The Altercatio Ecclesiae et Synagogae as a Late Antique Anti-Jewish Polemic

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THE ALTERCATIO ECCLESIAE ET SYNAGOGAE AS A LATE ANTIQUE
ANTI-JEWISH POLEMIC

by

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A Thesis
Submitted to the
Faculty of The Graduate College
in partial fulfillment of the
requirements for the
Degree of Master of Arts
Medieval Institute
Advisor: Larry J. Simon, Ph.D.

Western Michigan University
Kalamazoo, Michigan
August 2009
THE ALTERCATIO ECCLESIAE ET SYNAGOGAE AS A LATE ANTIQUE
ANTI-JEWISH POLEMIC

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Western Michigan University, 2009

The Catholic Church’s newfound influence in late antiquity led to the political marginalization of the empire’s Jewish community, a marginalization that is evident in Christian polemic against Judaism written after the Empire’s religious transformation had largely been consolidated. This thesis is an analysis of the Altercatio Ecclesiae et Synagogae, written anonymously in the fifth century. Its primary intention is to discover what earlier writers influenced its author, what can be known about him, when the text was written, and what kind of arguments against Judaism he used.

The thesis begins by comparing and contrasting the anti-Jewish writing of Cyprian of Carthage and Augustine of Hippo, and concludes that the anonymous author’s approach to Judaism was shaped largely by that of Cyprian rather than Augustine. It concludes on the basis of internal evidence that the text was likely written either c. 420 or c. 450. The thesis then engages in a close reading of the Altercatio; it shows how the author imagined the conflict between the Church and the Synagogue as a dispute over inheritance rights, with the Old Testament serving as the will whose meaning is the point at issue between the two litigants. It concludes with a full translation of the Altercatio based on J. N. Hillgarth’s critical edition.
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ACKNOWLEDGMENTS

I would first of all like to thank my advisor, Professor Larry J. Simon. He first gave me the Altercatio Ecclesiae et Synagogae at the end of his Latin Paleography class in the spring of 2007. I was not aware at the time that he had shown the text to other graduate students in the hopes they would write an M. A. thesis about it, and that none of them had taken the bait. But how happy I am they did not, because working on this text allowed me to indulge my interest in both Late Antiquity and in the history of the Church and its relations with non-Christian religious communities. It should be noted that Dr. Simon specializes in thirteenth century Spain, and a special measure of gratitude is in order for his willingness to accommodate me by allowing me to work on a text from the fifth century.

Thanks are due as well to Professor Rand Johnson, who has made himself available to teach numerous independent studies in Latin, and in so doing has provided many young medievalists with the opportunity to refine the skills they gained in his Medieval Latin class. Over the past year, Dr. Johnson has also spent countless hours helping me to rework my translation of the Altercatio so as to make it both accurate and clear. In my future work on Latin texts, I hope to be able emulate the patience, thoroughness, and attention to detail he has displayed during this process. I am grateful also to Professor Paul Maier for agreeing to serve on my committee. His scholarship has benefited me by showing how important it is for there to be well trained Christian historians who are prepared to give thoughtful answers to the questions of the inquirer, to refute the unjustified attacks of opponents
of Christianity when necessary, and continually to remind Christians that their faith
stands or falls based on whether certain events that are said to have taken place in a
corner of the Roman Empire in the first century actually happened.

The aid of my committee members, and of all the professors I have had at
Western Michigan, has been invaluable in preparing me to defend this thesis and to
begin doctoral studies at the University of Illinois Urbana-Champaign in the coming
fall. But all of their generosity and willingness to help would have been for naught
were it not for the Herculean efforts of one woman: my wife Teng-Lin. For almost
two years, she has commuted daily between Kalamazoo and Grand Rapids to work at
a job that was necessary in order for us to finance my education without going into
debt. She has done this consistently and without complaining through two Michigan
winters. Even after sliding off the highway one night last December, she got up the
next morning, as ready and willing as ever to repeat the long and treacherous drive.
I have never met anyone more diligent in cheerfully serving others than she is. She
deserves the most heartfelt thanks of all, and so I dedicate this thesis to her.

Michael J. Brinks
TABLE OF CONTENTS

ACKNOWLEDGMENTS ........................................................................................................... ii

CHAPTER

I. INTRODUCTION ............................................................................................................. 1

II. CYPRIAN, AUGUSTINE, AND THE ALTERCATIO ECCLESIAE ET SYNAGOGAE: TRACING THE DEVELOPMENTS OF CHRISTIAN ANTI-JEWISH POLEMIC IN LATE ANTIQUITY .......... 11
   Cyprian’s Ad Quirinum, or Three Books of Testimonies against the Jews .................. 13
   Augustine’s City of God and Adversus Iudaeos ......................................................... 17
   The Altercatio Ecclesiae et Synagogae .............................................................. 26
   Conclusion ............................................................................................................ 32

III. THE ALTERCATIO ECCLESIAE ET SYNAGOGAE AND ROMAN LAW IN LATE ANTIQUITY ........................................................................................................... 34

IV. “LET IT BE DONE BY THE LAW”: THE STRUCTURE OF THE ALTERCATIO ECCLESIAE ET SYNAGOGAE ............................................................ 57

V. CONCLUSION ............................................................................................................. 83

APPENDIX

Translation of the Altercatio Ecclesiae et Synagogae ........................................ 87

BIBLIOGRAPHY .............................................................................................................. 116
CHAPTER I
INTRODUCTION

The *Altercatio Ecclesiae et Synagogae* is an anti-Jewish polemical treatise written by an anonymous Christian author in the early or mid fifth century A. D. in the form of a dialogue. It reflects many of the developments in the tradition of Christian polemic against Judaism, a tradition that dates back to the writings of the New Testament. Much has been written about this tradition in the earliest decades of the Christian era. Much of what has been written since World War II has had as its aim to identify at least some of the roots of modern anti-Semitism in the hopes of understanding the causes of the Holocaust.¹ There is disagreement, much of it strong, over many purely historical issues, such as the extent of pagan anti-Semitism in the ancient world and its influence on early Christianity, St. Paul’s attitude toward the Judaism whose zealous proponent he had once been, and the role that the Christian empire played in promoting an anti-Semitic agenda. Not surprisingly, the disagreement over the theological issues related to early Jewish-Christian relations is perhaps greater and more rancorous still.

¹ John G. Gager summarizes the literature on this question through the early 1980s in his *Origins of Anti-Semitism: Attitudes toward Judaism in Pagan and Christian Antiquity* (New York: Oxford University Press, 1983), 13-34. It is probably not going too far to say that the most controversial book on the subject in the last generation was Rosemary Radford Ruether’s *Faith and Fratricide: The Theological Roots of Anti-Semitism* (New York: The Seabury Press, 1974).
This thesis is not, however, an exercise in theology, but in history. It asks questions about the *Altercatio* that seek merely to aid in the interpretation of this text: What were some of the likely influences on its author? What was the state of Roman law with regard to Judaism at the time when it was written? Can its date of composition be established with any kind of precision? What arguments does the author employ to make his case against Judaism, and what can they tell us about him? How do these arguments evince a new attitude on the part of Christians toward Judaism now that their faith has become dominant in the Roman world? All of these questions will be dealt with at length in the main body, and so they will not be discussed here. Instead, I will make some brief remarks about the manuscripts of the *Altercatio*, and then discuss the author’s Latinity at some length.

There are twelve extant Ms copies of the *Altercatio*. Of these, most originate from and are still located within the borders of the medieval German empire. Eight come from north of the Alps, two come from northern Italy, one comes from Monte Cassino, and one, whose provenance is unknown, is located in the Bibliothèque Nationale in Paris. The earliest dates from the ninth century, and the newest from the fifteenth, with all but two dating from the twelfth century or earlier. Several of the copies come from monasteries, and in two cases these are reformed monasteries, affiliated either with Cluny or with the reform inspired by Gorze. Many of the copies are included in Mss that contain works by St. Augustine, indicating that medieval copyists generally assumed the *Altercatio* to have been written by him. Early modern

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editors, sharing this assumption, included the *Altercatio* in their editions of St. Augustine’s works. In the twentieth century, however, the thesis of Augustinian authorship has been completely overturned, and the text is now generally recognized as being anonymous.

The textbooks of late antique Latin grammarians contain extensive evidence of how the use of the Latin language had evolved between the time of Virgil and of Augustine of Hippo. By the time the latter’s generation had come of age, the speech patterns of the man on the street had begun to penetrate the written language. The beginnings of important changes in the case system and spelling of Latin words, as well as of sentence structure, began to appear. As a measure of peace and prosperity—the necessary conditions of a literate society—were eroded by the economic and political difficulties the Roman Empire faced in the first half of the fifth century, the proportion of literate Romans began at this time to decline precipitously. At the same time that the effects of changes in linguistic fashion and in economic and political arrangements were changing some features of the Latin language, the Catholic Church also emerged as a potent force for the shaping of the language.

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3 This is the case, for example, with the Amerbach edition of 1506 and of the Maurist edition of 1694. See Hillgarth, *Altercatio*, 16.

4 An attempt on the part of G. Segui Vidal to identify the author of the *Altercatio* as Bishop Severus of Minorca, the author of an encyclical letter celebrating the forced conversion of the Jews of Minorca, has been refuted by M. C. Díaz y Díaz. See G. Segui Vidal, *La carta-encíclica del Obispo Severo de Menorca* (Palma de Mallorca, 1937), and M. C. Díaz y Díaz, “De patristica española,” *Revista española de teología* 17 (1957): 3-12.

The results of these dynamics manifested themselves in the Latin literature of these centuries in different ways, depending on the particular author and the particular time. The shift away from the classical norm of expression might on the one hand take an extreme form, as in Gregory of Tours' decidedly non-classical orthography, his use of relative pronouns, subjunctive, personal endings on imperfect active indicative verbs, and his substitution of a nominative for an ablative subject in ablative absolutes. On the other hand, it might take a more subtle form, as in Isidore of Seville's comparatively much closer adherence to ancient patterns of expression. But although there are important differences between these two men, there are nonetheless important similarities. This fact should not surprise us, since their life spans overlapped, and they were not separated geographically by an insurmountable distance. They both wrote from a common theological perspective, one which separated them from Vergil and Cicero. What is more, they were both bishops, charged with a pastoral task. They both labored in a context of an acute awareness of the precarious situation of Latin literacy in their day. The author of the Altercatio was in some ways similar to these men, and in some ways different. On the one hand, he shared the theological perspective of Gregory and Isidore. On the other hand, however, it is not known whether he was a bishop, a member of the lower clergy, or a

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6 For Gregory's awareness of the situation, see his History of the Franks, Prologue. For Isidore's Etymologies as one manifestation of a general effort to shore up contemporary knowledge of and thus ensure the survival of ancient learning, see Peter Brown, The Rise of Western Christendom, 2nd ed. (Malden, MA: Blackwell, 2003), 364-368. Brown's point here is to show that encyclopedic works such as Isidore's Etymologies were produced to further the task of "building up a local Christendom." But that they were also viewed as a means simply of preserving ancient wisdom is demonstrated by the words of Braulio of Saragossa, who said that through his work, Isidore would allow readers "to view, in his own person, the full tableau of ancient wisdom ... After Spain had
Furthermore, he wrote at a time when the Roman imperial system had not yet disappeared. This is clear from his references to early fifth century regulations on the status of Jews, laws which, if they had fallen into desuetude, it would have been meaningless for him to cite as evidence of the truth of Christianity over against Judaism. It is also clear from the reference he makes to the “Christian emperors” who apparently still ruled at the time the work was written.

In what follows, the use made by the author of the *Altercatio Ecclesiae et Synagogae* of what might be termed “vulgarisms”—i.e., traces of popular Latin—and of uniquely Christian expressions will be discussed. The framework for the discussion will follow Veikko Väänänen’s treatment of the outstanding features of Late Latin in his *Introduction au latin vulgaire*, which first analyzes changes in sounds, then moves on to shifts in the form and meaning of nouns and verbs, and deals finally with changes in sentence structure.

There are few instances where the author of the *Altercatio* changes the vowel that would be found in the classical form of a word. This characteristic of the work can in part be attributed to the fact that it was written in no latter than the middle of the fifth century, before the vowel shift had begun to make major inroads into the written language. The author, for example, replaces the noun *clipeus* (shield) with

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7 For more on the identity of the author, see Chapter Four.
8 For these references, see *Altercatio Ecclesiae et Synagogae*, II. 124-133. For more on the date of composition see Chapter Three.
The most outstanding example of a change in the vowel comes in a future active participle, moritorus, for moriturus. Finally, this author also uses poenitentia for the classical term paenitentia (repentance, penitence). The significance of this last alternate spelling should not be overestimated, however, because the root poena- also exists in classical Latin. As its own word, the basic meaning poena covers a rather broad range: “indemnification, compensation, satisfaction, expiation, punishment, penalty.” The meanings of its derivatives are closest to the latter two definitions.

A great deal more evidence of the Altercatio’s character as a late antique text is found either in the author’s choice of vocabulary or in the sense in which particular words are used. A number of these words evince the influence of Vulgar Latin on the literary language, and are characteristic of Late Latin in general. A few of these late terms are, in keeping with the text’s origins in a Christian context, ecclesiastical or theological terms.

The author of the Altercatio uses the verb rememoror (remember), which is not attested among classical authors. Falsitas (falsity, falsehood) is likewise a post-classical term first attested in the writings of Lactantius, the “Christian Cicero.” The author of the Altercatio uses comes (originally “comrade”; later “courtier”) to refer to anyone who occupies state office, a sense not attested in classical literature.

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10 *Altercatio*, II, 402
11 *Altercatio*, 100.
12 *Altercatio*, 61.
13 *Altercatio*, 33.
but only in post-classical authors.15 *Charaxatus* (engraved) is a purely post-classical term which our author not only uses, but spells in a novel way, with an initial *c* replacing the *ch* that signaled the word’s Greek root.16 *Nativitas* (birth) is another strictly post-classical term, used to denote the birth of Christ.17 One general characteristic of Late Latin was the use of diminutive forms without diminutive force.18 Most of the diminutive forms in the *Altercatio* are diminutives in both form and fact, but there is one that is not. *Signaculum* (mark, sign, seal, signet), a form only attested in Late Latin sources, and lacking diminutive force, is used four times.19

A number of vocabulary items from the *Altercatio* are specific not only to the period of Late Latin, but also to the language of the Church. Among these are *parabola* (parable),20 *sanctificatio*,21 *lavacrum* (baptismal font),22 and *iuvencula* (young girl).23 *Testamentum* is used throughout not only in its classical sense of a last will and testament, but to refer either to the Old or New Testament of the Bible.24

There are a couple observations to be made regarding the *Altercatio*’s use of prepositions. This author often uses the preposition *ad + acc.* instead of the dative of

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15 *Altercatio*, 129.
16 *Altercatio*, 143. The author’s movement away from the Greek root may suggest that he was unaware of the etymology of the term.
17 *Altercatio*, 163.
19 *Altercatio*, 221, 266, 270, 286.
20 *Altercatio*, 18, 495.
21 *Altercatio*, 270.
22 *Altercatio*, 351.
23 *Altercatio*, 320.
24 This term is the subject of a play on words throughout the *Altercatio*. Although it denotes a biblical Testament (usually the Old) in every case in which it is used in this text, the legal setting of the dialogue means that the original, strictly legal, sense of the term cannot be far from the author’s mind. In the dialogue, Church and Synagogue both share the assumption that the biblical *testamenta*, like any others, are legal document upon which one may base a claim of *possessio*. According to the introduction of the *Altercatio*, the dispute is over precisely such a claim. See Chapter Three.
the indirect object, a practice which, as Väänänen notes, was common with indeclinable names, such as many of those found in the Latin Bible. The majority of these instances in the *Altercatio*, however, do not involve an indeclinable name. They simply occur with a verb of saying: “Nunc ergo ad hanc matremfamilias et uiduam, nostra materfamilias, hoc est ad Synagogam. ECCLESIA dixit”; “uos contra dominum idola poposcitis, dicentes ad Aaron”; “Et idem rursus Dauid ex persona patris ad filium ait”; “Et ut apostolus ad septem ecclesias epistolam mittit.”

The encroachment of *de* on *elex* and *a/ab*, a process that began many centuries before the *Altercatio* was written and continued for many more afterward, is also evident. Instead of “ex virgine,” the more common form of this phrase in Christian authors of the first millennium, this author employs “de virgine,” a form that is well attested even in the earliest Latin Christian writers, but is far more common among those of the second millennium. *De* is used on a number of occasions to strengthen an ablative of instrument: “de errore sollicita”; “de salutifero circumcisionis signo impressam”; “opaca de nemore”; “De tuis igitur prophetis reuincendam te recognosce.” Although the *Altercatio*’s use of pronouns for the most part remains well within classical norms, it is here that some of the text’s most outstanding non-classical features can be found.

The *Altercatio* does possess a number of features that distinguish it as a Late Latin text, but it nevertheless displays a remarkable linguistic conservatism. Its

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26 *Altercatio*, 25-28; 144-145; 392-393; 531-532.
27 *Altercatio*, 186.
author was clearly well versed in classical norms of grammar and usage, and typically sought to imitate them. Väänänen gives a list of several terms that were the standard term in classical texts, but which in Late Latin were often replaced by a non-classical synonym (given here between parentheses). Among these are *ire* (*vadere*), *loqui* (*fabulari*), *scire* (*sapere*), *interficere* (*occidere*), *equus* (*caballus*), *caput* (*testa*), *res* (*causa*), *magnus* (*grandis*), *parvus* (*minutus*), *diu* (*longo/multo tempore*). In most cases, this author uses the term that Väänänen characterizes as being more classical. There are, however, some important qualifications to make in this regard.

One very noticeable feature of Late Latin was the gradual disappearance of certain pronouns and demonstrative adjectives. This author, however, not only maintains, but also makes fairly extensive use of, all of these. As the centuries passed, the emerging vernacular languages also gradually dropped all of the Latin disjunctives except for *aut*, and all of the adversatives, explicatives, and conclusives. The author of the *Altercatio*, however, maintains all the disjunctives (*vel, sive/seu, an, aut*) and many of the adversatives, explicatives, and conclusives (*sed, enim, nam, ergo, itaque*). The wide variety of expression would likely have pleased a reader who was familiar with classical Latin literature.

The *Altercatio*, due to its nature as a dialogue in which two opposing characters are making claims and counterclaims, makes extensive use of indirect discourse. With respect to sentence structure, it is in the use of indirect discourse that

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30 According to Väänänen, *hic, iste, ille, and ipse* began to replace *is; iste* began to replace *hic*; and *ipse* also began to replace *idem*. *Introduction au latin vulgaire*, 121.
the only noticeable deviation from the classical norm occurs. In nearly every instance where indirect speech is employed, the author uses the accusative subject and the infinitive. Roughly ten percent of the time, however, the author uses either *quod* or *quia* (usually the former): *scire* (with *quia*), 32 *certum habere*, 33 *credere*, 34 *legere*, 35 *comprobare*, 36 *negare*, 37 *probare*. 38

The *Altercatio Ecclesiae et Synagogae* is the product of an author who was steeped in the best Christian Latin literature. He did not cite Virgil and Cicero to support his arguments, but rather the holy writings of the Church. As we shall see, he was also trained in Roman law. 39 He is one in a long line of Christians, from Tertullian to Calvin, who have placed their legal training at the service of the Church. It is no surprise, then, that he conceives of the dispute between the Church and the Synagogue as a legal one. This feature of the *Altercatio* will be discussed in greater detail in Chapter Four, which traces the argument between Church and Synagogue. Two other matters, however, must be dealt with first: to locate this text within the tradition of Latin Christian anti-Jewish polemic, and to place it within the context of the development of anti-Jewish legislation in the Christian Roman Empire. These subjects will be covered in Chapters Two and Three, respectively.

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32 *Altercatio*, 59-60; 65-66; 402.
33 *Altercatio*, 151; 336.
34 *Altercatio*, 199; 299.
35 *Altercatio*, 288-289; 302-303.
36 *Altercatio*, 324-325.
37 *Altercatio*, 557-558.
38 *Altercatio*, 559-560.
39 For the author’s use of legal terminology, see Chapter Four.
CHAPTER II

CYPRIAN, AUGUSTINE, AND THE ALTERCATIO ECCLESIAE ET SYNAGOGAE: TRACING THE DEVELOPMENTS OF CHRISTIAN ANTI-JEWISH POLEMIC IN LATE ANTIQUITY

The Church already possessed, by the fifth century, a long tradition of polemical writing against Judaism. Already in the Epistle to the Galatians, one of the earliest writings of the New Testament, St. Paul labors to convince his readers that the promise made to Abraham in the Jewish Scriptures has been fulfilled in the ministry of Christ. The Gospel of John, written at a time when the distinction, and indeed, the opposition between Christianity and Judaism was becoming quite apparent, refers to Jesus’ opponents as “the Jews.” Justin Martyr (A. D. 110-165) argues in a similar vein to Paul in his Dialogue with Trypho, a Jew, but goes into greater detail, citing numerous specific texts from the Old Testament Prophets that he believes to have been fulfilled by Christ. Justin, however, wrote in Greek, and for that reason his writings were not accessible to a wide audience in the West. This was true especially as the centuries wore on and knowledge of Greek became less and less common in the Latin-speaking parts of the empire.40 The more immediate antecedents of the Altercatio must therefore be sought elsewhere, among Latin authors of the third through early fifth centuries.

