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## APPENDICES TO PART II

### I WHO IS WHO? AND WHAT IS WHAT? IN THE *DIALOGUS*

To avoid cluttering the text and also to avoid irritating readers who are well familiar with the persons and places referred to by Huber, I have included, as an Appendix to part II clarifying notes on such names as Marcus Tullius (Cicero), the Lapiths, Donellus, etc. These have been listed in alphabetical order. The notes below cover only those persons and places mentioned in the 1684 or 1688 editions. In general the information provided has been selective and relates only to its significant for the *Dialogus*. They are not intended as encyclopaedic articles. Those who want to investigate further will, I hope, have access to the standard reference books and to more recent literature.

The page numbers cited here are those of the 1688 edition, unless otherwise indicated. See Index to Proper Nouns.

Accursius, Franciscus (1182-1263).

Accursius was born near Florence in 1182 and died at Bologna in 1263. He was intimately associated with law studies at Bologna where he studied under Azo (q.v.) and where he, in turn, lectured to law students on the law of Justinian. His most important work is the 'Great Gloss' or *Glossa Ordinaria*, in which he revised and correlated the glosses of his predecessors so well that his *Gloss* became as authoritative as the texts themselves. Huber cites him, p 38, as being the most distinguished of the Glossators, and the Accursians and on p 31, as being unable to handle Greek.

Alciatus (Alciati), Andreas (1492-1550).

Alciatus is said to have been born at Alzano near Milan in 1492, to have studied at Pavia under Jason de Mayno and to have died in 1550. He was in turn professor at Avignon, Bourges, Bologna and Ferrara. It was Alciatus who gave a humanistic direction to legal studies and his influence was extended by his pupils, Budaeus (q.v.) and Zasius (q.v.). He was instrumental in founding the law school at Bourges. He is mentioned here (p 39), together with Zasius and Viglius (q.v.), as being one who wanted to link the knowledge of ancient law to the needs of his age.

Alcibiades (c. 450-404 B.C.).

Alcibiades was a talented but unreliable young Athenian whose career, military, political and diplomatic, was a series of impetuous successes and equally impetuous disasters. He is introduced here (p 40) not because of any personal interest but purely for the cheeky remark attributed to him by Plutarch.

Amerpoel (Amerpool, Amerpoll), Johannes (died 1671).

The work here referred to is Johannes Amerpoel's *Cartezius Mosaizans seu Evidens et facilis conciliatio philosophiae Cartesii cum historia creationis primo capite Geneseos per Mosem tradita*, Leeuwarden, 1669. At the time of publishing Amerpoel was *dominee* of the Reformed Church in Wier. He was an ardent Cartesian who attempted to reconcile the philosophy of Descartes with Genesis. His work was reviewed in the issue of the *Journal des Sçavans* of 30 August 1677, and this review is one cited by Böckelmann (pp 58 and 60).

Annaeus Florus (2nd century A.D.).

Annaeus Florus is accredited with a four-book history of Rome extending from the foundation of the city to the establishment of the empire (20 A.D.). William Ramsay in the *Dictionary of Greek and Roman Biography and Mythology*, Vol. II, p 176, ed. Smith, London, 1876, says "This compendium, which must by no means be

regarded as an abridgement of Livy but as a compilation from various authorities, presents within a very moderate compass a striking view of all the leading events comprehended by the above limits". An edition by Gruterus and Salmasius (q.v.) was published in Heidelberg (1609). Florus is mentioned here (p 13) in the context of epitomes.

Aristotle (384–322 B.C.).

Aristotle was born in 384 B.C. at Stagirus in Chalcidice, and died in Chalcis in 322 B.C. He entered Plato's (q.v.) school in Athens at the age of 17, where he stayed until Plato's death in 348 B.C. (?). After travelling in Greece and the islands Aristotle taught the future Alexander the Great. Only some of his prolific output of scientific and philosophic works is extant, but they have established him as a most influential and significant writer of the Ancient World. Aristotle, together with Plato, is mentioned on p 12 of the *Dialogus* to illustrate authors whose works are too difficult for beginners in philosophy.

Attaliota (Attaliata, Attaleiates), Michael (early 11th century A.D.).

Michael from Attala was a judge and proconsul in Constantinople. He was a contemporary of Michael Psellus (q.v.) and is known for his description of the Battle of Manzikert (1071). He is cited in the *Dialogus* on p 36 for his *opus de iure* (1073), an epitome of 35 (?) titles of law, which was commissioned by the Emperor Michael VII Ducas. It was translated from Greek into Latin by Leuencavius (q.v.) and published in Volume II of his *Ius Graeco-Romanum*.

Augustinus (Agustinus), Antonius (1517–1586).

Augustinus was born in Saragossa in 1517 and became Archbishop of Terracone where he died in 1586. He studied in Spain and Italy and became a noted antiquarian, a celebrated jurist and a prolific writer. Huber mentions him in passing on p 39, as being one who added classical literary and philological references to his teaching of Justinian's *Corpus Iuris*.

*Authenticae*

The *Authenticae* are selections from the *Authenticum* (q.v.), subjoined to the appropriate constitution of Justinian's *Codex*

*Authenticum* — see *Novellae*.

Azo, Porcius (Soldanus) (c. 1150–1230).

Azo was born in Bologna. He was a pupil of Johannes Bassianus and himself lectured to Accursius (q.v.). He was one of the most important of the Bologna glossators. One story tells that he had 10,000 students and was therefore compelled to lecture out of doors. There is the saying 'Chi non ha Azzo, non vada a Palazzo' (He who has not Azo, doesn't go to Court). He is mentioned on p 38 as having written *summae* which Huber declares are actually paratitla.

Bachovius Echtius (Bachov van Echt), Reinardus (1544–1614).

Bachovius was born in Leipzig in about 1544. He was Professor at Heidelberg and wrote several competent works, e.g. *Tractatus de actionibus* (1623) and a commentary on the first part of the *Pandects*. He is mentioned here, p 41, by Huber for his attack on Antoine Faber's (q.v.) in his *Rationalia anti-Faber*. Huber reckons that Bachovius' comment that Faber was born to corrupt jurisprudence (*natum corrumpendae jurisprudentiae*) was excessively critical.

Baldus de Ubaldis (1327–c. 1406).

Baldus was born at Perugia in 1327 and died in Pavia. He studied Civil Law under Bartolus and himself acquired an impressive reputation as a jurist and a teacher. He

lectured at Bologna, Perugia, Pisa, Florence, Padua and Pavia and wrote extensively. On p 39 Huber brackets him with Bartolus (q.v.) and condemns both for spurning Justinian's ruling prohibiting commentaries and by writing *responsa*, *consilia* and various commentaries which debased jurisprudence and reduced it to a state of uncertainty.

Balsamon, ( Balsamo) Theodorus (Antiochus) (d. 1204)

Balsamon, born at Constantinople, was a well-known Greek canonist and churchman. Among other works he is accredited with writing scholia on the *Syntagma* and the *Nomocanon* of Photius. In his scholia Balsamon discusses tactical questions and apparent contradictions and compares Justinian's *Corpus* with the *Basilica*. Further he is also accredited, although probably erroneously, with the Greek collection of Ecclesiastical Constitutions, mentioned here, p 20 and p 36. These constitutions were compiled from the *Digest*, the *Code*, and the *Novels*. Leunclavius (q.v.) provided the *Constitutions* with a Latin translation which is to be found in Justelli et Voelli *Bibl. Iur. Can.* Vol. II. See also Fabrotus. An Antiochus Balsamon is mentioned by Tigerstrom, Berlin, 1891, as being the author of a manual, but Tigerstrom is not always accurate and there is no independent evidence. Thus it seems that Antiochus and Theodorus are the same man.

Bartolus de Saxoferrato (1314–1357).

