

The Concept “Res Publica” and Its Reception in Byzantine Law: Transliterations*

Yury Ya. Vin, Institute of World History, Russian Academy of Sciences (Moscow, Russian Federation)
Candidate of Sciences (History), Senior Researcher; e-mail: hkn@igh.ras.ru.
 ORCID 0000-0001-9904-4123

Abstract

The problem of reception of the concept “res publica” is complex and multifaceted. It has been thoroughly studied in relation to the period of the Middle Ages. The task of the author is to demonstrate, that the possibilities of applying the information approach to the field of cognitive surveying to reveal the content of receptions and Latin-Greek transliterations of the concept “res publica” with the help of the Expert System “Byzantine Law and Acts”. The comparisons of Greek translations and compilations with their Latin prototypes of Byzantine law prove: their compilations did not necessarily follow their prototypes in conveying the notion of “res publica”. It, as a rule, was replaced by other Greek concepts and word-combinations. For them, as well as their Latin prototypes, a certain semantic ambiguity is evident. Accordingly, the mediaeval Byzantine jurists felt the need to use the direct reception of the Latin concept “res publica”, in particular “rei publicae causa”. It served as the subject of attention and professional lawyers used this concept to interpret and explain the content of the sources of medieval Byzantine law. Noticeable discrepancies in the recording forms of the identified receptions and Greek transliterations of the concept “res publica” are probably due to individual characteristics of Medieval Byzantine lawyers and their professional qualifications. The direct borrowings of the concept “res publica causa” or its transliterations, revealed in medieval Byzantine law monuments, were purely terminological in most cases. It, if it is admissible, may be considered as a kind of cultural phenomenon.

Keywords: republic, respublica, res publica, res publicae, rei publicae causa.

Концепт «res publica» и его рецепция в византийском праве: транслитерации

Вин Юрий Яковлевич, Институт всеобщей истории РАН (Москва, Российская Федерация)
кандидат исторических наук, старший научный сотрудник; e-mail: hkn@igh.ras.ru.
 ORCID 0000-0001-9904-4123

Аннотация

Проблема рецепции понятия «res publica» сложна и многогранна. Нельзя сказать того, что она применительно к периоду Средних веков досконально изучена. Задача автора — продемонстрировать с помощью Экспертной системы «Византийское право и акты» возможности применения информационного подхода в сфере когнитивных изысканий к раскрытию содержания рецепций и латинско-греческих транслитераций понятия res publica. Прделанные сопоставления с латинскими прототипами их греческих переводов и компиляций византийского права доказывают: компиляции вовсе не обязательно следовали своим прототипам в передаче понятия res publica. Оно, как правило, замещалось иными греческими понятиями и словосочетаниями. Для них, как и их латинского прототипа, очевидна определенная семантическая неоднозначность. Сообразно тому у средневековых византийских юристов проявляется потребность к использованию прямой рецепции латинского понятия res publica, в частности rei publicae causa. Оно служило предметом внимания профессиональных правоведов, которые использовали указанный концепт для толкования и объяснения содержания источников средневекового византийского права. Заметные расхождения форм записи выявленных рецепций и греческих транслитераций понятия res publica, вероятно, обусловлены индивидуальными особенностями средневековых византийских юристов и их профессиональной квалификацией. В большинстве случаев непосредственные заимствования понятия res publica causa или его транслитерации, выявленные в средневековых византийских памятниках права, носили сугубо терминологический характер. Его, если это допустимо, можно рассматривать в качестве некоего культурного феномена.

Ключевые слова: республика, respublica, res publica, res publicae, rei publicae causa.

* The shortened version of the article in Russian: *Vin, Yu. Ya.* The concept of “res publica” and its reception in Byzantine law: transliterations. Bulletin of the Volgograd State University. Series 4, History. Regional studies. International relationships. 2022. V. 27, No. 6. P. 310–338 DOI: 10.15688/jvolsu4.2022.6.20. The author expresses his deep gratitude for help to V. Z. Grigorjeva and E. I. Avakjan (SHPL)

A few damaged inscriptions preserve traces of laws the Sixth and Fifth Centuries, which reveal the presence of verbal forms resembling those that were central to later legislation, an illustration of some continuity in scribal practice.

D. J. Gargola

Introduction

The problem of reception of the concept “res publica” is extremely complex and multifaceted. At the same time, it cannot be said that this problem has been thoroughly studied, especially in relation to the period of the Middle Ages. In this light, the attempt of the author of these lines to characterize the reception of the concept “republic” by mediaeval Byzantine lawyers is quite justified. The modern understanding of the named concept is, directly or indirectly, based on the notions about the constitutional principles, applied to the structure of a republican state with an elected head. Such sight on the problem is often immediately guided by the archaic meaning of the concept “res publica” as an expression of the idea of “public thing”, or “matter”. In this view, the task of the author of these lines is more than modest: not to try to exhaust the vast and diverse scientific literature, that considers the problem of the “republic”, and works, that touch upon the vast problems of its reception, its semantics and sociocultural significance, associated with the concept “res publica”; in the foreground the aim is put to demonstrate with the help of the Expert System “Byzantine Law and Acts”¹ the possibilities of informational attitude in the field of cognitive studying to repeal the content of the receptions of the named concept. This publication is supposed to consider only the smallest segment of the identified problem, mediated by the analysis of the Latin-Greek transliterations of the concept “republic”.

First of all, it would like to be specifically noted that the accomplishment of the task, posed here, is unlikely to help even the fundamental works, which deal with the concept “res publica”, despite the fact that its reception is often considered in them, whether they are publications of V. Mager or his colleague M. Riedel², textbooks on jurisprudence³ and reference books⁴. **In our day, of course, the conceptual ideas about the birth of the “republicanism” have been further developed, reaching the level of the theoretical generalizations. They are directly related to the succession of European political and legal thought during the transition from Antiquity to Early Modern Age**⁵. From these positions the conception of A. V. Kharkhordin, defensor of the idea of perceiving the concept “res publica” as a designation of “public things” and “public affairs”, is too far off the subject of our survey. And the question is not at all that, the verbal forms of the named concept go through their semantics beyond the limits of their physical embodiment in the sphere of politics, which turned out to be monopolized by Justinian. This circumstance, according to A. V. Kharkhordin and his colleagues, who are not inclined to think otherwise in relation to Antiquity at least, prevents directly identifying the term “res publica” with the concept “state”⁶.

In this regard, of course, the work of A. Kaldellis “The Byzantine Republic”, which is based on the concept “polity”, cannot be ignored. The author of the above-mentioned work does not just categorically express the opinion that the Latin concept “republic” among the Byzantines is replaced by its equivalent, namely by the Greek concept “πολιτεία”⁷. According to this, the state system of Byzantium is actually equated with the Roman Republic. A. Kaldellis, referring to the topical problems, is actually limited himself to the most superficial equivocal declarations about the origins of scientific discussion, which initially accompanied the clarification of the essence of the concept “res publica”. The scholar unambiguously identifies the concept “res publica” and its Greek equivalent “polity” (“πολιτεία”): the latter is interpreted as “Byzantine Greek translation”⁸. And the matter is not even that the author of the book leaves in vain a different vision angle of the problem, being under study, according to which the Latin term is considered by specialists as a “translation” of the Greek concept “polity”. Such interpretation allows scholars to correlate the terminology of European languages, which is also determined by the concept

¹ See: Website of the Project “Expert System «Byzantine law and acts»” (En) [Electronic resource]. URL: <https://en.byzlaw.ru/>; <https://sites.google.com/view/enbyzlaw/>; Website of the Project “Expert System «Byzantine law and acts»” (Ru) [Electronic resource]. URL: <https://www.byzlaw.ru/>; <https://sites.google.com/view/byzlaw/>.

² See: *Mager W.* Respublik. P. 549–651; *Mager W.* Spätmittelalterlich Wandlungen. P. 401–410. Also see: *Riedel M.* Gesellschaft, bürgerliche. P. 719–800; *Idem.* Gesellschaft, Gemeinschaft. P. 801–862.

³ See: *Efimov V. V.* Dogma of Roman law. 1901. 639 p.; *Khvostov V. M.* The system of Roman law. Common Part; *Grimm D. D.* Lectures on the dogma of Roman law, 1916; Lectures on the dogma of Roman law, 1919; Lectures on the dogma of Roman law, 2003; Full translation of Latin words and quotes from the Dogma of Roman law, 1908.

⁴ Guide to Latin in International Law. P. 254.

⁵ *Marey A. V.* The concept of res publica in European political and legal thought: from Ancient Rome to the 17th centuries. P. 19–75.

⁶ *Kharkhordin O. V.* Republic. Full version; *Idem.* The Republic, or the Case of the Public. Also see: *Idem.* Why “RES PUBLICA” is not a State: the Stoic Grammar and Discursive Practices in Cicero’s Conception. P. 221–245; *Idem.* Chapter Six. Res Publica and Res Publicae. P. 217–269; *Idem.* “Res publica”: the revival of interest, 2007. P. 83–96; *Idem.* “Res publica”: the revival of interest, 2009. P. 7–22; *Idem.* Why “RES PUBLICA” is not a State. P. 137–179.

⁷ *Kaldellis A.* The Byzantine Republic.

⁸ *Kaldellis A.* The Byzantine Republic, IX etc.

“republic”, and the concept “polis”. Behind it there is undoubtedly an interpretation of the ideas of Plato and Aristotelianism that, although indirectly, S. Audier, developing the republican theory, demonstrates with an example of humanistic science, and the socio-political views of Cicero⁹. Properly speaking, the statement of A. Kaldellis himself in his preface to the book was dictated by its author in the form of a postulate, that does not require special proofs, to which all the subsequent content of the monography is subjected. All this hardly contributes to revealing the essence of legal receptions and transliterations.

A. Kaldellis, although he sometimes refers to the opinions, different from his point of view, has practically ignored everything that was said about the content of the concept “res publica” in the famous report of H.-G. Beck. At his time the German historian, characterizing the state thinking of the Byzantines, proceeded from the fact that the modern concept “republic”, which goes back to the Latin prototype, in its content does not correspond to their worldview at all: “Aber dieser Bedeutung läßt sich nicht ohne weiteres auf die Römische Geschichte zurückprojizieren und sicher nicht auf die byzantinische”. The meaning of this concept, according to the German scientist, is filled with semantics, which is not reduced to the question of the literal correlation of the Latin and Greek comprehension, – it means the concepts “res publica” and “πολιτεία”, – as an expression of their unambiguous correspondence in Byzantine political thinking. It was distinguished in opinion of the German Byzantinist by specific features that are clarified owing to comparing the semantics of a number of concepts, including “πολιτεία”, “πολίτευμα” and other verbal embodiments of the ideas of state building and political ideals. They embodied the metaphysical model of the Byzantine monarchy, of which H.-G. Beck makes mentions more than once¹⁰.

That, what has been said, is not overshadowed even by the “innovatively” expressed and obviously careless approach of A. Kaldellis to the appreciation of the renewal of the ideological baggage of the Early Middle Ages. In the indicated chronological period, it seems, the concepts of “res publica” and “πολιτεία” are filled by a completely different, than in Antiquity, political and ideological content! Therefore, a simple comparison of the lexical correspondences of these concepts, however, as well as any other notions, is unlikely to be convincing without a conceptual understanding of their real content, without taking into account the peculiarities of the cognitive perception by man of the past, in other words, without estimation his cognition in the proper sense of the word, that is, without analyzing the specifics of a person’s worldview against the background of the reality surrounding the contemporaries of the studied epoch.

The solution of this task supposes the consideration the principal aspects of the content of the concept "res publica" in historical and theoretical plan, which can not be passed over in silence, leaving unanswered first of all:

1. the question on the reception as such, taking into account the general regularities of the mediaeval borrowings and transliterations;
2. the lexicography and the problem of Latin-Greek and Slavic correspondences;
3. the use of the concept "res publica" in Justinian law and compilations of subsequent centuries;
4. the meaning and lexical substitutions of the concept "res publica" in Justinian law and Greek legal monuments.

Now leaving aside the solution of the listed theoretical problems, it should be said, that the focus will be on the data, gleaned from the texts of the "Librorum Basilicorum LX", the largest legislative code of the 10th-11th c.¹¹, and the Scholia to them, compiled, it is believed, till the 13th c.¹² Here it is justified to assume, that the medieval translators, creators of the "Libri Basilici", and scholiasts attracted both various kinds of transcriptions or compendiums, and interpretations or comments on well-known modern scholarly monuments of law as so-called sources. This could not but affect the accuracy of quoting and translating such texts, be it the "Digests" and other legislative codes, both of Justinian¹³ and ones of subsequent centuries¹⁴. Therefore, in relation to them, it is appropriate to apply the designation "prototype", meaning under this designation the versions of legal monuments, to which medieval jurists resorted, regardless of the nuances of creating certain "sources" and their handwritten tradition, than is quite acceptable at the level of the informational approach to their study.

The receptions and transliterations

However that may be, while paying tribute to everything that has been said so far, one cannot fail to emphasize, what is beyond doubt: the most striking argument, confirming that many of the Byzantine legals treated direct borrowings of Roman law in their writings, are conceptual and terminological receptions and transliterations¹⁵. Among them is the concept "res publica", which undoubtedly remained the object of special attention for Byzantine jurists. This is convincingly evidenced by direct receptions and transliterations of the concept "res publica", namely: *reipublicae*, *rei publicae*, *reipublicae*, *reipublicae*, *reipublicae*, *reipublicaecausa*, *reipublicaecausa*, *reipublicaecaüsä*, *ρεῖπουβλίκαε*, *reipublicae*, *reipublicae*, *ρεῖ πoubλίκα*, *ρέτ πoubλίκαε*, *ρέτ πoubλίκαε*, *ρέτ πoubλίκαε*, *ρέτ πoubλίκαε*, *ρέπ πoubλίκα*, *ρέπ πoubλίκα*, *ρέπ πoubλίκαε*, *ρέπ πoubλίκαε*, *ρέ πoubλίκαε*, *ρέπ πoubλίκαε*, *ρέπ πoubλίκαε*, *ρέπ πoubλίκαε*.

