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# THE *GESTA DE ABSOLUTIONE MISENI* OF 495 AS SYNODAL MINUTES A FORMAL ANALYSIS\*

## 1. Introduction

Among the documents included in both the *Collectio Avellana* and the *Collectio Berolinensis* there stands out one that is presented as the verbatim transcripts of a synod, the so-called *Gesta de absolutione Miseni*<sup>1</sup>. These are the minutes of a Roman synod of 495 that readmitted to communion the bishop Misenus of Cumae, after he had been excommunicated in 484. While earlier transcripts of church gatherings are known, this text appears to be the earliest extant example of transcripts from a Roman synod, which was presided over by the bishop of Rome himself<sup>2</sup>. In this paper I look at the *Gesta* as an example of synodal minutes: in other words, I wish to focus in the first place on the form rather than on content of this text, comparing it with other synodal acts, especially those of the Roman synods of 499, 501, and 502<sup>3</sup>. By doing so, I intend to test whether some of the structural and formal features of the *Gesta de absolutione Miseni* are peculiar to this text or more general and

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<sup>1</sup> For a discussion of the relation between the *Collectio Avellana* and the *Collectio Berolinensis* see recently Blaudeau 2018 b.

<sup>2</sup> A list of synodal transcripts can be found in Mari 2019, 42-43.

<sup>3</sup> *MGH* 12, pp. 399-455. By 'acts' I mean the collection of texts related to a church gathering, which most of the times included the minutes but also letters and other documents.

whether the minute-takers of the Roman See had a specific way to produce transcripts of this kind. Secondly, I shall focus on some issues that this text presents: the role of Misenus at the synod; the differences between the first and second reading of Misenus' first petition; the value of the transcripts as evidence for spoken Latin; the use of acclamations. This will also help us assess the value of the minutes as a historical document and will tell us something about the way in which a Roman synod was conducted.

## 2. *Historical Background*

The Roman synod of 495 took place in the context of the so-called Acacian schism between the eastern and western Christian churches<sup>4</sup>. After the eastern emperor Zeno deposed the Chalcedonian bishop John Talaia and exiled him from Alexandria in 482, Pope Felix III of Rome protested with letters to Zeno himself and to bishop Acacius of Constantinople: in particular, Felix asked Acacius to condemn miaphysitism and confirm his adherence to the Chalcedonian faith; in subsequent letters Felix asked him to come to Rome to answer the accusations of John Talaia. Felix's legates to Constantinople and the carriers of his letters were bishop Misenus of Cumae and bishop Vitalis of Truentum. As they arrived at Abydos in Hellespont in 483, they were intercepted by some men of Acacius and made to enter communion with Acacius himself and Peter Mongus, the non-Chalcedonian bishop who had replaced John Talaia at Alexandria and who was deemed a heretic by the Roman See. This was unacceptable for Felix: as Misenus and Vitalis returned to Italy in 484, they were both excommunicated by a Roman synod. This state of affairs lasted until 495, well after the death of both Felix and Vitalis. On 8 March of 495, Misenus addressed a petition to Pope Gelasius, bishop of Rome, asking for pardon. The petition was read out at a Roman synod of which we do not have the proceedings. Another synod was convened shortly after, whereby Misenus was finally readmitted to communion; of this synod we have the proceedings, which are known as *Gesta de absolutione Miseni*.

<sup>4</sup> For a discussion of the historical background of the Roman Synod of 495 see Blaudeau 2002.

### 3. *The Transmission of the Gesta de absolutione Miseni*

It will be helpful to say something more about the transmission of the *Gesta*. This text is currently available in two nineteenth-century editions: Thiel published it in his collection of papal letters as Gelasius' Letter 30, and Guenther published it as the document 103 of the *Collectio Avellana*<sup>5</sup>. Besides the *Collectio Avellana*, the *Gesta* are also preserved in the *Collectio Berolinensis*, which is transmitted in a ninth-century manuscript from Corbie: Berlin, Staatsbibliothek, Preuss. Kulturbesitz, Philipps 1776 (Rose 79). The *Collectio Avellana* and *Berolinensis* have a number of documents in common, and it has been argued that these derive from an earlier collection known as *Collectio X*<sup>6</sup>; this means that these two collections are equally authoritative when it comes to the textual constitution of the *Gesta*. Thiel and Guenther used both the *Avellana* and the *Berolinensis* for their edition of the *Gesta*. In what follows, I shall use the text produced by Guenther with modifications as seem fit; I shall refer to the page and line number of Guenther's edition of the *Collectio Avellana* (*Coll. Avell.*).