Bartolus was born at Saxoferrato in 1314 and died in Perugia in 1357. Bartolus is the greatest of the Post-glossators or Commentators. He wrote extensively, and in Spain his opinions were considered conclusive. *Nemo jurista nisi Bartolista* (no one is a jurist unless he is a follower of Bartolus). This was a contemporary verdict but later the work of the Commentators came under fire from, among others, the humanists. This is the basis for Huber's comment on p 39.

The Basilica

The Basilica (Βασιλικαὶ Διατάξεις) is an imperial codification of 60 books. It was initiated by the emperor, Basil the Macedonian (c. 826–886) and completed in the reign of his son, Leo the Philosopher (886–911) (q.v.). The Basilica combines the various titles of Justinian's *Codex*, *Digest*, *Institutes* and *Novellae* into single titles each dealing with a particular topic. Basically it is a Greek summary of the *Corpus Iuris* although it omits certain outdated portions thereof and includes various constitutions, not found in the *Codex*. Some Basilica Mss have scholia, both Justinianic and post-Basilican. The *Basilica* is one of the most important sources for our modern knowledge and understanding of Justinian's legislation. It is mentioned on pp 30, 36 and 57.

Baudius, Dominicus (Dominique le Bauldier) (1561–1613).

Baudius was born in Rijssel. He studied randomly in Geneva, Ghent and Leiden. His early years saw him wandering around Europe, apparently without any determination or purpose. Later, in view of his undoubted talent but not legal knowledge, and determined touting for academic positions, he was appointed to various positions at Leiden (see Ahsmann *Collegia en Colleges*, pp 15–17) but failed to achieve anything. His immoral attitude and his extraordinary way of life made him a liability rather than an asset. Huber (p 40) calls him "a far from sound jurist" (*Jurisconsultus minime validus*) and (pp 42 and 43) describe him as a drunkard but with discerning talent (*temulentus sed elegantis ingenii*).

Blastares, Matthaeus (14th century).

Blastares was a monk in holy orders who composed an alphabetical compendium of the contents of the Canons. In each chapter there is usually a summary of both the

ecclesiastical law and also the secular law on a particular topic. This work, the *Syntagma alphabeticum quo sub titulis literarum ordine digestis res omnes quae in sacris divinisque canonibus comprehenditur collatis etiam civilibus expositae sunt*, is by no means flawless. Part of the *Syntagma* is to be found in Leunclavius' *Ius Graeco-Romanum*. Huber introduces him into the 1684 edition (p 100) with Cedrenus and Harmenopulus, but removes him from the 1688 edition.

Brutus, Marcus Junius (85–42 B.C.)

The Marcus Brutus here named as one of Caesar's assassins (44 B.C.) is notorious for his base ingratitude to his benefactor, Caesar, and here (p 16) is blamed for preventing Caesar from composing a Digest of Roman Law.

Budaeus (Budé), Guilielmus (Guillaume) (1469–1540).

Budaeus was born in Paris in 1469 and was a typical Renaissance humanist-jurist in that his knowledge of the Ancient World was soundly based on classical culture and on a sense of historical change. This dictated the quality of the notes in his *Annotations ad Pandectas* (1508). His attempts to establish the text of the Pandects were not always correct and some were inspired guesswork. In fact he was more humanist than jurist and despite its name his *Annotationes ad Pandectas* is not a work on law. It is for these attributes that he is introduced on pp 21 and 39.

Catones

Some of the Cato family, especially 1) Marcus Porcius Censorius (234–149 B.C.) and 2) Marcus Porcius Uticensis were renowned for their rectitude and somewhat unpleasant characters. See Noodt *De Causis corruptae jurisprudentiae*, p 618 where he praises Cato and early jurists by contrast with "the moderns". This reference only appears in the 1684 edition (p 28).

Cebes of Thebes

Cebes (Κέβης) of Thebes was first a pupil of Philolaus the Pythagorean, and then of Socrates (469–399 B.C.). He is depicted in Plato's *Phaedo* as taking a significant part in the discussion. The present reference (p 17) is to his *πίναξ*, a philosophical explanation of a table on which the whole of human life is depicted. According to Cebes, while some young men are looking at the table and querying its significance, an old man joins them; he interprets the symbols to show that the proper development of our minds and the pursuit of virtue is the road to happiness. Even although some recent critics have suggested that the *πίναξ* is not the work of Cebes of Thebes, such argumentation would not have affected Huber. Cebes' dialogue was popular in the 18th century because of its moral and ethical teaching and it was translated into several European languages. J. Gronovius produced an edition, Amsterdam, 1640.

Cedrenus, Georgius (11th century).

Cedrenus was a Greek monk but other than that nothing is known of his life. He is the compiler of a massive *Σύνοψις ἱστοριῶν* of which the Latin title is *Compendium Historiarum ab orbe condita ad Isaacum Comnenum* (1057). This work and Cedrenus' historical acumen have been severely criticised by modern scholars. Huber mentions him, together with Harmenopulus and Blastares on p 100 of his 1684 edition as providing information about Leo the Philosopher (q.v.).

Centaur and Lapiths.

Centaur is a fantastic creature, having the head and torso of a man and the lower body of a horse. They live in the woods and mountains of Northern Greece,

especially in Thessaly. The most famous of them is the wise and kindly Chiron. He has knowledge of medicine and other arts and was the teacher of famous men, eg Achilles and Jason. However, most centaurs are overly fond of wine and readily become lustful. On the occasion referred to here (p 44) they were invited by Peirithous of the Lapiths to his wedding feast. At the party they attempted to rape the Lapith women and a mighty brawl ensued, resulting in victory for the Lapiths. The sculpture on the pediment of the temple of Zeus at Olympia depicts the battle.

Cicero, Marcus Tullius (106–43 B.C.).

Cicero was born at Arpinum in 106 B.C. and was put to death in the prescriptions on the 7th December 43 B.C. He is rightly regarded as the greatest of the Republican orators (advocates) and writers. Not the least of his contributions to literary history was moulding the Latin language into a comprehensive and flexible vehicle of expression. Huber cites him on page 1, as an example of one who desired relief from the demands of public life so as to devote himself to leisure (*otium*). The reference on p 12 is not particularly relevant.

#### *Collatio*

The *Collatio Legum Mosaicarum et Romanorum* was composed between 390 and 428 A.D. It is an anonymous compilation comparing certain aspects of Mosaic law and Roman law. It is suggested here (p 10 and p 57), but erroneously, that it was written by Licinius Rusinus (q.v.).

Constantine VII Porphyrogenitus (905–963, reign 945–963).

Constantine Porphyrogenitus was the son of Leo the Philosopher and his mistress, Zoe Carbonopsina. The name ‘Porphyrogenitus’, ie born in the purple (palace) where empresses were confined, takes on additional significance considering the unequivocal status of his mother. The first 40 years of his life were devoted ‘to the one duty that took precedence over all the others: to survive’ (Norwich, J.J. *Byzantium, The Apogee*, p 141). During the period of his enforced retreat, he spent his time with books and philosophy. Although those studious inclinations and his own kindly nature did little to equip him for his rôle as emperor, his reign was reasonably successful and his literary efforts contributed greatly to our knowledge of the times. Apart from his *De Ceremoniis Aulae Byzantinae*, an encyclopaedia of Byzantine court ritual, he wrote a manual *De Administrando Imperio* and numerous lesser works. He is said to have seen to the completion of the *Basilica* (q.v.) and it is for this reason that he is cited on p 36.

Cujacius (Cujax, Cujas or de Cujas), Jacobus (Jacques) (1522–1590).

Cujacius was born in Toulouse in 1522 and died in Bourges in 1590. He studied law in Toulouse and began his lecturing career in 1547. A celebrated French jurist and humanist, he was probably the greatest civil lawyer of his time. He published copiously and it is for the high quality of his emendations, corrections, conjectures and restitutions that he is introduced into the *Dialogus* (p 39). Huber approves of his *modus operandi*, direct comparison of the relevant texts, supported by great learning and sensitivity to language but declares Cujacius did not know what *paratitla* were (pp 20 and 21).

Cyrus (ruled 559 B.C. – 529 B.C.).

