
The present volume has an enormous scope. It deals with conflicts over inheritance in the ancient and mediaeval worlds, while covering rules of inheritance and property division in ancient Greece, the Roman and Byzantine Empires, some Latin kingdoms, and mediaeval Islamic Egypt. The volume draws on a wide range of sources: documentary sources such as inscriptions, papyri, and manuscripts containing petitions and wills; furthermore, literary sources, legal documents and law codes. The volume reflects on the impact of religions on family law and property transmission, from the perspective of Greco-Roman religion, Judaism, Christianity and Islam. Finally, the volume also deals with gender inequality in the world of the ancient and mediaeval Mediterranean.

The theoretical framework of the volume is expounded in the introduction, written by B. Caseau and S. Huebner: *A Cross-Cultural Approach to Succession and Inheritance in the Ancient and Mediaeval Mediterranean* (pp. 5–8, in particular 5-6). The volume is innovative in that its main theme is approached from a socio-historical perspective: «We propose to work on patterns of and conflicts over succession and inheritance in a cross-cultural comparative perspective, a topic which so far has received surprisingly little attention by historians and anthropologists interested in the family, but which lies, we believe, at the heart of all family strategies affecting household composition, intergenerational relations, and the organization of old age care» (p. 5).

The study of patterns of inheritance and succession for specific societies, regions, or local communities leads to new insights into family dynamics, and into cultural and social expectations rooted in a particular society: women’s rights and status, organization of family support networks, and possible intergenerational conflicts. On this basis, important research questions are formulated, such as: when the law provided for equal sharing between children, in what ways and to what effect could parents favour one child over others? What conflicts could arise among siblings? What was the place of girls in the distribution of the patrimony? How could elderly people secure their role in the family by using their property as a means to organize old age support from their heirs? Despite the existence of a number of studies and monographs on wills and inheritance in the classical world (published over the last twenty years), relatively little is known with regard to inheritance and succession strategies of lower-than-elite social strata: peasants, labourers, craftsmen, etc. Besides, a discussion of the interconnection of family / household forms and of patterns of succession and inheritance is completely lacking, even though a study covering this line of research is certainly a desideratum. The present volume aims at filling this gap, departing from what is known regarding the patterns of inheritance in societies across the ancient and mediaeval Mediterranean. Within families, conflicts over inheritance were bound to arise, despite the existence of legal regulations safeguarding the rights of inheritance of various family categories, based on the degree of kinship, and despite the existence of provisions allowing testators to dispose more or less freely of their property by will: such wills could and were disputed. The study of the role of religion in all this adds an extra dimension.

