

## New Bookforms

### THE CODE(X)

I began Chapter 4 with the “aesthetic of accumulation” – the scholarly description of Theodosian Age scholastic production as both novel and in some ways peculiar, in which scholarly productions across domains came to be bound up in the “codification craze” in the period when Christians first became a ruling elite. I argued that the choices we see reflected in the scholastic production of the period are not purely or even largely aesthetic predilections, but rather that they signal the proliferation of a set of intellectual practices across diverse domains during the fourth and fifth centuries, namely the creation of aggregative codices with the potential to produce authoritative knowledge or which presented that universal authoritative knowledge itself. This is the sense in which the codes of the Theodosian Age differ from those which precede it and those which follow. Parchment codices had existed since at least the turn of the common era, but they were not “codes” in the sense that the *Theodosian Code* is a code, or the Christian bible is a code, or even the works of Macrobius can be understood as a code in the peculiarly Theodosian sense – as an aggregative work which presents the reader with an opportunity to grasp universal knowledge.

The codes engaged here all share a bookform: the codex. But homology obscures more than it enlightens. Etymologically “codification” refers to the transfer of a text into the codex format, but in contemporary usage it means something akin to “authorization”: the “codified” rules of football, for instance, are not simply those which are recorded in a codex, but those promulgated by the relevant authority and binding on sanctioned games. While the *Theodosian Code* and the Christian bible both

circulated in codex form, the format did not itself lend authoritative status to a writing, even though, as I argue, it may have signaled a text's authoritative status. This chapter attempts to untangle the reticulated categories of code and codex, and offer an account of how "codification" came to signify *both* "transfer to the codex format" and "authoritative promulgation of sources." I argue that a confusion between the categories of code, codex, and codification have hamstrung attempts to understand some of the codes of the Theodosian Age, including the *Theodosian Code* and the fourth/fifth-century biblical pandects. This chapter addresses the confusion in preparation for a wider discussion to follow.

From an early period, Christians preferred the codex format for scriptural texts – mostly Greek editions of the Hebrew Bible – and for texts that would later be understood as scripture. The earliest fragment of the *Gospel according to John*, for instance, is a small scrap of papyrus from a codex leaf that was copied somewhere in the second or early third century.<sup>1</sup> While Christians preferred the codex format for some of their texts, they did not invent the format nor were they primarily responsible for popularizing it.<sup>2</sup> Parchment and papyrus codices are first extant from the second century CE, though literary attestation of the format begins somewhat earlier, with Martial's *Epigrams*.<sup>3</sup> The format appears to be Roman in conception, and its spread through the empire in the second through the fourth century has been proposed as a serviceable index of Romanization.<sup>4</sup> The parchment codex, and its less prestigious cousin in papyrus, are modeled on an earlier instantiation of the form: they are plastic approximations of the wooden *tabella*, famed in applications ranging from legal promulgations (the so-called *XII Tabulae*) to the ritual inscription of temple boundaries.<sup>5</sup> Elizabeth Meyer has demonstrated that the *tabella* was central to republican Roman ceremonial protocol and was involved in "the ordering of state, religion, magic, legal procedure, and some legal acts" and possessed "certain performative, almost magical, powers."<sup>6</sup> I have written elsewhere about the durability of what Matthew Larsen and I called "generic expectations"; ancient and late

<sup>1</sup> TM 61624, see Nongbri, "The Use and Abuse of P<sup>52</sup>: Papyrological Pitfalls in the Dating of the Fourth Gospel."

<sup>2</sup> Bagnall, *Early Christian Books in Egypt*, 70–78; van Haelst, "Les origines du codex," 14.

<sup>3</sup> Martial, *Epigrams* 1.2, 14.184, 14.190. (Perhaps also 14.186, 188, 192.)

<sup>4</sup> Gascou, "Les codices documentaires égyptiens," 75–76; expanded by Bagnall, *Early Christian Books*, 87.

<sup>5</sup> Martial, *Epigrams* 14.7. See also Roberts, "The Codex," 169.

<sup>6</sup> Meyer, *Legitimacy and Law in the Roman World: Tabulae in Roman Belief and Practice*, 5–6.

ancient readers considered the codex form to signal certain genre-inflected features of the writings contained.<sup>7</sup> The “codification craze” of the late fourth century cannot be considered without acknowledgment of the historical table upon which it played out; the *tabella* was an object invested with potentiality for power in the Roman republic, and in the later empire the codex format retained some aspect of that ancient usage in the estimation of its users.

In their first three centuries of use, codices were not prestige objects. The format was primarily reserved for provisional writings, para-literary texts, and for work that was not yet “finished” and thereby ready for transfer to a prestige format like a bookroll or a bronze slab.<sup>8</sup> By the Theodosian Age, however, the codex had been imbued with new associations. Not only was it the dominant format for all literary writing, but it was a prestige format associated with universal statements of truth that was often used to effectuate them. Christians stand in the gap between the use of the codex format for provisional and para-literary texts and the use of the codex for such monumental productions like the *Theodosian Code(x)*.

Our earliest evidence suggests that Christians preferred the codex for their scriptural texts even while other texts such as homilies continued to be copied and circulated in roll format. For instance, we have P. Michigan 18.763, a homily containing significant New Testament quotations that is nevertheless preserved on a roll that was copied between 150 and 250 CE (TM 63857). On the other end of the temporal spectrum we have Princeton Garrett 24, a palimpsested rotulus whose undertext is a *mēnaion* with a Christmas homily dated paleographically to the eighth or ninth century (TM 63857). Throughout this period, Christians preferred the codex format for scriptural materials without any significant counter example, while less authoritative material enjoyed more flexibility when it comes to bookform.<sup>9</sup>

We can trace the Christianization of structures of power by following closely the shifting material expressions of power. When Nicene Christians came to widespread power in the Theodosian Age, armed with a novel set of scholastic practices and a canon of scripture that circulated in codex format as universally true, the peculiar Christian perspective on

<sup>7</sup> Larsen and Letteney, “Christians and the Codex: Generic Materiality and Early Gospel Traditions.”