### 4. *The Structure of the Gesta de absolutione Miseni and Some Features of Synodal Minutes*

The *Gesta de absolutione Miseni* are a relatively short text, spanning some eleven pages in Thiel's edition and fourteen in Guenther's. The *Acta* of the later Roman synods are also quite short: that of 499 occupies seventeen pages (*MGH* 12, pp. 399-415), that of 501 twelve (*MGH* 12, pp. 426-437), that of 502 eighteen (*MGH* 12, pp. 438-455). That is very little if compared to the records of some major councils such as that of Chalcedon in 451, which lasted several days and whose records accordingly span hundreds of pages<sup>7</sup>; on the other hand, it is rather in keeping with the size of the records of minor councils.

<sup>5</sup> Thiel 1867-1868, 437-447 and Guenther 1895, 474-487, respectively. An English translation of the *Gesta* is in Neil - Allen 2014, 128-138; this is based on Thiel's text.

<sup>6</sup> On the *Collectio X* see Blaudeau 2018 b, 186-192, 195-196, and Moreau 2018, 53, 66, 68.

<sup>7</sup> The Acts of the Council of Chalcedon have been published by Schwartz 1933-1937.

The *Gesta* begin with an *inscriptio* indicating the object as well as the time and place of the synod (*Coll. Avell.* p. 474, 2-3): *Exemplar gestorum de absolutione Miseni Flavio Viatore v. c. cons. sub tertio Iduum Maiarum in basilica beati Petri* ('copy of the proceedings regarding the absolution of Misenus, during the consulship of the *vir clarissimus* Flavius Viator, on the third day before the Ides of May in the basilica of the blessed Peter'). We find something like this also in the Acts of the three later Roman synods. The indication of the time and place of the synod appears in all of them, while there are differences when it comes to the object: in the Acts of the synod of 499 different manuscripts have different titles (e.g. *incipiunt canones Summachi pape temporibus Teudori regis*, or *synodus in qua constitutum est ut vivo papa de episcopatu romano nullus loqui praesumat* etc.), and the same goes for the Acts of the synod of 501 (e.g. *quarta synodus habita Romae palmaris*, which was selected as the title by Mommsen; *incipit constitutio episcoporum*; *incipit synodus in qua papa Symmachus accusatus est et innocuus est reperi-tus*, etc.). Just as the *Gesta de absolutione Miseni*, the Acts of the synod of 502 begin with a title that, in some manuscripts and in Mommsen's edition, includes the word *exemplar* ('copy'): *Exemplar constituti facti a domno Symmacho papa de rebus ecclesiasticis conservandis*; this should indicate that the *Gesta* were copied into the *Collectio X* from the archival *editio*<sup>8</sup>.

There follows a list of attendees (*Residente synodo venerabili viro papa Gelasio una cum Bonifatio Maximino Epiphanio* etc.). The episcopal sees are not stated, just like in the Acts of Rome 502. The Acts of Rome 499 have a list of attendees which includes the episcopal sees, while the Acts of Rome 501 do not have a list of attendees altogether.

The most interesting part of synodal Acts are the (allegedly) verbatim records, for they give us an insight into the (allegedly) very words spoken at church gatherings. Here a 'narrative' framework, the protocol, accompanies the statements of the attendees. Verbatim records are contained in the Acts of Rome 495, 499, and 502, while the Acts of Rome 501 contain a narrative of the proceedings instead. The content of the records in the *Gesta de absolutione Miseni* is as follows: Pope Gelasius briefly introduces the case of

<sup>8</sup> See Internullo's article in this volume. *Exemplar* is also in the title of *Coll. Avell.* 89 and 90.

Misenus and orders to read out his first petition, which had been presented already at a previous meeting (§ 3); the deacon Anastasius reads out Misenus' first petition (§ § 4-7); Gelasius orders Misenus to come in, Misenus presents another petition, and Gelasius orders both petitions to be read out (§ 8); the deacon Anastasius reads out Misenus' first petition again (§ 9), then Misenus' second petition (§ § 10-12); Gelasius orders for both petitions to be included in the records and asks the assembly to express an opinion on the question, then the bishops make acclamations (§ 13); Gelasius gives a speech about the case of Misenus, readmitting him to communion, and the bishops make acclamations (§ § 14-30).

The *Gesta de absolutione Miseni* do not include a list of the signatories, which is otherwise present in the Acts of Rome 499, 501, and 502, and is a standard feature of synodal Acts. What is quite unique to the *Gesta*, on the other hand, is the notarial *subscriptio* at the end.

