### JEWISH ROMANS, CHRISTIAN ROMANS, AND THE POST-ROMAN WEST: THE SOCIAL CORRELATES OF THE *CONTRA IUDAEOS* TRADITION

### Paula Fredriksen

hristianity was born in an argument over how to understand Jewish texts. While the biblical traditions referred to by Jesus of Nazareth would most likely have been in Hebrew or Aramaic, the texts and the arguments that shaped Christianity's future were in Greek. Greek did more than make the new movement available to a wider world, both Jewish and pagan. It also made those Hellenistic Jewish texts that most mattered to the movement — the Septuagint (LXX), Paul's letters, various early gospels — interpretively compatible with three important traditions from pagan high culture: ethnographical stereotyping, forensic rhetoric, and philosophical *paideia*. From these four elements, Christian traditions *contra Iudaeos* took shape.

In the following essay, I propose to trace the growth and effects of Christian rhetoric *contra Iudaeos* in three related but distinct historical moments: in Roman imperial culture pre-Constantine; in Roman Christian culture post-Constantine; and in the Christian culture of post-Roman, post-Arian Spain (589–711 CE). My goal is, first, to understand how this discourse functioned

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within its communities of origin and, second, to see whether and how the Church's 'hermeneutical Jew' (the 'Jew' as a figure for wrongly reading the Bible), and the Church's and the government's 'rhetorical Jew' (the 'Jew' as a polemical anti-Self) related to the social experience of real Jews — and of real Christians. To what degree, if at all, did Christian rhetoric *contra Iudaeos* shape Roman and post-Roman social reality?

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When late first/early second-century Christians began to dispute with each other over the right way to be Christian, they could turn to two bodies of texts prominent in the paleo-Christian tradition for their models: the ancient biblical stories in the Septuagint, and the first-century writings of Paul, of the later evangelists, and of other early authors. In the Septuagint, from Exodus to Deuteronomy, God and Moses complained to each other about Israel's behaviour, while prophets thundered against other Jews' practices and the psalmist lamented their sins. In first-century writings, Paul bitterly criticized his apostolic competitors ('Are they Hebrews? So am I! Are they Israelites? So am I! Are they descendants of Abraham? So am I! Are they ministers of Christ? [...] I am a better one!' II Corinthians 11. 22–23), while the evangelists' Jesus took on scribes, Pharisees, Sadducees, and priests. In brief, these Hellenistic Jewish texts, with all their intra-Jewish arguments, were a gold mine for later Christian rhetoric *contra Iudaeos*.

These criticisms of Jews and of Judaism native to Jewish texts were enhanced by the 'rhetorical Jews' of learned pagan ethnography. Empire had provided ample opportunity for Graeco-Roman literate elites to comment on barbarian 'others'. These others served as an occasion to articulate the inverse of the ideal Self.<sup>1</sup> Thus, Greeks were virile, while Persians were effeminate; Greeks were rational, while Egyptians were irrational; Romans were pious while Jews were impious; Romans were civilized while Germans were savage, and so on.<sup>2</sup>

<sup>1</sup> Pagans might also produce positive stereotypes, to express what they most admired about their own culture: thus, Jews are a nation of philosophers; they worship the high god without resort to images (Tacitus, *History*, 5.4), and so on Flater Christian authors, such as Origen in his work *Contra Celsum*, deploy both the positive and the negative traditions. When Celsus, through the persona of a 'Jew', pronounces criticism of Christianity, Origen responds with a negative (often originally pagan) Jewish stereotype; when Celsus criticizes Judaism, Origen responds using positive stereotypes, some of which derive from Hellenistic Jewish apology.

<sup>2</sup> See, most recently and exhaustively, Isaac, *The Invention of Racism in Classical Antiquity*. Part 2 of his study devotes individual chapters to these and other ancient ethnic groups. Graeco-Roman ethnographers attributed terrible behaviours to Jews: Jews, they said, were anti-social, secretive, clannish, sexually profligate; they sacrificed humans and occasionally ate them.<sup>3</sup> But these ethnographers also put Egyptians, Persians, Scythians, Gauls, Britons, and Germans to such use. The fact that we know so much more about pagan anti-Jewish stereotypes than we do about the stereotyping of these others is directly attributable to the activity of later Christians, who preserved the hostile pagan remarks against Jews while augmenting them with genres all their own.<sup>4</sup>

The adversarial conventions of Graeco-Roman rhetorical culture also enhanced Christian discourse contra Iudaeos. These modes of argumentation had deep roots, which went back to the days of the classical polis. Two later social settings had radically stabilized and perpetuated the *polis* curriculum: institutions of secondary education (Hellenistic gymnasia earlier; Roman-era schools later) and the chambers of municipal governments (whether city councils or courts of law). From one generation to the next, the learned and literate - for the most part, the sons of urban elites - were taught how to present a persuasive case for *and* against some proposition by orally rehearsing traditional arguments and their traditional, coordinating counter-arguments. This mode of education, propelled by and propelling public disputation, instructed the student not in how to interpret a text (a will, a contract, a treaty, a poem) but in how to conduct an argument about how to interpret a text. Its goal was persuasion, its representation of the contending Other not descriptive but polemical. By the second century CE, this contentious way of framing discussions about meaning, together with its stock of insults, challenges, and defences, had passed easily into Christian theological production, thus structuring and organizing Christian anti-Jewish repertoires.<sup>5</sup>

<sup>3</sup> Greek and Roman remarks on Jews are gathered, translated, and commented upon in Stern, *Greek and Roman Authors on Jews and Judaism*. For analysis of the negative traditions, see Louis H. Feldman, who breaks them into popular and erudite prejudices, Feldman, *Jew and Gentile in the Ancient World*, pp. 107–22, 123–76; and Schäfer, *Judeophobia*. Gager, *The Origins of Anti-Semitism*, pp. 35–111, examines both positive and negative traditions. For a careful analysis of the social function of such accusations, see Rives, 'Human Sacrifice among Pagans and Christians'.

<sup>4</sup> 'Christian activity is responsible for the preservation of a good deal of ancient sourcematerial on Jews that is not available for other ethnic groups in antiquity'; Isaac, *The Invention of Racism in Classical Antiquity*, p. 441.

<sup>5</sup> On antiquity's culture of contention, and the ways that this rhetoric affected Christian theology and particularly theology *contra Iudaeos*, see Fredriksen, *Augustine and the Jews*, pp. 213–34 and literature cited there.

Philosophical *paideia*, finally, particularly its Platonic strains, set the terms of learned theology, and thereby contributed crucially to a Christian groundswell of anti-Jewish rhetoric. All ancient Christian theologians, of whatever doctrinal persuasion, adopted philosophy's definition of the high god as perfect, changeless, utterly without body; and they identified that god with the father of Christ. All assumed, therefore, that the active god described in Genesis was a lower god, a *demiurge* or *kosmokrator*. (For Valentinus or Marcion, this lower god, the god of the Jews, was Christ's opponent; for Justin, this lower god was Christ, active in history before his Incarnation, 'Dialogue with Trypho', 56–62.) All took for granted that matter, the unstable substratum of the visible cosmos, was in some way defective, whether materially or morally. Accordingly, these theologians also praised and valued sexual renunciation over sexual activity and childbirth, associating the former with 'mind' or 'spirit' and the latter with 'body' or 'flesh'. Serving as binary opposites, these paired terms also coded hermeneutics: to interpret a text or teaching 'correctly' was to understand 'according to the spirit;' to do so 'incorrectly' was to understand 'according to the flesh'. Invariably, then, Jewish interpretive positions or religious practices, real or imagined, ancient or contemporary, were identified as 'fleshly'. Finally, adopting and adapting the intra-pagan arguments originally deployed by the Academy against Stoic defenders of traditional Mediterranean cult, Christian authors denounced Jewish sacrifices as intrinsically wrong-headed, implicitly idolatrous, and offensive to true piety and to God.<sup>6</sup>

The criticisms of Jews and of Judaism available in Jewish texts; the hostile caricatures of Jews available in learned Graeco-Roman ethnographies; the polarizing and polemical nature of rhetorical culture; the metaphysics implicit in antiquity's philosophical *koine*: these four factors combined to provide flexible, powerful, and extremely long-lived rhetorical traditions of Christian anti-Judaism. The full arsenal of arguments is already well displayed, mid-second century, in Justin Martyr's 'Dialogue with Trypho'. The old Mosaic law, Justin explains there, was not a privilege but a punishment, earned by the Jews' stubborn sinfulness: understood 'spiritually', Jewish scripture actually encodes allegories or typologies of Christ ('Dialogue with Trypho', 11–14, 18, 21–22, and frequently). Israel's temple service, unspiritual in itself, had served merely to temper the perennial Jewish tendency to worship idols ('Dialogue with Trypho',

<sup>6</sup> On the ways that early and mid-second century Christian theologians shaped their constructive as well as their critical views with these concerns in mind, Fredriksen, *Augustine and the Jews*, pp. 41–75. For pagan arguments against sacrifice, Ricken, *Antike Skeptiker*, pp. 53–67. 32). The heroes of Jewish scripture — Moses, David, the prophets — had actually spoken about Christ; but the Jews, interpreting in a 'fleshly' way, misunderstood this reference. Once Christ, the lower god active in Jewish scriptures, finally did appear in the flesh, Jews rejected his teachings and murdered him, just as they had done to the prophets before him and just as they still try to do to Justin's Christian contemporaries. It is on account of the proverbially stony Jewish heart, Justin concludes, that God gave Israel so many bad laws, that he destroyed the Jews' temple, and that he finally drove the Jews into perpetual exile ('Dialogue with Trypho', 16, and frequently).

