



*Nel ricordo di Gianni Macchiavelli*  
6 febbraio 1948 - 27 settembre 2014

Ἐν ἀπάσῃ γὰρ κοινωνίᾳ δοκεῖ τι  
δίκαιον εἶναι, καὶ φιλία δέ.

ARISTOTELE



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## INDICE DEL VOLUME

MARIA GORETTI CASTELLO

A proposito delle diocesi episcopali nel IV secolo d. C.

Riflessioni a margine di *CTh.* 16, 2, 23 . . . . . pag. 9

SETTIMIO DI SALVO

Legati di usufrutto e di diritti affini in favore del coniuge superstite » 33

STEFANO COSTA

*Per luxum.* Osservazioni e congetture sul riuso di un «nesso insolito» oltre l'antichità classica . . . . . » 43

DONATO DE GIANNI

Prisciano (*perieg.* 581) *auctor* di Eugenio di Toledo (*carm.* 59, 1) . . » 77

VERONICA FORLANI

Donazioni di patrimonio e *in iure cessio hereditatis*: un difficile, non rivelato rapporto? . . . . . » 91

SALVATORE COSTANZA

La vestizione di S. Pietro (Nonno, *Parafrasi* 21, 37-48): paralleli nelle *Dionisiache* e significati simbolici . . . . . » 119

ANTONELLO CALORE

L'imperatore Costantino e la legge . . . . . » 141

TERESA PISCITELLI

La croce negli scritti cristiani dei primi due secoli . . . . . » 165

ANTONELLA PRENNER

L'eredità di Stilicone: l'esordio del II libro dell'*In Rufinum* di Claudiano . . . . . » 193

STEFANIA PIETRINI

Situazione della giustizia e diritto nella Gallia romana della seconda metà del V secolo. La testimonianza di Sidonio Apollinare. Alcune osservazioni . . . . . » 205

OLIVIERO DILIBERTO

La Legge delle XII Tavole nel Basso Impero . . . . . » 235

ASSUNTA IOVINE

Sul μέτρον ἐπιστολικόν di Gregorio di Nazianzo . . . . . » 249

TOMMASO SIMONE	
<i>Phouliata e spikata</i> nella tradizione medica tarda . . . . .	» 265
ANTONIO PALMA	
Note in tema di cittadinanza romana e sovranità . . . . .	» 279
VITO LIMONE	
Ἐπίνοιαi origeniane del Figlio. A proposito dell'esegesi di <i>Gv</i> 1,4 . . . . .	» 305
GIUSEPPINA MATINO	
Letteratura e diritto: la retorica, la legge, l'Impero . . . . .	» 325
LEA NICCOLAI	
Fare satira a Babilonia. Contributi alla contestualizzazione storico-letteraria dell' <i>Epistola di Geremia</i> . . . . .	» 349
RENZO LAMBERTINI	
Teofilo, le api e i favi del miele: spunti esegetici in tema di occupazione venatoria . . . . .	» 371
FABIO ACERBI - PETER RIEDLBERGER	
Uno scolio tardo-antico sulla rimozione di rapporti, fonte dello Pseudo-Domnino . . . . .	» 395
NOTE E DISCUSSIONI	
OLIVIERO DILIBERTO, «G. Z.» In ricordo di Luigi Amirante, vent'anni dopo . . . . .	» 429
ORAZIO LICANDRO, Tra pensiero giuridico e legislazione imperiale . . . . .	» 440
LUIGI TARTAGLIA, Sulla legislazione imperiale relativa al manicheismo . . . . .	» 451
GIULIO MASSIMILLA, Un insigne omaggio a Pierre Chuvin . . . . .	» 455
MARIA CARMEN DE VITA, Giamblico, <i>Risposta a Porfirio</i> . . . . .	» 460
LIDIA PALUMBO, Un neoplatonico 'minore': Domnino di Larissa . . . . .	» 468
UGO CRISCUOLO, Sull'ermetismo 'cristiano' tardoantico . . . . .	» 476
Nono Premio Romanistico Internazionale Gérard Boulvert . . . . .	» 486
Rassegna bibliografica	
a cura di EMILIO GERMINO . . . . .	» 491



MARIA GORETTI CASTELLO

A proposito delle diocesi episcopali nel IV secolo d. C.  
Riflessioni a margine di *CTh.* 16, 2, 23 \*

ABSTRACT

This paper aims to examine the evolution of the administrative organization of the Western Church through an analysis of the ecclesiastical and legal sources dating to the IV<sup>th</sup> and the V<sup>th</sup> century. In detail the use of the word *diocesis* as it appears in some Western sources, such as C. Th. XVI.2.23 or some pontifical letters, proves how the ecclesiastical organization was different in the two *partes imperii*. Such discrepancy is linked to the different historical and political evolution of these two regions in Late Antiquity. So, again it is demonstrated that the evolution of the early Church, even in the administrative field, is strictly influenced by the political and historical dynamics.