#### 4.1. Awareness of the Recording Procedure

Minute-taking at synods was of prime importance, and across the records of different synods several attendees show an awareness of the recording procedures. In the *Gesta*, Gelasius shows such awareness by requesting to include Misenus' petitions into the minutes: *libellum ... hunc eundem, si placet dilectioni vestrae, denuo recensendum, ut acta nostra contineant* (*Coll. Avell.* p. 475, 8-9); *petitorium gesta retinebunt* (*Coll. Avell.* p. 476, 16-17); *quae lecta sunt, transcribantur* (*Coll. Avell.* p. 478, 17). Gelasius makes five statements in the records and three of them include this request: this shows how much value he attached to the process of minute-taking. It was normally up to the chairman to ask for certain documents or statements to be inserted in the minutes. The same can be observed in the records of the Roman synod of 499, where Pope Symmachus asks for the bishops' acclamations to be recorded (*MGH* 12, p. 405, 19-20): *Symmachus ... dixit: «Adclamationes vestras synhodie iudicium praesentia gesta suscipient»*<sup>9</sup>.

<sup>9</sup> Instances of this are also found in other synodal records, as for example in the *Gesta collationis Chartaginensis* of 411 (*Gest. conl. Carth.* 1, 58): *Marcellinus vir clarissimus tribunus et notarius dixit: 'Has quoque subscriptiones cum mandato gesta suscipient.'* At Second Ephesus in 449 it was not the chairman who made such a request:

#### 4.2. Typical Features of the Protocol: The Use of the Formula *et adiecit*

Weidmann has observed that, in the *Gesta* of the *collatio Carthaginensis* of 411, the formula *et adiecit* ('and he added') is used to indicate when the chairman Marcellinus makes a short break during his statement and goes on to address a different group of people<sup>10</sup>. This notarial convention extends beyond the *Gesta collationis Carthaginensis* and seems to be common to the language of the protocols of conciliar records in general, for we observe it in the *Gesta de absolutione Miseni* as well as in other transcripts. The formula *et adiecit* breaks up three of Gelasius' statements: *Gelasius ... dixit: «Meminit ... possimus agnoscere»*. *et adiecit: «Miseni libellus denuo recitetur»* (*Coll. Avell.* p. 475, 4-11); *Quo lecto Gelasius episcopus dixit: «Petitorium gesta retinebunt» et adiecit: «ipse nunc Misenus adveniat et petitorium quod obtulit ipso praesente recitetur»* (*Coll. Avell.* p. 476, 16-18); *Gelasius episcopus dixit: «Quae lecta sunt, transcribantur» et adiecit: «quid videatur fraternitati vestrae statuendum, vestri quoque consilii participatione desideramus agnoscere»* (*Coll. Avell.* p. 478, 17-19). That Gelasius made a short break is obviously our conjecture, but it is clear that the part of the statement after *et adiecit* is addressed to someone else: in the first case, the first part of the statement is addressed to the bishops, while the part after *et adiecit* to the deacon Anastasius; in the second case, the first part is addressed to the minute-takers, the second to Misenus; in the third case, the first part is addressed to the minute-takers, the second to the bishops. We find this formula attributed to the bishop of Rome in the Acts of Rome 499 (*MGH* 12, p. 405, 19). In a couple of cases, it is not the chairman but the whole synod to add something: *MGH* 12, p. 405, 6 (Rome 499) and *MGH* 12, p. 446, 14 (Rome 502). In the transcripts of Greek-speaking synods, the function of *et adiecit* is carried out by the corresponding *καὶ προσέθηκεν* ('and he added')<sup>11</sup>.

(*ACO* 2, 1, p. 83, 22-23): Ἰουβενάλιος ἐπίσκοπος Ἱεροσολύμων εἶπεν. Ἀναγινωσκέσθω καὶ ἐμπερέσθω τῇ πίστει τῶν ὑπομνημάτων. We can find similar formulas in trial proceedings from Ravenna (see Internullo's article in this volume).

<sup>10</sup> Weidmann 2015, 93, citing *Gest. conl. Carth.* 1, 58, 3; 1, 98, 2-3; 1, 217, 14; 2, 12, 2-3; 2, 13, 2; 3, 6, 2-3; 3, 23, 2; 3, 36, 2; 3, 103, 3; 3, 132, 3; 3, 259, 2-3.

<sup>11</sup> *Acta Conciliorum Oecumenicorum* (= *ACO*) 2, 1 p. 157, 37; 165, 17; 167, 5. All of these are from some hearings that took place in Constantinople in 449; the speaker is Flavius Florentius, former prefect and chairman of that meeting.