⁹ See: *Audier S.* Les Théories de la République, 9–10 etc.

¹⁰ See: *Beck H.-G.* Res Publica Romana, 13–14 u. a.

¹¹ See: *Basilicorum libri LX. Series A. Textus Librorum*. Vol. 1–8.

¹² See: Basilicorum libri LX. Series B. Scholia. Vol. 1–9.

¹³ See: *Corpus Iuris Civilis*, Vol. 1–3.

¹⁴ See: Dozhdev D. V., Silvestrova E. V. *Corpus Iuris Civilis*. P. 156–166.

¹⁵ Vin Yu. Ya. The Reception and Transliteration. 2018. P. 6–24; Idem. 2020. P. 203–224.

The represented list consists of 19 variants of transcription of the concept “res publica”, ascertained at the “Paraphrasis Institutionum” (“Institutiones”) of Theophilus Antecessor¹⁶, the Scholia in “Librorum Basilicorum LX”, the Scholia in “Ecloga Basilicorum”¹⁷, and some other compilations¹⁸ (APPENDIX 1).

To analyse the distribution of receptions and transliterations of the concept “res publica” in the named sources, it is a fundamental importance to exarticulate its borrowings, taking into account phrases and syntagmatic groups, represented in the form of short “quotes”, as they are denoted further, which identify the entry of the required word usage in the text. At closer examination of the revealed receptions and transliterations of the concept “res publica”, first of all, attention is drawn to the fact that almost all identified samples, regardless of the form of their writing, represent only one well-known legal formula “rei publicae causa”. It was used in Roman law to justify the absence of participants in a trial with the plausible by the appellations plea of public or, perhaps, state duties. They, in their turn, became an argument for the annulment of court decisions on claims. Unfortunately, the mentioned Latin legalism quite rarely became the object of study, remaining in conceptual studies, as a rule, at the periphery of the attention for most modern specialists¹⁹. Likewise, as a reasonable solution of the concerned problem, it is hardly justified to consider the separate and lapidary references on this subject, applied by scholars of past decades, including R. Stark and some his colleagues. Their famous works are edited in translation into Russian by O. V. Kharkhordin, who has involved some of their ideas on the notion “res publica” in his studies²⁰. Unless the coryphaei of today themselves “run ahead” in the studying the posed question. The fact that O. V. Kharkhordin correlates the term “res publica”, both in the above and in many other legal provisions, with the designation not of the “state”, in the proper sense of the word, but of its real rights, does not change the legal meaning of references on the formula “rei publicae causa”²¹. It seems to be fully disclosed in the previous publications of the Russian scholar, where this kind of system of recusal of legal claims is recognized by the author as a weighty premise in order to ask the question about the interpretation of the concept “res publica” to clarify its real essence. After all, the solution of this problem would prevent, as one can understand other statements by O. V. Kharkhordin on this subject, unconvincing interpretations of the concept “res publica”, even if R. Stark’s opinion is meant²². However, in reality, the “investigation” of the case comes to the end with the ambiguous statement that, due to its frequent use, the legal argument in question has served as a “sloganeering” since the late Roman Republic²³. In his turn, A. Kaldellis, who, having barely heard the “echo” of the ancient Roman term “rei publicae causa”, hurries to reproduce the corresponding statement, as if equally proclaiming the catchword: “This echoes the ancient Roman rei publicae causa”²⁴.

In any case, this term, for the reasons indicated above, was widely used in Roman and early Byzantine law, where it is especially often found in the “Digests” and the Code of Justinian. There this word usage, together with the lexises accompanying it, forms more than 40 variations of the expression, served for the mentioned justification. It is significant that the contextual word usage of direct receptions and transliterations of the concept “rei publicae causa”, together with the distinctions of their written forms, increase their differentiation to 55 variants (APPENDIX 2). They, with two exceptions, as the textual search system of the ES “Byzantine law and acts” proves, are not repeated in subsequent compilations and, in fact, acquire a purely individual character.

Thus, 19 identified varieties of direct receptions and transliterations of the concept “rei publicae causa” are represented in 57 entries in the texts. These borrowings of the ascertained term are dispersed in three sections of Theophilus Antecessor’s “Paraphrases of Institutions”, 30 sections of the Scholia in “Libros Basilicorum” and three sections of the Scholia to the “Ecloga Basilicorum”, as well as some other compilations, as it was said. Information about them is currently being refined, and therefore, in generalizing their consideration, of course, one cannot be satisfied only with statistical data. It is much more important to characterize the revealed direct receptions and transliterations of the concept “rei publicae causa” in the thematic plan. Examining the content of the named concept from a given angle, it is impossible to give its plain definition, but the thematic analysis allows to clarify the nature of the use of the concept “rei publicae causa” and determine its semantic connotations in relation to the identified direct receptions and transliterations. Their content is predetermined by the conduct of public and state affairs, which implies, in particular, the “absence” of the defendant in court for a number of reasons, including trips outside the “state”, so to say, “on state affairs” (“absentia rei publicae causa”)²⁵. Thematically, the distribution

¹⁶ Theophili Antecessoris Paraphrasis Institutionum.

¹⁷ Ecloga Basilicorum.

¹⁸ *Meijering R.* Τομαϊκαὶ ἀγωγαί; *Burgmann L.* Das Lexicon αἰσθη.

¹⁹ For instance, see: *Williams R. S.* Rei Publicae causa. P. 25–38. Also see: *Lyasse E.* Le rapports. P. 580–605, esp. 597, n. 57. P. 594.

²⁰ *Stark R.* Res Publica. Additions of 1966. P. 261; *Drexler H.* Res Publica. In: Drexler, H. Res Publica. History of the concept. P. 138–139. As to publications of the translations of their works see, for example: *Stark R.* Res Publica Res Publica. History of the concept; *Suerbaum V.* Cicero: De re publica; and some others.

²¹ *Kharkhordin, O. V.* Republic. Full version. P. 34–35; *Idem.* Why “RES PUBLICA” is not a State. P. 240–241, esp. 240, n. 82; *Ibid.* P. 168–169, esp. 168, n. 26.

²² See: *Kharkhordin O. V.* Was RES PUBLICA a thing? 2007. P. 104; *Idem.* Was RES PUBLICA a thing? 2009. P. 54.

²³ См.: *Kharkhordin O.* Chapter Six. Res Publica and Res Publicae. P. 241–242 etc., 254, 256.

²⁴ См.: *Kaldellis A.* The Byzantine Republic. P. 51.

²⁵ See: *Khvostov V. M.* The system of Roman law. Family law. Inheritance law. Lecture notes, 1900. P. 45, 47, 53, 105; *Idem.* The system of Roman law. Family law. Inheritance law., 1909. P. 47, 49–50, 56, 112; *Efimov, V. V.* Dogma of Roman law. P. 585; *Grimm D. D.* Lectures on the dogma of Roman law, 1916. P. 392; *Idem.* *Grimm, D. D.* Lectures on the dogma of Roman law, 1919. P. 267; *Idem.* *Grimm D. D.* Lectures on the dogma of Roman law, 2003. P. 476.

of the identified receptions and transliterations to some, obviously insignificant, degree coincides with the distribution of the concept “πολιτεία”; but in comparison with it, the problem-thematic orientation of the identified direct receptions and terms, that act as a lexical correspondence to the concept “rei publicae causa”, is undoubtedly differed in a rather narrow range. This is firstly, evidenced by the appellations of the titles of the so named “Libri Basilici” and other compilations, which condition the connotation of the used concept “rei publicae causa” mainly by the functions of the “state”. The representatives of government had the authorities to regulate the property relations of the population, its production and economic activity, in particular, trade, the resolution of property quarrels at the level of administrative control by the middle and lower levels of the bureaucracy and the court instances. It was their work that became the basis for scholiasts to resort to receptions and transliterations of the concept “rei publicae causa” in relation to the content of 17 titles the “Libri Basilici” and other compilations.

In this regard, for the general characterization of direct receptions and transliterations of the concept “rei publicae causa”, it is also important to identify the relationship between sections of compilations. This problem in one or another way touches, of course, on Theophilus Antecessor’s “Paraphrases of Institutions”, which are closely related to Justinian’s “Institutions”. However, first of all, the raised question is connected with the “Libri Basilici” and their correlation with the prototypes in the Justinian legislation, mainly, as it turns out in the course of comparisons, with the “Digests” and the Code of Justinian. Summarizing the represented observations on the identified direct receptions and transliterations of the concept “res publica” in medieval Byzantine law, it is necessary to repeat: they come to one widely used legal term “rei publicae causa”, which aroused the keen professional interest of lawyers, apparently well aware of the scope of this legal formula in litigation for a some actional claims.

Theophili antecessoris “Paraphrasis Institutionum”

A special place among the made observations on the receptions of the term “rei publicae causa” is occupied by Theophilus Antecessor’s “Paraphrase of Institutions”, and not only because the indicated lexical units are represented as direct borrowings, which, by their nature, have a general cultural meaning. And if the assumption is correct that the lectures of Theophilus Antecessor were restored by his students²⁶, then the first confirmation of it is an incorrect form of transcription of very many receptions of Latin terminology. To some extent, this problem also concerns the term “rei publicae causa”. It should be emphasized, that its receptions, totaling 10 enters in the text, are included in the lexical composition of not scholia, but this very monument of legal thought. Here the receptions are concentrated, as is was noted, in three sections and represent only one variant of the direct Latin transcription of terminological word usage in the form “reipublicae causa”. Sometimes this is accompanied by inclusions of other transliterations in the Greek translation of the text. Thus there are seven quotations, that include this reception in the section “De exusationibus” of Theophilus Antecessor’s “Paraphrases of Institutions” (TAI.I.25.02):

- (1) “οἱ reipublicae causa ἀπόντες excusateύονται κηδεμονίας”;
- (2) “ἐν τῷ μεταξύ reipublicae causa ἀποδημήσας χρῆται μὲν excusationi”;
- (3) “ἄπεστι reipublicae causa”;
- (4) “ὑποστρέψας δὲ οὗτος ἐκ τῆς reipublicae causa ἀποδημίας εὐθέως υποβάλλεται τῷ τῆς ἐπιτροπῆς βάρει”;
- (5) “τὸ γὰρ τοῦ ἐναντοῦ διάστημα τοῖς ὑποστρέψασιν ἀπὸ τῆς reipublicae causa ἀποδημίας δίδεται πρὸς excusationa ἥνικα τις ἐπὶ νέαν καλεῖται κηδεμονίαν”;
- (6) “εἰ μὲν ἐπίτροπος ὢν reipublicae causa ἀποδημήσῃ”;
- (7) “εἰ δὲ μὴ ὢν ἐπίτροπος reipublicae causa ἀποδημήσῃ, εἴτα ὑποστρέψῃ, μετὰ δὲ τὴν ὑποστροφὴν κληθῶ ἐπὶ κηδεμονίαν ...”.

This section (TAI.I.25.02) is an extended paraphrase of the corresponding section of Justinian’s “Institutions” (IJ.I.25.02), where three quotations are used, which include the term “rei publicae causa”: “qui rei publicae causa absunt”; “deinde rei publicae causa abesse coeperunt”; “quatenus rei publicae causa absunt”.

Along with that, the text of the section “De actionibus” (TAI.IV.06.05) in Theophilus Antecessor’s “Paraphrases of Institutions” includes one quotation, which goes into particulars of the law enforcement concerning the procedures, stipulated by the term “reipublicae causa”: “ἂν γὰρ τις νεμόμενος τὸ ἐμὸν πράγμα bona fide ἐν τῷ μεταξύ reipublicae causa ἀποδημήσῃ, οἷον διὰ πρεσβειαν, ἢ καὶ ὑπὸ τοὺς πολεμίους γένηται, καὶ ἐν τῷ μεταξύ, ἐν ὅσῳ ὁ μὲν ἀποδημεῖ ὁ δὲ παρὰ τοῖς πολεμίους ἐστίν, ὁ τῆς usucapionος περαιωθῇ χρόνος, ὑποστρέψῃ δὲ ὁ μὲν ἐκ τῆς ἀποδημίας, ὁ δὲ τοὺς πολεμίους διαφυγόν, ἔξεστιν ἐμοὶ τῷ δεσπότη εἶσω ἐναντοῦ μετὰ τὴν αὐτῶν ὑποστροφὴν ἀναπτυχέσθαι ἢτοι ἀνατραπεῖσθαι τῆς usucapionος κινήσαι τὴν in rem”. This section (TAI.IV.06.05) is an extended paraphrase of the corresponding section of Justinian’s Institutions (IJ.IV.06.05), that uses three quotations with the term “rei publicae causa”: “qui rei publicae causa absunt”; “deinde rei publicae causa abesse coeperunt”; “quatenus rei publicae causa absunt”. To what has been said, the text of the section “De his per quos agere possumus” (TAI.IV.10)

²⁶ See: *Dozhdev D. V., Silvestrova E. V.* Corpus Iuris Civilis. P. 159; *Petrov A. V.* Development of the doctrine of limited real rights to real estate in Byzantine jurisprudence after the codification of Justinian. P. 153.