The tropes of this anti-Jewish rhetoric did double duty. They initially provided some gentile Christians with an apology vis-à-vis contemporary critics, whether pagans, other Christians, or Jews, to explain why their community reverenced the Septuagint as Christian scripture while foregoing most of the practices that it enjoined ('fleshly' circumcision, food laws, Sabbaths, and so on). But these arguments had an even longer future as a weapon of choice within entirely gentile Christian debates. To whatever degree such rhetoric might have been useful when dealing with Jews, it served especially well to articulate the principles of 'orthodox' identity against the insidious challenge of alternative forms of gentile Christianity — this is how Marcion, for example, ends up condemned for acting and thinking like a 'Jew' (Tertullian, Adversus Marcionem, Book 3, passim). Intriguingly, the harshest rhetoric contra Iudaeos appears not in apologies written against Jews, but in attacks against other, 'heretical' Christians.<sup>7</sup> The lush development of Christian rhetoric contra Iudaeos in the second and third centuries can be attributed in no small way to the energetic and untrammelled diversity of second- and third-century gentile Christianities.

What about the social context of this harsh and polarizing language? Is the language itself evidence that Christians and Jews had stopped talking with each other or, on the contrary, evidence that the two communities remained in contact? Scholarly opinion on this issue is divided. Shared exegetical traditions certainly imply continuing contact, even if this evidence turns up within precisely those authors, like Justin and Tertullian, who repudiate Judaism most vigorously.<sup>8</sup> Perhaps, then, the vituperation indexes not difference as such but, on the contrary, a strenuous effort to make a difference.<sup>9</sup> Was this contact in part THIS DOCUMENT MAY BE PRIVATE USE ONLY.

<sup>7</sup> This pattern was first noted in a now-classic essay, Efroymson, 'The Patristic Connection'.

<sup>8</sup> For a review of this argument, see Horbury, *Jews and Christians in Contact and Controversy*; Lieu, *Image and Reality* and Lieu, 'History and Theology in Christian Views of Judaism'; and the various essays collected in Becker and Reed, *The Ways That Never Parted*.

<sup>9</sup> See Boyarin, *Border Lines*.

competitive? Was each community invested in missionary efforts to pagans? Again, scholarly opinion is divided. Some, pointing to pagan complaints about Gentiles Judaizing and to the incontrovertible fact that synagogues did receive non-Jews through conversion,<sup>10</sup> argue that such data are best explained as evidence of Hellenistic Jewish missions to Gentiles.<sup>11</sup> Others protest that conversion does not *eo ipso* imply mission, and that seeing Judaizing and conversion as evidence of missions projects onto Judaism a definition of robust religiosity that is drawn utterly from the Christian phenomenon.<sup>12</sup> Whichever reconstruction one prefers, a presupposition of contact (whether hostile, friendly, or both) undergirds all. But the adversarial rhetoric *qua* rhetoric is itself part of the problem: its great formal stability hinders the effort to see in the surviving literature the actual beliefs, concerns, circumstances, and social behaviours of ideologically warring contemporaries.

Christian anti-Jewish rhetoric undergoes a second great period of hyperdevelopment, curiously, in the decades following Constantine's conversion. The emperor's patronage had dissolved so many of the prior period's uncertainties that this new surge of over-heated oratory might seem counter-intuitive. After all, by the mid-fourth century, the Septuagint had emphatically become the Church's Old Testament; 'heresy' had made the transition from being a form of name-calling to being a legal disability; the old Jewish homeland had become the new Christian Holy Land; and the Church and its bishops were actively supported by imperial largesse. These new circumstances represent a clear victory for 'orthodox' Christianity. Whence then its continuing and even increasing vituperation against 'the Jews'?

<sup>10</sup> Our word 'conversion' is itself problematic in this context because of antiquity's universal association of 'religion' — better, 'ancestral practices' — with ethnicity. Ancient Jews and ancient pagans both spoke of this phenomenon of foreigners radically affiliating themselves with the Jewish community in terms drawn from political alliances; for example, Philo of Alexandria, *On the Special Laws*, trans. by Colson, 1. 9. 51; Celsus in Origen Adamantius, *Contra Celsum*, ed. by Chadwick, 5. 41. See further Fredriksen, 'Mandatory Retirement' and Fredriksen, 'Judaizing the Nations'.

<sup>11</sup> Some of the great names in twentieth-century scholarship on Christian anti-Judaism — James Parkes, Bernhard Blumenkranz, Marcel Simonare championed this view of Jewish missionary activity, but it has become an increasingly lonely interpretive position in light of more recent work. Preeminent advocates of this older view currently include Louis Feldman and William Horbury. For arguments against, see n. 12 below.

<sup>12</sup> For an overview of the *status quaestionis*, see Carleton Paget, 'Jewish Proselytism at the Time of Christian Origins'; against early Jewish missions, Goodman, *Mission and Conversion*; Fredriksen, 'What "Parting of the Ways?", and literature cited.

Intra-Christian diversity, again, goes far in explaining this new bloom of rhetoric contra Iudaeos. Constantine's efforts to consolidate orthodoxy had resulted in the shocked recognition that the notionally united *catholica* in fact encompassed many local variations in practice, discipline, belief, and doctrine. In short, the awareness and even the generation of difference were caused by the imperial consolidation itself. Creeds as consensus documents served as occasions for further fracturing. Coercive measures, at imperial initiative, soon followed.<sup>13</sup> The resulting explosion of Christian debate led to heated exchanges of anti-Jewish accusations between warring individuals and doctrinal camps. Thus Athanasius condemned his Arian enemies in a conflict over the date of Easter:<sup>14</sup> thus Faustus, the great spokesman for Latin Manichaeism, condemned catholic Christians;<sup>15</sup> thus Jerome condemned Augustine, in a debate over how to read Galatians;<sup>16</sup> thus Chrysostom criticized members of his own congregation when they fraternized too closely with local Jews.<sup>17</sup> To call a Christian a 'Jew' was to call him, in the most profound and definitive way possible, an un-Christian, indeed, an anti-Christian. In all forms of Christian literature from the fourth century onwards, this 'rhetorical Jew' figures prominently as a constitutive element of orthodox identity.

If the roiled state of fourth-century orthodoxy offered new opportunities for intra-Christian exchanges of anti-Jewish insults, it also led to ecclesiastical and imperial initiatives to try to curtail real contacts between Christians and Jews. In the *corpora* of church canons, we glimpse both the Church's concern to separate Christians from Jews, and the sorts of normal social con-

<sup>13</sup> Peter Brown notes that 'religious coercion on a large scale was mainly practised by Christians on other Christians', and he goes on to explain how the experience of late Roman Jews differs from this in Brown, 'Christianization and Religious Conflict'. On the collaboration of ecclesiastical and imperial law see also Hunt, 'The Church as a Public Institution'. On Christian anti-Christian persecution, see further Fredriksen, 'Christians in the Roman Empire'; also de Ste. Croix, *Christian Persecution, Martyrdom, and Orthodoxy*, pp. 201–28. Mutual catholic/Donatist violence is examined and analysed in Brent Shaw's recent and definitive study Shaw, *Sacred Violence*.

<sup>14</sup> Brakke, 'Jewish Flesh and Christian Spirit In Athanasius of Alexandria'.

<sup>15</sup> His arguments survives in Augustine's rebuttal of them, Augustine, *Contra Faustum Manichaeum*, ed. by Zycha; (or Augustine, 'Against Faustus', trans. by Stothert; see Fredriksen, *Augustine and the Jews*, pp. 213–34.