SETTIMIO DI SALVO

Legati di usufrutto e di diritti affini  
in favore del coniuge superstite

ABSTRACT

Although different and recent opinions, the genesis of the legacy of usufruct is connected to the needs of the testator's survived wife. It remains, however, an institution connected to a testamentary disposition until the compilation of Justinian. Nevertheless, the *Novellae constitutiones* recognize a position of the wife in the intestate succession now with a share of property, then with a share of usufruct. According to some provisions, some of them are also identified with reserve shares. The post-Roman events consider the consort succession based on the usufruct in different ways; and its overcoming causes critical situations.

STEFANO COSTA

*Per luxum.*

Osservazioni e congetture sul riuso  
di un «nesso insolito» oltre l'antichità classica \*

ABSTRACT

The juxtaposition *per luxum* has been considered “unusual” because between I century B.C and II century A.D. it recurs only in few authors (Seneca, Livy, Tacitus, Gellius), probably all influenced by Sall. *Iug.* 2,4; in Late Antiquity (IV-V century) we find another series of remarkable recurrences of *per luxum* in several authors that could have acquired it from Sallust (Aurelius Victor, Sulpicius Severus, Jerome, Hilary of Poitiers, Vegetius) or may have influenced one another (Paulinus of Nola, Arnobius minor). These recurrences, however, are above all remarkable because the survival of *per luxum* in medieval Latin is almost exclusively linked to quotations of these authors of Late Antiquity (in particular Jerome and Hilary). *Per luxum* remains “unusual” until Humanism, when authors (including Erasmus) uses it frequently and on their own initiative, paradoxically recovering the original linguistic significance that the juxtaposition had lost just after Sallust.

DONATO DE GIANNI

Prisciano (*perieg.* 581)  
*auctor* di Eugenio di Toledo (*carm.* 59, 1)

ABSTRACT

In the *carm.* 59 (ed. P. F. Alberto 2005 [= F. Vollmer 1905]), that concerns the jet stone, Eugenius of Toledo draws for his subject on Isidore of Seville (*orig.* 16, 4, 3), which almost entirely inspires the section of the scientific-topic poems. Nevertheless, on the stylistic plane the second *hemiepes* 1 seems to be a revival of Prisc. *perieg.* 581, a verse that was inserted in a mineralogical digression added by the Latin grammarian to his translation of the poem of Dionysius Periegetes. Such an *imitatio* widens the number of *fontes* used by the early Middle Ages poet and confirms the plurality of his interests and readings.

VERONICA FORLANI

Donazioni di patrimonio e *in iure cessio hereditatis*:  
un difficile, non rivelato rapporto?

ABSTRACT

In Roman juridical experience the *donatio universitatis* becomes legal as a result of the Justinian's law 530 A. D. (CJ. 8, 53 (54), 35, 4 e CJ. 8, 53 (54), 35, 5b). This innovation comes after a long period of strong opposition: first *Papinianus* (FV. 263), then *Dio-cletianus* (Cons. 6, 10-11) and *Constantinus* (Cons. 6,3 = FV. 287 and FV. 249, 5-6), openly deny validity to any kind of property donation. In this prohibition is believed to find the sign of a specific trend: Roman people were attempting to cross over the old rules about donations, allowing in a single way the transfer of a whole property or a part of it. Moreover this was just the effect in case of an *in iure cessio* of an accepted *hereditas*. It is assumed that also such attempts to achieve property donations could need an *in iure cessio*. From this point of view is analysed D. 32, 37, 3, and the problems of its *interpolatio*: in the proposed view, the case presented by *Scaevola* might look like an *in iure cessio universitatis donationis causa*.