Theophilus antecessor's "Paraphrases of Institutions" needs to be added, which contains two quotations using the direct reception "reipublicae causa", namely quotation 9: "εἰ συνέβη τινὸς τῶν ὄντων παρὰ τοῖς πολεμίοις ἢ reipublicae causa ἀποδημούντων πράγματα κλαπῆναι, κινεῖν τὸν βουλούμενον τὴν furti ἀγωγὴν"; and quotation 10: "ὑποστῇ δὲ οὗτος κλοπὴν ἐμοῦ ὄντος παρὰ τοῖς πολεμίοις ἢ reipublicae causa ἀπόντος". This section itself (TAI.IV.10) is corresponded to an extended paraphrase of the section of Justinian's "Institutions" (IJ.IV.06.Pr.). There is only one quotation here, which includes the term "rei publicae causa": "qui apud hostes essent aut rei publicae causa abessent quive in eorum cuius tutela essent". This observations need, of course, to be compared with the general patterns, that are revealed in consideration of such compilations as the "Libri Basilici" and the Scholia to them.

"Librorum Basilicorum LX"

As to the "Libri Basilici", a significant part of their articles, considered with regard to the distribution of receptions and transliterations of the term "rei publicae causa" in Greek compilations, is represented at abbreviated invariants of the relevant sections in the monuments of Justinian legislation, first of all, as be already noted, the "Digests" and the Code of Justinian. Indeed, no direct receptions and transliterations of the concept "res publica" or the term "rei publicae causa" are found in the "Libri Basilici" themselves! However, some sections of them include, it should not be forgotten, other than "πολιτεία", Greek lexical expressions, which replace receptions and transliterations of the indicated terms in the text. As an indispensable argument, it is permissible to refer to one of the articles of the "Libri Basilici" (B.A.XXIII.03.017) in the title "On Interest, Fruits, Things" etc. ("Περὶ τόκων καὶ καρπῶν καὶ πραγμάτων καὶ πάσης προσθήκης καὶ υπερθέσεως"), which is an abbreviated paraphrase of the corresponding digest (D.XXII.01.007) in a analogous title (D.XXII.01.007) of "Digest" (D.XXII.01.007). There, in particular, significant terms are used, for example, "ex administratione rerum civitatum" (D.XXII.01.007.07) and "usuras rei publicae" (D.XXII.01.007.08), which should be considered as lexical prototypes terminology of the "Libri Basilici". However, here the first of the Latin terms is replaced by a metaphorical, in this case, expression "οἱ τὰ πολιτικά διοικήσαντες" (B.A.XXIII.03.017.07), the second one is completely omitted (B.A.XXIII.03.017.08). And the provision of the prototype, which includes the discussed term, "qui quod rei publicae causa afit vel ex alia causa iusta impeditus" (D.XXII.01.007.03) in the corresponding section of the "Libri Basilici" (B.A.XXIII.03.017.03), does not correspond fully to the clearly incomplete equivalent **word-combination** "δημοσία χρεία": "τὸ ἀπεῖναι διὰ δημοσίαν χρεῖαν καὶ πάντων τῶν ἐξ αἰτίας εὐλόγου ἀποκαθισταμένων".

In its turn the attention is required to the articles of the first title of 38th books of the "Libri Basilici" (B.A.XXXVIII.01), that is, the title "On the avoidance or justified (plausible) release of the tutor and curators" ("Περὶ ἀποφυγῆς ἡγῶν ἀπολύσεως εὐλόγου ἐπιτρόπου καὶ κουρατέρων"), which corresponds to the first title of 27th book of the "Digest", "De excusationibus" ("On the release [from the duties of tutelage]") (D.XXVII.01). In particular, a comparison of the articles of the "Libri Basilici" (B.A.XXXVIII.01.010) and the "Digest" (D.XXVII.01.010), which, at first glance, does not give grounds for conclusions about direct lexical borrowing in the indicated section of the "Libri Basilici", because it is just represented as a paraphrase of the prototype, which nevertheless includes a quote that does not agree well with the text of the digest: "ὁ διὰ δημοσίαν ἀπολειθφείς αἰτίαν" (B.A.XXXVIII.01.010.Pr.), id est another invariant of the translation of the studied Latin concept. At the same time, it must be emphasized that the text of the similar section of the "Digest", being reproduced mainly in Greek, contains three terminological expressions of the type "ἡ δημοσία χρεία": one of them, which is accompanied by an indication of belonging to the "Roman people" (δῆμον Ῥωμαίων), is used in the introduction to this digest (D.XXVII.01.010.Pr.), the other two follow that in the first section (D.XXVII.01.010.01). It must be particularly noted the Greek quotation "δημοσίον ἔνικα πράγματος ἀπεδήμιον" (D.XXVII.01.010.02). The first three expressions can be interpreted as the Greek invariant of the Latin concept "res publica", and behind the last citation there is undoubtedly the term under study in the variant "rei publicae causa afuisse".

The observations, made above, prompt to specifically recall the concept "τὸ πρᾶγμα δημόσιον", which — and this is recognized by experts regardless of the differences in their interpretation of the term "res publica" — replaced the Latin prototype²⁷. Substitutions by such Greek lexical correspondence of the term "res publica" in the "Libri Basilici", despite the fact that literal samples of a replacement in kind are not quite adequate, are systematically found in translations of the concept "rei publicae causa", say: "μέλλει διὰ πρᾶγμα δημόσιον ἄκων ἐπὶ πολὺν χρόνον ἀποδημεῖν", literally: "the forced because of public thing is going to leave for a long time" (B.A.XII.01.016) - "qui rei publicae causa diu et invitus sit afuturus" (D.XVII.02.016.Pr.). The terminological substitution is just as clearly indicated in the comparison of the quotations of the "Libri Basilici" and the "Digest": "οἱ ... ἀπόντες διὰ πρᾶγμα δημόσιον καὶ οἱ μὴ δυνάμενοι ἐλθεῖν", literally: "the ... absent due to public thing and unable to come" (B.A.XXI.01.007) — "qui cum magistrate rei publicae causa absunt vel quibus venire non licet" (D.XXII.05.008). It is also specified in the corresponding scholium to the "Libri Basilici" (B.B.XXI.01.007.Pa.001): "... οἱ μετὰ τινος ρεῖ πούβλικαε καὶ αὐτὰ ἀπολιμπανόμενοι οὐτε οἷς παραγενέσθαι μὴ ἐξεστὶν ἄκοντες ...".

Along with this, the article of the "Libri Basilici" (B.A.XXXVIII.01.040) should be noted. It presents a paraphrase of the relevant digest (D.XXVII.01.041), where section (D.XXVII.01.041.02) includes the studied term, namely the quotation "res publica causa absunt". In response to this, in particular, the section (B.A.XXXVIII.01.040.02) contains the Greek lexical correspondence to the Latin term in the citation: "οἱ σύνεδροι τῶν διὰ δημόσιον πρᾶγμα ἀπόντων ...", literally: "Assessors, absent

²⁷ See: Audier S. Les Théories, 7; Kaldellis A. The Byzantine Republic, 43–44.

because of official thing...". The scholium to the "Libri Basilici" (B.B.XXXVIII.01.040.Pb.001), including additional clarifications to the corresponding section of the "Libri Basilici" (B.A.XXXVIII.01.040.02), contains a quotation with a Latin reception "οἱ ... σύνεδροι καὶ ῥεῖpublicae causa ἀπεῖναι". It serves as an additional confirmation of the Latin and Greek lexical-terminological correspondence.

The principle of lexical replacement of the term "rei publica causa" is implemented in a similar way in a number of subsequent articles "Libri Basilici". So, in one of them, in its initial section, two quotations are represented in two variants of lexical substitution, namely "διὰ δημόσιον πρᾶγμα" и "διὰ πρᾶγμα δημόσιον". They underlie the relevant citations: "ἐφ' ὅσον μὴ ἀποδημεῖ διὰ δημόσιον πρᾶγμα ..." (B.A.XXXVIII.01.044.Pr.) — "quoad rei publicae causa non abierit ..." (D.XXVII.01.045.Pr.); "ἐὰν ἀρξάμενος διοικεῖν ἀπολειφθῇ διὰ πρᾶγμα δημόσιον", literally: "if the one who was left to govern public thing" (B.A.XXXVIII.01.044.Pr.) — "deinde rei publicae causa abesse" (D.XXVII.01.045.Pr.). And in the first section of the same article of the "Libri Basilici", the quotation, partially repeating the previous one, is based on the second invariant of the lexical replacement of the prototype: "ἐὰν ἀπολειφθῇ διὰ πρᾶγμα δημόσιον ..." (B.A.XXXVIII.01.044.01) — "cum rei publicae causa abierit ..." (D.XXVII.01.045.01). The cited examples, it must be said, find their explanation in the scholia to this article of the "Libri Basilici" (B.B.XXXVIII.01.044), which, in view of their special originality, so as not to be repeated, will be considered in more details later.

Even more demonstrative maxim "ἡ διὰ πρᾶγμα δημόσιον ἀποδημία ..." literally: "absence due to public thing" (B.A.XXXVIII.01.047) — "...qui rei publicae causa aberat ..." (CJ.V.36.001.Pr.). Here, as well as in the previous examples, it is quite appropriate to draw on the information of the scholia to the "Libri Basilici" (B.B.XXXVIII.01.047.Pb.001), that was created, of course, with a good knowledge of the issue. It, despite the fact that it is a short replica, includes a quotation with Greek transliteration "τοῦ ἀποδημιούντος ῥεῖpublicae causa παύεται τῆς διοικήσεως". And this scholium reinforces the fact of Latin and Greek lexical-terminological correspondence.

A similar situation with the reproduction of the term under studying is found in the following example, say: "ὁ διὰ πρᾶγμα δημόσιον μέλλων ἀπολειφθῆναι ὀφείλει ἐαυτὸν ἀπολύσαι μέχρι τοῦ καιροῦ τῆς ἐκδημίας" (literally: "those who are going to leave because of public thing must be released [from duties of tutelage] until the time of staying outside") (B.A.XXXVIII.01.079) — "qui tutores vel curatores dati rei publicae causa afuturi sunt, ad tempus se excusare debent a tutela ..." (CJ.V.64.001.Pr.). Shifting the content of the Code of Justinian, the scholiast puts a logical emphasis on the terms of fulfillment of "public thing". But in conditions of using the reception of the Latin concept itself, it is important to note that it turns into a mixed Latin-Greek transliteration: "τὸ ἀπολειφθῆναι αὐτὸν ῥεῖpublicae causa" (B.B.XXXVIII.01.079.Pb.002).

Equally, any other sample, where as a sample of translation with the replacement of the required term, that is in view of the attempt of the medieval translator to follow the original in the reproduction of terminology indirectly, any other sentence appears, where, instead of the Latin reception of the term "rei publicae causa", its Greek lexical substitution like "πρᾶγμα δημόσιον" is contained in the appropriate phrase (on the assumption of B.A.XLVIII.05.005.Pr. — D.XL.07.004.Pr.). At the same time, now there is no need to appeal to the Scholia to the "Libri Basilici", which in one way or another contained terminological arguments in favor of the substitution made by the translators of the "Libri Basilici". The foregoing is quite equivalent to one of the subsequent articles of the "Libri Basilici". It, being an abbreviated paraphrase of the corresponding digest, in which the required terminology was used twice, reproduces the lexical correspondence to the substituted Latin expressions in the original form. Here, in fact, along with the indicated word combination, one more lexical substitution is conjugated: "πράγματος δημοσίου αἰτία ἀπελείφθη" (literally: "due to public thing is left"). In this context, the translator put a logical emphasis on the motivation for the absence "because of official reasons", as if thereby trying to integrate the abbreviated information of the prototype (B.A.LX.23.006 — D.XLVII.12.006) into one quotation. However it is demonstrative that a similar formula with a logical emphasis on the motivation for the absence "due to reason of public need" of officials, who are exempted from prosecution on this basis, was used in one of the subsequent articles of the "Libri Basilici": "οἱ πρᾶγματος δημοσίου αἰτία ἀδόλως ἀπολιμπανόμενοι" in accordance with the content of the relevant section the "Digest" (B.A.LX.34.012.Pr. — D.XLVIII.02.012.Pr.).

Attention to itself requires, which must certainly be said, also the provision of article 16 of the "Libri Basilici" in 37 title of 60 books, dedicated to the Law of Julius on adultery (18 B. C.)²⁸. The first section of this article (B.A.LX.37.016.01) offers essentially another invariant of the Greek lexical correspondence to the term "rei publicae causa" as part of a quotation: "ὁ ἀδόλως ἀπὸν πρᾶγματος δημοσίου χάριν ἐν ἐτέρᾳ ἐπαρχίᾳ οὐ κατηγορεῖται". This article of the "Libri Basilici" itself (B.A.LX.37.016) is an abbreviated paraphrase of the corresponding digest (D.XLVIII.05.016(15)). The named Latin term is included in three sections of this composition. In the first section of this digest (D.XLVIII.05.016(15).01) the required term is repeated twice, first in the context of the quotation, borrowed from the Law of Julius on adultery (Chapter 7), and then in the explanations to this law: "... absentem rei publicae causa inter reos refferi". The term "rei publicae causa" is also introduced in the next, second section of this digest, which contains explanations for the previous section, including the citation: "rei publicae causa abesset" (D.XLVIII.05.016(15).02). Alongside with that, the studied term is reproduced in the fourth section of the specified digest as part of lengthy explanations: "...qui in alia provincia rei publicae causa absunt, quam in ea in qua deferuntur" (D.XLVIII.05.016(15).04). For the rest, it is necessary to take into account the fact, that formally corresponding section in the article of the "Libri Basilici" (B.A.LX.37.016.04) according to the publication of H. J. Scheltema and his colleagues, has

²⁸ Tiraspol'sky, G. A. Roman laws. (Pre-Justinian era). Dictionary-reference book. P. 89.

been moved to the place of the second one, and the latter, in its turn, was withdrawn from this article. All this makes it difficult to resolve the issue of correlation between the specified section of the “Libri Basilici” and their prototype. However, the described nuances do not raise doubts about the reliability of the lexical correspondence of the studied Latin and Greek terminology.

