
In the year 438 the Senate of Rome convened to be presented with the copy of the Theodosian Code which the eastern emperor Theodosius had given to the western praetorian prefect Faustus. Of this session a recording has been saved, the only recording of a senate meeting we have, in a 12th century manuscript, presently in the Biblioteca Ambrosiana. In the ms. it is accompanied by a constitution on the making of copies of the Code and N.Theod. 1. After that follows a copy of the *Lex Romana Visigothorum*, also called the *Breviarium Alaricianum* (hereafter BA). It is this text, the *Gesta Senatus* (GS), and the texts accompanying it which form the centre of Atzeri’s study. First she treats of the manuscript tradition and critical editions of the GS (Chapter 1, p. 21–78), next of the form and structure of the GS (Chapter 2, p. 79–118), then of the actual session of the Senate in 438 (Chapter 3, p. 119–170), after which she enters upon the question, what precisely was accomplished in this session (Chapter 4, p. 171–212). The GS deal also with the diffusion of the Code, as does the *constitutio de constitutionariis*, which follows the GS in the ms., and this question of diffusion is the subject of Chapter 5 (p. 213–286). The said constitution is also subject of an examination, in Chapter 6 (p. 287–314). Conclusions, the text of the GS, a bibliography and several indices close the book.

Chapter 1 begins with a description of the discovery of the ms. Codex Ambrosianus C 29 by Clossius in 1820 and the subsequent critical editions (Clossius’ own edition was already from the start considered deficient), ending with Mommsen’s (1905) and Krüger’s (1922) editions. Atzeri then proceeds with an exhaustive description and analysis of the ms. This is far from unnecessary. Apart from the fact that in view of the several previous editions a critical recapitulation is desirable, palaeological and codicological research have meanwhile made progress. The ms. comprises I. a Cicero ms., II. Justinian’s Institutes, III. the GS, the *constitutio de constitutionariis*, the *Index titulorum* of the BA, N.Theod. 1 and the first and second book of the BA, of which the second stops at BA 2,4,6 = CTh 2,4,6. Part IV is the *Rhythmus in assumptione Mariae virginis*, dated by a note at 1212. The ms. was written in the Centre or North of Italy or the Centre or South of France; its antigrafon probably too. The *Breviarium* has been expanded by insertions from the Theodosian Code: its *Index* with 9 titles in Book 1, and itself with 79 constitutions in Book 1. Thus the person who drew up the antigrafon of the late 12th or early 13th century copy, at a moment unknown to us, must have used a copy of the Theodosian Code. It seems that this copy contained many abbreviations, since the author apparently tried to expand them, often erroneously. But why halting at BA 2.4.6? Atzeri thinks it possible that certain indications point to a sudden interruption of the work. She refrains from further suggestions.

In Chapter 2 Atzeri first sets out the entire way of how the senate during the Republic and Empire arranged the recording of its meetings, and of how the recording was set up. She uses as example for this the *Gesta Conlationis Carthaginiensis*, the recording of the convention in 411 AD to settle the differences between the Catholic Church and the Donatists. It appears that its final text was carefully edited. On the basis of this she submits an hypothesis of how the recording of a senate meeting was set up, which she then checks against texts which provide some information on the structure of *gesta*, including ecclesiastical sources1. Returning after this to the GS, it appears that these are not complete but are rather a reduced version of the original official version.

1 To the legal parallels may perhaps be added: CJ 7,26,6; CTh 4,20,3 = CJ 7,71,6.

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Next Atzeri analyses in Chapter 3 the session of the senate as reported in the GS. The praetorian prefect Anicius Acilus Glabrio Faustus, who had received from Theodosius himself a copy of the Code, now offered this to the senate. *Urbius principis praeceptione directus* in GS 3 seems to indicate that Valentinian indeed had been present at the ceremony in Constantinople when the Code was presented and had himself ordered Faustus to carry the Code to the west, or that he would at least have confirmed such an order by Theodosius. The next question is, what effect may the senate’s meeting have had on this presentation of the Code? For that Atzeri first discusses the date of the *editio* of the GS. This *editio* will here have referred to the moment the final version was approved: ‘... *edidi sub d(ie) VIII k. Ian.*’, as Mommsen has. The ms. has, on the contrary, ‘... *edidi subd. VIII k. ianuarii*’. This date, 25 December (438), raises the question why Faustus, who will have returned from Constantinople in the spring of that year, waited so long with the fulfilment of such an important mission, and why the presentation of the code would have been made so shortly before it became authoritative in the east (by 1 January 439) with the necessity of producing many copies in the meantime. Atzeri makes a suggestion which solves this enigma. She submits that the original abbreviation IUN was erroneously read as IAN and in this sense expanded when the GS were copied. In that case the *editio* would have taken place on 25 May 438 and the meeting of the senate shortly before (p. 132). It is an excellent solution.

After dealing with the place of the meeting and the persons attending it, Atzeri comes to the next problem. Faustus says that ‘*has ipsas leges, quibus hoc [scil. the Code] idem fieri iussent [scil. the emperors]*’, that is: their *consultissima praecepta*, will be read (p. 142–143). But the GS only mention CTh 1,1,5 as having been read, while we would expect in any case also CTh 1,1,6 and perhaps N.Theod. 1. It has been suggested that the ms. presents a lacuna here. But Atzeri puts forward the possibility that, in view of the other elements lacking (vide also the phrase *Quae lecta sunt ... gestic adhaerebunt*, which refers to the *praecepta*), all constitutions were read and recorded (p. 150–151) but that the original *Gesta* were shortened. Then, this text might have been a shortened copy used, for example, to be posted at the forum. It is a good suggestion, but it does not necessarily imply that also N.Theod. 1 was read: the plural suffices for CTh 1,1,5 and 6. This is not unimportant, because the stress in N.Theod. 1 is on the authorisation for forensic implementation of the Code.

Next Atzeri discusses the acclamations of the senate, a phenomenon which has amazed scholars. She cites other sources from which it appears to have been quite customary in many aspects of public life2, attested already under Augustus for the senate (p. 152 notes 119–120). Such shoutings were always well prepared and organised (p. 154). The continuous number of acclamations, which, if done so, would have been exhaustive (for more than an hour without interruptions!), she explains by the shortening the GS have undergone. Indeed, as she shows, the acclamations can be divided into groups with distinct subjects (p. 156–157), which seems to correspond to a precise scheme, of which then parts would have been left out, leaving the acclamations as if uninterruptedly performed (p. 161; on the ceremonial aspect, see below).

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2 To the literature adduced p. 152 note 118 the following addition. The similarity of the exclamation in Catullus 42 to the senate’s acclamations is striking: ‘moecha putida, redde codicillos / redde, putida moecha, codicillos’, which is an example of the *flagitatio* or *flagitium* (also *convicium*; a [quasi-]delict); perhaps we are dealing here with the positive and negative side of the same ritual of shouting or chanting in cadence and chorus. For *flagitatio* in Catullus see H. Scott, *‘Omnes unius aestimemus assis’: a note on liability for defamation in Catullus V*, The Roman Legal Tradition, 3 (2006), p. 95–110.