Cyrus the Elder was the founder of the Persian empire. His reign forms a landmark in the history of the Middle East and provided Huber with a suitable cutting off point for his dissertation *De Temporibus ante Cyrum*. The history of the times before Cyrus was complex, interwoven with fables and romances and accounts of events

varied greatly. It is not surprising that Huber found it necessary to correct the flaws in such as Diodorus Siculus (q.v.) and Orosius (q.v.). Crusius on p 5 is asking why Huber does not continue this type of criticism.

Da Costa (de la Coste), Janus Baptista (Jean) (1560-1637).

Da Costa was born at Cahors in 1560. He taught law there from 1584 to 1599 and again from 1631 to 1637. He had a reputation as an eminent scholar both in the Civil Law and the Canon Law. The reference here, p 20, is to his *In Decretales Gregorii IX summaria et commentarii*, Paris, 1676.

Dio (Dion) Cassius (155-c. 235 A.D.)

Dio Cassius wrote, besides a biography of Arrian, a history of Rome from the earliest days to 229 A.D. This consisted of 80 books. Of these not all have come down to us, and it is to the epitome of Xiphilinus (q.v.) that we are indebted for much information. However, on p 9 Crusius declares that it is Xiphilinus' epitome which destroyed Dio Cassius.

Diodorus Siculus (wrote c. 60-30 B.C.)

Diodorus of Sicily's claim to fame is his 40 books of βιβλιοθήκη or Universal History, starting with the myths and legends of the earliest times and continuing to his own day, including a description of Caesar's Wars in Gaul. Less than half of the books have survived in toto and there are fragments of some of the others. Diodorus claimed to have travelled widely and consulted documents so as to found his history on facts, but chiefly he relied on earlier writers. The result is an uncritical jumble of myth, history and fiction, misunderstood sources and contradictions. It is a compilation, but therein lies its importance. Diodorus frequently cited his sources and thus preserved material from writers whose works have perished. The edition of P. Wesseling, Amsterdam, 1746 with a commentary was often reprinted in the 18th century. On p 5 Crusius mentions that Huber corrected errors in his work.

Donellus (Doneau), Hugo (Hugues) (1527-1591).

Donellus was born at Chalons-sur-Saone in 1527 and died in Altdorf in 1591. He studied at Toulouse and Bourges where he taught until the St. Bartholomew's Night massacre of 24th August 1572, whereupon he fled to Heidelberg and in 1579 to Leiden. There he became Professor of Law from 1579-1587. His contribution to the study of Roman law in the Netherlands was great, especially thanks to his massive commentary on the Civil Law — the *Commentariorum de iure civili libri viginti octo*. This was edited with notes by O. Hilliger (q.v.), Rome, 1828-33. See Ahsmann — Feenstra, *BGNR Leiden*, p.115f, nos.247-253. Donellus is mentioned on p 15 for the summary by Hilliger and on p 39 as one who commented on the Roman Law.

Duarenus (le Douaren), Franciscus (François) (1509-1559).

Duarenus was born in 1509 at Moncontour. He was the pupil of Alciatus (q.v.) and the teacher of Donellus (q.v.). He combined a knowledge of belles lettres and of antiquity with a sound understanding of law. He is bracketed with Cujacius and Donellus (p 39) as concentrating on the Roman Law.

Durandus, Guilielmus (1237-1296).

Durandus was born near Beziers in 1237 and died in Rome in 1296. He studied at Bologna and after teaching at Modena became Bishop of Mende. In 1271 he wrote his *Speculum iuris* which treated of Roman-Canonical procedure. Thereafter he was known as 'Speculator' and as the Father of Practice, as Huber remarks (p 38).

Ennius, Quintus (239-169 B.C.).

*Ennius noster* was highly regarded by the Romans as the 'father of Roman poetry'. Certainly for his day he was a marvel of learning, being fluent in Oscan, Greek and

Latin. Unfortunately so little is left of his considerable opus that it is difficult for modern scholars to assess. Such fragments as remain are references, especially to his tragedies, to be found in later writers, such as Cicero (q.v.) and Quintilian (q.v.) Of the *Annales*, a history of Rome in 18 books, only six hundred lines remain. It was St. Augustine (*Civitas Dei*, II.21) who recorded the line summing up the character of Rome.

*Moribus antiquis stat res Romana virisque.*

Although Paul Merula, (1558-1607), published an edition of the *Annales* in Leiden, 1595, this was far from satisfactory. Fragments of the tragedies were, with notes by G.J. Vossius (q.v.) and Hesselius, included in the edition by Hieronymus Columna, Naples 1590. On p 7 Huber quotes from Ennius' *Annales* to emphasise a point.

Faber (Favre, Faure), Antonius (Antoine) (1557-1624).

Antonius Faber was born at Bourg-en-Bresse in 1557 and died at Chamberg in 1624. He was for some years president of the Court of Savoy. Of his writings the most significant is probably the *Codex Fabrianus* (1606), but we are here concerned with his *De erroribus pragmaticorum* (1598) and *Rationalia in Pandectas* (1604-1626). Huber mentions Faber (p 44) when listing the qualifications necessary for emending the corrupt texts of the old law and Faber, says Huber, at the age of 24 lacked the knowledge and experience and was severely criticised by Bachovius (q.v.). On p 41 Huber says that Wissenbach used to discourage his students from reading Faber's conjectures.

Fabius

See Quintilian.

Fabrotus, (Fabrottus), Carolus Annibal (1580-1659).

Fabrotus was born at Aix en Provence in 1580 and died in Paris in 1659. He lived and worked in France and is here cited for his notes on the *Constitutionum Ecclesiasticorum* (which was then attributed to Balsamo (q.v.)). The question is raised (p 20) whether these notes are, or are not, acceptable as paratitla.

Florentina

The Florentine Digest is the most famous manuscript of the *Digest* still in existence. It consists of two large quarto volumes written by Greek scribes in the 6th century, possibly as early as the early 1530's. The manuscript was formerly at Pisa (*litera Pisana*) but, after the capture of Pisa by the Florentines in 1406, it was taken to Florence where it has been cherished to this day. Much textual emendation was centred on the Florentina, and Huber discusses its merits and demerits (pp 40, 41).

Gaius (c 120 – c 180 A.D.).

Almost nothing is known of the personal details of *Gaius noster*, although there has been much conjecture. He apparently did not have the *ius respondendi* but was specifically named in Theodosius II's *Law of Citations* 426 AD. His work was excerpted for the *Digest* and he was clearly considered a jurist of distinction. Moreover, his *Institutes*, an introductory manual, written in about 161 A.D., was used as the basis for Justinian's *Institutes*. However, much of Gaius' modern celebrity is associated with Niebuhr's dramatic discovery of a palimpsest of his *Institutes* in the library of the Chapter at Verona in the early 19th century (1816). Huber's knowledge of Gaius was based on fragments of his writings and he says (p 57) those must be used for comparative purposes.

Galen, Claudius (130-199 A.D.).

Galen, a celebrated physician from Pergamum, was born in 130 A.D. and possibly died in Sicily in 199. He has had a dominant influence on medical thinking from his

own day to the beginning of ‘modern medicine’ in the 18th century. He was one of the most learned men of the ancient world, an admirer of Hippocrates, and is accredited with 83 genuine works and a large number of doubtful authenticity; these concern not only medicine but also ethics, logic and, naturally, philosophy. His works on medicine were translated into Arabic in the 9th century. Innumerable editions and commentaries on various aspects of Galen’s work have been produced but not necessarily studied. Huber (p 12) says that he is not suitable for elementary medical studies.

Gronovius, Jacobus (1645–1716).

Gronovius was educated in Latin, Greek and law, mostly in Leiden. His young manhood was spent travelling in England, Spain, France and Italy. In Italy he was appointed to lecture in law at Pisa, an appointment he held for two years. Thereafter he was lecturer in Greek at the *Hoogeschool* at Leiden. However, his fame rests upon his written work, especially critical editions of the Classics and translations of Greek texts into Latin. His edition of *Cebetis Thebani tabulae Graece et Latine cum notis et emendationibus*, was produced in Amsterdam, 1689. It is to this that Huber refers on p 17.