<sup>16</sup> Jerome's most baroque denunciations of Augustine's 'Jewishness' appear in *ep.* 75 of the Augustinian corpus; Fredriksen, *Augustine and the Jews*, pp. 290–302.

<sup>17</sup> See esp. Wilken, John Chrysostom and the Jews; Shepardson, 'Pascal Politics'.

tacts that prevailed between these populations, as between pagans, Jews, and Christians of many sorts. Some Christians kept the Jewish Sabbath as a day of rest, and worked on Sundays (Laodicea, canon 29); they received festival gifts from Jews and heretics (Laodicea, c. 37); accepted matzah and participated in Jewish 'impieties' (Laodicea, c. 38). They shared in Jewish fasts and feasts (Apostolic Canons, c. 70); tended lamps in synagogues on feast days (c. 71); joined with Jews and heretics in prayer (c. 65), and gave their children to Jews in marriage (Chalcedon, c. 14).<sup>18</sup> And the Jewish calendar — especially the date of Pesach relative to Easter — continued to influence Christian communal celebration, Constantine's pointed efforts at Nicaea notwithstanding.<sup>19</sup> These patterns of inter-communal socializing seem very entrenched, which perhaps gives the measure of how long-lived they were. Had we relevant canons from second and third-century councils, they might very well reveal the same behaviours.<sup>20</sup>

Rhetorical anti-Judaism post-Constantine also metastasized into a new cultural area: Roman imperial law, which came to constitute its own sort of literature *adversus Iudaeos.*<sup>21</sup> Imperial law indulged in the rhetorical humiliation of Judaism, which it characterized as a *feralis* and *nefaria secta* (*CTh.* 18.8.1,2,8,9), a *sacrileges coetus* (*CTh.* 8.7; *CJ.* 1.7.2), a *contagia polluerens* (*CJ.* 7.3) Earlier laws against the circumcision of non-Jews focused now especially on the issue of Jewish masters owning Christian slaves, and were frequently and shrilly reiterated; Judaizing and conversion to Judaism were vituperatively denounced (*CTh.* 16.8.1,7; 16.8,19 in 409 CE; 16.9.5, in 423 CE). Newer laws excluded Jews from positions in the military, in government, and in legal professions. Construction of new synagogues was forbidden.<sup>22</sup> Harsh rhetoric aside, though,

<sup>18</sup> Linder, 'The Legal Status of the Jews in the Roman Empire', collects and comments upon this legislation; see also Parkes, *The Conflict of the Church and the Synagogue*, pp. 174–77.

<sup>19</sup> See, in particular, Wilken's comments on this 'dispute about religious and communal identity' in the year 387, when 14 Nisan fell on Easter Sunday, Wilken, *John Chrysostom and the Jews*, pp. 76–79. For Constantine's fulminations against Quartodecimians, see Eusebius, *De vita Constantini imperatoris*, 3. 18–19; see too notes in Eusebius, *Life of Constantine*, trans. by Cameron and Hall, pp. 269–72. <sup>©</sup> BREPOLS PUBLISHERS
 <sup>20</sup> The council of Elvira (pre=Constantinian, though early fourthscentury) does complain

<sup>20</sup> The council of Elvira (pre-Constantinian, though early fourth century) does complain about the same behaviour, forbidding intermarriage (c. 16), Christians' having Jews bless their fields (c. 49), dining with Jews (c. 50), and sexual relations ('adultery') with Jewish women (c. 78).

<sup>21</sup> Annotated Justinian Code, ed. by Blume (abbreviated to CJ. in text); The Theodosian Code and Novels, ed. by Pharr (abbreviated to CTh. in text).

<sup>22</sup> Günter Stemberger notes that, at least according to the archaeological record in

Christian emperors in the fourth and fifth centuries for the most part continued and arguably even extended the policies of their pagan predecessors, granting to Jewish communities a significant degree of autonomy, both religious and social. Synagogues were protected from destruction, from appropriation by the military (troops were not to be quartered therein), and from unlawful seizure (in such cases, Jewish communities were to be fairly compensated for their property), all on the well-established principle — and in increasing contrast to non-Catholic Christians and to pagan traditionalists — that *Iudaeorum secta nulla lege prohibita* (*CTh.* 16.8.9).<sup>23</sup> Finally, in striking contrast to what would later be the case, Jews who had converted to Christianity out of convenience (or 'out of various necessities') rather than conviction were allowed to return *ad legem propriam* (*CTh.* 16.8.23, issued in 416).<sup>24</sup>

Why did 'secular' law come to incubate rhetoric *adversus Iudaeos*? Part of the answer lies in Roman culture's deeply traditional beliefs about the relation between heaven and earth. Their robust survival belied the shift from a pagan to a Christian cosmos. For Christian rulers, no less than for their pagan predecessors, the hope of averting heaven's wrath and of soliciting divine good-will depended upon the careful maintenance of the 'pact' between heaven and earth, the *pax deorum* or (after 312) the *pax dei*. The Christian God, distilled from readings of Old and New Testament, sternly disapproved of the traditions and practices of outsiders ('idol worship' in both testaments, now interpreted as the full range of Graeco-Roman traditional cults), and of diversity within his own community (now expressed as heresy and schism). And in light of the traditions *adversus Iudaeos*, he also objected profoundly to Jews and Judaism.

Palestine, these laws evidently had little effect, Stemberger, *Jews and Christians in the Holy Land*, pp. 121–60.

<sup>23</sup> The language of this statute of 393, coming within a few years of the destruction of the synagogue at Callinicum, is quite strong: 'We are therefore gravely disturbed by the interdiction imposed in some places on their [the Jews'] assemblies. Your Sublime Magnitude [Addeus, the supreme military commander in the East] shall, upon reception of the order, repress with due severity the excess of those who presume to commit illegal acts (*inlicita*) under the name of the Christian religion and attempt to destroy and despoil synagogues.' Other statutes protective of Jews and synagogues include 16.8.12 (fissued in 397 CE); 8.20 (412 CE); the latter statute both protects synagogues and affirms Jewish exemptions from legal business on Sabbaths and holy days by appeal to longstanding legal precedent. Statute 8.21 (420 CE) protecting both Jewish persons and property, whether private or communal; 8.25 (423 CE) specifically forbidding the quartering of troops in synagogues, and ordering compensation for those seized; 8.26 (423 CE), coupling protective measures with a warning against Jews circumcising 'a man of our faith').

<sup>24</sup> On this whole issue, see Linder, 'The Legal Status of the Jews in the Roman Empire'.

The Christian ruler, for the safety of the state, had to frame his actions and edicts accordingly.<sup>25</sup>

Church canons censured social and religious mingling; imperial law lashed out at religious minorities, not just against Jews. To what effect? Our evidence suggests the usual gaps between repressive rhetoric and social reality. Emperors who condemned paganism also depended upon a civil service and a military whose ranks, even at the highest levels, continued to be filled by pagans (and, eventually, by 'heretic' Goths, who were Arians). Communities of heretics continued to be found in Roman cities, their members impressed into curial duties. The ideology and the rhetoric of orthodoxy notwithstanding, pagans and heretics were a fact of life. (Ambrose, the Catholic bishop of Milan, graciously received the new municipal rhetorician, Augustine the Manichee; *Confessions*, 5.13, 23). Despite punishing legislation (the effect of which is difficult to gauge), the occasional wanton destruction of holy sites and sacred books, and physical intimidation, minority communities remained.<sup>26</sup> The triumphal narratives of the ecclesiastical victors gloat over this destruction and also camouflage its limits.

What about Jews in this transitional period? What happens to them in the time between Constantine's conversion in the early fourth century CE and the dissolution of the western empire in the course of the fifth? Our evidence pulls in different directions. For example:

- In Antioch in the mid-380s, so many of the Christians in John Chrysostom's church regularly frequented the feasts and fasts of their Jewish neighbours that John dedicated an extraordinary series of sermons against them

   to what avail, we do not know. In the same decade, Christians in Callinicum on the Euphrates, spurred on by their bishop, burned down a local synagogue. The emperor Theodosius I ordered the bishop to pay damages to the Jews. Later, importuned by Ambrose of Milan, the emperor countermanded his own order. But in 393, in his own name and in those of his sons, Arcadius and Honorius, Theodosius affirmed that 'no law prohibits the Jewish sect'. Persons despoiling synagogues broke the law, and they were to be repressed 'with due severity' (*CTh.* 16.8.9).
- Two donor inscriptions on a pillar in Aphrodisias in modern Turkey mem-© BREPOLS PUBLISHEES orialize two communal projects effected by the combined efforts of local IT MAY NOT BE DISTRIBUTED WITHOUT PERMISSION OF THE PUBLISHER.