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The patterns of biblical citation in the Altercatio bear a strong resemblance to those in Cyprian of Carthage’s (A. D. 200-258) Ad Quirinum, a letter to a new Christian (possibly a convert from Judaism?), which also bears the title Three Books of Testimonies against the Jews. Ad Quirinum represents Cyprian’s major contribution to the tradition of Christian polemic against Judaism, and his stature as a martyr and saint would certainly have given impetus to the widespread diffusion of his writings. It is clear that the author of the Altercatio was at least familiar with the patterns of biblical citation employed by Cyprian in arguing against Judaism. So many of the biblical texts cited by Cyprian are also cited by the author of the Altercatio that it is reasonable to assume that the latter had even read the Ad Quirinum. Because of the broad circulation of his writings in general, and because of his obvious influence, at least indirect but likely direct, on the Altercatio, Cyprian will serve for us as one of the chief representatives of early Latin reflection on Jewish-Christian relations.

Another North African, born about a century after Cyprian’s death, will serve as the other representative of the Church’s tradition of anti-Jewish polemic.

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42 Hillgarth, Altercatio, 8, postulates that “Cyprian’s works were no doubt widely diffused by 400.”
43 For Cyprian’s wide influence, see M. F. Wiles, “The Theological Legacy of St. Cyprian,” in Personalities of the Early Church, Studies in Early Christianity, vol. 1, ed. Everett Ferguson (New York: Garland, 1993), 185-195. Wiles points out near the beginning of this article that “not only does [Cyprian] stand out as the only substantial western writer of the third century to avoid the sin of schism, but his words had the added prestige of being the words of an outstanding bishop and , still more importantly, martyr. It is not without significance that he is the first Christian to be the subject of a biographical study and that he should be the only non-Roman to receive specific mention by name in the Canon of the Roman Mass. Thus the influence of Cyprian’s teaching was immensely enhanced by the prestige of his person. Moreover, that teaching belonged to so early a period in the life of the
Augustine of Hippo (354-430) wrote about the relationship between Church and Synagogue in several places in his magnum opus, *The City of God*, and also in a sermon that today is given the title *Adversus Iudaeos*. Although his statements on Judaism are by no means confined to these two writings, these nonetheless contain all the essential aspects of his opinion on this matter. In surveying each writer’s approach to the question of Jewish-Christian relations, I will be looking first of all at the theological stance presented, and second of all at whether and how these writers’ stances might be used to justify anti-Jewish legislation, such as that promulgated by Constantine, and that contained in Roman legislation concerning the Jews from the period of the Christian empire.44

*Cyprian’s Ad Quirinum, or Three Books of Testimonies against the Jews*

This letter, as its title suggests, is a collection of biblical passages strung together with very little commentary by the author himself. The passages are organized around a series of twenty-four theses, which are listed together at the beginning of the work, and then again individually, with each one followed by the biblical texts that Cyprian adduces in support of it. Though it contains three books, the first (and the shortest) is the only one that deals explicitly with the relationship

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44 Marcel Simon points out that Constantine explicitly prohibited Jewish proselytism, and that his successors gradually decreed further limitations on Jewish participation in public life. For an overview of these developments, and their effects on the status of the Jewish community in the empire, see Simon, *Verus Israel: A Study of the Relations between Christians and Jews in the Roman Empire*. 
between Judaism and Christianity. The second book outlines Cyprian’s Christology, and so it is only obliquely related to the Jewish question. The third book, however, deals with a host of miscellaneous theological and disciplinary issues, and for that reason is irrelevant to the discussion at hand.

The main thrust of Cyprian’s argument in his *Ad Quirinum* is that the Jews for a time constituted the people of God, but that as a result of their rejection of Christ they have lost that distinction to the Gentile Church. Many of the theses contrast the outward forms of the Jewish people under the Old Testament with those of the Christian Church under the New. Thesis eight, for example, states, “That the first circumcision of the flesh was made void, and a second circumcision of the spirit was promised instead.” Thesis sixteen likewise states “that the old sacrifice should be made void, and a new one should begin.” And finally thesis nineteen states “that two peoples were foretold, the elder and the younger; that is, the ancient people of the Jews, and the new one which should be of us.” Since the coming of Christ, God relates to His people by means of a new set of arrangements. But for Cyprian, the shift is not simply from old to new, as if God had simply replaced the old forms and patterns with ones that were newer, but essentially of the same value. On the contrary, Cyprian views the matter teleologically. The shift from Old Testament to New is a “great leap forward” in the unfolding of God’s plan for history, a movement from promise to fulfillment. As thesis fifteen puts it: “that Christ should be God’s

*AD 135-425*, trans. H. McKeating (London: The Littman Library of Jewish Civilization, 1996), 126-132. These developments, as they relate to the *Altercatio*, are also discussed in Chapter Three.
house and temple, and that the old temple should pass away, and a new one should begin."

The majority of Jews had not believed in Christ and thereby missed their chance to move forward with the divinely-directed flow of history, and so what for Cyprian was a great advance in the progression of the kingdom of God in time and space was, for the greater part of the Jewish people, an occasion of stumbling and of losing the favor they had previously enjoyed. But in Cyprian's mind, the Scriptures had foretold this stumbling, which was simply the latest example of a recurring pattern of apostasy portrayed over and over again in the Old Testament. As thesis twenty-two has it: "that the Jews should lose the bread and the cup of Christ, and all His grace; while we should receive them, and that the new name of Christians should be blessed in the earth." Thesis twenty-three summarizes the ultimate consequences of this dramatic shift in divine favor: "That rather the Gentiles than the Jews should attain to the kingdom of heaven." In thesis one Cyprian points to the enmity that now exists between the Jews and the God whose people they had once been when he declares that they "have fallen under the heavy wrath of God, because they have departed from the Lord, and have followed idols." Even if the fruit of this apostasy is not manifested in a series of laws restricting Jewish rights, it can at least account for the fact that, in his day, the Jews no longer inhabit Jerusalem (thesis six). To what does he attribute this failure to recognize Christ? In a statement that strongly echoes Paul's charge in II Corinthians 3:14-16, and that of Jesus in John 5:39, he alleges that "the Jews could understand nothing of the Scriptures unless they first believed on
Christ” (thesis five). This theme of Jewish blindness to the true meaning of Scripture will resurface in the other authors considered in this chapter.

Such is Cyprian’s theological stance toward Judaism. But how and to what extent could his stance have been used to justify the kind of anti-Jewish legislation that began to appear in the fourth century? It is important to keep in mind that Cyprian served as a bishop in a period when the Church underwent the most violent persecution it had yet experienced in its short life. As a bishop in troubled times like these, his prime concern had to be the survival of his flock. It is not hard to see how the *Ad Quirinum* reflects this concern, for the Pastoral Epistles and the writings of other ancient bishops like Ignatius and Irenaeus clearly show that these men considered themselves to possess an important magisterial duty. In teaching the Carthaginian faithful about the differences between Judaism and Christianity, and in arguing for the superiority of the latter over the former, Cyprian was trodding a well-worn path. In the process, he sought to mould his flock’s theological identity as a community distinct from the synagogue.

Cyprian does not touch on matters of politics and law in his *Ad Quirinum*. Whether he envisioned a day when Christianity would triumph in the Roman Empire and find itself in a position to direct the imperial government’s legislative agenda is a matter for speculation. He certainly has little or nothing to say about the proper attitude a Christian magistrate should take vis-à-vis the Jewish people. In writing of the Jews’ loss of Jerusalem and subsequent dispersion as if it were a consequence of their rejection of Christ, Cyprian was repeating a theological interpretation of past
events that many Christian writers before him had already given, events in which Christian political power played no role whatsoever. He is speaking as a member of a beleaguered minority whose place in the life of the empire was about to be further marginalized, not as one who frequented the company of imperial power brokers.

All the same, the door was certainly left open for his words to be used by later readers to justify anti-Jewish measures. If the Jews had “fallen under the heavy wrath of God” and been replaced by a Gentile Church, it would be a natural step in the minds of some to seek to reflect this shift in fortunes in the empire’s political and legal arrangements.

Augustine’s City of God and Adversus Iudaeos

We would be getting ahead of ourselves if we were to begin examining Augustine’s theological stance toward Judaism by simply looking at the statements he made about the Jewish people themselves. Augustine’s approach to this issue is based on a deeper foundation that can only be discovered by examining his biblical hermeneutic, particularly as it relates to the way he understood the relationship between the Old and New Testaments. With regard to the question of Jewish-Christian relations, Augustine continued in the tradition that was planted by St. Paul and watered by Cyprian, by further developing many points that his two forebears had

45 Simon, Verus Israel, 67.
46 Simon, Verus Israel, 103f., recounts how the death of the emperor Alexander Severus in 235 marked the beginning of the end of a long period of relative tolerance of Christianity. The Schaff
touched on only briefly. For the purposes of this chapter, I will be looking at two different works where Augustine discusses the respective status of Church and Synagogue. The first is his crowning work, *The City of God*, and the second is a sermon entitled *Adversus Iudaeos*, probably written after 425, in which the elderly bishop responds to Jewish criticisms of the Church’s claims about Old Testament interpretation and about Christ, and points his listeners to texts and tactics by means of which they might answer these criticisms.\(^{47}\)

The first important *locus* for identifying Augustine’s approach to the Old Testament/New Testament relationship is based on what he says in book fifteen of *The City of God*. There, having just begun his discussion of the development of the two cities in history, he makes a fundamental distinction between, on the one hand, “the shadow of the eternal city, a prophetic representation of something to come rather than a real presentation in time,” and, on the other hand, the eternal city itself. This shadow is symbolic, but is nonetheless “properly called the holy city.”\(^{48}\) Next, he quotes a key New Testament text, Galatians 4:21-31, on the basis of which he establishes that the former city is in bondage, while the latter is free.\(^{49,50}\) His citation

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\(^{49}\) Gal. 4:21-31 reads, “Tell me, you that desire to be under the law, have you not read the law? For it is written that Abraham had two sons: the one by a bondwoman, and the other by a free woman. But he who was of the bondwoman, was born according to the flesh: but he of the free woman, was by promise. Which things are said by an allegory. For these are the two testaments. The one from mount Sina, engendering unto bondage; which is Agar: For Sina is a mountain in Arabia, which hath affinity to that Jerusalem which now is, and is in bondage with her children. But that Jerusalem, which
of this text also serves to indicate what specific historical phenomena can be attached
to these two categories. Not surprisingly, he relates “the shadow of the eternal city”
to the Old Testament people of Israel, and the eternal city itself to the Church:

We see that one portion of the world community [i. e., the Jews] became a symbol of the heavenly City and was ‘in bondage’ in the sense that its significance was not in itself but in serving to signify the other city. It was, in fact, founded, not for its own sake, but as the shadow of another substance, a shadow that was itself foreshadowed by a previous symbol. For, the symbol of this shadow was Sara’s handmaid, Agar, with her son.\textsuperscript{51}

So even the shadow is symbolized by yet a third historical phenomenon (besides the ancient Jewish people and the New Testament Church), namely Hagar and Ishmael.

The conclusion that Augustine draws from this insight is that “in the world community, then, we find two forms, one being the visible appearance of the earthly city and another whose presence serves as a shadow of the heavenly City.”\textsuperscript{52} Hagar and Ishmael, as the archetypal slaves, symbolize, on the one hand, Law and Human Action: in short, Nature. Sara and Isaac, the archetypal free people, on the other hand, symbolize Promise and Divine Favor: in short, Grace.

Two important points should be made regarding Augustine’s hermeneutic. First of all, the maxim that there is, in the world community, one form that represents “the visible appearance of the earthly city” and “another whose presence serves as a

\textsuperscript{51} Augustine, \textit{City of God}, 15.2.
\textsuperscript{52} Augustine, \textit{City of God}, 15.2.
shadow of the heavenly City” holds true for any period of history, whether pre- or post-Christ. The only thing that changes is the specific phenomena that arise in history to fulfill each role. These phenomena are characterized by different external trappings, as Augustine explains in Adversus Iudaeos, where he lists a number of customs and rites prescribed in the Old Testament, and responds to criticisms made by Jewish opponents of the Church, who

base their complaint on the fact that we do not circumcise the foreskin of the male ... nor do we revere the other ancient sacraments which the Apostle classifies under the general expression of shadows of things to come, since at their time they signified events to be revealed, so that with the shadows removed we are enjoying their uncovered light.  

These customs “have not been condemned, but they have been changed,” so to continue following them now that they have been fulfilled is simply an anachronism. “Since, then, there are in the Old Testament precepts which we who belong to the new covenant are not compelled to observe, why do not the Jews realize that they have remained stationary in useless antiquity rather than hurl charges against us who hold fast to the new promises, because we do not observe the old?” Second of all, he makes the point that the deciding factor in whether a particular historical phenomenon falls into either category is its willingness to receive Grace, which alone “can bring forth citizens of the heavenly city.”

Augustine discusses the three categories of Old Testament prophecy in chapter seventeen of The City of God. There he builds on the distinction he makes between...

52 Augustine, City of God, 15.2.  
53 Augustine, Adversus Iudaes, 2.3.  
54 Augustine, Adversus Iudaes, 3.4.  
55 Augustine, Adversus Iudaes, 6.8.
the two cities in 15.2. He once again alludes to Gal. 4:21-31 (though without citing it explicitly this time), and draws a further distinction between “the carnal progeny of Abraham,” and his “spiritual progeny.” The latter he defines as “all nations that are blessed and called to eternal life in the kingdom of heaven as co-heirs of Christ in the New Testament … the free city of God, the true everlasting Jerusalem above, whose sons are men living by God’s law like pilgrims on earth.” Distinctions are then made between the three kinds of prophecies: those that relate to the “terrestrial Jerusalem, the slave-girl, bearing her sons into bondage to serve beside her,” those that relate to the spiritual progeny, and those that refer simultaneously to both.

It is not until near the end of Book eighteen that Augustine finally comes to reflect upon the condition of the Jewish people in his own, Christian, age. But having finally arrived there, he devotes most of chapter forty-six to a discussion of this very issue. He begins by noting two historical facts: the Jewish revolt (it is difficult to say whether he is referring specifically to that of AD 70 or of 135, or is conflating the two), and the Diaspora. He then makes two points about the Jews’ relationship to their Scriptures, one of which is critical for the main thrust of his argument in this chapter. He first of all asserts that “it is their own Scriptures that bear witness that it is not we who are the inventors of the prophecies touching Christ. That is why many of them, who pondered these prophecies before His passion and more especially after

50 Augustine, City of God, 15.2.
57 Augustine, City of God, 17.3.
58 Augustine seems to connect these two events in a cause and effect way. As will be seen shortly, he does make a theological point based on the assumption that the scattering of the people came after an offense for which they might have deserved to be punished with extinction. One wonders
His Resurrection, have come to believe in him.” He then asserts, like Cyprian and St. Paul before him, that “when they refuse to believe in our Scriptures and read their own like blind men, they are fulfilling what their own Prophets foretold.” He repeats this point in Adversus Iudaeos: “When these scriptural words are quoted to the Jews, they scorn the Gospel and the Apostle; they do not listen to what we say because they do not understand what they read.”

The Jewish people of the early fifth century therefore suffer from a collective blindness and have been scattered over the face of the earth. What then, in Augustine’s view, is God’s intention with respect to His rebellious erstwhile people? In response to this question, he cites Ps. 58:12, which reads, “Slay them not, lest they forget my law. Scatter them in thy power.” The Diaspora was a part of the divine plan, in other words, every bit as much as the crucifixion. For now, the Jews are “everywhere, as the Church is.” He interprets their omnipresence as a great boon for the Church, for “if the Jews had remained bottled up in their own land with the evidence of their Scriptures ... the Church would not then have them as ubiquitous witnesses of the ancient prophecies concerning Christ.” As Augustine sees things, then, the Jews serve as unwitting witnesses to the truth of the Church’s claims about Christ. The fact that they inhabit the farthest reaches of the earth is a blessing for the Church, whatever their own intentions might be. What is more, Augustine’s reflections about the Church’s attitude toward the Jewish people, following St. Paul,

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59 Augustine, City of God, 18.46.
60 Augustine, Adversus Iudaeos, 1.2.
make use of the biblical motif of the faithful remnant. In this way, he is able to account for the fact that a not insignificant number of Jews have embraced Christ. He is careful to point out that the prophecies that warned that most of the Jewish people would not receive him "do not concern those who believed in Christ at that time because of these very prophecies, nor who have believed in Christ up to the present or who, henceforth, up to the end of the world, will believe in Christ." Furthermore, "Through this Son of Man, Christ Jesus, and from His remnant, that is, the Apostles and the many others who from among the Israelites have believed in Christ as God, and with the increasing plenitude of the Gentiles, the holy vineyard is being completed." Thus do the Jews continue to play an important role in redemptive history, not only as those who carry the gospel germ via their Scriptures, but as potential recipients of that same gospel that was first preached to them.

Toward the end of *Adversus Iudaeos*, Augustine addresses the Jews directly, as if they were among those in his audience when he delivered the sermon:

You, in the person of your parents, have killed Christ. For a long time you have not believed in Him and you have opposed Him, but you are not yet lost, because you are still alive; you have time now for repentance; only come now. You should have come long ago, of course, but come now; your days are not yet ended; the last day is still to come.

The accusation that his putative listeners, in the person of their parents, had killed Christ indeed sounds harsh to modern ears. But in these words there is no attempt to legitimate anti-Jewish violence. Rather, Augustine immediately adds to this

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61 Augustine, *City of God*, 18.46.
accusation an invitation to repent. In his mind, there is yet hope for the Jewish people. Moreover, he ends his sermon with a fervent plea to his flock that they should witness to their Jewish neighbors “with great love.” He likewise warns them,

Let us not proudly glory against the broken branches; let us rather reflect by whose grace it is, and by much mercy, and on what root, we have been ingrafted. Then, not savoring of pride, but with a deep sense of humility, not insulting with presumption, but rejoicing with trembling, let us say: ‘Come ye and let us walk in the light of the Lord,’ because His ‘name is great among the Gentiles.’

Augustine, then, regards ancient Judaism as having been an authentic vehicle of divine revelation, whose scriptures prophesied the coming of the One in whom Christians now believe, even if the Jews of his day by and large do not. Indeed, the Jewish people, living all over the world, continue to be a repository of divine revelation, serving as witnesses to the truth the Christians proclaim. To be sure, their revelation is truncated and needs to be brought to completion by the message of the New Testament. This theological stance had a certain minimum level political and legal implications. Augustine makes no specific policy recommendations anywhere in the writings we have reviewed. But if his vision of the Jewish people, scattered throughout the world as witnesses in spite of themselves to the truth of the Christian position, were to be embodied in the laws of the state, then the Jewish people must be allowed to remain intact as a distinct religious community. If this condition were not fulfilled, then they could not render their unwitting testimony, as God intended. Based on Augustine’s vision, then, the Christian state is at the very least obligated not

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64 Augustine, *Adversus Iudaeos*, 8.11.
to destroy the Jews, but rather to create conditions that will allow them to survive:

“Slay them not, lest they forget my law. Scatter them in thy power.”

To survive, however, is not necessarily to thrive. Augustine offers no admonition to the civil magistrate not to mistreat, demean, or marginalize the Jews. That Augustine, whose life spanned the period of time when Christianity became the Roman religion, did not have anything to say about this matter is certainly more significant than the fact that the martyr Cyprian was silent on it. For by the end of Augustine’s life, circumstances had radically changed from what they had been in the time of Cyprian, and even from what they had been at the time of his own birth. No longer was the Church a beleaguered minority. It was rather the dominant majority. What conclusions can we draw from Augustine’s silence on the question of the Christian state’s relationship to the Jewish people? Augustine’s firm and well developed theological stance, as well as his very pointed language regarding the Jews’ collective responsibility for the crucifixion, could certainly be seized upon by the unscrupulous to inflame the passions of unstable souls among the Christians, both rulers and populace. And Augustine also provided a theoretical justification for using of the sword of the state in the suppression of Donatism.66 He lived in an age in which not even theoretical value was attached to the idea of a religious tolerance which afforded equality before the law to those of all confessions or none. Indeed, in his day, a person’s ability to obtain justice depended not on the fact that he was free and possessed certain inalienable rights, but could be intimately bound up with his

religious convictions. Peter Brown notes that, in the North Africa of the 390s, a person might become a Donatist in order to push his lawsuit forward!⁶⁷

*The Altercatio Ecclesiae et Synagogae*

The author of the *Altercatio* shows a great deal of familiarity with at least part of the tradition of anti-Jewish polemic, which had long been established in the Latin part of the empire by the time he composed this treatise. He cites biblical passages sixty-six times, and in forty-six of those cases, Cyprian has also cited the same verse in his *Ad Quirinum*. Our author also makes use of a number of the same biblical texts that Tertullian and Augustine employ in their writings on Judaism.