4.3. The Notarial *subscriptio*

The *Gesta de absolutione Miseni* lack the list of signatories that was normally included in synodal minutes, but contain a notarial *subscriptio*<sup>12</sup>. This runs as follows:

*Coll. Avell.* p. 487, 7-9

*Sixtus notarius sanctae ecclesiae Romanae iussu domni mei beatissimi papae Gelasi ex scrinio edidi die tertio Id. Maii Flavio Viatore v. c. cons.*

‘I, Sixtus, notary of the holy church of Rome, on the order of my lord the most blessed Pope Gelasius, have published this from the archive on the third day before the ides of May, while the *vir clarissimus* Flavius Viator was consul.’<sup>13</sup>

Such a formula of publication is quite rare in synodal minutes<sup>14</sup>; it is unparalleled in the transcripts of the other Roman synods, but something of the like occurs in the *Gesta collationis Carthaginensis* of 411 at the end of the first and second session: *Gest. conl. Carth.* 1, 223, 8-9 *Et alia manu*: «*Edantur.*» *Item alia manu*: «*Hilarus et Martialis exceptores edidimus*»; *Gest. conl. Carth.* 2, 73, 4 *Et infra*: «*Hilarus et Martialis edidimus et haec similiter ut supra emendavimus*». Something similar is also in the *editiones gestorum* of the archbishop’s archive of Ravenna: these are copies of trial records dating from 433 to 625<sup>15</sup>. The expression *ex scrinio* must refer to the papal archive: the papal *notarius* Sixtus evidently produced the official edition of the *Gesta* based on a version of the minutes that was preserved in the papal archive<sup>16</sup>.

<sup>12</sup> The last part of the *Gesta* (*Coll. Avell.* p. 486, 22-487, 9), which includes the *subscriptio*, is transmitted only in the *Collectio Berolinensis*; the manuscript of the *Collectio Avellana* leaves a blank space at the end of fol. 103<sup>v</sup>.

<sup>13</sup> Thiel corrects *Maii* to *Martii* ‘of March’ (see Neil - Allen 2014, 128 n. 5).

<sup>14</sup> Paolucci 2018, 202-204 believes that this formula does not refer to the *Gesta de absolutione Miseni* but to the original core of the *Collectio Avellana*, but that is impossible.

<sup>15</sup> According to Internullo’s article in this volume, the publication formula of these *editiones gestorum* is as follows: [name of the *exceptor*] *exceptor (curiae) civitatis Ravennatis his gestis edidi*.

<sup>16</sup> References to the publication of documents from the papal archive are in two letters of Pope Hormisdas from 515 and 517, respectively: *si cum dei adiutorio episcopi voluerint se accommodare sedi apostolicae, habetis textum libelli ex scrinio ecclesiae editum, iuxta quem debeant profiteri* (Hormisdas, ep. 7 p. 753, 3-5); *Bonifacius notarius sanctae ecclesiae Romanae ex scrinio edidit exemplaria libellum* (Hormisdas, ep. 26 p. 795, 3-4).



### 5. *The Role of Misenus at the Synod of 495*

One might expect that the defendant would play a major role in the proceedings of a trial. In the Acts of the Council of Chalcedon, for example, a significant portion is dedicated to the questioning of bishop Dioscorus of Alexandria, who was accused of misdemeanours at the second Council of Ephesus in 449; that is also the case with the monk Eutyches at the Resident Synod of Constantinople in 448, where he was accused of heresy and questioned about his beliefs. As a matter of fact, Misenus' participation in the trial deliberating on his readmission to communion was quite passive: his written petitions spoke for him as they were read out by the deacon Anastasius; other than that, he seems to have spoken only once as he asked for his petition to be accepted:

*Coll. Avell.* p. 476, 16-22

*Gelasius episcopus dixit: «ipse nunc Misenus adveniat et petitorium quod obtulit ipso praesente recitetur». cumque ingressus fuisset, Misenus prostratus in terra aliud petitorium obtulit et rogavit ut susciperetur. cumque susceptum fuisset, Gelasius episcopus dixit: «utraque petitoria, quae obtulit, ipso quoque praesente legantur».*

'Bishop Gelasius said: «Let Misenus himself come forward now and the petition which he presented be read out in his presence». And after Misenus had come in, prostrating himself on the floor, he presented another petition and asked that it be accepted. And after this had been accepted, Bishop Gelasius said: «Let both petitions that he has presented be read out while he himself is present too».'

Interestingly, the protocol records the content of Misenus' statement but not his exact words; this is quite unique in the *Gesta de absolute Miseni*, for all the other statements are recorded in direct speech.