SALVATORE COSTANZA

La vestizione di S. Pietro (Nonno, *Parafrasi* 21, 37-48):  
paralleli nelle *Dionisiache* e significati simbolici

ABSTRACT

In his *Paraphrase* of the Gospel of St John 21, Nonnos of Panopolis writes the marvelous fish again, and gives a particular prominence to St Peter putting his clothes back on, because he was stripped for work, as he was impatient to meet Jesus on the shores of Lake Galilee. The *Dionysiaca* depict various water scenes depending on contemporary theatrical medium of mime, where undressed heroes, males as well as females, show their exposed thighs. We must put in comparison the accounts relating to naked nymphs and soldiers of Bacchic army, such as Ampelus or Hymenaeus, with *Paraphrase's* plot. In particular, the poet uses the same hexameter clausulae for St Peter's clothing (21, 41-42) and for Pallene's thigh before her fight with Dionysus (48, 118-120). If we analyze such passages of both Christian and 'pagan' epics, Nonnos focus on peculiar meanings associated with the missionary activities of the Apostles under the direction of Peter. Thus, the ecclesiological reading of the scene is prevailing: the disciples conquering the souls of men exactly correspond to Dionysus' lovers engaged to enlarge his ritual and cultic sphere through the Indian War.

ANTONELLO CALORE

## L'imperatore Costantino e la legge

### ABSTRACT

The study focuses on 'law' as guarantee of the social life, that, according to the age taken into account, finds its own legitimacy in different authorities (human, divine, natural, rational, constitutional, etc.). The intertwining between the 'force' of the political power and the effectiveness of the rules – as well as it is fulfilled in the Nation-State system, in which law is the producer of juridical rules par excellence – is now in crisis. Furthermore it is pressed by the globalization, that calls into question the foundation of the system itself: the sovereignty of the State. In the present system of the sources of the law, the national law has to compete every day with the supranational rules of the European Community and with the international treaties not being sufficient to complete the juridical phenomenon by itself anymore. The main theme is the historicity of the juridical fact, with its non-definitive perspective of the conceptual mould, which, in particular, refuses an absolute concept of law. The point is to show how law, also within other juridical experiences such as the ancient Roman law, had been modified becoming the only way to make juridical rules, while before it was just 'one' of the possible ways. The purpose is not so much the comparison with the present juridical position, too remote from the Roman one, but rather the awareness of the relativism of the ordering models which, if studied in connection with the social complex, that is their own experience, may be useful to understand the juridical phenomenon. The main sources are: Gai. 1, 2-7; CTh. 1, 2, 2; CTh. 11, 39, 1; CTh. 16, 8, 3; D. 1, 2, 2, 12; D. 1, 4, 1pr.-1; CJ. 1, 14, 1; CJ. 1, 14, 3.

TERESA PISCITELLI

## La croce negli scritti cristiani dei primi due secoli

### ABSTRACT

This article analyzes the different interpretations of the cross, from a typical sign of Christian faith to a symbol of salvation, in the New Testament and the Apocryphal texts as well as in exegetical works of the 2<sup>nd</sup> cent. A.D.. In particular, this study underlines the typological interpretations of the cross carried out in the texts by Justin, Tertullian, Cyprian and Irenaeus, in which relevant christological significances are well developed. In the analysis of the historical relationships between the Old and the New Testament there are many theological correspondences in which the cross emerges as symbol of power and action of salvation. The interplay of interpretations intends to give authority to the New Testament through a reference to the Old Testament. Another aspect of this study is focused on the analysis of the Easter Homelies, from which a double nucleus of interpretations emerges: the typological sign of lamb's blood as a symbol of salvation (Melito of Sardis) and the cross like tree of salvation and cosmic tree (in particular in Pseudo-Hippolytus' works). Both the sacrificial and the salvific dimensions are well attested also in Irenaeus' texts, in which the Author goes beyond the gnostic dualism and sees in the cross the fulfillment of the universal salvation carried out by Christ.



ANTONELLA PRENNER

L'eredità di Stilicone:  
l'esordio del II libro dell'*In Rufinum* di Claudiano

ABSTRACT

The second book of *In Rufinum* Claudian begins with the announcement of the death of the Emperor Theodosius and with traditional celebratory images, but Stilicho immediately assumes the role of protagonist and the poet represents his power in imperial politics through a lexicon *ad hoc*.

STEFANIA PIETRINI

Situazione della giustizia e diritto  
nella Gallia romana della seconda metà del V secolo.  
La testimonianza di Sidonio Apollinare.  
Alcune osservazioni

ABSTRACT

The correspondence of Sidonius Apollinaris proves to be a valuable source of information for some of the legal aspects of Roman Gaul in the second half of the fifth century. *Ep.* 8, 6 informs us, for example, a certain ignorance of imperial legislation in force, both by the courts, as *advocati*. From *Ep.* 4, 25, we learn, moreover, that the metropolitan bishops did not follow the imperial constitutions, relating to episcopal ordinations and status of clerics. Sidonius mentions, among other things, the fall of the law of Rome, as the barbarians occupying the western territories. If in *Ep.* 4, 17, 2, he writes that the Latin *iura* have now fallen at the borders of the empire, elsewhere he makes note, the intelligent cooptation by the barbarian kings of roman jurist in their *consilium*. The letters of Sidonius offer also some interesting information about various topics of criminal and private law (penalty of *parricidium*, *interrogatio legibus*, *iniuria*, the concept of *propietas*, etc.).