To give a sense of the flow of the debate (to be discussed in greater detail in chapter three), I will point to three of the theological arguments made by Church, and briefly discuss how they relate to arguments made by our author's antecedents. First of all, early in the dialogue, Church challenges Synagogue to “take note of the fact that you have been driven from the kingdom.”⁶⁸ As noted above, thesis six of Book I of Cyprian’s *Ad Quirinum* also points to the Jews’ expulsion from their native land as evidence of their loss of divine favor. Augustine also makes mention of this fact, but he draws a slightly different conclusion from it. For him, it is not so much evidence that the Jews have lost divine favor as it is a providentially appointed means by which

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⁶⁷ Brown, *Augustine of Hippo*, 223. Clearly, this particular statement would no longer have applied by the time Augustine composed the writings we are considering, but the point remains that a person’s civil status was affected by his religious affiliation to a much greater degree in his time than it is in ours.
the Word of God will spread out over the earth. In this respect, our author is certainly thinking along the same lines as Cyprian and the strain of the tradition that he represents.

Another point at which our author shows his dependence on the earlier tradition is when he makes the accusation of Jewish idolatry: “when on Mount Sinai Moses first received the engravings for the decalogue, the two tables, you asked for idols against the Lord, saying to Aaron: ‘Make us gods who will go before us.’”

Church thus imputes to her interlocutor the guilt incurred by her very distant ancestors. But this detail is of little importance to her, since Synagogue represents all Jews, past and present. This point echoes thesis one of Book I of the Ad Quihnum, which also accuses the Jews as a whole of having fallen into idolatry. This is a point that is entirely absent from the two writings of Augustine that have been considered.

He will go so far as to accuse them of blindness, but he stops short of denouncing them as idolators.

A third point of dependence on previous anti-Jewish tradition comes just before the mid-point of the dialogue. Here, our author comes close to making a point that Augustine makes in his Adversus Iudaeos. The topic being discussed is circumcision, and Synagogue issues a challenge of her own by asking Church why she does not observe this custom, as well as many others that are prescribed in the Old Testament: “Consider that you have neither received the Law, nor have you obtained

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68 *Altercatio*, 126: “te considera de regno discussam”
69 *Altercatio*, 144-45: “vos contra dominum idola poposcitis, dicentes ad Aaron: ‘Fac nobis deos qui nos antecedent.’”
70 Augustine, *City of God*, 18.46; *Adversus Iudaeos*, 1.2
circumcision, by which sign the Gentiles are distinguished. It is from this source that I have my sign and I do not abandon the Law that Moses made known.” As will be seen, Church answers this challenge in a way that breaks little if any new exegetical ground: “Behold, the circumcision of the heart was being commanded, not of the flesh, namely, that you should circumcise the vices of the heart, that you might cut off lust, that you might remove the head of idolatry, that you might rend the tunic of fornication.” True righteousness, in other words, is not obtained by receiving an outward sign, but when the heart has come in line with the will of God. Augustine no doubt would have agreed with this conclusion, but he makes the same point in a broader context, one in which he addresses the issue of all those ceremonies that St. Paul had labeled “shadows of things to come,” including the Jewish dietary laws, sacrificial system, and liturgical calendar. Our author is certainly not making as broad of strokes as the bishop of Hippo!

This passage from the Altercatio, far from showing any direct dependence on Augustine, bears rather the mark of Cyprian’s influence. The strong distinction that the Altercatio draws between the circumcision of the flesh and that of the heart immediately follows three biblical citations: Jeremiah 4:3-4, Deuteronomy 30:6, 71

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71 2.3.
72 Altercatio, 212-15: “Respice te nesci legem accepisse nec circumcisionem meruisse, in quo signo gentilitas segregator. Inde est quod et signum meum habeo et legem quam Moyses pertulit non amitto.”
73 Altercatio, 248-51: “Ecce non carnis sed cordis circumcisionio mandabatur, scilicet ut vitia cordis circumcideres, ut libidinem desecares, ut idolatriae caput auferres, ut tunicam fornicationis scinderes.”
74 "Thus says the Lord to the men of Judah, and to them who inhabit Jerusalem, Renew newness among you, and do not sow among thorns: circumcise yourselves to your God and circumcise the foreskin of your heart; lest my anger go forth like fire, and burn you up, and there be none to
and Colossians 2:11. Thesis eight of Book I of Cyprian’s *Ad Quirinum*, which reads “that the first circumcision of the flesh was made void, and a second circumcision of the spirit was promised instead,” precedes four biblical citations: Jeremiah 4:3-4, Deuteronomy 30:6, Joshua 5:2, and Colossians 2:11. Once again, it is clear that the author of the *Altercatio* was well familiar with the work of Cyprian, while it is unclear whether or not he knew that of Augustine. Any similarities between the remarks of the two of them can easily be attributed to their common exposure to a longstanding tradition of Christian arguments against Judaism.

These few examples of the types of arguments made in the *Altercatio* by no means exhaust the wealth of material found in it. But they do constitute a representative sample of the way in which our author borrows from earlier writers in the tradition of anti-Jewish polemic. The arguments made by this author cannot all be accounted for by referring to earlier representatives of the *adversus ludaeos* tradition. One argument he makes is not found in any previous Christian writing on Judaism, at least not in the West, namely the argument from the legal degradation of the Jews. Although most of the arguments set forth in the course of the wrangling are biblically

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75 “In the last days God will circumcise thy heart and the heart of thy seed to love the Lord thy God.”

76 “Ye are circumcised with a circumcision not made of hands in the putting off of the flesh, but with the circumcision of Christ.”

77 “And the Lord said unto Jesus: Make thee small knives of stone, very sharp, and set about to circumcise the children of Israel for the second time.”

78 Colossians 2:11, cited by both Augustine and Cyprian, was also cited by other Christian authors writing against Judaism or Judaizers within the church. See Origen, *In Epistulam Pauli ad Romanos explanationum libri*, 34.10.8 (this is Rufinus’ Latin translation), and Marius Victorinus, *In Epistolam ad Galatas*, 1.1. The author of the *Altercatio* could conceivably have found the reference to Col. 2:11 in the works of any of these four writers, but his affinities with Cyprian on other accounts make it most likely that his source was the third century bishop of Carthage.
or theologically based, the two disputants also exchange a number of barbs that have to do with the question as to precisely what extent the Jewish people have been pushed out of the mainstream of the empire’s political and social life. Early in the proceedings, Church and Synagogue are arguing about whether or not the latter has yet been subjected to slavery. To drive home her point, Church calls a number of recent laws to bear witness against her opponent:

Consider the standards in the legions, direct your thoughts to the name of the Savior, turn your attention to the emperors, who are worshipers of Christ, and take note of the fact that you have been driven from the kingdom and confess to us according to the faith in the testament that which you keep. You pay me tribute, you do not come to civic power, you cannot occupy the prefecture. A Jew is not permitted to be a magistrate, you are forbidden to attain senatorial rank, you are not acquainted with the prefecture, you are not allowed in the army, you do not come near the table of the wealthy, you have lost the order of the clarissimus, everything is off limits to you, and we offer you very little to be eaten, so that you might even live badly. Therefore if you have been without these things, which are highest, which are foremost, read what was said to Rebecca when she was bringing forth twins: Two races are in your womb and two peoples shall be separated out of your womb, and one people shall rise above the other people, and the older shall serve the younger.\textsuperscript{79}

The unspoken assumption is that the service spoken of to Rebecca was to be material and political rather than spiritual and theological. Given this assumption, it was natural to conclude that the cause of the victor would be vindicated as the unfolding course of events saw one of the two achieve a real dominance over the other.

\textsuperscript{79} Altercatio, 124-137: “Respice in legionibus, nomen salvatoris intende, christicolas imperatores adverte, et te considera de regno discussam et nobis iuxta testamenti fidem quod servas id confitere. Tributum mihi solvis, ad imperium non accedes, habere, non potes praefecturam. Iudaeum esse comitem non licet, senatum tibi inroire prohibetur, praefecturam nescis, ad militiam non admittieris, mensam divitum non adtingeris, clasissimatus ordinem perdidisti, totum tibi non licet, cui etiam ad manducandum, ut vel male viveres, paucula condonamus. Ergo si haec quae summa, quae prima sunt carvisiti, lege quid Rebeccaee sit dictum cum geminos pareret: Duae gentes in utero tuo sunt et duo populi de ventre tuo dividentur et populus populum superabit et maior serviet minori.”
The circumstances “on the ground” would only become a more important part of the Christian polemic against Judaism in the early Middle Ages. Bernhard Blumenkranz observes that “with regard to the rejection of the Jews and the election of the Gentiles, the general political situation will be a powerful argument.” But later authors will frame the argument in a slightly different fashion: “The Church’s polemists will make their case based less on the legal degradation of the Jews, which, in comparison with the fourth and fifth centuries, was mitigated in most countries of the West in the early Middle Ages, than on the spread of Christianity and on the numerical diminution of the Jews.”

Like these later writers, the author of the *Altercatio* argues that events have vindicated his cause, but he argues in a way that is suitable only for the brief window of time between the promulgation of either Honorius’ law of 418 prohibiting Jews from serving in the imperial service (*militia*) and in the army (*militia armata*) or Theodosian Novel 3, published in the east in 438, but valid in the West only from 448, and the time when this particular codification of Roman law ceased to be enforced in the West.

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81 Blumenkranz, *Juifs et chrétiens*, 300, notes that of the 49 laws from the Theodosian Code that restricted the Jews in some way, only ten of these are preserved in the *Breviary* published in 506 by the Visigothic King Alaric II. Only four are preserved out of the 33 from the *TC* that dealt with issues such as Jews in public office, mixed marriages, possession of slaves, and proselytism.
Conclusion

The rise of Constantine and his successors brought about a fundamental shift in the Catholic Church’s relationship with the Roman state. But at least one thing remained constant during that time:

Emperors had always been expected to have a firm religious policy in order to be sure of the support of the gods. From 250 onwards, and especially during the Great Persecution initiated by Diocletian, the authorities had shown no hesitation in fostering the traditional religiones of the empire by ‘taking out’ the Christian Church – by forbidding its meetings and destroying its property and sacred books. Constantine and his Christian successors did the same in reverse. They put very little direct pressure on individual pagans: there were no pagan martyrs. Rather, from time to time, the emperors took measures to render pagan worship incapable of being performed in public.82

This period saw the triumph of a new religio, one whose beliefs were radically different from the one it replaced, but which still saw itself as playing the same public role as its predecessor. It was responsible for securing the blessing of heaven, and so any deviation from conformity to the new religio had to be taken with the utmost seriousness. In fact, for the new order that was established in the fourth century, religious uniformity took on even greater importance:

Romans had always been concerned with the correct performance of religiones, with the maintenance of traditional rites. But this attitude had been replaced by the new definition of “religion” which, as we saw, had emerged in the course of the third century, A. D. Now it was ‘thought-crime’ itself – wrong views on religion in general – which was disciplined. … There was to be little place, in the new Roman order, for heresy, schism, or Judaism, and no place at all for ‘the error of stupid paganism.’

83 Brown, *Western Christendom*, 75.
The *Altercatio* embodies the ideology of those who considered that in its role as the new *religio*, Christianity had succeeded, and succeeded marvelously, in securing the blessing of heaven, and Christians therefore could be quite sure that their faith alone could maintain both empire and people in God’s good graces. Gone were the days when they had to hide in the catacombs for fear of the state authorities. On the contrary, they had every reason to brim with confidence, a point that our author delights in making. History, after all, was on his side. It is no wonder that at the end of the dispute, Synagogue finally sees the error of her ways and comes over to Church’s position: “Now I remember, now I know, but I did not know what was being said before, for I listened to those prophets carelessly.”\textsuperscript{84} She abandons her folly, and the scene ends as Church, echoing Isaiah 54:1, enjoins all peoples to rejoice: “Rejoice, O peoples, rejoice, O worshipers of Christ, the barren woman has given birth, and she who previously had children has deserted with her children.”\textsuperscript{85}

\textsuperscript{84} *Altercatio*, ll. 575-577: “Nunc recolo, nunc recognosco, sed quid diceretur ante nescivi, quia prophetas istos neglegenter audivi.”

\textsuperscript{85} *Altercatio*, ll. 594-596: “Gaudete populi, gaudete christicolae, sterilis peperit et quae filios habebat cum filiis ante defecit.”
CHAPTER III

THE ALTERCATIO ECCLESIAE ET SYNAGOGAE AND ROMAN LAW IN LATE ANTIQUITY

The conversion of Constantine to Christianity marked the beginning of a gradual revolution in the relationship between the Catholic Church and the Roman state. The Edict of Milan ensured the beleaguered Christian community of the right to worship freely, and Constantine took other steps that had the cumulative effect of according the Church a much more prominent position in the new Roman order that was emerging in the early fourth century. He defeated Maxentius at the Milvian Bridge with his soldiers fighting under the labarum, a banner bearing a Christian symbol.86 After his victory, he proceeded to commend Christianity to his troops by granting them Sunday leave and requiring them to recite a monotheistic prayer each week. The prominence of bishops at his court and in his entourage further underscored the place of the church in his regime.87 Crucifixion was abolished, Sunday was made an official holiday, and the Christian virtues of virginity and celibacy were promoted through the repeal of the Augustan privileges granted to married couples with many children, and of the disabilities imposed on the unmarried and on childless couples.88

87 Barnes, Constantine and Eusebius, 48.
88 Barnes, Constantine and Eusebius, 51-52
Another important step Constantine took to relieve the condition of Christians in the empire was to instruct his colleague Maximinus, emperor of the East, to cease persecution of his Christian subjects, something he himself had already done in the West. He appropriated money from the imperial treasury to build, beautify, and/or endow a number of churches, including two major churches in Rome: the Lateran Basilica and Santa Croce in Gierusalemme. Christian clergy were exempted from service as tax collectors, duties which would both take them away from their pastoral responsibilities and which might require the use of coercion. The clergy may even have been exempted from paying taxes in money altogether, though there is debate on this precise point.

Bishops, in particular, came to enjoy broad privileges under the rule of Constantine and his sons. Constantine issued laws permitting bishops to preside over the manumission of slaves in church and making it easier to transfer legal disputes between Christians from the court of a secular magistrate to that of a bishop, thereby increasing even further the visibility and prestige of the bishop in his city. Bishops could only be tried by a council of fellow bishops, and the harshest punishment to which they were legally subject was deposition and exile. By the middle of the fourth century, bishops might exercise as much practical power as a provincial

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89 Barnes, Constantine and Eusebius, 49.
90 Barnes, Constantine and Eusebius, 49.
91 Cod. Theod. 16.2.1-2.
92 Barnes, Constantine and Eusebius, 50.
93 Barnes, Constantine and Eusebius, 51.
governor.\textsuperscript{95} In all of these ways, the Church’s place in the Roman system became not simply normalized, but indeed, privileged. The privileges it enjoyed both cemented its role as an important means of support for the Roman state, and yet permitted it to develop a strong independent streak, thus allowing it to serve as a counterweight to the authority of the state.

The Christian community in the empire began to enjoy full legal rights, as well as a number of special privileges, at the same time that some of the rights previously enjoyed by adherents of the pagan religion began to be curtailed. Private divination was outlawed, on pain of burning alive for the haruspex and forfeiture of property for the man who welcomed him into his home.\textsuperscript{96} Gladiators also were banned, a prohibition that soon led to an end of imperial subsidies for gladiatorial shows, even if it failed to eliminate them altogether. These measures took effect throughout the entire empire. Other measures, however, applicable only in the east, where the Christian community was more numerous, went even further. There, pagan sacrifice was forbidden outright. Gold, silver, and precious stones were confiscated from pagan shrines and temples. Many pagan shrines were destroyed altogether, and other steps were taken whose ultimate purpose was to replace paganism with Christianity in the hearts and minds of the populace.\textsuperscript{97} Timothy D. Barnes summarizes the overall impact of Constantine’s reign on the role of Christianity: “Before 337 there was

\textsuperscript{95} R. Malcolm Errington, \textit{Roman Imperial Policy from Julian to Theodosius} (Chapel Hill: University of North Carolina Press, 2006), 171.
\textsuperscript{96} Barnes, \textit{Constantine and Eusebius}, 52.
\textsuperscript{97} Barnes, \textit{Athenasius and Constantius}, 246ff.
scarcely any facet of Roman public life unaffected by the official Christianization of Roman society which Constantine began at the Battle of the Milvian Bridge.98

It should come as no surprise that the “official Christianization” of the empire had profound implications for Jewish-Christian relations. In its earliest centuries, Christian apologists who wrote against Judaism did so from a tenuous legal position. Whether their convictions dictated such a posture or not, it was certainly in their interest to be as irenic as possible. Parts of the early adversus Iudaeos tradition, as exemplified by Justin Martyr’s Dialogue with Trypho or by the writings of Clement of Alexandria, reflect a willingness to enter into honest debate with a Jewish opponent who is seen as an intellectual equal.99 These men, neither relativists nor bigots, were quite ready to defend their faith, but only with the pen.

The fourth century revolution in Church-state relations turned the tables dramatically. After the Christianization of the Roman Empire was completed by the mid-fifth century, it was the Jews who were beleaguered and on the defensive.100 Their efforts at proselytizing the Roman world had simply lost out to those of the Christians.101 They found themselves increasingly marginalized in a society dominated by a triumphalistic political theology that looked askance at Jews and viewed them as a threat to the now established faith of the Church. So far from

98 Barnes, Constantine and Eusebius, 53.
99 Mark S. Veldt, “Christian Attitudes toward the Jews in the Earliest Centuries A. D,” (PhD diss., Western Michigan University, 2007). For Justin Martyr, see pp. 120-139 and for Clement of Alexandria, see 165-185.
100 Obviously, the question whether a civilization can in fact be Christianized is theological in nature and thus outside the scope of this thesis. I use the term because it is conventional, but only to refer to the cumulative effects of the Church’s prominent place in society on the attitudes and norms of behavior of the members of that society, and on the laws passed by the government of that society.
101 On the fate of Jewish missionary efforts, see Simon, Verus Israe, 271-306.
considering that the Synagogue shared an important heritage with the Church, albeit one over whose interpretation they strongly disagreed, the new theology saw the Synagogue as a constant danger to the new order.\textsuperscript{102} If the attitude toward the Jews as unwitting witnesses to the truth of Christianity, exemplified by Augustine’s sermon \textit{Adversus Iudaeos}, precluded any attempt to eliminate the Synagogue altogether, it certainly provided no ammunition for those who might have argued against placing any sort of legal disabilities on them at all.\textsuperscript{103} Although Augustine’s thought regarding the Jews does not seem to have registered with the anonymous author of the \textit{Altercatio}, he nonetheless lives in the same new world as Augustine, a world in which the Jews have seen at least some of their ancient rights curtailed.\textsuperscript{104} This chapter seeks to trace the process by which the Roman state, after the death of Theodosius I, took a number of important steps to restrict the freedoms which the Jewish community living within the empire’s borders had enjoyed for centuries. Besides placing the \textit{Altercatio} in the broader context of legal and political developments in the new Christian empire, it also seeks to narrow somewhat the broad range of dates during which it may have been written.\textsuperscript{105}

Jews in the Roman Empire, since the dawn of the Christian era, had enjoyed the right to practice their religion without interference from the state and to be exempt

\textsuperscript{102} Veldt, “Early Christian Attitudes,” 18.
\textsuperscript{103} For Augustine’s views on Jewish-Christian relations, see Chapter Two.
\textsuperscript{104} On Augustine’s influence (or rather lack thereof) on the author of the \textit{Altercatio Ecclesiae et Synagogae}, see Chapter Four.
\textsuperscript{105} In Hillgarth’s judgment, it was written sometime in the fifth century, specifically, after 438. \textit{Altercatio Ecclesiae et Synagogae}, \textit{Corpus Christianorum Series Latina}, no. 69A, 7.
from civil obligations that were incompatible with their monotheistic convictions. These rights were curtailed neither in the wake of the uprising of A.D. 66-73 and the destruction of the Temple in Jerusalem, nor during the reign of the Antonines, which saw yet another major Jewish revolt, during the years 132-135, led by the messianic pretender Simon Bar Cochba. The century after the quelling of this revolt was a period of relative calm for the Jewish community and even for the young Church, whose faith was still officially proscribed. The troubles brought about by the Third Century Crisis, which began after the death of Alexander Severus in 235, ushered in a period of great distress for the Church, but their Jewish contemporaries continued to enjoy the favor of the imperial government. In fact, Marcel Simon goes so far as to suggest that during this time the Roman authorities favored Judaism by considering a conversion to it as a perfectly acceptable alternative to a conversion to Christianity, and in fact tried to use the Synagogue “in order to halt the triumphant progress of Christianity.”