In a word, the some examples of those variants of translations are given in contexts, which included the concept “τὸ πρᾶγμα δημόσιον” as a lexical correspondence to the studied Latin term “rei publicae causa”. They undoubtedly indicate, that the creators of the “Libri Basilici” sought for preservation, to a certain extent, of terminological accuracy. Truth to tell, the translators of the “Libri Basilici” did not always follow their intentions consistently. In the most translations the indicated Greek word usage or any other combination, equivalent to the term “rei publicae causa”, was missing. It can also be hardly asserted that in both versions, the made translations clearly prove, that they are not always adequate enough. These translations, usually made at the level of paraphrases, only remotely resembled the text of the prototype. Quite obviously, it was this circumstance that became the motive for subsequent generations of commentators and scholiasts to clarify and interpret the text of the “Libri Basilici”. Anticipating the subsequent analysis, it is simultaneously permissible to state, that the interpreters of the “Libri Basilici” undoubtedly referred to their prototypes, namely the legislation of Justinian, and the terminology, contained there, including the studying term “rei publicae causa”.

Scholia in “*Librorum Basilicorum LX*”

The reviewed texts of the “Libri Basilici” convince of the need for a more careful attitude to the reproduction of translations of the term “rei publicae causa” in mediaeval Byzantine scholia and compilations. Their characterization, of course, presupposes a discussion of examples of scholia and compilations, including quotations with receptions and transliterations of the term “rei publicae causa”, first of all, the Scholia to the “Libri Basilici”. They include 39 invariants of the transliterations of cited there Latin concept, that is, they contain the most of these samples and allow the best way to reveal the systemic interconnection of these receptions and transliterations with the content of the Byzantine legislation. It should immediately be pointed out, that the phraseological correlation of the majority of the Scholia to the “Libri Basilici” with the texts of the corresponding sections of the the “Libri Basilici” itself is established in terms of their content, especially lexical and conceptual and terminological composition. At the same time it is noted, with a certain degree of approximation, the correlation of the texts of the “Libri Basilici” and the Scholia to them between themselves and with their prototypes.

As an instance of the described approach, it would like to adduce two scholia, the content of which refers to one article of the “Libri Basilici”, dedicated to the “koinonia” (“community”) and its dissolution (B.A.XII.01.014). This article is represented as an abbreviated paraphrase, which is based on the presentation of three digests at once (D.XVII.02.014; D.XVII.02.015; D.XVII.02.016). In other words, the specified article the “Libri Basilici” is obviously an ambiguous transposition of the materials of the “Digest”, which is based on an extremely complex scheme for arrangement at the translation of the prototype text. Following its content, the translators of the “Libri Basilici”, despite of all abbreviations and simplifications, could not but convey, if it may say so in this case, the “key words” of the mentioned digests. Among these was the concept “common property” or “communis res” of the prototype, borrowed in the form of the Greek lexical substitution “τὸ κοινὸν πρᾶγμα” from the first digest (D.XVII.02.014). And the Greek transliterations of the term “rei publicae causa” in the quotation “rei publicae causa diu et invitus sit afuturus”, gleaned from the third digest (D.XVII.02.016.Pr.), along with other lexico-terminological correspondences, can only be found in the mentioned scholia, which more fully, than the text of the article of the “Libri Basilici”, integrated the information of the prototype (B.B.XII.01.014.Ca.001; B.B.XII.01.014.Ca.002). First of all, this refers to the first of the scholia. It seems to be an extensive transposition of these digests, and supplementing the content of the considered article in a variety of transliterated Latin concepts, it contains a lengthy quotation, associated with the required term: “ὥς ῥεῖπουβλικαε καῦσα μέλλων ἀποδημεῖν ἄκων καὶ πολὺν ἐπιμένειν τῇ ἀποδημῷ μέλλων χρόνον”. The second scholium, although, like the first, also contains both the “key word” (“τὸ κοινὸν πρᾶγμα”), and the corresponding citation (“ῥεῖπουβλικαε καῦσα μέλλει ἐπὶ πολὺν ἀποδημεῖν”), is more modest in size, but much closer in its lexical composition corresponds to the text of the article of the “Libri Basilici”, than the first scholium.

In fact, the textual coincidences of the texts of the “Libri Basilici” and the Scholia to them, as a rule, are extremely rare. The Scholia to the “Libri Basilici” in many cases, if not mostly, with a few exceptions, being paraphrases of the corresponding monuments of Justinian’s legislation, rely on the provisions, borrowed from there. And therefore the indirect references to them or direct quotations, although not always accurate, are not seldom in scholia. They also contain conceptual and terminological receptions and transliterations, which serve not only as indisputable evidence of the direct appeal of mediaeval scholiasts to the legal heritage of the early Byzantine period: many similar borrowings play role as additional arguments in the clarifications of the text of the “Libri Basilici”. In this regard one cannot pass by the scholia to, which contain almost unique quotations (for example, quotation 12 and 13) with a direct reception of legism “rei publicae causa”. Such is quotation 12, where the said term is reproduced in the form “reipublicae de causa” (B.B.VIII.01.001.Vo.037). This scholium, it must be said, includes two quotations: one with Greek transliteration “ἀπὸν ῥεῖ πούβλικαι καῦσα κατεδικάσθη” (quotation 11) and the second (quotation 12) with the Latin reception. They, neither Greek nor Latin invariants, find lexical confirmation in the corresponding

sections in the “Libri Basilici” (B.A.VIII.01.001) or the “Digest” (D.III.01.001). The article of the “Libri Basilici” (B.A.VIII.01.001) represents an abbreviated paraphrase of the corresponding section of the “Digest” (D.III.01.001). In its turn the scholium to the “Libri Basilici” (B.B.VIII.01.001.Vo.037), based, judging by its content, relating to the restoration of the property rights of a minor and a mentally ill person, on the last sections of the mentioned digest (D.III.01.001.10,11), is corresponded, in all likelihood, with the last sections of the indicated article of the “Libri Basilici” (B.A.VIII.01.001.10,11). But all this does not prevent the compiler to recall, albeit reproduced in an inaccurate form, an additional legal argument.

Then, what has been said, directly concerns the translations of the “Libri Basilici”. They are due to the use of the term “rei publicae causa” in the prototype, regardless whether the Greek translation contains any lexical correspondences or not. This is quite reliably confirmed by two scholia to the already reviewed article of the “Libri Basilici” regarding the use of the Greek lexical substitution of the named Latin term there “πράγμα δημόσιον” (B.A.XII.01.014). Turning again to the content of this article, it should be noted, on the one hand, that it is conditioned by the same theme as the previous example, namely the title on “koinonia”. On the other hand, briefly touching on the problem of “koinonia”, this article is represented as an abbreviated paraphrase of the initial section of the corresponding digest, where the required terminology is brought to the fore (D.XVII.02.016.Pr.). Since in the article of the “Libri Basilici” its translator used Greek lexical substitution, the compilers of the two mentioned scholia, without touching on the issue of “koinonia” at all, focused precisely on revealing the essence of the term “rei publicae causa”, transmitted here in Greek transliteration: “οὐ λέγομεν γὰρ ἀπειναί ρειπουβλικαε καῦσα τοὺς μὴ κατὰ ἀνάγκην, ἀλλὰ διὰ κέρδος ἴδιον ἀπίνοντας” (B.B.XII.01.016.Ca.001); “... ἐπὶ πολὺν χρόνον μέλλειν αὐτὸν ἀπολιμπάνεσθαι ρειπουβλικαε καῦσα, καὶ μὴ ἐπιτήδες τὴν τοιαύτην ἀπελθεῖν ἀποδημίαν” (B.B.XII.01.016.Ca.002). As can be seen, both scholia are extremely brief and their main content is reduced to an explanation of the term, indicated in them. However, each of the compilers of these scholia uses their own words and expressions to solve the set task, and ultimately terminology, which turns both these two scholia, and the article of the “Libri Basilici”, to which they are attached, into the sentences, completely different from each other. Thus, the reproduction of the receptions and transliterations of the term “rei publicae causa” in the Scholia to the “Libri Basilici” comes to the forefront in the studying the causal motivation of the medieval interpreter of the texts of the “Libri Basilici” to follow the prototype in an effort to express the exact meaning of the commented text, as this is shown on the examples of the comparisons, which have already made concerning the texts of the “Digest”, the “Libri Basilici” and the Scholia to them (for instance: D.XXII.05.008 — B.A.XXI.01.007 — B.B.XXI.01.007.Pa.001). Many specific examples of such receptions are of special interest. But from their general range, now it has occasion to confine itself to individual examples of the use of receptions and transliterations of the specified term, which, from the point of view of the author of these lines, are of particular significance for the generalizing characteristics of this kind of borrowings.

In this series of samples of particular interest, it would like to return to the evidence of scholia, related to the articles of the section of the “Libri Basilici” (B.A.XXXVIII.01), corresponding to the first title of 27 books of the “Digest”. They, as it has already been shown, deal with the issue of releasing from obligations of the tutelage and consider examples, related to the named procedures. In addition to them it should be kept in mind that the content of the lexical and terminological correspondences in the sections, related to the indicated titles, is also mediated by the data of scholia (D.XXVII.01.041 — B.A.XXXVIII.01.040 — B.B.XXXVIII.01.040.Pb.001; D.XXVII.01.045 — B.A.XXXVIII.01.044 — B.B.XXXVIII.01.044; C.J.V.36.001 — B.A.XXXVIII.01.047 — B.B.XXXVIII.01.047.Pb.001; B.A.XXXVIII.01.079 — C.J.V.64.001 — B.B.XXXVIII.01.079.Pb.002). At the same time it is possible to refer once again to the comparison of sections 10 of the digest (D.XXVII.01.010) and the corresponding article of the “Libri Basilici” (B.A.XXXVIII.01.010). The scholium to it (B.B.XXXVIII.01.010.Pb.006), judging by its content, is supplemented by information from the last section of the digest (D.XXVII.01.010.08). Here are fairly lengthy judgments about the attendant circumstances of the claims, formulated in the “Libri Basilici”, which include two quotations with the studying borrowing: one is given in Greek transliteration: “ἀπὸν ρεὶ ποὺβλικαὶ καῦσα κατεδικάσθη”, and the second is represented as a partially distorted Latin reception: “οἱ μέλλοντες ἀποδημεῖν *rei publicae causa transmare*”. At that, the digest itself (D.XXVII.01.010), it is worth to recall repeatedly, is presented mainly in Greek.

In this regard, one should also refer afresh to the digest (D.XXVII.01.045) and its correspondence in the “Libri Basilici” (B.A.XXXVIII.01.044). And the matter is not only that the use of receptions and transliterations of the term “rei publicae causa” in the first scholium to the indicated section of the “Libri Basilici” (B.B.XXXVIII.01.044.Pb.001), one way or another, is motivated by the systematic absence of an appointed tutor in view of the fulfillment “state affairs” (“ob absentia rei publicae causa” — “διὰ τὴν ὑπὲρ τῶν δημοσίων ἐκδημίαν”). The undeniable originality is given to the content of this scholium by the accompanying nuances of the multiple use of the term “rei publicae causa” in the indicated section of the “Digest” and, accordingly, its mixed Latin-Greek transliteration in the studying scholium. In particular, the starting section of this digest (D.XXVII.01.045.Pr.) includes a double mention of the named term and, in one case, a kind of rephrasing, one might say, an ellipsis, however, with the omission of a meaningful word and the transfer of logical stress to the previous word: “absentiam ob publicam causam”. In the considered scholium (B.B.XXXVIII.01.044.Pb.001) there are six quotations, including transliterations of the term “rei publicae causa”, the first three are correlated with this part of the digest (D.XXVII.01.045.Pr.). At that third quotation is corresponded to the described figure of speech as full reproduction of the received term: “πρὸ τῆς *rei publicae causa* ἀποδημίας”. And three more citations of the studying scholium can be correlated with three usages of the term “rei publicae causa” in the subsequent section “Digest” (D.XXVII.01.045.01). Along with this, it should also be noted the transliteration of the named term in the second scholium to the same article of the “Libri Basilici” (B.B.XXXVIII.01.044.Pb.002). Here its main idea

regarding the function of a tutor, who leaves his native land, is expressed with immutable frankness: “if was left for government needs” (“εἰ δὲ ἀπολειφθῇ διὰ δημοσίαν χρεῖαν”). At the same time this scholium includes a quotation with a transliteration of the studying term (“μὴ ἀπολιμπάνεται ρεῖπουβλικαε καθσα”), which is completely identical to the first quotation in the first scholium (B.B.XXXVIII.01.044.Pb.002). And this unique coincidence — the publishers of the Scholia to the “Libri Basilici” attribute it to the pen of a scholiast, it was Cyril — could give food for thought about the correspondence of these receptions to the text of the prototype. The author of these lines leaves the solution of this task to the discretion of specialists.