Grotius, Hugo de Groot (1583–1645).

Grotius was born at Delft in 1583 and died as a result of a shipwreck at Rostock in 1645. It is said that ‘In the annals of precocious genius there is no greater prodigy on record than Hugo Grotius’. And that was only the beginning. His intense political and religious sentiments landed him in Loevestein Castle from which his escape in a box of books is the stuff of which historic drama is made. Yet his lasting fame is based on his legal writings. Here Huber (p 46) is referring to an attack made on Grotius’ *De Iure Belli et Pacis* by Salmasius (q.v.). The two lines quoted on p 40 are from a poem to be found in the *Praefatio* to Grotius’ *Florum Sparsio* by G.C. Gebauer.

Harmenopulus (Harmenopoulos), Constantine (c 1310 – c 1380).

Harmenopulus, one of the last great Byzantine jurists, died in Constantinople between 1380 and 1383. He was the author of the *Hexabiblos*, a manual of Roman law as in force in 14th century Byzantium. Until the 19th century it was used as part of the legal tradition in Eastern Europe, eg in 1830 Capodistrias of Greece instructed judges to use the *Hexabiblos* as subsidiary law. The Denis Gothofridus edition, Geneva 1547, was the standard for the 16th century. Huber cites Harmenopulus (p 36) as one who wrote *πρόχειρα* or manuals.

Hermogenianus (late 3rd century).

This Roman jurist is mentioned by Huber (p 14) as being the author of a collection of epitomes, the *Iuris Epitome*, in six books. He is cited in the *Digest*, (106 extracts). It is not probable that he was the man who composed the Hermogenian Code.

Hilliger, Oswald (1583–1619).

Hilliger, a German jurist and professor at Jena (1616–1619), is particularly noted for his work on Donellus’ massive *Commentarii de juri civile*. He edited it in an epitomised but still lengthy form together with extensive notes of his own. For the numerous editions of the *Commentarii*, with Hilliger’s notes, see Ahsmann-Feenstra *BGNR Leiden*, p 117f, nos 251, 254–264.

Hippocrates of Cos (contemporary with Socrates 469–400 B.C.).

Hippocrates is a historic figure shrouded in mystery. He is commonly regarded as the ‘ideal physician’, the ‘Father of Medicine’ and a massive corpus of more than 60

works attach to his name. These deal with all aspects of medicine — diagnosis and prognosis, surgery and pharmacology etc. but from the 3rd century B.C. scholars, both medical and literary, agreed that these were not all the works of one man; however, they disagreed as to which were authentic, which forgeries and which problematic. Today it seems certain that most of the works in the Hippocratic Collection are treatises or notes by his contemporaries and successors. Nevertheless, the fame of Hippocrates was such that his birthday was celebrated in Cos, a vast superstructure of fabulous tales was constructed around his life and his status continued untarnished until, in the 20th century, the entire structure of Hippocratic medicine was challenged. But, says Huber (p 12), his works are not suitable for tyros.

Homer (8th century B.C.).

Our ignorance of Homer's dates, place of birth and circumstances has given rise to much scholarship devoted to details of his personal life and more controversially to his methodology in composing the *Iliad* and the *Odyssey*. However, although the Alexandrian *Chorizontes* doubted whether both epics were composed by the same man, the traditional view prevailed until, in 1795, F.A. Wolf tried to show that the epics were in fact small songs describing single exploits of individual heroes. This started the flood of Homeric commentary which has waxed and waned, the present viewpoint tending to the traditional. Certainly, in the 17th century the generally accepted view was that Homer was the composer of both the *Iliad* and the *Odyssey*. Huber here, p 40, cites an anecdote from Plutarch concerning correcting Homer.

Horace, Quintus Horatius Flaccus (65–8 B.C.).

Horace was born in Apulia in 65 B.C., he died on his beloved Sabine farm in 8 B.C. He was the most famous Augustan poet, whose perfection of form, elegance of metre and tolerance of human nature have made his works immortal. He became the friend of leading literary figures in Rome and was one of Maecenas' (q.v.) protégés. On p 14 Huber cites from *Ars Poetica* 335 *et seq* to emphasize the need for concise language.

Irnerius (c 1055 – c 1130).

Irnerius is accredited with establishing the study of law at Bologna and of writing glosses on the texts. We know something of his opinions as there are many glosses in Medieval MSS under the siglum for Irnerius. His name is associated, as here on p 38, with establishing the *Authenticae*.

Javolenus, Octavius Priscus (c 60–c 120 A.D.).

Javolenus was the leader of the Sabinian School. His literary productions were mainly epitomes of former jurists, eg *libri ex Plautio*, and, for Huber's purposes (pp 14 and 15), the *ex Posterioribus Labeonis* (an abridgement of Labeo q.v.). Javolenus' *Epistulae* suggest that he was a competent and independent thinker, not a mere epitomiser.

Julius Caesar, Gaius Julius (102 B.C. — Ides of March 44 B.C.).

Julius Caesar's reforms were purposeful but of necessity incomplete. He is known for his agrarian laws, sumptuary laws, his reform of the calendar, etc. Among his many proposals was a plan to compose a digest of all Roman laws (see *Dialogus* p 16) but the assassins' daggers put paid to this as well as to other beneficial schemes. On the proposed Digest, see Suetonius, *Lives of the Emperors, Julius Caesar* § 44.

Julius, Julianus (6th century A.D.).

The jurist referred to by Huber (p 36) as *Julius Patricius Exconsul et Antecessor Constantinopolitanus* is almost certainly the Julianus who was indeed a professor at

Constantinople and was credited by some authorities with an *Epitome of the Novellae*. It is now agreed that this *Epitome* was written before the death of Justinian and Julianus translated his abridgements into Latin, where the *Novellae* were not originally published in Latin. The history of Julianus' *Novellae* is intricately involved with the history of the *Authenticum* (q.v.). Alciatus (*Parenga*, II.46) refers to Julianus as *Patricius* and ex-consul. It is not known whence he derived his information, as contemporary records are lacking, but Huber presumably accepted Alciatus' authority.

Jupiter, *Aequus Jupiter* (benevolent Jupiter) was the chief of the Roman gods. He had many attributes, being initially rural but rapidly, as *Jupiter Optimus Maximus*, becoming the protector of the city and the state. He was also the protector of the family and determined the course of all human affairs. He foresaw the future and events were the outcome of his will.

Justinian (Flavius Petrus Sabbatius Justinianus) (482-565 A.D.).

Justinian was probably born in 483 A.D. in the village of Tauresium in Dardania; he died in Constantinople in 565. Justinian, Roman Emperor of the East, 527-565 A.D., and his consort, Theodora, need no introduction. In the *Dialogus* Huber is particularly concerned with Justinian's educational reforms and refers to the *Constitutio Deo Auctore*, the *Constitutio Omnem* and the *Constitutio Tanta*. The references are often *ad lib.* rather than precise quotations. Huber is also concerned with emendations to Justinian's *Corpus Iuris*, especially those not based on the Florentine (q.v.).

Justinus, Marcus (3th century A.D.).

Justinus, the historian, produced what was considered to be an epitome of Trogus Pompeius' *Historiae Philippicae*. This epitome was severely criticised generally for an apparently casual and cavalier caprice. However, it would appear from Justinus' preface that he was not composing a systematic compendium but an anthology of extracts he considered of particular interest. The *editio princeps* of Justin's anthology was printed in Venice, 1470, followed by one from the Aldine press, 1522. The most accurate editions were those of Graevius, Leiden, 1683 and of Gronovius (q.v.), Leiden, 1719 and 1760. See *Dialogus* p 13.

Labeo, Marcus Antistius (d. before 22 A.D.)