<sup>25</sup> On the traditionally Roman aspects of the Christian emperors' fear of heaven, there is a particularly good discussion in Liebeschuetz, *Continuity and Change in Roman Religion*, pp. 277–308.

<sup>26</sup> See esp. MacMullen, *Christianity and Paganism in the Fourth to Eighth Centuries*.

Jews, proselytes to Judaism, and Gentile god-fearers (whether pagans or Christians we cannot say). One face of the pillar dates from the fourth century; the other — even more remarkably — from the fifth.<sup>27</sup> Conversion to Judaism, as well as Christians' affiliating through 'god-fearing', were both in violation of imperial law by this time. In essence, the inscription publicly proclaims illegal acts.

- During the 360s, by imperial order, the position of *defensor civitatis* (protector of the city) had been created in order to expedite local legal cases, and to guarantee some measure of the courts' justice to the poor. In 409 the emperors added a further refinement: holders of such office, they decreed, had to be men 'imbued with the sacred mysteries of orthodox religion', that is, Catholic Christians (*CJ*. 1.55.8). In the decade between this last decree and religious violence on Minorca (see just below), the position of *defensor*, by collective assent of the local council together with the approval of the bishop, had been held by that island's preeminent citizen, Theodorus. His kinsman Caecilianus served as *defensor* in 417–18 CE. Both men, until events overtook them, had also held high office in their synagogue. In other words, both of these 'defenders' the chief Roman magistrates of their community who held office well after the law of 409, were themselves Jews.
- Beginning in the 390s, the imperial government repeatedly condemned and outlawed Christian violence against Jewish persons and property, whether it were through coerced conversions or through the destruction or appropriation of synagogues.<sup>28</sup> In 418 CE, however, the arrival of the relics of St Stephen precipitated a crisis on the island of Minorca. Christians from one of the island's two towns, led by their bishop, Severus, marched on the Jews of the island's other town. They took over the synagogue and destroyed it, forcing 540 Jews to become Christians. Bishop Severus's action against Minorca's Jewish community was unquestionably illegal. But Severus took great pains to broadcast his deed as widely as possible. He composed and circulated an encyclical letter about the affair, closing by urging his fellow bishops to 'take up Christ's zeal against the Jews [...] for

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<sup>27</sup> For this dating, see Chaniotis, 'The Jews of Aphrodisias', correcting the older analysis of Reynolds and Tannenbaum, *Jews and God-Fearers at Aphrodisias*. For the implications that this newer dating has for ancient Jewish–Christian relations, the two essays by Fergus Millar cited above, n. 35.

<sup>28</sup> *CTh*. 16. 8. 9 (in 393 ce), 8. 12 (in 397 ce), 8. 20 (in 412 ce), 8. 25 (in 423 ce).

the sake of their eternal salvation'. Severus hoped that his initiative would serve as the 'spark' by which 'the whole earth might be ablaze with the flame of love' in order to burn down the Jewish 'forest of unbelief' (*Letter of Severus*, 30.2; 31.2-4).<sup>29</sup>

Sometime thereafter, Augustine received a copy of Severus's epistle from Consentius, a man of letters who had ghostwritten the account of this attack. Consentius referred to the forced conversion of Minorca's Jews and the destruction of their synagogue as 'certain marvellous events [that] took place among us by the command of the Lord' (Letter \*12. 13. 5). Of Augustine's reply we have no record. We do know, however, that in those writings of his composed after this date (c. 418; most importantly, the final books of City of God), Augustine repeated that same unique teaching that he had first formulated c. 400 in his refutation of Latin Manichaeism, contra Faustum. The Jews' ancestral law had been given to them by God the father as a blessing, he wrote there; the Jews' practice of Judaism was the divinely given 'mark of Cain' which protected them from religious harassment by monarchs, whether pagan or Christian. God wanted the Jews, urged Augustine, to live as Jews, unmolested by coercion, until the End of the Age (Augustine, *Contra Faustum Manichaeum*, ed. by Zycha, 12. 12–13).

What generalizations about social relations between Christians and Jews can we draw from these inconsistent data? Were the fourth and fifth centuries the best of times or the worst of times? Both, I think. Conditions varied depending on locale, and on the temperament of the particular bishop. Where there was violence, there was most often a bishop directing its flow.<sup>30</sup> We know of some dozen episodes throughout the empire in these years when Christian mobs either destroyed or appropriated synagogue buildings.<sup>31</sup> Yet in exactly this same period, also throughout the empire, we also have incontrovertible evidence of close and friendly Christian–Jewish relations. Church councils constantly (futilely?) reiterated their interdictions against the Christian laity's and even the clergy's consorting in any way with Jews. Imperial legislation, meanwhile,

<sup>29</sup> The edition of Severus's letter in Severus of Littlers, ed. by Bradbury, has a long historical introduction, an excellent and full analysis in light of imperial law is provided in Lotter, 'Die Zwangbekehrung der Juden von Menorcaum 418'.

<sup>30</sup> See especially Irshai, 'Christian Historiographers' Reflections on Jewish–Christian Violence', pp. 137–53 and 306–15; also Salem, 'The Contest over Place and Space'.

<sup>31</sup> Jean Juster reviews these incidents of Christians' appropriating or destroying synagogues in Juster, *Les Juifs dans l'Empire romain*, 1, 464, n. 3.

repeatedly safeguarded Jewish religious prerogatives even as it lavishly insulted this 'nefarious' and 'un-Roman' sect.<sup>32</sup>

The imperial legislation itself creates a trompe-l'oeil. Gathered into grand compendia in the fifth century and again in the sixth, these individual fourthcentury laws originated as secular *responsa* sent to particular imperial officers in one part or another of the empire. The laws themselves do not represent widespread initiatives universally applied (as, indeed, Severus's insouciance suggests). How were these laws enforced? Were they enforced? We lack the evidence to answer with any confidence. The emperors' hostile language, furthermore — their own iteration of the Church's contra Iudaeos tradition — often masks the actual balance of their laws, which attempt to impose restraint on all sides. And, finally, in striking contrast to Christian Rome's treatment of heretical Christians and of pagans, the emperors never outlawed Jewish practice, while they preserved many of the Jews' ancient privileges. Anti-Jewish persecution doubtless occurred, but on not nearly so universal and so violent a scale as the rhetoric of bishops and emperors might prompt us to imagine. We might speculate on the degree to which orthodoxy's reliance on the Bible in both testaments, Old and New, created a safety zone for Jews that it pointedly denied to pagans ('idol-worshippers') and to heretics ('anti-Christs'). Whatever its sources, this safety zone clearly demonstrates its effects in our evidence: during the fourth and fifth centuries, Jews enjoyed a measure of security, acceptance, and respect that Catholics vigorously denied to pagans and to various fellow Christians.<sup>33</sup>

Finally, although intra-Christian diversity fanned the polemical flames of rhetoric *adversus Iudaeos*, Gentile foot-traffic through the late Roman synagogue may have aggravated it. Informal, *ad hoc* and varying degrees of pagan affiliation to and involvement in synagogue communities continued long into

<sup>32</sup> Fredriksen and Irshai, 'Christian Anti-Judaism: Polemics and Policies', esp. pp. 998–1014 and 1020–27; on Judaism as a 'perversity alien to Roman order', *CTh*. 16. 8. 19.

<sup>33</sup> Stephen Mitchell mentions that relations between Jews and heretical Christians also continued to be close and complex in Mitchell, *A History of the Later Roman Empire, AD 284–641*, p. 236. He also notes that anti-Jewish Dersecution, where it occurred, was sporadic and a prodit MAY NOT BE DISTRIBUTED WITHOUT PERMISSION OF THE PURISHER uct of local conditions, not of systematic policy' (p. 237). Fergus Millar provides two valuable surveys of materials relevant to this question, for both halves of the late empire, in Millar, 'The Jews of the Graeco-Roman Diaspora', pp. 97–123; and in Millar, 'Christian Emperors, Christian Church, and the Jews'. In the latter, Millar also considers Jewish anti-Christian violence which, though less fully attested than Christian anti-Jewish violence, also marred social relations in the late Roman city. the Christian period.<sup>34</sup> Tertullian in third-century North Africa, and Cyril in fifth-century Alexandria, both comment bitterly on the inconsistency of those pagans who worshipped the god of Israel as well as their own deities (Tertullian, ad Nationes, 1.13.3-4; Cyril, On Worship in Spirit and Truth, 3.92.3). Commodian, a third-century (or, perhaps, a fifth-century) North African Christian, criticized Jews for allowing pagans to behave in this way. And while Chrysostom complains acidly about gentile Christians in his church frequenting Jewish festivals, he never suggests that the synagogues are actually trying to convert these Christians to Judaism. Commodian in fact chides Jews precisely because they do not push for converts, much less run missions to win them. 'They [the Jews] ought to tell you [a pagan] whether it is right to worship the gods' (Instructiones, 1.37.10). The diaspora synagogue's openness to receiving occasional outsiders, and the outsiders' continuing interest in dropping in, attested as well in Jewish inscriptions from Aphrodisias and Sardis, testify to a continuing religious fluidity in the late Roman world, one that neither episcopal nor imperial writings prepare us to see.<sup>35</sup> The fact of this fluidity, in turn, measures the gap between anti-Jewish rhetoric and social reality in the cities of the late empire.