OLIVIERO DILIBERTO

## La Legge delle XII Tavole nel Basso Impero

### ABSTRACT

In the West, between the fourth and fifth centuries AD, the memory of the Twelve Tables (through explicit citations) is certainly widespread in intellectual circles far wider than those strictly jurisprudential. At the latter, the prove is evidenced by the constant citation of the ancient decemviral texts in almost all later works of vulgarization in classical jurisprudence. But the decemviral 'code' is well known to grammarians, scholars of Latin, commentators of earlier classical works. However, we also find traces of a not common knowledge of the decemviral Law in many authors of ecclesiastical extraction, as well as in relation to the characters belonging to the imperial administration (Auson., *Griph.* 2, 61-62; Prud., *contra Symm.* 2, 463-466). The teaching of the Twelve Tables is attested in Sidonius Apollinaris (*carm.* 23, 446-449) by a lawyer named Leo, in Gaul in the fifth century. From an inscription belonging to the beginning of the same century (Dessau *ILS.* 8987), we learn that Valerius Dalmatius, *rector provinciae tertiae Lugdunensis*, was described as an expert on the Law of the Twelve Tables (and the edict of the *praetor* and the imperial constitutions: that of the whole Roman law in its development through the centuries). Ultimately, the ancient Law was still considered useful for the formation of the ruling class. In the eastern part of the empire, the Twelve Tables are certainly attested in the *Theodosian Code* and in all parts of the *Corpus Juris*. However, Compilers widely used in the Digest the comment of Gaius to the Twelve Tables, placing the preface to it (*D.* 1,2,1) right at the beginning of the collection of the fragments of classical jurisprudence. It states with clarity that the *principium* is the *potissima pars* of all, that is the bulk of the law as a whole. It is, therefore, a choice by Compilers, programmatic, ideological. In addition, Compilers retain in the same *Digest* countless other mentions of the Law of the Twelve Tables: in some cases, depending on "strengthening it" the principles of existing law, in the sense that being the oldest dating back to the era of the right of Rome makes them even more intangible, eternal; in other cases, the quote of the Twelve Tables is a historical turning point in the sense that it points out the changes in the ancient Law by the works of classical jurisprudence or the later laws, or by the *praetor*. Ultimately, in Justinian, the idea that the use of the past is not an end in itself prevails, but instrumental to the understanding and affirmation of the present.

ASSUNTA IOVINE

Σὺλ μέτρον ἐπιστολικόν δι Gregorio di Nazianzo

ABSTRACT

The article provides a commentary to the short *ep.* 54, written by Gregory of Nazianzus to Nicobulo; this letter is part of a small series of programmatic letters (*epp.* 51-54 Galloway), which are one of the few sources we have on the ancient epistolary theory. The concept of λακωνίζειν, which is central in the letter, is put in connection with the epistolary precept of the συντομία, stated by the same Gregory in *ep.* 51 Galloway. The comparison between Homer and Antimachus which Gregory establishes and the relationship between Gregory's judgment on Antimachus and Callimachus' criticisms toward the *Lyde* are investigated in the wider context of the evidences concerning the poet from Colophon.

TOMMASO SIMONE

*Phouliata e spikata* nella tradizione medica tarda

ABSTRACT

Basing on information extracted from the books of Galen, Oribasius and Aetius, the work analyzes the composition and the properties of two preparations, called *phouliata* and *spikata*, used in Rome as cosmetic cares, as well as therapeutic treatments. This study shows different formulas, which list not only their procedures of synthesis, but also specify the doses of the substances which compose them. In the appendix, the analysis also focuses on the features of *Salkà* oil, an essence only mentioned by Aetius of Amida, who enumerates the components of it, adding information about the relative dosages and instructions for preparing.