Labeo was, according to tradition, one of the founders of the Proculian school. He was very knowledgeable, especially of the law and wrote copiously — *Responsa*, *Epistulae* etc. These works which remained unpublished at his death were subsequently edited as *libri posteriores* (40 volumes). Javolenus (q.v.) made an epitome of the *Posteriores*. Otherwise Labeo is known from quotations by other jurists and by excerpts in the *Digest*. (See pp 14-15 of the *Dialogus*.)

*Lacones*

The Spartans, or Lacones, lived in Laconia, in the south-eastern Peloponnese. They are known to history particularly for their military prowess. Here the reference on p 14 is to their brief, concise manner of speaking.

Lapiths see Centaurs.

Leo the Philosopher / Leo the Wise, Leo VI Flavius (886-912, reigned 865-912).

Leo VI, surnamed *Sapiens* and *Philosophus*, was undoubtedly possessed of a first-class academic intelligence, even although much of his life has been severely censured by earlier, especially Victorian, historians such as Gibbon (*Rise and Fall*, p 740) for that uninterrupted series of intrigues, corruption and wars which marked

his reign. Huber mentions him on p 36 and p 57 for the *Basilica* (Βασιλικαὶ Διατάξεις), an imperial codification, consisting of 60 books, subdivided into titles and extracts from the *Codex*, the *Pandects*, the *Institutes* and the *Novels*, presented together under the appropriate title. Some outdated and superfluous sections of the *Corpus Iuris* are omitted, certain constitutions, not found in the *Codex* are included, and the entire work is translated into Greek. It was initiated by the emperor, Basil the Macedonian (c. 826–886), and probably completed in the reign of his son, Leo. About two-thirds of the *Basilica* is preserved. It is patent that this is and has been a significant text, both in its own right and as reference for critical studies of the *Digest* and the *Codex*. Some *Basilica* Mss. have scholia, both Justinianic and post-Basilican.

Leunclavius (Löwenklau), Johannes (1533–1593).

Leunclavius was born in Westphalia and died in Vienna. He was one of the great scholars of his age and is cited here on p 20 as one of those who understood the original purpose of the *Paratitla*. The reference is to his *Ius Graeco-Romanum tam canonicum quam civile* (Frankfurt, 1593) or to his notes on Balsamo's *Collectio Constitutionum Ecclestarum*.

Livy, Titus Livius (59 B.C.–17 A.D.).

Livy was born in Padua and died there at the age of 76. Livy's *Annales*, better known as *Ab Urbe Condita libri* was a monumental history of Rome from its foundation to 9 B.C. It consisted of 142 books of which only 35 are extant together with a smattering of fragments, excerpts and quotations. There is an epitome, dull and pedestrian, of which the author is unknown, although, as here (p 13), it is sometimes accredited to Annaeus Florus (q.v.). Livy's purpose was primarily to write a history worthy of Rome and her greatness and secondly to support Augustus' moral reforms with vivid word pictures of the great men of her past. The narrative is clear and pleasing; it holds the reader's attention and has provided many generations of young people with their first introduction to the story of Rome. Modern historiographers, viewing Livy through professional eyes accustomed to analyse, evaluate, research and cite sources, are often critical of Livy's methodology — or lack of it — but none can deny the compelling charm of his narrative and excellence of his style. The existing Mss of the *Annales* did not appear together at one time. During the early 16th century various books and parts of books were discovered in monastic libraries, mostly in Germany. At the time of Huber's writing, humanist scholars were anticipating further discoveries. The most important of the Dutch scholars was Gronovius whose collated edition was published by Elsevier in 1665 and 1679.

Lothar the Saxon (Lothair III, 1087–1137, Holy Roman Emperor 1125–1137).

Legend has it that Lothar III had prescribed the teaching of Roman Law and its use within the Imperial courts at the request of Irnerius (q.v.) or of Matilda of Tuscany. Thus the Holy Roman Empire exemplified its claim to be a continuation of the Roman Empire. H. Conring (1606–1681) in his *De Origine Iuris Germanici* (1643) argues that Roman Law had not been received thus from Lothar but by a slow process of assimilation. Savigny (1779–1861) likewise declared the legend unrealistic. Huber (p 38) regards it as a historical fact.

Maecenas, Gaius (d. 8 B.C.).

Maecenas was one of the rich and cultured members of Augustus' circle. For our purpose he is important as the patron of Horace (see *Carmina* 1.1.1) and Virgil (see *Georgics* 1.1–3. Hence a Maecenas (p 1) has become proverbially any generous patron, especially of art or literature.

Matthaeus I, Antonius (1564–1637).

Matthaeus I was born in Hesse in 1564 and died in Groningen in 1637. He studied law at Marburg and Heidelberg. He was professor of law at Marburg (1605–1625)

until he moved to Groningen (1625–1637). However, Matthaëus I is nothing like as significant a legal writer as his son, Matthaëus II. He is mentioned here (pp 46–47) as having taught Wissenbach (q.v.) and exercised a sound form of textual emendation.

Menagius (Ménage), Aegidius Gilles (1613–1692).

Menagius was born at Angers in 1613. He made his name as an advocate and legal writer. The work here cited, *Iuris civilis amoenitates*, Paris, 1664; Franeker, 1700, is a collection of elegant dissertations on various topics. Huber added to his 1688 edition a substantial section on paratitla including (p 21) sentences and phrases from Menagius' *Amoenitates*. Yet on p 61 of the 1688 edition and p 108 of 1684, Huber implies that Menagius' *Amoenitates* was unknown to him.

Mezerayus (de Mézeray), François-Eudes (1610–1683)

Born in 1610 and died aged 73, in Paris (1683) Mezerayus was a noted, if somewhat controversial French historian and historiographer. He belonged to the *Académie Française* and supported the idea of the literary and scientific journal, *Le Journal des savants*. In the 1688 edition of the *Dialogus* (p 15) he is mentioned because of his *Histoire de France* (3 vols. in Folio 1643, 1646, 1651). A second edition was printed with corrections by the author in 1685. The work was abridged, under the title of *Abrégé chronologique ou Extrait de l'histoire de France* in 1608 and reprinted several times thereafter. Mezerayus is not mentioned in the 1684 edition but appears in the 1688 edition with other modern historians whose works had been abridged but who had not suffered thereby.

Mornacius (de Mornac), Antonius (Antoine) (1554–1619).

Mornacius is one of the French writers on practice. He wrote observations on 24 books of the *Pandects* and on four books of the Codex intended for use in the Courts. Huber (p 43) commends him heartily for his commentaries and emendations based on the law.

Munkerus, Thomas (1640–1681).

Munker was born in Friesland in 1640 and died in Delft in 1681. He studied in Deventer, where his brother Philip was rector of the Latin School, and later at Franeker, where he disputed under the eminent theologian Nicolas Arnoldus (1651–1680). As rector of the Latin School in Delft he exerted considerable influence on classical and historical studies and his early death was a loss to education. Among his friends and correspondents, he counted Huber, Perizonius and Nicholas Heinsius. On p 30 he is introduced as one who might have taught Crusius/Noodt Greek. He wrote a dedication verse to Crusius on the occasion of the publication of his *Diatribe . . . de scriptura et sententia*. See Ahsmann-Feenstra *BGNR Leiden*, p 83, nos 115, 116.

Nestor

Nestor of Pylos owes his fame to the Iliad and, to a lesser extent, to the Odyssey. He is portrayed as an old man, wise, just and kindly if somewhat ineffective and prone to give platitudinous advice. He is noted here (p 14) for his laconic eloquence but, as noted (ft 38) the citation applies to Menelaus, not Nestor.

The *Novellae* and the *Authenticum*.