What reason could they possibly have had for doing so? One important factor Simon points to is the perceived danger of Christian evangelism to the established order. To understand the reasons for the government’s actions, Simon jumps ahead a century and examines closely the attitude of the Emperor Julian to Judaism and Christianity. Because Julian’s philosophy of governance in general hearkened back to

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106 Simon, *Verus Israel*, 98.
109 Simon, *Verus Israel*, 103.
110 Simon, *Verus Israel*, 111.
111 Simon, *Verus Israel*, 111.
that of the last pagan emperors in other ways, he considers Julian’s attitudes in this particular respect to be similar to that of the third century persecuting emperors. He characterizes Julian’s approach to the matter as follows: Whereas the Jews, by virtue of the antiquity of their traditions, could be accorded a kind of grudging respect, and by virtue of longstanding imperial precedent must be allowed a place in the Roman order, the Christians were by contrast superstitious innovators who posed an unmitigated danger to the peace and prosperity of the empire. The charge of innovation was substantiated by the fact that they had abandoned their ancestral religion. The charge of superstition was substantiated by the fact that they had adopted the most offensive aspects of the Jewish system—its exclusivism and universal claims—but not the ancient rites and ceremonies of the Jewish law that a decent Roman could at least respect, if not embrace.\footnote{Simon, \textit{Verus Israel}, 112ff.} Surmising from Julian’s attitude, Simon reasons that “it is difficult to resist the conclusion that the third-century emperors, whose indulgent attitude to the Jews contrasts so sharply with their anti-Christian enactments, were guided by the same considerations as Julian.”\footnote{Simon, \textit{Verus Israel}, 115.}

It would be a mistake to conclude, based on the willingness of the Roman authorities thus to use Judaism as a “safety valve” whereby they might funnel dissatisfied pagans into a socially and politically acceptable form of monotheism, that the Jews were in general complicit in the persecution of Christians. Although evidence for Jewish involvement in the persecution of Christians by the Roman state
can be found, it is not sufficient to Jews were complicit in most of these atrocities.\textsuperscript{114} Jewish crimes against Christians, therefore, were not a major contributing factor to the new official attitude toward Judaism that became enshrined in the emerging legal system of the new Christian order. The fact that anti-Jewish measures were not enacted immediately upon the accession of a Christian emperor also suggests that such measures could not have been justified by recent experience.\textsuperscript{115} Why else would Constantine take the forceful measures against paganism described above, but leave the Jews relatively untouched?

"Relatively" is, however, an important qualifier in describing the freedom of Judaism in the Roman Empire under its earliest Christian rulers. Certain rights of Jews were rolled back under the new regime, but others were confirmed. One of the first extant laws promulgated by Constantine that dealt with the Jews forbade any Jew to attempt to stone a Jewish convert to Christianity.\textsuperscript{116} Another law dating from the end of his reign goes a step further by forbidding the Jews to disturb or assault any Jewish convert to Christianity.\textsuperscript{117} Safety from the threat of violence against the person of someone who wished to join the church is obviously a \textit{sine qua non} of the Church's complete freedom to pursue its mission, but no extant law offers like protection to Christian converts to Judaism. On the contrary, a law from the 350s

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    \item Simon, \textit{Verus Israel}, 120-125, does not deny that some Jews participated in the persecutions, but argues that their role was secondary, and that the majority of the \textit{acta martyrum} do not implicate Jews at all. This second fact, in Simon's judgment, suggests very strongly that Jewish involvement in anti-Christian persecution was not the general rule, since Christian authors presumably would have taken advantage of every opportunity to point to make such accusations.
    \item Simon, \textit{Verus Israel}, 125.
    \item \textit{Cod. Theod.}, 16.8.1. It should be noted, however, that two dates are attached to this statute: October of 315 and August of 339.
    \item \textit{Cod. Theod.}, 16.8.5.
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declares that the property of Christians who have converted to Judaism shall be confiscated.\textsuperscript{118} A law of Constantius threatens with capital punishment those Jews who would attempt to lead the women who were imperial weavers "into their turpitude" or to "unite Christian women to their villainy."\textsuperscript{119} Jews' dealings with their non-Jewish slaves also came to be heavily regulated under the Christian emperors. A law of Constantine forbade them to circumcise their Christian slaves (or slaves of any other religion, for that matter). The penalty for violating this law was that the slave should automatically be set free.\textsuperscript{120} A law issued in 339 in the name of both Constantius and Constans called for any non-Jewish slave purchased by a Jew to be confiscated by the state, and forbade Jews to circumcise non-Jewish slaves on pain of death.\textsuperscript{121} With Christianity clearly in the ascendancy, the power of the state by the middle of the fourth century stood ready to ensure that the traffic between Synagogue and Church might flow in only one direction. This arrangement is assumed in the \textit{Altercatio Ecclesiae et Synagogae}, where there is no question of Church being convinced of the truth of the Jewish position.

There was certainly no question of a level playing field for the two religions under the new Christian regime. But all was far from lost for the Jewish community in the empire. The exemption of synagogue officials from public duties was upheld by two statutes dating from the last decade of Constantine's reign.\textsuperscript{122} What is more, although Constantine began to permit municipal senates to nominate Jews to the

\textsuperscript{118} \textit{Cod. Theod.}, 16.8.7.  
\textsuperscript{119} \textit{Cod. Theod.}, 16.8.6.  
\textsuperscript{120} \textit{Cod. Theod.}, 16.9.1.  
\textsuperscript{121} \textit{Cod. Theod.}, 16.9.2.
municipal councils (a duty from which they had previously been exempt on account of their opposition to the pagan sacrifices associated with the meetings of municipal councils), he nonetheless allowed the Jewish community of each municipality to name two or three individuals who would be exempt from such duties. This exemption was granted “in order that something of the former rule may be left them as a solace.” The significance of this minor privilege, however, should not be overestimated. Many important steps had been taken to restrict Jewish rights in other spheres. But in spite of these setbacks, it should be kept in mind that the laws in question only regulated Jews’ relations with their non-Jewish neighbors. They maintained broad civil rights in many other spheres: they were free to engage in commerce, to enter the imperial service, and to pass their property on to their children, to name just a few. Moreover, none of the new legislation attempted to dictate any aspect of the Jewish community’s internal affairs. Their right to practice their religion and to live according to their law was left untouched. More restrictions were to come in the future, but the edict of Constantius that required any Christian convert to Judaism to forfeit his property was the last piece of anti-Jewish legislation for a generation. A revolution in the legal status of the Jews had begun, but it was stalled from the reign of Julian until that of Theodosius’ sons.

Few pieces of Jewish legislation are extant from the reigns of the emperors Julian the Apostate, Jovian, Valentinian I, Valens, Gratian, or Valentinian II. Modern studies do not agree on whether laws passed in one half of the divided empire took automatic effect in the other half. Errington argues that laws passed after the division of the empire in
Given the fact that by the time the Roman law codes of the fifth and sixth centuries were compiled, emperors were expected to be orthodox Christians, it is no surprise that their editors chose not to retain Julian’s laws regarding the Jews, eager as he was to use the Synagogue to poke the Church in the eye. The others, who were all Christians, chose not to upset the status quo by embarking in a new direction with regard to this matter. Jovian’s (363-364) overall religious policy offered toleration to the various Christian confessions, as well as to non-Christians who did not engage in “unacceptable sacrificial practices.” Jovian’s successors, Valentinian I in the west (364-375) and Valens in the east (364-378), likewise took a pragmatic approach to the religious question, with each of them adopting the Christian confession that was prevalent in his respective half of the empire. In the case of Valentinian, this was the Nicene position; in that of Valens, the so-called homoean, or semi-Arian position. The only extant piece of Jewish legislation dating from their rule explicitly exempts synagogues from the duty of billeting soldiers and/or imperial officials.
Gratian (375-383), Valentinian I’s son and successor, largely followed his father’s religious policies, though he did call a council whose purpose was to condemn a pair of homoean bishops, and took certain actions against paganism in the city of Rome.\(^{129}\) The only extant piece of legislation from his reign that deals strictly with the Jews ended the exemption of synagogue officials from curial liturgies.\(^{130}\) This decision was likely made, however, not out of anti-Jewish vindictiveness, but out of a desire to shore up the strength of the curias.\(^{131}\) Valentinian II’s main interest in terms of religious policy seems to have been to secure a church in Milan for use by the homoean party, a goal which Bishop Ambrose successfully prevented him from realizing on more than one occasion.\(^{132}\) It was only with the accession of Theodosius (379-395) that a new direction in overall religious policy was taken by the imperial government. This new policy coincided with the final victory of the Nicene cause, and propelled the Church-State relationship further along the revolutionary path first trod by Constantine. For this reason, even if Theodosius did not radically change the Roman state’s relationship to its Jewish subjects, the consolidation of the Nicene faith did set the stage for further developments in Jewish-Christian relations in the empire.

The three laws promulgated by Theodosius that are included in Book 16 of the *Theodosian Code* under Title 1, *De fide catholica*, suffice to express the tone of his policy, which was to solidify the place of the Nicene confession in the empire and to marginalize its theological competitors. The first of these three laws stipulates that

\(^{130}\) *Cod. Theod.*, 12.1.100; 12.1.99.
\(^{131}\) Linder, *The Jews in Roman Imperial Legislation*, 164.
\(^{132}\) Errington, *Roman Imperial Policy*, 204-209
“all the peoples who are ruled by the administration of our clemency” should embrace the faith taught “by the Pontiff Damasus and Peter, Bishop of Alexandria,” both of whom were staunch supporters of the Nicene cause. It further states that they should be called “Catholic Christians.” The second requires that all churches be immediately handed over to Nicene bishops. The third announces that heretics should no longer have the right to assemble for worship. Theodosius’s laws that related specifically to Jewish affairs, however, do not mark a new era in the Roman state’s relations with Jews, but rather a continuation of the status quo. Some of these laws uphold rights that Jews had long enjoyed. One affirms the authority of the Jewish patriarchs in matters pertaining to excommunication. Another orders that those Christians who have attempted to destroy synagogues should be punished appropriately. Yet another reiterates earlier prohibitions on Jewish ownership of Christian slaves. The one area in which Theodosius introduced new restrictions on Jewish freedom was that of marriage. One law imposes a prohibition on intermarriage between Jews and Christians. Another takes the important step of decreeing that “none of the Jews shall keep his custom in marriage unions.” The same statute also forbids polygamy.

The Jewish legislation of Theodosius’ descendants marks the beginning of a new period in the history of the Roman state’s relationship to its Jewish subjects, even
if it is only with the benefit of hindsight that such an evaluation can be made. The various pieces of legislation tell a somewhat complicated story. They suggest a kind of legislative schizophrenia, as though these emperors felt themselves pulled in different directions by conflicting interests. On the one hand, they followed their father’s pattern of upholding Jewish rights, but on the other hand, a number of laws issued by Honorius in particular (395-423) deprive the Jews of certain rights. Arcadius (395-408) forbade non-Jews to set prices for Jewish goods, sought to protect their patriarchs from public insults, confirmed earlier measures intended to protect both Jews and their synagogues from attacks, and confirmed the exemption of synagogue officials from curial liturgies.

Honorius, in 399, decreed that the regular collection made in the west by agents of the Jewish patriarch should be submitted to the imperial treasury. The issue here, though, seems less to have been an attempt to place a burden on the Jews than a dispute between the two imperial brothers. The law was repealed five years later. In 412, he reiterated earlier prohibitions on molesting synagogues, and

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139 Cod. Theod., 3.7.2.
140 Codex Justinianus, 1.9.7.
141 Simon ascribes this phenomenon to the conflict between the early Christian emperors’ self understanding as Christians on the one hand, whose task it was to protect and promote the Church, and as Roman emperors on the other hand, whose task it was to uphold Roman tradition and the laws based on that tradition. Eventually, however, “the overall drift [was] in the direction of subordinating temporal interests to spiritual ones,” with the result that “the condition of the Jews became steadily worse.” Verus Israel, 127.
142 Cod. Iust., 1.9.9.
144 Simon, Verus Israel, 128f.
forbade that Jews be summoned to court on the Sabbath or on their holidays. In 415, he relaxed the previous century’s absolute prohibition on Jewish ownership of Christian slaves, permitting such an arrangement provided that the slaves in question be given liberty to practice Christianity. The following year, he granted permission to Jews who had converted to Christianity out of a desire for material gain or in order to avoid punishment to return to their former faith. Two laws promulgated in 423 by Theodosius II (408-450) aimed at protecting Jews from the violence of fanatical Christians by reiterating earlier statutes that forbade the destruction of synagogues and the persecution of Jews.

Honorius, Arcadius, Theodosius II, and Valentinian III (423-455) continued to play the traditional role of the Roman emperor as the vindicator of public order and of the established prerogatives of all imperial citizens. At the same time as these traditional rights were being upheld, however, the successors of Theodosius departed from previous imperial policy by curtailing a number of rights hitherto enjoyed by Jews. In 398, Honorius repealed the exemption of synagogue officials from participation in the curial liturgies. Theodosius II ordered in 408 that the burning of Hamman in effigy, part of the traditional celebration of the Feast of Purim, be discontinued because this custom was seen as offensive to Christian sensibilities. Seven years later, he stripped the Jewish patriarch of his honorary title of Prefect.

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146 Cod. Theod., 16.8.20. The text reads, “We also decree that it shall be forbidden that any man of the [Jewish] faith should be constrained by any summons on [the Sabbath], under the pretext of public or private business.”
147 Cod. Theod., 16.9.3.
barred him from arbitrating disputes involving Christians, and prohibited that he found new synagogues. A statute of Valentinian III, dating from 426, forbade Jewish parents and grandparents to disinherit their children and grandchildren for converting to Christianity. A 429 law of Theodosius II ordered that taxes previously paid to the Jewish patriarchs should be transferred to the imperial treasury now that the line of patriarchs had ended.

It was not only in these areas that these emperors departed from previous imperial policy. They also began to exclude Jews from public office. It is worthwhile to look at these statutes in some detail because they relate directly to the content of the Altercatio. In 404, Honorius decreed that Jews (and Samaritans) “who delude themselves with the privilege of Executive Agents (agentes in rebus), shall be deprived of any State office.” Although this law might seem to constitute a blanket prohibition on Jews in the imperial service, its original context is unclear and its significance should not be overestimated. The first wide-ranging prohibition of Jews in public offices came only in 418: “The entrance to the State Service (militia) shall be closed from now on to those living in Jewish superstition who attempt to enter it.” Jews who were currently serving a term could complete it, “though what we wish to be alleviated at present to a few shall not be permitted in the future.” As for Jews serving in the army, “we decree that their military belt shall be undone without

150 *Cod. Theod.*, 12.1.158.
151 *Cod. Theod.*, 16.8.18.
152 *Cod. Theod.*, 16.8.22.
154 *Cod. Theod.*, 16.8.29.
155 *Cod. Theod.*, 16.8.16.
any hesitation, and that they shall not derive any help or protection from their former merits.”  Jewish advocates, however, were given permission to continue practicing.\textsuperscript{157}

In spite of this one concession, however, the law of 418 marked a major step toward the marginalization of the Jews in the western half of the empire. Their access to the court, and thus their influence on affairs directly affecting their community, would be much more limited if they were denied any office of state. \textit{Theodosian Novel 3}, promulgated in the east in 438, but valid in the West only beginning in 448, contains a similar prohibition:\textsuperscript{158}

\begin{quote}
We decree in this law—that shall stand forever—that no Jew, and no Samaritan, nor any one constant in either of these laws, should accede to honours and dignities, to none of them shall be opened any administration with public obedience, neither shall he serve as Protector. For we consider it impious, that the enemies of the Supreme Majesty and of the Roman laws shall be considered as avengers of our laws by seizing stolen jurisdiction, and armed with the authority of an ill-gotten dignity shall have the power to judge and pronounce sentence against Christians, very often even against priests of the sacred religion, to the insult of our faith. This too we prohibit on a similar consideration, that no synagogue shall be erected in a new building, granting leave to prop up the old ones which threaten immediate ruin.\textsuperscript{159}
\end{quote}

Marcel Simon summarizes the immensely significant developments of the fourth and early fifth centuries as follows:

A radical change came over the relations between Judaism and the empire, brought about by the victory of Christianity at the beginning of

\textsuperscript{156} For a discussion of the background and meaning of this legislation, see Linder, \textit{Jews in Roman Imperial Legislation}, 222-224.
\textsuperscript{157} \textit{Cod. Theod.}, 16.8.24.
\textsuperscript{158} Linder notes that “Theodosius II in 447 sent a collection of Novels which had been enacted since the completion of the [Theodosian] Code—including his Third Novel—to Valentinian III to be promulgated in the West. ... The collection was formally promulgated by Valentinian III in 448 (in his 26\textsuperscript{th} Novel) and thereby took effect in the West.” \textit{The Jews in Roman Imperial Legislation}, 43. See also Jones, \textit{Later Roman Empire}, 1:171.
\textsuperscript{159} \textit{Theodosian Novel 3}. 
the fourth century and by its establishment, by the end of that century, as the religion of the state. Toleration and goodwill turned to hostility, and the hostility became, under the influence of the Church, more and more openly expressed.\footnote{Simon, Verus Israel, 131.}

The hostility of which Simon speaks is certainly true of much popular opinion, as the repeated laws intended to protect Jewish property from wanton destruction at the hands of marauding Christians indicate. It is also true of imperial policy to some degree. But this hostility was never fully embodied in the legislation of the late fourth and early fifth centuries. The emperors never gave in completely to the pressure put on them by the mass of zealous Christians. But Simon’s larger point is doubtless correct: the Jews’ star was clearly falling.

This outline of the development of imperial legislation directed against the Jews serves not only to set the legal context in which the Altercatio was written. It is also the only means by which it can be dated with anything approaching precision. The text shows no signs of the intramural ecclesiastical disputes that took place periodically during the first century of the Christian empire. The Arian controversy had already been settled, among Romans at any rate, and a fifth-century text would be unlikely to resurrect a position that had already been roundly defeated at two ecumenical councils. Church and Synagogue do not broach the subject of the freedom of the will, and so it is well nigh impossible to relate the Altercatio to the Pelagian or semi-Pelagian controversies. Because it is a western document, it bears no trace of the Christological controversies that raged in the east beginning in the late
420s, but in which the only Western institution to play a significant role was the papacy. Its sole theological concern is the polemic against Judaism.

The laws that excluded Jews from public office are the only means by which the *Altercatio Ecclesiae et Synagoge* can be dated in more than a general way. The text contains a passage where Church refers to a number of restrictions that have recently been placed on the civil rights of Jews. The passage in question is interesting on a number of levels, but mostly for our purposes insofar as it allows us to establish a *terminus post quem* for the composition of the text. This task is complicated, though, by the fact that it is not possible to be certain to which law our author is referring. The relevant passage, in which Church is speaking, reads:

> Consider the standards in the legions, direct your thoughts to the name of the Savior, turn your attention to the emperors, who are worshipers of Christ, and take note of the fact that you have been driven from the kingdom and confess to us according to the faith in the testament that which you keep. You pay me tribute, you do not come to civic power, you cannot occupy the prefecture. A Jew is not permitted to be a magistrate, you are forbidden to attain senatorial rank, you are not acquainted with the prefecture, you are not allowed in the imperial service, you do not come near the table of the wealthy, you have lost the order of the clarissimus, everything is off limits to you, and we offer you very little to be eaten, so that you might even live badly.

The cryptic and obscure nature of many of these references, and the resulting difficulty in matching them with a specific piece of legislation, is readily apparent. A certain hyperbole can also be detected, particularly in the claim that Synagogue is not allowed to “approach the tables of the wealthy.” The call to “consider the standards in the legions” may be a reference to the *labarum* of Constantine, with which he

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ordered his troops to replace the pagan standards previously used, and which bore a Christian symbol. But what is meant by the assertion that Synagoge has "been driven from the kingdom"? Is this a reference to the aftermath of the Bar Cochba rebellion, by now three centuries in the past, when the Jews were expelled from Jerusalem and the city was renamed Aelia Capitolina?162 What is the "tribute" that Synagogue pays to Church? Is this a reference to the above-mentioned law of 429 that required tax money formerly paid to the patriarch to go henceforth into the imperial treasury? Or is it simply a reference to the fact that Jews must pay taxes to a state closely allied to the Church? Synagogue is said not to "come to civic power" (ad imperium non accedis). In the same sentence, Church also points out that Synagogue is denied the office of prefect (habere non potes praefecturam). Could this refer to the decree of 415 that stripped the patriarch Gamaliel of his honorary rank of prefect? It is impossible to be completely sure.

Church goes on to point out other ways in which Jews are shut out from high social rank and from the wealth that accompanied such status. She says that "a Jew is not permitted to be a magistrate" (ludaeum esse comitem non licet).163 She then says that Synagogue is "forbidden to attain senatorial rank" (senatum tibi introire prohibetur). Similarly, she may not become a prefect (praefecturam nescis), occupy a post in the imperial service (ad militia non admitteris), approach the table of the

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162 This assertion may reflect the influence of Thesis six of Cyprian's Ad Quirinum, which states "that the Jews should lose Jerusalem, and should leave the land which they had received."

