bietet nicht zuletzt den Vorteil gemeinsamer Indices. Der Index der lateinischen Wörter ermöglicht, die zahlreichen in den Lexika enthaltenen Exhellenismoi aufzufinden; der Quellenindex führt durch das in den Lexika verarbeitete Material und zu den verschiedenen *versiones graecae* von Corpus Iuris-Stellen.

Der Band entstand in enger Kooperation zwischen Groningen und Frankfurt, welche ihre Basis in dem 1982 zwischen der Rijksuniversiteit te Groningen und dem Max Planck-Institut für europäische Rechtsgeschichte in Frankfurt am Main geschlossenen Zusammenarbeitsvertrag hat. Ohne die über treue Vertragserfüllung weit hinausgehenden freundschaftlichen und erfreulichen Formen des gemeinsamen Arbeitens hätte jeder einzelne von uns verzagt.

Marie Theres Fögen

INDICES

Soweit in den folgenden Registern nicht auf Seitenzahlen verwiesen wird, bedeutet:

- I** Abhandlung I: Ῥωμαϊκαὶ ἀγωγαὶ (1–152)
- II** Abhandlung II: Lexikon zur Hexabiblos aucta (153–214)
- IV** Abhandlung IV
- IVa** Lexikon ἀύσηθ Rezension a (262–282)
- IVb** Lexikon ἀύσηθ Rezension L (297–328)
- IVc** Λέξεις Ῥωμαϊκαὶ (329–331)
- IVd** Λατινικαὶ λέξεις (335–338)
- V** Abhandlung V: Lexicon Μαγκίπιουν (339–380)

Um die juristischen Lexika möglichst vollständig zu erschließen, wurden in die Wortregister außerdem aufgenommen:

- VI** Lexikon ἀδετ, Fontes Minores VI (1984) 19–61
- VIIa** Lexikon ἀκτωρ, Subseciva Groningana IV (1990) 72–80
- VIIb** Λέξεις Ῥωμαϊκαὶ τοῦ νόμου, ibidem 81–82

I wird nach Titel- und Kapitelzahl, **II–VII** werden nach Buchstaben und Nummer des Lemmas zitiert.

In den Wortregistern wurde den Fundstellen (mit /) die Zeilenzahl beigegefügt, soweit das betreffende Wort nicht das Lemma bildet.

Ein der Fundstelle folgender Stern verweist auf den Apparat.

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morticinus	IVa M 9	IVb M 15	
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