Assuming that the minutes represent faithfully the way in which the synod was conducted (which can never be taken for granted), the fact that Misenus was not questioned but his petitions were read out instead might reveal that the organizers wanted to ensure smooth proceedings by relying on documents prepared beforehand and keeping the real-time discussion to a minimum. It is more difficult to tell why his exact words are not recorded the only time that he spoke. This probably has nothing to do with Misenus' status as an excommunicated cleric, for that does not keep his 'voice' from being heard as his petitions are recorded in full. It may well be that such a simple statement as Misenus' request for his peti-



tion to be read out was not deemed worthy to be recorded precisely – whereas even a simple statement by someone as important as Pope Gelasius clearly had to be recorded<sup>17</sup>.

### 5.1. Differences Between the First and Second Reading of Misenus' First Petition

As we have seen in section 4, Misenus' first petition was read out twice by the deacon Anastasius and in both cases it was included in the records. One would expect to find two identical texts, but there are a few minor differences (see the underlined words in the following table):

First reading (§ § 4-7)	Second reading (§ 9)
<i>Datum a famulo vestro Miseno die octavo Iduum Martiarum</i> (Coll. Avell. p. 475, 12-13)	<i>Datum a famulo vestro Miseno sub octavo Iduum Martiarum</i> (Coll. Avell. p. 477, 1-2) <i>sub hab. Avellana, om. Berolinensis</i>
<i>errori meo ... non esse parcendum, quoniam hoc ipso poena carere non debeo, quod merui ad causam poenalem quacumque sorte perducī</i> (Coll. Avell. p. 475, 14-17)	<i>errori meo ... non esse parcendum, quoniam hoc ipso poena carere non debeo, quoniam merui ad poenalem causam quacumque sorte perducī</i> (Coll. Avell. p. 477, 4-6)
<i>sim dignus addici Iudae praevaricatoris exemplo et quia tanta est ineffabilis illa clementia (...)</i> (Coll. Avell. p. 475, 20-22)	<i>sim dignus addici Iudae praevaricatoris exemplo» et cetera quae superius continentur.</i> (Coll. Avell. p. 477, 9-11)

The only major difference is of course the fact that the second time only part of the petition is recorded, which is signaled quite explicitly by the formula *et cetera quae superius continentur* 'and the rest which is contained above' (Coll. Avell. p. 477, 9-11). It stands to reason that this formula was not pronounced by the deacon Anastasius as he stopped reading the petition but was added by the minute-takers for the sake of brevity as they drew up the minutes of the synod; at least, the expression *quae superius continentur* suggests a textual rather than an oral production.

The other differences are minor: *die* in the first reading and *sub* in the second; *quod* in the first and *quoniam* in the second;

<sup>17</sup> As a possible parallel one could cite reports of proceedings in papyri from the first and second century AD, where the indirect speech was used for the statements of the participants, not those of the presiding officials (see Coles 1966, 41).

*causam poenalem* in the first and *poenalem causam* in the second. It is more difficult to tell at what stage these might have arisen, and yet that is a question that is worth asking, for it has implications for our understanding of the work of the minute-takers and for the *constitutio textus* of the *Gesta*. Here we have several options. First of all, I think one can exclude that Anastasius read out two different copies of the first petition, which might have contained the textual variants: for it seems quite clear that Misenus presented only the second petition when he was admitted into the synod, not also another copy of the first one (*Coll. Avell.* p. 476, 19 *aliud petitorium obtulit*); when Gelasius ordered to read ‘both the petitions that [Misenus] presented’ (*utraque petitionaria quae obtulit*), he must have referred to the new one as well as the one that had already been presented. If Anastasius read the same text twice, either he made small mistakes as he was reading it out and the minute-takers faithfully transcribed his mistakes, or the minute-takers made small mistakes as they wrote down what he was reading out. It is also conceivable, however, that the minute-takers did not quite transcribe the petition as Anastasius was reading it out but were given the written document at a later stage to copy it at ease; if that is the case, the differences might have been introduced by the minute-takers themselves in their work as copyists. There is no way to tell which of these options is more plausible but they all tell us something about the level of accuracy that one might reasonably expect of the minutes. Finally, there is another option: the variants might be later than the production of the official minutes in 495 and have simply come about during the medieval manuscript transmission of this text<sup>18</sup>. If that was the case, a critical editor might as well decide to emend away and uniform the two versions; editors so far have been rather conservative and kept the variants in the two versions, implicitly acknowledging that the variants were already in the original minutes.

<sup>18</sup> After all, we observe that in the second reading of the petition, instead of *die*, the *Collectio Avellana* has *sub* while the *Collectio Berolinensis* omits the word altogether.