163 The proper translation of comes is obviously affected by the precise sense in which the term is used here. It originally meant "comrade" or "companion," but by the later empire had come to refer to any occupant of a state office. It may refer here also to the order of nobility that was created by
rich (mensam diuitum non adtingeris), or enter the order of the clarissimus
(clarissimatus ordinem perdidisti). No extant law forbids any of these in so many
words, except for the right to have a position in the imperial service (militia), which
was dealt with by the above mentioned edicts.

J. N. Hillgarth and Bernard Blumenkranz both dated the Altercatio to the
period after 438 on the assumption that the latest piece of legislation to which it made
reference was Theodosian Novel 3. But whatever the merits of their assumption,
this date does not take into account the lag of a decade between the original
promulgation of that Novel in the East and its taking effect in the West. Nor does it
consider the possibility that the author is referring to Honorius’ law of 418 which, as I
shall now argue, is certainly possible. The prohibitions put in place by this earlier law
are admittedly less general than those of the later one, but unlike the Theodosian
Novel, Honorius’ law uses a word that is actually found in the Altercatio. It excludes
Jews from the State Service (militia), and mentions specifically the offices of
Executive Agents (agentes in rebus), Palatines (palatini), and military service (militia
armata). It is therefore within the realm of possibility that our author is referring to
this law, and not the one that Hillgarth and Blumenkranz thought he was.

Theodosian Novel 3 is also, however, a strong candidate for this title. It
excludes Jews from “acced[ing] to honours and dignities,” closes to them any
“administration with public obedience,” and forbids them to serve as “Protector” (ad

Constantine. See A. H. M. Jones, The Later Roman Empire, 284-602: A Social, Economic, and

164 J. N. Hillgarth, ed., Altercatio Ecclesiae et Synagogae, 7-8; Bernhard Blumenkranz, Juifs
honores et dignitates accedere, nulli administrationem patere civilis obsequii, nec
defensoris fungi saltem officio)." The terms honor and dignitas are much more
general than the militia of Honorius' law, referring generically as they do to public
office and rank. The strength of the case for this Novel is based on the fact that its
sweeping prohibitions may account for some of the claims made by Church that
cannot be fully explained if the statute of 418 is posited as the referent, such as the
Jews being barred from senatorial rank and from the rank of clarissimus. The case is
weakened, however, by the fact that none of the phraseology found in the law is
carried over into the Altercatio. In any case, 438 should not be considered a firm
terminus post quem. If the reference is indeed to Theodosian Novel 3, the earliest
possible date for the Altercatio would be 448.165 If it is to Honorius' law of 418, then
it was written as early as c. 420.

Having established two possible termini post quem, can we also determine a
reasonable terminus ante quem? On this question there is disagreement between
Hillgarth and Blumenkranz. The latter suggested, based on the reference to
imperatores, that it could not have been written after 476.166 The former, however,
rejects this date, pointing to the fact that the deposition of Romulus Augustulus went
so little noticed.167 But certainly one of the major reasons his deposition created so
little stir was that by this time the barbarian kings already ruled over most of the

165 This date assumes, of course, that the text was written in a province under the jurisdiction
of the Western emperor. It is possible, but highly unlikely that a Latin text showing little to no Greek
influence, should have been written in the East.
166 Blumenkranz, Juifs et chrétiens, 78.
167 Hillgarth, Altercatio Ecclesiae et Synagogae, 7.
Western provinces.\textsuperscript{168} The authority of the emperors in those areas was at most a dead letter, and certainly not something to be boasted of in the face of a religious opponent. An argument based on the presence of a Christian emperor made at too late a date would for that reason have been an anachronism. A text like this is unlikely to have been written under the regime of Arian Ostrogoths, Visigoths, or Vandals. It assumes too close a cooperation between the Catholic Church and the state authorities. So Blumenkranz' conclusion is valid, even if the logic by which he arrived at it is too facile. Therefore, the \textit{Altercatio} was almost certainly written between c. 420 and c. 475, and likely after the \textit{Theodosian Novels} were promulgated in the West in 448.

\textsuperscript{168} As Jones points out in \textit{The Later Roman Empire}, 1:245.
CHAPTER IV

“LET IT BE DONE BY THE LAW”: THE STRUCTURE OF THE ALTERCATIO ECCLESIAE ET SYNAGOGAE

The author of the Altercatio Ecclesiae et Synagogae was thoroughly steeped in the tradition of anti-Jewish polemic of which Cyprian had been the major representative in the third century. In his Ad Quirinum, the bishop of Carthage employed biblical texts from the Old Testament to construct a theological argument against Judaism. His main line of attack was based on the assumption that the Old Testament contained long range predictive prophecies that were to be fulfilled in the life a coming Messiah, and that this Messiah was Jesus, whom the Christians worshiped as God. Therefore, according to this line of reasoning, the life and ministry of Christ, and the mission and writings of the Apostles and their closest associates constituted the authentic completion of Judaism. Cyprian’s short treatment of the matter is composed almost entirely of biblical citations, with these concatenations of texts being organized around short theses that summarize the main points. Almost no commentary is included, except for short phrases that identify what part of scripture is being cited and perhaps a brief clue as to the original context of the passage in question.169

169 Most of these introductory rubrics consist of only two or three words: “In Isaiah:” or “In Ezra also:” with the citation immediately following. Some are a bit longer, for example, “In Exodus the people said to Aaron…” (1), or “In Jeremiah the Lord says…” (2). In one instance, however, Cyprian does give a somewhat longer exposition of the thesis he sets forth. This is thesis twenty, which reads, “that the Church which before had been barren should have more children from among the Gentiles than what the synagogue had before.” Here, he cites Isaiah 44:1-4 and I Samuel 2:5, but does
Chapter Two notes that the *Altercatio* at times follows Cyprian’s patterns of biblical citation. Although this may indicate a high degree of dependence, it does not mean that our author is slavishly repeating the work of Cyprian. John Cavadini has described the effect created by the work of Carolingian theologians who took material from previous writers, cited it verbatim without acknowledging it, and yet created something new because they rearranged the old material or put it in a new context.

“The result at its best had an appeal not unlike the patchwork quilt which has a unity and charism all its own even though it is cut predominantly from pieces which were not themselves the work of those designing the quilt.”¹⁷⁰ This patchwork quilt metaphor is apt for what the author of the *Altercatio* has done. He has crafted a unified work by selecting from a number of different patches, none of which he invented. He began with the theological approach to Judaism largely borrowed from Cyprian. This he took and cast in the form of an *altercatio* between Church and Synagogue, a form employed also by his Gallic contemporary Evagrius, who wrote an *Altercatio inter Theophilum Christianum et Simonem Iudaeum.*¹⁷¹ Next he added a concept of the providential role of the Roman Empire in the Christianization of the world which is reminiscent of Ambrose of Milan.¹⁷² To this mix he added his own

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¹⁷¹ Evagrius wrote in the year 440. See Pierre de Labriolle, *History and Literature of Christianity from Tertullian to Boethius*, trans. Herbert Wilson (New York: Barnes & Noble, 1924), 432. Given the uncertainty regarding the date of the *Altercatio Ecclesiae et Synagogae*, it is impossible to determine if either of the two is dependent on the other, or if so, which of the two borrowed the form from the other.

¹⁷² As will be seen below.
knowledge of Roman law.\textsuperscript{173} This combination resulted in the truly unique text that is the subject of this thesis. The purpose of this chapter, then, is to offer an exposition of the arguments contained in the text, and in so doing, to highlight how each of these varying “patches” contributes to the whole.\textsuperscript{174}

The text begins with a short introduction that establishes a courtroom setting. The author’s knowledge of Roman law, evidenced by the legal terminology that is peppered throughout the entire dialogue, is especially concentrated in this introductory statement. This is also the only part where Church and Synagogue are not speaking. Instead, an unnamed speaker begins by saying,

\begin{quote}
I seem to have taken up the case of two noble ladies, with you as judges, and to be poised to disclose both affairs to the great parties, so that whatever the truth, having been demanded, might distinguish by your judgment, one of the two might abide by it. For this reason, in this your assemblage I read out the law, I offer records.\textsuperscript{175}
\end{quote}

It should be noted that the words translated here as “read out” (recitare) and as “records” (tabulas) are legal terms referring to a public reading of the testimony of an absent witness, and to official public records, respectively.\textsuperscript{176} It is thus established that the dispute about to unfold pertains to a point of law. Specifically, it has to do with inheritance law:

\textsuperscript{173} Hillgarth believes, following Erasmus, that “the use of legal arguments denotes either a lawyer or at least someone familiar with Roman law.” \textit{Altercatio Ecclesiae et Synagogae}, 7.
\textsuperscript{175} \textit{Altercatio}, ll. 2-6.
Let it be done by the law, because the contest concerns possession. ... One, at certain times having been caught in adultery, had violated the laws of our possession by a premature invasion, the other possessing the merit of chastity through the opinion of the giver, and the former (who seems to have been thrown out of our inheritance), had through hidden treachery despoiled several things in an earlier age, is daily constrained by the law of restitution to return them and still owes as much as she had returned.177

The precise matter at issue, as the rest of the dialogue makes clear, is who has a better claim to be the rightful heir of the promises of God found in the Old Testament of the Bible (here referred to as lex or as tabulae). This holy testamentum178 then becomes the law on the basis of which the two disputants, Church and Synagogue, must make their case.

Church and Synagogue now begin to address one another, and the first point at issue is to whom the prophets originally came. To counter Synagogue’s claim that the prophets had come to her, Church argues that so far from receiving them, Synagogue had put them to death:

"I will prove that the same ones, the attendants of my bridegroom,179 namely the measurers of Christ, carriers of the written records, indeed ferrymen of the commandments, were put to death by you out of envy. It cannot be, can it, that if they had come to you, any of them would not have been slain by you? But because they came to me, out of envy you visited my men with the sword and with cudgels, with the result that you now undergo the same."180

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177 *Altercatio*, 6-7, 10-16. Italics mine. The word translated here as inheritance is res, being used in the technical legal sense. This somewhat arcane usage is not attested by Lewis and Short, which suggests that our author possessed more than a passing knowledge of the law.

178 This word, which in Roman law referred to a last will and testament before it was taken up by the Christians to refer to one of the parts of their Scriptures, is used throughout the *Altercatio* in a clever play of words whereby both senses seem to be intended. See l. 88, where the testamentum is used synonymously with tabulae, as well as ll. 91, 106, 113, 124, 216, 354, 488, 590.

179 Cf. John 3:29, where John the Baptist uses a metaphor of an attendant and the bridegroom to explain his and Christ’s respective missions.

180 *Altercatio*, 34-39.
If this charge is true, then certainly any claim on Synagogue’s part to be the heir of the prophetic tradition is seriously weakened. But Synagogue does not accept defeat, and responds by admitting that although she committed the deed imputed to her by Church, she nevertheless “sinned properly and honestly, because [she] acknowledged the king, whose writings [she] had often received.”

Closely related to the issue of who has a rightful claim to ownership of the Jewish scriptures is the issue of the relative antiquity of the two litigants. How can Church, who has only recently claimed the mantle of the biblical tradition, pretend to be the plum line against which faithfulness to that tradition should be measured? Here Synagogue points to her own antiquity, her long-time possession of the holy writings, and the fact that she at one time wielded temporal authority as proof that whatever crimes she may have committed, she surely could not be ousted from her place of honor by a “countrified” upstart like Church. “You, in the manner of a shepherd (I believe) used to follow the bleating sheep with the peoples with whom I often fought. I, having been supported by the scepter and the legions, reigned in a garment of purple in Jerusalem.” Church answers this objection by acknowledging the fact that Synagogue indeed had enjoyed many privileges in the past, including temporal rule. But Synagogue had abused this power by slaughtering the men of Shechem, an act perpetrated by Simeon and Levi, two of Jacob’s sons by Leah, and recorded in Genesis 34. Synagogue responds to this charge by arguing that rulers cannot be held guilty for the violence they commit in the course of exercising their

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181 Altercatio, 41-42.
182 Altercatio, 45-48.
rule. “Am I to believe that I sinned in so doing if under my authority I defiled those whom I wished or perhaps slew those who rebelled against me? He who had given the power to rule, at any rate to do whatever I wished, allowed it for the sake of esteem.”

Church now attempts to trump Synagogue’s claim to greater antiquity by pointing out that, whatever may have been true in times past, she (Church) has now triumphed over her opponent: “in this I rejoice, that I have been elevated, because I have both become more eminent than the eminent and I have thrown down the kingdoms of those who ruled. ... Do not become angry if you who had been my mistress seem to have become my servant girl.” What is more, the very testamentum over whose ownership and interpretation they are arguing has foretold her triumph. When asked by Synagogue to show her that her assertion is accurate, Church points to “the records ... the testament that your scribe Moses, the truthful seer, once wrote.” As proof that Synagogue has been subjected to her, she adduces Genesis 25:23, which reads, “Two nations are in your womb and two peoples will be separated from your womb, and one people will prevail over the other people, and the elder shall serve the younger.”

The citation of this biblical text brings on a discussion of the legal and social positions of Christians and Jews at the time when the Altercatio was written. Synagogue rejects the notion that she has been subjected to Church, insisting that

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183 Altercatio, 66-69.
184 Altercatio, 71-74.
185 Altercatio, 78-79, 84-85.
186 Altercatio, 88-89.
"[her] sons ... are free from troubles; their ability to sail is unrestrained; they do not know shackles, none of them harvests the vineyard with the digging of needful labor." Church, however, is unconvinced by this rejoinder, and immediately answers that Synagogue’s loss of temporal power is certain evidence of her fall into servitude. She then goes on to point out a number of ways in which Jews’ civil rights been curtailed, a text dealt with at some length in Chapter Two. The passage from Genesis that is the occasion of this debate over the actual legal and social situation is also cited by Cyprian, but the discussion found in the Altercatio is completely new. It is one of this author’s original contributions to the “patchwork quilt” of this dialogue. While Cyprian and other authors had argued that this verse looked ahead to the events of the ministry of Christ and the calling of the Gentiles, this author is arguing that it was fulfilled in Church’s cultural triumph over the Synagogue. If history seemed to be going against Church’s cause when the One

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187 Altercatio, 95-97.
188 Altercatio, 109-111.
189 Altercatio, 121-122: “If you rule still, then I acknowledge that you are free and that you are not yet subjected to me by slavery.”
190 Altercatio, 124-133: “Consider the standards in the legions, direct your thoughts to the name of the Savior, turn your attention to the emperors, who are worshipers of Christ, and take note of the fact that you have been driven from the kingdom and confess to us according to the faith in the testament that which you keep. You pay me tribute, you do not come to civic power, you cannot occupy the prefecture. A Jew is not permitted to be a magistrate, you are forbidden to attain senatorial rank, you are not acquainted with the prefecture, you are not allowed in the army, you do not come near the table of the wealthy, you have lost the order of the clarissimus, everything is off limits to you, and we offer you very little to be eaten, so that you might even live badly.”
191 Cyprian, Ad Quirinum, 1.19.
192 Tertullian, Adversus Iudaeos, 1: “Sic namque locutus est ad rebeccam dicens deus: duae gentes in utero tuo sunt, et duo populi de utero tuo diuidentur, et populus populum superabit, et maior seruiet minori. Itaque cum populus seu gens iudaeeorum anterior sit tempore et maior per gratiam primae dignationis in lege, noster uero minor aetate temporum intellegatur, utpote in ultimo saeculi spatio adeptus notitiam diuinae miserationis, procul dubio secundum edictum diuinae elocutionis [prior] maior populus, id est iudaicus, seruiat necesse est minori, et minor populus, id est christianus, superet maiorem. Nam et secundum diuinarum scripturarum memorias populus iudaeeorum, id est antiquior, derelicto deo idolis deserviuit et diuinitate abrelicta simulacris fuit deditus, dicente populo ad
she proclaimed as Messiah was crucified, or when her "sons" were harried and
harassed by the Roman state, surely history had now vindicated them, for at the time
the text was written they were triumphant throughout the Roman world. This point
echoes Ambrose of Milan’s notion of the providential role of the Roman Empire in
the diffusion and support of the true religion.\textsuperscript{193} The restriction of the rights of Jews
in Roman law is significant because it is yet another manifestation of the victory of
Christianity against all odds, and as such is proof of the veracity of the Church’s
message.

Church at this point brings up another episode from sacred history to prove
further that Synagogue has lost the divine favor. “When on Mount Sinai Moses first
received the engravings for the decalogue, the two tables, you asked for idols against

\textsuperscript{193} Gregory Figueroa, \textit{The Church and the Synagogue in St. Ambrose} (PhD Dissertation, The
Catholic University of America, 1949), xiv-xv.
the Lord, saying to Aaron: 'Make us gods who will go before us.' Church is assuming that the present rejection Synagogue is undergoing is punishment for this heinous sin of idolatry. But Synagogue challenges her assumption:

Here I acknowledge that I erred wretchedly, but utter ruin unto the final death of damnation soon came upon those who asked for the idols. Therefore what has posterity done if those elders who permitted this thing then received their own deserts as punishment?

Since each generation can only be punished for its own sins, Synagogue reasons, and so she asks Church to show her what the present generation of Jews has done to deserve the slavery to which they are supposedly subjected. Church, however, refuses to concede that one generation of people cannot be punished for the sins of their ancestors. To this end, she cites two texts, 4 Esdras 1:6 and Ezekiel 18:6. The passage from Esdras reads, "And the children will announce to their children that the sins of their parents have increased in the children, and I shall no longer spare them, says the Lord." The one from Ezekiel reads, "The parents have eaten sour grapes, and the teeth of the children have been set on edge."

Church presents these two texts, but she by no means stops there, for in her mind, Synagogue is guilty of the highest act of disobedience, one which is doubtless sufficient to call down the divine wrath that Synagogue is now experiencing. This disobedience Church has in mind is, of course, Synagogue’s rejection of Christ. And because this rejection occurred in spite of so much evidence, it is inexcusable.

He raised your dead by the power of his deeds, he presented the mute as able to speak, he returned the lame to steps, he opened the eyes of
the blind, he freed paralytics and unbound their limbs, he restored lepers to health; and you have said that he was not God whom you, with a profane mind, had read to be God.\footnote{Altercatio, 166-170.}

The evidence cited by Church and to which Synagogue is said to be blind is both historical and textual. In the days of his flesh, Christ had performed so many miracles that there could be no question as to his divine status. Moreover, the very writings Synagogue boasts of having received likewise testify clearly to his divinity. But for Church, even Synagogue’s rejection of Christ is itself a fulfillment of the prophecies of her own scriptures: “Read what Esdras wrote to you in the person of the Savior: ‘I came to my own, and my own did not know me.’\footnote{Cf. John 1:11.} What shall I do to you, O Jacob? Judah refused to obey me, I shall carry myself to the next people.’”\footnote{4 Esdras 1:24.} The voice of the prophet is interpreted as being the voice of Christ, and “Judah” as referring to the Jewish people as a whole.

This charge of having rejected the Messiah is obviously a very serious one, and so Synagogue attempts to defend herself by protesting her ignorance. “I was entirely unaware that he was to be the anointed of God, that the holy child was to be born of a virgin, and so whether God Himself wishes to come.”\footnote{Altercatio, 185-187.} Church responds to this parry in two ways. First, she adduces several passages which in her mind show that Synagogue’s rejection of Christ had been foretold in her scriptures. Chief among these is Isaiah 6:9-10, which reads,

\begin{quote}
Go and say to that people, thus shall you hear with your ear and not understand, and seeing, you shall see and yet not see. For the heart of
\end{quote}

\footnote{\textit{Altercatio}, 166-170.} \footnote{Cf. John 1:11.} \footnote{4 Esdras 1:24.} \footnote{\textit{Altercatio}, 185-187.}
this people has become hard and they have heard reluctantly with their ears and they have closed their eyes, lest perchance they should see with their eyes or hear with their ears and understand with their heart and turn, and I should heal them.\textsuperscript{201}

This particular passage has an important place in the history of early Christian polemic against Judaism. It had been cited by Christ himself to explain that the inability of some to understand his parables was a form of judgment.\textsuperscript{202} St. Paul had cited it after his preaching to the Jews of Rome failed to win many converts.\textsuperscript{203} It had also been seized upon by Latin Christian writers before the time of the *Altercatio* as a prediction of the refusal on the part of the majority of the Jewish people to believe in Christ.\textsuperscript{204}

Church also responds to Synagogue’s defense by citing several passages that she believes to be prophecies of the coming Christ. These are the famous Isaiah 7:14, Psalm 44:8, and Genesis 1:26. The Isaiah passage is quoted as follows: “The virgin shall give birth to a son and his name shall be called Emmanuel,’ which translated is, ‘God with us.’”\textsuperscript{205} Tertullian had cited this verse in his work against Judaism. Cyprian had done so as well in his *Ad Quirinum*, but in Book Two, where he is not so much lining up passages to refute Judaism as he is setting forth his Christology.\textsuperscript{206}

\textsuperscript{201} *Altercatio*, 188-193.
\textsuperscript{202} Matt. 13:14-15; Mark 4:12.
\textsuperscript{203} Acts 28:26-27.
\textsuperscript{204} Cyprian, *Ad Quirinum*, 1.3; Jerome, *Epistola* 18.4: “Nam cum de incredulitate diceret iudaeorum, statim causas incredulitatis exposuit: et ideo non poterant credere in eum, quia dixit esaias: aure audietis et non intellegetis, et cernentes aspicietis et non uidebitis. … et licet in actibus apostolorum adversus iudaes inter se dissidentes paulus dicat: bene spiritus sanctus locutus est per esaiam prophetam ad patres nostros dicens: uade ad populum istum et dic: aure audietis et non intellegetis, et uidentes uidebitis et non perspicietis.”
\textsuperscript{205} *Altercatio*, 205-207.
\textsuperscript{206} Tertullian, *Adversus Iudaeos*, 9; Cyprian, *Ad Quirinum*, 2.9.
Synagogue at this point moves the discussion away from the contemporary legal situation and the question of whether or not the Jewish people are blameworthy for having failed to believe in Christ. The new topic she introduces is whether baptism or circumcision is the authentic sign of God’s people. “Consider that you have neither received the law nor obtained circumcision, by which sign the Gentiles are distinguished. It is from this source that I have my sign and I do not set aside the law that Moses brought.”