<sup>8</sup> *Ibid.*, 407–410.

<sup>9</sup> Recently, Geoffrey Smith has offered TM 851632 as an example of a third- or fourth-century New Testament text copied onto the recto of a bookroll. However, as Larsen and I argued in “Christians and the Codex,” 387n6, arguments in support of this conclusion are unsustainable. Smith, “Willoughby Papyrus: A New Fragment of John 1:49–42:1 (P134) and an Unidentified Christian Text.”

the codex format transferred to other universal statements of truth that took the same shape. The Christian practices of scholastic production that I have traced thus far can be followed further, into the physical instantiations of Theodosian Age works. “Code” and “codex” came to mean the same thing during this period; in the words of Martin Wallraff, “the utilization of this term [code(x)] is widely known as a story of great success – it caught on, and it led to an almost breathtaking semantic expansion.”<sup>10</sup> The coalescence of “code” and “codex” into a single signifier is another effect of Christian ascendancy in the Theodosian Age.

### CHRISTIANS AND THE CODEX

The “rise” of the codex was a slow process. Data from the Leuven Database of Ancient Books shows a slow debut starting in the late first century CE among extant manuscripts, most of which were found in Egypt. The format saw rapid adoption over the course of the third century, and the early fourth century witnesses two dramatic shifts: for the first time books on codices outpace rolls both in proportion and in total number of extant exempla (Figures 2 and 3).<sup>11</sup>

The codex format was traditionally associated with para-literary texts: medical treatises, astronomical books, and provisional writing. By the fourth century it was also traditionally associated, among Christians, with scripture. It is precisely the moment of overlap, when extant codices overtake books on rolls, that ancient readers began to use the codex for a new purpose: not everyday writing or provisional texts but for deluxe editions and presentation copies.

The earliest attested deluxe parchment codices were both created for Constantine: one on his request and another as a gift. The gift was a presentation copy of poems by Optatian.<sup>12</sup> As literature, Optatian’s

<sup>10</sup> Wallraff, *Kodex und Kanon: Das Buch im frühen Christentum*, 26.

<sup>11</sup> Charts were created by Yanne Broux on April 18, 2017 with data from the Leuven Database of Ancient Books. Interactive versions are available at [www.trismegistos.org/tmcorpusdata/23/](http://www.trismegistos.org/tmcorpusdata/23/) where the raw data can also be downloaded.

<sup>12</sup> The distinction between presentation copies, association copies, and deluxe editions invoked here is covered by Frampton, *Empire of Letters: Writing in Roman Literature and Thought from Lucretius to Ovid*, 113–114. Barnes, typically self-assured, argues for a precise date of 324 and a precise corpus of twenty poems (numbers 1–16, 18–20, and counting poem 23 as two poems and not one). Barnes, “Publilius Optatianus Porfyrius.” A contextualizing discussion of pictorial poetry in the Greco-Roman world, and Optatian’s place in it, can be found in Okáčová, “Publilius Optatianus Porfyrius: Characteristic Features of Late Ancient Figurative Poetics.”

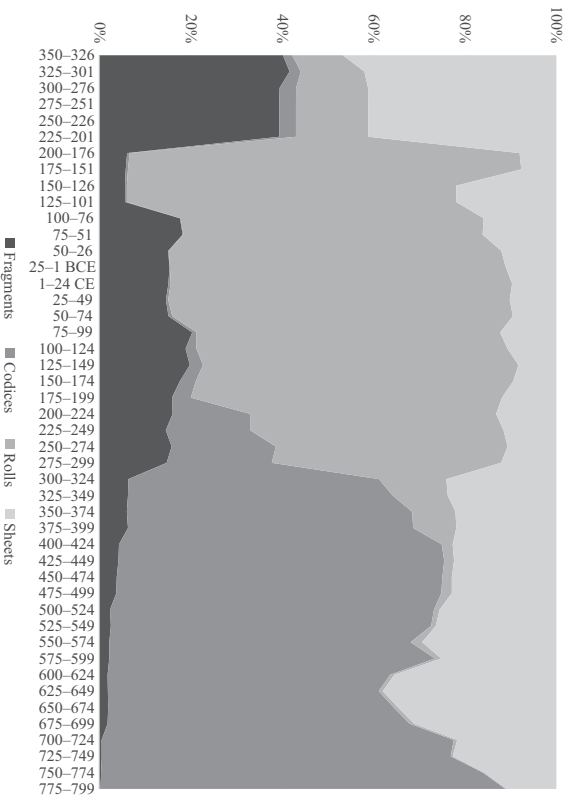


FIGURE 2. Relative proportion of book formats, 350 BCE–800 CE.

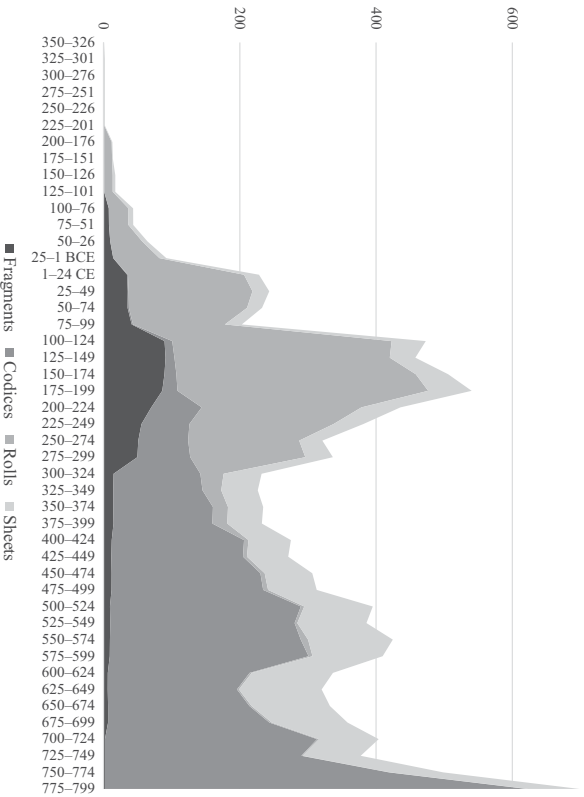


FIGURE 3. Books extant by format, 350 BCE–800 CE.

poems are altogether unremarkable, but his collection made ample use of the codex format to offer pictorial poems in various visual forms: an altar (*Carmen* 27), an organ (*Carmen* 20), etc. One poem dedicated to the Emperor Constantine bears a christogram across the center of the work along with “IESUS” outlined in red across the composition (Figure 4).

