

Hans C. TEITLER, *The last pagan emperor: Julian the Apostate and the war against Christianity*. New York, Oxford University Press 2017. 312 pp. ISBN 978-0-19-062650-1.

This elegantly written book is the English translation and update of an original that was first published in Dutch about a decade ago (*Julianus de Afvallige: nieuw licht op de christenvervolgingen*. Amsterdam, Athenaeum-Polak & Van Gennep 2009) and that was destined for a general audience. It aims at refuting the image of the emperor Julian (ruled 361–363) as a persecutor, common in Christian sources of Late Antiquity and Byzantium. It does so through a series of 18 short chapters that analyse critically alleged episodes of martyrdom under Julian, focusing mainly on Gregory of Nazianzus, John Chrysostom, the fifth-century church historians, and hagiographical texts. A series of pleasant vignettes introduces the reader to a type of literature that is rarely prominent in the study of the emperor Julian.

The author, who poses as a judge in a trial, clears Julian from the charge of being a persecutor and shows that he was not directly responsible for the ordering of executions of Christians. The general reader will find the 140 pages of widely spaced text very accessible, whilst the academic reader can delve into 120 pages of notes and bibliography, taking into account scholarship published since 2009. In approach, the book is traditional, in that it seeks to establish what had really happened on the basis of the available sources. The book can be read as an introduction to the reign of Julian, broaching most of the relevant themes, and as a showcase for historical method, teasing out the most plausible version of events from the sources. Scholars will be mostly interested in TEITLER's analysis of the martyr stories, which had received little attention at the time of the publication of the Dutch original (but note D. A. KAKLAMANOS, Μάρτυρες καὶ ομολογητές της εποχής του Ιουλιανού. Thessalonike 2007, not used in either edition by TEITLER).

In the meantime, more scholarship has been published, including a monograph by S. TROVATO, *Antieroe dai molti volti: Giuliano l'Apostata nell Medioevo Bizantino*. Udine 2014; and a string of articles by A. BUSINE, the latest of which is: Basil and Basilissa at Ancyra: local legends, hagiography, and cult. *GRBS* 59 (2019), 262–286. Whilst TROVATO is interested in tracing the development of the image of Julian in Byzantine sources and BUSINE seeks to establish the origin of the martyr stories, TEITLER mostly assesses their historical value. Part of a wider scholarly trend, the book has, however, three weaknesses. To start with, it misses the mark. Scholars who describe Julian as a persecutor rarely argue that he gave explicit orders for killing Christians. Indeed, so much was already clear to the earliest Christian authors writing on Julian. Rather, the question is if his reign

created the atmosphere in which local attacks on Christians were possible and if Julian did enough to discourage such actions. With his school law and his numerous public utterances against Christians, including an entire treatise *Against the Galilaean*s, Julian demonstrated clearly enough his low esteem for Christianity. In fact, we should compare Julian's reign to earlier periods: before the middle of the third century, the persecution of Christians was driven by local dynamics within a wider context of depreciation for Christians by society and state. Whilst TEITLER is aware of this wider context, he mostly argues against the image of Julian as a 'real persecutor' and rarely addresses the wider questions just outlined. In that way, it contributes little to the wider debates about Julian's intentions and religious policies.

Secondly, when using the descriptor 'persecutor', we should be aware that it is not an objective term: persecution indicates the morally illegitimate use of force towards a faith. To know what counts as morally illegitimate one needs to grasp the moral framework against which the action is being measured. Moral judgement is, moreover, dependent on how one interprets actions and this may depend on one's point of view. To put it simply: the emperor Decius would not have thought of himself as a persecutor, whilst he clearly is from a Christian perspective. Thus, it does not suffice to notice that Julian did not directly order Christians to be killed. One needs to reflect on how Julian's actions compare to what was deemed proper behaviour for an emperor in this period. In addition, judgement must be differentiated in function of the group: there can be little doubt that for Christians Julian was a persecutor, whilst for non-Christians he may have simply been redressing the Empire. Further, it would be good to reflect also on how past experiences conditioned the way Christians experienced Julian. A good starting point for these questions is now available in E. FOURNIER and W. MAYER (eds.), *Heirs of Roman persecution: studies on a Christian and para-Christian discourse in late antiquity*. New York 2019. In absence of such wider discussions, any judgement on whether Julian was a persecutor or not risks being not much more than an expression of one's personal like or dislike of Julian.

Thirdly, because of Teitler's focus on traditional historical criticism, the reader gets little or no sense of how Christian accounts were shaped, what needs they responded to, their audiences, and further literary features. This would have given the reader a better sense of how such accounts function – elaboration is, for example, a common feature of ancient historiography at large, and of hagiography in particular. Why such interpretations of Julian arose is rarely asked, and scholarship is usually content to assume that Christians had reasons enough to dislike Julian. Yet, Christian sources offer us different images of Julian and closer attention to their genesis and function could fruitfully feed into assess-

ments of historical reliability. In sum, whilst the book has the unquestionable merit of drawing attention to an often neglected body of evidence and of dissecting it in a careful and engaging way, its central question (was Julian a persecutor?) is theoretically underdeveloped and its answer thus remains unsatisfactory.

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Spyros TROIANOS, *Die Quellen des Byzantinischen Rechts*, übersetzt von Dieter SIMON und Silvia NEYE. Berlin/Boston, De Gruyter 2017. XIX, 471 S. ISBN 978-3-11-053124-4; e-ISBN (pdf) 978-3-11-053169-5; e-ISBN (epub) 978-3-11-053126-8.

Nel più ampio alveo degli studi storico-giuridici, il diritto bizantino e le sue fonti hanno sempre rappresentato, nonostante la presenza di illustri cultori e di rinomati centri di studio in numerosi Paesi, una disciplina di nicchia che non ha mai perso un certo carattere di esoterismo. Ogni iniziativa volta ad agevolare lo studio e a implementare la diffusione della conoscenza di questo grande erede del diritto romano va pertanto salutata con grande favore. Dopo le grandi opere ottocentesche di ZACHARIAE VON LINGENTHAL e di MORTREUIL, i manuali e le trattazioni contenenti un'esposizione sistematica e coerente delle fonti del diritto bizantino si contano sulle dita di una mano. Tra queste, il ben noto contributo di P. PIELER sulla *Byzantinische Rechtsliteratur*⁸ e l'altrettanto nota *Historiae iuris graeco-romani delineatio: Les sources du droit byzantin de 300 à 1453* di N. VAN DER WAAL e J. LOKIN.⁹

Uno dei più esperti conoscitori attuali del diritto bizantino, Spyros TROIANOS, ha finalmente dato alle stampe, nel 1986, un nuovo manuale destinato alla didattica e dedicato in particolare alle fonti del diritto bizantino (*Οι πηγές του βυζαντινού δικαίου*), manuale che si è subito affermato come un punto di riferimento imprescindibile per lo studio della materia e che è giunto nel 2011 alla sua terza edizione. L'esigenza di un nuovo manuale – come avvertiva il suo autore nella Premessa del 1986 – era divenuta impellente soprattutto dopo la pubblicazione degli importanti risultati degli studi condotti dal Gruppo dedito al progetto di ricerca *Edition und Bearbeitung byzantinischer Rechtsquellen*, creato

⁸ Pubblicato all'interno del secondo volume dell'opera curata da H. HUNGER, *Die hochsprachliche profane Literatur der Byzantiner*. München 1978.

⁹ Groningen 1985, ma la versione originale olandese (rimasta inedita) risale già al 1980.