

these core texts, each of the *Epitome aucta* also contains diverse other excerpts from the *Code* incorporated into their main texts.

As scholars have long observed, these interpolations must have begun as excerpts from the complete *Code* which were added into the margins or appendices of manuscripts of the *Epitome Codicis*⁵⁷. When these supplemented manuscripts were recopied, some of the additions were integrated into the main text, thus resulting in the diversely augmented *Epitome aucta*. Nearly all of the surviving *Epitome aucta* also contain further excerpts from the complete *Code* in their margins and in appendices. Eventually, some of these manuscripts – similar to Bc and Aa – came to closely approximate the complete contents of the *Code*. One such example is Pesaro, Biblioteca Comunale Oliveriana, 26, which was compiled near the beginning of the twelfth century⁵⁸. Despite its currently damaged form, its main text, appendix, and marginal additions once contained basically every Latin constitution present in the full *Code*⁵⁹. Why did owners of *Epitome aucta* choose to add the missing texts into the margins or appendices of their manuscripts rather than make new copies based on the ancient and complete *Code*? The reason – as with Aa, Bc, Fd, and Vx – was surely time and cost. As Federico Patetta explained in 1895, „there would have been no small difference in expense for those who owned the *Epitome Codicis* between procuring a new copy of the entire *Code* instead of supplementing their own copies“⁶⁰.

One might expect that the explosion of legal learning in Bologna and elsewhere during the twelfth century would have resulted in law professors casting away their *Epitome aucta* in favor of the more accurate and consistent text available in ancient copies of the *Code*. For

(as n. 11) p. 142. The most detailed assessment of what the original *Epitome Codicis* might have looked like can be found in: MOR, *Epitome codicis* (as n. 53).

57) KRÜGER, *Codex* (as n. 11) p. i–xlili; CONRAT, *Geschichte* (as n. 11) p. 354–359.

58) Carmen TORT-MARTORELL, En torno a Pesaro 26, un manuscrito epitomado del *Codex Iustinianus*, in: *Iuris Historia: Liber amicorum Gero Dolezalek*, ed. Vincenzo COLLI / Emanuele CONTE (Robbins Collection Studies in Comparative Legal History, 2008) p. 37–60. The manuscript was identified and described in Federico PATETTA, Di un nuovo manoscritto del Codice epitomato, in: *Bullettino dell'Istituto di Diritto Romano* 7 (1895) p. 203–24.

59) TORT-MARTORELL, En torno (as n. 58) p. 39. Interestingly, the main text, appendix, and marginal additions all appear to have been written by a single individual; RADDING / CIARALLI, *Corpus* (as n. 11) p. 152–53.

60) PATETTA, Di un nuovo manoscritto (as n. 58) p. 220, as cited in RADDING / CIARALLI, *Corpus* (as n. 11) p. 163.