Successive waves of invaders — Vandals, Goths, Sueves, Franks — battered the western empire from the early fifth century onwards, accelerating the decline of (even notional) central power. For the next three hundred years, these groups fought among each other and between themselves when they were not facing off with 'Rome' (represented in this period by Byzantine incursions west).

\* \* \*

After 456 CE, Visigothic conquerors established themselves as a ruling class in southern France and in central and eastern Spain. These newcomers' religious distinctiveness underscored their ethnic otherness: they were Arian Christians, whose customs, liturgical practices, and doctrines marked them off from the

<sup>34</sup> Fredriksen, 'What "Parting of the Ways?" considers both pagan and Christian Judaizing.

<sup>35</sup> The redating of the Aphrodisias inscriptions to this later period, observes Fergus Millar, has 'revolutionary implications', and offerss' the occasion for a complete reevaluation of the place of Judaism in the religious map of the Date Roman Christian empire in the East [...] As soon as we read this document, not as the product of the period when both Christian and Jewish communities lived as tolerated or threatened minorities in an essentially pagan world [the consequences of the earlier, third-century dating], it appears in a wholly new light [...] It offers a sudden glimpse of religious fluidity in the fourth century, and of an attractive power of Judaism, for which earlier documentary evidence had not prepared us', Millar, 'Christian Emperors, Christian Church, and the Jews', pp. 17–18.

vastly more numerous Catholic population over whom they now ruled.<sup>36</sup> Yet some things continued as before: In this post-Roman kingdom, as in the days of the empire, relations between heaven and earth were still the particular responsibility of Roman urban elites. Now, however, this mediating function devolved to a particular embodiment of that elite, the Hispano-Roman Catholic bishop, who served as vital middleman to a new celestial patron, the municipality's saint.<sup>37</sup> The minority Arian Goths, meanwhile, maintained their own churches, directed by their own prelates.

The instability inherent in this situation was compounded by Visigothic patterns of leadership. Assassination or revolt almost invariably accompanied transfers of military and political power: the sort of turmoil that had marked imperial office in the mid-third century seemed endemic to Visigothic succession also. Meanwhile, as power pooled around local strongmen and as cities 'with no ingrained tradition of subordination to a Gothic king' grew increasingly autonomous, the peninsula endured a long period of 'incoherent warfare' which ended only in the 570s with the victories of Leovigild, the last Arian king of Visigothic Spain.<sup>38</sup>

What about the *other* Hispano-Romans?<sup>39</sup> Visigothic rulers in their Arian phase seem mild in their speech about and actions towards Iberian Jews. When

<sup>36</sup> Collins, *Visigothic Spain*, provides a good general introduction; see also Heather, *The Goths*; earlier and valuable is Thompson, *The Goths in Spain*. James O'Donnell makes the point that this tribe, by the late fourth to early fifth century, had had long experience of the Roman empire, and that it was through this experience ('not from ancestors and time immemorial') that their identity was distilled and established. 'Their success and their resentment of Roman high-handedness — not any shared ethnic identity — made them Visigoths', O'Donnell, *The Ruin of the Roman Empire*, pp. 84–85; though compare the cautionary remarks in Heather, 'State, Lordship and Community in the West', p. 440.

<sup>37</sup> For saints' cults, the bishop as its impresario, and aristocratic evocations of *Romanitas*, see Peter Brown's classic essay, Brown, *The Cult of the Saints*. On urban decline and the end of the old, religiously pluralistic concept of *cives*, see Liebeschuetz, *Decline and Fall of the Roman City*, p. 247.

<sup>38</sup> Kulikowski, *Late Roman Spain and its Cities* (p. 283), notes that even the Gothic nobles disregarded the claims of the Gothic king Athanagild, who was such an irrelevance 'that no one troubled to murder him'. Leovigild, his more considerable successor, established his reign by subduing the peninsula city by city, thereby carving a new kingdom for himself out of a series of disunited cities and regions that were not in the habit of accepting any authority above the local', ibid, p. 286.

<sup>39</sup> The classic study of the Jews in early Spain is Katz, *The Jews in the Visigothic and Frankish Kingdoms of Spain and Gaul*; still valuable, and dating from the same period, James Parkes's discussion in Parkes, *The Conflict of the Church and the Synagogue*, pp. 345–70. More recent

editing a digest of Roman laws for his subjects in 506, Alaric II distilled ten laws concerning the Jews from the fifty-three contained in the fourth-/fifthcentury compendium of Theodosius II. As with its late imperial model, so also with Alaric's *Breviary*: the aim of these laws was to ensure that Jews could not find themselves in positions of power over Christians, whether as masters to slaves, as husbands to wives, or as magistrates to plaintiffs.<sup>40</sup> No law interfered with traditional observances internal to the community.

In 587 CE, however, a year or so after the death of Leovigild, his father, the new king, Reccared, converted to Catholicism. Arian prelates followed suit in 589 CE. Reccared's new religious alliance benefited both crown and Church: Hispano-Roman episcopal prestige might steady the royal regime, while access to royal power might reinforce ecclesiastical initiatives.<sup>41</sup> Reccared's conversion marks the beginning of a period of long and perfervid cooperation between Catholic monarchs and bishops: the eighteen councils held in Toledo between 589 and 702 CE ratify legislation that obscures any distinction between secular and canon law, marked as it was by the fierce resolve of kings and prelates, both to establish the realm as a unified Catholic kingdom. Jewish subjects could only frustrate this goal.

In earlier Christian imperial law, the first targets of the government's coercive initiatives had been Christian minorities (both heretics and schismatics),<sup>42</sup> and, next, pagans. At best a distant third target population, Jews for the most part had been protected, their ancient religious prerogatives acknowledged. The example of the fourth- and fifth-century Church in North Africa, illustrative of these priorities, is revealing when compared to what later was to occur in

bibliography is provided in Bradbury, 'The Jews of Visigothic Spain'.

<sup>40</sup> Bradbury, 'The Jews of Visigothic Spain', p. 512.

<sup>41</sup> 'With this dramatic act of political theatre, the Hispano-Roman episcopate agreed in effect to underwrite the monarchy's authority', Kulikowski, *Late Roman Spain and its Cities*, p. 285. Reccared needed the assist: four separate rebellions followed his conversion; Catholics often allied with the rebel Goths. Clearly, the denominational issue was subordinate to resistance to the king's efforts to concentrate power; see Thompson, *The Goths in Spain*, pp. 100–09.

<sup>42</sup> Constantine ordered 'non-othodox' churches to disband, outlawing their assemblies, exiling their bishops, and burning their books (Ensebins, *The Ecclesiastical History*, trans. by Lake, 10.5,16, 6.4, 7.2: cf. *CTh.* 16.5.1). Legal harassments, such as episcopally orchestrated mob violence. As with pagans, so with 'heretics': emperors were willing to forgo disciplining cities for the violent destruction of property, if that property belonged to pagan or heretical communities. Urban violence, in other words, was domesticated for the purposes both of the imperial government and of the church that it sponsored. Spain. It was the schismatic Donatists who bore the brunt of the coercive power of state and Church acting in concert. Pagans came next (as with Honorius's initiative in 399 CE, shutting down temples in Carthage). Jews were unmolested; and St Stephen's relics, which had caused such chaos on Minorca, in North Africa stimulated no such popular anti-Jewish activity.<sup>43</sup> The distraction of the Donatist situation had probably worked for the benefit of local Jewish populations: the Catholic Church had so much on its hands in finessing the integration of multitudes of Donatist Christians that the Jews, a much smaller population, stood well below the line of fire.