*Novellae* (Novels) are imperial enactments issued after a codification, eg the Theodosian Novels were issued after the *Theodosian Code* of 439 A.D. The *Novels* of Justinian, consisting of approximately 160 enactments were promulgated after the publication of the second Code (534 A.D.). Of Justinian's *Novels* (168) most are in

Greek, 15 in Latin and 3 in both Latin and Greek. Julianus (q.v.) wrote a Latin epitome of 125 of Justinian's Novels. The *Authenticum* is a collection, in Latin, of 134 Novels. Its author is unknown. He appears not to have been a jurist as many of the Novels are inaccurately translated. When the *Authenticum* first became known in the 12th century it was suspected to be a forgery but the glossators eventually declared it authentic. Hence the name *Liber Authenticorum*. In the schools it largely superseded Julianus' *Epitome*. For a definitive discussion see Wallinga "*Authenticum and Authenticae*".

Orosius, Paulus (early 5th century).

Orosius was a Spanish presbyter of Tarragona, much involved with religious politics in Spain, North Africa and Syria, but his importance for Huber lay in the fact that he wrote an apologetic History in 7 books. The purpose of this History was to counter the Gentiles' argument that the sacking of Rome by Alaric (410) was to be attributed to the wrath of the pagan gods who had been displaced by the Christians. Orosius showed that such disasters had befallen men long before the rise of Christianity. To compose his *History* Orosius excerpted Justin (q.v.), Eutropius and other lost historians, including a lost epitome of Livy (q.v.) and of Tacitus' *Histories* (q.v.). This is largely where the importance of the work is to be found. As a work of history it is fraught with defects, as was known to Sigonius and Lipsius and presumably to Huber (see p 5). The Havercamp edition, Leiden, 1738, was known to historians in the 18th century.

Papinianus, Aemilius (c. 140 — (executed by the Emperor Caracalla) 212).

Papinian was one of the most significant of the Roman jurists. He was both a practical jurist and a copious writer. In terms of Theodosius II's *Lex Citationis* of 426 A.D. in the case of a draw, Papinian's opinion prevailed. This is testimony to the quality of his opinions which revealed deep understanding of the rôle of law and equity. There are approximately 600 fragments from his work in the *Digest*. In Justinian's programme of revised law studies he addresses the method in which third-year students, still called 'Papinianistae', should learn Papinian's *Quaestiones, Responsa and Definitiones*. See *Omnem* §4. Huber (p 9) blames Justinian for destroying the valuable works of Papinian.

Paulus, Julius (3rd century A.D.).

Paul was one of the jurists most copiously excerpted for the *Digest* (2080 fragments). He wrote approximately 320 books, comprising commentaries on earlier jurists such as Javolenus, Scaevola and Papinian and a great number of monographs on such subjects as wills and testaments, punishment, adultery, etc. The *Sententiae Pauli* is a work in 5 books which, it has been argued, is not the work of Paul but an anthology of his writing compiled by an unknown jurist in about 300 A.D. Paul is one of the jurists mentioned in the *Law of Citations* (426 A.D.). Cujacius (q.v.) commented extensively on Paul. Huber refers to him in the context of epitomes (pp 9, 14, 15 and 57).

Phaedrus (c. 15 B.C — c. 50 A.D.)

Phaedrus was born in Macedonia but was educated in Italy. He is noted as the writer of fables, often based on those of Aesop. The fables embrace jokes, moral tales and social comment. Here (p 46) he is cited by Crusius as saying that despite criticism, he will continue with his juridical criticism.

Placentinus (d. 1192).

Placentinus was a glossator but was also involved in practice. He was instrumental in founding the law school in Montpellier. He is mentioned on p 38 as one who wrote *Summae*.

Plato (c. 429–347 B.C.).

Plato, the philosopher, founded the Academy outside Athens. His name is introduced here on p 12, to indicate a scholar whose work cannot be studied directly, without preparation and assistance. For the Platonic Dialogue see the Commentary, Chapter IV.6.1.

Plutarch (c. 46–post 120 A.D.).

The work which has immortalised Plutarch's name and which is of significance for this work is his *Lives*, forty-six parallel lives, a Greek together with a Roman. Plutarch is said to have quoted over 200 sources for his *Lives*, about 80 of whom are writers whose work is lost. The aim of this work is not history but biography with the characters illuminated by anecdote. It is to his life of Alcibiades that Huber refers on p 40.

Polybius (c.203–c.120 B.C.).

Polybius was a Greek from Achaëa who spent 16 years as a hostage in Rome. There he became a close companion of Scipio Africanus, a member of the Scipionic circle and an admirer of Rome's political and military achievements. His father had been a leading figure in the life of his home state and from early manhood Polybius had taken an active part in public life. Hence he was able to bring much first-hand knowledge of war and peace to the writing of his *Universal History* in 40 books. His purpose was to describe factually the expansion of Rome from the start of the second Punic War (220 B.C.) to the final conquest of Spain, Africa and Greece (146 B.C.). Of the entire work only 5 books have survived complete. There are a variety of excerpts in Livy (q.v.), Cicero (q.v.) and Plutarch (q.v.) and from this it is possible to assess the quality of his writing. His work had a strong didactic element, and completely lacked the vivid imagination and dramatic colour which historians such as Thucydides or Livy brought to their narratives. Partial editions and translations into Latin were produced in Italy as early as 1473. An edition by Gronovius (q.v.) appeared in Amsterdam in 1670. On p 9 Polybius is mentioned as a writer whose works suffered from abridgement.

Psellus, Michael Constantine (1018–1105).

Psellus was born at Constantinople in 1020. He died in disgrace in 1105. He was one of the most remarkable men of his generation, historian, politician, humanist, philosopher and classical scholar. His *Chronographia* is a valuable, and amusing, memoir covering the years 976–1077 but it is for his *Synopsis Legum* that he is cited here on p 36. The full title is given as *Synopsis Legum versibus iambis et politicis* and the laws are written in metric form.

Quintilian, Marcus Fabius (c. 35–100 A.D. or later).

Quintilian, the most celebrated of Roman rhetoricians, was of Spanish origin but was educated largely in Rome. His fame derives from his reputation as a teacher. Vespasian appointed him as Professor of Rhetoric and paid him a salary. It was after he retired in 90 A.D. that he wrote his *De Institutione Oratoria libri XII* which covers the education of an orator. Book I which treats of education in boyhood is a sane and sensible discussion which is of value even today. Books III to IX deal with the technical aspects of oratory. Book X is a brief review of Greek and Latin authors and

Quintilian's evaluations are still cited by modern literary commentators. Quintilian's style, as is to be expected, is clear and polished but not affected. There were several editors of the *Institutiones*, prior to the important Petrus Burman edition, Leiden, 1720. He is referred to in the *Dialogus* as Fabius (p 59).

Raevarcus, (Reyvaert) Jacob (1535-1568).

Raevarcus was born near Bruges in 1535 and died there in 1568. He taught at Louvain, Orleans and Douai. His great erudition earned him the name 'the Papinian of the Netherlands'. He is here (p 39) cited as one who drew on his knowledge of antiquity and philosophy in order to comment on the *Digest*.

Rufinus (Ruffinus), Licinius (3rd century A.D.).

Rufinus was a jurist, 17 of whose excerpts feature in the *Digest*. In the Geneva edition of the *Collatio Legum Mosaicarum et Romanarum* (q.v.), a Licinius Rufinus is mentioned as the compiler. Modern scholars do not accept that this was Rufinus, the jurist. Huber (p 10 and p 57) does not question Rufinus' authorship.

Rusius, Albertus Ketwich (1614-1678).

Rusius studied at Deventer, Groningen, Franeker and Leiden. He became professor at Amsterdam in 1646 and at Leiden in 1659. His inaugural oration, given on 16th September 1659 in Leiden, was *Oratio de Jejuna quorundam et Barbara juris compendiaria*, see Ahsmann-Feenstra, *BGNR Leiden*, p 206, no. 553, and the Commentary, Chapter VI.1. He only appears in the 1684 edition of the *Dialogus*, on pages 45, 47 and 57.

Salmasius (Saumaise), Claude (1588-1653).