Against the background of the considered examples, any other receptions and transliterations of the term “rei publicae causa” in the Scholia to “Libri Basilici” also convince, that their authors sought to clarify and correct the texts of the “Libri Basilici” themselves, where instead of the receptions of the specified term, the Greek lexical correspondences were almost usually used, one might say, as “πράγμα δημοσίον” and others, with associated phraseology, that replaced the original terminology (for instance: B.B.XLVIII.05.005.Pc.001 — B.A.XLVIII.05.005.Pr. — D.XL.07.004.Pr.). Undoubtedly, there were different solutions every time in each such case. Let’s say, the first scholia to the already reviewed article of the “Libri Basilici” (B.A.LX.23.006), where the logical emphasis is shifted to the motivation of absence “due to official needs”, seemed to integrate two quotations, containing a transliteration of the term “rei publicae causa”. In this scholium, only one terminological parallel is revealed in comparison with the text of the prototype, which thus, presumably, supplemented the abbreviated text of the indicated article of the “Libri Basilici” (B.B.LX.23.006.Pe.001 — D.XLVII.12.006). The second scholium to the said article of the “Libri Basilici”, being essentially close to the text of the prototype by its transposition, like it, anyway offered two quotations, containing transliterations of the required Latin term. Due to this, the second scholium clarified the text of the corresponding article of the “Libri Basilici” in comparison with the prototype (B.A.LX.23.006 — B.B.LX.23.006.Pe.002 — D.XLVII.12.006). In the same way another reviewed article of the “Libri Basilici” with a logical emphasis on the causal motivation of the absence of officials (B.A.LX.34.012.Pr.) is accompanied by scholium, the compiler of which, relying on the content of the corresponding section of the digest with a single citation of the required terminology, considers, that it is necessary to strengthen his explanations exactly on this matter. And therefore, the scholiast, translating the content of the corresponding section of the digest in his own way, twice quotes the term “rei publicae causa”: the first time the commentator resorts to Latin reception, and the second time he uses a mixed Latin-Greek transliteration (B.B.LX.34.012.Pe.005 — D.XLVIII.02.012.Pr.).

The section of the article of the “Libri Basilici”, formerly attracted special attention, offered another invariant of the use of the Greek lexical correspondence to the term “rei publicae causa”, namely “ὁ ἀδόλως ἀπὸν πράγματος δημοσίου χάριν” (B.A.LX.37.016.01). Then among the scholia to the corresponding article of the “Libri Basilici” there are at least two, that may be puzzling due to the permutations of certain provisions in comparison with the digest D.XLVIII.05.016(15), which are identified in the article of the “Libri Basilici” (B.A.LX.37.016). In particular, the scholium to of the “Libri Basilici”, which contains a quotation with the Greek transliteration of the term “rei publicae causa”: “ἐν Ἰταλίᾳ ρεῖπουβλικαε καθσα” (B.B.LX.37.016.Pe.004), may be correlated with the above indicated section of the “Libri Basilici” (B.A.LX.37.016.01). In itself the law enforcement of the provisions of the “Digest”, concerning the term “rei publicae causa”, is explained in three sections of the digest (D.XLVIII.05.016(15).01; D.XLVIII.05.016(15).02; D.XLVIII.05.016(15).04). The probability of a different correlation between scholium 4 and the sections of the article of the “Libri Basilici” is indirectly indicated by the content of the second scholium to this article, which contains a question about the malicious use of the procedure “rei publicae causa”. The reference to the terminological expression “sine detrectione” (literally: “without refusal”) in sections 1 and 2 of the digest suggests a deliberate rejection of the prosecution through the procedure “rei publicae causa”. This procedure, or even its application, phraseologically expressed in the digest as the fulfillment of duties in favor of the state: “dum rei publicae operatur” (D.XLVIII.05.016(15).01)), in the second scholium was designated by means of the Greek lexical correspondence: “... μετὰ τὸ πληρῶσαι τὴν δημοσίαν χρεῖαν ἤρχει ἐν τῇ ἀποδημίᾳ ἐξεπίτηδες” (B.B.LX.37.016.Pe.002). In a word, the establishment of a correlation between the named sections of the “Libri Basilici” and the scholia to them remains an open question.

In many (in 10 out of 30) comparisons of the Scholia to the “Libri Basilici” with the “Libri Basilici” and their legislative prototypes of the Justinian’s epoch, it is found that the latter, and this should be especially noted, do not contain any phraseological, in the same series of lexical and terminological grounds for word usages in the texts of scholia, including receptions and transliterations of the concept “rei publicae causa”. Nevertheless, they are repeatedly found there as a legal motivation, acting as indisputable evidence of the law-making initiative of the scholiasts themselves. One such example, including quotation 12 (B.B.VIII.01.001.Vo.037), has already been considered. Similar circumstances of the appeal to additional legal argumentation are revealed by another scholium to the “Libri Basilici” (B.B.VIII.02.033.Vo.010). It includes the Latin reception “reipublicae causa” (quotation 13) and the accompanying receptions of the term “rei requirendae” in their purely medieval form “rei curendos”. Speaking now about the direct reception of “rei publicae causa”, it is necessary, as in the previous example, to confirm, that the indicated word usage does not find a lexical and terminological basis in the corresponding sections and “Digests” (B.A.VIII.02.033 — D.III. 03.033). The Scholium to the “Libri Basilici” (B.B.VIII.02.033.Vo.010) is a detailed addition with a well-developed legal argument, where the mention of the law of Lucius Cornelius Sulla (Lucius Cornelius Sulla, Felix. Lex sicariis et veneficis) will be followed by references to the statements of Ulpian and Paul, and a number of references to the Digests, Codex and Institutions of Justinian. Due to them, the content of this scholium goes far beyond the specified section of the “Digests” (D.III.03.033), and their correlation with the corresponding section of the “Libri Basilici” requires clarification.

Similar observations can be made with regard to the next scholium to the “Libri Basilici” (B.B.XXII.05.009.Pa.019). Its content, being a detailed commentary, includes a quotation with the Greek transliteration “μετὰ τὴν ρεῖπουβλικαε καῦσα τυχὸν ἀποδημίαν”, which does not find lexical expression in the corresponding sections of the “Libri Basilici” (B.A.XXII.05.009) and the “Digests” (D.XII.02.009). This section of the “Digest”, it must be said, is devoted to the procedures for taking an oath by litigants in a lawsuit, as well as the procedures for exception and replication, that is, objections and rejections of law claims. The corresponding article of the “Libri Basilici” (B.B.XXII.05.009) is reduced to a noticeably abbreviated paraphrase of the said digest (D.XII.02.009). In these circumstances the correspondent scholium (B.B.XXII.05.009.Pa.019) not only makes up for the abbreviations in the relevant section of the “Digests” (especially, D.XII.02.009.04), but essentially develops the ideas, expressed there, about the terms of carrying out claims protests. The compiler of this scholium, in a fairly free manner, compares dates with the experience of calculating their limits for protesting claims in Rome and the dioceses of Italy. These observations are accompanied by references, unfortunately not entirely accurate, to the Justinian’s Code, which brings several sections into view (in particular, CJ.II.52(53).007 and CJ.V.74.003) or something similar.

As a matter of fact, the appeal of the mediaeval compilers of scholia and commentaries to the reproduction of receptions and transliterations in such situations manifests itself as a confirmation of the peculiar competence of lawyers of that time. They not only learned, to one degree or another, the relevant to them provisions of the legal heritage, but are ready to apply the jurisprudence of the past in their own legal practice. It cannot be skipped the demonstrative interpretations in the scholium, regarding the role of the defender in the process, where the defensor speaks “on his own behalf” (“suo nomine”), and this circumstance is represented together with other legal arguments, among which the compiler of this scholium actively uses receptions and transliterations of Latin terminology, including the quotation “ῥεῖ ποῦβλικαε καῦσα μέλλει ἐκδημεῖν”. And the point is not that, as a result, the size of the scholium exceeded both the volume of the commented article in the “Libri Basilici” and the corresponding digest itself, but that the unnamed scholiast brilliantly demonstrates his professionalism, restoring and even multiplying the details, omitted by the translator of this article of the “Libri Basilici” (B.B.VIII.02.062.Vo.001 — B.A.VIII.02.062 — D.III.03.064). Along with this, it is necessary to note those variants of terminological usage of Byzantine lawyers, who offer elements of an self-dependent interpretation of legal terminology. So, in one of the scholia about the work of the court, when a nameless scholiast exposes unacceptable recklessness, “irrationality” (“προπέτεια”) in relation to the active participants in the trial, this lawyer declares, that there are multiple reasons for performing the procedure “rei publicae causa”: “Πολλάκις γὰρ ρεῖπουβλικαε καῦσα ἀπολιμπάνεται ἢ διὰ τινὰ ἑτέραν ἀπαραίτον αἰτίαν, οὐχὶ κατὰ προπέτειαν”, literally: “...over some other unavoidable cause, not only recklessness” (B.B.LX.33.017.Pe.003. Cf.: B.A.LX.33.017 — CJ.IX.02.004).

In addition, it would like to talk about cases, that correspond to the situation described above, that is, the absence of references in the prototype of the terminology “rei publicae causa”, when the name of the scholiast is known. There is no doubt, that his name serves as a guarantee of self-dependent law-making. This is the name of Theodore, certifying the scholium to the “Libri Basilici” (B.B.LX.37.055.Pe.001). It contains a detailed explanation of the corresponding article of the “Libri Basilici” (B.A.LX.37.055), which is a translation of the text of the corresponding section of the Code of Justinian (CJ.IX.09.014(13)). Neither there nor here there are references to the required terminology. In the same scholium, where its author first applies with explanations, supported by references to the “Digests”, which relate to reception in the form of a transliteration of the term “rei requirendae”, then the term “rei publicae causa” is considered in the form of a quotation with a mixed Latin-Greek transliteration: “κᾶν ρεῖpublicαε καῦσα ἀποδημῇ”. Of course, the authorship of the explanations given on this matter is no less significant, than the legal argumentation, accompanying this quotation.

Summing up empirical observations

Summarizing the information of the scholia, regarding the borrowing of the term “rei publicae causa” in them, it is necessary to emphasize once again their significance as a whole as the richest source for studying the Roman legal heritage in Mediaeval Byzantium. The scholia, as if “revealing” the techniques ways and methods of mastering the “elements” of Roman law by the mediaeval Byzantine, that are hidden from the outsider’s gaze of modern scholar, reflect almost the entire gamut of this process. The acquaintance of a mediaeval connoisseur with the conceptual and terminological apparatus of lawyers of the past, of course, comes to the fore as a kind of quintessence, that same fifth elements that spiritualized the world with creative energy, which personified transubstantiation, if it is appropriate to use this word, in relation to human knowledge of the epoch of Antiquity and the Middle Ages. What has been said is absolutely true with regard to the terms “res publica” and “rei publicae causa”, no matter how general or specific they may be, and applies to both the content and the form of writing of these terms, regardless of whether they were presented in Latin or in Greek transcription. In this regard, even completely altered or distorted versions of the legal terminology, which N. van der Wal attributed to the most important group of legal receptions, should not be overlooked. Behind them are not just random words and phrases, but the corresponding concepts. Among them, the named scientist rightly called legalism “rei publicae causa”²⁹. At first glance, the “corrupted” forms of recording in themselves testify to the too mediocre professional training of most mediaeval Byzantine scholiasts, who put their hand to the study and commentary of the “Libri Basilici”. On this view, Theophilus Antecessor, in his “Paraphrase

²⁹ Wal N., van der. Die Schreibweise. S. 38–39.

of Institutions”, who managed to reproduce the unmistakable form of the term “res publica”, was head and shoulders above most of his mediaeval followers, copied the terminology usually with great efforts and errors, as if it were students, who comprehended the basics of jurisprudence. But if we consider the entire range of legal terminology, borrowed by mediaeval scholiasts, then it is hardly justified to assess their success in mastering Roman jurisprudence as insignificant, even if their comments are recognized as student experiments! It is sufficient to pay attention to one of the Scholia to the “Libri Basilici” (quotation 13). Its compiler matches the direct reception of the concept “reipublicae causa” with the transliteration of the concept “reus”, that is, the defendant, who is presented as the subject of the action of the considered legal procedure: “... τοῦ δεῖξαι αὐτὴν τὴν αἰτίαν, δι’ ἣν ἄπεστιν ὁ ῥέος, εὐλογον, ὅτι τυχὸν reipublicae causa ἢ δι’ ἑτέραν εὐλογον αἰτίαν καὶ ἀπλῶς οὐκ ἐπίτηδες ἀπολιμπάνεται” (B.B.VIII.02.033.Vo.010³⁰). In the meantime, it is permissible to put forward an explanation for the fact, that in the process of mastering the Roman legal heritage, Theophylact Antecessor showed himself to be an expert in Roman jurisprudence, who knew Latin in an active form, while his mediaeval Byzantine colleagues and followers possessed only passive forms of knowledge: mediaeval lawyers could only interpret the subject, to which they referred. These reinterpretations were probably in many cases made by lawyers from memory, and they were required to convey their knowledge to those, who did not know Latin at all.

Other compilations

What has been said quite is clearly also confirmed by the content of those three scholia to the “Ecloga Basilicorum”, in which five quotations with Greek transliterations of the term “rei publicae causa” are revealed. It would seem, what can explain these five examples in comparison with the Scholia to the “Libri Basilici”? Firstly, the Scholia to the “Ecloga Basilicorum” make up for the lost fragments of the Scholia to the “Libri Basilici”, the content of which remains unknown. Secondly, the Scholia to the articles of the “Ecloga Basilicorum”, which have become the subject of consideration under regarding the specified term, confirm the general patterns of use of the required legalism. Here, first of all, it should be noted that the Latin term is represented by Greek transliteration in a uniform form of transcription (“ῥεῖπουβλίκαιε καὶσα”). It, apparently, was most widely accepted by the scholiasts, in particular, the compilers of the scholia not only to the “Ecloga Basilicorum”, but also a number of the Scholia to the “Libri Basilici” (Appendix 2. Citations 15, 23, 30, 36, 41, 45, 48, 50-54).