The main theme of the volume is divided into a number of sub-themes, each consisting of a separate section, thus providing the volume with its internal structure. The sub-themes are: (1) Illegitimate children, gender issues; (2) Kinship and conflicts over inheritance; (3) Christian influence over partitive inheritance; (4) Inheriting power; (5) Testaments. Each section contains a number of articles, all in all resulting in a collection of studies that are very heterogeneous in nature, and that, in accordance with the general scope of the volume, cover various peoples and societies in the ancient and mediaeval Mediterranean. For instance, we come across a study by C. Sutt
showing in what way estates were divided in thirteenth century Hungary, while paying specific attention to the place of daughters in the system of inheritance: Parentela, kindred, and the crown: Inheritance practices in Árpád-era Hungary (pp. 75-88). By far the most studies relate to various aspects of (conflicts over) inheritance in different periods and societies in the Greco-Roman world. M. Nowak, for example, writes about the rights of inheritance of children born out of wedlock as appearing from papyri: The Hereditary Rights of the Extramarital Children in light of the law of papyri (pp. 11-24); S. Huebner deals with inheritance and conflict in Greco-Roman Egypt: ‘It is a difficult matter to be wronged by strangers, but to be wronged by kin is worst of all’. Inheritance and Conflict in Greco-Roman Egypt (pp. 99-108); G. Rowling reflects on conflicts over inheritance as appearing from Babatha’s archive: Babatha’s archive: inheritance disputes in second century Roman Arabia (pp. 109-116); F. Vasileiou writes about the testament of Gregory of Nazianzos: For the Poor, the Family, the Friends: Gregory of Nazianzus’ Testament in the Context of Early Christian Literature (pp. 141-157); finally, C. Sánchez-Moreno Ellart reflects on the form of testaments in late Roman law, while dealing with the question whether these testaments ought to have five or seven witnesses: The Late Roman Law of Inheritance: the Testament of Five or Seven Witnesses (pp. 229-257). As it is customary for «Medioevo Greco», studies relating to Byzantium will be dealt with in some more detail. The study by J. Evans Grubbs, Illegitimacy and Inheritance Disputes in the Late Roman Empire (pp. 25-49), features in section 1 (see above). Strictly speaking, the article does not relate to Byzantium. However, as its final part refers to the legislation of Justinian, a brief reflection on its contents appears to be well justified. In a law promulgated in the year 336, emperor Constantine I denied natural children born to high ranking men from lowborn or disreputable women, every right of inheritance. Constantine’s law is often looked upon as pertaining to marriage, but in reality it deals with inheritance, in particular the right of senators and others to donate during their lifetimes, or to leave in their will, property to children born to them from lowborn women. The law was eventually adopted into the Theodosian Code – issued in 438 – as CTh. 4, 6, 3, under the heading De naturalibus filiis et matribus eorum. In the year 454, it was further specified by the emperor Marcian in his fourth Novel. The emperor Justinian changed it all. In a number of constitutions, all occurring in the second edition of the Justinian Code from 534 – viz. Cj. 5, 27, 8 (528); 5, 27, 10 (529); 5, 27, 12 (531); 7, 15, 3 (531); and 7, 6, 1 (531) –, and in a number of Novels – i.e. Nov. 78, 3 (539); 38, 2, 1 (535); 18, 5 (536); and 74pr. - 2 (538) – Justinian gradually discarded all impediments to the capacity of natural / illegitimate children to inherit from their fathers. Justinian’s legislation regarding natural children culminated in Nov. 89 from 542, which first reflected on the laws concerning illegitimates from previous centuries and then went on to summarize, reconfirm, and clarify the emperor’s own measures on the subject. On the pp. 44-49, Evans Grubbs deals with Justinian’s above legislation extensively, both reflecting on the emperor’s overall motives for reforming and upturning the restrictions on the inheritance rights of natural children, and referring to the immediate causes for the specific measures. Justinian’s objectives are compared with those of emperors from earlier centuries: whereas in their respective legislations Augustus and Constantine I had both given establishing and maintaining social distinctions priority over encouraging marriage, it was Justinian who rather aimed at promoting monogamous marital unions, even across unequal social classes. Evans Grubbs concludes by observing that all laws concerning the inheritance rights of children born out of wedlock – from Constantine’s harsh restrictions of those rights up to and including Justinian’s lifting of those restrictions – must have been prompted by real-life cases.

1 In their Introduction (pp. 6-7), Caseau and Huebner present a very brief summary of every study.  
2 For convenience sake, I regard the reign of the emperor Justinian (527-565) as the hinge point marking the transition from the Late Roman Empire to the Byzantine Empire.  
3 Constantine’s legislation (and Nov. Marc. 4) is discussed on the pp. 25-28 and 31-38.
J.-C. Cheynet’s study (Les conflits d’héritage d’après les tribunaux ecclésiastiques (XIe-XVe s.), pp. 159-176) occurs in section 3. In his study, Cheynet examines conflicts over inheritance between families and monasteries, in cases in which a testament contained a disposition for a donation to a religious institution. The real-life cases dealt with by Cheynet derive from a (sadly) limited number of sources: the archives of the monasteries on Mount Athos, the mid-eleventh century Peira of the judge Eustathios Rhomaios, the Ponemata diathora of the archbishop of Ohrid, Demetrios Chomatenos (ca. 1150 – ca. 1236), and especially documents from the Register of the Patriarchate of Constantinople, covering the period 1315-1402. Cheynet devotes ample attention to subjects closely relating to conflicts over inheritance, such as the transfer of property, in particular the patrimony: Byzantine families aimed at keeping the estate intact, especially at the expense of the in-laws, who might try to acquire a portion of the inheritance. Moreover, a testator (the head of a family) often wished to secure the salvation of his soul by having priests or monks praying for him perpetually. The obvious means to achieve this goal was to make a donation to a religious institution (church or monastery), or to establish a private religious foundation. This could lead to a diminution of the estate, and hence to conflicts over the inheritance. Religious institutions founded by a family is another subject elucidated by Cheynet: reference is made to (possible and real) entanglements concerning such foundations, and to authorities – both ecclesiastical and secular – and persons like family members who might threaten them. The remaining themes discussed by Cheynet are: inheritance disputed by relatives including parents, viz. cases in which those relatives came into collision with religious foundations over donations made to those foundations; a spouse entering a monastery or convent; embezzlement by a third party; and disputes over the property of monasteries. On the basis of the real-life and sometimes even colourful cases studied, Cheynet draws some highly interesting inferences. Among others he sketches a twofold development between the tenth and the fifteenth centuries. Up to the year 1204, the stakes of trials were considerable and could involve a large sum in pounds or even tens of pounds (of gold). The claims were judged by secular tribunals, as appears from the Peira. After the year 1204, claims were rather judged by ecclesiastical tribunals, as appears from the Ponemata diathora of Chomatenos and – after 1315 – from documents kept in the so-called Register of the Patriarchate of Constantinople. The stakes of these trials were by and large fairly modest.