Salmasius was born at Sémur in 1588 and died in 1653. He was one of the greatest French philologists of his day, but he was a difficult and aggressive scholar who indulged in verbal polemics. Attacks and counter-attacks raged. Here (p 44) reference is made to a diatribe concerning *mutuum* which involved Cyprianus Regneri ab Oosterga. During his time in Leiden he and Daniel Heinsius were constantly at daggers drawn. It is to his relations with Grotius that reference is made on p 46.

Scylla and Charybdis

Scylla was supposedly a barking sea monster with six heads with three rows of sharp teeth apiece and twelve feet. If a ship came within reach she would seize six of the crew at a time and devour them. Opposite Scylla's cave was the whirlpool, Charybdis, which sucked into its maw all passing ships. These two hazards were supposed to be located in the Straits of Messina, although in fact there is no such phenomenon there. See Seneca, *Epistles* 79.1. Proverbially they symbolize a serious danger, as on p 17. See Homer, *Odyssey*, 12.73-107; 12.234-259.

Salvius — see Swalvè.

Suarez, Josephus Maria (1599-1677)

Suarez was born on 5 July 1599 and died in Rome 1677. He was Bishop of Vaison (France) 1633-1666; head of the Vatican Library 1668-1677. His major interests were antiquarian. On p 36 Huber mentions his *Historia Iuris Romano-Graeci sive notitia Basilicorum* (Rome 1637, Amsterdam 1663).

Suetonius, Gaius Tranquillus (c.69-140 A.D.).

Suetonius was probably born in Rome. He appears to have been a lawyer by profession but his public career was undistinguished and his fame rests on his

surviving works, especially *De vita Caesarum*, biographies of Julius Caesar to Domitian. This work is important, not only because of its intrinsic interest but also because of the long-lasting impact it had on historiography. In writing of the emperors Suetonius draws on public documents, the writings of the emperors and of those who knew them, as well as eye witness accounts of specific episodes — the result being anecdotal, in fact often scandalously so, rather than historical in the modern sense. His style is generally straightforward, with few stylistic flourishes. Editions of the *Lives of the Emperors* are numerous. Before 1500, fifteen editions had appeared, ample proof that this was favourite reading. There is a edition by Petrus Burman, Amsterdam, 1736. On p 52 Huber recommends a full knowledge of Suetonius as a sound basis for Roman judicial antiquities.

Swalve, Bernard (1626-1680)

Bernard Swalve was a Dutch medical doctor and wrote the *Querelae et opprobria ventriculi, sive Prosopopoiia eiusdem naturalia sua sibi vendicantis et abusus tam diaeteticos quam pharmaceuticos perstringentis*, Amsterdam 1664. The work was reviewed in the *Journal des Sçavans* of 18th January 1666 and it is one of the two reviews mentioned by Böckelmann (pp 58 and 60) in the discussion of the Journals.

Terence, Publius Terentius Afer (195?-159 B.C.).

Terence was an emancipated slave from Africa who was admitted to the Scipionic circle and was known for his comedies, based largely on those of Menander. He is noted for his subtle and elegant use of language and his *ne quid nimis* (nothing in excess) is quoted on p 51.

Themis

Themis is the personification of order as established by law, custom and equity. She lived on Mount Olympus, although she had sanctuaries in various places, such as Athens, Thebes and Olympia. For the Romans she became the goddess of Justice (and Prophecy). See i.a. Ovid, *Metamorphoses*, 1.321; 1.379 (for Themis and prophecy), 7.762; 9.403 (for Themis as goddess of Justice). She appears in the *Dialogus* (pp 27, 28, 40 and 49) as the personification of Justice.

Theodosius II (401-450 A.D.).

The reign of Theodosius II is noted for little except the compilation of the *Theodosian Code* (438 A.D.). This was a collection of imperial constitutions from the time of Constantine the Great (312 A.D.) and was modelled on the collections of Gregorianus and Hermogenianus. Where a constitution treated of several diverse matters, the separate parts were put under the appropriate title. The date of each constitution was provided and within each title they were arranged in chronological order. In the Western Empire part of the code was incorporated into Alaric's *Breviary*, the *Lex Romana Visigothorum* and the relevant portions served as a basis for Justinian's *Code*. On p 57 the *Theodosian Code* is bracketed with eg the *Basilica* as suitable for advanced study of the law.

Thuanus (du Thou), Jacques Auguste (1535-1617)

Thuanus was born on the 8th October 1553 and died on 7th May 1617. He came from a family which had served France in church and state. At the age of 17 he started studying law at Orléans, Bourges and later Valence, under Cujacius. Being widely travelled, and having served the state in several capacities, he was well equipped to write his monumental *Historia sui temporis* (History of his times) in 138 volumes, the first 18 books of which, covering the period 1545-1560, appeared in 1604. Later volumes appeared in 1607 and 1608. Although du Thou aimed at

producing a scientific and unbiased description of a stressful period of French history, his work was attacked and the volumes dealing with the wars of religion and the St. Bartholomew's Day massacre were put on the *Index Librorum Prohibitorum* (9th November 1609). He was accused of being a "False Catholic and worse than an open heretic". To defend himself and his work, du Thou forbade any translation into French or other languages. However, after his death in 1617, a beginning was made with a partial translation into German. It is presumably in the context of compendia that he is mentioned by Huber, p 15 in the 1688 edition only. Huber's argument is that compendia would not endanger the fate of the actual book.

Trebatius, Gaius

Trebatius was one of the later Republican jurists, the teacher of Labeo (q.v.) and a friend of Cicero. We know little of his work but he was highly regarded by the Classical jurists, which perhaps explains why Huber prefers him to Tribonian. See *Dialogus* p 16.

Tribonian (? — 544 A.D.).

Tribonian, the jurist, is one of the spectacular names in legal history. The story of his political life is irrelevant for us here (fascinating though it undoubtedly is). His importance for the *Dialogus* lies in his rôle as superintendent, *gubernator*, of the *Digest* (see *Constitutio Tanta* § 1). He was most learned, especially in the legal literature of the past and possessed a comprehensive library (*Tanta* § 17). He is regarded as the major figure in the compilation of the *Corpus Iuris*, acting as Justinian's principal collaborator and adviser. In the 17th century his unsavoury reputation was in no small degree based on his prejudiced evaluation by Procopius (*Persica*, 1.24). However, his reputation has been greatly enhanced among recent scholars by T. Honoré's *Tribonian*. On p 16 of the *Dialogus* he is compared to his disadvantage with Trebatius (q.v.), but on p 47 Tribonian is mentioned as the target of "Interpolation hunting".

Trogus, Pompeius (1st century B.C.).

Trogus flourished under Augustus. The 44 books of his *Historiae Philippicae* describe the origins, rise and decline of the Macedonian monarchy. His sources were mainly Greek and the Macedonian story-line was used as a central theme on which to attach various excursions. Trogus' style was elaborate and dramatic. Our knowledge of his work is largely thanks to the anthology of interesting passages drawn up by Justinus (q.v.). On pp 9, 12 and 13 it is argued that Trogus' work was lost because of abridgement.

Ulpianus, Domitianus (assassinated 223 A.D.).

Ulpian was a contemporary of Paul, also a prolific writer and, like Paul, his writings constitute a third of the *Digest* (2460 excerpts, many of some length). Ulpian is said to have been a compiler rather than an original thinker. His major works were the *Libri ad Edictum* (81 books) and the *Libri ad Sabinum* (51 books). On pp 9, 10 and 57 there are complaints that much of his writing was lost thanks to Justinian.

Varus, Alfenus (1st century B.C.).

Little definite is known about Alfenus Varus, but he seems to have been a pupil of Servius Sulpicius Rufus and author of a *Digesta* in 40 books. There are 54 excerpts from Varus' *Digest* in Justinian's *Digest*. On pp 14 and 15 Huber argues that his work has been lost due to epitomes.

Viglius, Ulrich Viger van Aytta (1507-1577).