Fourth-century Christian imperial law, its relatively benign intent notwithstanding, readily availed itself of traditions of negative rhetoric regarding Jews. The imperial Church continued to inspire and even to amplify this rhetoric. In a famous series of sermons given in Antioch in 387, Chrysostom charged that Jews were diseased; they were ravenous wolves; they were drunkards and whoremasters; they were agents of the devil. No image or insult was too low to use when caricaturing local Jews, as also other gentile Christians.<sup>44</sup> But even though Church and state both indulged in such rhetoric, its social consequences, as we have seen, seem slight. And the government had little patience for preaching *adversus Iudaeos* when it spilled over, as in Callinicum, to the Christian street.

Chrysostom's younger contemporary, Augustine, represents a unique exception to these traditions of anti-Jewish teaching. Unlike other Church Fathers, he insisted that the Jewish understanding and practice of scripture, whether before or after the Temple's destruction, was exactly as God had intended. Jesus himself had lived as a traditionally observant Jew; so had the disciples and even Paul, for the entire period of their mission to the Gentiles. And God wished the Jews to live this way even still, enacting the prophecies of blindness and of exile

<sup>43</sup> Fredriksen, Augustine and the Jews, pp. 353–71. Shaw carefully examines the thick and hateful anti-Jewish rhetoric of Augustine's sermons (Shaw, Sacred Violence, pp. 260–306), while noting that the targets of such invective were Christian sectarian rivals, not Jews as such (pp. 280, 286, 289, 292, 294–97, 301, 302, 304–06). Shaw unfortunately seems to conflate the situation on Minorca with that of North Africa (pp. 304, 436–37), even though — as he rightly notes (pp. 261, 284, 304) – we can point to no contemporary examples of anti-Jewish violence in North Africa. See the Book Forumsdiscussion in Journal of Early Christian Studies, 21.2 (2013), pp. 291–309<sup>THIS DOCUMENT MAY BE PRINTED FOR PRIVATE USE ONLY. ITTMAY NOT BE DISTRIBUTED WITHOUT PERMISSION OF THE PUBLISHER.</sup>

<sup>44</sup> Metaphors of sickness, e.g., John Chrysostom, *Discourses against Judaizing Christians*, trans. by Harkins, 1; wolves, 4. 1; drunkenness and illicit sex, 1. 2; 8. 1; Satan's agents, 4. 7. 'The comparison of the Jews with ravenous wolves is not intended to provide a description of Jewish behavior', Wilken rightly notes, 'it is intended to picture the Jews in the worse possible light', Wilken, *John Chrysostom and the Jews*, p. 119. Wilken traces the ways that Chrysostom uses identical rhetoric to characterize Arians, Marcionites, Manichees, and so on, pp. 117–22. set down in the scriptures that they shared with the Church, to whose truth and triumph they thereby, and unwittingly, witnessed.<sup>45</sup> More radically, he also taught that the Jews' 'fleshly' practice of Judaism substantiated positively in history cardinal points of Catholic doctrine: that God is the author of flesh; that in Christ he was born in flesh; and that at history's end, he would redeem the flesh in the resurrection of the *communio sanctorum*. More radically yet, from a political point of view, Augustine asserted that the Jews still stood under the active protection of God, and thus that any monarch *whether pagan or Christian* who tried to prevent the Jewish practice of Judaism — 'to kill Jews' in the language of Augustine's metaphor — would bring upon himself the same seven-fold curse by which God had protected Cain (Genesis 4. 14; *contra Faustum* 12.12).This idea of not 'killing' Jews — that is, of not forcing Jews to convert — eventually reappears at a climactic point in Augustine's discussion of Israel in *City of God*, 18.46. There Augustine makes his point by invoking not Genesis 4 but Psalm 59. 12: 'Slay them not, lest my people forget. Scatter them with your might.'<sup>46</sup>

It is one of the ironies of our evidence that, where Augustine's theology seems most clearly to renounce violence ('slay them not'), he does not have actual violence in view at all. Religiously inspired aggression against Jews was not part of North African culture in his lifetime: no one there was 'killing' Jews, that is, forcing them to convert. And while Augustine's enthusiasm for government censure of traditional cult is undisguised, it is also reactive: he condones, but he does not initiate.<sup>47</sup> The one place where Augustine actually does advocate coercion — *con brio* at that — he has in view that community most like his own: the Donatist Church. With conviction and originality he fends off Donatist charges about the unseemliness of Christians using imperial force against fellow Christians, while building a creative case for the appropriateness, both pastoral and theological, of such action.<sup>48</sup>

<sup>45</sup> Augustine rehearsed these points of principle in his response to Jerome's accusations of his Judaizing, Augustine, *Epistulae*, ed. by Goldbacher, *ep.* 82, *c.* 405 CE; they appear on the much larger canvas of his work in his work *c. Faustum*; Fredriksen, *Augustine and the Jews*, pp. 235–59. The Jews' 'witness', in Augustine's construction, was directed to pagans (Fredriksen, *Augustine and the Jews*, p. 324); in the later Middle Ages, Jewish witness transmutes to serving as an example to Christians; see above.

<sup>46</sup> Augustine's focus on Psalm 59 way in white in coming, and it represents a reconceptualization of the myth of Cain and his curse in Genesis 4s see Fredriksen, *Augustine and the Jews*, pp. 290–352. For the afterlife of this Psalm in subsequent medieval teachings on Jews, see Cohen, *Living Letters of the Law*.

<sup>47</sup> Fredriksen, *Augustine and the Jews*, p. 354, and n. 1.

<sup>48</sup> In Letter 53, he observed to his Donatist counterpart that biblical precedent urged that Christian schismatics be punished more harshly than pagan idolators: in Num. 16, the earth

But in Spain after Reccared, and continuing on through the seventh century, Augustine's theology of coercion jumps rails, impacting Jews, precisely the population that he himself had explicitly defended. How and why did this happen? One part of the answer lies with Bishop Isidore of Seville, a contemporary of King Sisebut (r. 612–21 CE) and a major conduit of Augustine's theological legacy to the Middle Ages. Isidore was intimately familiar with Augustine's writings, which he appropriated freely for his own. In particular, and for our purposes most importantly, he read and borrowed from Augustine's work against Faustus, that treatise where Augustine had expressed most fully his defence of Jews and Judaism. Isidore even cites the exact same passage from *contra Faustum*, 12.12 where Augustine taught that God himself curses any king, pagan or Christian, who tries to coerce Jews to abandon their religious practices.<sup>49</sup> Yet, even if Isidore had understood Augustine's teaching, he ignored it, and he never invokes Augustine to criticize Sisebut's policy of forced conversion. Instead, in support of forced conversion, Isidore marshals precisely the pro-coercion arguments that Augustine had originally framed against the Donatists.<sup>50</sup>

On the topic of the Jews, in brief, Isidore's Augustinianism is selective. When eventually he criticizes Sisebut's action, his censure is extremely mild, and years after the fact, when Sisebut is safely dead: Sisebut's initiative, he will say then, 'was not wise'.<sup>51</sup> Elsewhere he invokes Augustine's 'witness doctrine' very minimally, nowhere quoting Psalm 59. 12 in his major work *De fide catholica contra Iudaeos*, a treatise that circulated widely in the later Middle Ages.<sup>52</sup>

swallowed Korach and fire rained from heaven: idolatry was never so celestially sanctioned. Letter 93 is a cornucopia of arguments justifying intra-Christian coercion: bad habits need strenuous correction; fear is salubrious; while the New Testament does not give examples of the church appealing to the power of the state, the Old Testament, as Christian scripture, certainly does; both Catholics and Donatists approve of laws passed against pagans, but schism is worse than idol worship; God himself provides a model of coercive force when 'with great violence' he compelled Saul to come into the church.

<sup>49</sup> 'Whosoever would destroy them in this way [that is, by forcing Jews not to live as Jews] will unloose a seven-fold vengeance, that is, he will bear away the seven-fold vengeance which I have wrapped around the Jewish people [to protect them] on account of their guilt in murdering Christ'; Quicumque enime cos traperdidetit's bettern vindictas exsolvet, id est, auferet ab eis septem vindictas quibus alligatt sunt propter reatures occisi "Christis, *c. Eaust.* 12.12, *PL* 42: 261; Isidore lifts this passage verbatim in Isidore of Seville, *Quaestiones in Vetus Testamentum*, 6. 16–18 (ad Genesis 4. 15), *PL* 83: 226.