## 6. *The Verbatim Transcripts as Evidence for Spoken Latin... or Not?*

It has been observed that the transcripts of late antique church gatherings are an unparalleled source for spoken language in Antiquity<sup>19</sup>. On the face of it, that makes perfect sense: the transcripts contain the (allegedly) exact words pronounced by a great number of Greek and Latin speakers in what appears to be real-time communication, or spontaneous spoken language<sup>20</sup>. As I have shown elsewhere, though, not all the material that is presented as spoken falls into the category of spontaneous spoken language, for some statements that are introduced by the apparently straightforward 'he said' (not 'he read out') were demonstrably prepared beforehand<sup>21</sup>. Now that seems to happen also in the *Gesta de absolutione Miseni*, for the long speech in which Gelasius absolves Misenus is introduced by *dixit* but was most likely prepared beforehand, so it cannot really be used as evidence for spoken Latin. Let us consider for example the first statement that is attributed to Gelasius in the *Gesta* as compared to the first sentence of his verdict absolving Misenus and the beginning of his letter 28 (underlined are the subject and verb of the main clause).

*Coll. Avell.* p. 475, 5-9 (Gelasius' first statement)

*Gelasius ... dixit: «Meminit dilectio vestra superiore conventu oblatum nobis a Miseno libellum in conspectu vestro fuisse recitatum, hunc eundem, si placet dilectioni vestrae, denuo recensendum, ut acta nostra contineant, et, quia aliud se quoque petitorium prae manibus habere profitetur, quid etiam in hoc contineatur possimus agnoscere»*<sup>22</sup>.

'Gelasius ... said: «Your affection remembers that at a previous meeting there was read out in your presence a petition delivered by Misenus; if it pleases your affection, this petition should be read out again, so that our acts may contain it and that, because he affirms also that he has another petition in his hands, we may learn what this contains».'

<sup>19</sup> See e.g. Millar 2006, 16, 249-250.

<sup>20</sup> Spontaneous spoken language is the main focus of modern research on spoken language as opposed to written language; see Miller - Weinert 1998.

<sup>21</sup> See Mari forthcoming, section 4.2.

<sup>22</sup> After *contineant* I prefer Thiel's text, which is essentially based on the *Collectio Berolinensis*, while Guenther's text is based on the *Collectio Avellana* (with minor modifications) and runs as follows: *qui aliud se quoque petitorium prae manibus habere profitetur, <quo id>, quod etiam in hoc continetur, possimus agnoscere*.

*Coll. Avell.* p. 478, 25-479, 15 (Gelasius' verdict, first sentence)

*Gelasius episcopus dixit: «Sedes apostolica quidem, quae Christo domino delegante totius ecclesiae retinet principatum, pro dispensatione curaque generali, quam vel pro fide catholica vel pro paternis canonibus regulisque maiorum necessaria semper circumspectione dependit, Misenum atque Vitalem, quos contra Eutybianae pestilentiae sectatores vel contra eos, qui talium se communione polluerant, suae potestatis legatione suffultos ad Orientem dudum sub sanctae memoriae decessore meo praesule destinarat, cur apostolica praecepta declinantes quolibet modo in eorum, adversum quos missi fuerant, consortia recidissent, gestis synodalibus rerum discussione patefacta communione pariter et honore merito iureque submovit.»*

'Bishop Gelasius said: «In truth, the apostolic see, which at the designation of Christ the Lord retains the first place in the whole church, for the sake of general direction and care, for which it provides with necessary caution on behalf of the catholic faith or the canons of the Fathers and the rules of the elders, as is clear from an examination of the events in the synodal proceedings, removed Misenus and Vitalis from communion and from their position alike, deservedly and rightfully, having sent them to the East a short while ago, under the leadership of my predecessor of holy memory, propped up by the delegation of its authority, against the followers of the Eutyochian plague or against those who had polluted themselves with the communion with such people, because Misenus and Vitalis turned away the teachings of the apostles and in some way associated themselves with the ones against whom they had been sent.»'

*Gel., ep.* 28, pp. 435-436 (first sentence)

*Quia per ambitiones illicitas non pudet quosdam ecclesiarum iura turbare, ac privilegia, quae metropolitanis vel provincialibus episcopis decrevit antiquitas, temeraria praesumptione pervadere, propter quod etiam communionis apostolicae desiderant discidium tenere, quo scilicet ab eius auctoritate divisi, velut impunes proprias usurpationes exercent, non respicientes, quia aeterno iudici rationem tam de catholicae sinceritatis iniuria, quam de traditionum praeiudiciis paternarum non sine perpetuae sint damnationis interitu reddituri, si in hac obstinatione permanserint, caritatem vestram duximus instruendam, ut vos omnes in commune fratres, sive per Dardaniam sive per quamque contiguam provinciam constituti, qui vos sub metropolitanis vestris esse meministis, et ab eisdem substitui decedentes, sicut vetus consuetudo deposcit, unanimiter statuatis antistites.*