Constantine himself requested the other earliest attested deluxe edition of a parchment codex, and sometime after 335 CE, Eusebius’s Caesarean scriptorium carried out the work. In a letter to Eusebius, the emperor

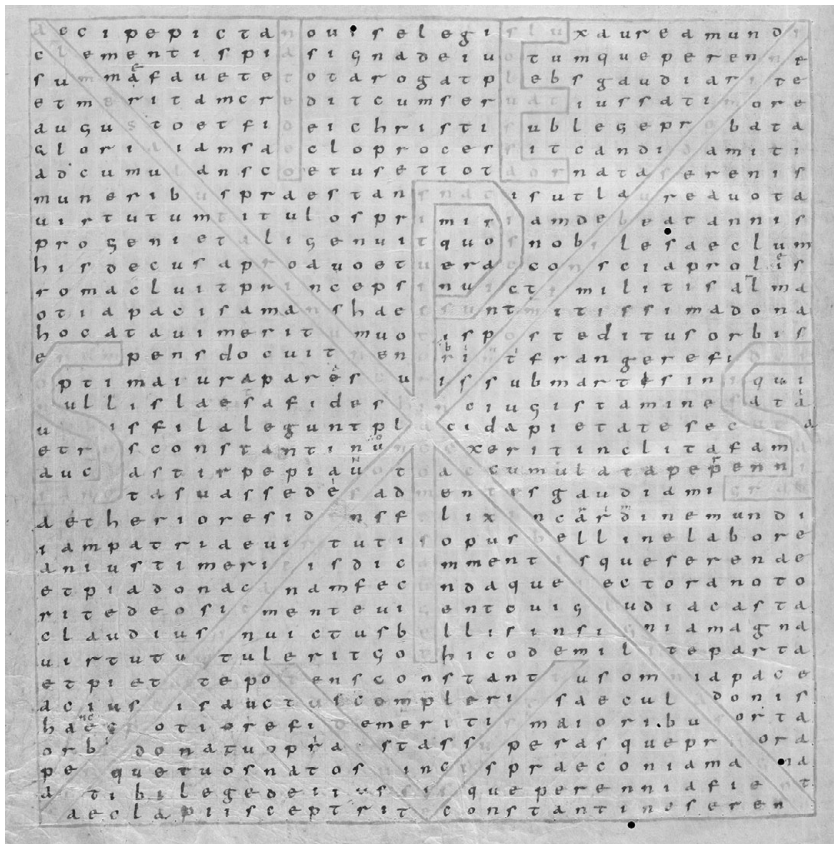


FIGURE 4. Bern, Burgerbibliothek, Cod. 212, f. 113v – composite manuscript: artes et carmina ([www.e-codices.ch/en/list/one/bbb/o212](http://www.e-codices.ch/en/list/one/bbb/o212)). The complexity and visual nature of Optatian’s composition obviate any concern that this ninth-century copy is significantly different from the edition presented to Constantine in the early fourth century.

requested “fifty volumes with ornamental leather bindings, easily legible and convenient for portable use, to be copied by skilled calligraphists well trained in the art, copies that is of the divine scriptures.”<sup>13</sup> Much has been made of this passage, especially since two fourth-century deluxe pandects remain to this day: the so-called codices Sinaiticus and Vaticanus.<sup>14</sup> It is certainly possible that these texts are related to the imperial order for “sacred scriptures”; Theodore Skeat argued persuasively that a single scriptorium produced both manuscripts, and plausibly that they were produced under the direction of Eusebius for this very purpose.<sup>15</sup> I find this analysis to be wishful, but only note here that Constantine’s order did not request pandects of the “sacred scriptures” like we have in these two manuscripts – comprising the entire canon, and then some – and there is some reason to believe that the pandect form was not typical, especially for bibles that were supposed to be “convenient for portable use” as Constantine’s letter requests.<sup>16</sup> Sinaiticus, at least, is not.<sup>17</sup>

<sup>13</sup> Eusebius, *Life of Constantine* 4.36.2.

<sup>14</sup> Respectively, British Library Add Ms 43725 (TM 62315) and Vatican Greek 1209 (TM 62316).

<sup>15</sup> Skeat, “The Codex Sinaiticus, the Codex Vaticanus, and Constantine.” Anthony Grafton and Megan Hale Williams note that Skeat’s hypothesis is “tempting, though by no means proven.” *Christianity and the Transformation of the Book: Origen, Eusebius, and the Library of Caesarea*, 220. Grafton and Williams offer that the other plausible provenance for such prestige copies is Constantius’s commission of bibles from Athanasius (mentioned in his *Apology to Constantius* 4). I would add that the fourth-century dating of these codices is based solely on paleography, a notoriously inexact art; they could well be Theodosian. The suspicion is bolstered by comparison of scripts between Sinaiticus, which is almost exclusively judged to be a fourth-century bookhand, with Vatican Greek 1288, a copy of Cassius Dio’s *Roman History*. The scripts are nearly identical (Cavallo, *Ricerche sulla maiuscola biblica*, 91–96), but the biblical texts are dated to the fourth century while the text of Cassius Dio is relegated to the fifth, another instantiation of a common theme in which biblical texts are judged earlier than their paleographic contemporaries.

<sup>16</sup> The same analysis holds for the “volumes of the holy scriptures (πικτῖα τῶν θείων γραφῶν)” which Athanasius claims to have sent to Constantius (c. 338) in *Apology to Constantius* 4, as suggested by Grafton and Williams, *Christianity and the Transformation of the Book*, 220. There is no reason to follow Skeat, “Codex,” 591, in the presumption that Athanasius refers to pandects. In fact, the use of the plural πικτῖα more likely refers to “the holy scriptures” as a corpus transmitted in separate codices rather than in multiple pandect copies. Text AW 2.8.

