

Legal Education in Late Antique Berytus and Beyond

This paper revisits the traditional picture of legal education in the fifth-century East. It does so on the basis of a survey of the neglected fragments of the Berytus school's teachers preserved in the Justinianic scholia to the *Basilica* as well as on the basis of several newly discovered papyri. My key points are (1) that Justinian's lawyers construct the fifth-century professors from Berytus as the initiators of their educational model (which, *inter alia*, involved the use of Greek), and (2) that the papyri suggest that this model spread over the Eastern Empire in the course of the fifth and sixth centuries, probably (though not necessarily) emanating from Berytus.

Traditionally, many scholars have followed Collinet's classic study (1925) that argued that the law school of Berytus fell into complete decline towards the end of the fourth century (despite the information in Libanius' famous letters), and that legal instruction was revived (for the entire Roman East) by a series of teachers whom the Justinianic lawyers refer to as their own teachers, ἥρωες, as well as τῆς οἰκουμένης διδάσκαλοι, and who should be dated to the fifth century. However, the idea of a hiatus is a priori implausible given how much legal education was in demand in Libanius' days and given that the papyrological record does not encourage us to assume a decline in legal education in the East in the late fourth century.

Rather than trying to distill facts of the school's institutional history from the sources, this paper explores what the sources tell us about how legal education took place in fifth-century Berytus (and beyond). My analysis will focus on the following points. First, a sizeable group of scholia to the *Basilica* inform us that instruction was characterized by using and expounding the texts of relatively many of the early Imperial jurists and the Codes, by the popularity of the

question-and-answer format, as well as by the use of Greek for teaching. Furthermore, a substantial number of papyri from the fifth and sixth century show very similar Greek (instructional) annotations, which breaks the pre-fifth-century Latin-heavy pattern. Using a center-periphery model of education, I will argue that the novel, Greek-based instruction in Roman law was probably developed in Berytus, probably already before the earliest of the ἥρωες, whence it was taken to more “peripheral” areas such as Egypt, where Greek facilitated legal instruction in all sorts of informal, non-institutional, small-scale settings. Finally, I argue that, by talking about and engaging with the ἥρωες, the Justinianic teachers are crafting an intellectual pedigree for an educational model; within this succession of legal scholar-teachers they present themselves as the culmination.