The Name Zuichemus or Zuichemus, van Zwickum, was added to Viglius because he was adopted by his uncle, the pastor of Zwickum. Although he was born near

Leeuwarden in 1507, he studied in France under Alciatus and lectured at the University of Padua. He discovered and published a MS of Theophilus' *Paraphrasis*. A humanist and friend of Erasmus, he is here cited as an eminent jurist (p 39). A recent publication is Pikkemaat, J.G.B, *Viglius van Aytta als hoogleraar in Ingolstadt* Nijmegen, 2009.

Vinnius, Arnold (1588–1657)

Vinnius was born in 1588 near The Hague, studied law at Leiden and was professor there until his death in 1657. He is famed for his Commentary on the *Institutes* of Justinian (1642). The policy he adopted was to set out sections of the *Institutes* and attach lengthy comments and explanations, especially mentioning the contemporary position in Holland. Vinnius' *Institutes* was reprinted many times with further commentary by Heineccius. It has rightly been regarded as a most useful standard work. Vinnius is here mentioned (p 15) for his *Jurisprudentiae Contracta*, based on Donellus, and on p 46 as a jurist 'of wide scholarship'.

Vossius, Gerardus Johannes (1577-1649)

Vossius was one of the most important members of the Dutch Republic of Letters in the 17th century. His biographer, C.S.M. Rademaker (*Vossius*, p 352-3) sums up Vossius' contribution to knowledge as follows: "Since it covered the entire tremendous terrain of humanistic learning, its great value lies first and foremost in this, that it contained everything that the past and his own time had discovered and developed, summarized in an extremely systematic fashion and provided with a commentary directed mainly to the actuality of Vossius' own time. . . . Vossius' books were sought mainly for the grand summary and systemisation of the scholarly information existing at that moment". Rademaker cites Wickenden, *Historiography*, p viii. "He was not a fount of inspiration but a quarry of facts". He is mentioned in the *Dialogus* (p 12) for his sterling work especially in systematising history.

Wissenbach, Johannes Jacobus (1607-1665).

Wissenbach was born in Nassau in 1607. He was professor at Franeker from 1640 until his death in 1665, hence *Wissenbach noster*. He was highly regarded in the 17th and 18th centuries and is here (p 47) commended for his textual criticism, as in his *Emblemata Triboniani*. See Feenstra, *BGNR Franeker*, for his publications.

Xiphilinus of Trapezus (11th century A.D.).

Xiphilinus of Trapezus was a monk at Constantinople and, at the command of the emperor Michael VII Ducas, he made an epitome of Dion Cassius' (q.v.) Books 36-80. Xiphilinus took liberties with the text, redistributing the work into sections and omitting the names of consuls. Leonhard Schmitz (Smith, Vol. III, p 1308) writes "The work is executed with the usual carelessness which characterises most epitomes and is only of value as preserving the main facts of the original, the greater part of which is lost". The epitome of books 60-80 was first printed by Leunclavius (Frankfurt, 1592). Xiphilinus is referred to on p 9 and p 13 for his epitome.

Zasius, Udalricus (1461-1535).

Zasius was born at Constance in 1461, studied at Tübingen and later became professor of law at Freiburg im Breisgau. He was a friend of Erasmus, although his first legal writing did not reflect the humanistic influence, his later publications attempted to use the new classical scholarship to illuminate the law texts He is bracketed with Alciatus and Viglius on p 39.

## II INDEX OF PROPER NOUNS IN THE 1684 AND 1688 EDITIONS

This Index of Proper Nouns is limited to those mentioned in the 1684 and 1688 editions of the *Dialogus*. As the 1688 edition is, for reasons stated above, the edition used in this translation, the 1688 pages are listed first. The 1684 page numbers are listed in the second column.

	1688 edition	1684 edition
Accursius, Franciscus and the Accursians	31, 38	52, 67
Alciatus, Andreas	39	69
Alcibiades	40	70
Amerpoel, Johannes	58, 60	104, 106
Annaeus Florus	13	22
Aristotle	12	21
Attaliota, Michael	36	63
Augustinus, Antonius	39	69
Authenticae	38	60
Authenticum	31	52
Azo	38	66
Bachovius Ecthius	41	71
Baldus de Ubaldis	39	67
Balsamon, Theodorus	20, 36	—, 63
Bartolus de Saxoferrato	39	67
Basilica	30, 36, 57	51, 64, 99
Baudius, Dominicus	40, 42, 43	70, —, 75
Blastares, Matthaëus	—	100
Brutus, Marcus Junius	16	23
Budaeus, Guilielmus	21, 39	69
Catones	—	28
Cebes of Thebes	17	24
Cedrenus, Georgius	—	100
Centaurs and Lapiths	44	78
Cicero, Marcus Tullius	1, 12	1, 21
Collatio	10, 57	17, 99
Constantine VII Porphyrogenitus	36	63
Cujacius, Jacobus	20, 21, 39	—, —, 69
Cyrus	5	9
Da Costa, Janus Baptista	20	—
Dio Cassius	9	16
Diodorus Siculus	5	9
Donellus, Hugo	15, 39	—, 69
Duarenus, Franciscus	39	69
Durandus, Guilielmus	38	67
Ennius, Quintus	7	13
Faber, Antonius	41, 44	71, 77
Fabius — see Quintilian	59	106
Fabrotus, Carolus Annibal	20	—
Florentina	40, 41	69
Gaius	57	17, 99
Galen, Claudius	12	21

Gronovius, Jacobus		
Grotius, Hugo	46	80
Harmenopulus, Constantine	36, —	63, 100
Hermogenianus	14	—
Hilliger, Oswald	15	—
Hippocrates of Cos	12	21
Homer	14, 40	— 70
Horace, Quintus Horatius Flaccus	14	—
Imerius	38	66
Javolenus, Octavius Priscus	14, 15	—
Julius Caesar, Gaius	16	23
Julius (Julianus)	36	63
Jupiter	1	1
Justinian, Flavius Petrus Sabbatius	Passim	passim
Justinus, Marcus	13	22
Labeo, Marcus Antistius	14, 15	—, —
Lacones	14	—
Lapiths	44	78
Leo the Philosopher, Leo VI Flavius	36, 57	63, 99
Leunclavius, Johannes	20	—
Lex Cornelia	45	78
Lex Julia	45	78
Livy, Titus	13	22
Lothar the Saxon	38	65
Maecenas, Gaius	1	1
Matthaeus, Antonius I	46, 47	81
Menagius, Aegidius	21, 61	—, 108
Mezerayus, Francois-Eudes	15	—
Mornacius, Antonius	43	75
Munkerus, Thomas	30	51
Nestor	14	—
Orosius, Paulus	5	9
Papinianus, Aemilius	9	17
Paulus, Julius	9, 14, 15, 57	17, 99
Phaedrus	46	79
Placentinus	38	66
Plato	12	21
Plutarch	40	70
Polybius	9	16
Psellus, Michael Constantine	36	63
Quintilian, Marcus Fabius	59	106
Raevardus, Jacobus	39	69
Rufinus, Licinius	10, 57	17, 99
Rusius, Albertus Ketwich	—	45, 47, 57
Salmasius, Claude	44, 46	77, 80
Scylla and Charybdis	17	24
Salvius see Swalve	60	106
Suarez, Josephus Maria	36	63

Suetonius, Gaius Tranquillus	51	91
Swalve, Bernard	58, 59, 60	104, 106
Terence, Publius Terentius Afer	51	90
Themis	27, 28, 40, 49	44, 45, 48, 70, 85
Theodosius II	57	17, 99
Thuanus, Jacques Auguste	15	—
Trebatius, Gaius	16	23
Tribonian	16, 47	23, 81
Trogus, Pompeius	9, 12, 13	16, 22
Ulpianus, Domitianus	9, 10, 57	17, 99
Varus, Alphenus	14, 15	—, —
Viglius, Ulrich	39	69
Vinnius, Arnold	15, 46	—, 80
Vossius, Gerardus Johannes	12	21
Wissenbach, Johannes Jacobus	47	81, 91
Xiphilinus of Trapezus	9, 13	—, 22
Zasius Udalricus	39	69