It is important to note that in the two quotation of the Scholia to the “Ecloga Basilicorum”, the transliterations are accompanied by Greek lexical substitution and an explanation of the term “rei publicae causa”, namely: “τοῦ δημοσίας χάριν αἰτίας” (quotation 51), and “ἐν ἰδίᾳ χρεῖα” (quotation 53). These additions themselves correlate with the texts of the articles in the “Ecloga Basilicorum”. In this case, the fact is meant, that one of the articles of the “Ecloga Basilicorum”, associated with the considered scholia, as well as the corresponding article of the “Libri Basilicorum”, contains the Greek lexical substitution of the required term: “διὰ πρᾶγμα δημόσιον”. It corresponds to the terminological usage of their prototype: “qui rei publicae causa absunt” (EB.X.01.008 — B.A.X.01.008 — D.IV.01.008). Finally, it would like to draw attention to the scholia to two other articles of the “Ecloga Basilicorum”, which, being textually very close to the corresponding articles of the “Libri Basilici” themselves, do not contain any phraseological and lexical locutions of speech that correspond to the required terminological usage (EB.VII.17.002 — B.A.VII.17.002 — D.II.12.002; EB.X.03.048 — B.A.X.03.048 — C.J.II.20(21).008). And the fact, that the scholia, written for these articles of the “Ecloga Basilicorum” (EB.Schol.VII.17.002(.04); EB.Schol.X.03.048), contains three quotations with transliterations of the term “rei publicae causa”, would reinforce one from two possible assumptions. The first of them is that the compilers of the scholia to the “Ecloga Basilicorum”, reproducing these receptions in their own way, evinced their own initiative. The second assumption on this plan is that the compilers of the scholia to the “Ecloga Basilicorum” borrowed the now lost scholia to the corresponding articles of the “Libri Basilici”, that should be the subject of a special study. And the translation of the required term with the help of Greek lexical substitutions, despite their stereotype, convince us, that the efforts of lawyers in explaining the essence of the term, they were referring to, were conscious and purposeful. In any case, behind the noted facts is the satisfaction of the professional interests of the scholiasts, which, undoubtedly, are also peculiar to the commentators of the “Libri Basilicorum”.

The matter is, certainly, not limited to the Scholia to the “Libri Basilici” and other sources discussed here. Receptions and transliterations of the word usage “res publicae” are also found in other compilations. Say, that two references to the required terminology are contained in a treatise, known as the “Roman legal actions (lawsuits)” (“Ῥωμαϊκαὶ ἀγωγαί”), which, according to its two invariants, was published by R. Meijering³¹. This publication is based on the version of the named treatise, reconstructed by the publisher in accordance with the Florentine manuscript of the XI c. (Cod. Laur. 80.2) with reproducible variant readings of the Parisian manuscript (Cod. Par. suppl. Gr. 624). Then, resorting to several examples, notes, that the text of the treatise in the second manuscript contains a considerable number of receptions of Latin legal terminology, which, it should be emphasized, are reproduced in the form of Greek transliterations. And this circumstance is confirmed by both references to the reception of the concept “res publica”: they are part of the discrepancies of readings,

³⁰ Basilicorum libri LX. Series B. Scholia. Vol. 1. P. 104.33–35.

³¹ Meijering R. Ῥωμαϊκαὶ ἀγωγαί. P. 1–152.

found directly in the Paris manuscript, where it would first like to point to an additional article to the treatise (RA.P.9.56). Here a more or less detailed explanation is represented as description of the procedures carried out in claims for the restoration of status and the cancellation of proceedings, that have become invalid (actiones restitutoriae et rescissoriae). They concern a number of subjects of law, among which are named persons “absent for the sake of public affairs” (“τοῖς ῥεῖπουβλικαῖ καὶ ἀπολειφθεῖσι”). This 56 quotation is based on a rather stereotyped, — it was already mentioned, — Greek transliteration of the concept “ῥεῖπουβλικαῖ καὶ ἀπολειφθεῖσι”. Its invariant has been used in a number of the Scholia to the “Libri Basilici” and their compilations, although there is no exact contextual match of quotation in them (for example, see: B.B.XII.01.014.Ca.001, B.B.XXII.05.009.Pa.019, B.B.XXXVIII.01.044.Pb.001, B.B.XXXVIII.01.044.Pb.002, B.B.LX.01.006.Pe.001, B.B.LX.33.017.Pe.003, B.B.LX.37.016.Pe.004, EB.Schol.VII.17.002(.04), EB.Schol.X.01.008, EB.Schol.X.03.048). At the same time the example, that was found in another article of the treatise on the Roman actions (RA.P.2.10), attracts attention. It is dedicated to the Publician action (actio Publiciana), a type of vindication law claim, according to which the plaintiff, equated in his rights with the owner, received the right to claim the thing. The second part of the specified article of the named treatise has significant variant readings. Whereas the first version of this treatise, based on the Florentine manuscript (Cod. Laur. 80.2), sets out the details of the implementation of the Publician action, in the second inversion of the present article of the treatise on Roman claims, reconstructed according to the Parisian manuscript (Cod. Par. suppl. Gr. 624), the description of secondary legal proceedings are omitted. In fact, they are replaced by a lapidary reference to the missing subjects of property rights (“τοῖς ῥεῖπουβλικαῖ ἀποδημοῦσιν”). It is the introduced Greek transliteration, where the reference to the “republic” is reproduced without the postpositive preposition “causa”, in combination with the accompanying vocabulary, actually forms a unique formula, that falls out of the general range of similar legal provisions. Nevertheless, the present quotation contains a mention of the “republic” in the framework of the semantics of the other considered terminological usages.

Along with this one cannot discount the materials of legal lexicons, which have attracted attention of a number of leading specialists in recent decades. This makes it possible now to do without a detailed characterization, let's say, of a special genre of mediaeval Byzantine jurisprudence, represented by lexicons of concepts and terms of law. Coming out from the pen of Byzantine lawyers, such compendiums of legal vocabulary are presented by themselves as an uninterrupted tradition, that embodied the desire of both mediaeval experts in law and their students to move along the path of knowledge and systematization of the legal norms of Antiquity. Although at first glance the definitions of concepts, collected in such compilations, and the extracts, explaining them, may look very inaccurate and disordered student experiments, they testify about the successful comprehension of the foundations of jurisprudence. It is sufficient to note that, as a rule, nameless compilers of legal lexicons did not forget to refer to some legal concepts, formed on the basis of the word usage of the concept “res”, more precisely, its Greek transliterations. They reflect the legalism inherent in mediaeval jurists. It is revealed in the interpretation of the word “res” itself. Its Greek lexical equivalent, that is repeatedly confirmed by the records of lexicons — among them it is enough to single out the most illustrative examples — was the concept “πράγμα”³².

Against this background, in one of the versions of the lexicon of law terms, the so-called “Lexicon αὐσηθ”, published by L. Burgmann, who reconstructed it from the Florentine manuscript Laurentianus 80.2, an almost unique mention of the considered concept “rei publicae causa” stands out. It is significant, that here the Greek transcription of the studied legal formula itself takes on a peculiar form of a “contracted” record, and the brief explanation, accompanying it, differs from the others. So, the logical emphasis is placed on the “detained” or “guilty” (notable word usage in Pl.) participants in the trial, who, as it is implied, are absent “for reasons of state”, literary: “ῥεῖπουβλικαῖ καὶ ἀπολειφθεῖσι · ἔνοχοι τῇ δημοσίᾳ αἰτία” (the quotation 57)³³. Both this and the previously reviewed examples quite convincingly prove, that further prospects for the study of receptions and transliterations should be correlated with the manuscript tradition, which, due to the specificity of the informational approach, is unfortunately ignored by the author of these lines in this essay.

Conclusions

As a result, the comparisons of the Greek translations with their Latin prototypes and, accordingly, the Slavic compilations of Byzantine law, which are planned to be studied in a special essay³⁴, prove: the translations themselves were mainly far from word by word, but rather a free arrangement of the content of the prototypes. The compilations did not necessarily follow their prototypes in conveying the concept “res publica”. It, as a rule, was replaced by other concepts and word combinations, according to that, Greek and, if we have in mind Slavonian compilations, Slav. The word combination “τὸ πρᾶγμα δημόσιον” and other concepts are used as a lexical replacements for the specified Latin term in the Greek translation of the text of the prototype. Among them, as if it was supposed “calque”, id est a loan translation of the Latin concept “res publica”, a special place in the Greek arrangements is given to the concept “πολιτεία”. At that time, for this concept, as well as for its Latin prototype, one way or another, a certain semantic ambiguity is obvious. It found itself in Byzantine

³² For instance, see: *Burgmann L.* Das Lexikon ἄδερ, 45. I. 12; 58. R. 15. R. 25–26; *Idem.* ΑΘΑΝΑΣΙΟΣ ΔΙΓΛΩΣΣΟΣ, 73.9; *Idem.* Das Lexicon αὐσηθ, 301. D.2; 309. I. 50; 323. R. 31, R. 32; 336. R. 2; *Stolte B.H.* The Lexicon Μαγκίπουιν, 370. R. 2 etc.; *Fögen M.-T.* Das Lexikon zur Hexabiblos aucta, 181. I.53; 204. R.17 etc., R.40.

³³ *Burgmann L.* Das Lexicon αὐσηθ, 322. R.12.

³⁴ See: *Vin Yu. Ya.* The concept of RES PUBLICA and its reception in Byzantine law. P. 55-60.

legal thought here and there, including in the Scholia to the “Libri Basilicorum”. This circumstance, perhaps, explains, why mediaeval Byzantine jurists feel a need for using, along with the concept “πολιτεία” and other lexical correspondences, direct reception of the Latin concept “res publica”. The desire for this is clearly expressed, first of all, in the Scholia to the “Libri Basilicorum”, as well as some other Greek compilations of Justinian’s legislation, which served to interpret and explain this legislative provisions.

The concept “πολιτεία” was often used in the early Byzantine legal heritage, adapted in mediaeval Byzantium to replace the concept “res publica” and its other analogues. Along with the Latin, the Greek concept, having become widespread, acquired not only a special, terminological, but also sociocultural significance. It undoubtedly manifested itself due to the metaphorism of legal terminology, sometimes hidden from the prying eyes of a modern researcher, which, probably, was quite noticeable already at the end of the Middle Ages by the first humanists. For them, each legal metaphor embodied an undeniable sociocultural significance, set off by the ambiguity of one or another concept.

As to the majority of the Byzantines themselves, the direct receptions and transliterations of the term “res publica”, revealed in their legal heritage, despite the hidden metaphorical nature of this word usage, remained a specific legal tool and practically boil down to the reproduction of only one legal provision — “rei publicae causa”. It realized as a kind of legal “clause”, since it determined an additional legal condition for accomplishment of a whole series of legal procedures. And therefore this “clause” served as the subject of attention, however, apparently, of a narrow circle of professional jurists, who used this concept to interpret and explain the content of the sources of mediaeval Byzantine law. In these interpretations, in medieval scholia, coming from the pen of their compilers, the legal term “rei publicae causa” turned, as it was said, into an additionally expressed legal condition for protesting of law claims and other judicial actions. Noticeable discrepancies in the recording forms of the identified receptions and Greek transliterations of the concept “res publica” are probably due to the individual characteristics of mediaeval Byzantine lawyers and their professional qualifications. Despite the originality of the most every transliterations, the thematic scope of such borrowings remained rather narrow. It is limited mainly to the tasks of jurisprudence in the using of adequate terminology, which would be relevant to the current aspects of legal proceedings. Their content, as a rule, is within the scope of state administration and administrative control of the population. In most cases the direct borrowings of the concept “res publica” or its transliteration, identified in mediaeval Byzantine legal monuments, were purely terminological in their nature. If the lexical borrowing itself is acceptably considered as a kind of cultural phenomenon, then it is hardly righteous to talk about the identified borrowings of the concept “res publica”, even those have some metaphorical meaning, as designations of a political state structure. It is hardly appropriate to endow the designations of medieval Byzantine law, like the term “res publica causa”, with the highest degree of ideological significance, in which a deep philosophical understanding of the “state” was realized, as it was observed in Antiquity and the countries of Western Europe, starting from the 15th century.

Regarding the issue of semantics as a concept “πολιτεία”, in relation to which the indicated semantic aspects are expressed more clearly, than in relation to the received concept “res publica”, and its Greek transliterations, the author of these lines strictly adheres to the informational approach to cognitive surveys using the materials of the Expert System “Byzantine Law and Acts”. Based on its tools, it is permissible to assert, that the analysis of what, experts call the “semantic field”, in relation to the studied concepts “res publica” and “rei publicae causa”, is a completely solvable task. True, it goes beyond the scope of this study, making up the prospect of its further continuation, as it is noted, in combination with the study of the manuscript tradition. Then, the author of the article leaves the right to judge this side of the matter to specialists: our job is to find the “exempla”, and the interpreters will be found themselves.

Appendices

APPENDIX 1. Direct Receptions and Transliterations of the Concept “Res Publica” and Terminology ascending to it Transcription Latin — 1 variant:

reipublicae

(TAI.I.25.02; TAI.IV.06.05; TAI.IV.10.Txt; B.B.VIII.01.001.Vo.037; B.B.VIII.02.033.Vo.010)

Transcription Latin with diacritics — 6 variants:

rei publicae

(B.B.LX.34.012.Pe.005)

reipublicae

(B.B.LX.23.006.Pe.001; B.B.LX.34.012.Pe.005)

reipublicae

(B.B.XXXVIII.01.010.Pb.006 : 2 entries in the text; B.B.XXXVIII.01.044.Pb.001 : 4 entries in the text; B.B.XXXVIII.01.047. Pb.001)

reipublicae

(B.B.LX.37.055.Pe.001)

reipublicaecausa

(B.B.XLVIII.05.005.Pc.001)

reipublicae causa

(B.B.XXXVIII.01.040.Pb.001)

Transcription mixed Latin-Greek — 3 variants:

reipoubliacae

(B.B.XXXVIII.01.044.Pb.001)

reipublicae

(B.B.XXXIX.01.019.Pb.005)

reipublicae

(B.B.XXXVIII.01.079.Pb.002)

Transcription Greek — 9 variants:

reipoubliaka

(B.B.XXIII.03.017.Pa.007)

reipoubliaka

(B.B.XIV.01.056.Ca.011; B.B.XXI.01.007.Pa.001; B.B.XXII.01.019.Pa.003; B.B.XXIII.03.021.Pa.001; B.B.LX.23.006.