<sup>17</sup> Robbins, “‘Fifty Copies of the Sacred Writings’ (VC 4.36): Entire Bibles or Gospel Books,” suggests that Codex Washingtonianus (Gregory-Aland W) is the closest extant parallel to the type of codex that Constantine requested, being a relatively modest size codex of four gospels in the “Western” order on fine vellum and in a one-column uncial bookhand.

## CANON AND CODEX

“Canon” and “codex” are easy to mix up. In fact, most scholars do mix them up, presuming that it is the act of binding texts together – codification – that confers “canonical” status on material between the covers. This causes problems, both conceptual and interpretive, that need to be addressed before I can offer an account of the material aspects Theodosian scholarship in Chapters 6 and 7.

The use of “canon (κανών)” language to delineate a group of authoritative Christian texts is likely a legacy of Eusebius of Caesarea, who invoked the term in both of its common Roman usages to mean both a measuring stick (and as such a Greek translation of the Latin *regula*), as well as in its technical sense to mean a set of tables.<sup>18</sup> Tables, or *tabellae* in Latin, also enjoy dual usage, meaning either a codex format book, as discussed earlier, or precisely “tables” in the modern English sense: aligned lists of information relevant to a particular topic.<sup>19</sup> The confusion among modern scholars between canon and codex arises out of these two words and their flexible usage in antiquity. We should not, however, presume that the modern confusion existed in the ancient world: it did not.

In antiquity, the canon of scripture was not a codex; it was a list. Consider Athanasius’s famous *39th Festal Letter* from 367 CE, which delineated for the first time the precise bounds of Christian scripture that came to dominate Catholic and Orthodox Christianity in the Middle Ages. Athanasius did not offer to his fellow clergy a codex authoritative texts, but rather stipulated a list of books that are “canonized (κανονιζόμενα)” – that is, listed as authoritative – and another list of books that are not “canonized” but nevertheless may “be read aloud (ἀναγιγνωσκόμενα)” without objection.<sup>20</sup> Similarly, Canon 24 of Carthage, originally from the Council of Hippo in 393 CE, says that only

<sup>18</sup> Wallraff, *Kodex und Kanon*, 29. It is important to note that the section of Eusebius’s writings most often invoked to discuss his concept of “canon” (*Ecclesiastical History* 3.25) invokes no such language. Letteney, “Authenticity and Authority,” 44–47. Irenaeus uses the term κανών τῆς ἀληθείας in *Against Heresies* 1.9.4, though he appears to mean by it a set of preceptual commitments rather than a clearly delineated group of textual sources, as I discuss in Chapter 2.

<sup>19</sup> In this sense of tables, we might expect the codex form to be the natural format, because tables (astronomical, etc.) were generally technical and para-literary materials, which by the second and third centuries would generally be found in codices.

<sup>20</sup> Athanasius, *Festal Letter* 39 75.26–76.3. Text Joannou, *Les Canons des pères grecs*, 71–76.



texts from the canon can be read in churches “under the name of divine scripture.” Like Athanasius’s letter, it does not stipulate that only canonical materials can be read during services, but rather Canon 24 delineates the relative status of Christian documents that may well be used in preaching and catechesis.<sup>21</sup> There is one dissenting voice: Canon 59 of the Council of Laodicea (ca. 365 CE) stipulates that *only* canonical texts can be read in a church setting. The following text from Laodicea, Canon 60, defines the bounds of the scriptural canon, but it comes with its own set of interpretive issues: its authenticity is dubious, at best. Further, at least according to Athanasius, books of the “Old Testament (παλαιὰ διαθήκη)” are intended to circulate in a particular “order (τάξις),” while the books of the New Testament are an unordered collection.<sup>22</sup> The canon of the Hebrew Bible, according to Athanasius, was a pre-ordered list, while the canon of the New Testament was a collection of titles. Across the fourth century sources disagree on the extent, import, and implications of the “canon,” and the confusion did not let up in the fifth.

The slippage between categories of “codex” and “canon” so common in modernity does not occur in antiquity. As Martin Wallraff has persuasively argued, in antiquity *writ large* “where the bible was depicted, the thing depicted was not a book, but rather a bookshelf.”<sup>23</sup> Even Codex Amiatinus, produced around the turn of the eighth century, portrays the scribe Ezra rewriting the scriptures after the collapse of the Jerusalem Temple and specifically depicts the canon of the Hebrew Bible as a bookshelf of individual books rather than as a single codex.<sup>24</sup> It was perhaps Eusebius, “a Christian impresario of the codex,” who first extracted the medium of the codex from its common association with provisional and everyday writing (*Fachliteratur*) and ennobled it to use in prestige projects.<sup>25</sup> Grafton and Williams conclude: “If the chronological questions Eusebius and his anonymous helpers put were traditional, the answers he found glittered with methodological and formal novelty.”<sup>26</sup>

<sup>21</sup> Canon 24 is Canon 27 in the Greek. While the canon was originally from 393, it was promulgated at the Council of Carthage in 418–419.

<sup>22</sup> “Old Testament,” Athanasius, *Festal Letter* 39 72.26–73.1, “Order,” 73.4. In the only place where Athanasius does suggest a certain “order” of books in the New Testament, he refers explicitly to the order in which Paul wrote his letters, and not the order in which they should appear in some unacknowledged codification. Athanasius, *Festal Letter* 39.74.14–15.

<sup>23</sup> Wallraff, *Kodex und Kanon*, 38.     <sup>24</sup> Codex Amiatinus 5r, TM 66398.

<sup>25</sup> Grafton and Williams, *Christianity and the Transformation of the Book*, 178–232.

<sup>26</sup> *Ibid.*, 230.