C. Settipani’s study (Pouvoir, religion et conflits familiaux à Byzance autour du IXe siècle, pp. 191-214) features in section 4. Settipani focusses on the transfer of imperial power. He argues that from the sixth century onwards, the imperial throne of Byzantium was seen as part of a patrimonial inheritance, which ought to devolve upon the legitimate heirs: thus, the throne constituted an asset which could be highly contestable. The imperial throne and its accession could, and indeed did, lead to fierce conflicts over inheritance between aristocratic families of Byzantium, or even within the ruling imperial family itself. A number of such conflicts is dealt with, on the basis of – quite recently published – extensive prosopographical works and monographs of families, which overcome the silence, or even absence of sources. The conflicts all occurred in the ninth century. The first succession elucidated by Settipani marks the end of the Isaurian Dynasty (717-802) and eventually the transition to the Amorian Dynasty (820-867). The iconophile empress Irene (797-802) was the last ruler of the iconoclastic Isaurian Dynasty. Her iconophile leanings and policy of restoring the veneration of the icons may well have contributed to a family member of Irene joining the conspiracy which dethroned and exiled her in 802. Irene’s deposition was followed by a troubled period of time which saw various attempts aimed at usurping the throne. Several contestants, at various times working together or opposing one another, were connected by – distant – family ties: Bardanios (Bardanes Tourkos), Leo the Armenian (who ruled as emperor Leo V from 813-820), and Michael of Amorion, the founder of the Amorian Dynasty, and as emperor Michael II ruling from 820-829. A second succession elaborately studied by Settipani occurred in 842. In that year, the emperor Theophilos died, and was succeeded by his son Michael III. However, because Michael was still a very young minor on his ac-
cession to the throne, actual power lay in the hands of a regency council. This council consisted of Theodora, wife of Theophilos and mother of Michael, and, moreover, of a number of her close relatives. Within the regency council, and thus, within one and the same family, several fierce battles were fought. The final succession discussed by Settipani took place in 867. It concerns the accession of Basil I, which meant the end of the Amorian Dynasty and the foundation of Basil’s own Macedonian one. Tradition has it that Basil – sometimes described as an intriguing of humble origins, of whose family was known next to nothing – appropriated the imperial throne in a very murky way, viz. by murdering his predecessor Michael III in 867, and the latter’s uncle caesar Bardas somewhat earlier. However, Settipani sheds clear light on Basil’s Armenian rather than Macedonian origins, on his early career, and on his family relations. In the murder of caesar Bardas (which was apparently condoned by Michael III), Basil had the help of close relatives who held high positions at court. After Bardas’s death on 21 April 866, Basil became Michael’s co-emperor on 26 May 866. This made Basil Michael’s legitimate heir to the throne. Moreover, ca. 865 Michael had already forced Basil to marry his – Michael’s – mistress Eudokia Ingerina, daughter-in-law of caesar Bardas. However, Michael continued his love relation with Eudokia, having forbidden her and Basil to have intercourse. Nevertheless, on 19 September 866 Eudokia gave birth to a son, the future emperor Leo VI, who was thus probably Michael’s offspring. It has been suggested that by marrying off Eudokia to Basil and by proclaiming the latter co-emperor, Michael may well have intended to put his own son by Eudokia on the throne as the legitimate heir. In this scheme, Basil would eventually have been destined to disappear. Basil thwarted this plan by murdering Michael on 23/24 September 867, thus becoming emperor himself. In the end, Basil’s rise to power and subsequent accession to the throne can be seen as a perfect example of the outcome of a conflict over inheritance between closely related families striving for power, with the imperial throne itself featuring as patrimony, destined to devolve upon the legitimate heir.