Pe.002 : 2 entries in the text)

reipoubliaka

(B.B.VIII.02.062.Vo.001)

reipoubliakai

(B.B.VIII.01.001.Vo.037;)

reipoubliaka

(B.B.XXIII.01.076.Pa.003)

reipoubliaka

(B.B.XII.01.014.Ca.002; B.B.XII.01.016.Ca.001; B.B.XII.01.016.Ca.002; B.B.XII.01.063.Ca.013)

reipoubliaka

(B.B.XII.01.014.Ca.001; B.B.XXII.05.009.Pa.019; B.B.XXXVIII.01.044.Pb.001; B.B.XXXVIII.01.044.Pb.002; B.B.LX.01.006.Pe.001; B.B.LX.33.017.Pe.003; B.B.LX.37.016.Pe.004; EB.Schol.VII.17.002; EB.Schol.X.01.008: 2 entries in the text; EB.Schol.X.03.048: 2 entries in the text; RA.P.9.56(Append.))

reipoubliaka

(RA.P.2.10)

reipoubliakakausa

(Lexicon aŭσηθ / Cod. Laurentianus 80.2)

APPENDIX 2. Distribution of Receptions and Transliterations of the Concept "Rei Publicae causa"

Theophili Antecessori "Paraphrasis Institutionum"

TAI.I.25.02

1. oi reipublicae causa apŏntes

2. en tŏ metaxŏ reipublicae causa apodhmŏsas

3. apessti reipublicae causa

4. ek tŏs reipublicae causa apodhmŏas

5. apŏ tŏs reipublicae causa apodhmŏas

6. epitropos ōn reipublicae causa apodhmŏsŏ

7. ōn epitropos reipublicae causa apodhmŏsŏ

TAI.IV.06.05

8. en tŏ metaxŏ reipublicae causa apodhmŏsi

TAI.IV.10.Txt

9. reipublicae causa apodhmŏntŏn prŏgmata klapiŏnai

10. reipublicae causa apŏntŏs

Scholia in "Librorum Basilicorum LX"

B.B.VIII.01.001.Vo.037

11. apŏn rei pŏbliakai kausa katēdikŏsi

12. reipublicae de causa

B.B.VIII.02.033.Vo.010

13. reipublicae causa

B.B.VIII.02.062.Vo.001

14. reipoubliaka kausa mēllēi ekdhmēi

B.B.XII.01.014.Ca.001

15. ōs reipoubliaka kausa mēllŏn apodhmēi

B.B.XII.01.014.Ca.002

16. ρειπουβλικάε καῦσα μέλλει ἐπὶ πολὺν ἀποδημεῖν
B.B.XII.01.016.Ca.001
17. ἀπεῖναι ρειπουβλικάε καῦσα τοὺς μὴ κατὰ ἀνάγκην
B.B.XII.01.016.Ca.002
18. μέλλειν αὐτὸν ἀπολιμπάνεσθαι ρειπουβλικάε καῦσα
B.B.XII.01.063.Ca.013
19. οἷον ρειπουβλικάε καῦσα ἀποδημία
B.B.XIV.01.056.Ca.011
20. ρεῖι πουβλικάε καῦσα μέλλων ἀποδημεῖν
B.B.XXI.01.007.Pa.001
21. οἱ μετὰ τινος ρεῖι πουβλικάε καῦσα ἀπολιμπανόμενοι
B.B.XXII.01.019.Pa.003
22. ἐαυτὸν ἀπολειφθῆναι ρεῖι πουβλικάε καῦσα
B.B.XXII.05.009.Pa.019
23. μετὰ τὴν ρεῖιπουβλικάε καῦσα τυχὸν ἀποδημίαν
B.B.XXIII.01.076.Pa.003
24. τὴν ρεῖιπουβλικάε καῦσα ἀποδημίαν
B.B.XXIII.03.017.Pa.007
25. τῷ ἀπόντι ρεῖι πουβλικάε καῦσα
B.B.XXIII.03.021.Pa.001
26. τὸν χρεώστην ρεῖι πουβλικάε καῦσα ἀπολειφθῆναι
B.B.XXXVIII.01.010.Pb.006
27. οἱ μέλλοντες ἀποδημεῖν *reipublicae causa transmare*
28. περὶ δὲ τῶν ἀληθῶς ἀποδημούντων *reipublicae causa*
B.B.XXXVIII.01.040.Pb.001
29. σύνεδροι καὶ *reipublicae causa* ἀπεῖναι
B.B.XXXVIII.01.044.Pb.001
30. μὴ ἀπολιμπάνεται ρεῖιπουβλικάε καῦσα
31. ἐκ τῆς *reipublicae causa* ἀποδημίας
32. πρὸ τῆς *reipublicae causa* ἀποδημίας
33. *reipublicae causa* ἀποδημῆση
34. μέλλων ἀποδημεῖν *reipublicae causa*
35. ἀποδημήσει *reipublicae causa*
B.B.XXXVIII.01.044.Pb.002
36. μὴ ἀπολιμπάνεται ρεῖιπουβλικάε καῦσα
B.B.XXXVIII.01.047.Pb.001
37. τοῦ ἀποδημοῦντος *reipublicae causa* πάυεται τῆς διοικήσεως
B.B.XXXVIII.01.079.Pb.002
38. οὐκ αὐτὸ τὸ ἀπολειφθῆναι αὐτὸν *reipublicae causa*
B.B.XXXIX.01.019.Pb.005
39. ὁ δὲ *reipublicae causa*
B.B.XLVIII.05.005.Pc.001
40. ὁ μὲν κληρονόμος ἅπεστι *reipublicae causa*
B.B.LX.01.006.Pe.001
41. Τυχὸν γὰρ ρεῖιπουβλικάε καῦσα ἀπεδήμουν
B.B.LX.23.006.Pe.001
42. τοῦ ἀπολιμπανομένου *reipublicae causa*
B.B.LX.23.006.Pe.002
43. τὰ μάλιστα ρεῖι πουβλικάε καῦσα ἀπελιμπάνετο
44. τοῦ ἀπολιμπανομένου ρεῖι πουβλικάε καῦσα
B.B.LX.33.017.Pe.003
45. Πολλάκις γὰρ ρεῖιπουβλικάε καῦσα ἀπολιμπάνεται
B.B.LX.34.012.Pe.005
46. ἀποδημήσας *rei publicae causa*
47. διὰ τὴν *reipublicae causa* ἀποδημίαν
B.B.LX.37.016.Pe.004
48. ἐν Ἰταλίᾳ ρεῖιπουβλικάε καῦσα
B.B.LX.37.055.Pe.001

49. *kān reipublicae caūsa āποδημῆ*
Scholia in "Eclogam Basilicorum"
EB.Schol.VII.17.002
50. *διὰ τὸ μέλλειν ἀποδημεῖν ρεῖπουβλίκαιε καῦσα*
EB.Schol.X.01.008
51. *τοῦ δημοσίας χάριν αἰτίας ἤτοι ρεῖπουβλίκαιε καῦσα ἀποδημοῦντος*
52. *οἱ δὲ ρεῖπουβλίκαιε καῦσα ἀποδημοῦντες τέλειοι ὄντες*
EB.Schol.X.03.048
53. *οὐ τὸν ρεῖπουβλίκαιε καῦσα ἀποδημοῦντα*
54. *ὁ γὰρ ἐν ρεῖπουβλίκαιε καῦσα ἀποδημῶν*
"Romaikai Agogai" (P.)
RA.P.2.10
55. *τοῖς ῥεῖπουβλίκαιε ἀποδημοῦσιν*
RA.P.9.56 (Append.)
56. *τοῖς ρεῖπουβλίκαιε καῦσα ἀπολειφθεῖσι*
Lexicon αὐσηθ (Cod. Laurentianus 80.2)
57. *ρεῖπουβληκάεκαῦσα · ἐνοχοι τῇ δημοσίᾳ αἰτία*

Bibliography

Sources

- Basilicorum libri LX. Series A. Textus Librorum. Vol. 1: Textus librorum I–VIII / ed. *H. J. Scheltema, N. Wal, van der.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1955. XIX, 1–438 p.
- Basilicorum libri LX. Series A. Textus Librorum. Vol. 2: Textus librorum IX–XVI / ed. *H. J. Scheltema, N. Wal, van der.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1956. XXI, 439–842, 843–844 p.
- Basilicorum libri LX. Series A. Textus Librorum. Vol. 3: Textus librorum XVII–XXV / ed. *H. J. Scheltema, N. Wal, van der.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1960. XII, 843–1236, 1237–1240 p.
- Basilicorum libri LX. Series A. Textus Librorum. Vol. 4: Textus librorum XXVI–XXXIV / ed. *H. J. Scheltema, N. Wal, van der.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1962. XII, 1241–1558, 1559–1560 p.
- Basilicorum libri LX. Series A. Textus Librorum. Vol. 5: Textus librorum XXXV–XLII / ed. *H. J. Scheltema, N. Wal, van der.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1967. XIV, 1559–1944, 1945–1947 p.
- Basilicorum libri LX. Series A. Textus Librorum. Vol. 6: Textus librorum XLIII–LII / ed. *H. J. Scheltema, N. Wal, van der.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1969. XIV, 1945–2430, 2431–2433 p.
- Basilicorum libri LX. Series A. Textus Librorum. Vol. 7: Textus librorum LIII–LIX / ed. *H. J. Scheltema, N. Wal, van der.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1974. XXVII, 2435–2726, 2727–2733 p.
- Basilicorum libri LX. Series A. Textus Librorum. Vol. 8: Textus librorum LX / ed. *H. J. Scheltema, D. Holwerda, N. Wal, van der.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1988. XXV, 2735–3131, 3132–3133 p.
- Basilicorum libri LX. Series B. Scholia. Vol. 1: Schol. in libr. I–XI / ed. *H. J. Scheltema.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1953. XIV, 1–448, [2] p.
- Basilicorum libri LX. Series B. Scholia. Vol. 2: Schol. in libr. XII–XIV / ed. *H. J. Scheltema, D. Holwerda.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1954. XIII, 449–838, [2] p.
- Basilicorum libri LX. Series B. Scholia. Vol. 3: Schol. in libr. XV–XX / ed. *H. J. Scheltema, D. Holwerda.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1957. XV, 839–1219, 1220–1221, [2] p.
- Basilicorum libri LX. Series B. Scholia. Vol. 4: Schol. in libr. XXI–XXIII / ed. *H. J. Scheltema, D. Holwerda.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1958. IX, 1221–1715, 1716–1718 p.
- Basilicorum libri LX. Series B. Scholia. Vol. 5: Schol. in libr. XXIV–XXX, ed. *H. J. Scheltema, D. Holwerda.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1961. IX, 1719–2157, 2158–2162 p.
- Basilicorum libri LX. Series B. Scholia. Vol. 6: Schol. in libr. XXXVIII–XLII, 1, ed. *H. J. Scheltema, D. Holwerda.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1964. IX, 2159–2174, [6] p.
- Basilicorum libri LX. Series B. Scholia. Vol. 7: Schol. in libr. XLII, 2–XLVIII / ed. *H. J. Scheltema, D. Holwerda.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1965. VIII, 2575–3020, [7] p.
- Basilicorum libri LX. Series B. Scholia. Vol. 8: Schol. in libr. LVIII–LX, 16 / ed. *H. J. Scheltema, D. Holwerda, N. Wal, van der.* – Groningen, J. B. Walters; Gravenage, Martinus Nunoff, 1983. XIII, 3021–3476, [7] p.
- Basilicorum libri LX. Series B. Scholia. Vol. 9: Schol. in libr. LX, 17–69 / ed. *H. J. Scheltema, D. Holwerda, N. Wal, van der.* – Groningen : J. B. Walters; Gravenage : Martinus Nunoff, 1985. IX, 3477–3954, [9] p.
- Burgmann L.* ΑΘΑΝΑΣΙΟΣ ΔΙΓΛΩΣΣΟΣ: Latina in der Novellenbearbeitung des Athanasios von Emesa. Subseciva Groningana: Studies in Roman and Byzantine Law / Novella Constitutio: Studies in Honor of Nicolaas van der Wal. Bd. IV. – Groningae: Egbert Forsten, 1990. S. 57–82.