Similarly, Wallraff argues, “With his magnificent staging of the Gospels Eusebius ennobled the medium of the codex, which had begun as a simple notebook and a shabby scratch pad, and definitively raised it to the rank of an archetype. A carefully produced gospel codex of Eusebius’s work shies away from no *comparandum* – in every respect: that of the sacred, the scholarly, or the aesthetic.”<sup>27</sup> No example of this transformation of the codex from “shabby scratch pad” to prestige object is more striking than the authority and pride of place afforded to the biblical codex at the councils of Ephesus (431) and Chalcedon (451), where the presence of a gospel codex was the *sine qua non* of valid proceedings.

At the Council of Ephesus in 431, the gospel codex was considered to stand in for Christ himself. At the beginning of the *acta* from this council, a gospel book is presented and the bishops in attendance come together “where the holy gospel lay in the midst of the throne, and *presented Christ appearing among us*.”<sup>28</sup> At the council of Constantinople in 449 litigants swore on the gospel book itself,<sup>29</sup> while at the Council of Chalcedon in 451 no session could commence without the presence of a gospel codex.<sup>30</sup> The *acta* of Chalcedon attend to the placement of gospel books with some regularity, in fact, and often repeat the requirement that a scriptural codex be present before proceedings. The fourth session begins typically, with a list of participants followed immediately by a description of the setting: “And when all had been seated before the railings of the most holy sanctuary, with the holy and undefiled gospel [book] having been brought to the center, the most glorious officials and the exalted assembly said: ‘So that we may decide what is to be done, let the decisions made in the previous hearings be read out.’”<sup>31</sup> At the same session, confessions of faith could only be made in the presence of the “divine gospels.”<sup>32</sup> During the tenth session, the gospel book itself signifies the authority of the speaker,<sup>33</sup> while during the eleventh session, Bassianus recounts a fight that he had at the altar in his episcopal see with Memnon the bishop of Ephesus that led to blood being shed on the gospel book itself because of its placement on the altar.<sup>34</sup> Again during the twelfth session, the *acta* record that the gospel book must be brought in before the session can commence.<sup>35</sup> The presentation of these copies of the sacred scripture at Theodosian imperial councils makes clear that the

<sup>27</sup> Wallraff, *Kodex und Kanon*, 43.      <sup>28</sup> ACO 1.1.3.4 (p. 4). Emphasis added.

<sup>29</sup> ACO 2.1.1.640 (p. 158).      <sup>30</sup> ACO 2.1.1.4 (p. 65).      <sup>31</sup> ACO 2.1.2.2 (p. 92).

<sup>32</sup> ACO 2.1.2.8 (pp. 93–94).      <sup>33</sup> ACO 2.1.3.20 (p. 18).      <sup>34</sup> ACO 2.1.3.14 (p. 46).

<sup>35</sup> ACO 2.1.3.7–8 (pp. 53–54).

codex of scripture was an object of power itself, and it was emphatically not coterminous with the canon of scripture – everyone in the assembly agreed that the canon of scripture included books beyond the gospels, and yet it was a gospel codex which presented the power of the deity of material form.

In the Theodosian approach to scriptural codices we find a theology of bookish incarnation. In the words of Epiphanius of Salamis: “The acquisition of Christian books is necessary for those who can use them. For the mere sight of these books renders us less inclined to sin, and incites us to believe more firmly in righteousness.”<sup>36</sup> The codex had become a prestige object, capable of presenting the deity itself in time and in space. But the codices in these examples are not pandects like Sinaiticus or Vaticanus. Rather, they are gospel codices, containing presumably the four “canonized” gospels in a single codex, apart from the rest of the scriptural canon. Modern scholars confuse the data when we collapse canon and codex into a single signifier. And, as Wallraff notes, “nobody in Antiquity would have considered a gospel codex as a ‘partial edition’ of the New Testament.”<sup>37</sup> The examples here give voice to the fissure between canon and codex that must be appreciated before the great codices of Late Antiquity can be properly understood. The canon was a list of books – books that could be codified – but that was not specifically defined as that-which-lays-between-the-covers-of-a-codex. Any discussion which collapses the two categories will necessarily run into methodological and interpretive dead ends.

Sinaiticus, perhaps the most famous codex from antiquity, has itself suffered the conflation of codex with canon in its interpretation. In his influential article “The Codex Sinaiticus, the Codex Vaticanus, and Constantine,” Theodor Skeat jumps right over the question of whether these pandects are intended to be presentations of the canon of scripture, assuming that the covers themselves signal the canonicity of the books between. The article undertakes a long discussion of Athanasius’s canon list in order to justify the presence of two noncanonical works (the *Epistle of Barnabas* and the *Shepherd of Hermas*) in Sinaiticus alongside a relatively standard “canonical” collection of scriptural texts.<sup>38</sup>

<sup>36</sup> *Sayings of the Desert Fathers*, Epiphanius 8. Translation Benedicta Ward.

<sup>37</sup> Wallraff, *Kodex und Kanon*, 39.

<sup>38</sup> Skeat, “The Codex Sinaiticus, the Codex Vaticanus, and Constantine,” 599ff., following Lake and Lake, *Codex Sinaiticus Petropolitanus: The New Testament, the Epistle of Barnabas and the Shepherd of Hermas preserved in the Imperial Library of St. Petersburg*, XVIIff.

For Skeat, the presence of Barnabas and Hermas in a codex with the “canonical” texts suggests that, for the user of Sinaiticus, Barnabas and Hermas were “canonical” too. But this is to confuse the issue, and to presume wrongly that Athanasius’s canon was a codex. It was not, nor can the same be said for any other Christian of the fourth or fifth century. The presence of noncanonical material between the same covers as canonical material, even among Orthodox Christians in antiquity, was no cause for compunction. Collections of “Christian” and “classical” material are known in manuscripts as early (or late, depending on one’s perspective) as the fourth century – including, famously, the Bodmer Thucydides, an intact bifolium with a section of the biblical book of Daniel copied just before the beginning of book 6 of Thucydides.<sup>39</sup> This codex also included material from the biblical book of Susannah. Neither did ancient Christians display any concern about the status of the pandect’s conceptual opposite – namely, codices of scriptural texts that did not include the entire canon between its covers. *Most* late ancient scriptural texts were transmitted piecemeal. Consider, for instance, P. PalauRib Inv. 181–183, a Coptic codex of the late fifth century containing the Gospels of Luke, John, and Mark (TM 107760, 107904, 107905). Should we assume that this codex attests to a Christian community where only those three gospels were “canonical”? Athanasius wouldn’t make such an assumption, and neither should modern scholars. Likewise P. Bodmer 3 is a fourth-century Coptic codex containing only the Gospel of John and Genesis (TM 107758), while P. Bodmer 18 contains parts of the *Gospel according to Matthew* and Paul’s *Letter to the Romans*, and was copied in the second half of the fourth century or the first half of the fifth (TM 107759).