'Because some are not ashamed to disturb through their unlawful ambition the rights of the churches, and to pervade with inconsiderate audacity the privileges that antiquity decreed for metropolitan or provincial bishops; because of which they also desire to maintain the separation of the apostolic communion, so that, removed from its authority, they may exercise their own usurpations with impunity,

not considering that, if they persist in this obstinacy, they are going to give account to the eternal judge both of the insult to the catholic purity and of the damage to the traditions of the fathers, not without eternal damnation; we have believed that your dearness should be instructed so that all of you brothers, whether in Dardania or in any other neighbouring province, who remember that you are under the authority of your metropolitans, and that when you depart you are replaced by them, as the ancient usage requires, may unanimously appoint the metropolitan bishops.’

According to modern linguistic research, in spontaneous spoken language phrases and sentences tend to be shorter than in written language, there is less grammatical subordination and more coordination, and the clausal constructions are less complex. Looking at the samples above, it is evident that the style of Gelasius’ verdict is closer to that of his letter than to that of his first oral statement: in the second and third sample the sentence contains much more information and is much longer, and the clausal constructions are more complex<sup>23</sup>. One element that is quite revealing is the distance between the subject and the verb of the main clause: in Gelasius’ first statement they are attached (*Meminit dilectio vestra*), while in his verdict the subject is at the beginning and the verb is at the end of the long sentence (*Sedes apostolica ... submovit*), and in the letter the main verb is not found until several lines into the text (*duximus*); the separation of subject and verb requires much more control over the syntax, such as can be provided only by writing. So either Gelasius simply read out a text that he had prepared beforehand and the protocol is misleading in writing *dixit* instead of *recitavit*, or he had learnt the speech by heart<sup>24</sup>. Alternatively, one might think that the speech that was inserted in the minutes is a polished version of the more ‘impromptu’ speech that Gelasius gave at the synod.

The fact that Gelasius’ verdict had probably been prepared beforehand has consequences not only for our appreciation of the *Gesta* as a linguistic document but also for our understanding of

<sup>23</sup> The style of Gelasius’ letters is renowned for being particularly pompous and for using an involute syntax; a study of the syntax of his letters is in Bagan 1945.

<sup>24</sup> One can compare the case of the presbyter John at the Resident Synod of Constantinople in 448, where he made a long statement that the protocol introduces with ‘John said’; at some hearings in 449 it turns out that he had based his statement on an aide-memoire, whose text is extremely close to the text of his statement (*ACO* 2, 1 p. 124, 4-35 and p. 160, 34-161, 21).

synodal procedures. As Blaudeau has pointed out, using pre-made documents instead of real-time communication was a strategy to minimize the chances of dissent at the synod<sup>25</sup>.

### 7. *The Acclamations of the Synod and Gelasius as vicarius Christi*

Collective acclamations can be found in the transcripts of most church gatherings<sup>26</sup>; it was normal for the bishops and their associates to express assent (and less commonly dissent) by chanting together<sup>27</sup>. To be sure, the form of the acclamations calls for scrutiny. Let us consider the final acclamations of the synod:

*Coll. Avell.* p. 487, 1-6

*Omnes episcopi et presbyteri surgentes in synodo adclamaverunt: «exaudi Christe: Gelasio vita!» dictum quindecies. «domne Petre, tu illum serva!» dictum duodecies. «cuius sedem, et annos!» dictum septies. «vicarium Christi te videmus!» dictum undecies. «apostolum Petrum te videmus!» dictum sexies. «cuius sedem, et annos!» dictum septies trigesies.*

‘All the bishops and presbyters stood up in the synod and exclaimed: «Christ, hear our prayer: long live Gelasius!» This was said fifteen times. «Lord Peter, preserve him!» This was said twelve times. «Long live his see too!» This was said seven times. «We see in you the vicar of Christ!» This was said eleven times. «We see in you the apostle Peter!» This was said six times. «Long live his see too!» This was said thirty-seven times.’

The records present the acclamations as having been made immediately after Gelasius’ verdict on Misenus, in a most spontaneous way. Is it conceivable that dozens of bishops and their associates unanimously made these acclamations without preparation? It seems more likely that the acclamations had been agreed upon beforehand, or at least that the bishops had some time to prepare them after Gelasius’ speech<sup>28</sup>. According to Blaudeau, the practice of accla-

<sup>25</sup> Blaudeau 2002, 524 n. 103.