- <sup>50</sup> See Drews, *The Unknown Neighbor*, pp. 203–39.
- <sup>51</sup> Wolfram, *History of the Goths*, p. 60.
- <sup>52</sup> On Isidore's later influence, Herrin, *The Formation of Christendom*, p. 245. Cohen notes

It was an unfortunate omission, as one historian has noted: 'Isidore's failure to give the Augustinian notion of Jewish witness greater prominence in his writings led to the situation that a very important element of patristic tradition [...] received very little attention precisely in a period when [Jewish] existence came under severe attack for the first time in European history.'<sup>53</sup>

The hallmark of Visigothic legislation, both secular and ecclesiastical, became the ratification of anti-Jewish laws that one historian has characterized as 'savage', 'dreadful', and 'frenzied'.<sup>54</sup> Kings and bishops strove, through such legislation, to establish a uniformly Catholic kingdom. As a result, they also reinterpreted the ancient synonymy of ethnicity and religion. After Toledo III (589 CE), the new convergence of *regnum* and *ecclesia* refracted this ancient idea in new ways. Visigoths assumed that form of Christianity most identified with Hispano-Romans, while the Hispano-Romans assumed a new ethnic identity, and both together claimed historic roots in Spanish soil: the new (or renewed) Iberian kingdom would thenceforth be supported by 'the three pillars of *gens, rex*, and *patria Gothorum*. Jews could either be naturalized as Catholic Goths through conversion (the 'inclusive' option), or isolated and treated as pariah (the 'exclusive' option).<sup>55</sup>

The totality of these laws in the canons of the later councils makes for grim reading. Sisebut's statute of 616 CE ordering the conversion of all Jews in his kingdom is no longer extant,<sup>56</sup> though its trail of legal consequences is:

# that *de fide* was the earliest extant work to appear translated into medieval German: Cohen, *Living Letters of the Law*, p. 105, n. 43.

<sup>53</sup> Drews, *The Unknown Neighbor*, p. 195; note, however, his misconstrual of Augustine's position on Jews and Judaism, p. 133. Drews comments elsewhere that Isidore's avoidance of the Augustinian view of Psalm 59. 12 is 'striking', p. 229.

<sup>54</sup> Thompson, *The Goths in Spain*, p. 315. Still important is the lengthy essay by Juster, 'The Legal Condition of the Jews under the Visigothic Kings', pp. 259–87, 391–414, 563–90. Yitzhak Hen opines that 'the Visigothic anti-Jewish policy was blown out of all proportion in the second half of the twentieth century', presumably by historians over-sensitized by the more recent murder of European Jews, Hen, *Roman Barbarians*, p. 127, and n. 10. The laws themselves, as we shall shortly see, and as Thompson says, were indeed dreadful. What we cannot know, as I noted above, is their application and scopes, thus their social consequences.

<sup>55</sup> Drews, *The Unknown Neighbor*, pp. 303–04. He notes: "The rather imprecise nature of Gothic identity enabled its complete redefinition; the label "Gothic" was now applied to Hispano-Roman traditions after investing them with special religious overtones; in fact, religion became the main code defining the character of the new Gothic "nation". See also Collins's reflections on law and ethnic identity, *Visigothic Spain*, pp. 223–46.

<sup>56</sup> How did Sisebut implement his law? For a substantial biographic note on the variety

Visigothic law, both ecclesiastical and royal, thereafter deals almost obsessively with cases of converted Jews who resumed the practice of Judaism, or who continued to socialize with unconverted Jews. Inconsistencies in royal policy only compounded the problem: the aggressive Sisebut was succeeded by the mild Swinthila (621–31 CE), who did not pursue Sisebut's policies and who allowed forcibly converted Jews to return to Judaism; his successor Sisinanth (631–36 CE) renounced forced conversions but ordered lapsed baptized Jews to return to the Church. Policy zig-zagged right up to the Arab invasion of 711.57 Further, and in striking contrast to the plasticity of Gothic identity, Jewish ethnicity came to seem ineradicable: Jews who converted were designated in council canons as *bap*tizati Iudaei or simply as Iudaei, never as Christiani<sup>58</sup> and, thus, never as 'Goths'. The children of *relapsi* Jewish parents were to be taken from them and raised by Christians; Jews converted by force, if they had already received sacraments, had to continue as Christians nonetheless (this in striking contrast to CTh. 16.8.23). Eventually, Jews who were never converted at all still had to renounce their practices. Jews caught observing Passover were to be lashed, scalped (*decalvatio*; perhaps less brutal head shaving is intended), and deprived of all their property; male Jews who circumcised their sons were to be castrated, females to have their noses lopped off.<sup>59</sup> Finally, in 694 CE, Toledo XVII, canon 8 summarily ordered that the entire Jewish population be enslaved.

Law, dreadful or otherwise, is prescriptive, not descriptive. And as we have already seen in the case of earlier Roman legislation, we cannot move directly from the language of law to the actual social behaviour of its subjects. Our evidence from the late Roman period is very rich, and it provides us with some critical traction up the slopes of Theodosian legal rhetoric. Inscriptions, variegated literary sources, archaeological remains: the whole panoply gives us a sense of Late Antique social life by which to assess the effects of law. For the Visigothic period, by comparison, we have very little other than the record of these anti-Jewish measures themselves. We do not even know how (and in some

of historical conjectures, see Stocking, *Bishops, Councils, and Consensus*, p. 125, n. 29; Hen, *Roman Barbarians*, p. 132, and n. 33.

<sup>57</sup> Juster, 'The Legal Condition of the PUBLISHERS' Bachrach, 'A Reassessment of Visigothic Jewish Policy Mission of the publisher.

<sup>58</sup> Bradbury, 'The Jews of Visigothic Spain', p. 513.

<sup>59</sup> For the language of these laws, see Linder, 'The Legal Status of the Jews in the Roman Empire', pp. 257–332 (secular law), and pp. 484–538 (the canons of the councils of Toledo); for a narrative review of the individual canons, Bradbury, 'The Jews of Visigothic Spain', pp. 514–16; also Parkes, *The Conflict of the Church and the Synagogue*, pp. 345–70.

instances, whether) these measures were implemented. Thus, while we can readily appreciate the ways that these resolutions worked to construct Catholic Gothic identity and community, we have no way to move out from the study of this legal discourse to the study of social history. We cannot gauge from its toxic rhetoric the degree to which this legislation actually shaped the lived experience of Visigothic Jews.<sup>60</sup>

The laws themselves, by framing penalties against Catholics (bishops, priests, and laymen) for protecting Jews or for accepting 'gifts' (bribes?) from them, suggest that they met with at least occasional resistance.<sup>61</sup> Priests and other clerics themselves sold Christian slaves to Jews (censured in Toledo X, canon 7, in 656 CE), thereby undermining their own Church's efforts to ensure that no Christian ever laboured under the Jews' 'deadly dominion'.<sup>62</sup> Converted Jews, this legislation also reveals, held public office, testified in Christian courts, married Christians, owned Christian slaves, and had active relationships with clerics and laypeople.<sup>63</sup> Was their profession of Christianity *bona fide*? The clerics could not know, and the possibility of false confession haunted them.<sup>64</sup> Was noncompliance on the part of various Catholics and Jews widespread? Frequent? Occasional? Rare?<sup>65</sup> The laws cannot of themselves reveal an answer.

<sup>60</sup> 'It is an extraordinary fact', Parkes noted in 1934, 'that in spite of the immense collection of legislation, Arian and Catholic, secular and conciliar, which the Visigothic period has bequeathed to us, we are almost entirely without knowledge of the conditions of the Jews of the time', Parkes, *The Conflict of the Church and the Synagogue*, p. 345. In the decades since he wrote this, little has changed. Recently a cache of Jewish grave inscriptions dating from the Visigothic period has been recovered in Spain; but until they are published, the best we can say is that they attest to the active presence of a Jewish population, somewhat at home with Hebrew, in this period. I thank colleagues Wolfram Drews and Yitzhak Hen for bringing the existence of this cache to my attention.

- <sup>61</sup> See, for instance, Toledo IV, c. 58.
- <sup>62</sup> Sisebut's language, *Leges Visigothorum*, 12.2.1.

<sup>63</sup> On the 'networks of power and obligation' binding Christians and Jews together, see Stocking, *Bishops, Councils, and Consensus*, p. 137; on the varied activities of the Jews in agriculture and trade, Drews, *The Unknown Neighbor*, pp. 127–28, and nn. 552–55.

<sup>64</sup> See esp. Drews, 'Jews as Pagans?', on a conciliar canon fretting about baptized Jews who, in collaboration with Christian heighbours, present their neighbours children as their own for baptism, 'whereas they keep their own offspring as pagans [*sic*!] by sinister and nefarious pretence' (p. 191, citing *CCH*, ed. by Martínez Díez, v, 484,11. 286–90).