From the fourth and fifth century, not one example survives of a codex of Christian scripture that contains *only* the texts listed in any known canon from the period, including the famous fourth-century pandects that are so often hailed as ancient Christian bibles.<sup>40</sup> This insight necessarily complicates accounts like that of Robert Kraft, who claims that in Late Antiquity, “‘biblical canon’ took on a very concrete meaning in the

<sup>39</sup> This codex (P. Bodmer XLV, XLVI, XLVII, XXVII) comes from what is likely a monastic or school setting and appears to have been discovered with a large cache of otherwise “Christian” materials. Nongbri, *God’s Library: The Archaeology of the Earliest Christian Manuscripts*, 193–194, 208–211.

<sup>40</sup> The only *possible* contender is Codex Vaticanus, which itself is incomplete. Any reasonable historical methodology would express caution in suggesting that an incomplete piece of evidence points to an unprecedented historical phenomenon.

shadow of the appearance of the Bible as a single book in codex form.”<sup>41</sup> There is an added issue, discussed already in the late nineteenth century by Theodor Zahn: it is likely that the great fourth- and fifth-century pandects such as Sinaiticus and Vaticanus survive precisely because they were exceedingly difficult to use and, as a result, they were not.<sup>42</sup> As Robbins argues, in the fourth century, pandects “were never more than curiosities.”<sup>43</sup>

In the fourth and fifth centuries codices commanded respect and power, but they were not coterminous with canon. Skeat’s assumption of Athanasius’s “two categories” (κανονιζόμενα and ἀναγιγνωσκόμενα) itself breaks down, and Skeat admits as much, though without allowing that his analysis itself may be at issue. “Sinaiticus includes some which Athanasius does not include in either of his two categories, viz. 1 and 4 Maccabees in the Old Testament and the Epistle of Barnabas in the New.”<sup>44</sup> The fact is that most biblical books that we know from the fourth and fifth centuries are not pandects such as Sinaiticus or Vaticanus. And yet, most analyses of these pandects, and of Constantine’s request to Eusebius for fifty copies of “the sacred scriptures,” presume precisely that “scriptures” are those which are contained in a codex.<sup>45</sup> Skeat hastily jumps from the list of “holy scriptures” in Athanasius to the presumption that any request for such books would necessarily include all within the covers of a single codex.<sup>46</sup> Even Harry Gamble confused the issue, by justifying that the books dispatched to Constantine likely contained the four canonical gospels alone, on the basis that “the scope of the Christian Bible was still variable in the early fourth century.”<sup>47</sup> It may well be the case that the “sacred scriptures” dispatched to Constantine contained only gospels.<sup>48</sup> But the reason that this is possible is not because the

<sup>41</sup> Kraft, “The Codex and Canon Consciousness,” 230.

<sup>42</sup> Zahn, *Geschichte des neutestamentlichen Kanons*, 1.61.

<sup>43</sup> Robbins, “Fifty Copies of the Sacred Writings,” 97.

<sup>44</sup> Skeat, “The Codex Sinaiticus, the Codex Vaticanus, and Constantine,” 601.

<sup>45</sup> Eusebius, *Life of Constantine* 4.36.2.

<sup>46</sup> Skeat, “The Codex Sinaiticus, the Codex Vaticanus, and Constantine,” 605n28.

<sup>47</sup> Gamble, *Books and Readers in the Early Church: A History of Early Christian Texts*, 159.

<sup>48</sup> Lightfoot, *Horae hebraicae et talmudicae in quatuor Evangelistas: cum tractatibus chorographicis, singulis suo evangelistae praemissis*, 1.1037, suggests that the books mentioned by Eusebius may have been *harmonia concorporatis*, referring either to exquisitely produced gospel harmonies or, as suggested by Robbins’s reading, “gospel lections.” Robbins, “Fifty Copies of the Sacred Writings,” 92.

canon was underdetermined. The reason is that a codex did not contain the canon, and the bible was not a book.

These examples show that in antiquity, the act of binding texts together into a codex did not render them “canonized.” Further, these examples demonstrate that scriptural codices possessed an excess of vitality, beyond their function as inert vehicles for the transmission of text.<sup>49</sup> In the impossibly elegant words of Martin Wallraff:

The late-antique book thus achieves a depth of meaning that extends far beyond the function of writing and reading. It is more than text carrier. There is an excess of meaning, of effort, of medial impact, which transcends the contained and transmitted text and does not exhaust itself through reading. The book not only contains letters (*Zeichen*), but it becomes a sign (*Zeichen*) itself.<sup>50</sup>

For many Theodosian Age productions the codex form itself signaled the authority of the materials presented within. Speaking about the *Theodosian Code*, Serena Ammirati argued that during the Theodosian Age, “both the law of God and the law of people need to be put into writing, and their ‘scriptural’ authority receives external confirmation from the idea of authority intimately connected with the new format [of the codex].”<sup>51</sup> Ammirati goes further, arguing that even the choice of the uncial script – the same as was used in contemporary scriptural codices – signaled to the reader the universalizing aims of the Theodosian legal codification.<sup>52</sup> Nowhere is the material expression of power in codex form more clearly visible than in the *Acts of the Roman Senate Concerning the Theodosian Promulgation* (*Gesta senatus Romani de Theodosiano publicando*). The *Acts* record the presentation of the *Theodosian Code* in the West by Faustus the Pretorian Prefect, during a meeting of the senate at his

<sup>49</sup> The language of “vitality” is follows Hindy Najman, “Reading Beyond Authority.”