J. Howard-Johnston’s contribution (Partitive inheritance in principle and in practice in eleventh-century Byzantium, pp. 259-271) occurs in section 5. The present study focusses on the Peira, an important legal source from the eleventh century containing epitomized versions of legal opinions and verdicts of the judge Eustathios Rhomaios, compiled by an unknown colleague of his. Howard-Johnston presents a succinct description of both the nature and contents of the work, and the judge and his career. In the past, the Peira and Eustathios Rhomaios were both severely criticized, in particular by the German scholar Dieter Simon. A rehabilitation of Rhomaios is apparently one of Howard-Johnston’s objectives. In order to achieve this goal, he concentrates on a particular theme as reflected in Rhomaios’s opinions and verdicts, viz. the law of inheritance, especially the lex Falcidia. First, Howard-Johnston recounts how this law (enacted in 40 B.C.) restricted the ultimate freedom of a testator to dispose of his estate by will, viz. by reserving one quarter of the testator’s estate for the heir mentioned in the testament: the quarta Falcidia or Falcidia for short. In case of more than one heir, both male and female, this Faldician portion was to be equally divided between them. Next we learn about Justinian’s reforms with regard to the law of inheritance, including the Faldician portion, as laid down in his Novels: Nov. 1, Nov. 18, Nov. 66, Nov. 92, and Nov. 115,3. The trail of Justinian’s rulings on the subject is followed via the Ecloga, issued in 741 by emperor Leo III, up to and including the Basilica, compiled towards the end of the ninth century during the reigns of the emperors Basil I and Leo VI. Curiously, with reference to the Basilica, Howard-Johnston describes the compilation of this work as overseen by Leo VI before and after his accession to the throne in 886, while the finished product would have been named Basilica after Leo’s father Basil I (p. 262). Rather, the name Basilica is derived from the phrase τὰ βασιλικὰ νόμιμα «the imperial laws», whereas it was Leo VI who finished the work already begun by Basil the Macedonian. The trail ends with

4 D. Simon, Rechtsfindung am byzantinischen Reichsgericht, Frankfurt am Main 1973.
5 Recent research has shown that there is ample reason to argue that Leo VI appropriated the work of

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the Novels of Leo VI, and – more importantly – with a number of Novels promulgated by his successors in the tenth century. The latter Novels were intended to curb the rising power of the so-called δωρατοί, who were trying to expand their landed property to the detriment of small landholders in peasant village communities: the Novels imposed more restrictions on the freedom of a testator to bequeath land or fixed property from the unreserved portion of his estate. This, then, is the body of the law of inheritance which Eustathios Rhomaioi had to take – and took – into account in his opinions and verdicts. On this basis, Howard-Johnston approaches the Πετρα and scrutinizes eleven cases from the perspective of the lex Falcidiana and the Faldician portion, arguing that this suffices to refute Simon’s criticism. Howard-Johnston concludes his study with some general observations concerning the influence of the law of partitive inheritance – equal division of the estate of a testator between his sons (via the testator’s last will) and daughters (via their respective dowries) as a result of the lex Falcidia reserving the Faldician portion – on the social fabric of Byzantine society and the changes it brought about in that society during the tenth and eleventh centuries.

In its entirety, the present volume more than honours its promise as outlined on the back flap and in the introduction, at the very least from the perspective of Byzantium. It is a book very rich in content, theme, and overall approach, presenting a veritable wealth of information. The various contributions are evenly divided over the sub-themes: the individual studies carefully elaborate them, thus offering captivating new insights into their respective subject matter, and often leading to surprising results. Curious is only that the introduction refers to a study by Heinz Barta on the form of testaments in ancient Greece and Ptolemaic Egypt, and the question of the influence of the Greek form of testaments on the Roman practice. For some unknown reason, this study is lacking in the main text of the volume. Apart from that, there is a minor shortcoming: the accessibility. The volume would have benefitted from the addition of e.g. a general bibliography, a list of abbreviations, and in particular an index of sources, in view of the wide variety of sources occurring in the individual contributions. With regard to the sources, the papyri constitute a special category. For the benefit of not-so-specialized readers, reference might have been made to the internet checklist of papyri. Despite this one shortcoming, the present volume constitutes an original and highly valuable contribution to the study of various facets of law, inheritance, and religion – and how they influenced one another – in the Byzantine Empire and other societies in the ancient and mediaeval worlds.

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Basil I as his very own, adapting and emending it, and producing it under his (Leo’s) own name: extensive remains have been uncovered of a compilation of laws in 60 books divided over four volumes or τεύχη, which must have been completed during the reign of Basil the Macedonian; cfr. Th.E. van Bochove, Preluding the Basilica, but how? The final paragraph of the preface to the Prochiron reconsidered, «Subiecta Groningana. Studies in Roman and Byzantine Law» 9, 2014, pp. 267-318. Leo VI – being the son of Michael III – may have had very good reasons to claim Basil’s work as his own: relations between the two were rather strained, and Leo had certainly a score to settle, as Basil had kept him in confinement (or under house arrest) for three years (883-886); cfr. Settipani’s contribution to the present volume, in particular pp. 211-213.


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