<sup>26</sup> As far as the other Roman synods are concerned, acclamations are in that of 499 (four times) but not in that of 502. The Roman synod of 501 does not have verbatim transcripts.

<sup>27</sup> On acclamations as an expression of unanimity and divinely inspired consensus, see Grillmeier 1987, 133-136. Roueché 2009 has discussed the function of acclamations at the Council of Chalcedon.

<sup>28</sup> Additionally, one should not forget a notarial ‘secret’ revealed by the *notarius* Aetius at a synod in Constantinople in 449: sometimes one bishop made a statement

mations shows the strict control that Gelasius exercised over the synod in a time of tensions among the clergy<sup>29</sup>. Surely the way the acclamations are presented in the records reflects the organizers' will to portrait consensus. In this perspective, the acclamation of Gelasius as vicar of Christ (*vicarium Christi te videmus*) is all the more relevant, for this is the first time that this title is used of the bishop of Rome (it would become very common in the Middle Ages)<sup>30</sup>. Demacopoulos has even advanced the hypothesis that this title was inserted into the records only for propagandistic reasons – that is, nobody really said it but it was a 'forgery'<sup>31</sup>: obviously there is no way to demonstrate or contest this hypothesis.

### 8. *Conclusions*

From a formal perspective, the *Gesta de absolutione Miseni* fit well in the tradition of synodal minutes but also have elements of originality. The closest parallels are quite obviously the Acts of the Roman synods of 499, 501, and 502; they share some structural elements, but not all of them: the *Gesta* of 495 lack a list of signatories, which all the others have, but have a notarial *subscriptio*, which is not to be found in the minutes of Roman synods but occurs in other synodal minutes. It is difficult to tell whether the list of signatories was lost in the later textual transmission of the *Gesta* or was not there from the beginning; similarly, one cannot exclude that the acts of the other Roman synods lost the notarial *subscriptio* at some point of their transmission. It seems that the minute-takers of the Roman See between the fifth and sixth century had a more or less standardized way to produce minutes; this included conventions such as the formula *et adiecit* in the protocol to indicate that a speaker turned to someone else during his statement. Many of these policies seem to have been common heritage of fifth-century minute-takers.

From the minutes it appears that, at the synod of 495, documents that had been prepared beforehand played a bigger role than

and the *notarii* attributed that statement to the whole council (*ACO* 2, 1 p. 170, 34-37); cf. Mari 2019, 52-53.

<sup>29</sup> Blaudeau 2002, 524 n. 103.

<sup>30</sup> See Taylor 1975, 322.

<sup>31</sup> Demacopoulos 2013, 83.



debate and real-time communication<sup>32</sup>: Misenus' petitions speak for him (and the only time that he speaks, his words are not recorded); even Pope Gelasius' verdict was quite obviously prepared beforehand, for it resembles the style of his letters more than that of his impromptu statements. The bishops' acclamations add to the impression that this synod was quite artificial and not spontaneous, especially in comparison to other much livelier church gatherings<sup>33</sup>. Demacopoulos 'blames' this on the minutes, defining them as «a redacted and partisan transcript» which in no way «accurately reflects everything that took place during the synod»<sup>34</sup>. While that is certainly possible, one should not exclude that the synod was actually conducted in such a 'stiff' way as the minutes present it, surely because Pope Gelasius exercised strict control over the proceedings. And perhaps the truth is somewhere in the middle.

### *Abstract*

The *Gesta de absolute Miseni*, transmitted in the *Collectio Avellana* as well as the *Collectio Berolinensis*, contain the minutes of a Roman synod held in 495; this synod, presided over by Pope Gelasius, readmitted to communion the bishop Misenus of Cumae, who had been excommunicated in 484 in the context of the so-called Acacian schism. While earlier synodal minutes are known, this text is the first known example of minutes of a Roman synod. A formal analysis shows that it fits well in the tradition of synodal minutes but also has original elements. The closest parallels are the Acts of the Roman synods of 499, 501, and 502; it appears that the minute-takers of the Roman See in this time had a more or less standardized way to produce minutes, which was common heritage of fifth-century minute-takers. The minutes show that, in this synod, written documents played a bigger role than debate and real-time communication; one gets the impression that this synod was conducted in a rather 'stiff' way. It is debated whether this is the result on the strict control that Gelasius exercised over the proceedings or heavy editing of the minutes.

<sup>32</sup> On the significance of the reading of documents at church councils, in particular Ephesus of 431 and Chalcedon of 451, see Graumann 2009.

<sup>33</sup> For examples of bishops behaving 'badly' at councils, see Whitby 2009.

<sup>34</sup> Demacopoulos 2013, 81.