Synagogue’s loyalty to the ancient sign of circumcision is an act of fidelity to the Law of Moses. By moving the discussion to a rite that was clearly prescribed in the testamentum, but which Church rejects, she hopes to show that Church has misinterpreted this testamentum and thus forfeited any claim to the promises contained therein. Church again has a twofold response to Synagogue’s challenge. She first argues that the “new law of the Gospels” has abrogated many practices prescribed in the old: “And that you might know that the Old is suppressed in novelty, read Isaiah, who said to you: ‘The old things have passed away, and behold they have become new, they will now arise.’” Next, she makes an ancillary argument against circumcision based on the supposed absurdity of claiming divine sanction for a rite that can only be administered to men.

For if you say that your people is going to be saved by the sign of circumcision, what will your young women do, what will your widows do, what also the mothers of the synagogue, if you testify that circumcision has resulted in eternal life in the sign of the people? Therefore it is not becoming of Jewish men to have wives. For the men are circumcised, the women do not receive a foreskin; therefore, if you are saved by circumcision, they cannot be saved.

207 Altercatio, 212-215.
209 Altercatio, 225-232.
What is more, Church asks, if only Jewish men can be circumcised, does that not mean that Jewish women, being neither circumcised nor baptized, are pagans?210

Church, probably realizing that her pragmatic argument will carry little weight according to the established rules of the debate, turns once more to holy writ. She cites Jeremiah 4:3-4, in which the prophet calls upon the people of Judah to circumcise their hearts.211 Moses, as Church then points out, had foretold a time when God would circumcise the hearts of the people of Israel.212 Finally, she moves to the New Testament, and cites Colossians 2:17, where Paul contrasts the circumcision “made of hands, in the despoiling of the flesh” with the “circumcision of Christ.”213 Generally, Church does not stray from the confines of the Jewish scriptures, but in this case she crosses the boundary because Paul is echoing a point that has already been made by the Old Testament writers, namely the superiority of the spiritual circumcision over the literal. Having cited these verses, Church concludes that Synagogue has utterly failed to realize the true meaning of the rite given to her by God.

Therefore you see that you have not received circumcision for the sign of salvation, but as a sign rather of shame and of disgrace. For do you think that that is a sign that is covered by clothing, that is concealed for the sake of decency, that is not shown for the sake of modesty, that is acknowledged to be owed only to one’s wife?214

210 Altercatio, 232-235.
211 Altercatio, 238-241.
213 Altercatio, 246-247.
214 Altercatio, 252-257.
Church concludes her argument against the efficacy of circumcision by lauding baptism as the true sign that marks God’s people: “But my people, by bearing about the sign of salvation on the forehead, protects all people, men and women both.”

Synagogue, suspicious of any sign for which there is no justification in the testamentum whose meaning they are trying to establish, takes this opportunity to ask Church what textual support she might adduce to validate the authenticity of baptism. Church cites two passages from Ezekiel.

“Go and cut down, and do not spare your eyes, do not mourn for the elderly; put to death young men and maidens, children and women. But do not touch any of those you find with the sign on the forehead.”

And the same prophet also spoke thus: “Go all through Jerusalem and you shall mark a sign on the forehead of the men, who groan and mourn on account of the wicked deeds that are done in the midst of them.”

Once again, Church goes to the New Testament to solidify a point that has already been made by an Old Testament writer, this time citing Apocalypse 14:1, which reads, “And I saw a lamb standing on Mount Zion and with him one hundred forty-four thousand; they had his name and the name of his father written on their foreheads.”

Church characterizes her distinctive sign as “the sign of the cross.” This designation introduces a new topic, namely prophecies of the cross in the Jewish scriptures. In response to Synagogue’s question on this matter, Church points to a number of texts. The first of these is Isaiah 65:2 where, speaking “in the person of the Savior,” the prophet says, “I have spread forth my hands all the day to a people who was stubborn and who gainsaid me, who walks in ways that are not good, but after

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216 Altercatio, 272-279. The two passages are Ezek. 9:5-6 and 9:4.
their own sin.” Church also cites Deuteronomy 28:66, which reads, “And your life will be hanging before your eyes day and night.” This verse will be cited several times more before the end of the dialogue. Finally, Church cites Psalm 95:10, which reads, “The Lord has reigned from the tree.” All these verses are taken as figuratively pointing ahead to Christ’s death on the cross. “Behold the distinguishing marks of the cross, behold the miracle of the passion, behold the mirror of light, behold the wickedness practiced by your people, that they should hang the Lord God the Son on a cross.”

Synagogue’s response to these texts, Church’s interpretation of them, and the accusation directed at Synagogue are singularly curious. Rather than calling Church’s typological exegesis into question, she seems to accede to the point made here by her opponent. “I reflect upon what has been done and I similarly recognize what has been said.” What she does question is Church’s right to make such claims.

Who are you who seem to rebuke me with these things? You are countrified, you once made your home in the mountains, you are unacquainted with the laws, who lived according to the custom of the Gentiles. I was about the law, the prophets came to me and they were bringing the commands and precepts to me.

At this point, the discussion turns to the question of whether Church has been foretold by the prophets to be the bride of Christ, and indeed whether Christ himself has been prophesied to be a bridegroom at all. To make her case, Church adduces several
passages where mention is made of a bridegroom. The first of these is Joel 2:15-16, which reads,

Blow the trumpet in Zion, sanctify a fast and announce a prayer, gather together the people, sanctify the church, raise up the elders, bring together the suckling children. Let the bridegroom come forth out of his bedchamber and the bride from her bride chamber.\textsuperscript{224}

No mention is made of the original context of the verse, in which literal brides and bridegrooms are being enjoined to put aside consummating their marriages that they might repent. But naturally, our author does not limit himself to interpreting according to the literal, historical sense alone. For him, the bridegroom and bride referred to here are figurative representations of Christ and the Church, and therefore in her mind the text proves the point she is making. Church interprets in like manner the reference to a bridegroom found in Psalm 18, the famous celebration of the glory of God in creation, of which verse six reads, “And he himself, as the bridegroom coming forth from his bedchamber, rejoiced as a giant to run the way.”\textsuperscript{225} The “bridegroom” was originally a metaphor for the sun, but Church takes it as yet another figurative reference to Christ. Church goes on to underline her case by citing two verses from the Apocalypse in which the coming of the kingdom of heaven to earth is represented figuratively as the marriage between Christ as a bridegroom and the Church as his bride.\textsuperscript{226}

The next major theme of the argument between Church and Synagogue is that of the resurrection of Christ. Synagogue asks Church, “If he was hung on the cross, if

\textsuperscript{223} Altercatio, 309-313.
\textsuperscript{224} Altercatio, 332-336.
\textsuperscript{225} Altercatio, 337-339.
he suffered, if he was killed, how did he rise? How can you claim that he is alive, that he has risen, and that he is seated at the right hand of God? Show me therefore if he conquered death, if he who seems to have been killed arose.\(^{227}\) Once again, Church answers Synagogue’s challenge by going to the scriptures and adducing texts that in her mind foretell the events concerned. But this section of the Altercatio shows that the context of this exchange is not a sterile, rarefied one. In fact, a certain amount of animosity is displayed in the course of the discussion. Church begins her response to this challenge with some very strong language: “Hear, O wretched one, hear, O most miserable one, hear, O murderous woman, the things that you still doubt concerning the death of Christ, concerning the resurrection.”\(^{228}\) At various times throughout the Altercatio, Church hurls such insults at her opponent.\(^{229}\)

Church, having expressed some strong emotions, nevertheless goes on to answer her opponent’s question. First, she cites Psalm 15:10, which reads, “You will not abandon my soul in hell, nor will you give your holy one to see corruption.”\(^{230}\) This text has an important place in the history of Christian apologetics, since in the minds of Christian writers it was strong evidence that the resurrection of a messianic figure was foretold many centuries before the time of Christ. St. Peter, in his sermon on Pentecost, cites this psalm in much the same way as Church does here. There, he makes the case that the psalm applies, not to David, its original author, but to Christ, by pointing out that David had died and his tomb was still there in Jerusalem for all to

\(^{226}\) Altercatio, 341-348.
\(^{227}\) Altercatio, 377-381.
\(^{228}\) Altercatio, 383-385.
\(^{229}\) See, for example, 445 and 466.
see. The author of the *Altercatio* follows this line of argument, for Church says, “Who is the holy one if not Christ? Who is incorruptible if not the Son of God?”

Synagogue then asks Church if it was foretold that Christ would not only be raised from the dead, but that this would take place on the third day. Church finds two Old Testament texts to support this contention. Hosea 6:2 reads, “He has brought us to life on the third day.” She also refers to Exodus 19:11, where the Lord informs Moses that he will come down on Mount Sinai “on the third day.” As with several other arguments, Church cites from the New Testament to confirm this one as well. This New Testament text, however, makes reference to the Old Testament. It is the episode recorded in the Gospel of Matthew and the Gospel of Luke where (in Matthew’s version, at any rate) some of the Jewish religious leaders demand a sign of Jesus, but he rebukes them, saying that he will only give the sign of Jonah, for “just as Jonah was in the belly of the whale for three days and three nights, so will the Son of Man be in the heart of the earth for three days and three nights.”

Church seems to be winning over her opponent by this point of the dialogue. There now ensues a series of exchanges over a number of topics that are covered very briefly. Synagogue asks a question that is closely related to the one that came before:

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230 *Altercatio*, 386-388.


233 *Altercatio*, 406.

234 *Altercatio*, 410.
"I acknowledge that the things that are related to me by the prophetic witness are true.

Now I wish to know where he is—where Christ, who rose from the earth, is hidden." Connected with the resurrection of Christ is the idea of his glory and his exercise of power, so Synagogue is seeking to confirm the truth of Christ’s resurrection by investigating whether he possesses any glory or exercises any power.

Church answers her by citing Daniel 7:13-14, which reads,

I saw in a vision by night, and behold one like the Son of Man coming in the clouds of heaven, came even to the Ancient of Days and stood in his sight, and they who stood beside him brought him forward. And to him was given a royal power, and all the kings of the earth by their generation, and all glory obeying him, and his power is eternal, which shall not be taken away and his kingdom which shall not be destroyed.

Naturally, the Son of Man who comes up to the Ancient of Days is identified with Christ, who refers to himself as the Son of Man all through the Synoptic Gospels. He is given royal power and a kingdom with no end, which latter phrase is echoed in the cadence of the Nicene Creed: “Of his kingdom there shall be no end.” If there was any doubt as to whether Christ possessed glory, Church believes that this passage should serve to dispel it. She cites several additional texts in support of this point, including Psalm 109:1-2: “The Lord said to my Lord, sit at my right hand, until I put your enemies beneath your feet. The Lord will send forth the scepter of your power out of Zion and you will rule in the midst of your enemies.” Christ cites this text in an episode recorded in Matthew 22:41-46, where he asks a group of Pharisees how

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236 Altercatio, 416-418.
237 Altercatio, 425-431.
238 Altercatio, 440-443.
the Messianic figure referred to there, universally acknowledged to be David’s son, could also be his Lord.\(^{239}\)

The next brief exchange follows very naturally from the reference to Psalm 109. It concerns simply whether or not Christ is God. When Synagogue expresses some doubt about the question and asks that it be proved to her “by the law,” reminding her opponent that she must remain within the confines of the one testamentum they hold in common, Church points to several passages, including Isaiah 7:14, where the prophet underlines the fact that the child born will be called “Emmanuel, which translated is, ‘God with us.’”\(^{240}\) “You therefore have,” concludes Church, “God and Lord and king.”\(^{241}\)

The final Christological issue the two disputants deal with is whether or not Christ is indeed a king. Even after the exchange regarding the glory and power of Christ, Synagogue informs Church that she is still not entirely convinced, and that she wishes “Israel to be indicated to [her] by the truth.”\(^{242}\) Church responds yet again by citing a string of scriptural texts which in her mind prove her assertion. Most of these

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\(^{240}\) Altercatio 460-461.

\(^{241}\) Altercatio, 463.

\(^{242}\) Altercatio, 471-472. I take the “truth” to be yet another synonym for the scriptures.
are verses from psalms that according to Christian exegesis were messianic. They include Psalm 71:1, which reads, “O God, give your judgment to the king, and your justice to the king’s son.”243 Another is Psalm 2:6, in which the psalmist, speaking ex persona Christi, says, “But I have been made king by him upon Zion, his holy mountain, proclaiming his rule.”244 And finally, Psalm 96:1, where it is proclaimed that, “The Lord has reigned, let the earth rejoice, let the many islands be glad.”245

A turn of events now takes place which is only to be expected, given that the *Altercatio* so clearly reflects the conditions which prevailed in the Christian empire.246 Synagogue all but surrenders. “You have anticipated me,” she says. “I cannot give any answer; I seem to have been condemned, not by an assertion of words, but by the law.”247 According to the agreed upon terms of the debate—that it be “done by the law”—Synagogue acknowledges the justice of Church’s position. From this point on, Church’s efforts are merely a “mopping up operation.” She has basically proven her case based on the *testamentum* that was to serve as the authoritative text for the exchange. Only a few loose ends remain. Among these is a final rationalization of the change of place that has happened between the two. Whereas Synagogue was at one time in God’s good graces and bore many sons, she is so no longer, and it is Church who now enjoys the divine favor once experienced by her opponent. Church says to Synagogue, “Now you are turned, now the ancient hardness puffs you up,

243 *Altercatio*, 474-475.
244 *Altercatio*, 477-479.
245 *Altercatio*, 481-482.
246 How far removed this is from Justin Martyr’s *Dialogue with Trypho*, where Justin and Trypho part on amicable terms, each of them holding fast to the theological position he had brought to the discussion.
presently you are also turned over to unfruitfulness.” She then contrasts her present
ccondition with her former one, when she was indeed the “countrified” rube that
Synagogue accuses her of being still.

Certainly I was accursed when I followed idols, I was perplexed when I did not know the commands of the divinity, I was barren because I did not have baptism, by which majestic power I nurtured sons. Now I have been elevated in honor by sons and through the Lord Christ I have received eternal kingdoms.

Indeed, this elevation of the childless woman had been foretold. What is more, Church finds a way to interpret biblical numerology in a way that fits exactly with the claim that she makes here.

Rightly did it also say in Kings: “The barren woman has given birth to seven, and she who had many sons is weakened.” And as the Apostle sent letters to seven churches. And Jacob received two wives, Leah the elder, who had rather weak eyes, a type of the synagogue, and Rachel, the younger, attractive one, a type of the church, who also remained barren for a long time and afterward gave birth and was blessed.

The seven sons foretold in the Book of Kings represent the seven churches that receive an apostolic letter in the Apocalypse. Jacob’s two wives represent the two communities that would clash over their competing claims to enjoy the divine favor. The one who had weak eyes was naturally the type of the woman (typologically, the community) who began strong but became weak. The one who was more beautiful, but who did not become fruitful until many years into her marriage, seems the perfect

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247 *Altercatio*, 485-487.
248 *Altercatio*, 6.
249 *Altercatio*, 518-520.
250 525-529.
251 529-535. The citation is I Kings 2:5. The reference to the seven churches is from Apoc. 1:11. For the reference to Leah and Rachel, see Gen. 29:23.
symbol for Church, who feels compelled to defend herself against charges of novelty. But because her late blooming was foretold in holy writ, it is justified.

The discussion now returns to a theme that was brought up early in the dialogue, namely that of the prophets and of Synagogue’s alleged guilt regarding them. Church is finally able to convince Synagogue that she has indeed polluted her hands with their blood. This is a serious charge against the one who wished to claim the prophets as her own, but she pleads guilty to it: “Now I remember, now I know, but I did not know what was being said before, for I listened to those prophets carelessly.” With this last remark, Church’s work is complete. The dispute had always been over the proper reading of the very Law that contained the witness of the prophets. Now that Synagogue has admitted that her reading of this Law was erroneous, Church has won her case. These words are, in fact, the last that Synagogue speaks. All that remains is for Church to announce her victory. In typical fashion, she does so by citing several biblical texts. Among these is Daniel 12:4 and 7, which reads, “Safeguard the words, seal up the book until the time of the end, when many will be led in, and let knowledge be complete, because when the scattering comes, they will come to know all these things.” If Synagogue’s initial rejection of Christ was foretold by her scriptures, then so also was her eventual acceptance of him. As had been agreed beforehand, Church has made her case, and vanquished her opponent, “by the law.” She has demonstrated the superiority of her interpretation of the testamentum. Synagogue has no choice but to accede.

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252 575-577.
253 586-588.
Peter Brown writes of how Christian writers of Late Antiquity envisioned their task.

The problem was not to create a new message nor to contest old ones, but to make sure that a message whose alloy had already been tried and found true in the days of the Fathers of the Church, should sink ever deeper into the hearts of individuals and of the Christian people of entire Churches.\footnote{254 Brown, Western Christendom, 26.}

The author of the Altercatio is certainly not attempting to "create a new message." The main point of his thesis goes back to the New Testament. In his exegesis of many particular passages, he follows the well worn path of interpreters who have come before him. And yet even in his attempt to follow in the footsteps of these trailblazers, he does create something new, for the Altercatio is a unique combination of disparate elements which its author has creatively brought together. The theological stance contained in it is borrowed largely from Cyprian, but from other Latin Fathers, as well. The structure of the treatise as a dialogue hearkens back certainly to Justin Martyr's Dialogue with Trypho. But within the genus of the dialogue, this text is an example of the altercatio species, a specifically legal type of dialogue, in which the characters interact in a particular way. The plentiful references to Roman law are this author's most original contribution to the adversus Iudaeos tradition.

The biblical passages cited in the Altercatio are much the same as in previous Christian writings on Judaism, but because of the new context in which they are discussed, of an empire that has become predominantly Christian, the whole tenor of
the argument is different from that of its antecedents, especially the work of Cyprian. It is symptomatic of the Jews’ slide into a situation in which they are not accorded the same rights as their Christian fellow citizens. Bernhard Blumenkranz warns against speaking of a “Jewish withdrawal” from any attempts at expansion beginning in the fifth century, and against overestimating the restrictions placed upon the Jews at this time. But he does concede that the period of the late empire was a particularly difficult one for the Jews. In the early Middle Ages, at any rate, they enjoyed more freedom than under the Christian rulers of the late empire. “If our period [430-1096] is not in itself a happy one for the Jews, it nonetheless is by comparison with the one that came before.”

The arguments that Church makes reflect the short window of time after the empire’s new religion had worked its way into the very marrow of its legal institutions, but before its political unity had been broken and it had been replaced by the successor kingdoms that ruled in the West during the early Middle Ages. The set of circumstances that gave rise to it lasted only for a short time. For this reason it is bound to be unique among Christian writings on Judaism. But its relation to the overall agenda of Christian writers of the time is nonetheless not difficult to detect. It contains a small part of that “body of living truth” drawn from the Fathers of the Church that was “to be applied to every situation of their own times.”

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CHAPTER V
CONCLUSION

It is hoped that, as we have come closer to the end of this thesis, a clearer picture of the author of the *Altercatio Ecclesiae et Synagogae* has emerged. Although attempts have been made to identify him with known figures, it is unlikely that he will ever be known by name. But by now, we should be able to say certain things about him with confidence. First of all, it is clear that he was trained in the law. The amount of legal terminology he uses, the technical way in which he uses it, his awareness of relatively new laws concerning the privileges of Roman Jews, and his decision to structure his text according to a legal form, combine to make this conclusion almost inescapable. The fact that his work does not bear the distinctive mark of Augustine's approach to the question of Jewish-Christian relations suggests, but by no means proves, that he was not a partisan of the bishop of Hippo. Could he have been unfamiliar with the work of the theologian whose writings would become the singular most powerful influence on the medieval Christian mind in the West? His obvious delight in the fact that the Jews had been turned out of the imperial service strongly suggests that he adhered to the political theology of the post-Theodosian era that sought to embody the religious and cultural triumph of the Church in the apparatus of the Roman state by marginalizing the Church's theological opponents.
The main influence on the author’s understanding of the relationship between Jews and Christians, and between the Old and New Testaments, was that of Cyprian, the bishop of Carthage who was martyred in 258. He clearly made use of Cyprian’s *Ad Quirinum*, or at the very least of a collection of biblical texts that was also used by Cyprian to compose that letter. Although our author was a younger (perhaps a much younger) contemporary of Augustine of Hippo, the influence of that prodigious intellect on his approach to the question of Jewish-Christian relations is conspicuous by its absence.