<sup>50</sup> Wallraff, *Kodex und Kanon*, 48. In James W. Watts’s estimation, scriptures are definitionally “material objects that convey religious significance by their production, display, and ritual manipulation” (11), and further that “scriptures are produced by ritualizing their three dimensions – semantic, performative, and iconic.” Watts, “The Three Dimensions of Scriptures,” 17. Watts’s definition of scripture holds, though it may be overdetermined by the late ancient process of objectification of biblical texts described here.

<sup>51</sup> Ammirati, *Sul libro latino antico: ricerche bibliologiche e paleografiche*, 85.

<sup>52</sup> *Ibid.*, 92. See also Mark Vessey, who argues that by the 480s in the realm of poetry, “the multi-quire codex was more invitingly encompassing than any single-object Latin poetry book in the time of Horace or letter book in the time of Pliny could have been, and hence more likely to trigger fantasies of final aut(hol)ographic perfection.” Vessey, “Sidonius Apollinaris Writes Himself Out: Aut(hol)ograph and Architekt in Late Roman Codex Society,” 129.

private residence in Rome late in 438.<sup>53</sup> The details of this fascinating document cannot hold me here, except to say that the Roman senate met continuously for almost a thousand years, and this is among the only transcripts of actual senatorial proceedings that remain extant.<sup>54</sup> As we saw earlier at the Council of Chalcedon, the meeting began with a call to order and a reading from what is consistently referred to as a “consecrated” book given by the emperor’s “divine hand (*manu divina*).”<sup>55</sup>

The consecrated book in question was the *Theodosian Code*. The *Gesta* reads: “The *Code(x)* was received into our hands, as directed by the order of both emperors . . . they ordered that this undertaking should be performed in order that we may obey with proper devotion the most carefully considered precepts of the immortal emperors.”<sup>56</sup> One section of the book was read – *Theodosian Code* 1.1.5 – in order that the assembly might know the intention of the codification program, namely the creation of an aggregative scholarly resource which could serve as the basis for a further, universal “guide to life,” about which I have written more in the Appendix.<sup>57</sup> A collection of forty-six exclamations follows, ranging

<sup>53</sup> The traditional date for the document is December 25, 438, following Mommsen’s reading of “VIII. k. Ian.” in *Gesta Senatus* 8. Lorena Atzeri suggests an earlier date, namely the May 25, reading “VIII. k. I<u>n.” Atzeri, *Gesta senatus Romani de Theodosiano publicando: il Codice Teodosiano e la sua diffusione ufficiale in Occidente*, 131–132. Text Mommsen and Meyer, *Theodosiani libri XVI cum constitutionibus Sirmondianis pars 2*, 3.8–12. Most scholars, in any event, agree that the *Code* was intended to be put into effect in the West as of January 1, 439, though Barnes has suggested January 1, 438. Barnes, “Foregrounding the Theodosian Code,” 684–685. The *Gesta Senatus* is extant in one manuscript of the late twelfth or early thirteenth century (Milan, Ambrosianus C 29 inf.), published initially by Walther Friedrich Colossius in 1824. As argued persuasively by Atzeri, there is little reason to think that the *Gesta Senatus* originally circulated with the *Code*. Rather, it seems to have been added as a preface to the *Code* circulated in the West beginning in 443. Atzeri, *Gesta senatus*, 264–286. Translations are adapted from Pharr.

<sup>54</sup> I recommend both Atzeri’s full-length study of the text cited in note 53, as well as a succinct overview in Matthews, *Laying Down the Law*, 31–54. Benet Salway rightly notes that the *Acts of the Roman Senate* are nevertheless not an uninterested account. Salway, “The Publication and Application of the Theodosian Code. NTh 1, the *Gesta Senatus*, and the *Constitutionarii*,” 10.

<sup>55</sup> “Consecrated” *Gesta Senatus* 2, “divine hand” 3, 1.23. <sup>56</sup> *Gesta Senatus* 3, 1.25.

<sup>57</sup> In this sense, it is interesting that *CTh* 1.1.5 was read rather than *CTh* 1.1.6, which scholars generally understand to be the more proximate basis for the promulgation as actually received in the West. The fact that 1.1.5 was read, and that its rhetoric is confirmed (quite literally) in *Novellae* 1 and 2, suggests that the gap between intention and execution of the *Theodosian Code* was not as great in the mind of ancient receivers of the text as it is in the estimation of contemporary scholars attempting to reconcile the project proposed in 1.1.6 and that which was apparently realized.

from the general (“May it please our *Augusti* to live forever! Repeated 22 times”)<sup>58</sup> to the specific (“Let the codes be copied and dispatched to the provinces! Repeated 11 times” (5, 3.16); “We request that the codes be kept in the public archives! Repeated 15 times” (5, 3.20); “We request that you make a report to the emperor about the desires of the senate! Repeated 20 times” (5, 3.31). Many exclamations confirm the extraordinary status of the object of the *Code(x)* itself – it was to be emblazoned with the seal of the prefects in whose office copies are kept, and many copies of the codices are to be made “in order that the established laws may not be changed” (5, 3.8).

And yet, while each copy of the *Codex* was intended to stand in for the divine authority of the emperor himself, the prestige of the object diminished as its text was transmitted – copies of the manuscript, even if identical, did not retain the special status as the original codex. As child nodes receded further from the original product presented at the wedding of Western emperor Valentinian III to Licinia Eudoxia (daughter of Eastern emperor Theodosius II), the status of the object changed.<sup>59</sup> When presenting the Western senate with this prestige object from the Eastern court, Faustus ordered copies of the codex to be made in three distinct groupings (*corpora*): the first was a copy brought from the East and presented to the Senate, which was to stay under lock and key in the archives of the Pretorian Prefect. Another copy, part of a different *corpus*, was to be sent to the archives of the Urban Prefect, while a third copy comprising a third *corpus* was to be entrusted to two specially chosen *constitutionarii* who were tasked with personally transcribing every published copy of the *Code*, including one to be sent to the province of Africa (Figure 5).<sup>60</sup> Faustus’s declamation is clear: each copy of the codex has a

<sup>58</sup> *Gesta Senatus* 5, 2.45. Acclamations of this type are typical of the genre both in Greek and Latin, and predate the Theodosian Age. Compare, for instance, *SEG* LI 1813, a transcription of acclamations from Termessos, Pisidia, in the mid-third century CE. Presented in Ballance and Roueché, “Three Inscriptions from Ovacik,” 109–110.