<sup>65</sup> 'Only widespread noncompliance with royal and ecclesiastical rulings can explain the survival of Spanish Jewish communities in the face of the draconian measures directed against them', Bradbury, 'The Jews of Visigothic Spain', p. 516.

Historians, in consequence, have produced enormously differing reconstructions. Some hold that the Iberian Jewish community was 'rich, large, and influential', that the true source of Christian anti-Jewish legislation was the Church, not the crown, and that Spain's Jewish community represented a 'formidable political faction' which, due to its favour with the general populace, was never persecuted to great effect.<sup>66</sup> Others see in the Visigothic anti-Jewish laws a 'sustained, systematic, and nation-wide policy of extermination'.<sup>67</sup> And others, pointing to the absolute lack of contemporary Jewish evidence and to 'the invisibility of the Visigothic persecutions in collective Jewish memory' after 711 CE, surmise that the persecutions were indeed effective, that Jewish identity was eroded and eventually disappeared under their constant onslaught, and that their success can be assumed, if not proven.<sup>68</sup> Absent evidence, reconstructions abound.

If we cannot trace with any reliability the ways that the Visigoths' rhetoric *contra Iudaeos* affected the lives of Jewish contemporaries, we can at least identify the various social factors at play in the sixth and seventh centuries that probably contributed to their singular intensification of this rhetoric. The most fundamental was the changed political landscape in the wake of the invasions, and the consequent confused lurching from empire to kingdom. All of the post-Roman successor states 'were born in violence'.<sup>69</sup> Preparedness *for* violence, whether giving or getting, marked all of their societies. Formerly civilian landowning elites became militarized, and garrison troops gave way to citizen militias: both trends expressed and accelerated the decentralization of power. In these fractured societies, kings often had as much to worry about from their own nobles or cities as they did from foreign powers.

This condition of weakened central power, which characterized the western kingdoms generally, particularly characterized the Visigothic monarchy, where from 531 CE onwards the crown rarely rested within the same family for two generations.<sup>70</sup> Reccared's decision to convert in 587, and to bring the

<sup>66</sup> Bachrach, 'A Reassessment of Visigothic Jewish Policy', pp. 13, 15, and 34. Norman Roth finds Bachrach's proposals 'perverse', Roth, *Jews, Visigoths and Muslims in Medieval Spain*, p. 10.

<sup>67</sup> Thompson, *The Goths in Spain*, Br31G, Sontrasting Visigothic policy to that of Franks and Byzantines; so also Wallace, Hadrill, *Early Medieval History*, p. Sontrasting, Sontrasting

<sup>68</sup> Sivan, 'The Invisible Jews of Visigothic Spain', pp. 380, 385.

<sup>69</sup> Heather, 'State, Lordship and Community in the West', p. 440. My remarks in the above paragraph draw substantially on Heather's article, as well as the description of this process in Collins, *Visigothic Spain*.

<sup>70</sup> Though we should ask to what degree the Visigoths constructed royal authority and

Visigothic Church and populace along with him two years later, can most readily be understood as his effort to augment, thus to stabilize, his own authority with that of the Hispano-Roman Church. And the Catholic clergy, their Arian competition after 589 CE now folded into their own ranks, were doubtless gratified to have the king's energetic support. Their intimate cooperation failed to stabilize the transfer of power, however: Reccared's own son and heir was murdered within eighteen months of Reccared's death. In the 122 years of the Catholic monarchy, from 589 to 711 CE, eighteen kings, from fifteen different families, came and went, seven by violence.<sup>71</sup> True, the numbers are better for these sixth- and seventh-century monarchs than for the twenty-four emperors who within fifty years churned through Rome's third-century crisis; but the comparison is false. In the Roman case, while military strongmen inflicted a half-century of de facto civil war, the machinery of central government continued to run: cities collected taxes, which paid for the empire's professional army; the infrastructure of roads and water supply remained intact, supporting sizeable civilian municipalities; commerce across vast distances continued. All this is gone in the post-Roman West.<sup>72</sup>

What does remain dismally stable in this traumatic transition from empire is, alas, ecclesiastical rhetoric *adversus Iudaeos*. Sermons, commentaries, and theological treatises all functioned as the older pagan curriculum once did, inculcating these tropes into future generations of public 'rhetors'. The Church was to the medieval period what the schools had been in the days of empire: a stable and trans-local institution for the transmission and teaching of agonistic rhetoric. Within the contracted horizons of the Visigothic kingdom, however, Arians and other heretics dropped away as targets of anti-Jewish insults, while the disappearance of a pagan challenge to the Church's claims — which had in

power as a heritable category: their monarchy was elective; Collins, *Visigothic Spain*, p. 87; King, *Law and Society in the Visigothic Kingdom*, pp. 62–64.

 $^{71}$  See Bachrach's useful chart, Bachrach, 'A Reassessment of Visigothic Jewish Policy', p. 12. Hen observes that this record of violent regime change is no worse than that of the Merovingians in Gaul, *Roman Barbarians*, p. 126. © BREPOLS PUBLISHERS

<sup>72</sup> Are these changes (more benign) 'transformation' or (more traumatic) 'decline and fall'? I incline to the darker view, on which see especially Ward-Perkins, *The Fall of Rome and the End of Civilization*, and Heather, *The Fall of the Roman Empire*. For a brisk historiographical overview of this question, Hen, *Roman Barbarians*, pp. 1–26. See also O'Donnell's energetically revisionist view of this period in *The Ruin of the Roman Empire*, wherein the Ostrogoth Theodoric emerges as the one of the last and best of the Roman emperors ('Part 1: The Empire that Hadn't Fallen, 476–527 CE'), pp. 47–174. part motivated Augustine's positive teachings on Judaism — eliminated the need for 'pro-Jewish' apologetic.<sup>73</sup> Once Church and state are joined after 589, their common enemy becomes configured precisely as the 'perfidious Jew', now imagined as a threat to political unity as well as to religious orthopraxy and orthodoxy, because political and religious authority are so intimately identified.<sup>74</sup> Spikes in anti-Jewish legislation seem to coincide with moments of particular political turmoil.<sup>75</sup>

By the High and later Middle Ages, European Jews will become the victims of searing religiously motivated violence, legitimated by the tremendous moral prestige of the Church. The Visigothic experience, as preserved and passed on in Visigothic anti-Jewish texts, prepared the way.<sup>76</sup> It is in the crucible of post-Arian Visigothic politics that the 'hermeneutical Jew' of earlier patristic biblical interpretation and the 'rhetorical Jew' of earlier patristic polemic and secular law become joined enduringly to the 'political Jew', contemporary and perfidious, whose existence insults and endangers both state and Church, and who accordingly becomes the privileged *locus* for the coercive consensus represented by Visigothic law. In the two centuries that stand between Augustine (d. 430) and Sisebut (d. 621), the Jews' legal status — we cannot assess their social status — had altered more drastically than it had in the full sweep of the seven centuries that stand between Alexander the Great and Augustine. In this sense at least, Christian rhetoric *contra Iudaeos* had real effects.

## <sup>73</sup> So, similarly, Drews, *The Unknown Neighbor*, p. 300.

<sup>74</sup> On the lack of interest in heresy shown in Visigothic sources, Thompson, *The Goths in Spain*, p. 155. On the Visigoths' investing traditional Catholic anti-Judaism with political significance, Drews, *The Unknown Neighbor*, pp. 298–305. He notes that anti-Jewish rhetoric, after 589 CE, served the larger goal of political unification (p. 299), and that 'when the distinction of the three groups Goths, Catholics, and Jews was replaced by the binary system Catholic Goths versus Jews, the political scene became much more religiously determined than before', p. 304. During Toledo IV (in 633 CE), Isidore 'referred to a single *gens et patria* [...] without any suggestion that there might be different *gentes* within one *patria*', Collins, *Visigothic Spain*, p. 244.

<sup>75</sup> Collins, *Visigothic Spain*, pp. 235–46; on the troubles after 654 and 681 CE and the anti-Jewish legislation that coincides with them  $pp_{235-37}$ 

<sup>76</sup> On the literary afterlife of Isidore of Seville's de fide catholica contra Iudaeos, see especially Drews, *The Unknown Neighbor*, pp. 1–5. This is the work, otherwise much influenced by Augustine, wherein Isidore does *not* cite Augustine's teachings on Jewish witness, Drews, *The Unknown Neighbor*, p. 195; Cohen, oddly, states the opposite: Cohen, *Living Letters of the Law*, p. 95. Drews observes that 'Isidore's treatise remained one of the most important sources for authors of anti-Jewish works' until the high middle ages, when churchmen began shifting tactics and concentrating on the Talmud and other rabbinic writings for their polemics (p. 3).

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