The Church had made spectacular progress over the course of the fourth century. At the beginning of this century, it underwent the most brutal and protracted persecution of its short life. By the end of that century, the Church had allied with the Roman state and was encouraging the suppression of its rivals. During the first half of the fifth century, the Church’s increasing dominance gradually came to be embodied in many of the empire’s laws, and its laws regarding Judaism were no exception. The *Altercatio* reflects this dramatic reversal of the Church’s fortunes. One of its author’s main original contributions to the *adversus Iudaeos* tradition is his discussion of the significance of recent anti-Jewish legislation, and his assertion that this legislation was a sign that God had elevated the Church to the privileged position that the Synagogue had once occupied. He alludes to one of two laws in particular, the one promulgated in 418 and the other in 448. The first excluded Jews from the imperial service (*militia*) and from the army (*militia armata*), while the second prohibited Jews from receiving *honores* and *dignitates*. These laws, together with a
reference to Christian emperors, also allow us to date the text to some time between c. 420 and c. 475. The Altercatio’s likely date of composition is in the years immediately following the publication of whichever of the two laws its author alludes to, though it is nearly impossible for us to determine which one that is.

The structure of the Altercatio reflects its author’s legal training. As its title suggests, it is cast in the form of a legal argument, in which the two disputants make points and counterpoints, and at times exchange harsh words. Synagoga alleges that Ecclesia is a mere rustic upstart, while Ecclesia alleges that Synagoga is a blind idolater who has killed the prophets of God and has now been reduced to servitude in a Christian age. The two argue over the interpretation of the Old Testament as over the meaning of a will, with each of them claiming the right to inherit the blessings promised in it. They cover traditional topics, such as Synagoga’s alleged guilt for having failed to believe in the Christ who had been foretold by the prophets; whether this Christ was to be born of a virgin; the relative validity of circumcision versus baptism; whether the Jewish Scriptures predicted that the Christ would be hung on a cross and rise from the dead on the third day; and whether Christ had a divine nature. As noted above, they also cover new ground that reflects recent developments in the empire’s political life. The text represents the confluence of a number of currents that had run through previous Christian writings on Judaism, and is marked by a considerable original contribution by its anonymous author.

The Altercatio Ecclesiae et Synagogae is the product of a set of political and legal arrangements that lasted only a short time. It was almost certainly written in the
Western Empire in the short window between the Christianization of the Roman world and the takeover of the western half of that world by independent Germanic kingdoms. Although these kingdoms adopted Roman law codes for their Roman residents, these codes did not contain all of the restrictions on Jewish freedom that the late imperial codes did. This text thus reflects an anti-Jewish sentiment that was a perennial factor in Jewish-Christian relations in the early medieval west, and reflects it at a height of expression (in legal terms, at any rate) that it would not again reach until the time of the Crusades. If anti-Semitism is defined as an opposition to Jewish religion that issues in hostile acts toward Jewish people, then there can be no doubt that the *Altercatio* is anti-Semitic. It should be noted, however, that the *Altercatio* represents a pre-modern, Christian brand of anti-Semitism, "which is born of the refusal of Christian claims" and "became the ideological justification for anti-Jewish legislation and for the destruction of synagogues." As objectionable as such an attitude is to modern people, it must also be considered that its goal with regard to the Jews was never extermination, but conversion. The *Altercatio* is fascinating for the window it provides on the formation of this attitude at a time when the ancient world was undergoing fundamental transformations on so many levels.

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APPENDIX

Translation of the *Altercatio Ecclesiae et Synagogae*
I seem to have taken up the case of two noble ladies, with you as judges, and to be poised to disclose both affairs to the great parties, so that whatever the truth, having been demanded, might distinguish by your judgment, one of the two might abide by it. For this reason, in this your assemblage I read out the law, I offer records. Let it be done by the law, because the contest concerns possession, and by imperial sanction I will not delay going over the opinions, so that whatever the order of the truth might ascertain according to the divinely given law, it may be made known by the opinion of your meeting. One, at certain times having been caught in adultery, had violated the laws of our possession by a premature invasion, the other possessing the merit of chastity through the opinion of the giver, and the former (who seems to have been thrown out of our inheritance), had through hidden treachery despoiled several things in an earlier age, is daily constrained by the law of restitution to return them and still owes as much as she had returned. For we abjure all that which she had defended as her possession. Therefore, O nations, if you wish to hear the appearance of the case, the guise of the allegory, the once mighty and rich in gold Synagogue, attained our inheritance, possession, and the ends of the earth granted to us by imperial law. We presently entreat, we hold fast our pleas in our hands, from the outset the introduction of the ground, disposed possession stands firmly in our law. We nevertheless wish whatever embellishments the restless woman has

258 Latus.
259 Possessio.
260 Res.
261 Redhibitio.
262 Abiurare.
263 Hereditas.
reached to be freed for us. When it was being demanded that she return it, she
acceded more slowly than she ought. Now therefore our mother says to this matron
and widow, that is, to the Synagogue:

CHURCH SAYS. Read aloud what you have obtained, and I shall read what I have
obtained.

[Antiquity]

SYNAGOGUE SAYS. All the prophets came to me, which you will not be able to
deny.

CHURCH SAYS. It is certain that the while the prophets come to me, calling to mind
as the occasion demands just as they ran to a stranger. For I will prove that the same
ones, the attendants of my bridegroom,\textsuperscript{266} namely the measurers\textsuperscript{267} of Christ, carriers
of the written records, indeed ferrymen of the commandments, were put to death by
you out of envy. It cannot be, can it, that if they had come to you, any of them would
not have been slain by you? But because they came\textsuperscript{268} to me, out of envy you visited
my men with the sword and with cudgels, with the result that you now undergo the
same.

SYNAGOGUE ANSWERS. Even if I have done what you claim, I sinned properly
and honestly, because I acknowledged the king, whose writings I had often received.
And you were complaining, a forest-dweller who, in the manner of barbarians, were

\textsuperscript{264} Preces.
\textsuperscript{265} Habitus.
\textsuperscript{266} Cf. John 3:29, where John the Baptist uses a metaphor of an attendant and the bridegroom
to explain his and Christ’s respective missions.
persisting in the country and in the hills, among pathless or secret things, in a certain rural hut. For what was ever more countrified than you? You, in the manner of a shepherd (I believe) used to follow the bleating sheep with the peoples with whom I often fought. I, having been supported by the scepter and the legions, reigned in a garment of purple in Jerusalem.\textsuperscript{269} I held Roman authority,\textsuperscript{270} I slew the soldiers and generals of foreign peoples. Persia and India brought me gold, jewels, ivory, silver and silk, and all kinds of wealth. You are mountainous, you are countrified, fitting for the herds, you are in the confined valleys, disquieted so much by error; a very thick stone, dug out and full of holes, once used to offer you faint-hearted hospitality. You used to chomp milk, cheese, blueberries, acorn. I slew Pharaoh with his chariots, I slew the Egyptians, the Canaanites, the Jebusites, and the Hittite and the Perizzite kings.

CHURCH SAYS. I acknowledge what you say and I cannot deny your praiseworthy actions. I know that you have seen both the winding\textsuperscript{271} markets and the lofty citadels of your city. The assault of your arms and the shining symbols of the shields; spears, swords, the darts of flung weapons, the distinct roaring of the cavalry has scattered a

\begin{footnotes}
\item[267] Metatores, from the root metor, which can mean “measure out” or “encamp.” The analogy is taken from the realm of engineering, with the prophets “drawing up blueprints” for the camp to be occupied by Christ.
\item[268] Venebant.
\item[269] Marcel Simon comments regarding the persecution of Christians during the late third and early fourth centuries: “We may be tempted to believe that the Roman authorities in some circumstances played the Jewish card against the Christians. And we can well see why an anti-Jewish polemical treatise should hold it as a grievance against the Jews that they had been sceptro et legionibus fulta.” Verus Israel: A Study of the Relations between Christians and Jews in the Roman Empire, AD 135-425, trans. H. McKeating (London: The Littman Library of Jewish Civilization, 1996), 111.
\item[270] Imperium.
\item[271] Ambitosus, whose senses range from “twining around” (a path, for example) to “eager to win favor, ambitious.”
\end{footnotes}
great equipped army, has scattered generals and princes. I know your power, which you belched out in that Jerusalem with pompous arrogance. I know, I remember that at a certain time both the Roman world quaked and the land of the barbarians trembled before you. But you must remember what on account of one woman, Dinah, what you did in Shechem: in the manner of thieves you preyed upon men who were unable to fight and shining in the glory of their innocence.

SYNAGOGUE ANSWERS. The power of the kingdom and of permitted license sensed temerity. Am I to believe that I sinned in so doing if under my authority I defiled those whom I wished or perhaps slew those who rebelled against me? He who had given the power to rule, at any rate to do whatever I wished, allowed it for the sake of esteem. Or tell me if he who rules by his own authority, and who possesses all that is necessary that he might extend the power of the kingdom in whatever way he wishes does not have a law.

[Who Serves Whom?]

CHURCH SAYS. In this I rejoice, that I have been elevated, because I have both become more eminent than the eminent and I have thrown down the kingdoms of those who ruled. And behold, beneath my feet you occupy yourself with the once purple-clad queen. For he is king of kings who took in hand to govern her, who has seen that he ruled at last. You ruled, I confess, the Roman land was subject to you,

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272 *Gentium.*

273 A reference to Genesis 34, where Simeon and Levi, the sons of Jacob’s wife Leah, in retaliation for the rape of their sister Dinah, set an ambush for the men of Shechem. A marriage between Dinah and her rapist is arranged, on the condition that the men of Shechem be circumcised. While the men are recovering from their operation, Simeon and Levi slaughter every male inhabitant of the city and take back their sister.
kings and princes fell and, if ever you clashed, the enemy captive surrendered. Do not become angry if you who had been my mistress seem to have become my servant girl.

SYNAGOGUE ANSWERS. Because you have proclaimed yourself with so great a strength of voice, prove that I am a slave and I shall recognize that you are my mistress.

CHURCH SAYS. I have records, I recite the testament that your scribe Moses, the truthful seer, once wrote and Aaron inscribed while the magistrate was present.

SYNAGOGUE ANSWERS. I know that the testament was written under my rule, but I wish to learn where the one dictating has bid me serve his will.

CHURCH SAYS. Read what was said to Rebecca when she was bringing forth twins: "Two nations are in your womb and two peoples will be separated from your womb, and one people will prevail over the other people, and the elder shall serve the younger."276 Surely you said a little before that you were the elder, that you ruled, celebrated triumphs, held the scepter, wore the purple, that I lay hidden, rather small, in the valleys, about to die, and that I once lived in the woods and rocky hills. You say that you have become illustrious with gold, accoutrements, linen, silk, and that I thrived less with the milks of the herds. I possessed the sheep and herds; you possessed the soldiery. That is why I, although I am younger and poorer, and you are older and wealthy, nevertheless subjected to me, descend to serve the younger people.

274 Presumably the author is referring here to God.
275 Dignitas.
SYNAGOGUE ANSWERS. I recognize the inscription\textsuperscript{277} of the testament and I see the letters which I myself have protected in my treasure-house and in my library. But let it tell me how I could serve you, I who still recognize that my sons are free. They are free from troubles; their ability to sail is unrestrained; they do not know shackles, none of them harvests the vineyard with the digging of needful labor. I do not know whether I am subjected to you by slavery or not.

CHURCH SAYS. Again you bring up the testament. You recognize the honors yet you still do not accept the slavery.

SYNAGOGUE ANSWERS. Tell me what you are claiming. I recognize Moses. I hear him and cannot refute him, but I wish to know in what way I may serve you.

CHURCH SAYS. You cannot change yourself, you always deny, and you always strive concerning falsehood with what is false. Surely you said previously that you ruled, when the people of Israel maintained broad power. If you rule still, then I acknowledge that you are free and that you are not yet subjected to me by slavery. Otherwise, if the Christian people properly rules the people of Israel, it is clear that you are a slave, not free, whom I see subjected to slavery. Consider the standards in the legions, direct your thoughts to the name of the Savior, turn your attention to the emperors, who are worshipers of Christ, and take note of the fact that you have been driven from the kingdom and confess to us according to the faith in the testament that which you keep. You pay me tribute, you do not come to civic power, you cannot occupy the prefecture. A Jew is not permitted to be a magistrate, you are forbidden to

\textsuperscript{277} Titulus.
attain senatorial rank, you are not acquainted with the prefecture, you are not allowed in the army, you do not come near the table of the wealthy, you have lost the order of the *clarissimus*, everything is off limits to you, and we offer you very little to be eaten, so that you might even live badly. Therefore if you have been without these things, which are highest, which are foremost, read what was said to Rebecca when she was bringing forth twins: “Two races are in your womb and two peoples shall be separated out of your womb, and one people shall rise above the other people, and the older shall serve the younger.”

[Who Is the Elder and Who the Younger?]  

SYNAGOGUE ANSWERS. Nevertheless, what had I done that the divine nature should rend me asunder from my kingdom and strip me of power?  

CHURCH SAYS. If you sinned in such a serious way, you have been subjected to such a serious punishment as slavery under the demise of the death you owed; you can no longer be either slave or free. For when on Mount Sinai Moses first received the engravings for the decalogue, the two tables, you asked for idols against the Lord, saying to Aaron: “Make us gods who will go before us.”

SYNAGOGUE ANSWERS. Here I acknowledge that I erred wretchedly, but utter ruin unto the final death of damnation soon came upon those who asked for the idols. Therefore what has posterity done if those elders who permitted this thing then received their own deserts as punishment?

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278 Gen. 25:23.  
279 Ex. 32:1.
CHURCH SAYS. I deem what you have read to be certain, but you cannot hold onto what you read and I know that that very thing returns, but recall what is written: “And the children will announce to their children that the sins of their parents have increased in the children, and I shall no longer spare them, says the Lord.” And as it says elsewhere: “The parents have eaten sour grapes, and the teeth of the children have been set on edge.”

SYNAGOGUE ANSWERS. In him in whom you congratulate yourself, under whose rule you hold power, Christ came first to me, or among my people. [That Synagogue Had the Opportunity to Receive Christ in His Coming in the Flesh]

CHURCH SAYS. Thus it was fitting that everything that was to be added by the divine kindness should come before. For if Christ had originally come to me and had wished to scorn you in that very coming of the first birth, you would today say: “He did not come to me, I did not know what I was worshiping; for if he who the prophets said was God had deigned to come among my people, I would have confessed Him.” He did come to you: he raised your dead by the power of his deeds, he presented the mute as able to speak, he returned the lame to steps, he opened the eyes of the blind, he freed paralytics and unbound their limbs, he restored lepers to health; and you have said that he was not God whom you, with a profane mind, had read to be God. Therefore because you have said that the Savior and Lord first came to you, I recall and once more hold out your own clause. Read what Esdras wrote to you in the

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280 Ἐσδρᾶς 1:6
281 Ἐζεκ. 18:2
282 Ἐλόγιον, a legal term referring to judicial records or statements.
person of the Savior: “I came to my own, and my own did not know me.” What shall I do to you, O Jacob? Judah refused to obey me, I shall carry myself to the next people.” Therefore you see that you must not be exulted that you have seen Christ. For it is a greater cause of offense to see him whom you serve and to disdain him to whom you owe service. Perhaps you would defend yourself by saying, “I have not seen the Lord, I did not know what I was doing, I thought the prophets had lied.” But because the prophets did also speak, and you had recognized and, with your petty attempts at refutation, had blasphemed the very Lord of whom the prophets prophesied with their marvels, you see that you, accused of such a grievous offense, cannot be held blameless.

SYNAGOGUE ANSWERS. The prophets had indeed said that he was to come; but I was entirely unaware that he was to be the anointed of God, that the holy child was to be born of a virgin, and so whether God Himself wishes to come.

CHURCH SAYS. Therefore Isaiah spoke rightly: “Go and say to that people, thus shall you hear with your ear and not understand, and seeing, you shall see and yet not see. For the heart of this people has become hard and they have heard reluctantly with their ears and they have closed their eyes, lest perchance they should see with their eyes or hear with their ears and understand with their heart and turn, and I should heal them.” For Jeremiah also said: “They have abandoned me, the fountain of living water, they have dug themselves broken cisterns that could not hold water.” And

283 Cf. John 1:11.
284 4 Esdras 1:24.
285 Isa. 6:9-10.
286 Jer. 2:13.
what did the same prophet, that venerable seer, add? "The turtle-dove and the swallow knows his time, the sparrows of the field have kept the times of his coming in, but my people does not know me." For I believe that you have also read in Solomon, who says: "Evil men search for me, and they have not found me, for they have held wisdom in contempt, and they have not received the word of the Lord." Therefore you see that with blaspheming eyes and a profane heart you have rejected the Lord, the Son of God. Therefore if you read Isaiah, you read the prophets, you have often heard of the Lord Christ. For thus does he say, that I might answer you both concerning the virgin and concerning the Son, just as you have mentioned these things: "The virgin shall give birth to a son and his name shall be called Emmanuel," which translated is, "God with us." And David said: "Therefore God, your God, has anointed you." And in Genesis it says thus: "And God made man in the image of God."

SYNAGOGUE ANSWERS. I do not wish the passages to carry you off with such great approbation, but to turn you to what I judge will be beneficial for me. Consider that you have neither received the law nor obtained circumcision, by which sign the Gentiles are distinguished. It is from this source that I have my sign and I do not set aside the law that Moses brought.

[Circumcision or Baptism?]

287 Jer. 8:7.
290 Ps. 44:8.
291 Gen. 1:27.
CHURCH SAYS. You testify that you have received the law, but the law of the Old Testament. I, however, have received the new law of the Gospels. And that you might know that the Old is suppressed in novelty, read Isaiah, who said to you: “The old things have passed away, and behold they have become new, they will now arise.”

For because you say that you have received the sign of circumcision for the salvation of the people, today I will prove that your stupidity has been deceived. Therefore if eternity was being given through circumcision, you see that you have received the head, not the feet, and that you have been maimed in one eye or in one hand, that you have been half alive and half dead. For if you say that your people is going to be saved by the sign of circumcision, what will your young women do, what will your widows do, what also the mothers of the synagogue, if you testify that circumcision has resulted in eternal life in the sign of the people? Therefore it is not becoming of Jewish men to have wives. For the men are circumcised, the women do not receive a foreskin; therefore, if you are saved by circumcision, they cannot be saved. Therefore you see that you can consider the men, that is, the circumcised ones, to be Jews; I profess, however, that the women, who cannot be circumcised, are neither Jews nor Christians, but pagans. Listen, I am teaching you the extraordinary nature of the most illustrious circumcision, which circumcision, if you had been able to receive it, you never would have fallen from the everlasting kingdom, like a portent. Consider what Jeremiah says: “The Lord says these things to the men of Judah, you who live in Jerusalem, Renew newness among you, and do not sow among

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292 Isa. 43:19.
thorns. Circumcise yourselves to your God and circumcise the foreskin of your
heart."293 That man Moses also says this, he whom you likewise were following,
although he brought me the commandments. He says: “It will be in the last days that
the Lord will circumcise your heart and the heart of your offspring to love the Lord
your God.”294 And as the Apostle Paul says: “You have been circumcised with a
circumcision not made by hands, in the despoiling of the flesh, but with the
circumcision of Christ.”295 What shall we say to these things, O Synagogue? Behold,
the circumcision of the heart, not of the flesh, was being commanded, namely, that
you should circumcise the vices of the heart, that you might cut off lust, that you
might remove the head of idolatry, that you might rend the tunic of fornication.
Because as the prophet says, “You shall commit adultery with stone and with
stocks.”296 Therefore you see that you have not received circumcision as the sign of
salvation, but as a sign rather of shame and of disgrace. For do you think that that is a
sign that is covered by clothing, that is concealed for the sake of decency, that is not
shown for the sake of modesty, that is acknowledged as being owed only to one’s
wife, by which task I have often seen even your women condemned on asses, by
having the head plucked or shorn? Certainly if what defiled an adulteress, what lay
with a virgin by spoiling her, were the sign of salvation, a woman who basely joked
with herself about the benefit of circumcision toward herself, should not be
condemned, nor should he be punished who has brought down to death an adulteress

293 Jer. 4:3-4.
294 Deut. 30:6.
295 Col. 2:11.
296 Jer. 3:9.
pressed upon by the beneficial sign of circumcision. I do not know whether the sign of salvation could exist in that place where the crimes of villainy are condemned. But my people, by bearing about the sign of salvation on the forehead, protects all people, men and women both, what is pure with the heavenly signet, with what is high, and with chaste freedom.