ANTONIO PALMA

Note in tema di cittadinanza romana e sovranità

ABSTRACT

Starting from the legal - political category of «postsovranità» the Author explores the problematic concept of *status civitatis* both in the ancient world, in roman Republican and in Imperial age particularly, after the *Constitutio Antoniniana*, both in modern international law. Similar reflection reveals the need for a rethinking of the doctrine of personal *status*, what proof is, according to the Author, the fact that the doctrine of H.S. Maine, according to which the right of traditional societies would be based on the idea of the *status* contrary to contemporary society on *contractus*, appears to be outdated in the light of the crisis of individualism. Indeed in the modern post-industrial society is determining a return to the *status* from *contractus* reversing the formula of Maine.

VITO LIMONE

Ἐπίνοιαi origeniane del Figlio.  
A proposito dell'esegesi di *Gv* 1, 4

ABSTRACT

The *epínoia* 'light' is one of the most important and significant names which Origen refers to the divine Son. First of all, the attribution of the name 'light' to the Logos allows to think the relationship between the God-Father, on the one hand, and the Logos-Son, on the other hand, as a relationship between the light and the splendor, which comes from the light. Secondly, Origen's attribution of this *epínoia* to the Son is based on his exegesis of *Io.* 1,4, compared with some passages of *Gen.* 1 where Christ is interpreted as 'intelligible day'. However, this comparison between *Io.* 1,4 and *Gen.* 1,1ss is influenced by Philo and Clement of Alexandria. Then, Origen's exegesis of *Io.* 1,4 deeply hides two absolutely essential theological ideas: the polemical fight against the Greek gnosis – in particular Heracleon's exegesis of *Io.* 1,4 – and the platonic concept of the preexistence of souls.

GIUSEPPINA MATINO

Letteratura e diritto: la retorica, la legge, l'Impero \*

ABSTRACT

The role of Rhetoric in the post classical *paideia* is fundamental to understand the contemporary literature. It influences as well the literary juridical production and contributes, specifically as of Justinian's time, to convert laws into a creative literary product of a new social organization. In the Justinian's *Novellae* it is possible to detect the consolidation of a cultural evolution and of Greek-Roman society towards a State's organization, which has the emperor like God's representation as main pillar. The Byzantine politic ideology has its roots in the theocratic conception of power coming from the *Stoic and Neopythagoric philosophical systems*, the Platonic philosophy and the *Neoplatonism*, inserted into the Jewish and Christian conceptions.



LEA NICCOLAI

Fare satira a Babilonia.  
Contributi alla contestualizzazione storico-letteraria  
dell'*Epistola di Geremia*

ABSTRACT

The purpose of this research is to contribute to the historical and literary contextualisation of the pseudo-epigraphic *Epistle of Jeremiah*, in order to demonstrate the autonomy of its perspective from models. The starting point of this paper will be to re-examine the possibility of reconstructing a lost semitic *Vorlage* through the redefinition of C. J. Ball's linguistic arguments. This reconstruction, together with a survey of the cultic testimonies present in the text, allows the *Epistle* to be recognised as a response to the danger of apostasy in the context of the Hellenistic restoration of Neo-Babylonian cults. Placing the *Epistle* in its context also demonstrates its 'receptive' character. Even if on the one hand the text shows an overall dependence on *Deuteronomy's* main themes, on the other, the comparison with *Epistle's* components which are closer to contemporary literary tendencies (pseudepigraphy, angelology, numerology), reveals the peculiar balance of the past and the present in a text which seems to have been influenced by a renewed approach to Biblical material ascribable to popular Judaic-Hellenistic apocalyptic trends.

RENZO LAMBERTINI

Teofilo, le api e i favi del miele:  
spunti esegetici in tema di occupazione venatoria

ABSTRACT

The present essay aims to bring to the attention of scholars an interesting passage of Theophilus' greek *Paraphrasis* (2, 1, 14) about *occupatio* of honeycombs. The author believes that perhaps it is possible to infer a special treatment for *occupatio* of honeycombs (at least for Justinianic age), especially in order to a general prohibition of entry into the property, that prevents the acquisition of honeycombs. This kind of prohibition is generally denied by the doctrine. In fact, according to the prevailing doctrine, the owner of the country-estate can only prevent the entry to the individual hunter from time to time and the transgressor would acquire anyway the game he has captured. Then the author considers a famous text of the Digest (41, 1, 55 of Proculus) about the *occupatio* of a boar caught with a trap (*laqueus*) and compares some aspects of this discipline with the previous one (of course according to the interpretation here suggested).

