

J. F. Matthews: Laying Down the Law: A Study of the Theodosian Code. Pp. xvi + 314. New Haven and London: Yale University Press, 2001, Cased. £27.50. ISBN: 0-300-07900-1.

At the outset of Laying Down the Law, John Matthews states that his book will attempt to provide ‘an understanding of the nature of the [Theodosian] Code and how it was produced’, and that it will be ‘about the Code itself and not about the Roman Empire portrayed in its pages’ (vii). The nervous reader might anticipate dry exegesis of legalistic minutiae, particularly when M. goes on to express the concern that this will be his ‘least “popular” book’ (xi). Neither M. nor the nervous reader should be concerned. Laying Down the Law is quintessentially a Matthewsian book, sharing many of the virtues and much of the style of his Western Aristocracies and Imperial Court AD 364-425 (1975) and The Roman Empire of Ammianus (1989). Just as Western Aristocracies began with the deportment of the Roman elite in the 380s and Ammianus with Ephrem of Nisibis pouring scorn on Julian’s corpse in 363, so Laying Down the Law begins (ch. 1) with a vivid evocation of a moment in time: the visit to Constantinople in 437 of Rufius Antonius Agrypinus Volusianus and Anicius Acilius Glabrio Faustus, distinguished envoys from the Senate in Rome. Before they could return home in 438, Volusianus died, so it was left to Faustus to present to the Senate a copy of the Theodosian Code that he had received from the hands of the eastern emperor Theodosius II himself. M.’s exposition of this event takes in others. Volusianus and Faustus were not the only westerners at Theodosius’ court in 437-8: the western emperor Valentinian III was there too, for his marriage to Theodosius’ daughter Eudoxia. Soon afterwards, Theodosius’

empress Eudocia embarked on a pilgrimage to the Holy Land, thereby fulfilling a vow she had made before her daughter's wedding. By placing these diverse happenings side by side, M. argues that they are not 'proof only of the obvious fact that Constantinople was a great capital city in which all sorts of events took place'; rather '[t]hey are expressions of the complex cultural setting in which the Theodosian Code was conceived and implemented, and of the still more complex world that is reflected in its contents' (8-9). From the outset, then, M. makes his agenda plain: the Code is as much a document of cultural as legal history. Furthermore, and contrary to M.'s warning, the reader will find out much about the 'about the Roman Empire portrayed in [the Code's] pages' — although not in the terms of the way the Code is usually exploited, as source for late Roman administrative history. Instead, M. focuses on the manner of the Code's conception, compilation, and dissemination. Laying Down the Law is no dry as dust history of law, but a riveting illumination of the place of law and its codification in the culture of the late Empire.

M. seeks to explain why the work of codification (which originally envisioned a broader project than that represented by the Code on its own) should have taken place at all in the reign of Theodosius II. He suggests a variety of stimuli (e.g. interest in the unity of the Empire, a concern to preserve Latin as the language of law and administration, the presence of interested and qualified individuals in Constantinople) that, as with his analysis of the circumstances in which the Code was promulgated, emphasise how embedded the project was in fifth-century culture (19-30). Ch. 3 provides a thorough and illuminating analysis of the astonishing acclamations that greeted the Code's promulgation at Rome in 438. Such acclamations, which M. roots firmly in the discourse

of late antique urban life and politics, expressed a public desire to maintain the integrity of the Code's text. The manner in which laws were drafted, issued, and displayed is the focus of ch. 7. By drawing on a wide range of evidence (both from earlier periods, and from sources not usually exploited by Roman historians, such as Rabbinical commentaries), M. demonstrates the manner in which law was made and communicated. In particular, he highlights the shortcomings of the Code as a source for the form in which laws were actually delivered.

None of this means that M. shies away from the complexities usually associated with the study of Roman law; indeed, his analyses of law as a cultural phenomenon depend on detailed studies of several difficult cruxes. The first part of ch. 2 considers the distinctions between leges and ius, and the status of (e.g.) imperial judgements, decrees, and rescripts as law. Ch. 5 addresses the question of how we come to have a text of the Code at all. Here, and in his study of the Sirmondian constitutions (ch. 6), M. stresses the complex manuscript history of late Roman legislation. A related matter is the patent reality that the texts of laws contained in the Code were often heavily edited prior to their inclusion. Hence the work of the Code's editors looms large. M. emphasises the difficulties facing the editors (ch. 4). These are amply demonstrated by M.'s comparison of the texts of those Sirmondian constitutions that have parallels in the Code (ch. 6) and of four texts from the Code that are preserved in different (and more extensive) versions elsewhere (ch. 9). Such comparisons prompt suggestions about the methods used by the editors (ch. 8). M. stresses the difficulties they encountered in assembling the Code from a wide variety of documentary sources from diverse geographical provenances. In so

doing, M. suggests solutions for why the Code contains errors and inconsistencies even where the same law is cited in different places within it.

The book is admirably produced given the complexity of the presentation of parallel texts required by chs 6, 8, and 9. It might have been helpful, however, if there had been a list of the various tables in which M. summarizes several of his more involved arguments. Similarly, there is no forewarning that there are plates at 14-15 and 174-5. But these are minor quibbles with an outstanding volume. M. is an excellent guide to how the texts in the Code came to be there. Laying Down the Law will prove indispensable to anyone seeking to use the Code as a source, above all in its clear warnings that the texts of individual laws have undergone metamorphosis in the interval between their promulgation and their incorporation into the Code. Above all, by situating the Code so firmly in its cultural context, and by making it a manifestation of that culture, M. rescues the work from becoming the preserve of primarily legal historians, and emphasises the extent to which it can reveal by its very existence the attitudes and conduct of late Roman government generally.

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