SYNAGOGUE ANSWERS. I should like to learn also where you received the sign of the forehead, or which prophet inscribed this so-called sign of yours that you refer to, that is the sign of the forehead, as the signet of sanctification.

CHURCH SAYS. You have the prophet Ezekiel, who from the presence of the [divine] majesty cries out: “Go and cut down, and do not spare your eyes, do not mourn for the elderly; put to death young men and maidens, children and women. But do not touch any of those you find with the sign on the forehead.” And the same prophet moreover also spoke thus: “Go all through Jerusalem and you shall mark a sign on the forehead of the men, who groan and mourn on account of the wicked deeds that are done in the midst of them.” Moreover in the Apocalypse: “And I saw a lamb standing on Mount Zion and with him one hundred forty-four thousand; they had his name and the name of his father written on their foreheads.” Therefore you see that the sign has been given to me by the sign of the cross because, after you were sent away and abandoned, the suffering of the Savior adorned me.

[Prophecies of the Cross]

297 Ezek. 9:5-6.
298 Ezek. 9:4.
299 Apoc. 14:1.
SYNAGOGUE ANSWERS. Since you were asked about the sign of the forehead, you have put forth the signet of the cross, as if before the Savior came the ancient prophets proclaimed these distinguishing marks.\(^{300}\) So then, tell me if you have read that Christ was going to suffer and hang on a cross.

CHURCH SAYS. Hear, O Synagogue, and pay attention, not that you might be taught, but that you might be punished. Read and you will find where the Savior, with his hands stretched out, figuratively prophesied the cross. For thus does Isaiah say in the person of the Savior: “I have spread forth my hands all the day to a people who was stubborn and who opposed me, who walks in ways that are not good, but after their own sins.”\(^{301}\) For Jeremiah also says, “Come, let us put wood on his bread.”\(^{302}\) And, because you were making use of the Pentateuch, I believe that you have read in Deuteronomy. It says, “And your life will be hanging before your eyes day and night.”\(^{303}\) Thus also does the psalmist answer: “I cried out to you, O Lord: all day long I stretched out my hands to you.”\(^{304}\) For in Numbers, that is, in your law, which you first received, because Christ had been suspended and was hanging on a cross, it says, “Not as a man does God hang, nor as a son of man does he suffer threats.”\(^{305}\) And as the prophet elsewhere says, “The Lord has reigned from the tree.”\(^{306}\) Behold the distinguishing marks of the cross, behold the miracle of the

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\(^{300}\) *Insignia.*  
\(^{301}\) Isa. 65:2.  
\(^{302}\) Jer. 11:19.  
\(^{303}\) Deut. 28:66.  
\(^{304}\) Ps. 87:10.  
\(^{305}\) Num. 23:19.  
\(^{306}\) Ps. 95:10.
passion, behold the mirror of light, behold the wickedness devised by your people, in order to hang the Lord God the Son on a cross.

SYNAGOGUE ANSWERS. I reflect upon what has been done and I similarly recognize what has been said, but who are you who seem to rebuke me with these things? You are countrified, you once made your home in the mountains, you are a stranger to the laws, who lived according to the custom of the Gentiles. I was about the law, the prophets came to me and they were bringing the commands and precepts to me.

[Christ the Bridegroom]

CHURCH SAYS. Hear, O Synagogue, hear, O widow, hear, O forsaken one. I am what you were unable to be. I am the queen that deposed you from rule, I am the bride who, when she had forsaken the idols, came down from the wood and from the mountain, as your patriarch says: “Behold, the scent of my son is like the scent of a plentiful field that the Lord has blessed.”\(^{307}\) For this reason the maiden coming with milk, chaste with flowers, young, shaded by a wood, an upright citizen, happy, wrapped in a snow-white cloak, has received my bridegroom, handsome beyond the sons of men, the king of kings who has fit his head with a mitre and at once adorned me as he was coming.

SYNAGOGUE ANSWERS. Just how will you be able to establish this, that you are the bride and Christ appears in the law as the bridegroom?

\(^{307}\) Gen. 27:27.
CHURCH SAYS. If the prophets had hastened primarily to me, today you would say that you were unaware of the law, that you did not have the prophets, that you did not know what had been written. Therefore acknowledge that you are to be refuted by your prophets. Hear therefore what the prophets have commanded regarding the bridegroom and the bride. For thus does the prophet Joel speak: “Blow the trumpet in Zion, sanctify a fast and announce a prayer, gather together the people, sanctify the church, raise up the elders, bring together the suckling children. Let the bridegroom come forth out of his bedchamber and the bride from her bride chamber.” For I deem it certain that you are that Jerusalem from which both the bridegroom and the bride have departed, as David says: “And he himself, as the bridegroom coming forth from his bedchamber, rejoiced as a giant to run the way. His going out is from the end of heaven, and his circuit unto the end thereof, and there is no one who hides from his heat.” And in the Apocalypse, John says, “Come, and I will show you the new bride, the spouse of the lamb. And he led me in the spirit to a great mountain and he showed me the holy city coming down from heaven, having the glory of God.” And thus does John himself say: “The Lord God Almighty shall reign, let us rejoice and be glad and give him glory, because the marriage of the lamb has come and his bride has made herself ready.” You see, therefore, that the bride and wife was spoken of through the law: bride, because I pledge that I will give faith back to

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308 Joel 2:15-16.
309 Ps. 18:6-7.
310 Apoc. 21:9-11.
312 There is an etymological relationship between the Latin for bride (sponsa) and pledge (spondeo) which is impossible to bring over into English.
the Lord Savior; wife, because through the conception of baptism, since the Spirit
gives me in marriage, I shall bring forth the children of my womb in the swelling font.
In this childbirth, by means of the birth of the regeneration, the spirit and the soul are
joined in the marriage union.

SYNAGOGUE RESPONDS. I wish to know this, lest you should perhaps suppose
that I had forgotten what you said, even if I seem to investigate wholly what it is that
you claim the prophet says, what it is that he says in Deuteronomy: “And your life
will be hanging before your eyes day and night.”

CHURCH SAYS. I do not strive to speak out or to express by what I am teaching
you, but lest the silence of indecision should trace an outline, and through this I refute
you concerning your testament. For the Savior hung on the cross day and night, that
is, on the sixth day through the day and through the night of that day until the
Sabbath, for you said that according to the law, a man is not allowed to hang on a tree
on the Sabbath. Meanwhile let these things seem to you to have been said as you did
them. For in the interest of truth and for that knotty point of dogma, consider what we
say: “And your life,” he says, “will be hanging before your eyes all day and all
night.” For on one day it was both day and night. The nocturnal gloom suddenly
separated the light of the day by the terror of darkness, just as when the Savior was
hanging on the tree, “it became dark from the sixth hour of the day until the ninth
hour,” it presently made off with the light and the funereal and doleful gloom made
the whole day blind. You see therefore that in one day it was both day and night;

3 Deut. 28:66.
314 Deut. 28:66.
justly on account of this day of the passion does it say in Deuteronomy, “And your life will be hanging before your eyes day and night.”

[The Resurrection on the Third Day]

SYNAGOGUE ANSWERS. Therefore if he was hung on the cross, if he hung, if he was killed, how did he rise? How can you claim that he is alive, that he has risen, and that he is seated at the right hand of God in heaven? Show me therefore if he conquered death, if he who seems to have been killed arose, even though you nevertheless thus ascribe to me the things you say about the prophets.

CHURCH SAYS. Hear, O wretched one, hear, O most miserable one, hear, O murderous woman, the things that you still doubt concerning the death of Christ, concerning the resurrection. Read what David has said to you in the fifteenth psalm in the person of the Savior: “You will not abandon my soul in hell, nor will you give your holy one to see corruption.” Who is the holy one if not Christ? Who is incorruptible if not the Son of God? As he says in the psalm: “O Lord, you have brought forth my soul from hell.” Again in the third psalm: “I slept and took rest and I rose, because the Lord helped me.” And the same David again in the person of the Father says to the Son, “Arise, O my glory, arise. I shall arise,” he says, “at daybreak.” Now the “at daybreak” that he says, that is after the third day; after death had been trod underfoot, the netherworld had been judged, and the light had

315 Cf. Matt. 27:45.
316 Deut. 28:66.
317 Ps. 15:10.
318 Ps. 29:4.
319 Ps. 3:6.
320 Ps. 56:9.
been renewed, he rose again ever to conquer. As the prophet says, “In the evening weeping will have place and in the morning gladness.”

SYNAGOGUE ANSWERS. I had asked one thing and you intruded in another; I know about the resurrection and I added that he vanquished the netherworld. But how could you say that the Lord Savior rose on the third day? I am unaware whether this happened.

CHURCH SAYS. I know that you are not forgetful, but because of contrition you do not want to admit what you know. Error weakens knowledge and guilt carries off the memory. Hear therefore that Christ rose from the dead on the third day, that he might bring us to life. Read Hosea the prophet, who says, “He has brought us to life on the third day.”

And in Deuteronomy, it says thus: “The Lord said to Moses: Go down and sanctify my people, and I will sanctify them today and tomorrow, and let them wash their clothes and let them be prepared the day after tomorrow; for on the third day the Lord will come down upon Mount Sinai.” And in the Gospel, it says thus: “A wicked and adulterous generation demands a sign, but no sign will be given to it except the sign of the prophet Jonah; for just as Jonah was in the belly of the whale for three days and three nights, so will the Son of Man be in the heart of the earth for three days and three nights.”

[The Glory of Christ]

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321 Ps. 29:6.
322 Hos. 6:2.
323 Ex. 19:10-11.
SYNAGOGUE ANSWERS. I acknowledge that the things that are related to me by
the prophetic witness are true. Now I wish to know where he is—where Christ, who
rose from the earth, is hidden. For I want to see if thereafter, by the prophets, he has
any power after his passion or after his resurrection. For I have read that Elijah, the
anointed of God, is going to come to save the people.

CHURCH SAYS. Therefore, O wretch, confess what you cannot deny, and listen to
everything, because the truth cannot be concealed; all the glorious freedom stretches
forth to the heavens. Read Daniel, who says, “I saw in a vision by night, and behold
one like the Son of Man coming in the clouds of heaven, came even to the Ancient of
Days and stood in his sight, and they who stood beside him brought him forward.
And to him was given a royal power, and all the kings of the earth by their generation,
and all glory obeying him, and his power is eternal, which shall not be taken away and
his kingdom which shall not be destroyed.”325

SYNAGOGUE ANSWERS. That the anointed of God—that is, the Christ—has glory
I cannot doubt, but tell me this, if after he suffered and rose, he was able to obtain and
keep this glory.

CHURCH SAYS. Read the prophet Isaiah, who says in the person of the Savior,
“Now I will arise, says the Lord, now I will be glorified and exalted. Now you will
see, now you will understand, now you will be bewildered, the courage of your soul
will be empty, fire will burn you up.”326 But David also says, “The Lord said to my
Lord, sit at my right hand, until I make your enemies your footstool. The Lord will

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325 Dan. 7:13-14.
326 Isa. 33:10.
send forth the rod of your power out of Zion and you will rule in the midst of your enemies."\(^{327}\)

[Christ as God]

SYNAGOGUE ANSWERS. Therefore he is both God and the Son of God?

CHURCH SAYS. Certainly, you fool. Whoever is begotten of a man is a man, so also whoever originates from God is certainly designated God.

SYNAGOGUE ANSWERS. I do not trust assertions, but I wish to be disproved by the law. For it is not you I strive to hear, but the prophets.

CHURCH SAYS. Consider what the psalmist David says, and you will know that the Savior is the Lord God. He says, “Let God arise and let his enemies be scattered. Do not let those who hate him flee from his face. As smoke vanishes, they will vanish and as wax melts before the fire, so let the wicked perish before God. Sing to God, sing a psalm to his name, make a way for him who ascends on the west. The Lord is his name. He brings forth them that were bound in strength, who dwell in tombs.”\(^{328}\)

And again the same David says, “Arise, O Lord, judge the earth, because you shall drive [them] out among all peoples.”\(^{329}\) And elsewhere: “The God of Gods, the Lord, has spoken.”\(^{330}\) And, “A virgin shall bear a son and his name shall be called Emmanuel,” which translated is, “God with us.”\(^{331}\) And, “Therefore God, your God, has anointed you.”\(^{332}\) You therefore have God and Lord and king.

\(^{327}\) Ps. 109:1-2.

\(^{328}\) Ps. 67:2-3, 5, 7.

\(^{329}\) Ps. 81:8.

\(^{330}\) Ps. 49:1.

\(^{331}\) Isa. 7:14; cf. Matt. 1:23.

\(^{332}\) Ps. 44:8.
SYNAGOGUE ANSWERS. I recognize both God and Lord, but I wish to have king proved to me.

CHURCH SAYS. Most foolish of women, if you confess that he is God, must you not also admit that he is king? Certainly he cannot be God unless he rules, can he? Every kingdom shall lie beneath the feet of God and the majesty of God holds whatever kingdoms hold. Do you therefore doubt that he is king whom you certainly recognize as God?

SYNAGOGUE ANSWERS. I certainly do not doubt it, but I want it to be indicated to me by Israel’s truth.333

CHURCH SAYS. Read David and you will find in the seventy-first psalm: “O God, give your judgment to the king, and your justice to the king’s son.”334 And in the seventy-third psalm he says thus: “But God is our king before the ages, he has worked salvation in the midst of the earth.”335 And in the second psalm: “But I have been made king by him upon Zion, his holy mountain, proclaiming his rule.”336 And in Malachi it says thus: “I am the great king, says the Lord, and I will make my name famous among the Gentiles.”337 And in the ninety-sixth psalm: “The Lord has

333 Another defensible translation would be “I want Israel to be indicated to me by the truth.” But my choice is based on Synagogue’s insistence throughout the dialogue that the Old Testament serve as the sole basis of the claims of both disputants.

334 Ps. 71:1.
335 Ps. 73:12.
336 Ps. 2:6.
337 Mal. 1:14.
reigned, let the earth rejoice, let the many islands be glad.”

And elsewhere: “My heart has uttered a good word, I speak my works to the king.”

[Abraham]

SYNAGOGUE ANSWERS. You have anticipated me, I cannot give any answer; I seem to have been condemned, not by an assertion of words, but by the law.

CHURCH SAYS. Ask whatever you wish and I will refute you from your own testament.

SYNAGOGUE ANSWERS. Undoubtedly you say that you cannot deny that Christ is the God of Abraham, the God of Isaac, and the God of Jacob. Certainly Abraham was a Jew; therefore how can you tell me that I am to be condemned?

CHURCH SAYS. Easily, because you have already begun to vacillate words and to flatter the members concerning the ambiguity of words through the bendings of speech. For both Peter and Paul, my preachers, were Jews, but after you had been abandoned, they assembled at the fount of life and at everlasting grace. For Abraham, whom you mention, when he was a pagan and destroyed idols, had recourse to friendship with the divine majesty. From that time forth safe and sound, now a friend of God, he came near to you again but presently he commanded him again to return from you to the heathen, that is, to us. For thus does it say in Genesis: “The Lord God said to Abraham, Go out from your land and from your kin and from your father’s household, and go to that land that I will show you, and I will make you great

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338 Ps. 96:1.
339 Ps. 44:2.
among the peoples, and I will bless you and make your name great." Therefore you see the command to Abraham, that he should go out from your land and from your kin and from your father’s household and come to the land of the heathen and become a prince over the heathen and receive a great name. For Isaac also blessed Jacob in the figure of the Savior. He said, “The nations will serve you and princes will worship you and you will be master over your brothers and the sons of your father will worship you.”

SYNAGOGUE ANSWERS. Therefore they all came to you, and I, who have had so many and such great sons and have boasted in the abundance of sons and I, who was mother of the people, am looked down on by the one who has been forsaken. Otherwise, if it has been commanded you in the law that you should have many sons, you must prove it from the law.

CHURCH SAYS. Now you are turned aside, now the ancient hardness adorns you, soon you will also be turned over to unfruitfulness. For the Lord says, “Enlarge the place of your tent and make long the measures of your embroidered works and strengthen your stakes. Spread out to your right and to your left, and the Gentiles will possess your seed, and you will inhabit desolate cities. Do not be afraid that you have been conquered and do not be anxious that you are cursed, because you will be forgotten in an everlasting shame.”

Certainly I was accursed when I followed

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340 The Latin here contains an ambiguous cum clause: Nam Abraham quem nonimasti, cum esset paganus et idola confringeret, sic ad divinae maiestatis amicitias convolavit. It could be taken either temporally, as reflected by my translation, or concessively.
342 Gen. 27:29.
343 Oblivisceris.
idols, I was in shame when I did not know the commands of the divinity, I was barren because I did not have baptism, by which majestic power I nurtured sons. Now I have been elevated in honor by sons and through the Lord Christ I have received eternal kingdoms. Rightly does it also say in Kings, “The barren woman has given birth to seven, and she who had many sons is weakened.” As also the Apostle sent letters to seven churches. And Jacob received two wives, Leah the elder, who had rather weak eyes, a type of the synagogue, and Rachel, the younger, attractive one, a type of the church, who also remained barren for a long time and afterward gave birth and was blessed. Rightly does it also say in Genesis, “And the Lord said to Rebecca, Two peoples are in your womb, and two peoples shall be separated from your womb, and one people shall overcome the other, and the older will serve the younger.” Again in the prophet Hosea, who says, “I shall call them who were not my people, My people, and the unloved, Loved. For it shall be in the place where it shall be said, Not my people, in that place they will be called, Sons of the living God.” For you also read in Isaiah: “Your land is desolate, your cities are burned out, foreigners will consume your country in your sight, and behold, it has been abandoned and ruined by foreign peoples. The daughter of Zion will be forsaken, just like a cabin in a vineyard and just like a guardhouse in a garden of cucumbers, and as a city that is captured.” Now therefore, if according to the Law you have been both abandoned and forsaken,

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344 Isa. 54:2-4.  
345 1 Kings 2:5.  
346 Apoc. 1:11.  
348 Gen. 25:23.  
349 Hos. 2:24.
then what have I done who, because I trusted the tablets on which dowries are recorded, have received a great kingdom, which you also without doubt could have possessed, if you had not condemned yourself beforehand by the madness of sin and impious treason? For you remember what that prophet of yours Esdras cries out in your person when you brought wretched slavery upon your children: “Go, children, for I am a widow and abandoned, I have brought you up with gladness, I have lost you with lamentation and sadness.”

SYNAGOGUE ANSWERS. Have I therefore committed murder?

CHURCH SAYS. I will see if you have admitted that there is in you the shedding of human blood, the crime of murder. For you cannot deny that you killed the righteous ones of God, the prophets.

SYNAGOGUE ANSWERS. Who will prove to me that I have polluted my hands with the blood of the prophets?

CHURCH SAYS. Blood is still dripping from the point of your sword, and you want to be refuted? Listen therefore to the testimony of the prophet Elijah: “With jealousy have I been jealous for the Lord God Almighty, because the children of Israel have forsaken you and have overturned your altars and slain your prophets with the sword, and I alone have remained, and they are seeking my life that they might take it away.”

See also what Esdras predicted: “They have departed from you and turned aside from following after your Law and have slain your prophets who were

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350 Isa. 1:7-8.
351 4 Esdras 2:2.
352 3 Kings 19:10.
imploring them to return to you." Even Jeremiah also wrote thus: "I have sent to you my servants the prophets, I was sending them before my light, and you did not hear me, nor did you incline with your ears, lest you walk after other gods, to serve them, and you refused to listen to my commands."  

SYNAGOGUE ANSWERS. Now I remember, now I know, but I did not know what was being said before, for I listened to those prophets carelessly.

CHURCH SAYS. Not what you speak, but what you understood, seems to have been testified to in the Law, as Isaiah says: "And all these words shall be for you like words of a book that has been sealed, which if you give it to an illiterate man to read, he says, 'I cannot read it, for it has been sealed.' But on that day the deaf shall hear the word of the book, as will those who are in darkness and those who are in a fog; the eyes of the blind shall see." And as Jeremiah says: "In the latter day, you will come to know him." And just as Daniel wrote: "Safeguard the words, seal up the book until the time of the end, when many will be led in, and let knowledge be complete, because when the scattering comes, they will come to know all these things." All things are known and have run happily together in their order. And for this reason, know that you have been condemned by your sword, that you have been beaten by your testament, by the statements of your prophets, that is, of all the Jews. I have not yet advanced anything that I have not demonstrated that the Gospels and Apostles

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354 Jer. 35:15.  
355 Isa. 29:11, 18.  
357 Dan. 12:4, 7.  
358 Elogium.
would protect me and mine, which if you had read them, you would bellow further.

Rejoice, O peoples, rejoice, O Christ-worshipers, the barren woman has given birth

and she who previously had children has faded away with her children.

End of the *altercatio* of Church and Synagogue
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