FABIO ACERBI - PETER RIEDLBERGER

Uno scolio tardo-antico sulla rimozione di rapporti,  
fonte dello Pseudo-Domnino

ABSTRACT

This article includes the *editio princeps* of a scholium to Ptolemy's *Syntaxis* which is meant to explicate the operation of ratio removal, something we would conceptualize as division of fractions. The special interest of this scholium is due to the fact that it is the source of a small treatise called *How to remove a ratio from a ratio*. This treatise, ascribed to Dominus of Larissa, has been known for a long time. A close comparison of the scholium with the known treatise yields intriguing results.

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- \* per citazioni di articoli o contributi stampati in miscellanee o *mélanges*, o atti congressuali, procedere secondo il seguente esempio: G. Macchiavelli, «Caterina de Silvestro. Una donna tipografa nella Napoli del Cinquecento», in A. Garzya (a cura di, <oppure> ed.), *Per la storia della tipografia napoletana nei secoli XV-XVIII*, Napoli 2006, pp. 93-138.

- \* le citazioni in lingua latina di autori antichi o medioevali vanno in corsivo. Es.: *memoria minuitur, certe, nisi eam exerceas* (senza virgolette);

- \* eventuali citazioni letterali in latino di apporti critici moderni vanno in tondo e fra virgolette a caporale (la stessa norma vale per le citazioni letterali in lingua diversa da quella dell'autore del contributo). Es.: Come chiarisce efficacemente Wilamowitz «der hellenische Cult scheute sich nicht. . . . .»;

- \* le citazioni in greco di autori greci vanno in tondo, senza virgolette;

\* le citazioni da autori moderni, quando riprese alla lettera, vanno riportate fra virgolette a caporale. Es.: «Quel ramo del lago di Como che volge a mezzogiorno». Nel caso di citazioni dirette, interne a citazioni fra virgolette a caporale, usare le virgolette alte. Es.: Come scrive Garin: «Nel *Libro dei martiri* John Foxe proclama “l’eccellenza di quest’arte della tipografia... così felicemente scoperta” e l’accento è del tutto religioso».

\* le citazioni lunghe (più di 2 righe) vanno riportate andando a capo e trascritte in corpo minore rientrato a sinistra, senza virgolette;

\* vanno segnalati fra apici semplici quei termini a cui s’intende dare un particolare valore allusivo. Es.: la ‘verità’;

\* le parole straniere al contesto linguistico dell’articolo, quando non citazioni dirette di autore, vanno scritte in corsivo. Es.: il *Nachleben*;

\* i nomi di autori antichi vanno citati nel corpo del discorso per intero e in lingua moderna, seguiti dal titolo dell’opera in corsivo, possibilmente abbreviato in modo comprensibile (non utilizzare le abbreviazioni in uso nei lessici moderni di riferimento; per es. non scrivere Pl. *Phdr.* 246a, ma: Plat., *Phaedr.* 246a), con l’aggiunta delle altre indicazioni interne all’opera, in numeri arabi intermezzati da virgole (Es.: come leggiamo in Virgilio, *Eneide* 2, 200; *CTh.* 9, 3, 1; *CJ.* 9, 4, 1); per i richiami in nota è preferibile l’abbreviazione latina del nome, titolo dell’opera in latino per abbreviazione, e le altre indicazioni interne (Es.: Cfr. Verg., *Aen.* 2, 200; Hom., *Il.* 17, 408-409; Cic., *sen.* 23);

\* nel caso di autori di un’unica opera bastano i richiami interni. Es.: Lucrezio 2, 104-108 o, se in nota, *Lucr.* 2, 104-108.

\* Titoli di lessici, repertori, enciclopedie, e così via, vanno indicati per esteso, o, quando di alta diffusione, per abbreviazione comprensibile e sempre in corsivo, seguendo i criteri adoperati per gli articoli da rivista. Es.: Nome dell’autore per lettera iniziale puntata, cognome per intero, titolo della voce fra virgolette a caporale (si proceda nello stesso modo che nelle citazioni da rivista scientifica), e poi, in *Enciclopedia Italiana* XXIII (1930), pp. (o col. = colonna; coll.= colonne);

\* la numerazione dei volumi di un’opera in più volumi va in cifre romane;

\* alcune delle abbreviazioni più comuni: p. (pagina); pp. (pagine); s. (seguente); ss. (seguenti); ns (nuova serie); *op. cit.* (opera citata); *art. cit.* (articolo citato); cfr. (confronta); vd. (si veda); *infra* (vedi sotto); *supra* (vedi sopra); *s.v.* (*sub voce*); n. (numero); nn. (numeri); nota (per intero, es.: cfr. [vd.] *infra*, p. 48, nota 32).





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