<sup>59</sup> The wedding took place on October 29, 437. The presentation of this codex at the wedding of the Western emperor to the daughter of the Eastern emperor only underscores the careful stage management of the project’s roll-out, and the political meaning of the project which was meant to demonstrate that the empire as a whole, after many decades of infighting between East and West, was *coniunctissimus* (*CTh* 1.1.5): most closely joined, in the manner of a married couple.

<sup>60</sup> The copies and *corpora* are detailed in *Gesta Senatus* 7. A rescript of Valentinian III, December 23, 443 (the so-called *Constitutio de constitutionariis*, discussed in Chapter 8) grants exclusive license to copy and distribute copies of the code to the two *constitutionarii*. John Matthews discusses the differing status of the three *corpora* in *Laying Down the Law*, 49–53, though his focus is on the aspect of archival security rather than differing



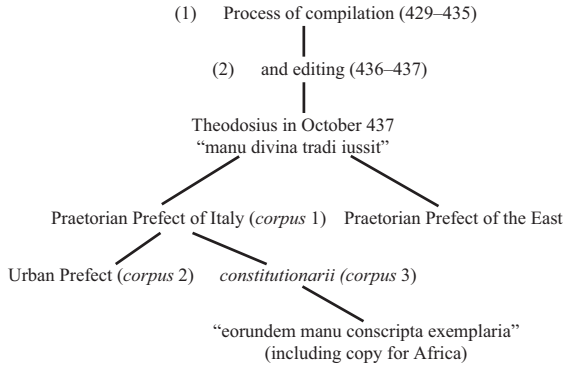


FIGURE 5. Stemma of *Theodosian Codices* described in *Gesta Senatus* 7. Chart adapted from Matthews, *Laying Down the Law*, 51.

different, and diminishing, status, though they are all equally authoritative and though all copies are to be made by the *constitutionarii* “in their own hand (*eorundem manu*).”<sup>61</sup> Our earliest surviving manuscript of the *Code* is Vat. Reg. Lat. 886, from the late fifth or early sixth century, and it shows clear signs both of being descended from an exemplar of “corpus 3,” as well as being a private copy. The inclusion of explanatory marginal notes in particular suggests that this cannot have been an official copy of the *Code*, and further that this manuscript did not command the awe evidenced in the senatorial reaction to the *Code*’s presentation in 438; it wouldn’t have been annotated otherwise.

The *Code* presented to the Senate in 438 was sacred. Its status was reiterated in a number of *novellae* promulgated by Theodosius II after the publication of the *Code*, and collected in a dossier dispatched to the Western court in 447.<sup>62</sup> In his first *novella* (or “new law”), Theodosius

status of the various groupings. See also Sirks, *The Theodosian Code: A Study*, 170. Salway notes plausibly that Faustus may speak (with somewhat less precision than one might hope) of three different *copies* of the text, and that he simply refers to them as *corpora* rather than speaking of three groups of manuscripts. The distinction doesn’t make a significant difference for my own argument, which has to do with the diminishing status of the copies relative to the original object presented at the wedding of Licinia Eudoxia and Valentinian III. Salway, “The Publication of the Theodosian Code and Transmission of Its Texts: Some Observations,” 31–38.

<sup>61</sup> *Gesta Senatus* 7.

<sup>62</sup> *Novella* 2, in particular, appears to be a cover letter for the collection of *novellae* that Theodosius II sent to Valentinian III on October 1, 447. The first *novella* (though not the earliest), quoted later, also concerns the promulgation and status of the *Theodosian Code*, and was promulgated from the Eastern court on February 15, 438, six weeks after the *Code* took effect as the bounds of the law throughout the empire.

It made provision for subsequent additions to the body of imperial general law, but always with reference to the version of the *Code* that was “kept in the sacred imperial archives (*sacris habentur in scriniis*).” Laws not officially added to the *Code(x)* were to be considered forgeries.<sup>63</sup> In other words, the *Theodosian Codex* itself, and not strictly the text that it contained, was an object of power and the singular locus of authority in the later Theodosian empire. Copies could be made and the content of the *Theodosian Code* could morph as necessitated by the continuing needs of a functioning imperial apparatus. But the object itself – its very materiality in physical form as a codex – remained the central focus of authority.

#### CONCLUSION

In antiquity the codex was pluripotent: it could heal the sick, drive away sin, invite Christ incarnate to an imperially sanctioned debate, and present the authority of the emperor at a distance. Codices were utilitarian receptacles of information, but to view them solely as such is to fail to grasp the profound political and cosmic significance that became attached to the objects themselves.<sup>64</sup> By the Theodosian Age the codex had completed its metamorphosis from caterpillar to butterfly. It was no longer a “shabby scratch pad.” It was capable of any number of miraculous deeds, and it was a sign itself of authority and religious sanction. Its larval stage can be seen in the exaltation of a lowly form by Christians, beginning with Constantine himself. By the time that Christians stalked the halls of power and created new, universal legal regimes as we find in the *Theodosian Code*, the codex had become the code – a symbol in and of itself.

<sup>63</sup> *Nov. Tb.* 1.6. The *novella* notes a few exceptions, as well, in 1.6.

<sup>64</sup> Jeremiah Coogan articulates a conceptually distinct understanding of the power of the codex among certain North African populations in the fourth century, including in the work of Optatus and Augustine. “The Christian book is not an independent talisman. Rather, it is referential to its source.” Coogan, “Divine Truth, Presence, and Power: Christian Books in Roman North Africa,” 385. In the North African context, the idea that “divine presence is manifested by the sacred physical book as an object in itself” is associated with the “Donatist” party. I hope to have shown that such clear partisan distinctions did not survive into the fifth century.