- Burgmann L.* Das Lexikon ἄδελ — Ein Theophilosglossar. *Fontes Minores* / ed. *D. Simon*. Bd. 6. Frankfurt a/M: Löwenklau Gesellschaft E. V., 1984. S. 19–61.
- Burgmann L.* Das Lexicon ἀδελ. *Lexica Iuridica Byzantina* / *Fontes Minores* / ed. *L. Burgmann, M.-Th. Fögen, R. Meijering, B. H. Stolte*. Bd. 8. Frankfurt a/M: Löwenklau Gesellschaft E. V., 1990. S. 248–337.
- Corpus Iuris Civilis* / ed. *R. Schoell*, abs. *G. Kroll, P. Krueger, Th. Mommsen*. In 3 vols. Vol. 1 : *Institutiones* / ed. *P. Krueger*. Repr., 16. ed. stereot. Berolini: Apud Weidmannos, 1954. XX, 1–56 p. (pagin. esp.).
- Corpus Iuris Civilis* / ed. *R. Schoell*, abs. *G. Kroll, P. Krueger, Th. Mommsen*. In 3 vols. Vol. 1: *Digesta* / ed. *Th. Mommsen*. Repr., 16. ed. stereot. Berolini: Apud Weidmannos, 1954. XVIII, 1–926; 927–957 p. (pagin. esp.).
- Corpus Iuris Civilis* / ed. *R. Schoell*, abs. *G. Kroll, P. Krueger, Th. Mommsen*. In 3 vols. Vol. 2 : *Codex Iustinianus* / ed. *P. Krueger*. Repr., 16. ed. stereot. Berolini: Apud Weidmannos, 1954. XXVIII, 1–488, 489–513 p.
- Corpus Iuris Civilis* / ed. *R. Schoell*, abs. *G. Kroll, P. Krueger, Th. Mommsen*. In 3 vols. Vol. 3 : *Novellae* / ed. *R. Schoell, G. Kroll*. Repr., 16. ed. stereot. Berolini: Apud Weidmannos, 1954. XX, 1–803, 804–813 p.
- Ecloga Basilicorum* / ed. *L. Burgmann*. Frankfurt a/M.: Löwenklau-Gesellsch., 1988. XXXIII, 622 S.
- Fögen M.-Th.* Das Lexikon zur Hexabiblos aucta. *Lexica Iuridica Byzantina* / *Fontes Minores* / ed. *L. Burgmann, M.-Th. Fögen, R. Meijering, B. H. Stolte*. Bd. 8. Frankfurt a/M: Löwenklau Gesellschaft E. V., 1990. S. 153–214.
- Meijering R.* Ῥωμαϊκαὶ ἀγωγαί. Two Byzantine Treatises on Legal Actions. *Lexica Iuridica Byzantina* / *Fontes Minores* / ed. *L. Burgmann, M.-Th. Fögen, R. Meijering, B. H. Stolte*. Bd. 8. Frankfurt a/M: Löwenklau Gesellschaft E. V., 1990. S. 1–152.
- Stolte B. H.* The Lexicon Μαγκίπιον. *Lexica Iuridica Byzantina* / *Fontes Minores* / ed. *L. Burgmann, M.-Th. Fögen, R. Meijering, B. H. Stolte*. Bd. 8. Frankfurt a/M: Löwenklau Gesellschaft E. V., 1990. S. 339–380.
- Theophili Antecessoris Paraphrasis Institutionum* / ed. *J. H. Lokin, R. Meijering, B. H. Stolte, N. Wal, van der, B. F. Murison*. Groningen: Chimaira, 2010. LIV, 1048 p.

References

- Audier, S.* Les Théories de la République. Paris : La Dé Couverte, 2015. 125 p.
- Beck, H.-G.* Res Publica Romana: Vom Staatsdenken der Byzantiner. München: Verl. v. der Bayerischen Akad. d. Wissensch., 1970. 41 S.
- Dozhdev, D. V.* Corpus Iuris Civilis. In: D. V. Dozhdev, E. V. Silvestrova Orthodox Encyclopedia [Corpus Iuris Civilis, Pravoslavnyaya entsiklopediya]. T. 38. M., 2015. P. 156–166.
- Drexler, H.* Res Publica. In: Drexler, H. Res Publica. History of the concept [Res Publica. Istoriya ponyatiya]. Ed. by O. V. Kharkhordin. St. Petersburg., 2009. P. 67–170.
- Efimov, V. V.* Dogma of Roman law [Dogma rimskogo prava]. St. Petersburg.: Book. mag. Zinzerlinga, 1901. 639 p.
- Grimm, D. D.* Lectures on the dogma of Roman law. Textbook [Lektsii po dogme rimskogo prava. Posobie]. Pg.: State. type., 1916. XII, 409 p.
- Grimm, D. D.* Lectures on the dogma of Roman law. Textbook [Lektsii po dogme rimskogo prava. Posobie]. Kyiv: Sovetsk. type., 1919. XI, 279 p.
- Grimm, D. D.* Lectures on the dogma of Roman law [Lektsii po dogme rimskogo prava]. Ed. and foreword. by V. A. Tomsinova. M.: Mirror MKD, 2003. 495 p.
- Grimm, D. D.* Full translation of Latin words and quotes from the Dogma of Roman law [Polnyy perevod latinskikh slov i tsitat iz Dogmy rimskogo prava]. St. Petersburg: Liberation, 1908. 96 p.
- Guide to Latin in International Law / ed. *A. X. Fellmeth, M. Horowitz*. Oxford : Oxfor Univ. Pr., 2009. XXIV, 298 p.
- Kaldellis, A.* The Byzantine Republic: People and Power at New Rome. Harward : Harward Univ. Pr., 2015. XVIII, 290 p.
- Kharkhordin, O. V.* Was RES PUBLICA a thing? [Byla li RES PUBLICA veshch'yu?]. Emergency Reserve. Debate about politics and culture [Neprikosnovennyy zapas, Debaty o politike i kul'ture]. 2007. No. 5 (55). P. 97–119.
- Kharkhordin, O. V.* Was RES PUBLICA a thing? [Byla li RES PUBLICA veshch'yu?] In: O. V. Kharkhordin What is the republican tradition [Chto takoe respublikanskaya traditsiya]. St. Petersburg.: IEUSP, 2009. P. 45–73.
- Kharkhordin, O. V.* Why Res Publica is not a State: Stoic Grammar and Cicero's Discursive Practices in His Theory of the Republic [Pochemu Res Publica — ne gosudarstvo: grammatika stoikov i diskursivnye praktiki Tsitserona v ego teorii respublik]. In: O. V. Kharkhordin Modern Republican Theory of Freedom [Sovremennaya respublikanskaya teoriya svobody]. Scientific ed. E. N. Roschin. St. Petersburg.: IEUSP, 2015. P. 137–179.
- Kharkhordin, O. V.* The Republic, or the Case of the Public [Respublika, ili Delo publik]. St. Petersburg. : IEUSP, 2020. 162 p.
- Kharkhordin, O. V.* Republic. Full version [Respublika. Polnaya versiya]. St. Petersburg.: IEUSP, 2021. 208 p.
- Kharkhordin, O. V.* "Res publica": the revival of interest ["Res publica": vozrozhdenie interesa]. Emergency Reserve. Debate about culture and politics [Neprikosnovennyy zapas, Debaty o politike i kul'ture]. No. 5 (55). M., 2007. P. 83–96.

18. *Kharkhordin, O. V.* "Res publica": the revival of interest. [Instead of a preface] ["Res publica": vozrozhdenie interesa. [Vместo predisloviya]]. In: O. V. Kharkhordin What is the republican tradition [Chto takoe respublikanskaya traditsiya. St. Petersburg. : IEUSP, 2009. P. 7–22.
19. *Kharkhordin, O.* Why "RES PUBLICA" is not a State: the Stoic Grammar and Discursive Practices in Cicero's Conception. In: O. Kharkhordin History of Political Thought. 2010. Vol. 31, No 2. P. 221–245.
20. *Kharkhordin, O.* Chapter Six. Res Publica and Res Publicae. History and Politics of the Terms. In: The Materiality of the Res Publica: How to Do Things with Publics / ed. *D. Colas and O. Kharkhordin*. Cambridge : Cambr. Scholars Publ., 2009. P. 217–269.
21. *Khvostov, V. M.* The system of Roman law. A common part. Lecture notes [Sistema rimskogo prava. Obshchaya chast'. Konsp. Lekts]. M.: Type. Vilde, 1907. 207 p.
22. *Khvostov, V. M.* The system of Roman law. Family law. Inheritance law. Lecture notes [Sistema rimskogo prava. Semeynoe pravo. Nasledstvennoe pravo. Konsp. Lekts]. M: Univers. type., 1900. III, 137 p.
23. *Khvostov, V. M.* The system of Roman law. Family law. Inheritance law. Lecture notes [Sistema rimskogo prava. Semeynoe pravo. Nasledstvennoe pravo. Konsp. lekts.]. M: Type. Vilde, 1909. VI, 147 p.
24. *Lyasse, E.* Le rapports entre le notions "res publica" et "civitas" dans conception romaine de la cité et l'Empire / E. Lyasse. Latomus. 2007. T. 66, fasc. 3. P. 580–605.
25. *Mager, W.* Republik In: Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland / hrsg v. O. Brunner, W. Conze, R. Koselleck. Stuttgart: Klett-Gotta, 1994. S. 549–651.
26. *Mager, W.* Spätmittelalterlich Wandlungen des politischen Denkens im Spiegel des res publica-Begriffs. In: Sozialer Wandel im Mittelalter: Wahrnehmungsformen, Erklärungsmuster, Regelungsmechanismen / hrsg. v. J. Miethke, K. Schreiner. Sigmaringen : Jan Thorbecke Verl., 1994. S. 401–410.
27. *Marey, A. V.* The concept of res publica in European political and legal thought: from Ancient Rome to the 17th centuries [Ponyatie res publica v evropeyskoy politiko-pravovoy mysli ot Drevnego Rima do XVII vv.]. In: A. V. Marey Res Publica: Russian republicanism [Russkiy respublikanizm]. Ed. by K. A. Solovyova. M.: NLO, 2021. P. 19–75.
28. *Petrov, A. V.* Development of the doctrine of limited real rights to real estate in Byzantine jurisprudence after the codification of Justinian [Razvitiye ucheniya ob ogranichennykh beshchnykh pravakh na nedvizhimost' v vizantiyskoy yurisprudentsii posle kodifikatsii Yustiniana]. Humanitarian and legal research [Gumanitarnye i yuridicheskije issledovaniya]. 2019. No. 3. P. 150–156.
29. *Riedel, M.* Gesellschaft, bürgerliche. In: M. Riedel Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland, Bd. 2 / hrsg. v. O. Brunner, W. Conze, R. Koselleck. Stuttgart: Klett-Cotta, 1975. S. 719–800.
30. *Riedel, M.* Gesellschaft, Gemeinschaft. In: M. Riedel Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland, Bd. 2 / hrsg. v. O. Brunner, W. Conze, R. Koselleck. Stuttgart: Klett-Cotta, 1975. S. 801–862.
31. *Stark, R.* Res Publica Res Publica. History of the concept. Sat. Art. [Res Publica. Istoriya ponyatiya. Sb. st.]. Ed. by O. V. Kharkhordin. St. Petersburg.: Publishing House of the European University, 2009. P. 7–66.
32. *Stark, R.* Res Publica. Additions of 1966 [Res Publica. Dopolneniya 1966 goda]. In: R. Stark Res Publica. History of the concept. Sat. Art. [Res Publica. Istoriya ponyatiya. Sb. st.]. Ed. by O. V. Kharkhordin. St. Petersburg: Publishing House of the European University, 2009. P. 256–269.
33. *Suerbaum, V.* Cicero: De re publica. In V. Schurbaum Res Publica. History of the concept [Res Publica. Istoriya ponyatiya.]. Sat. Art. ed. O. V. Kharkhordin. St. Petersburg: Publishing House of the European University, 2009. P. 171–246.
34. *Tiraspolsky, G. A.* Roman laws. (Pre-Justinian era). Dictionary-reference book [Rimskie zakony. (Predyustinianskaya epokha). Slovar'-spravochnik]. M.: Flinta, 2010. 312 p.
35. *Vin, Yu. Ya.* The concept of RES PUBLICA and its reception in Byzantine law: preliminary observations on Slavic compilations in the light of the informational approach and cognitive research [Koncept RES PUBLICA i ego retseptsiya v vizantiyskom prave: predvaritel'nye nablyudeniya nad slavyanskimi kompilyatsiyami v svete informatsionnogo podkhoda i kognitivnykh izyskaniy]. In: Interethnic contacts in the socio-cultural aspect, Eastern Europe in Antiquity and the Middle Ages [Mezhethnicheskije kontakty v sotsiokul'turnom aspecte, Vostochnaya v Drevnosti i Srednevekov'e]. Corresponding Member Memory Readings USSR Academy of Sciences V. T. Pashuto [Chteniya pamyati chl.-kor. AN SSSR V.T. Pashuto]. Vol. 35. M.: IVI RAN, 2022. P. 55–60.
36. *Vin, Yu. Ya.* The concept of "res publica" and its reception in Byzantine law: transliterations [Koncept "Res publica" i ego retseptsiya v vizantiyskom prave: Transliterations]. Bulletin of the Volgograd State University. Series 4, History. Regional studies. International relationships [Vestnik Volgogradskogo gosudarstvennogo universiteta, Seiya 4, Istoriya, Regionovedenie, Mezhdunarodnye otnosheniya]. 2022. V. 27, No. 6. P. 310–338
37. *Vin, Yu. Ya.* Reception and transliteration of concepts and terms of Byzantine law: cognitive aspects of systematization [Retseptsiya ponyatiy i terminov vizantiyskogo prava: kognitivnye aspekty sistematzatsii]. Bulletin of the Volgograd State University. Ser. 4. History. Regional studies. International relationships [Vestnik Volgogradskogo

- gosudarstvennogo universiteta. Ser. 4. Istoriya, Regionovedenie, Mezhdunarodnye otnoshenuya]. 2018. Vol. 23, No. 5. P. 6–24.
38. *Vin, Yu. Ya.* The Reception and Transliteration of Concepts and Terms of Byzantine Law: Cognitive Aspects of Systematization. In: Yu. Ya. Vin Nomophylax. Collection of Papers in Honor Srđan Šarkiċ / ed. T. Iliċ., M. Božić. Beograd: Pravni Fakultet Univerziteta UNION, 2020. P. 203–224.
39. *Wal, N., van der.* Die Schreibweise der dem lateinischen entlehnten Fachworte in der Frühbyzantinischen Juristenschprache. Scriptorium. 1983. Vol. 37. S. 29–53.
40. *Williams, R. S.* Rei Publicae causa: Gabinius' Defense of His Restotation of Ptolemy Aulets. The Classical Journal. 1985. Vol. 81. No. 1. P. 25–38.